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CONGRESSIONAL RECORD:

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1604
Part 1

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, SECOND SESSION.

IN THREE PARTS, WITH AN INDEX.

VOLUME III.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1875.

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CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, SECOND SESSION.

PART III.

CONGRESSIONAL RECORD AND APPENDIX.

[From February 23, 1875, to March 3, 1875.]

proviso which was adopted by the Committee of the Whole correcting mistaken constructions in the tariff bill in reference to bolting-cloths, and also in the internal-revenue bill in reference to checks. I offer what I send to the Clerk's desk as a substitute for the bill, and upon it I demand the previous question.

Mr. BURCHARD. I desire to raise a question of order on that substitute.

Mr. NIBLACK. I rise to a question of order, and it is that this bill cannot under the rules be put to a vote to-day unless by the concurrence of two-thirds of the House. I insist, therefore, that the bill must go over until to-morrow.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas and to fix the times and places of holding courts in the same; in which he was directed to ask the concurrence of the House of Representatives.

TAX AND TARIFF BILL.

Mr. BURCHARD. I desire to raise a question of order. I understand that the chairman of the Committee on Ways and Means offers a substitute for the entire bill; and my point of order is that the proposition has not been before the Committee of the Whole.

The SPEAKER. Does the gentleman make the point of order that the substitute contains any propositions that have not been discussed and considered in Committee of the Whole?

Mr. BURCHARD. Well, I have not heard the proposition read yet.

Mr. DAWES. I was very careful and guarded in that respect.

The SPEAKER. The point of order made by the gentleman would be good if the amendment included any tax which has not had its first consideration in Committee of the Whole.

Mr. BURCHARD. This is a new proposition, entirely new, and not an amendment that has been before the Committee of the Whole.

Mr. BUTLER, of Massachusetts. Let the substitute be read.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert as follows:

That from and after the passage of this act there shall be levied and collected on all distilled spirits thereafter produced in the United States a tax of 90 cents on each proof gallon, or wine gallon when below proof, to be paid by the distiller, owner, or person having possession thereof before removal from the distillery bonded warehouse; and so much of section 3251 of the Revised Statutes of the United States as is inconsistent with this act is hereby repealed.

SEC. 2. That section 3368 of the Revised Statutes be, and the same is hereby, amended by striking out the words "20 cents a pound" and inserting in lieu thereof the words "24 cents a pound;" and that section 3394 of the Revised Statutes be, and the same is hereby, amended by striking out the word "five" wherever it occurs therein and inserting instead thereof the word "six," and by striking out the word "fifty" and inserting instead thereof the word "seventy-five:" *Provided*, That the increase of tax herein provided for shall not apply to tobacco on which the tax under existing law shall have been paid when this act takes effect.

SEC. 3. That on all molasses, concentrated molasses, tank-bottoms, sirup of sugar or cane juice, melada, and on sugars according to the Dutch standard in color, imported from foreign countries, there shall be levied, collected, and paid, in addition to the duties now imposed in Schedule G, section 2504 of the Revised Statutes, an amount equal to 25 per cent. of said duties as levied upon the several articles and grades therein designated: *Provided*, That concentrated melada or concrete shall hereafter be classed as sugar, dutiable according to color by the Dutch standard, and melada shall be known and defined as an article made in the process of sugar-making, being the cane juice boiled down to the sugar point, and containing all the sugar and molasses resulting from the boiling process, and without any process of purging or clarification; and any and all products of the sugar-cane imported in bags, mats, baskets, or other tight packages shall be considered sugar, and dutiable as such: *And provided further*, That of the drawback on refined sugars exported allowed by section 3019 of the Revised Statutes of the United States only 1 per cent. of the amount so allowed shall be retained by the United States.

SEC. 4. That so much of section 2503 of the Revised Statutes as provides that only 90 per cent. of the several duties and rates of duty imposed on certain articles therein enumerated by section 2504, shall be levied, collected, and paid, be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section 2504 shall be and remain as by that section levied, without abatement of 10 per cent. as provided in section 2503.

SEC. 5. That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard and bound to the United States on or before the 10th day of February, 1875, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

SEC. 6. That nothing contained in the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," approved February 8, 1875, shall be construed to impose any duty on bolting-cloths theretofore admitted free of duty; nor to require the use of a stamp upon the receipt in the receipt-book of a savings-bank or institution for savings, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company when money is paid to a depositor on his pass-book.

Mr. DAWES. I will state that everything in my substitute has been actually adopted by the Committee of the Whole except the proposition to tax whisky 90 cents a gallon.

The SPEAKER. That is a less rate than was proposed and considered in Committee of the Whole?

Mr. DAWES. It is.

The SPEAKER. Had it been a higher rate it would not have been in order.

Mr. CESSNA. It was discussed in the Committee of the Whole as a proposed amendment.

The SPEAKER. No matter whether that particular proposition was discussed in Committee of the Whole or not, provided the tax now proposed is less than was considered in Committee of the Whole.

Mr. GARFIELD. I think this particular proposition was discussed in Committee of the Whole.

The SPEAKER. That makes no difference.

Mr. BURCHARD. The identical proposition presented in this substitute was not discussed in Committee of the Whole; it would make a bill different entirely from the one which was discussed.

The SPEAKER. The law is this: Whatever has been discussed in Committee of the Whole may be moved anew in the House, or any proposition for a less tax may be moved in the House. It is not in order, however, to move in the House a quantum of tax greater than has been discussed in Committee of the Whole.

Mr. BURCHARD. The proposition to tax distilled spirits hereafter manufactured 90 cents a gallon was not discussed in Committee of the Whole.

The SPEAKER. But there was a proposition discussed to tax it a dollar a gallon.

Mr. BURCHARD. Yes, sir.

The SPEAKER. And therefore anything below a dollar a gallon would be in order now.

Mr. BURCHARD. That was to tax a portion of distilled spirits, not all; this is a different proposition.

Mr. THOMPSON. This identical proposition was discussed in Committee of the Whole.

The SPEAKER. It does not matter whether it was or not. The Chair overrules the point of order. The gentleman from Indiana [Mr. NIBLACK] raises the point of order that under the rule adopted at this session this bill cannot have the previous question called upon it the first day of its discussion and consideration in the House. The Chair understands the gentleman from Massachusetts [Mr. DAWES] to call the previous question upon the substitute which he has proposed for the bill as reported from the Committee of the Whole. The rule applies to the engrossment and third reading of a bill, and the Chair rules that the previous question can be called upon this substitute now, it being in the nature of an amendment.

Mr. BURCHARD. I ask the chairman of the Committee on Ways and Means [Mr. DAWES] to allow me to offer an amendment to strike out section 4 of his substitute.

Mr. DAWES. I cannot do that, and must insist upon my call for the previous question.

Tellers were ordered; and Mr. DAWES and Mr. COX were appointed.

The House divided; and the tellers reported that there were—ayes 125, noes 83.

So the previous question was seconded.

The question was upon ordering the main question to be now put.

Mr. BURCHARD. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 114, not voting 40; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, Dobbins, Duell, Eames, Farwell, Foster, Frye, Garfield, Gooch, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hyde, Kasson, Kelley, Killinger, Lamport, Lawson, Lewis, Lowe, Lowndes, Lynch, Maynard, McCrary, Alexander S. McDill, MacDougall, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Stanard, Starkweather, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Walls, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—133.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, John B. Clark, jr., Clymer, Cook, Corwin, Cotton, Cox, Crittenden, Crossland, Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Field, Finck, Fort, Freeman, Giddings, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, Hereford, Herndon, Holman, Hunter, Hunton, Hurlbut, Knapp, Lamar, Lawrence, Leach, Loughridge, Luttrell, Magee, Marshall, Martin, James W. McDill, McNulta, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Orr, Hosea W. Parker, Perry, Phelps, Phillips, Pierce, Potter, Randall, Ray, Read, Henry B. Sayler, Milton Sayler, Schell, Sener, Shanks, Sherwood, Sloss, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Standiford, Charles A. Stevens, St. John, Stone, Storm, Stowell, Strait, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—114.

NOT VOTING—Messrs. Barnum, Berry, Caulfield, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Crutchfield, Eden, Robert S. Hale, Hathorn, Hays, Hendee, Hynes, Kellogg, Kendall, Lamison, Lansing, Lofland, McKee, McLean, Mitchell, Nesmith, Pelham, James H. Platt, jr., Ransier, Robbins, William R. Roberts, James C. Robinson, John G. Schumaker, Henry J. Scudder, Sessions, George L. Smith, Alexander H. Stephens, Charles R. Thomas, Tremain, Jasper D. Ward, Whitehouse, William Williams, and Ephraim K. Wilson—40.

So the main question was ordered.

The question was upon agreeing to the substitute proposed by Mr. DAWES for the bill as reported from the Committee of the Whole.

Mr. LOUGHRIDGE. On that question I call for the yeas and nays.

The question was taken on ordering the yeas and nays; and on a division there were—ayes 27, noes 92.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 112, not voting 43; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barnum, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, Duell, Eames, Field, Foster, Freeman, Frye, Gooch, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Kasson, Kelley, Kellogg, Killinger, Lamport, Lawson, Lewis, Lowe, Lowndes, Lynch, Maynard, Alexander S. McDill, MacDougall, Merriam, Monroe, Moore, Morey, Myers, Negley, Nunn, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pike, Thomas C. Platt, Poland, Rainey, Rapier, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Sprague, Stanard, Starkweather, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—132.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Cannon, Chittenden, John B. Clark, jr., Clements, Cook, Corwin, Cotton, Cox, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Finck, Fort, Giddings, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, Hereford, Herndon, Holman, Hunter, Hunton, Hurlbut, Hyde, Knapp, Lamar, Lawrence, Leach, Loughridge, Luttrell, Magee, Marshall, Martin, McCrary, James W. McDill, McLean, McNulta, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Orr, Hosea W. Parker, Perry, Phillips, Pratt, Randall, Ray, Read, Henry B. Sayler, Milton Sayler, Sener, Sherwood, Sloss, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Standiford, Charles A. Stevens, St. John, Stone, Storm, Stowell, Strait, Swann, Vance, Waddell, Walls, Wells, Whitehead, Whitthorne, George Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—112.

NOT VOTING—Messrs. Benjamin F. Butler, Caldwell, Caulfield, Freeman Clarke, Clinton L. Cobb, Creamer, Dobbins, Eden, Farwell, Garfield, Robert S. Hale, Hays, Hendee, Howe, Hynes, Kendall, Lamison, Lansing, Lofland, McKee, Mitchell, Nesmith, Niles, Pelham, Pierce, James H. Platt, jr., Potter, Ransier, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Schell, John G. Schumaker, Henry J. Scudder, Sessions, Sloan, Snyder, Alexander H. Stephens, Charles R. Thomas, Tremain, Whitehouse, and William Williams—43.

So the substitute was agreed to.

During the roll-call,

Mr. FARWELL said: On this question I am paired with my colleague, Mr. CAULFIELD. If he were here he would vote in the negative, and I should vote in the affirmative.

The result of the vote was announced as above stated.

Mr. DAWES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. NIBLACK. I now renew my point.

The SPEAKER. The next question is on ordering the bill as amended to be engrossed and read a third time, on which the gentleman from Indiana [Mr. NIBLACK] raises the point of order that it requires a two-thirds vote to second the previous question because this is the first day the bill has been considered in the House.

Mr. DAWES. If that objection be adhered to, I will call the previous question and then move that the House adjourn.

The SPEAKER. The Chair desires to make a suggestion in the way of analysis of the new rule. That rule divides bills into two classes. Upon one class of bills it left dilatory motions still applicable—bills "appropriating the money, the credit, or other property of the United States." Under the classification of that rule, bills are either those upon which there is an absolute right to cut off dilatory motions, or bills which are left exposed to such motions. This bill therefore is either subject to the rule which says that the previous question shall not be seconded upon the engrossment and third reading of a bill on the first day of its consideration in the House, except by a two-thirds vote; or it is liable to dilatory motions. The Chair holds that it is not liable to dilatory motions; and that therefore, this being the first day of its consideration in the House, a two-thirds vote is required to second the demand for the previous question on the engrossment and third reading. The Chair will observe further that this relates merely to the seconding. If two-thirds second the previous question by a *viva voce* vote or on a count by tellers, a majority can then order the main question.

Mr. NIBLACK. I would not insist upon my point but for the fact that I want to make a notable instance of what I regard as the absurdity of this new rule. Therefore I must insist on the point.

Mr. DAWES. The gentleman from Indiana insisting on his point of order, I will demand the previous question, and pending that move the House adjourn.

The SPEAKER. The gentleman has the right to test whether two-thirds favor his demand or not.

Mr. DAWES. But I will lose control of my bill if I fail.

The SPEAKER. Not at all.

Mr. BURCHARD. Why not let the minority have the right to offer amendments.

The SPEAKER. The gentleman from Massachusetts can control the matter by moving to recommit the bill and calling the previous question on it.

Mr. DAWES. I will try the second.

The SPEAKER. The Chair begs to say, in answer to the remark of the gentleman from Indiana, [Mr. NIBLACK,] that this exhibits the absurdity of the rule, that if it were not for the new rule he and twenty others could prevent legislation on this subject.

Mr. NIBLACK. It prevents us from obtaining any modification of the proposition submitted by the gentleman from Massachusetts on which he demands the previous question. Under the old rule we could delay action till proper amendments were made.

The SPEAKER. It also affects that.

Mr. NIBLACK. I wish to make a case upon it to impress upon the next House (of which I am not a member) the necessity of abolishing it among the very first things.

The SPEAKER. That may be, but so far as it exists in the present House it gives the majority the right to pass a tax bill, which the gentleman from Indiana could prevent under the old rule.

Mr. DAWES. I will test the seconding of the previous question, as the Chair states I thereby do not lose control of the bill.

Mr. HARRIS, of Virginia. I wish to ask the chairman of the Committee on Ways and Means a question. A few days ago that committee reported through the gentleman from Iowa [Mr. KASSON] an amendment providing that on tobacco sold previous to the 10th of February, 1875, the increased price should fall upon the buyer and not upon the seller. Is that incorporated in the substitute?

Mr. DAWES. It is not incorporated in the substitute. It did not occur to me. In applying it to whisky hereafter made it was not necessary. I have no objection to admit it if there be no objection, as it applies to tobacco alone.

The SPEAKER. Is there objection?

There was no objection, and the amendment was adopted, as follows:

And provided further, That whenever it shall be shown by testimony under oath, to the satisfaction of the Secretary of the Treasury, that any person liable to pay the increased tax by this act imposed had, prior to the 10th day of February, 1875, made a contract for the future delivery of such tobacco at a fixed price, which contract was in writing prior to that date, such tobacco may be delivered to the contracting party entitled thereto under special permit from the Commissioner of Internal Revenue provided therefor without previous payment of such additional tax; but the said additional tax shall be a lien thereon, and shall be paid by and collected from the purchaser under such contract before the sale or removal thereof by him, and when demanded by the collector of internal revenue for the district to which the same shall be removed for delivery to the purchaser; and any sale or removal by such purchaser, prior to the payment of such tax, shall subject him and the tobacco so sold or removed to all the penalties and processes of law provided in the case of manufacturers of tobacco so selling or removing tobacco to avoid the payment of tax.

Mr. DAWES. I now demand the previous question on the third reading and engrossment of the bill.

Mr. NIBLACK demanded tellers.

Tellers were ordered; and Mr. NIBLACK and Mr. DAWES were appointed.

The House divided; and the tellers reported there were—ayes 151, noes 67.

So (two-thirds voting in the affirmative) the previous question was seconded, and the main question was ordered.

The bill, as amended, was ordered to be engrossed and read a third time.

The question next recurred on the passage of the bill.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 123, nays 114, not voting 50; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clymer, Stephen A. Cobb, Conger, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, Dobbins, Duell, Eames, Field, Foster, Freeman, Frye, Garfield, Gooch, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Kasson, Killinger, Lamport, Lawson, Lewis, Lowe, Lynch, Maynard, McCrary, Alexander S. McDill, MacDougall, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, Sprague, Stanard, Starkweather, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, White, Wilber, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—123.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Roderick R. Butler, Caldwell, Cannon, John B. Clark, jr., Clayton, Clements, Coburn, Comingo, Cook, Corwin, Cotton, Cox, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Finck, Fort, Giddings, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, Hereford, Herndon, Holman, Hunter, Hunton, Hurlbut, Hyde, Kelley, Kellogg, Knapp, Lamar, Lawrence, Luttrell, Magee, Marshall, Martin, James W. McDill, McLean, McNulta, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Phelps, Phillips, Potter, Randall, Ray, Read, Henry B. Sayler, Milton Sayler, Sener, Sherwood, Sloss, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Standiford, Charles A. Stevens, St. John, Stone, Storm, Stowell, Strait, Swann, Vance, Waddell, Walls, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, Willie, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—114.

NOT VOTING—Messrs. Bass, Caulfield, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Eden, Farwell, Robert S. Hale, Hays, Hendee, Howe, Hynes, Kendall, Lamison, Lansing, Leach, Lofland, Loughridge, Lowndes, McKee, Mitchell, Nesmith, Nunn, Packard, Pelham, Perry, Pierce, James H. Platt, jr., Ransier, Robbins, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Sloan, Smart, Snyder, Alexander H. Stephens, Charles R. Thomas, Tremain, Jasper D. Ward, Wheeler, Whitehouse, Whiteley, William Williams, Ephraim K. Wilson, and Wolf—50.

So the bill was passed.

During the vote,

Mr. PERRY stated that he was paired with Mr. BASS, who if present would vote in the affirmative, while he would vote in the negative.

Mr. LOUGHRIDGE stated that he was paired with Mr. SCOFIELD, who desired to leave the House; and that while he would vote in the negative Mr. SCOFIELD would vote in the affirmative.

Mr. PACKARD stated that he was paired with Mr. WOLFE, who would vote in the negative, while he would vote in the affirmative; and also that his colleague, Mr. WILLIAMS, who was confined to his house by sickness, would if present vote in the affirmative.

Mr. STONE stated that Mr. LAMISON, who was necessarily absent, would if present vote in the negative.

The vote was then announced as above recorded.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF DOCUMENTS.

Mr. GARFIELD. I move by unanimous consent to take from the Speaker's table the amendments of the Senate to the Indian appropriation bill and refer them to the Committee on Appropriations without printing, as they have been already printed by order of the Senate.

I move also to take from the Speaker's table the amendments of the Senate to the post-office and Military Academy appropriation bills, and that they be referred to the Committee on Appropriations and ordered to be printed.

I also move that the report of expenditures for the fiscal year 1872, which was referred to the Committee on Appropriations to-day, be ordered to be printed.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. DAWES. I move that the House adjourn.

Mr. COBURN. I move that the House take a recess, that there may be a session this evening for the consideration of the election bill reported by the Select Committee on Alabama Affairs.

Mr. ALBRIGHT. For debate only.

The question being taken on the motion to adjourn, there were—ayes 89, noes 22.

Mr. COBURN called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 11, not a sufficient number.

So the yeas and nays were not ordered and the motion was agreed to.

And accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAINE: Memorial of the Legislature of Wisconsin, asking that the line of land-grant road between Portage City and Stevens Point be changed to the most direct and feasible route, to the Committee on the Public Lands.

By Mr. BUNDY: Petitions of citizens of Lawrence County, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. COBB, of Kansas: The petition of citizens of South Carolina, for the incorporation of the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

By Mr. CURTIS: The petition of citizens of Erie, Pennsylvania, for Government aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. SCOFIELD: The petition of Dorcas P. Wilkins, for a pension, to the Committee on Invalid Pensions.

By Mr. STONE: Resolutions of the Legislature of Missouri, praying Congress to pass an act to give pensions to surviving soldiers of the Mexican war, to the same committee.

By Mr. WALLS: The petition of 61 citizens of Jacksonville, Florida, in relation to the Freedman's Savings-Bank, and asking relief for losses sustained by its failure, to the Committee on Banking and Currency.

By Mr. WELLS: Resolutions of the Legislature of Missouri, in favor of granting pensions to surviving soldiers of the Mexican war, to the Committee on Invalid Pensions.

By Mr. WILSON, of Iowa: The petition of citizens of Lytle City, Iowa, for additional duties on flaxseed and jute-butts, to the Committee on Ways and Means.

IN SENATE.

WEDNESDAY, *February* 24, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT ON MINING STATISTICS.

The VICE-PRESIDENT appointed as conferees on the part of the Senate upon the disagreeing votes of the two Houses on the concurrent resolution of the House of Representatives for the printing of the report of R. W. Raymond on mining statistics, with the accompanying engravings, Messrs. ANTHONY, HOWE, and SAULSBURY.

CORRECTION OF AN ENROLLED BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the Committee on Enrolled Bills be authorized in the enrollment of the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," to change the word "Linnville" to "Louisville," in the ninth line of the Senate substitute thereof, so that the line will read "the Memphis, Clarkesville and Louisville."

The resolution was concurred in.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I present thirty petitions of members of the Grand Lodge of Good Templars of the State of New York, signed by a very large number of persons, setting forth the evils of intemperance and asking an amendment to the Constitution which shall prohibit the manufacture, importation, and sale of intoxicating liquors. I move the reference of these petitions to the Committee on Finance, that committee having heretofore had charge of the subject.

The motion was agreed to.

Mr. CONKLING presented the petition of John N. Miller, of Albion, New York, and of others in his behalf, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

He also presented a preamble and resolutions of the common council of Long Island City, New York, calling upon Congress to grant necessary appropriations for the removal of obstructions to navigation at Hell Gate; which were referred to the Committee on Commerce.

Mr. HAMLIN presented a petition of G. W. Barber and others, citizens of Maine, asking that the importation, manufacture, and sale of alcoholic liquors be prohibited in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. SCOTT presented resolutions of the Legislature of Pennsylvania, instructing the Senators and requesting the Representatives from that State to vote for the passage of the bill now before Congress equalizing bounties; which was ordered to lie on the table and be printed.

He also presented a petition of citizens of Allentown, Lehigh County, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which was referred to the Committee on Railroads.

Mr. DAVIS presented a resolution of the Legislature of West Virginia, in favor of appropriations for the improvement of the Ohio River and its tributaries; which was ordered to lie on the table and be printed.

Mr. WEST presented a memorial and resolutions of the New Orleans Chamber of Commerce, in favor of reciprocal trade with Mexico; which were referred to the Committee on Foreign Relations.

Mr. LOGAN presented a resolution of the Legislature of Illinois, in favor of the bill for removing obstructions at the mouth of the Mississippi River; which was ordered to lie on the table and be printed.

He also presented a petition of numerous soldiers of the State of Ohio, asking for the passage of the bill for the equalization of bounties; which was ordered to lie on the table.

Mr. BOREMAN presented a resolution of the Legislature of West Virginia, in favor of appropriations for the improvement of the Ohio River and its tributaries; which was ordered to lie on the table and be printed.

Mr. PRATT presented the petition of J. L. Chase and other citizens of Biddeford, Maine, asking for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. PRATT. I also present a petition of sundry soldiers of the volunteer forces of the United States from the State of Indiana, urging upon Congress the immediate passage of the House bill providing for the equalization of bounties upon the basis of eight and one-third dollars per month, or some other just rate, by the provisions of which the unjust discrimination in reference to bounties under the existing laws may no longer be enforced. I move that it lie on the table.

The motion was agreed to.

Mr. WRIGHT presented the petition of William H. Manning, of Farmington, Iowa, praying compensation for certain timber taken and used by the troops under the order of the authorities of the United States; which was referred to the Committee on Claims.

Mr. FRELINGHUYSEN presented the petition of the owners of the pilot-boats William Bell and James Funk, asking compensation for the loss of the same, destroyed on the high seas by the rebel cruiser Tallahassee, to be paid out of the Geneva award; which was referred to the Committee on Claims.

Mr. BOGY presented a concurrent resolution of the Legislature of Missouri, in favor of the passage of a law granting a pension to the surviving soldiers of the Mexican war; which was referred to the Committee on Pensions.

Mr. INGALLS presented the following concurrent resolution of the Legislature of Kansas; which was referred to the Committee on the Judiciary:

Senate concurrent resolution No. 20, asking Congress to create and establish a United States district court for the Indian Territory.

Be it resolved by the senate, (the house of representatives concurring herein,) That the honorable the Senate and House of Representatives of the United States in Congress assembled be, and they are hereby, most respectfully requested to pass a law creating and establishing a United States circuit court for the Indian Territory at as early day as possible, and locating the place of holding thereof at as near a point as practicable to said Territory, if not within the same, having in view the procuring of suitable persons for grand and petit jurors, the same to have original criminal jurisdiction of all crimes committed therein, and civil jurisdiction of all matters arising out of transactions between the citizens thereof and between the citizens of said nation and citizens of the United States, with full powers to enforce all orders, judgments, and decrees as is given to courts of the Territories of the United States, and such other powers as the Congress may deem just and best to protect life and property and guarantee the free enjoyment of all legal right in said nation to the citizens thereof and to the citizens of the United States therein.

Be it further resolved, That our Senators be, and hereby are, instructed, and our Representatives requested, to use their best exertions to procure the speedy passage of such a law and the early establishment of such a court.

Resolved, That the secretary of state be, and hereby is, requested to transmit a copy of these resolutions to the President of the Senate and Speaker of the House of Representatives of the United States and to each of our Senators and members of Congress.

Adopted by the senate January 28, 1875.

JOHN H. FOLKS,
Secretary.

Concurred in by the house February 3, 1875.

HENRY BOOTH,
Chief Clerk.

I, Tom H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of state.

Done at Topeka this 15th day of February, A. D. 1875.

[L. S.] TOM H. CAVANAUGH,
Secretary of State.

Mr. INGALLS also presented the following concurrent resolution of the Legislature of Kansas, which was referred to the Select Committee on Transportation Routes to the Sea-board:

House concurrent resolution No. 35, in favor of deepening the mouth of the Mississippi River.

Whereas the deepening of the mouth of the Mississip pi River so as to admit the passage of vessels of the largest size is a matter of the most vital importance to the producing interests of the entire West; and whereas the plan of deepening that river proposed by Captain Eads has received the support of a large number of practical engineers and seems to be a practicable and feasible method of achieving the ends sought: Therefore,

Be it resolved by the house of representatives, (the senate concurring,) That our Senators in Congress be instructed and our Representatives requested to support the passage of a law for the deepening of the mouth of the Mississippi River by way of the Southwest Pass, according to the plan of Captain Eads.

The secretary of state is instructed to send a copy of this resolution to our Senators and Representatives in Congress.

Adopted by the house February 6, 1875.

HENRY BOOTH,
Chief Clerk.

Concurred in by the senate February 11, 1875.

JOHN H. FOLKS,
Secretary.

I, Tom H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of state.

Done at Topeka this —— day of February, A. D. 1875.

[L. S.] TOM H. CAVANAUGH,
Secretary of State.

Mr. HOWE presented a memorial of the Legislature of Wisconsin, in favor of the enactment of a law authorizing a change in the location of the land-grant railroad between Portage City and Lake Superior; which was ordered to lie on the table and be printed.

Mr. MORRILL, of Maine, presented the petition of Joseph W. Williams and other citizens of the State of Maine, asking for a prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories and the District of Columbia; which was referred to the Committee on Finance.

Mr. CAMERON presented a resolution of the Legislature of Pennsylvania, in favor of the passage of a law for the equalization of bounties to soldiers; which was ordered to lie on the table.

Mr. CONKLING presented a memorial of a large number of insurance companies and underwriters of the city of New York, remonstrating against the proposed abolition of, or any change in, the administration of the present system of the Light-House Board; which was referred to the Committee on Commerce.

INTERNAL IMPROVEMENTS.

Mr. WINDOM. Mr. President, I present the petition of 48,853 farmers of the Northwest, asking for appropriations by Congress for the improvement of the water-route from the Mississippi River to Lake Michigan, via the Fox and Wisconsin Rivers. The petition is very brief, and, as it is so numerously signed, Senators will bear with me a few moments while I read it in full:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas cheaper and more ample means of transportation are imperatively necessary to the development and prosperity of the Western States; and whereas the report of the Select Committee on Transportation recently submitted to the United States Senate demonstrates the fact that the adequate improvement of the Fox and Wisconsin water-route, from the Mississippi River to Green Bay, will reduce the cost of transporting grain from the river to the lakes at least ten cents per bushel below the average railway charges, thereby effecting a saving on the movement of a single crop from the States of Ohio, Minnesota, Wisconsin, Nebraska, and Missouri of nearly $10,000,000, or a sum nearly double the entire cost of the proposed improvement, to which saving must be added the reduced cost of transporting lumber, salt, iron, and other heavy commodities from the lakes to the Mississippi River, amounting to many millions more; and whereas this annual saving to the farmers of the Northwest will, when one-half the lands in those States are under cultivation, amount to more than twenty times the entire cost of the proposed improvement: Therefore,

We, the undersigned, farmers residing—

In the various parts of the States named—

respectfully and earnestly pray that such appropriations be made as will insure the completion of said water-route from the Mississippi River to Lake Michigan, via the Fox and Wisconsin Rivers, at the earliest practicable moment, and by such improvements as will afford the cheapest and best facilities for water transportation.

This petition, Mr. President, is signed by 13,182 farmers of Minnesota, 12,154 of Wisconsin, 17,154 of Iowa, 5,338 of Nebraska, and 1,025 of Dakota, making an aggregate of 48,853. I want to say that this is but a faint expression of the sentiment and demand of the people of the Northwestern States upon this subject.

I have inquired of older Senators with reference to expressions of the people given by petitions heretofore, and I am informed by one who has been here perhaps longer than any other that a petition signed by three thousand names is perhaps as large as ever was presented at one time. I here present you, sir, nearly fifty thousand names, and a very large number more on the same subject were presented to the House of Representatives at this session.

I do not feel myself justified in consuming the morning hour, but I do want to impress upon the Senate and upon the committee in charge of the river and harbor bill that there is no question in which the people of one-half, if not the whole of this Union feel so intense an interest as they do in that of cheap transportation. Already during this morning hour the memorials of two or three State Legislatures have been presented urging us to take prompt and efficient action on the matter of internal improvements. Almost every day since this session commenced petitions have been sent here on this subject. By every means of expression known to the people they have told us what they desire. They are in earnest and will be heard, either by us or by our successors.

The signers of this mammoth petition which lies on my table know that for five years the average cost of transportation by rail from the Mississippi River to Lake Michigan has been over seventeen cents per bushel for wheat and corn. They know also that by the improvement of this water line, if it does the work of transportation as cheaply as similar water lines are doing it to-day, it will cost them an average of only seven cents per bushel, thereby saving ten cents per bushel on their crop.

I have presented a resolution which is now pending before the Senate, and which I have endeavored to call up, not merely covering this proposition but other improvements which are equally valuable and which receive just as fully the indorsement of the people. I do most earnestly hope that before the close of this session of Congress we shall at least have the opportunity to discuss for a single hour these questions relating to the material interests of the country. The great question the people are asking everywhere is, "Will not Congress do something to aid us in our material interests?" Trembling on the verge of bankruptcy many of the best business men of the country are looking earnestly to us for help. Hundreds of thousands of idle laborers anxious for employment, but unable to find it, beg us to do something that will revive the industries of the nation. Shall we respond only by long speeches upon political questions and leave wholly untouched these material interests?

I would like to explain further the meaning of this petition; but, sir, I will withhold what I want to say until another time. I will ask the Senate to refer these petitions to the Committee on Commerce in order that while they are considering the river and harbor bill the voice of these 48,853 farmers may be heard in the committee-room. Mr. President, I move the reference of this petition to the Committee on Commerce.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3737) for the relief of Norman H. Ryan, reported it without amendment.

Mr. CONOVER, from the Committee on Revolutionary Claims, to whom was referred the bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased, reported it without amendment.

Mr. DENNIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina, reported it without amendment.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Gallus Kirchner, of North Vernon, Indiana,

praying compensation for two thousand three hundred and eighty and a half yards of blue limestone delivered to the United States, submitted a report accompanied by a bill (S. No. 1352) referring to the Court of Claims the claim of Gallus Kirchner, of the State of Indiana.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4190) for the relief of William H. Carmen, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1120) for the relief of Miss Rebecca L. Wright, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 4185) for the relief of Brevet Brigadier-General B. S. Roberts, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1255) for the relief of Charles M. Blake, late chaplain of the United States Army, asked to be discharged from its further consideration; which was agreed to.

PROMULGATION OF ARMY REGULATIONS.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 844) to authorize the promulgation of the general regulations for the government of the Army, to report it without amendment. This bill passed the House at the last session of Congress, and has been here for a long time. It will take but a moment to pass it, and there is considerable importance connected with it. I ask the Senate to consider it now. It merely authorizes the Secretary of War to promulgate the Army Regulations.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals so much of section 20 of the act approved July 15, 1870, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," as requires the system of general regulations for the Army therein authorized to be reported to Congress at its next session and approved by that body, and authorizes the President to make and publish regulations for the government of the Army in accordance with existing laws.

Mr. BAYARD. Is that bill reported from the Committee on Military Affairs?

Mr. LOGAN. It is.

Mr. BAYARD. Will the Senator in charge be kind enough to explain to us the object of this bill?

Mr. LOGAN. I will state briefly that the Army Regulations some four years ago were referred to Congress to be acted upon by Congress. The law authorized Army regulations to be made by a board and reported to the Secretary of War and promulgated by the President. That was the old law and will be the law under this bill. But an act was passed requiring the regulations made by the board to be referred to Congress. Congress has never acted on them. We cannot get action on them. They have been lying here for four years. This bill is merely to authorize the President to promulgate the regulations. That is all there is in it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government was read twice by its title, and referred to the Committee on Finance.

BILLS INTRODUCED.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1353) for the relief of Colonel Garden Chapin and Julia P. Chapin, his wife, for property destroyed at Cooke's Spring on the 6th of August, A. D. 1861; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1354) for the relief of Henry P. Seymour, William A. Frazer, Alvin N. Sabin, and the heirs of Percy S. Leggett, late supernumerary second lieutenant of the Fifth Michigan Cavalry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

WILLAMETTE VALLEY AND COAST RAILROAD COMPANY.

Mr. MITCHELL. If there is no further morning business, I ask the indulgence of the Senate and unanimous consent for but one minute to place on their passage a couple of little bills of deep interest to our people. There can be no possible objection to either of them. I move first to take up Senate bill No. 1082.

Mr. FERRY, of Michigan. Have we concluded the regular morning business?

The VICE-PRESIDENT. The morning business is not yet closed. The introduction of bills is still in order; but the Senator from Oregon asks unanimous consent in the morning hour to take up a bill.

Mr. SPRAGUE. I hope this bill will be proceeded with.

Mr. MORTON. There is no objection to it.

Mr. MITCHELL. It will take but a moment.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent to take up Senate bill No. 1082.

Mr. INGALLS. I should like to hear the title of the bill read.

Mr. FERRY, of Michigan. I ask if the morning business is exhausted.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent to take up this bill.

By unanimous consent, the bill (S. No. 1082) granting to the Willamette Valley and Coast Railroad Company a right of way through the public lands for a narrow-gauge railroad was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment in line 15 to strike out the word "adjacent" and insert "within said limits;" so as to read:

Including the right to take from the public lands within said limits materials of earth, stone, gravel, and timber necessary for the construction thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. MITCHELL. Presuming on the indulgence of the Senate, I ask it to take up one other bill of five lines, to which there can be no possible objection. It is a local matter. It is the bill (S. No. 1310) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad.

Mr. CAMERON. I shall object to everything until I shall have a chance for my tombstone bill.

Mr. MITCHELL. I believe there is no objection.

Mr. CAMERON. I shall object to everything of the kind until I have an opportunity of having a vote on the question of tombstones.

The VICE-PRESIDENT. Objection being made, the bill cannot be considered at this time.

PRESENT TO MRS. MINNIE SHERMAN FITCH.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (S. No. 1301) to admit free of duty the diamond necklace presented by the Khedive of Egypt to Mrs. Minnie Sherman Fitch, have instructed me to report the same back with a verbal amendment, and I ask for its present consideration. A similar bill has already passed both branches of Congress, but at the Treasury it is thought not to be explicit in one of its terms. This is simply to make it explicit, and it will take but a moment to pass it.

Mr. CAMERON. I object to the consideration of anything now.

Mr. MORRILL, of Maine. Let it lie on the table; it need not be printed; and I will call it up to-morrow morning.

ORDER OF BUSINESS.

The VICE-PRESIDENT. If there is no further morning business, the Committee on the Revision of the Rules has the rest of the morning hour.

Mr. HOWE. I now throw myself once more on the indulgence of the Senate, and ask unanimous consent that thirty-five minutes more may be accorded to the consideration of that bill which was up in the morning hour yesterday.

Mr. FERRY, of Michigan. If the Senator means, as he says, to throw himself on the indulgence of the Senate and not of the Committee on the Revision of the Rules, I will offer no objection so that the Committee on the Revision of the Rules will have its appropriate time at some other hour if the Senator from Wisconsin occupies the present hour.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent to have the residue of the morning hour for the consideration of the bill in regard to the Library of Congress.

Mr. SHERMAN. That will be a violation of the rule under which we are acting, and a postponement of the reports made by other committees.

The VICE-PRESIDENT. The Senator asks unanimous consent, and the Chair supposes the Senate can do anything in that way.

Mr. SHERMAN. I will object for the benefit of the whole Senate. I think every Senator ought to object. I object, and insist on the enforcement of the rule.

The VICE-PRESIDENT. The Committee on the Revision of the Rules is entitled to the rest of the morning hour.

Mr. HOWE. I understand the Senator from Ohio objects.

Mr. SHERMAN. I insist on the regular order of business.

PUBLICATION OF NAMES OF ABSENTEES.

Mr. FERRY, of Michigan. I call up the resolution offered by the Senator from Rhode Island [Mr. ANTHONY] on December 15, 1873. It has reference to expunging the names of absentees from the list for the purpose of economizing space in the RECORD and cost to the Government.

Mr. HAMILTON, of Maryland. Let the resolution be read for information.

The resolution was read, as follows:

Resolved, That the resolution adopted by the Senate on the 4th of May, 1864, directing the reporter in making up the proceedings of the Senate for publication to put in a separate list the names of absentees in each call of the yeas and nays be rescinded.

The motion was agreed to.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. SCOTT. I should like to hear some reason given for dropping the names of absentees. Is it simply because it occupies space in the RECORD, or not?

Mr. FERRY, of Michigan. As I understand, the reason is to economize space in the RECORD. It is occupying space there needlessly in the judgment of the committee and I suppose in the judgment of the Senator who offered the resolution. The object is simply to save cost and space—space in the RECORD and cost to the Treasury. There seems to be no particular necessity for keeping up this record of the names of the absentees while the names of those voting for and against any proposition are upon the record.

Mr. ANTHONY. I introduced this resolution some time ago. This publication of the names of the absentees is an innovation. It was ordered some seven or eight years ago I think rather, if such a term could be used in the Senate, in a pet. Some Senators were vexed at the absentees and moved that the names be put in the Globe, and the resolution was adopted. When you publish the yeas and publish the nays, the absentees are known as a matter of course. I see no good in continuing this list; it cumbers up the RECORD and makes more printing.

Mr. CONKLING. I should like to inquire for information how are the absentees known?

Mr. ANTHONY. Because they are neither among the yeas nor the nays.

Mr. CONKLING. How is it known who they are? I ask the question seriously, and I will put it in this form: A man sits down to look at a vote on a given question; he has obtained a copy of the Globe or of the RECORD which is not the first of the series, and therefore does not have the fact that on the first day the Vice-President caused the roll to be called and so many Senators answered, but he has just one volume. He looks and sees who voted *pro* and who voted *con*. He would like to know who there was in the Senate that year at that time. Even the honorable Senator from Rhode Island could not tell him, with all his knowledge of such things, unless he could go back and get the first volume in the series of that session and look to see who were the Senators at the beginning of the session.

I do not say how important this is; but I do venture to suggest to the Senate that it is not true practically that he who looks at a list of the yeas and a list of the nays on a given question understands as a matter of fact who are the absentees, who were the men then in the Senate who abstained from voting on that question, or who for any reason were not present when the vote was taken.

Mr. ANTHONY. I suppose if a man looks at the yeas and nays, he wants to know how a particular Senator voted.

Mr. CONKLING. That may or may not be.

Mr. ANTHONY. And if he wants to know how a particular Senator voted, he knows of course that he was a Senator at the time, and if his name is not among the yeas or among the nays, he knows that that Senator was absent. I do not think it should be logically necessary to look in a list of absentees to ascertain that.

Mr. CONKLING. I think I can convince the Senator in a moment that that is not the point of my suggestion. Some time ago the Senator from Delaware among others on a contested-election case read from the proceedings of the Senate long years ago touching a Rhode Island case in which there was a contest. He, like every other Senator, deemed it important to inform the Senate who were members of the Senate then who took part in what was done. Why did he do so? In order to add the weight of character and intellect and legal knowledge which that would furnish to the precedent which he cited. Now, suppose in that case it turned out that Mr. Webster, Mr. Calhoun, and others whom I might mention were in the Senate and abstained utterly from taking any part in the matter, and although there was action of the Senate these men were conspicuously absent, some student of those events takes the volume which contains the report, the debate, and the vote, and he sees the foot-prints which were left by thirty-odd Senators or forty and he sees nothing more.

I know, as my friend from Wisconsin, [Mr. HOWE,] who evinces a little animation at this moment, with his usual wit suggested to me that he could find a Congressional Directory of that year, and that Congressional Directory would tell him who was there. Yes, if he has all the books in this library that the Senator proposes to cart up to Judiciary Square and all the fifty thousand that he proposes to leave as samples behind, I am perfectly well aware that this man could run this down and find out exactly who were members of the Senate at that time and who abstained from the proceeding and who thus impaired by as much weight of character as they had, the force of the precedent at which the student is looking. But my proposition is that when the Senator from Rhode Island says a man who reads the yeas and reads the nays thereby finds out who were the absentees or who were those who abstained from concurrence, he cannot vindicate that by the truth or fact of the case.

Mr. MORRILL, of Vermont. One of the great evils which this rule when adopted was designed to remedy was the fact that there were in both Houses a large number who were not punctual in their attendance upon the sessions of either House. It was supposed that publishing on each vote a list of the names of those who were absent from their seats and did not participate would tend to remedy that evil, and I think it has done so to a considerable extent; and I hope for the very pitiful amount of economy that would be saved in the publication of the RECORD the rule will not be changed.

Mr. THURMAN. I observe that in the other House a practice similar to ours prevails, except that the third list is put down as "not voting." There are the yeas and the nays, and then a list under the title "not voting." Our practice is, or our rule, to put down the "yeas" and the "nays," and then a list under the head of "absent," which is sometimes true and sometimes not true, because sometimes Senators are here and do not vote. But I think the rule must have been adopted for the reason suggested by the Senator from Vermont, and I think the tendency of the thing is to prevent absenteeism. I should not like, therefore, to see it rescinded.

Mr. MORRILL, of Maine. Is it not true that in every parliamentary sense a gentleman who is present and does not vote is absent? If a Senator is in his seat and does not vote, in a parliamentary sense he is absent. The rule requires him to vote, and if he does not vote he is presumed to be absent.

Mr. EDMUNDS. Mr. President, I think that this list of the absent is logically the most important list of Senators there is, because generally it comes very near being the largest. It is usually the largest subdivision. If you divide the Senate into three sections, the absentees are generally in the plurality. I notice in yesterday's proceedings, on the last page of the RECORD to-day, that on a motion to adjourn there were 23 in the affirmative, 27 in the negative, and 23 absent. That was a tie between the affirmatives and the absentees. On the next motion I observe there were 21 affirmatives, 25 negatives, and 27 absent. The absentees were in a clear plurality over any one of the other sections of the Senate.

Inasmuch as the people are entitled to know what we are doing and the way we are doing it, I think, as the Senator from Ohio says, that it is of real importance to preserve this list of the notables who figure in the third subdivision of the names of the Senators; and it does have some tendency to prevent Senators being unnecessarily absent. Of course, the word "absent" does not prove in the way we do things that Senators are absolutely away. They may be here and may have been paired. If so, it is generally stated; so that is an explanation. They may be here, as I saw an occasion on a night not long ago when a dozen or more Senators sat in their seats and did not vote at all, not being paired. They were present in the body but absent in the spirit, as I must suppose, for they were visible but they did not seem to have any voice.

Another thing is that this collection of names shows every reader at once the whole body of the Senate. Every Senator's name is before him, and he knows the State that he comes from if he has any knowledge; when he sees the name he knows where the Senator is from, and in that way he gets a clearer idea of the operations of the Senate and of the Senators who attend to business, and those who are obliged to be absent, and so on, than he can in any other way. Now to cut this out on the theory that you are going to save, I suppose about five cents every time, it appears to me would be a mistake. I hope we shall leave it where it stands.

Mr. ANTHONY. The word "absent" is not only erroneous, but often very unjust. At this time of the session when there are four or five committees of conference sitting all the time and the chairmen of the Committees on Appropriations and Finance and of other committees are obliged to be absent, they are put down in the list as "absent" precisely the same as though they were neglecting their duties. Besides that, it is very common, we all know, and perhaps it is absolutely necessary for our convenience that we should pair sometimes, and although that is contrary to the rule strictly enforced, the rule never has been enforced, and if we publish the absentees we should publish the pairs.

Mr. HAMLIN. I think the Senator who sits farthest from me from Vermont [Mr. MORRILL] has stated the precise occasion which led to the adoption of this rule. My recollection concurs with his. I think the amendment to the rule was made on the motion of the Senator from my State who occupied the seat which I now occupy, (Mr. Fessenden;) and according to my recollection it was done at the end of a somewhat protracted debate. I think it was done with the purpose of inducing Senators to remain in their seats. That was the precise object. Now, every Senator knows that in long and protracted debates these seats will be empty; and you may place rule upon rule and you cannot prevent it. There is no constitutional power to do it, and there is no constitutional duty that requires men here to sit hour after hour to listen to political essays which contain no information that they have not already themselves, and they will go, some to their committee-rooms, some to other places.

Now, the object for which the rule was adopted having totally and thoroughly failed, I think we may as well recur to the practice that prevailed before the rule was adopted. It cumbers your RECORD; it takes the time of the printer in composing the names of the absentees, all of which may be gathered precisely as well otherwise. But it is true, as my colleague says, that if a Senator is in his seat and neglects to vote, he is in the parliamentary sense absent. He does not give the expression of his opinion upon the pending question and is not therefore present for that question; and he is absent from that vote which makes the record of the Senate.

There being no earthly purpose subserved by the rule and a little economy in abolishing it, I am in favor of the pending resolution and shall vote for it.

Mr. BAYARD obtained the floor.

Mr. FERRY, of Michigan. Will the Senator from Delaware allow me a moment to ask the Senate to continue the time of this committee?

Mr. EDMUNDS. No; we cannot continue the time.

Mr. FERRY, of Michigan. I will state to the Senator that by the consent of the Senate a portion of the limited time, one-fourth of the residue of the hour left us, was occupied in the passage of one or two bills.

Mr. EDMUNDS. That was your fault.

Mr. FERRY, of Michigan. The Senator from Vermont says it is the fault of the chairman of the Committee on the Revision of the Rules. It would be rather ungracious for the chairman to interpose an objection when a Senator rises in his place and asks consent of the Senate to pass a local bill. I am not disposed to do that. By unanimous consent of the Senate these bills were passed and time taken. I merely ask the same courtesy to this committee which has been extended to others, that the time be extended for half an hour.

The VICE-PRESIDENT. That requires unanimous consent.

Mr. EDMUNDS. I object.

Mr. BAYARD. Why cannot this question be decided?

Mr. THURMAN. Before the question is put I would like the Senator to state what business he proposes to take up before I give consent to extend the time.

The VICE-PRESIDENT. The Chair will state to the Senator from Ohio that objection has been made to the extension. It therefore cannot be had. The Senator from Delaware is entitled to the floor for about one minute. At twelve o'clock the regular order comes up.

Mr. BAYARD. I do not desire to interfere with gentlemen in charge of business of this kind. I intended to submit some remarks; but perhaps they would not be very valuable on the subject of striking out the list of those who are termed absentees, technical absentees; but if the motion be made to extend the time of this committee I shall say a few words.

The VICE-PRESIDENT. The morning hour has expired.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey;

A bill (H. R. No. 4837) for the relief of Charles A. Luke;

A bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance;"

A bill (H. R. No. 4472) to authorize the Secretary of the Treasury to defend certain suits against David R. Dillon;

A bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin;

A bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Sheppard, deceased; and

A joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses.

The message also announced that the House had passed the following concurrent resolutions; in which it requested the concurrence of the Senate:

A resolution for the printing and binding in quarto form of volumes 2, 7, and 9 of the final reports of the geological survey of the Territories for distribution by the Smithsonian Institution;

A resolution for the printing of the report of the Commissioner of Education for the year 1874; and

A resolution for the printing of the annual report of the geological and geographical survey of the Territories for 1874.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 1938) to provide for settlement with certain railway companies; and

A bill (H. R. No. 4835) in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALCORN, Mr. FLANAGAN, Mr. MERRIMON, Mr. HAMILTON of Maryland, Mr. DENNIS, Mr. MITCHELL, Mr. RANSOM, Mr. ROBERTSON, and Mr. BOREMAN presented amendments intended to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were ordered to be printed and referred to the Committee on Commerce.

Mr. DORSEY, from the Commitee on Post-Offices and Post-Roads, submitted an amendment intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was ordered to be printed and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. R BABCOCK, his Secretary, announced that the President had on the 23d instant approved and signed the following bills:

An act (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;

An act (S. No. 836) granting a pension to William Ira Mayfield;

An act (S. No. 862) granting a pension to Margaret S. Hastings;

An act (S. No. 1070) granting a pension to Margaret C. Wells;

An act (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;

An act (S. No. 1154) granting a pension to William Williams;

An act (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and

An act (S. No. 1213) granting a pension to Nathan Upham.

ADMISSION OF COLORADO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. HITCHCOCK. Mr. President, at this period in the session, with the Calendar filled with a long list of bills which have received favorable action at the hands of the different committees and which are pressing for the formal and favorable action of the Senate, I believe that no extended discussion of this bill is needed or would be justifiable. Nor do I believe that the Senate fail to understand the facts in regard to Colorado. Situated in the center of the continent, extending from the thirty-seventh parallel of latitude on the south to the forty-first parallel of latitude on the north, and from the twenty-fifth meridian of longitude on the east to the thirty-second meridian of longitude on the west, embracing an area of one hundred and six thousand square miles; with a vast mineral wealth hidden away in the recesses of her lofty mountains and her lowly valleys; with a climate wonderful for its healthfulness; with a soil capable by irrigation of producing an agricultural product sufficient to support a population of at least two millions of people; settled with inhabitants hardy, brave, enterprising, loyal, and intelligent, Colorado is ready to throw off the swaddling-clothes of a Territory and assume position as a sovereign and independent State.

There is, I apprehend, and can be but one possible objection and but one possible question to be considered and but one point upon which opposition can be made to the present admission of Colorado. That question is in regard to her present population. Upon that point the Committee on Territories believe from the best information which they were able to obtain that Colorado to-day contains a population of one hundred and fifty thousand. Of course this must be based to a great extent upon statistics and estimates, as no official and formal census of the Territory has been taken for the last five years. The population of the Territory by the census of 1870 was about forty thousand. There are some comparative estimates which can be made from the statistics of the Territory at that time and the statistics of the Territory since that time which go to show the ratio of the increase of population. For instance, the revenue from the postal department in that Territory that year was twenty-nine thousand and some hundred dollars. The revenue of the Post-Office Department for the fiscal year ending June 30, 1874, was $102,000—more than three times, nearly four times the revenue derived from the postal service in the year 1870. I think that there is no better, no surer test than that. The increase in the population is represented perhaps as accurately by the increase of revenue of the postal service as in any other way. So in other respects. At the time the census of 1870 was taken there was not in the Territory a single line of completed railroad, and now there are seven hundred and thirty-five miles of completed railroad built, at an estimated cost of about $30,000,000. So that it is probable that no Territory has been admitted with the aggregate of wealth, the aggregate of business, the aggregate of commercial importance that Colorado has at the present time

Since the original Constitution was adopted twenty-four States have been added to this Union. Of these, Texas, Maine, and West Virginia were separated from other States or admitted as independent sovereignties, as in the case of Texas. Consequently twenty-one States have been admitted from a territorial condition since the Government was founded. Of these twenty-one but two Territories were admitted as States which had at the time of their admission a greater population than Colorado now has, and these Territories were Michigan and Wisconsin, each of them having, I think, a population of about two hundred thousand; Minnesota having a population of about the same amount that Colorado now has, and the others, such States as Illinois and Ohio, having only about one-third the population which Colorado now has. I believe, Mr. President, the only possible objection that can be raised to the admission of Colorado as a State, as I said, is the question of population, and upon that point I believe her population is ample to entitle her under the law to a single Representative in Congress, and I hope there will be no prolonged discussion upon this question.

Mr. SARGENT. The thirteenth section of this bill requires some explanation, and I should like to ask the Senator having it in charge what it refers to?

Mr. HITCHCOCK. That refers to the ordinary grant of land which has been made to the other States which have been admitted heretofore for internal improvements:

There shall be granted to each State specified in the first section of this act five hundred thousand acres of land for the purposes of internal improvement.

That is the provision of the act of 1841.

Mr. SARGENT. The Senator is not entirely correct in stating that these grants have been made to all new States which have been admitted. I know it was not so in reference to California, and I presume the grant has grown with years, so that as each new State has been admitted it has been extended.

The provisions in this bill are rather liberal for land grants. For instance, section 8 gives thirty-two thousand acres, fifty entire sections, to the State for the erection of public buildings. Section 9 gives thirty-two thousand acres for the erection of a penitentiary or State prison. Section 10 gives forty-six thousand and eighty acres to be applied as the Legislature sees fit for a university. Section 11 gives six salt springs and thirty-eight hundred and forty acres contiguous thereto. Section 12 gives 5 per cent. of the proceeds of the sales of public lands lying within the State prior or subsequent to the admission of the State; and then section 13 comes in and gives five hundred thousand acres besides.

These are very liberal grants of public lands; and I think experience has pretty well demonstrated that grants of lands to States for almost any purpose whatever are simply means by which the public lands are withdrawn from homestead and pre-emption and under the influences that are brought about the State Legislatures get into the hands of speculators. I doubt whether such grants have ever been of any particular advantage to any State which has received them. I certainly am not in favor of continuing them upon the great scale which is provided for in this bill.

But before making any particular motion in reference to that matter, I desire to make one relating to section 12. I propose to strike out the words "prior or," in line 3 of section 12. That section provides for paying over to Colorado—

Five per cent. of the proceeds of the sales of public lands lying within said State which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union.

We thus accompany the admission of the State by a very large demand on the Treasury. This has been an organized Territory for a great many years; a large amount of public lands in it has probably been sold under the pre-emption laws, and we ought to understand how much money is being granted by this section by reckoning up the amount of public lands which have been heretofore sold. We have been keeping up a territorial organization in this Territory at our own expense. We have paid the expenses of the Legislature; we have paid the expense of the governor and of all the territorial officers for a good many years; and the 5 per cent. of the proceeds of sales which have heretofore taken place in the Territory ought to go to liquidate the debt due to the Government on this account or to square the account. It does not seem reasonable that this amount should be paid over to the Territory when it is to be admitted as a State. I will not speak of the policy of paying the amount which may subsequently accrue; but I think a reservation should be made in that case by providing that where lands are given under the pre-emption laws to settlers there shall be no demand upon the Government for commutation upon that account, and that no demand of the 5 per cent. shall be made in respect to lands which are reserved for any public uses.

We have a historical tangle growing out of a principle of that kind. The Choctaw claim, which has been referred to quite lately in this Chamber, grows out quite largely of a claim of the Indians to be reimbursed for lands which the Government reserved for public uses. They claim that a percentage on the value of those lands should be added to a further sum which they, I think improperly, demand for reimbursement for lands which the Government sold. The Government having given them in exchange a larger number of acres in another place, they hold that all the money which came from the sale of the lands they exchanged should go to them, and they go further and say that even where the Government reserved land for its own use and never sold it and consequently never received any money for it, should be accounted as if it was sold for money. The question also has arisen in the case of Ohio, Indiana, and Illinois, under a claim for a balance of the 5 per cent., they holding that where lands were reserved by the Government they should be appraised and those States made good for the difference which was caused thereby. I do not want to have such a question raised in reference to Colorado, and I do not think it is fair. We have changed our laws since many of the States were admitted; we have liberalized the pre-emption laws; we have authorized citizens to go without money and without price (except a few fees to maintain the system) upon the public lands and we give to the settlers those lands. If this is to be followed by an appraisement of these lands and the Government is to pay 5 per cent. on their value to the State of Colorado hereafter, it seems to me there is not sufficient attention paid to the interests of the Treasury. I want to propose an amendment that will exclude that conclusion, and also exclude the conclusion that there shall be any appraisement for Indian reservations, or military reservations, or other lands reserved for public uses. But now my motion is to strike out the words "prior or," so that we shall not have to make an accounting for lands heretofore sold in this Territory and pay over, I do not know what amount, but somewhere from $10,000 to $500,000. In the absence of figures, I do not know which of these suppositions would be correct.

Mr. SCOTT. I desire to ask the attention of the Senator from California to a section upon which I desire his opinion as a subject with which he is familiar—to the eighth section. I will read that section:

That, provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this act, fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, on or before the 1st day of January, 1878, shall be, and are hereby, granted, in legal subdivisions of not less than one quarter section, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

Knowing the Senator from California to be entirely familiar with the law in relation to mineral lands, a subject with which I am not familiar, I ask his attention to this section for the purpose of asking the question whether this power granted to the Legislature of Colorado to select and locate without limit or without restriction fifty sections of land would not authorize them to select and locate mineral lands?

Mr. SARGENT. Unquestionably. I am glad the Senator has called my attention to it.

Mr. SCOTT. I wish to have the attention of the Senator having the bill in charge, as well as of the Senator from California, directed to that question, for I suppose it could hardly be intended that the Legislature should be permitted to select the most valuable mineral lands in Colorado for the purpose of enabling them to erect their public buildings.

Mr. LOGAN. Is there not a law now that prevents mineral lands being sectionized at all?

Mr. SARGENT. No, sir.

Mr. LOGAN. I understand the law regulating the mineral portion of the country to be where lodes are located there is only so much permitted to be taken up; and such land is not susceptible of entry at all.

Mr. SARGENT. The law has been changed in that respect, and now miners can take up lands by legal subdivisions. The provision which the Senator refers to was repealed in 1872 so as to facilitate the taking up of mineral lands, so that a miner whose claim is forty acres or a company of miners whose claim is forty acres may describe it by the regular rectangular system. What the Senator refers to is not now the law.

Mr. LOGAN. I will ask the Senator if this is not almost precisely a copy of the bill that admitted Nevada and of quite a number of bills for the admission of other States in the West?

Mr. SARGENT. I should have to examine in that respect to answer the question.

Mr. LOGAN. I understand it is. I do not want to discuss the bill, but I wish to direct attention to one fact. The objection that is made is to the taking of mineral land and to the grant of the 5 per cent. We ought at least to deal fairly with the new States that are coming in. The State that I in part represent, when it was admitted into the Union, was allowed every sixteenth section throughout the whole State, and received it. The sixteenth section in every township was set apart for school purposes. The State also received 5 per cent. of the proceeds of the sales of the public lands. It does seem to me that States which have been admitted on such terms as the States have heretofore been ought not to complain of the terms of this bill.

Mr. SARGENT. Allow me to direct my friend's attention to section 7, which gives not only section 16 but section 36 also for the purpose he refers to:

SEC. 7. That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said State for the support of common schools.

Mr. STEWART. That provision has been in such bills for over twenty years.

Mr. SARGENT. I admit it; but the Senator remarked that in Illinois we gave the sixteenth section. I want to show that we also give the thirty-sixth section to Colorado.

Mr. LOGAN. I am not sure but that Congress did the same to several States, but I will not state it for I have not looked recently at the legislation. I am sure, however, that in other States the same thing was done. This is a copy of that provision.

Mr. SARGENT. I am not complaining of that provision, but of the other one.

Mr. LOGAN. The other one is applicable in some of the States which have been admitted.

Mr. SARGENT. I do not object to the 5 per cent. on sales hereafter, but I do not want this accounting on past sales which may bring the Treasury largely in debt.

Mr. LOGAN. Whether it applies to sales hereafter or includes prior sales it is precisely the language incorporated in bills admitting States heretofore. The Senator says some trouble has arisen in reference to that matter. That is true; but the question—I am not going into it now—in reference to Ohio, Illinois, and Indiana in connection with the national road is a very different question from this. The claim as to paying back a portion of the 5 per cent. there arose on entirely different grounds.

At this late hour in the session, when sending the bill back to the House may probably cause its defeat, it does seem to me that we ought not to find these objections to the bill for the admission of this Territory as a State when the same provisions precisely are in bills admitting States heretofore where they have asked it, and no hardship has resulted and no complaint has been made in reference to them. It seems to me on the same principle we ought to allow these provisions to be incorporated in the bill admitting this State.

Mr. HITCHCOCK. The honorable Senator from California, in the name of economy, proposes to strike out two words, the usual words which have been in other enabling acts and which have allowed other incoming States to obtain 5 per cent. on the proceeds of those public lands which had been sold during their territorial existence.

Whatever may be the purpose of this amendment, the result probably of any amendment to the bill which would remit it to the other House would be to defeat the bill, and the effect of this economical measure would be that the United States will continue to pay all the expenses of the Territory of Colorado for an indefinite period of time.

Now, I think it would not be very becoming in the United States to select Colorado as a conspicuous instance of economy. I think that if Colorado is admitted she should receive the liberal provisions which other new States have received heretofore on their admission, and I think that the 5 per cent. on the proceeds of the sale of public lands, which other new States have received, should very properly be allowed to her in order that this new State may have some small amount in her treasury at the inauguration of the new State government. As a matter of economy I am sure it is better that this bill should pass in its present form than that the Territory of Colorado should continue to be governed at the expense of the United States.

Mr. EDMUNDS. What is the pending question, Mr. President?

Mr. SARGENT. My amendment is to strike out the words "have been or" in lines 2 and 3, and the words "prior or" in line 3 of section 12.

Now, to show that I am not captious at all, am simply pleading for what has been done heretofore, I call attention to my own State where mineral lands were excepted, while there is no exception in this case. Here you grant absolutely without any reservation all these 613,920 acres of land; and I inquire whether that is wise when it is known that the principal industry of Colorado as of my own State is in mines of gold and silver? How are you going to protect the miners in their rights there under the laws of the United States? You grant these lands absolutely to the State. The Senator shakes his head. Let him make a logical answer to it, then; a shake of the head is not a logical answer. In the California act, section 6, making donations of land, and which by the way were much more restricted than those in this bill, reads:

> With the exception of lands appropriated under the authority of this act, or reserved by competent authority; and excepting also the lands claimed under any foreign grant or title, and the mineral lands.

I think the same provision was in the Nevada act; but as to that my friend from Nevada can inform me. I know we have jealously required, and the Government has pursued the policy in all grants of public lands, that the mineral lands shall be excepted. You sell them at a higher price. You sell your quartz lands at $5 an acre, other mineral lands at $2.50 an acre; they are never allowed to go under your pre-emption and homestead laws; but here is a proposition to give six hundred and thirteen thousand acres, without any reservation at all, and do you not suppose that the speculators know where to direct the locations of these lands and that they will select mineral lands? There will come from that State a wail of distress from men engaged in mining operations when they find that speculators have got the title of the State to the lands which they supposed they held under a United States title or under a possessory right; and a conflict will be brought about between the speculators and the miners, and acts like those that occurred in my own State recently, under an attempt to evade the exception which was named in the section that I have referred to in the case of the Keystone mine, may be witnessed.

The Keystone mine was a mine which had been held for fifteen or twenty years. There was machinery on it the value of a quarter of a million of dollars, and the mine itself was worth probably a million and a half, and it was supposed there was a perfect title; but parties came in under this very section and surreptitiously, or at any rate without its being generally known, procured the title of the State under the assumption that the State could grant a title. They litigated it before the Land Office and in the courts and were finally beaten, but only because the Land Office and the Secretary of the Interior and the courts gave effect to the exception of mineral lands. Otherwise the men who had developed that mine and put all their means into it, and had made a valuable property of it, would have been turned out in favor of men who gave $2.25 an acre to the State for it, and the number of acres was very small.

I want to prevent such things happening in Colorado; and the Senators say that may delay the passage of the bill or defeat it. Then if these evils are in our way, if they necessarily result from careless legislation, defeat the bill, for it is more important that the people of Colorado, the great mining population there, should not be oppressed and the rights taken away from them which they now hold under the United States law, or which they now hold under a possession which is not an exact title yet, than that we should hurry the State into the Union under the proposition now pending before the Senate.

Mr. HITCHCOCK. I want to inquire whether the Senator knows that there is any placer mining going on in Colorado.

Mr. SARGENT. There is no exception here of quartz mining. There is mining going on in Colorado, or else the argument for the bill falls. There is a large mining population and there is no exception of quartz mining.

Mr. HITCHCOCK. Those lands are open to settlement.

Mr. SARGENT. They are sold as public lands at $1.25 an acre unless excepted, and are entered up as such. The Senator by his very question confesses the strength of the argument.

But the question now pending is whether we shall make an accounting with this Territory for the years past when it has been a Territory, and pay out of the Treasury 5 per cent. of the proceeds of the public lands sold heretofore. I think we ought not to do that. As we have paid all their bills this length of time, it is only fair that they should ask us from the time of their admission to pay this amount if we are to pay it at all.

Mr. STEWART. In regard to the particular point now before the Senate, I observe that there is a difference in the different acts. The tenth section of the act for the admission of Nevada provides for granting—

> Five per cent. of the proceeds of sales of public lands lying in said State which shall be sold by the United States subsequent to the admission of said State, &c.

Mr. SARGENT. That is just what I propose here.

Mr. STEWART. But in the act passed at the same session a day or two afterward, with regard to Nebraska, the following is the proviso, which is the same as in this bill:

> That 5 per cent. of the proceeds of sales of public lands lying within said State which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, &c.

I have not had time to look over all the acts, but I believe this provision is in the acts for several other States. There is no mineral-land exception in Nevada. In all respects this bill is the same as the Nevada bill, except in regard to the twelfth section. I do not apprehend, in administering this law, any difficulty on the mineral-land question, because, in the first place, it must be done by the State authorities under State law; and I do not think a Legislature that would provide for the selection of mineral lands would ever be a Legislature again or any member thereof. I think it is perfectly safe to leave it to the State Legislature whether they will select mineral lands, because I do not think if they did any of them would ever go to the Legislature again. The people would not trust them. In the next place, before the lands can be selected under this section, they must be surveyed lands or subject to survey, and the surveys are only extended to mineral lands under certain restrictions. The mineral lands are only surveyed for the purpose of disposition as mineral lands. They are surveyed in pursuance of the applications of those who desire patents. If a man desires mineral lands, he applies for a survey and a patent. The Government does not survey the mineral lands on its own motion. So they will never be in a situation to be selected by the State. There cannot be any possible danger on the mineral-land question; and the only point is as to the few dollars that may arise from 5 per cent. of the proceeds of lands already sold. The States on this point have been treated differently; the precedents are not uniform. It is a small amount, and it cannot make any great difference, so I do not think it worth while to amend the bill.

Mr. SARGENT. Does the Senator remember the case I referred to where the Keystone mine was attempted to be seized under a title from the State?

Mr. STEWART. Yes; that was an outrageous proceeding.

Mr. SARGENT. Why may not that arise here? If you license the State in this instance to select mineral lands, why may it not arise again? The only thing that saved us there was the mineral exception.

Mr. STEWART. There was no mineral exception in the grant of the sixteenth and thirty-sixth sections.

Mr. SARGENT. There was in the California act, and this was a mine in California. By pleading the exception we saved that mine.

Mr. STEWART. There was a general reservation of mineral lands in the California act.

Mr. SARGENT. The grant of the sixteenth and thirty-sixth sections contained the reservation of mineral lands. It was that reservation which enabled us to save the Keystone mine from being gobbled up under a pretended State title.

Mr. HITCHCOCK. I have a single suggestion to make in response to the Senator from California in regard to his motion to strike out the word "prior." The honorable Senator states that the word "prior" was not in the act for the admission of the State of Nevada. That is very true, and for the very good reason that no public lands in the then Territory of Nevada had been sold previous to its admission as a State, and consequently there was no propriety in the insertion of that word. In regard to my own State, public lands had been sold, as is the case in Colorado, and the word "prior" was very properly inserted.

Mr. STEWART. Upon the point raised by the Senator from California I make this distinction: The sixteenth and thirty-sixth sections were granted to the several States by a general act in place; that is, not to be selected. That was an absolute grant, and required

no selection whatever, and consequently it was important that there should be a reservation, because it granted the particular sections. Here is a grant, not in place, but to be selected from sections. There cannot be sections, according to the rulings of the Department, until there has been a survey and the land has been sectionized. The Government, under its present arrangements, does not sectionize the mineral land, and does not survey them for that purpose, but surveys them on application of parties who desire title. Consequently under the system the Legislature cannot select mineral lands, because they would not be sectionized and subject to selection. I do not think there would be any danger even if they had power to do it, for no Legislature would do it.

Mr. SARGENT. The Senator must remember that a bill passed in 1872 in which he and I had so very large a part and consulted so often, where the prohibition which before that time existed on the survey of mineral lands was repeated; and in my State, and it may be so in Colorado, under the law there is no distinction in surveying now, whether lands are mineral or agricultural. The surveys run right along over both.

The seventh section of this bill, to which I further call the Senator's attention, provides for the same grant in place of the sixteenth and thirty-sixth sections, so that the mischiefs which I referred to may just as well apply under the Colorado bill as they did in the case of the Keystone mine, where we were only saved by the fact that there was a reservation of mineral lands from the grant of the sixteenth and thirty-sixth sections. I want that same chance for the miners of Colorado that we have found the benefit of in California.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California, which will be read:

The SECRETARY. The amendment is in section 12, to strike out, in lines 2 and 3, the words "have been or" and in line 3 to strike out the words "prior or;" so as to make the section read:

That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, &c.

A division was called for, and the ayes were 11.

Mr. SARGENT. I ask for the yeas and nays. Let us see whether we have a quorum of the Senate when we are attending to such business as this.

The yeas and nays were ordered.

Mr. MORTON. Mr. President, I should like to be informed by some one who has examined this question whether other States admitted into the Union have been admitted on the terms contained in this section. If they have had 5 per cent. on the proceeds of all lands sold before that time paid to them, then Colorado should be treated in the same way. If they have not, that may alter the question. If this is to take money out of the Treasury and pay it over to the State, I simply want to know what the practice has been.

Mr. HITCHCOCK. I will say for the information of the honorable Senator that it has been the practice in late years, applied to my own State and to other States which have been lately admitted; but the word "prior" was not in the enabling act for the admission of Nevada, because no public lands had been sold in that Territory prior to its admission as a State, and consequently there was no propriety in the insertion of that word.

Mr. SARGENT. I do not know how that may be. I know the State of Nevada was a Territory for two or three years before its admission as a State; and I presume that during that long time there must have been some land sold to the citizens of that Territory. Section 10 of that act provides that—

Five per cent. of the proceeds of the sales of all public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the State as the Legislature shall direct.

I propose that the same rule shall apply here, and it ought to apply in all cases, and it especially ought to apply where we have maintained a territorial government for so many years, paying all its expenses, and where the fund must have accumulated very largely. Where a Territory is almost immediately admitted as a State, so that such a provision would cause us to expend very little money on its account, it might not be worth while to raise the question whether the sales should have been "prior" or "subsequent;" but where the amount is necessarily large the distinction is worth attending to.

Mr. SAULSBURY. I can see no good reason for taking 5 per cent. of the proceeds of the sales of the public lands which have been heretofore sold and covered into the Treasury out of the Treasury now and giving it to this State after it is formed. It is certainly a very liberal donation to the State to give it 5 per cent. of the proceeds of the public lands which may hereafter be sold. I shall therefore vote for the amendment of the Senator from California. I think it is right and in the interest of economy and protecting the Treasury.

Mr. CRAGIN. There is no time to examine this question; but I have been on the Territorial Committee for ten years, and I venture the assertion here to-day that no enabling act providing for the admission of any Territory into the Union as a State, except the Territory of Nevada, can be found without the exact language of this bill. It has been the practice from the foundation of the Government to give this 5 per cent. on sales of public lands prior and subsequent to their admission.

Mr. STEWART. In Nevada there had been no prior sales.

Mr. SARGENT. So far from its being the practice from the foundation of the Government, in my own State the Government did not give us the 5 per cent. We never received a dollar of it. And the same is true of Oregon.

Mr. CRAGIN. California was not a Territory.

Mr. SARGENT. Oregon was a Territory, and you did not give it a dollar. I say California was a Territory, and we thundered here at the doors of Congress a long while to be admitted.

Mr. CRAGIN. The Senator knows that it was not a Territory in the sense in which we use that term.

Mr. SARGENT. Then the argument is all the stronger in our favor, because we did not put the Government to any expense to maintain us in infancy. We paid our own bills; and if other States had this set-off, certainly California ought to have had it.

Mr. EDMUNDS. Mr. President, I am in favor of the admission of the Territory of Colorado as a State upon a just bill, which shall do justice to the people of that Territory and do justice to the United States; but I have had frequent occasion to say that I do not think we are justified in passing a measure without proper amendments, if they be right and necessary, upon the fear that the other House may not agree to them. If we were to adopt that as a principle and rule, we should be foreclosed from making any amendments at all to House bills, because nobody knows to a certainty that any amendment that we make will be agreed to.

Mr. CONKLING. That would be as if there were but one House.

Mr. EDMUNDS. As the Senator from New York says, that would result practically in there being but one House. If this bill can be so amended as to conform to my ideas of justness and fairness, I shall vote for it with pleasure; but if we are to reject amendments which seem to be proper in themselves upon the mere ground of a supposed expediency in respect of not sending the bill back to the House of Representatives, then I cannot say that I could vote for it.

Now I come to the amendment proposed by the Senator from California, [Mr. SARGENT,] an amendment which I had marked in the bill and which I had intended to propose myself, to strike out that part of section 12 which provides for paying to this new State 5 per cent. of the proceeds of all the public lands in that Territory that we have sold. I do not see the ground of justice upon which, when a people rich enough and numerous enough and strong enough to be a State apply to us to be admitted as a State in the Union, we are to put our hands into the pockets of the people of the United States and take out the money which now justly belongs to them and give to that particular State any sum of money whatever.

I see the force of what the Senator from Nebraska [Mr. HITCHCOCK] has said about what has been done hitherto in respect of many of the States, but I have never voted for any such proposition, and I do not see the ground upon which I can do so. The question to me is not what has been done before, but what is right; and I do not see, arguing as a question now before us to be decided, upon what ground it is that the people of a Territory who ask to be admitted as a State are to say, "we shall be entitled to a certain proportion of the proceeds of the public lands already sold within our borders." I can see the force, as an act of generosity and assistance, in saying "the public lands already unsold in your Territory and new State, when they are sold, shall be subject to a certain percentage which shall go into your treasury," because the ownership by the United States of these lands of course, until they are sold, prevents the Territory from being filled up. I should be willing, as an act of fair and generous dealing, to say that when all these lands which are not yet taken up shall be sold for cash, not upon estimates upon reservations or other things, but when they are actually sold, a certain percentage of the sales may be devoted to your local purposes. I am willing to do that, but I am not willing to say that the people of the United States shall be taxed to pay to the people of the State of Colorado, who claim to be rich enough and strong enough to be a State now, a part of the public moneys that have been received from public lands or from any other sources already gone by. I do not see the justice of it; I do not see the philosophy of it. I know there are precedents of that kind, but I think it time, in the present state of the country, that we should abandon precedents which to my mind have no longer any force.

I hope therefore, Mr President, confining what I have now to say to the very topic under consideration, that we shall agree to the amendment proposed by the Senator from California.

Mr. HITCHCOCK. I do not know that I ought to say anything more on this amendment. So far as the amount actually involved is concerned it is a matter of very little importance to the people of Colorado. It is a matter of importance to the people of Colorado and to the people of this country, in my judgment, that this bill should pass, and therefore I am earnestly opposed to the adoption of any amendment, for the reason that while I do not think the 5 per cent. amounts to any very large sum, I do think that the admission of Colorado at this time is a matter of very great importance, and I believe that the adoption of this or any other amendment to this bill will peril and probably defeat the final passage of the bill.

Mr. HAMILTON, of Maryland. I as cordially concur with the views expressed by the honorable Senator from California on my

right [Mr. SARGENT] that I do not think it is an argument fair to be made upon a question of so much importance as this that the amendment would imperil this bill. I would ask the honorable Senator from Nebraska how can an amendment that is proper and legitimate and right and fair, as this appears to be, imperil the bill in anywise? I take it for granted that we as a co-ordinate department of this Government have a right, and we should exercise that right, of putting fair and legitimate amendments upon any bill. We have got eight days of this session remaining. This bill can be returned to the House of Representatives, and if it is so imperatively demanded that it should be passed, the House can act upon a proposition of this kind without much debate or without any debate at all.

Therefore I cannot see the force of the objection of my friend on my left [Mr. HITCHCOCK] that we are to force this bill through with obnoxious provisions, provisions which I do not see how he himself can maintain before this body or any other fairly, particularly when it may be doubtful upon other questions involved in it whether this Territory should now be admitted as a State. At all events, if that people is entitled to admission as a State into this Union, we should be careful that, in the organic law by which it is authorized to form a State government, we do no wrong to the people of the United States or to any State in the Union.

Mr. HAGER. Mr. President, I am prepared to vote for some act to enable the people of this Territory to form a State government preparatory to their being admitted into the Union; but unless this bill be amended in some of its details I shall have to vote against it. The only question that has ever operated upon my mind in regard to the passage of any measure of this kind is whether they have sufficient population in the Territory. Before the Committee on Territories, of which I am a member, I think it was pretty well demonstrated at the last session that they had the requisite number. I am inclined to favor some measure, as I stated; but in looking at the details of this bill it is so entirely different from any that I have been acquainted with, and especially from the conditions upon which the State of California was admitted into the Union, that it is a matter of surprise and astonishment to me. Section 7 provides:

That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one-quarter section, and as contiguous as may be, are hereby granted to said State for the support of common schools.

If I am not mistaken it was section 16, without the thirty-sixth in jour State. Then in section 8—

Fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, &c., are hereby granted, &c., for the purpose of erecting public buildings at the capital of said State, &c.

The Government is to have no right to interfere in the selection and location of these lands. It is to be done under the direction of the Legislature of the State or Territory of Colorado. The Department of the Interior would have no right to interfere in any way with the selection or location of those lands. Perhaps that may be right; but I am inclined to think that it is not, in view of other considerations which occur to my mind.

Section 9 provides—

That fifty other entire sections of land as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

Again, this is to be located and selected under the direction of the Legislature of the Territory. Section 10 provides—

That seventy-two other sections of land shall be set apart and reserved for the uses and support of a State university, to be selected in the manner as aforesaid.

Again, by direction of the Legislature of the Territory. Section 11 provides—

That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each—

Giving them discretionary powers to go beyond what might be adjoining and which in their opinion may be contiguous—

shall be granted to said State for its use, the said land to be selected by the governor of said State within two years after the admission of the State, &c.

Thus putting it out of the power of the Government or the Department in any way to interfere with the selection and location of these lands.

Mineral lands are not exempt by anything that appears here, and with this discretionary power of location and selection by the Legislature and by the governor all the mineral lands in the Territory of Colorado might be taken up under the magnificent grant of lands which is contained in this bill.

Next comes section 12, to which my colleague has proposed an amendment:

That 5 per cent. of the proceeds of the sales of public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the Legislature thereof may direct.

In the State of California all mineral lands have been hitherto reserved from sale. They are common grants to the people of the State and to the people of the United States. Any one may go there upon the mineral lands and pursue the occupation of mining. They are exempt, as I say; but there is no exemption here. On the contrary, this bill contains a power of itself to enable that Territory to control the entire mineral lands of Colorado.

I desire to propose as an amendment to insert as an additional section, to be section 16, the following:

That all mineral lands shall be excepted from the operation and grants of this act.

I submit it at this time because I am on the floor.

The PRESIDING OFFICER. (Mr. BOUTWELL in the chair.) There is an amendment now pending.

Mr. HAGER. It is not an amendment to the amendment, but I offer it as an additional section to the bill in connection with what I have said and because I happen to be on the floor at this time.

Mr. LOGAN. I did not intend this morning to take any part in this discussion, although I have done so to a very limited extent, for the reason that I am not feeling in a condition to-day to enter into a discussion of any length on anything. But when I hear the Senator from California on my right [Mr. HAGER] speak of the admission of California and the precedent which should apply from it, I feel like reminding him of the fact that the admission of California stands upon ground entirely different from the admission of any other State. It is a well-known fact in the political history of this country that the admission of California was as a part of a set of compromise measures agreed upon in the Congress of the United States. The admission of California was upon different ground from the conditions asked here or that were asked in reference to the admission of any other State. When we come to speak of precedents by which we might, whether we ought or not to be, be governed, we should refer to the precedent of States placed on a different basis from California at the time of its admission.

I said a moment ago that I would have no particular objection to these amendments, provided there was time enough in the residue of the session to insure the passage of the bill by the concurrence in these amendments of the other House. I would vote for the amendments if I thought there was anything in them that amounted to enough to require an expression on that side.

The first amendment mentioned by the Senator from California [Mr. SARGENT] is in reference to the word "prior," that is, that the 5 per cent. shall not be paid for lands sold prior to the admission of the State, but shall apply to lands sold subsequent to the admission of the State. Upon that point I desire to ask the Senator, and ask him seriously, what the distinction is between the Government paying 5 per cent. on lands sold prior to the admission and on lands sold subsequent to admission. So far as the principle is concerned, there is no difference and there can be no distinction. The only difference is that the percentage on lands sold subsequent to the admission can then be paid out of the money received at the time the lands are sold, while if the land was sold prior to the admission we should have already received the money in the Treasury, and would have to pay out of the Treasury 5 per cent. of the amount we had already got in from the sale of these lands. If any distinction can be drawn in principle on that proposition, I must confess my inability to discover it.

The next proposition is that the mineral lands are not excepted. Now, I have no objection to excepting mineral lands. I do not think they ought to be selected by the State; but let us reason about this thing; let us look at it in a plain, practical point of view, and see what the result is. Do not Senators who favor this amendment know the fact that the Government has not surveyed the mineral lands? Do they not know the fact that the Government does not propose to survey the mineral lands? Do they not know the fact that the mineral lands are subject to location by persons taking them up for mining purposes in small amounts, and that they pay four dollars an acre? They may take them up in small amounts. This bill must necessarily refer to placer lands, for this reason: Placer lands are the lands that are subject under the law to purchase from the Government. Its application therefore must be to the lands surveyed and for sale by the Government, and not to the lands which have been excepted from survey. The Senator from California lives in a mining region; and does he not know that if the officers of a State were to select a certain number of sections of land in a mountainous region without reference to the mines, where mines might be discovered and located, where they could not survey their claim, every constituent of theirs would look upon them as being at least partially insane, when there were placer lands surveyed by the Government on which their selections ought to be made and would be made? It does seem to me that that is reasonable at least to presume.

Without extending my remarks very far, I wish to call attention to one precedent, and that I only allude to because it is my own State. When the bill was passed April 18, 1818, admitting Illinois into the Union, that State was admitted upon four specified conditions. What were they?

First. That section numbered sixteen in every township, and, when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of the inhabitants of such township for the use of schools.

There in that vast domain of Illinois, almost every acre of which was susceptible of cultivation, every sixteenth section was granted to the people of the State for school purposes. Following this is a condition in reference to salt springs, which the Senator objects to

here. We have a number of salt springs in Illinois, and at one time a great amount of salt was made there:

Second. That all salt springs within such State, and the land reserved for the use of the same, shall be granted to the said State for the use of said State, and the same to be used under such terms and conditions and regulations as the Legislature of the said State shall direct: *Provided*, The Legislature shall never sell nor lease the same for a longer period than ten years at any one time.

There is the proposition in reference to salt springs and land adjacent thereto.

Third. That 5 per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the 1st day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following, namely: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State; the residue to be appropriated, by the Legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

Fourth. That thirty-six sections—

Besides the sixteenth section, mark you—

That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one heretofore reserved for the purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of the said State, to be appropriated solely to the use of such seminary by the said Legislature.

Now, there is every proposition, varying somewhat in amount but very little, and varying in language only to a small extent, that you find in this bill. Yet the Senator from California on my right [Mr. HAGER] says that when he read this bill he was perfectly astounded. His astonishment must have been very great. If he had read the precedents that are found in the statutes of the United States he would have known that these conditions apply to nearly every State that has ever been admitted into this Union, and that this bill is almost a *verbatim* copy in these respects of the bill that admitted Nebraska into the Union.

It does seem to me that the objections which are made to this bill are objections, however they might be considered well taken, which amount in effect to nothing, as I have shown in regard to mineral lands and the conditions which have been imposed in the admission of every State in this Union in reference to reservations for certain purposes.

I admit that in the admission of Illinois the 5 per cent. was only allowed on the sale of lands subsequent to the admission of the State; but, as I said before, I cannot see the distinction in principle. I do not understand that there is a distinction, so far as the principle is concerned, between paying 5 per cent. on money received and on money to be received. I cannot understand a difference in principle to save my life.

For these reasons which I have briefly given I propose to vote against these amendments; and for the other reason, as I said, that I think they may endanger the bill.

Mr. SARGENT. I propose to perfect the bill if I can, by offering amendments that will make the bill such that there will be some protection to the people of Colorado after it is passed, and prior to that I propose to perfect the bill so as to protect the United States Treasury. There is a great difference between making up an account for the last ten years for the sale of public lands in the past and paying in the future, although the Senator says he does not see any difference in principle. So far as the future is concerned, we shall have the money coming in and we can make such disposal of it as we see fit. So far as the past is concerned, we simply create a debt. It is well known that the Treasury is not overburdened, and if we count up two or three hundred thousand dollars due that Territory, we have got to take it out of funds not coming in, which may be diverted to that purpose, but out of the Treasury. I do not think it is just to the Government. I put it on that ground. We have been paying the expenses of this Territory for many years past, nursing it along, paying the mileage and salaries of members of its Legislature and other officers, and I do not think it is just that we should be required now to pay this amount.

But the principal objection I have to this bill as it now stands is that it strikes away every guard around the rights of the miners of Colorado. They have simply taken a law which relates to an agricultural State like Nebraska, and put that on here without discrimination, which I must say the Mining Committee of the Senate never would have done in regard to a Territory which is mixed—mineral and agricultural—and more important in mining than in agriculture. In my State it would work disastrously, and I call the attention of the Senator from Nevada to this case, that such a provision as I designed to propose to this bill and as my colleague proposes would save great disaster and great injustice. That reserves the sixteenth and thirty-sixth sections where they are mineral lands from passing to the State. There is no such guard in this bill where the sixteenth and thirty-sixth sections are given, nor in the thirty-two thousand acres given for erecting public buildings, nor in the forty-six thousand given for a State university, nor in the thirty-eight hundred and forty given in connection with the salt springs. I do not object to any of those grants except that they are very large in this age of the world when we are endeavoring to secure the disposition of all other lands for homestead purposes. I say with all of that and with the forty-six thousand and eighty acres given for purposes of internal improvement and the thirty-two thousand acres given for a State prison and the thirty-two thousand given for other public buildings, not one of these acres is protected, if it is mineral, from seizure by speculators who may get the State title surreptitiously or by superior inducements that they can hold out in the same manner that there was an attempt made to grab the Keystone Mine in California, which had been in the possession of men who had developed it for a dozen years. By the ultimate decision of the courts that question was soon put at rest and that exception saved; and if that had not been so, if we could not have established the principle in the courts, by the Land Office saving that mine, hundreds of mines in the State of California situated on the sixteenth and thirty-sixth sections would have gone in just the same way, and our miners would have been robbed and would have lost their possessions. That is an illustration. In that case I took a personal interest, contrary to my usual habit of not interfering in matters before the Departments. I went without fee or reward and protested against the injustice of any other decision than this saving construction of that law, and followed it by a written protest which I put on file there, and which remains to this day, against overruling that exception in favor of speculators. I say in view of that recent experience not two years gone now, I stand here to protest against turning over the miners of Colorado to the injustice which would arise provided that exception was left out of this bill.

Now, as I have said repeatedly, the only question is whether we shall go back to this accounting during the time we have kept this Territory at our own expense. The yeas and nays have been ordered on that, and I hope we shall have the vote.

Mr. PRATT. The pending proposition, I understand, of the Senator from California is about section 12, so that 5 per cent. of the proceeds of the sales of the public lands in Colorado shall be paid over hereafter to the State, and not 5 per cent. of the proceeds of the sales which have accrued heretofore. If that is the nature of the amendment, I propose to address to the Senate a few observations upon that point.

I have been curious to examine the earlier precedents upon that subject. I have before me the several enabling acts under which the States of Ohio, Indiana, and Illinois were admitted into the Union, and I find that in every case the provision is explicit that the 5 per cent. of the proceeds of the sales should be paid over to the new State at some day subsequent to the passage of the enabling act. Take, for instance, the case of Ohio, which was admitted into the Union in 1802. The condition there was—

That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress from and after the 30th day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, &c.

The provision in the enabling act under which the State of Illinois was admitted into the Union is similar in its terms. The third condition is—

That 5 per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress from and after the 1st day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following.

The enabling act under which Illinois became a State was passed on the 18th of April, 1818. These proceeds were to be paid over to that State from and after the 1st day of January, 1819. Now I turn to the case of Indiana. Indiana was admitted under an enabling act passed by Congress on the 19th of April, 1816; and it is provided in the first section—

That the inhabitants of the Territory of Indiana be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States in all respects whatever.

Then it provides certain conditions. Section 6 provides:

That the following propositions be, and the same are hereby, offered to the convention of the said Territory of Indiana, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States, &c.

Then comes the provision to which I wish to refer. The third condition is:

That 5 per cent. of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the 1st day of December next—

That is, the 1st day of December, 1816—

after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State under the direction of Congress.

I have not had time to pursue the precedents any further. But in these three great States express provision was made, as will be seen by what I have read, that the proceeds were to be paid over only as they should come into the Treasury at a date subsequent to the admission of the State into the Union. Now, why should not this rule apply to Colorado and apply to her with much greater force than it applied to these States because I do not see any provision in this bill similar to that which was incorporated into those several enabling acts admitting Ohio, Indiana, and Illinois to the Union? They were allowed these proceeds in consideration that they would, by an ordinance irrevocable, provide that none of the lands belonging to the United States should be taxed for the period of five years after their sale. That provision was carried into every enabling act under which the States which are now old but which were young States then

were admitted into this Union. They were allowed this percentage on these proceeds because they relinquished to the United States for the term of five years after the lands were sold the power of taxation. If there is any similar provision in this bill providing for the admission of Colorado into the Union, I have been unable to find it. I trust my honorable friend from Nebraska [Mr. HITCHCOCK] will point it out if there is. After this motion shall have been disposed of, I shall move to strike out this entire section. I am unable to perceive any reason whatever why any of the proceeds of the sales of the public lands in Colorado should be paid over to her after her admission as a State. I inquire what reason there is, what precedent there is why these proceeds should be paid over when she gives no equivalent in the shape of a release from taxation of the lands of the United States for the period of five years.

Mr. HOWE. Mr. President, in the State of Maine it was once the law, if it is not now, that when a young man arrived at the fixed age of twenty-one years he was emancipated from the control of his father, and had the right to direct his own exertions and to appropriate the proceeds of his own exertions. I knew in that State once a very rich and a very parsimonious man who had but one son, not a good many, only one; and one day he became twenty-one years of age, and by the law of the State he was entitled to his own time and the proceeds of his own efforts thereafter. His father insisted, however, that he should enter into that estate only upon the condition that he should take with him one cow and take possession of a tract of pine barrens upon which the grasshoppers which visited Nebraska and Kansas the last summer would have despised themselves if they could have thought of settling for a moment. The young man in obedience to parental authority took his cow and took possession of the lot, and you will not be surprised to hear that in a very few years he committed suicide. [Laughter.]

We have no general law which determines when our children, the children of the Republic, shall become of age and shall have the right to set up for themselves. We have been in the habit of fixing that time as each individual child came forward to claim it. Another child is here to-day asking to be emancipated from the parental authority, so to speak, of the United States, willing still to be a child, but wanting, like other emancipated children, the right to guide herself. My own judgment is that we ought to confer that right upon the people of Colorado or withhold it, one of the two. If we give it, I think we had better give it in a generous, cordial, decent, fatherly, if not motherly way; not cuff their ears and tell them to go, nor kick them and tell them to go. If we withhold it, withhold it altogether.

I have but one test by which to judge for myself when this thing we call a State ought to be admitted or not. Whenever I find a community friendly to the United States and able to pay the expenses of their own government, defray the charges of their own control, if they say they are willing to do it, I am not the man to forbid them. If my own judgment is not quite in accord with theirs, if I find a pretty spirited and a pretty plucky people saying that they are equal to the work of self-government, when I am not quite satisfied of the fact myself, I rather yield my own opinions to theirs. I would rather encourage a little ambition of this kind than discourage it. But whenever a case of that kind comes, if the point on which you hesitate is whether they are really equal to defraying their own charges or not, that is not the people for you to drive a hard bargain with, but be a little generous, be a little liberal with that people if you are going to be with any.

Now, we stand here disputing at this present time whether we will pay to the State of Colorado 5 per cent. of the proceeds of all the public lands which have been or may be hereafter disposed of within her limits, or only 5 per cent. upon such proceeds as may be derived hereafter. The precedents are both ways. The great majority of precedents are, as has been stated by the Senator from Indiana, in favor of paying the 5 per cent. on the future sales. That was done as he says with Ohio; that was done with Illinois; that was done with Indiana; that was done with Wisconsin; that was done with Iowa; that was not done with Minnesota. The precedents are both ways. All I can say about it is that the difference is not probably $5,000 in the case of Colorado; I do not know that it is a thousand dollars, I really do not know at all what it is. We stood here the other day and voted $10,000, a free gift, to educate whom? The children of certain Indian tribes not any more nearly related to us, not any more nearly related to the best of us, than these people in Colorado.

Mr. SARGENT. My impression is that the Senate struck that out.

Mr. HOWE. No, sir. We had a pretty tight struggle to prevent it being voted at $30,000. I believe we did prevent that, but the $10,000 we adhered to.

Mr. HAGER. The record says it was stricken out.

Mr. HOWE. The $10,000? That was not my recollection.

Mr. HAGER. I asked the question of the Chair, and the Chair said it would be stricken out if the amendment then moved prevailed, and it did prevail.

Mr. HOWE. My recollection is so very distinct that I do not think I can be mistaken; but if I am mistaken, then we are $10,000 better off, and can so much the better afford to do justice to Colorado.

The Senator from Indiana, [Mr. PRATT,] however, makes a point which I should like to have attended to, and I hope the Senator from Nebraska [Mr. HITCHCOCK] will explain that. It is true, as the Senator from Indiana says, that in every instance these grants of land or these grants of money have been made to these Territories as the equivalent for certain conditions imposed upon the Territory for admission as a State, fundamental conditions. I never thought there was a great deal of value in these conditions, though there is some, perhaps. I should really hope it would be explained why these conditions are left out. I shall vote, however, against the pending amendment. I shall vote for 5 per cent. on the proceeds of lands already sold, as well as lands hereafter to be sold.

Mr. PRATT. Before my friend from Wisconsin takes his seat I will read to him the clause to which I referred; it is the same in Ohio and Illinois that it is in the enabling act by which Indiana was admitted into the Union:

And provided always, That the five foregoing provisions herein offered are on the conditions that the convention of the said State shall provide by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by the United States from and after the 1st day of December next shall be and remain exempt from any tax, laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale.

Mr. HOWE. Yes, and we do not mean to take the State in at all without imposing those conditions; but I want to suggest to my friend that he will not meet the difficulty if he leaves the conditions out and takes compensation by refusing the 5 per cent. and the other grants of land. Striking them out does not make the omission any less objectionable. The conditions should go in and these provisions should not be stricken out.

Mr. TIPTON. Mr. President, on the subject of this 5 per cent. fund——

Mr. STEWART. Will the Senator from Nebraska give way? I should like to make a request of his colleague that he waive further opposition to this amendment. This amendment, and two or three others, several Senators desire to make, and I think we shall get along better with the bill if these amendments are consented to without further opposition.

Mr. TIPTON. I propose to make the statement with which I commenced. The explanation given by the Senator from Indiana to the Senator from Wisconsin in regard to the commencement of the custom of paying 5 per cent. to States on the sales of lands I think is accurate. It was in order to make some compensation to the State, from the fact that the State was not able for five years to derive any revenue from the lands thus sold. Now, in regard to the new States, we are not able to derive any revenue from the lands sold by the General Government to individuals, or rather to those who are homesteaders, for the space of at least about seven years. This 5 per cent. has been given to the State of Nebraska on all lands sold before it was admitted as well as on all the lands since sold, and it is also a fact in regard to our legislation that in order to draw a larger amount into our new State treasuries from the 5 per cent. fund an act was passed in the case of the admission of the State of Alabama, and it was extended to the State of Mississippi in 1857, and extended to other States in the Union afterward, allowing all the unsold Indian reservations within a State to be estimated as lands already sold at $1.25 an acre; and on this estimate of Indian reservations before ever they were sold State after State has received thousands and tens of thousands of dollars from the General Government as a 5 per cent. fund. I am not certain that Nebraska has ever received more than perhaps twenty-five or thirty thousand dollars—I cannot be exact as to the amount—from this 5 per cent. fund; but I do know that we felt that we are entitled to $60,000 recently by estimating our Indian reservations as though they could be included also as lands sold. We went to the Treasury Department, and I think our claim was allowed until it reached the Comptroller. The Comptroller set it aside, and we are now seeking by legislation to have the privilege of taking from the Treasury of the United States $60,000 on account of Indian reservations which have not been sold, and we can only do it by having the act which was passed for the benefit of Mississippi extended to the State of Nebraska, as she was not a State at the time that act was passed.

So, then, the history of this 5 per cent. fund is before the Senate, commencing with it as given to the States of Indiana, Illinois, and Ohio; then extended to some of the other States, and given to Nebraska on the sale of lands before she was admitted as well as on the sale of lands subsequently, and then the extension of an act to the States of the Union allowing them to estimate their Indian reservations as though they had been also sold at $1.25 an acre and giving them 5 per cent. on such sales. I leave the history of the 5 per cent. fund with the Senate.

Mr. STEWART. I ask the Senator from Nebraska who has the bill in charge [Mr. HITHCOCK] to withdraw opposition to this amendment and let it be adopted. It cannot injure the bill, and I am inclined to think it will be more satisfactory to the Senate.

Mr. HITCHCOCK. So far as the amendment itself is concerned, I have no particular objection, as I stated before, to its adoption. It amounts in the aggregate to a very small sum. The precedents which have been quoted here in regard to the matter are correct, because the earlier acts were less liberal than the later ones. States admitted years ago did not receive 5 per cent. on the proceeds of lands sold prior to their admission. States recently admitted have received it. My own State has received it. It amounts, however, as I said before, to a very small sum, and Colorado is abundantly able to pay her own

expenses without this 5 per cent. It will be a conspicuous example of economy on the part of the Senate of the United States if they save four or five thousand dollars in the case of Colorado; and so far as that in itself is concerned I have no objection; but as I said before, I have objection to any amendment. I desire if possible to prevent any amendment being adopted for the reason that I believe it will peril the passage of the bill, and I sincerely and earnestly desire the passage of the bill, and so I shall ask for a vote upon this amendment. And I hope it will be voted down.

Mr. SARGENT. I can assure the Senator that he makes a great mistake. It will take a long while to pass this bill, provided the Senator who has it in charge and the particular friends of the bill insist that it shall pass without amendment. We propose amendments which we can defend upon principle; we bring forward precedents establishing their correctness; and the Senator does not object to the correctness of the amendments, but stating that he has no objection to them intrinsically, will not allow the bill to be amended. That is not legislation. If the Senator desires to oppose the amendments on any legitimate principle which he may suggest, that is another proposition; but when he simply stands here and says, "This bill shall not be amended, no matter what reasons may be given," then I assure him it will take a very long while to pass his bill. I should be sorry to take up the time of the Senate, but I think after a recent exercise of my wings in that direction, I can take a little while on the bill if it be necessary to prevent its passage in a form disastrous either to the Treasury or to the people of Colorado.

Mr. HITCHCOCK. I have no desire of course to prevent the adoption of this amendment provided a majority of the Senate so will. I expect, as I trust the honorable Senator from California expects, to be governed by the will of the majority in that regard. If a majority of the Senate vote to amend the bill in this particular, I certainly shall bow to that decision. I desire simply a vote upon this amendment; and that I believe is the ordinary course of legislation.

Mr. SARGENT. Yes, let us have a vote.

Mr. HAMILTON, of Maryland. I desire to say a word upon this amendment. If I understand the section proposed to be amended, it is to pay over moneys already collected by the United States from the sale of its lands in this Territory to the State of Colorado when admitted. Those moneys have been spent. Under the bill, the moment this bill is passed we owe to the State of Colorado this amount of money, whatever it may be. That is against every precedent which has hitherto obtained, with one exception. In the case of Nebraska I am told that was done; and that I presume was an oversight. Not only is it dangerous in that respect, but may not some States begin to look around for claims against this Government? Are they not continually doing it? We know that percentages from sales of public lands are now claimed by Indiana and other States, and the question is still in controversy. So there are demands for claims as to arms. When these claims have been disposed of, will not those States come back and say "You have been voting money to Nebraska and to Colorado, to all future States that come into the Union as a percentage on lands sold prior to their establishment as States, and we are entitled equitably to the same?" Such claims will be pressed by agents in the different States, for it is not the States that are here generally but the agents who are interested in getting up these claims for States, who receive large percentages for the collection of these claims and get Legislatures to send them here. They can stand before this body and before the country upon the principle "you have given to other States, and why shall not we have it?"

Mr. President, I am opposed to it because it is the creation of a debt. The money has been paid into the Treasury and we have got to go there to take it out; and besides it is establishing a principle upon which other States may in the future come upon us with claims.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California, [Mr. SARGENT,] upon which the yeas and nays have been ordered.

Mr. HITCHCOCK. If it is in order to do so, on consultation with the friends of the bill I am of the opinion that possibly it may facilitate the speedy passage of the bill through the Senate or a speedy vote upon the bill if this amendment is agreed to; and against my own judgment, against my own feelings, I have decided so far as I am concerned, if it is in order, to withdraw any opposition to it.

Mr. SARGENT. With that disposition of the amendment, I am willing to withdraw the call for the yeas and nays.

The VICE-PRESIDENT. With the consent of the Senate the call for the yeas and nays may be withdrawn. The Chair hears no objection to the withdrawal of the call for the yeas and nays. The question is on the amendment of the Senator from California, [Mr. SARGENT.]

The amendment was agreed to.

Mr. SARGENT. I offer the following as a proviso to section 12:

Provided, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public uses.

I desire to say only a word or two in reference to the amendment. When I was up before, I outlined my purpose in stating that I would offer such an amendment, and I believe it covers the ground which I proposed. The remarks of the Senator from Nebraska [Mr. TIPTON] since that time give me an illustration of my idea. I understand that his State has made or proposes to make a claim for $60,000 for lands which are reserved by the United States as Indian reservations, on the ground that if the United States reserves them instead of selling them, the 5 per cent. should go to the State in any event. The Senator assents that that is correct. I want to exclude that exclusion for the future at any rate, and if we have Indian reservations in the State of Colorado, I do not want to have to pay 5 per cent. of a valuation on them to the State for the privilege of holding them. Furthermore, as we are pretty liberal now under the homestead law, and large amounts of land are taken up under it which formerly were not, I do not want to have to pay 5 per cent. on the assessed valuation of those lands under this section to the State of Colorado or any other State that may hereafter come in, or to any State now in the Union. To exclude these conclusions I offer this amendment.

Mr. EDMUNDS. I move to amend the amendment by inserting after the word "public" the words "or other;" so as to read "public or other uses." I am doubtful whether the words "public uses" would cover an Indian reservation or various other reservations that might be named.

Mr. SARGENT. I accept the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California as modified.

The amendment was agreed to.

Mr. SARGENT. I have one more amendment to offer to this section. After the words "sales of" in line 2, I move to insert "agricultural;" so as to read "that 5 per cent. of the proceeds of the sales of agricultural lands." The percentage has only hitherto been applied to the proceeds of the sales of agricultural land, and I want that word inserted. This of course does not cover the reservation or the subject which is covered by the amendment of my colleague in reference to mineral lands. I had drawn an amendment relating to that subject, but I think his is better than mine, and I will not offer any amendment on that matter, leaving it to him to do so.

The amendment was agreed to.

Mr. HAGER. I now offer the amendment which I before sent to the Chair.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is moved to insert as an additional section—

That all mineral lands shall be excepted from the operation and grants of this act.

Mr. HITCHCOCK. That amendment is already covered by the amendment submitted by the other Senator from California, [Mr. SARGENT.]

Mr. SARGENT. No, sir.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend section 3, lines 22 and 23, by striking out the words "from the passage of this act," and inserting the words "next after the 1st day of September, 1875;" so as to read:

Which proclamation shall be issued within ninety days next after the 1st day of September, 1875.

The object of this amendment, with one or two others which I shall offer in the same connection, is to give the people of the Territory a considerable space of time between the passage of this act and the issuing of a proclamation for the election of members of a constitutional convention, in order that this most important act which the people in this Territory can ever perform will have undergone public discussion for a period long enough to have public opinion take a definite shape.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. In the same connection and to carry out the same idea, in section 5, line 16, I move to insert after the word "held" in line 6 the words "in the month of July, 1876;" so that it will read, "for submitting said constitution to the people of said State for their ratification or rejection at an election to be held in the month of July, 1876;" thus fixing the month within which the election ratifying the constitution shall be held.

Mr. HITCHCOCK. I hope that amendment will not be adopted. It is simply postponing the admission of Colorado to some time in the year 1876 at least. I understand the object of the Senator's amendment is to postpone the election for the ratification of the constitution to July, 1876.

Mr. EDMUNDS. The Senator is right.

Mr. HITCHCOCK. I believe that Colorado is entitled to admission now. I believe she is entitled to admission upon every consideration of right. I believe there are there a sufficient number of American citizens to be entitled to representation and admission as a sovereign State. The object of this amendment is to postpone their admission to some future and indefinite time. I hope it will not be adopted.

Mr. EDMUNDS. Probably there is not any great object in the Senator from Nebraska or myself making speeches about these questions. There are very few Senators present; but to those who are present, I will say that I think this is a very important amendment; and it is that after this convention shall have been called, as we have now agreed, in September, 1875, and shall have met therefore in the winter of 1875–'76 and submitted their constitution to the people,

that there may intervene a space of five or six months between the time when the constitution is agreed to by the convention and the time when the people are called upon to vote on it. I think that in most of the older States, I think in most of the newer ones, according to their constitutions, regulations exist for a considerable space of time between the proposal of a constitution or an amendment to a constitution by a convention to the people and the time when the people are called upon to vote on it, in order that every citizen of the community may have ample time to study the fundamental and most important instrument that can exist in a State and to vote upon it intelligently. That is all there is to it; and inasmuch as this amendment only gives at the most six months, and probably in fact not more than four or five, it appears to me that it is of great importance to this people that their first fundamental law should be made sufficiently familar to them that they may understand perfectly what they are voting for as the fundamental law of their State.

The question being put on the amendment, it was declared that the noes appeared to prevail.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Davis, Eaton, Edmunds, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Ransom, Sargent, Saulsbury, Sprague, Stewart, Tipton, Washburn, and Windom—27.

NAYS—Messrs. Cameron, Clayton, Conover, Cragin, Dorsey, Flanagan, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Jones, Lewis, Mitchell, Oglesby, Pease, Pratt, Ramsey, Robertson, Schurz, Scott, and Wright—22.

ABSENT—Messrs. Alcorn, Boreman, Boutwell, Brownlow, Carpenter, Chandler, Conkling, Cooper, Dennis, Fenton, Ferry of Connecticut, Ferry of Michigan, Ingalls, Logan, Morrill of Maine, Morton, Patterson, Sherman, Spencer, Stevenson, Stockton, Thurman, Wadleigh, and West—24.

So the amendment was agreed to.

Mr. HAGER. I wish to offer an amendment to section 8, line 5, after the words "Legislature thereof," to insert "with the approval of the President."

As the bill now reads in section 8 certain land is "to be selected and located by direction of the Legislature thereof." I wish to add "with the approval of the President," so that it will require the approval of the Department here. I think, as it relates to the public domain, we ought not to delegate this power of selection and location without reserving some control in the Department; and I understand it has been the practice hitherto that these locations shall be made with the approval of the President, which of course would throw it to the Department, that the Department may know what is going on. I think that is perfectly right.

Mr. HITCHCOCK. I have no objection to that amendment.

The amendment was agreed to.

Mr. HAGER. To carry out the same purpose, in section 9, line 2, after the word "location," I move to insert "and with the approval as aforesaid;" so as to read:

That fifty other entire sections of land as aforesaid, to be selected and located and with the approval as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted, &c.

Mr. HITCHCOCK. I make no objection.

The amendment was agreed to.

Mr. HAGER. Now, in section 10, line 3, after the word "selected," I move to insert "and approved," so as to read "to be selected and approved in the manner aforesaid."

The amendment was agreed to.

Mr. HAGER. In section 11, on line 3, I move to strike out the word "or" and insert "and," so as to read "with six sections of land adjoining and as contiguous as may be to each," instead of "or contiguous."

The amendment was agreed to.

Mr. INGALLS. Has any change been made in the thirteenth section of the bill as it was originally printed?

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The Chair understands that no change has been made.

Mr. INGALLS. That section refers to a chapter and section of a statute that has no longer existence. I move to strike out all after "that" in the first line down to and including the words "eighteen hundred and forty-one" in the fourth line, and insert:

Section 2378 of the Revised Statutes of the United States.

The reason for making the change is that the statute referred to in the bill has been repealed and the provision of the section referred to is now incorporated in section 2378 of the Revised Statutes of the United States.

Mr. BAYARD. The Revised Statutes have as yet been furnished to very few members of the Senate; and I ask the Senator from Kansas to be kind enough to explain what is the effect of this amendment.

Mr. INGALLS. The effect of the amendment is simply to apply the provision of the eighth section of the act of the 4th of September, 1841, to the State of Colorado, the original act having been repealed and the section to which this refers having been incorporated in the Revised Statutes, which is now numbered section 2378.

Mr. PRATT. Please read that section.

Mr. INGALLS. It reads as follows:

There is granted for purposes of internal improvement to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

Mr. BAYARD. I merely desire to understand what was the matter referred to.

The amendment was agreed to.

Mr. PRATT. I move now to strike out section 12, which provides for the giving of 5 per cent. of the proceeds of the sales of the public lands in Colorado to that State. I wish to take the sense of the Senate upon that proposition. This bill goes beyond all other bills granting lands to new States. For example, section 7 gives the sixteenth and thirty-sixth sections of land in every township for the benefit of common schools; section 8 gives to the State fifty sections of the public domain for the purpose of erecting public buildings at the capital of the State for legislative and judicial purposes; section 9 gives to the State fifty sections of land for the purpose of erecting a suitable building for a penitentiary. Is there any precedent for that?

Mr. LOGAN. Yes.

Mr. PRATT. In what State?

Mr. LOGAN. Nebraska.

Mr. PRATT. The precedent is of a very recent date.

Mr. LOGAN. Kansas, too, I think.

Mr. PRATT. Section 10 gives to this new State seventy-two sections of land to be set apart and reserved for the use and support of a State university. That is an old provision, I admit. Section 11 gives to this State seventy-two sections of land contiguous to salt springs. The earlier legislation was simply to give the salt springs themselves to the States, to be leased by them.

Mr. LOGAN. I will state to the Senator from Indiana that although the bill allowing Illinois to be admitted into the Union did not expressly provide the number of acres of land granted for that purpose, yet an act of Congress prior to that set apart lands at the salt springs in Illinois, and at Shawneetown and at Brownsville there were very large bodies of land set apart with those salt springs; I do not remember the number of acres. Afterward, Congress some years ago—I introduced the bill myself—transferred the land to the State, and by an act of the Legislature the land was surveyed and sold. I do not remember the number of acres, but there was a very large tract of land accompanying each one of the salt springs reserved.

Mr. PRATT. I am not objecting to these bountiful provisions in the way of public lands; but I am objecting to the proposition that in addition to all of these large grants, some of them it seems to me unusual, to the State of Colorado we should also give to that State, which I understand from the statement of the honorable Senator from Nebraska [Mr. HITCHCOCK] this morning contains an area three or four times as large as the State of Indiana, the twentieth part of the proceeds of all the public lands to be sold hereafter within that State.

What equivalent is reserved by this bill to the United States for these liberal grants? Heretofore, as I endeavored to show when I was up before, there was in every enabling act, in consideration of these various bestowments, a provision that the new State should abstain from taxing the lands of the United States for the period of five years after their sale. That was a provision inserted in all the enabling acts, for the purpose of promoting the early settlement of those States and inducing men to invest their money in the purchase of the public lands. That was the equivalent, and it was a great equivalent, which the United States received in return for these large bestowments. But there is nothing of that sort reserved in this bill. All of these lands and the 5 per cent. of the proceeds of the lands to be hereafter sold are bestowed upon the State without her rendering any equivalent whatever according to the earlier legislation in like cases.

I think this new State ought to be contented with these liberal bestowments of the public lands without asking that a twentieth part of the proceeds of all the large public domain within her limits that shall hereafter be sold shall be paid into her treasury for the purposes of internal improvement. If I remember aright, the Government has been very liberal with this Territory heretofore in the way of subsidies for building a great railroad that runs into the Territory from Missouri. But in addition to that you are to give 5 per cent. of the proceeds of all the lands hereafter to be sold, let those sales be large or little. It is not likely that the amount will be very large under our present pre-emption and homestead system; but what I object to is the principle. It is an entire departure from the earlier legislation. Similar grants were made to Ohio, to Indiana, to Illinois, to Alabama, to Mississippi, and to Missouri, in consideration of the fact that they would abstain when they became States from taxing the public lands for five years after they were sold; and there is no similar provision in this bill.

Mr. HITCHCOCK. Mr. President, I will state in a single moment the difference between the situation of the public lands and the method of obtaining the public lands in Colorado and the method of obtaining public lands in olden times in Indiana and in Illinois, to which the Senator alludes. At that time any person could enter public lands by paying his $1.25 per acre and could obtain title thereto. At the present day in the Territory of Colorado the only method of obtaining title to public agricultural lands is by pre-emption or homestead, and mostly under the homestead law. By the provisions of that law a man is unable to obtain his title from the United States for the period of five years; and during those five years, although

the State government is at the expense of maintaining law and order and sustaining government there, the State is not able under the law to tax this land. For that reason there is a propriety in allowing this 5 per cent. to States admitted now which did not exist at the time of the admission of Indiana and Illinois.

One thing more in answer to the Senator. He stated that the Government had been very liberal in subsidies to railroads within this Territory. I have to say to the honorable Senator that there are now running and completed within the limits of the Territory of Colorado seven hundred and thirty-five miles of railroad, and not one mile of it has received a money subsidy from this Government and only two hundred and fifty miles ever received any land from this Government.

Mr. FRELINGHUYSEN. I would ask the Senator from Nebraska whether there is in this bill, as I have not examined it, any provision that the lands of the United States shall for five years be exempt from taxation by the State?

Mr. HITCHCOCK. No such provision is necessary, because the lands are exempt not only for five years but for fifty years, so long as the United States holds them.

Mr. PRATT. The Senator forgets the point that I made. The earlier enabling acts provided that this exemption from taxation should exist for the period of five years after the Government had sold the lands. That was the point I made.

Mr. FRELINGHUYSEN. I will read the language of the provision:

Provided, That the foregoing propositions are offered on the condition that by an ordinance irrevocable without the consent of the United States the State shall provide that each and every tract of land sold by Congress shall remain exempt from any tax laid by order or under authority of the State, whether for State, county, or township, or any other purpose, for the term of five years after the day of sale.

That provision is in all the acts creating the States from the time of Ohio down to the present.

Mr. HITCHCOCK. Does that provision exist in recent acts for the admission of recent States?

Mr. FRELINGHUYSEN. For the admission of all the States down to the time that Missouri was admitted, as I know from an examination of them.

Mr. HITCHCOCK. As I said before, that provision did exist and was proper perhaps then; but now after settlement is made on the lands, after a man goes and takes a homestead upon the lands, he does not obtain title for the space of five years; and for that reason there is eminent propriety in the 5 per cent. being given to the State, because while it is compelled to maintain law and order and protect that settler, it is unable to tax his land.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Indiana [Mr. PRATT] to strike out the twelfth section as amended.

Mr. MORTON. It strikes me that on this point the Senator from Nebraska is right, although I agreed with my colleague when he first made his point. The enabling act of Indiana provided that 5 per cent. of the proceeds of the sale of lands made after her admission should be given to the State upon the condition that the land sold by the United States should not be taxed for five years. Then there was no homestead law and the lands were all sold. Now the settler locates upon the land and at the end of five years he gets his patent and then the land is taxed, so that the result is about the same, that for five years the lands are not taxable in either case. I think that is a good answer as to such of the lands as are settled upon under the homestead law.

Mr. LOGAN. But if these five years are added, it will be ten years before they can be taxed.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Indiana [Mr. PRATT] to strike out the twelfth section.

The amendment was rejected; there being on a division—ayes 9, noes 30.

Mr. EDMUNDS. I move to strike out section 13. The thirteenth section provides:

That the eighth section of the act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the 4th day of September, 1841, shall be and is hereby declared applicable to the State of Colorado when admitted into the Union as herein provided.

I find on looking at the eighth section of the act of the 4th of September, 1841, that it provides:

That there shall be granted to each State specified in the first section of this act five hundred thousand acres of land for the purposes of internal improvement.

And it then proceeds to provide how these acres shall be selected, &c., which I will not take the time of the Senate to read. The States named in the act of 1841 are Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Arkansas, and Michigan. The effect of this section, then, is to give to the State of Colorado five hundred thousand acres for purposes of internal improvement. Lands in Colorado which are fit for agricultural purposes are somewhat scant, as we all know. The grants of lands made to the recent States have not included this eighth section of the act of 1841; and when we admitted the State of Nebraska, which I take for an example, and which I feel somewhat sure will have force with my friend from Nebraska who has charge of this bill, we did not give, so far as I have been able to observe in reading the act, these five hundred thousand acres of land to Nebraska.

Mr. HITCHCOCK. But you did give it by a supplemental act afterward.

Mr. EDMUNDS. I did not know that; but I can well imagine, in the scramble for public lands that took place about the years 1864, 1865, and 1866, and which has swamped the public-land system of the United States, that something of that kind could have been done; but in the original and well-considered act that was not provided for. Besides, there have been granted to railroad corporations lands in the Territory of Colorado which have been devoted to public improvements to a very large amount. So that the case does not stand as it stood in respect to all these earlier States through which, when they were admitted, railroads had not been projected and had not received land grants; but it stands in the attitude of a people whose internal improvements by large grants of land have already been provided for. Then, if we now add to what we have already given for purposes of internal improvement in Colorado five hundred thousand acres more of land, we shall be doing more for Colorado than we did for the States named in the act of 1841. I think that is unjust. I think if this people is strong and rich, as it is said to be, and I believe it, they are able to take care of themselves, and if they have already received all the benefits of internal improvements through railways built out of the aid of the Government, either in bonds or in lands, it is not just to say that the land of the people to the extent of five hundred thousand acres shall be taken in addition and given to them on the old theory which applied to States where internal improvements had not yet been begun and carried on. This is my motive for moving to strike out this section.

Mr. HITCHCOCK. I have but a word to say on this amendment. By the Revised Statutes of the United States, section 2378, it is provided:

There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

Now, if it is the desire of the Senate, on the ground that Colorado is able to get along without it, to make Colorado an exception, I submit; but I think it is very remarkable economy, and I trust it is an exhibition of economy that the Senate will not at the present time make.

Mr. STEWART. I hope this amendment will not be agreed to. It would be making an exception against Colorado that has not been made against any Western State since the first act was passed. They have all had this grant, and in Nevada it was specially beneficial. The Legislature of that State asked that it might be diverted to common schools, and we got the consent of Congress, and those lands have been sold and we have a nice common-school fund from them, and it has been of great service.

Mr. EDMUNDS. That does not come under the head of "internal improvements."

Mr. STEWART. No; but we diverted it to that purpose with the consent of Congress. We have the finest common-school fund there of any State in the Union of its size. I hope that Colorado will have it and that she will do as well with it as Nevada has done.

Mr. EDMUNDS. My friend from Nebraska has referred me to section 2378 of the Revised Statutes. It declares:

There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

So that if you keep this section in the bill the State of Colorado will receive under the bill, first five hundred thousand acres of land for internal improvements specifically under the act of 1841; she will then under the Revised Statutes receive five hundred thousand acres of land to be disposed of as she pleases to dispose of them. Does the Senate mean to say she is going to get a million acres of land?

Mr. HITCHCOCK. I think the honorable Senator was not present when the bill was amended in that respect a few moments ago referring to this very section of the Revised Statutes. That section has already been amended.

Mr. EDMUNDS. Which section?

Mr. HITCHCOCK. Section 13 in the bill, to which he alludes.

Mr. EDMUNDS. Let me hear section 13 read as it now stands.

Mr. HITCHCOCK. The Senator was not present at the time. I think he does not understand what action has been taken.

The SECRETARY. As amended, the section now reads:

That section 2378 of the Revised Statutes of the United States shall be, and is hereby, declared applicable to the State of Colorado when admitted into the Union as herein provided.

Mr. EDMUNDS. Very good. Then we have changed the phase of it from what I understood it to be. Now I have an observation to submit in moving to strike out the section as it now stands, which is just as strong to my mind as it was before, because when I made the motion I did not know of this section 2378. As it now stands we are to give five hundred thousand acres of land to the State of Colorado to dispose of as she pleases. She may sell that land and put the money into her general treasury and save taxing her people by that amount. It does not require that it shall be devoted to schools; it does not require that it shall be devoted to internal improvement; but it is an absolute, unconditional gift to that State of that much land. What has she got already in the bill? By the twelfth section she has 5 per cent. of the proceeds of the sales of public lands to be devoted to the purposes of internal improvement. She has sections numbered sixteen and thirty-six in each township for the support of

common schools. She has fifty entire sections for the purpose of building a State-house, &c. She has fifty other sections for the purpose of a penitentiary. She has seventy-two other sections for the purpose of a university, and has, as I have said, 5 per cent. upon the sales of all the rest.

Now, then, if the United States are asked to give this people, who say that they are strong enough to be a State and take care of themselves, five hundred thousand acres more, amounting to a million dollars out of the Treasury of the United States, I should be glad to know the ground that it is put upon, except that it has been given to other States before. The argument of what has taken place hitherto is not very strong with me. I can remember the time, within my short service in this body, when every Senator had a corkscrew, a penknife, and a tooth-pick, and I do not know what else, given to him; but a republican Senate and House of Representatives, among all their other sins of that character, have cut off that sort of thing. So the argument that some other State in some other time has had given to her a million dollars, as a bonus on admission into the Union, has no force with me. We have provided liberally for this State, and we ought not to take a million dollars from the pockets of the people of the United States and put it in the pockets of the people of this Territory merely because they insist upon being made now a State.

Mr. MORTON. I think the Senator from Nebraska ought to consent to this section going out, because it amounts to nothing. The State gets the five hundred thousand acres under section 2378 of the Revised Statutes. Section 13, as it stands in the bill, simply extends to the State the benefit of that section, which is taken from the act of September, 1841, so that it makes no difference to the State whether this section is in or out.

Mr. HITCHCOCK. I consent to the amendment striking out the section.

Mr. CAMERON. I am very sorry the Senator has consented to it. I think we ought not to treat these new sisters we are bringing in differently from what we treated the rest. We are giving to her that which we can spare and which costs us nothing. Why should Colorado come here with a less patrimony than any of the other States in the Union? There is no reason for it at all. Who is there among all the older Senators who has daughters who get married who would not be glad to portion them with anything that they could spare themselves? It takes nothing from us. These lands we have given nothing for. They have never been anything to us except a cost; and why should we not give them to enable this new State to become as great and as powerful and as useful as any other State in the Union?

Colorado, if she is admitted at all, is going to have a great future. She is filled with minerals, has an immense territory which will always be unproductive, and probably great portions of this land we give to her now will be of no use at all. No man will go there to become a farmer. Very few will go there to become herdsmen. Most of her people will be miners and these lands, now worthless, if they ever become worth anything will be so because of the industry of the people who are induced to go there. We must give them greater inducements than we gave in Kansas, in Nebraska, in Ohio, in Indiana, and in Illinois, where every man can go and take up forty or eighty acres of land and make himself a fortune. The people who go there will have to endure hardships for long years. I would not only give them as much as any other Territory has had, but I would give them a great deal more.

I am not clearly satisfied about this bill; but if Colorado is to be brought into the Union, I would give her every opportunity to make herself as great as she can become.

Mr. HITCHCOCK. I assented to the amendment on the understanding that by the provisions in the Revised Statutes now Colorado would receive as other States have received. Therefore I am willing this section should be stricken out.

Mr. SCOTT. I desire to say a word on the general subject of this bill. It has been my pleasure to have had considerable intercourse with citizens of Colorado, and so far as their general intelligence and character is concerned, certainly I know of no population for whose admission into the Union as a State I would more cheerfully vote, were there not other considerations to be taken into view in deciding that question. Coming now to the very question which has been under consideration as to the grant of lands which shall be made to this State, I wish to say in all candor that I think there are some things which ought to be considered in view of that question that I have not yet heard suggested. They may have been suggested when I was not in the Chamber.

The section of the Revised Statutes to which reference has already been made grants the five hundred thousand acres of land for purposes of internal improvement. They are not granted for general purposes, as has been stated by the Senator from Vermont, but all lands previously granted for purposes of internal improvement are required to be deducted in making up that account. Now what has the General Government done for Colorado heretofore in that direction? It is true the grant has not been made directly to the Territory, but there is the Kansas Pacific Railroad which runs a very considerable distance through the Territory of Colorado, to which was made not only a very large land grant but a subsidy in bonds by the Government. There is the Denver and Pacific Railroad which runs from Cheyenne down to Denver, the capital of the Territory and that also is a road to which a large land grant was made. Although these grants were made in name to the railroad companies, yet they were made for the purpose of the improvement of the Territory, just as effectually as if the grant had been made to the Territory itself. So that if we were to go into an adjustment of the rights of Colorado Territory with other Territories, and compare the question of how much one and how much the other has received, these land grants made to two railroad companies should be considered in adjusting that question.

If Colorado is to be admitted, I say with my colleague I wish her to come in as well provided for as any other Territory; but it is proper when more is asked than any other Territory has asked, if that is asked, that all the circumstances surrounding her admission should be considered. I deem it but fair to call the attention of the Senate to these facts that the land grants heretofore made to these railroads have inured to the benefit of Colorado Territory in her internal improvements just as effectually as if they had been granted to the Territory herself.

Mr. LOGAN. If the Senator will allow me, I know he did not intend it, but he stated in his remarks that not only a land grant but a subsidy in bonds had been given to these roads. He is mistaken in that. There was no bond subsidy attached to the railroad after it entered Colorado. It stopped at some other point, some fifty or sixty miles within the Kansas line.

Mr. SCOTT. I may be incorrect in stating that the bond subsidy extended over the whole line of the Kansas Pacific Railroad, but there was a subsidy to the Kansas Pacific Railroad.

Mr. LOGAN. It did not extend to Colorado; it was stopped by Congress. I was in the House at the time myself. They attempted to extend it after the line had been swung around, clear on through to Denver, but it was stopped at a point I do not remember now, but some miles inside of Kansas and did not extend to Colorado.

Mr. SCOTT. The Senator speaks from recollection and is doubtless correct; but a land grant I say was given to the railroad in that Territory.

Mr. LOGAN. That is true. I am speaking of the bond subsidy.

The VICE-PRESIDENT. The question is on the amendment.

Mr. MORTON. What is the amendment?

The VICE-PRESIDENT. To strike out the thirteenth section.

Mr. HITCHCOCK. I think there is no objection to striking that out.

Mr. MORRILL, of Maine. I understand the Senator who has charge of this bill to consent to its going out.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. EDMUNDS. In order to meet the suggestion made by the Senator from Pennsylvania respecting the effect of section 2378 in respect to internal improvements I move the following amendment, to come in as a section in the place of the one just stricken out:

That section 2378 of the Revised Statutes shall, in its application to the State of Colorado, be so construed as to provide for the deduction from the amount of lands granted by said section of the amount of lands granted in any manner to aid works of internal improvement in any part of said Territory and State.

Section 2378 provides:

There is granted for purposes of internal improvement to each new State hereafter admitted into the Union, upon such admission, so much public land as (including the quantity that was granted to such State before its admission and while under a territorial government) will make five hundred thousand acres.

These land grants to aid internal improvements in that Territory which have taken effect, and under which the improvements have already been made, were not made to the Territory by name; they were made to railway and other corporations, but the Territory has had the solid benefit just as if they had been granted to the Territory directly, as in early times such grants were made to the Territory of Kansas, and so on, and then to the State of Kansas when it should come in, in aid of public improvements. It is a mere technical difference. The Territory and its people have received the benefit of these land grants, made on purpose to develop internal improvement in the Territory. Now, I think it is just, in order to put this Territory upon an equal footing with the States that have already received similar aid, that the lands which have been devoted to the building of internal improvements in the Territory although not granted directly to the Territory but turned over to some railway corporation, which have been granted to the corporation itself, should be deducted. My amendment, therefore, provides that in making this adjustment with the State of Colorado the lands that have been granted in that Territory for internal improvements in it—not out of it—shall be deducted in making up this five hundred thousand acres, which puts her upon the precise footing of the other States.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed to insert as section 13 the following:

That section 2378 of the Revised Statutes shall in its application to the State of Colorado be so construed as to provide for the deduction from the amount of lands granted by said section of the amount of lands granted in any manner to aid works of internal improvements in any part of said Territory and State.

Mr. HITCHCOCK. I shall feel it my duty to resist that amendment, and I am sorry to take the time of the Senate in doing so, because I am very anxious to get a vote on this bill. As I said before,

all we ask for Colorado is that you make the like appropriations for her that have been made in recent enabling acts for the admission of other new States.

Mr. EDMUNDS. This does it exactly.

Mr. HITCHCOCK. This is not treating her as other States recently admitted have been treated. As I said before, while there are seven hundred and thirty-five miles of railroad now completed and running within the limits of Colorado, there are but two hundred and fifty miles which have received a land grant from the General Government, and not one mile has ever received a bond subsidy.

Mr. EDMUNDS. This amendment does not touch that part.

Mr. HITCHCOCK. While this amendment does not of course affect the roads that have received no subsidy, yet it does not place Colorado upon the same footing that other States have been placed. Nebraska, for instance, received her five hundred thousand acres of land, although the Union Pacific traverses her whole length from east to west, a distance of nearly five hundred miles. I trust that the amendment will be voted down.

Mr. LOGAN. I desire to say but a word in reference to this amendment. I ask the Senator from Vermont whether he intends by this amendment to include the lands that were donated by the General Government to the Union Pacific Railroad or that branch of it which runs through the Territory of Colorado?

Mr. EDMUNDS. I intend to include all lands in that Territory that have been given in aid of railroads in that Territory, although they were not, as the custom at first was, granted directly to the Territory for the purpose.

Mr. LOGAN. I presumed that was the meaning of the amendment. If that is the meaning it would be much better, if the Senate intends to adopt this amendment, to provide that Colorado shall not have any land at all under this section in the Revised Statutes, because the Senator certainly is aware of the fact that the amount of land granted to that division of the Union Pacific Railroad running through Colorado amounts to over eight hundred thousand acres, nearly one million acres, and this provides that it shall be deducted from the five hundred thousand acres. Upon its face it looks as though Colorado was getting something, but the fact is that three hundred thousand acres more have been already donated to that railroad than would be allowed to Colorado under this section of the Revised Statutes. It does seem to me that that is a strange kind of legislation.

I believe in treating these new States as they come in as other States have been treated. Here is the State that I in part represent. After having had a donation of land, magnificent and grand, for the purpose of building the Central Railroad through that State from Cairo to Chicago and a branch to Galena, making seven hundred miles of railroad in that State taking the two branches together, granting them a large body of land, still under this statute the State of Illinois got the five hundred thousand acres of land. So with every other State in the Union that has land in it belonging to the Government. It does seem to me, after they have all received these grants and yet are entitled to the five hundred thousand acres under that statute, it is not fair to deprive Colorado when it comes in as a State from having the same rights that are given to every State in the Union having Government land within its boundaries.

I hope this amendment will not be adopted. I will not say it is a subterfuge, but it is a deception. It looks as though it was giving land to the State, when in fact three hundred thousand acres more than the statute gives have been already donated to one railroad.

Mr. STEWART. I hope this amendment will not be adopted or any amendment making a discrimination against Colorado after the precedent is thoroughly established. It does not look right.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. LOGAN. I move to lay the amendment on the table.

Mr. EDMUNDS. That will carry the bill with it.

Mr. LOGAN. I beg pardon; I withdraw the motion.

Mr. HAGER. I would like to ask the Senator from Illinois whether it is customary to give 5 per cent. and then also five hundred thousand acres for internal improvements? Here in section 12 internal improvements are provided for. Section 13, as I understand, grants five hundred thousand acres more for the same purpose. I would ask whether there is any precedent for granting lands and then also giving the 5 per cent. upon sales? I am not very familiar with it, and I wish information.

Mr. LOGAN. Certainly. Every State has received the 5 per cent., and every State has received the five hundred thousand acres—not every State——

Mr. PRATT. Since 1841, when this law was passed.

Mr. LOGAN. I am speaking of States admitted since the law was passed. But this statute is applicable to all the States having Government land within their borders. All that have Government land get it. Every State receiving donations of lands for the purpose of building a railroad, having Government lands, would receive this under this statute. Illinois will not get the five hundred thousand acres. Why? Because there is no Government land in the State; that is the reason. But I say every State having Government land gets it, and I say as to my own State it applies to it if it has Government land the same as to any other State. It does not get it because there is no Government land in the State. It applies to all States that have Government land, and they get the 5 per cent. besides.

Mr. MORTON. The Senator from Illinois I think is mistaken in one statement. It only applies to States admitted after the passage of the act. The act says:

There is granted for purposes of internal improvement to each new State hereafter admitted into the Union, &c.

Mr. HAGER. I was merely going to say that inasmuch as the Senate have refused to strike out section 12, it seems to me that section 13 ought to be stricken out, unless, as I said, it has been the custom to make both of these donations, the 5 per cent. and the five hundred thousand acres of land.

As I said when I was on the floor early in the morning, I am inclined to favor the passage of this bill, provided it gets into such shape as is not in conflict with previous legislation. I am not disposed to make a new precedent in this bill which must control hereafter. It does appear to me as if all the grants and donations that have hitherto been made to all territorial governments have been combined in this bill. While in one instance a Territory has had one and another one, it seems as if all were brought together in this bill. Now, I would ask if we are not going beyond what we ought to do in establishing a precedent for the future? If the bill is in such a shape as I think it ought to pass, I will vote for it, but I am under the impression that section 13 should be stricken out.

Mr. EDMUNDS. I must say one word in support of my amendment, in reply to the observations of the Senator from Nebraska and the Senator from Illinois. In the case of Kansas I am quite sure that the land grants which were made were made directly to the Territory, to be used for purposes of internal improvement.

Mr. INGALLS. Does the Senator refer to the five hundred thousand acres?

Mr. EDMUNDS. I refer to the land grants in aid of railroads generally. But the Territory of Kansas, or the State of Kansas after she became a State, according to the section of the Revised Statutes which has been read, immediately turned over the land grants to railroads who would make these internal improvements. The object that Congress had in view was to aid the people of the Territories and new States in works of internal improvement. The method is a mere matter of incident. Whether the grant be made to the State or to the Territory in the first instance to be applied to building railroads, or whether it be made to the railroad company itself upon condition that it should build in the Territory or State, is of no consequence at all.

Now, when you apply that to the Territory of Colorado, what do you find? You find that by numerous land grants, made, it is true, not technically to the Territory by name, but for the same object that we granted to other Territories—that is, for railway works—we have given, instead of five hundred thousand acres, more than double that for the benefit of the people of the Territory of Colorado, and those lands have been disposed of and the works of internal improvement have been built. Now, the question is, that having been done, whether it is just to take from the people five hundred thousand acres of land more, in addition to what has already been given, and devote it to this purpose of internal improvement. Any Senator who thinks we ought to double the dose will vote against my amendment. Any Senator who thinks we ought not I think ought to vote in favor of it.

Mr. MORTON. It seems to me that the amendment offered by the Senator from Vermont is not in harmony with the spirit of the section of the Revised Statutes, for this reason: That section provides for the off-set that may be made. The off-set is by excluding the quantity that was granted to such State before its admission and while under a territorial government. It provides that the set-off shall be such land as was granted to the Territory as such, to be administered by the Territory. This contemplates a grant of land of five hundred thousand acres, to be administered by the State for such improvements as in the judgment of the State ought to be made, deducting from it such as the Territory got, which the Territory as such administered according to its own discretion. Now, land granted to a railroad company was a thing over which the Territory had no control whatever. The Territory was not consulted about it. It was granted to the company to be controlled by the company and not by the Territory. Therefore such a grant does not come within the spirit of the section of the Revised Statutes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The question being put, there were on a division—ayes 24, noes 22.

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 28; as follows:

YEAS—Messrs. Anthony, Bayard, Cooper, Davis, Eaton, Edmunds, Goldthwaite, Gordon, Hager, Hamilton of Maryland, McCreery, Merrimon, Norwood, Pratt, Ransom, Sargent, Saulsbury, Scott, Sprague, Stockton, Wadleigh, and Washburn—22.

NAYS—Messrs. Alcorn, Allison, Bogy, Boreman, Cameron, Clayton, Conkling, Cragin, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Kelly, Lewis, Logan, Mitchell, Oglesby, Pease, Ramsey, Schurz, Stewart, Tipton, and West—28.

ABSENT—Messrs. Boutwell, Brownlow, Carpenter, Chandler, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Frelinghuysen, Hamilton of Texas, Johnston, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Robertson, Sherman, Spencer, Stevenson, Thurman, Windom, and Wright—23.

So the amendment was rejected.

Mr. HAMILTON, of Maryland. Now that the material interests of this bill have been settled, I desire to draw the attention of the Senate to section 4. There are some things in that section which it appears to me ought not to be there. The first thing these people have to do after their organization is to "adopt the Constitution of the United States." As soon as the convention adopts the Constitution of the United States, then it is declared to be ready to proceed to business.

Here is the clause:

> And after organization shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States.

Mr. MORTON. Does the Senator object to that?

Mr. HAMILTON, of Maryland. Here, I do. I think it was adopted long ago, as the Senator will agree, and prevails everywhere within the limits of the United States. It is at least inconsiderate legislation that we should be engaged seriously and as law-makers in putting stump speeches into bills of this kind. I take it for granted that this assembly is expected to know what they adopt when they adopt the Constitution of the United States. Probably there will be no trouble in this respect with it, but they have their own local affairs when they meet in convention to attend to besides examining the provisions of the Constitution of the United States.

Why put such a thing as that in a bill of this kind? They shall "adopt the Constitution of the United States." That is a mere matter of sentiment that cannot be practical and which cannot advance them toward the accomplishment of the purposes for which they are assembled, but it furthermore says after they have thus organized and thus adopted the Constitution of the United States then they are required to frame a constitution not repugnant to the Constitution of the United States nor to the principles of the Declaration of Independence. What is the use of requiring these untutored men, away out in that Territory, just now coming to manhood, to go into an examination of the principles of the Declaration of Independence, particularly when the very first principle of the Declaration of Independence teaches the very unpopular doctrine, that is at this day, the right of revolution and rebellion? It is a terrible doctrine, according to some gentlemen upon this floor and elsewhere. Is it not absurd legislation for gentlemen sitting here to ingraft a provision of this kind into a bill? It took George Washington and Benjamin Franklin and that class of men from early spring until the 17th day of September to come to a conclusion upon it, and here you want these people to adopt it before they can proceed to any other kind of business, and doing this they are then required to frame a constitution not repugnant to what they have just adopted, and still more this is to be done so as not to be repugnant to the principles of the Declaration of Independence.

Mr. HITCHCOCK. I desire to state to the Senator that because it took George Washington and his fellow-laborers so long and because they so carefully examined the subject, I think it very safe the people of Colorado should adopt it at once.

Mr. HAMILTON, of Maryland. I regret we do not understand it here so as to follow it out as we should. We find it to be a great trouble at times in putting a construction upon it. Every one is ready to talk about the Constitution, and how soon to disagree as to its true meaning, and this is generally from the first day we meet in December to the end of the session. Is not such legislation as this absurd? I ask gentlemen why not strike it out? Let us think for a moment that they are American citizens, competent to attend to their own business, and that they will organize a government in conformity to the Constitution of the United States. Why enjoin these things upon them? To my mind it is absurd to address a people in such language whom we can well suppose know something; and if they know anything that fits them at all for free government, it is that the Constitution of the United States is the supreme law of the land.

But there is something more. It is provided in this same clause that—

> The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, except Indians not taxed.

What has this people done? I ask my honorable friend whether he has been in the Territory of Colorado recently? They are to do what we have been quarreling over ever since I have been a member of the body; they are to have a civil-rights bill put in their organic law. They are required by this provision to do what you yourselves have not been able to do for the country to this day. By one provision in this bill you require the people to be put in a position that is not imposed upon twenty States of this Union. That is what you propose to do in this bill. Why the use of all this? Let the people of that Territory come into the Union and be upon equal terms with the original States. Force no reconstruction policy upon them as we have had upon States South—a policy wrong always, and surely not required as to these people. Let them form their constitution, and then let them be dealt with by the ordinary legislation of the country either as prescribed here or as prescribed at home. Now, you undertake in this very section to impose upon that people in a general provision every provision that you ever did attempt to incorporate in what is called a civil-rights bill.

And why now, I ask my honorable friends? Is it not almost time now to leave these distinctions out of your general laws? Why put in your bill and in every bill that is before us "on account of race, color, or previous condition of servitude"? It is about time to stop it, and to legislate for the American people, having no reference to words, or things, or distinctions of that kind, and then, whatever your ordinary legislation affects let it be affected generally, as it will be; unless it is found necessary upon special occasions to observe these distinctions, then name them, otherwise not. Why mention it? Is it not time, I ask you, Mr. President, to drop all that kind of legislation, so as not to be continually presenting to the public mind these distinctions? With equal propriety you can as well put these same distinctions into every bill you pass. It is time to stop it, in my judgment, and ought to be stopped here and now.

In this connection I would simply allude to the fact, for I do not design speaking at length—I only call the attention of the Senate to it—that there is no exception in respect to the Chinese. A friend sitting on this side of the Chamber has been for the last two weeks complaining about your Revised Statutes in omitting the word "white" in the naturalization laws, because he desired that that should remain in the statute in exclusion of the Chinese, so that they should be prevented from enjoying the privileges and immunities of other people in this country by reason of their being citizens of the United States. This provision makes no exclusion of them; and this Territory, or this State as it is to be, is close upon the confines of that civilization. There is no exclusion save "Indians not taxed."

My friend from California asks me to move an exclusion. No; I move no exclusion. I move to exclude from this bill all allusion to anything of the kind. Let the people of the Territory citizens of the United States make their own constitution, for I am satisfied that it will be republican in form and republican in substance; I am satisfied that those people will not depart from the principles of American liberty, but that they will, without our direction, conform generally to the principles of the Declaration of Independence, as well as they can understand them or apply them under the Constitution of the United States. If they do anything that is repugnant to the Constitution of the United States, their act in that respect is simply and absolutely void and amounts to nothing. We can trust them as we trust the people in every other State in the Union; and we should not here undertake to direct those people as to the details of a constitution they are to make, because I take it for granted they know, if they know anything, that their State government must be republican in form, and I do not question but that it will be republican in substance.

Mr. PRATT. I move——

Mr. HAMILTON, of Maryland. I thought I made a motion to strike out——

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. PRATT. I move to add to section 12 the following proviso at the conclusion:

> *Provided, however*, That the aforesaid grants of public lands made in sections 7, 8, 9, 10, and 11, and the payment of said 5 per cent. of the proceeds of the sales of public lands lying within the said State, are made upon the condition that the convention of said State shall provide by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by the United States from and after the 1st day of December next shall be and remain exempt from any tax laid by or under any authority of the State, whether for State, county, township, or other purposes, for the term of five years from and after the day of sale.

Mr. LOGAN. Let me suggest to the Senator from Indiana one point for his notice. By the laws now it is five years before the persons occupying the land get title, and five years from that would make ten years. I am sure he does not want that, but that would be the effect of his amendment. They could not carry on the State government under it. There would be nothing to be taxed. I presume he means five years from the adoption of the constitution. The lands of homesteaders are exempt for five years. What would the State have to tax in order to carry on the State government?

Mr. PRATT. So far as the lands entered under the homestead law are concerned, this provision would not be applicable at all. It provides only for those lands that are sold by the United States.

Mr. LOGAN. But there cannot be any lands entered in that country except under the homestead law.

Mr. PRATT. Can they not be sold under the pre-emption law?

Mr. LOGAN. But under the homstead law it requires five years to make the title perfect.

Mr. PRATT. The meaning of the amendment is that it shall apply from and after the time the sale is made, whether it is made under the pre-emption law or not.

Mr. LOGAN. Still that would be construed to be from the time the Government gave the party a title.

Mr. PRATT. That is not the purpose of my amendment.

Mr. LOGAN. I am satisfied the Senator did not intend that, but I think that will be the construction.

Mr. PRATT. I will submit to any modification to make that matter clear.

Mr. LOGAN. I submit to the Senator that the laws now are sufficient to prevent taxation for five years, because the lands are practically exempt from taxation for that time. The settlers cannot be taxed until they get their title, and to do that requires five years. His amendment would make it ten.

Mr. PRATT. The Senator is talking about lands which may be entered under the homestead law.

Mr. LOGAN. Certainly.

Mr. PRATT. I of course am well aware that the title is not granted to homestead settlers until after the lapse of five years, but that is not the rule in relation to lands entered under the pre-emption laws. The pre-emptioners are not entitled to occupy and cultivate for five years before they can receive patents.

Mr. LOGAN. I do not remember the provisions of the pre-emption law; but the way nearly all the lands are taken up now is under the homestead law.

Mr. HITCHCOCK. As I understand it, substantially the same result would be attained by this proviso as would have resulted had the Senate voted to strike out the provision which the honorable Senator from Indiana moved to strike out some time ago; that is, to provide that no lands shall be taxed by the State for five years after they have been disposed of by the United States. If that is the amendment of the honorable Senator, I desire to say, as I said before, that the reason why this amendment should not prevail is that most of the lands which are now entered are entered under the homestead law; that in accordance with the provisions of that law the settler is upon that land for five years before he obtains his title from the United States and before that land can be taxed. If in addition to these five years it is proposed to add another five years, it is proposing virtually to say that the government of the new State shall have nothing to tax and shall be unable to carry on the State government.

Mr. PRATT. My friend from Nebraska does not understand my proposition. This proposition does not reach any of the lands that are taken up under the homestead law. If they are taken under the homestead law, they are not sold. It applies only to such lands as are sold by the United States. In that case the same rule is applied to Colorado that was applied to Ohio, Illinois, Indiana, and the other States.

Mr. HITCHCOCK. Is the honorable Senator aware of the fact that there is not one acre of land in Colorado that can be sold, under the present laws of the United States, for cash?

Mr. PRATT. I was not aware of it.

Mr. HITCHCOCK. That is the fact. There is not one acre of public agricultural land in the State of Colorado that can be sold for cash. Under the law lands must first be offered at public sale, at auction, and no lands ever have been offered in that way, and consequently no lands are now open for entry in that way; and the only way they can be obtained is by homestead or pre-emption. Most of the lands are obtained under the homestead law, which requires five years to get a title; and the pre-emption laws require at least one year.

Mr. PRATT. The Senator has already answered measurably the question I was about putting to him: whether all lands that are taken up under the pre-emption law are not sold by the United States. Must they not be sold at at least $1.25 an acre under the existing pre-emption law? And, if so, why is it not right and reasonable to apply this rule to lands sold under the pre-emption law to the settler?

Mr. HITCHCOCK. As I said before, it requires at least one year for pre-emptors to obtain the title, and usually they are on the land two or three years. The entries under the pre-emption laws, as I said before, are very few; and furthermore, the House has passed a bill abolishing the pre-emption laws, and that bill has already been reported from the committee of which the honorable Senator is a member favorably, and that will entirely wipe out the pre-emption laws. Consequently there is no reasonable demand for this amendment. I hope it will be voted down.

Mr. EDMUNDS. If it be agreeable to the Senate, I should like to have an executive session on necessary business for about ten minutes and then open the doors again and go on. I accordingly move that the Senate proceed to the consideration of executive business, not for the purpose of adjourning afterward, but only to do a little necessary business for a few minutes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Senator from Vermont moves that the Senate now proceed to the consideration of executive business.

Mr. HITCHCOCK. I hope not.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. HITCHCOCK. We can soon dispose of the bill.

Mr. SHERMAN. I ask the Senator from Vermont if he thinks an executive session is necessary now?

Mr. EDMUNDS. I should not have moved it if I had not thought so.

Mr. SHERMAN. I ask the Senator whether on his responsibility he says that he thinks it necessary?

Mr. EDMUNDS. I decline to answer the Senator. I have stated already that I thought there was good reason for it.

Mr. SHERMAN. If the Senator cannot answer a civil question, I will vote against his motion.

Mr. EDMUNDS. I think the question is very uncivil.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 29, noes 17.

Mr. HITCHCOCK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 24, nays 32; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron, Conkling, Cooper, Dennis, Edmunds, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Ransom, Sargent, Schurz, Stevenson, Stockton, and Washburn—24.

NAYS—Messrs. Alcorn, Allison, Boutwell, Chandler, Clayton, Conover, Cragin, Dorsey, Eaton, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Lewis, Logan, Mitchell, Morton, Pease, Pratt, Robertson, Scott, Sherman, Spencer, Sprague, Stewart, West, and Wright—32.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Carpenter, Davis, Fenton, Ferry of Connecticut, Frelinghuysen, Morrill, of Maine, Oglesby, Patterson, Ramsey, Saulsbury, Thurman, Tipton, Wadleigh, and Windom—17.

So the motion was not agreed to.

Mr. HITCHCOCK. I desire now to say that after a vote is reached on this bill, which I hope will be reached very soon, and before I make a motion to take up the bill for the admission of New Mexico, which I intend to urge after this bill is disposed of, an opportunity will be afforded, and I shall be quite willing that an executive session shall then be had. I hope now we shall have a vote on this bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana, [Mr. PRATT.]

The amendment was rejected.

Mr. HAMILTON, of Maryland. Now I move my amendment in section 4, in line 12, to strike out from the word "provided."

Mr. BOGY. Let me suggest to the Senator that his amendment begin after the word "act," in line 7, down to the words "United States," in line 9. Let that be one amendment.

The PRESIDING OFFICER. The Senator from Maryland will state his amendment.

Mr HAMILTON, of Maryland. In line 12 of section 4 I move to strike out all the words, including the word "provided" in that line, down to "Independence," in line 16.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Secretary read the words proposed to be stricken out, as follows:

Provided, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Mr. SARGENT. I understand that this amendment is to be followed logically, according to the speech of my honored friend from Maryland, by a proposition to strike out that part of the bill which provides that the people of Colorado shall adopt the Constitution of the United States. There could be nothing more appropriate than that the people of a Territory about becoming a State, or the people of the embryo State assembled in organic convention, should adopt the Constitution of the United States. There is not a State in the Union which has not adopted the Constitution of the United States. It is evidence of their loyalty thereafter to the Constitution of the United States that their first act of statehood is that they do adopt that Constitution. And their act in so adopting it is not strange or unnecessary, any more than is the oath which the Senator himself took at the desk of the Presiding Officer of this Chamber when he swore to support the Constitution of the United States; and that oath is taken over and over again, by every Senator who comes here, by every officer of the United States, no matter how humble may be the duties he performs or how exalted the situation which he fills. Consequently it is in accordance with principle and certainly in accordance with practice.

The requisition of this section that the government there formed shall be republican in form, simply is in accordance with the principle of the Constitution of the United States which requires that the United States shall guarantee a republican form of government to each State in the Union; and it is well to require that the constitution which the State shall form shall not be repugnant to the Constitution of the United States and that it shall be republican in form. That is the guarantee which we make; and when the State constitution comes here we determine whether it is republican in form and then exercise our powers under the Constitution of the United States to require that it shall be made so or the State kept out, provided it is not in such form.

As to the criticism the Senator makes in reference to "Indians not taxed," he will find in that portion of the Constitution of the United States adopted by George Washington and others, after the labors of the months of which he speaks, that language. It is a part of the Constitution which I have no doubt he very fully reveres. In article 1, section 2, of the original Constitution, before any amendments were made thereto, it is provided that "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," &c., "and excluding Indians not taxed." And in another part of the Constitution which I commend to the attention and affectionate regard of my friend from Maryland, in the fourteenth amendment, as "the second sober thought" of the people of the United States, adopted and ratified and now a part of the Constitution of the United States binding upon the Senator and myself and all the people within these broad realms, it is also provided that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed;" so that this exclusion is not strange or unusual.

Now, that the constitution formed by the State should be in accordance with the principles of the Declaration of Independence is certainly right, and in these times most especially should be kept in mind. The principle of the Declaration of Independence was that

governments are formed by the consent of the governed, and recognize certain unalienable rights, among which are life, liberty, and the pursuit of happiness. I am not sure that we in all parts of this country keep sufficiently near to the principles of the Declaration of Independence. I am not sure that there is not a spirit abroad in the land in opposition to these very principles of the Declaration of Independence. And I am glad for one to have them here repeated, enforced, and enjoined on the people of Colorado, as I trust they will be upon every State which may hereafter be admitted into the Union. But to show my friend that his criticism is novel, at any rate that if it ever was made before Congress has disregarded it; to show that there is nothing in this section which heretofore has not been sanctioned by precedent, I call attention to volume 13 of the Statutes at Large, page 48, section 4, which provides, with reference to a State then to be admitted into the Union—

That the members of the convention thus elected shall meet at the capital of said Territory on the first Monday in July next, and after organization shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States;—

And certainly each State of the Union should adopt the Constitution of the United States—

whereupon the said convention shall be, and it is hereby, authorized to form a constitution and State government: *Provided*, That the constitution when formed shall be republican and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *And provided further*, That said constitution shall provide, by an article forever irrevocable, without the consent of the Congress of the United States—

First. That slavery and involuntary servitude shall forever be prohibited in said State—

Now an unnecessary provision, because an amendment to the Constitution of the United States provides that there shall be neither slavery nor involuntary servitude in any State of the Union.

Mr. BOGY. What Territory is that?

Mr. SARGENT. The Territory of Nebraska.

Mr. BOGY. What year?

Mr. SARGEANT. Eighteen hundred and sixty-four. Growing out of the exigencies of the time, growing out of the startling doctrines which were maintained not only in the Halls of Congress and by a certain political party, but upon the battle-field, that the principles of the Declaration of Independence had no existence or that they were mere "glittering generalities" having no force, it was then deemed necessary to enjoin on a State that a government organized in it should be in consonance with the principles of the Declaration of Independence, which declares liberty, as a birth-right inalienable, to every person within its borders. Then it goes on with the other provisions mentioned in this section, every one of them enforced by this precedent; and I say that that is the spirit of the legislation of Congress heretofore, born of a public necessity—a necessity which has certainly not ceased at the present day; and the precedent is well followed in this bill. Now, in order that we may have a record upon this matter, I ask for the yeas and nays upon the amendment of the Senator from Maryland.

Mr. HAMILTON, of Maryland. One word in reply to the honorable Senator from California. I felt satisfied that outside of the reconstruction measures which were imposed upon the States lately in rebellion the Senator could find no enabling act like this one save that of Nebraska, and I appeal to my honorable friend whether that act for Nebraska is authority for anything?

Mr. MORTON. Will the Senator allow me a moment?

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. MORTON. I had supposed that the Senator from Maryland had some foundation for his amendment; but I discover that the constitution of Maryland in the bill of rights formally adopts the Constitution of the United States. The framers of that instrument evidently rested under the impression that unless they did so it would not be binding. The Senator will see it in the second section of the bill of rights.

The Constitution of the United States and all laws made or which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the United States are and shall be the supreme law of this State, and the judges of the State and all the people of the State are and shall be bound thereby, anything in the constitution or laws of this State to the contrary notwithstanding.

The constitutional convention of Maryland——

Mr. HAMILTON, of Maryland. That was the constitutional convention of 1864.

Mr. MORTON. Eighteen hundred and sixty-seven.

Mr. HAMILTON, of Maryland. They did not adopt the Constitution of the United States.

Mr. MORTON. Yes; formally.

Mr. HAMILTON, of Maryland. No; they just acknowleded the sentiment that it is the supreme law of the land, which is the fact, and nobody questions that.

But we have been talking about this territorial organization of Nebraska all day, and there has not been a single error in this bill that that enabling act of Nebraska has not been referred to in order to approve it. It was announced by my friend [Mr. SARGENT] on one occasion when it was referred to that it was an exceptional act. This enabling statute for Nebraska was used for illustration, being different from all others, to take money out of the Treasury that had been put there from the sale of public lands; and there were other things connected with it; but whenever an appeal was made on this occasion to precedents, that was the only one that could be appealed to, and yet it was cited as an exceptional act that passed without consideration. That enabling act was passed in 1864. The Constitution of the United States and the Declaration of Independence were in vogue just at that time as being necessary to be impressed on everybody. There were apprehensions then that the people of Nebraska knew nothing about either, and that it was important for Congress to impress upon them the necessity of observing both. So far from being an example by which we should be governed, it should be positively the reverse; we should go back to what is really substantial, rational, reasonable, and just.

But the enabling act of Nebraska, if the honorable Senator from California will observe, does not contain the important words which I will read. Since 1864 there has been additional light thrown upon this body. That enabling act does not contain these important words: "And make no distinction in civil or political rights on account of race or color, except Indians not taxed." That clause is omitted in the Nebraska act, and we are supplying it now. It referred generally to the Constitution of the United States and to the Declaration of Independence to be pressed upon that people; they were to conform to both in the establishment of their organic law; but this was omitted. We are traveling along. While it may not be binding upon future generations, and they may change their constitution ultimately and reject all of it if they choose, yet you provide that the acting governor of this Territory may not proclaim the constitution adopted by its people unless there are incorporated in it the provisions of this bill as that constitution of that State. He has the right to proclaim it or not when the vote of the people shall be taken upon it; and unless it conforms to this bill it may be that he will not declare it the constitution of the State; and because of that very reason it will be incorporated and put upon that people, though it may be against their will, with the same degree of moral or political force that you forced on the people of the Southern States amendments to the Constitution of the United States.

I am opposed to the whole of it. The people upon these great questions ought to be left entirely to themselves. When we possess constitutional power, we should exert it here that it should pervade the whole land and apply to every citizen without regard to State or Territory. To undertake to force upon one Territory or State local legislation that you have not forced upon any other State in the Union is something that I upon this floor will always oppose. If you possess the power to pass a code of laws like this, as you have endeavored to do for the last five or six years, pass it and make it apply to all places, to all States, and to all localities; but let this people come into the Union free and disembarrassed to form their own constitution and be as equal as we all were when we organized this Government.

Mr. MERRIMON. For one I am very thankful to the honorable Senator from Maryland for raising the point which he has raised on this occasion. I do not concur with him, however, in objecting to those terms of the section which embraces the Constitution and the Declaration of Independence. They are merely surplusage and they do no harm; but there is a provision which in my judgment is material and is calculated to do a great deal of harm, and in order to obviate that I move this amendment to the amendment: Strike out after the word "and," in the thirteenth line of section 4, to the word "taxed," in line 14; and I ask the Clerk to read that proviso as it would stand if amended by my proposed amendment.

The PRESIDING OFFICER. The Secretary will report the proviso as proposed to be amended by the Senator from North Carolina.

The SECRETARY. The words proposed to be stricken out by the Senator from North Carolina are—

And make no distinction in civil or political rights on account of race or color, except Indians not taxed.

So as to make the proviso read:

Provided, That the constitution shall be republican in form and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Mr. HAMILTON, of Maryland. I accept that amendment.

Mr. SARGENT. The Senator from Maryland says that this provision requiring that the new State's constitution shall make no distinction in civil or political rights on account of race or color is now for the first time raised in reference to any new State. That is very true. The fourteenth amendment was finally ratified in 1868, four years after the law passed for the admission of Nebraska. There was no provision in the Constitution of the United States at that time guaranteeing these equal civil and political rights, and consequently Congress had no right to require that a new State coming into the Union should provide against discriminations in this manner. After that act was passed, in 1868 the fourteenth amendment was ratified, and consequently Congress now has a right, and it is its duty, to insist that a constitution shall be thoroughly republican in form; that is to say, it shall see that there are none of these discriminations which shall "deprive any person of life, liberty, or property without due process of law," or "deny to any person within its jurisdiction the equal protection of the laws."

That is the reason why on account of an enlargement of the horizon, because the Constitution is more effective than it was in those days upon these very matters, because Congress and the people and the requisite number of States by their solemn judgment have determined that these discriminations shall not exist, now more than ten

years after 1864 and six years after the adoption of this fourteenth amendment to the Constitution of the United States, it is brought forward.

But the Senator says—I make but a remark upon that—that the case of Nebraska was exceptional. The State of Nevada which was brought in at that time was not exceptional. The act for that State contains the same provision which I have read, requiring them to adopt the Constitution of the United States, and that the constitution formed should be republican and not repugnant to the instrument and be in accordance with the principles of the Declaration of Independence. I have not looked through or I dare say I might find some precedents in the organic acts antedating the war, but I am not sure of that. I know that public attention, by reason of the war, by reason of the great uprising North and South, has been called to this question and to the necessity for the amendments to the Constitution, and consequently the amendments have been made and the legislation of Congress must follow the amendments; and no matter what temporary successes may be gained by any party in such a struggle, it is as vain to struggle against them as it would be to stem the current of the falling torrent of Niagara. A man would be overwhelmed; and any party that stands up against the spirit of the age must be overwhelmed. Of this I assure my friend. This torrent of events will overwhelm him and all others who insist that discriminations shall be made on account of race or color, or that there shall be a denial of civil or political rights to citizens of the United States.

Mr. HAMILTON, of Maryland. "Persons."

Mr. SARGENT. "All citizens," says the Constitution. I stand by the Constitution, and I only ask my friend to emulate me in that pious duty which we have both sworn to fulfill, and I dare say the Senator does support it as he understands it.

Mr. HAMILTON, of Maryland. "And make no distinction in civil or political rights on account of race or color, except Indians not taxed." Does that embrace the Chinese, I ask my friend?

Mr. SARGENT. Chinese are not citizens of the United States.

Mr. HAMILTON, of Maryland. They are persons.

Mr. SARGENT. They are not within the purview of the Constitution. The Constitution deals with citizens of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

Mr. LOGAN. I ask for the yeas and nays.

Mr. BAYARD. Mr. President——

Mr. WRIGHT. I understand the Chair to say that the yeas and nays had been called for. Have they been ordered?

The PRESIDING OFFICER. They have not been ordered. They have been called for, but a Senator rose to address the Chair.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. As the yeas and nays have been called for, the Chair will state the question. The Senator from Maryland proposes to strike out the proviso from line 12, including the word "provided," down to the word "Independence" in line 16. The Senator from North Carolina moves a modification of the motion made by the Senator from Maryland, which he accepted, so that the proposition of the Senator from Maryland as modified is now to strike out all the words except those excepted by the modification of the Senator from North Carolina.

Mr. MERRIMON. My amendment simply proposes to strike out these words:

> And make no distinction in civil or political rights on account of race or color, except Indians not taxed.

The PRESIDING OFFICER. The Chair is aware of that, and the Senator from Maryland accepted that as a modification of his motion striking out all the words; and having accepted the modification to strike out a portion, his motion does not include all now, because he has accepted the motion of the Senator from North Carolina. The Senator from Maryland cannot accept in behalf of the Senate, but he has so far modified his motion as to allow the words not proposed by the Senator from North Carolina to be stricken out to remain as part of the bill.

Mr. BAYARD. Mr. President, I had no design to take part in this debate, and only rise now because questions have been mooted and appear to be embraced by the language of this bill which ought not to be passed by without some consideration.

The Constitution of the United States, after providing for the manner of the adhesion of the original States to the Union and for its ratification by nine States in order to become a government for those nine, also gave power in the third section of the fourth article to admit new States, and provided that—

> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

There is all that is provided of power and incidental duty in respect of the admission of new States into the Union. It is coupled with the power of control over "the territory or other property belonging to the United States," making a distinction between the powers delegated to Congress over the Territories before they are incorporated as States into the Union and the powers which it has over those Territories when they have been enabled to become States and members of the Union.

Upon the next page we find that which is the full solution and true answer to all the questions touched in this debate, and which are in any way affected by the language of this section of the present bill:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

When, therefore, a State is admitted by the Congress under enabling law, with a due sense of its fitness as to the population within its ascertained and circumscribed boundaries, to become a member of the Union, what is the result? A new government, a new State government, paramount to which is the Constitution of the United States and all laws of the United States made in pursuance of it, and all treaties made, and all laws of the United States which shall thereafter be made in such pursuance, or all treaties which shall be made thereafter, at once and *proprio vigore*, without "adoption," as this act requires by the people of the Territory, but by their own force, extend instantly, as they did during the territorial condition of its government, over that State, its constitution, its laws, and its people.

But, Mr. President, it seems to me that one dangerous feature of to-day—a proposition which is advanced as yet covertly and with hesitation, but which is nevertheless tentatively advanced—is that not simply the constitutional guarantee of a republican form of government to each State shall be executed by Congress, but that there exists the power in Congress in the enabling act of admission to fix immutable conditions in a State constitution which no subsequent experience, no subsequent suffering, no subsequent sense of unfitness shall permit the people of any future generation to amend or ameliorate or abolish.

Why, sir, how absurd and inconsistent is this new-fangled, utterly unauthorized theory of attaching not simply the Federal Constitution and all proceedings under its authority by way of law or treaty as the measure of a State's power and duty under a republican form of government, but to add as an inviolable condition conformity to the principles of a document which every American glorifies, but which he and all men recognize as the great manifesto of revolution—I mean the Declaration of Independence of the American Colonies from the rule of Great Britain. There are many things in the Constitution of the United States which are inconsistent with the Declaration of Independence. If there were time, it would be an easy task to demonstrate this to the satisfaction of every one. The one is a revolutionary manifesto founded upon abstract natural human rights; the other is a government of laws filled with checks and balances established to restrain power within its proper limits. The one was a justification, by natural reason and morals, of the overthrow and destruction of a bad government by its own unhappy citizens; the other was a compilation of rules and principles whereupon to build up a just and permanent government. The first was intended to pull down *the wrong*; the other to erect and maintain in unassailable stability *the right*.

The first establishes the right and duty of revolution, and the other seeks to make revolution unnecessary and unjustifiable by providing other and legitimate avenues of relief from evil rulers. Suppose a conflict between some feature of the Declaration of Independence and the Constitution and laws of the United States, which of the two instruments are Senators to obey, which are citizens to obey? What is our Government? Is it this Constitution that we have sworn to support, laid down with all its well-defined, carefully-weighed, thoroughly-understood lines of demarkation between rightful power and natural right? Is not that our Government? What was our oath? A plain and simple adjuration to support this written charter of our country's Government in whole and in part, without reservation. What becomes then of this absurd, senseless, utterly inconsistent provision that you now seek to affix upon this inchoate State, when you say that it shall frame a constitution for its government which shall strictly conform to two things inconsistent with each other?

Mr. President, it is perfectly plain to me that we have but two governments within our Union. We have the Government of the United States, paramount in its sphere; we have the State governments, which are the foundation-stones upon which the superstructure of our Federal Government rests. We have no such thing in this Union as a government half State and half Federal. You have no such constitutional abortion, and you cannot create it, as an imperfect State in the Union. The States in the Union are equal members of the Union. You cannot create under your Constitution unequal laws for the different States. They must stand or fall, as to their powers and their rights, by the same law which is prescribed in the Constitution itself. You cannot make a law giving you the authority to invade one member that shall not give you the same authority to invade another. If there be any law delegating a discretionary power of invasion of a State under the pretense of examining for a republican form of government, to overthrow any feature of a State government which is distasteful to the temporary majority of Congress aided by the Executive, that same law must be recognized as well for thirty-seven States as for one; as well for Massachusetts as it is for this new State of Colorado, recognized as fully for New York as it is for the small community which I in part represent upon this

floor. There can be no such thing in this Union as an imperfect State. It is unknown to our Federal system. There is not machinery to govern it. It would bring your judicial decisions to mockery and contempt and confusion to attempt to apply principles of constitutional government different in one State from what they are in another. If, however, such claim of power is intended to be made, then let us have the intent marked by open action. If you do intend to have a grade of subject States, if you do intend to have one or more of the States subject to the law of Congress and other States not so subject, let it be known to the country, and if there be popular opinion to sustain you, your form of government will be changed. Your wishes may be carried out but we insist that you ought at least to make your designs known openly upon this subject that we may all appeal frankly to that tribunal of public opinion which, after all, will mold our laws and must mold our destiny as a nation.

What is there in the very loose, vague, useless language of this section—I mean useless for any purpose of securing more effectually to any human being in Colorado every constitutional right that is secured by the Constitution to that same person if living in Massachusetts or New York? The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land, and although it may be quite superfluous to say so, I have no objection to repeating the truism in every enabling act for the admission of a State and compelling her constitution to contain it; for I scarcely think we can too often hold up the sacredness of law as the only proper government of this country. But when it comes to doing more and picking especial features out of the Constitution, which we all know are there, the authority of which we all recognize, the authority of which no man dreams of disputing, why do you select some and leave out others just as essential and even more so? Why do you select in your enabling act certain provisions of the Constitution and not select others? When you say "the Constitution," do you not mean the entire Constitution? When you say "the Constitution," do you not mean the laws passed in pursuance thereof? You might as well take sections of laws passed at any period of the country's history and say that these States should adopt them as permanent, immutable conditions of their State systems before they can be admitted as States in the Union.

Mr. President, it seems very strange to find that those who prescribe for others so glibly conformity to "the principles of the Declaration of Independence" should show themselves so unmindful of them as to seek to place in the government of any community an immutable provision which should be the law, come what would, let whatever light of experience be thrown upon it. That instrument declares:

> That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, *as to them* shall seem most likely to effect *their* safety and happiness.

"To them seem;" to the generation to be affected by the form and by the laws. The government being instituted for human happiness, those who live under it were held to be the only judges whether that happiness was attained, and then follows the grand proclamation of revolutionary right against discomfort and oppression:

> Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

Sir, I am glad, in the midst of discussion and events so fresh and painfully present in our minds, to read and recur to these proclamations of our liberty-loving ancestors.

Their revival and application are sorely needed to-day and in this country.

The great principle of the Declaration of Independence is the right to self-relief from suffering when that suffering comes to a people under an unjust, undesired form of government, simply leaving their own judgments, their own sense of the necessity of the occasion, the high "prudence" which is here submitted as the simple test how far endurance shall be wise and how far long suffering shall be borne. Now, sir, what a strange medley it is to find a proposed fundamental law for a State binding a State at one moment to espouse the principles of revolution when it may be demanded for the happiness of its people, and in the next chaining them fast to the dead body of an effete institution or one that may be injurious and which they are never to part from. Why, Mr. President, the people who formed our Constitution did not suppose that all wisdom began or ended with them and their generation. They believed there was a progress and expansion in human knowledge if not in human capacity. They did not believe their Government, as framed by their hands, was perfect. This Constitution, which we have sworn to support, contains abundant provisions for its own well-considered, deliberate amendment. And shall we not leave open to our posterity the right to change when change shall be shown to be expedient and wise and beneficial? And shall we undertake to say that, like the Medes and Persians, the people of this new State shall be forever chained to one immutable charter of government? Why, Mr. President, the principle is utterly false; it is anti-republican; it is against the principles of the Declaration of Independence. It is an abolition of the very theory that lies at the base of our republican system. What is the base of our republican system? What is the theory of the difference between the republic and the monarchy? It is simply that the majority have the power, and the supreme power lies ultimately with them; but for the protection of the minority that power is put in the trammels and harness of the law. Constitutions are framed in times of deliberation, that the safeguards of liberty may not be swept away by unchecked power in times of passion. But those constitutions are made sufficiently elastic that they may be changed when experience shall dictate that change should come. But here we, living under a Constitution that is our supreme law, that is the supreme law of the State or the people that come within our jurisdiction, are undertaking to violate those principles in dealing without authority with a people who will be, as we say of individuals, *sui juris*, capable of governing themselves under the same limitations that we in the other States govern ourselves.

Mr. President, I do not propose to use any language in a law that I vote for in any but the fullest good faith; and when I ask the people of this Territory (which however I think unnecessary) that they shall "adopt the Constitution of the United States," I simply mean that, and only that. I think the Constitution, of its own force, will instantly and fully exert its authority over every man, official or non-official, who lives within the territory of the United States or of any State in the Union, and no such recital is necessary to aid it. A State cannot be in the Union unless it is under and subject to the Constitution. But I can trace in these selected provisions of the Constitution a desire on the part of Congress to follow the Territory out of its condition of legislative pupilage to the Federal Congress which the Constitution has assigned for it, beyond that condition, and while calling it an independent State to place upon it some congressional collar which shall be worn for all time as its badge of servitude to the majority that placed it there. Sir, to that doctrine I never will assent so long as my views of constitutional duty remain what they now are.

I do not know that any man supposes that he can gain aught by the argument that because we object that certain provisions of the Constitution of the United States shall be selected in preference to any other provisions, as if to make obedience to them more emphatic on the part of the incoming State—to argue there can be any hostility on the part of those who object to such legislation to the Constitution as it is. I prefer that my obedience to the Constitution and the laws be proved much more by what I do than by cheap professions.

If there is power in Congress to impose these conditions and make them permanent upon the State, I would thank some Senator who believes that the necessarily correlative power exists to maintain them in case the State acting as a State should see fit to eliminate them from her constitution, to tell me where his power is found for that; where the Congress of the United States or all the branches of the Government of the United States can find any shadow of power to interfere with the internal government of the State so long as a republican form of government is there maintained and they are not invited there in accordance with constitutional requirements by reason of invasion or domestic violence.

This claim of power has been made, as I said, rather suggestively; it is not made by many; but events transpiring at the present time show that it is made tentatively. The public pulse is being cautiously felt to see how far this claim can be advanced, and how far public acceptance will follow; and I for one would like to make the issue just at the first possible moment. I want to know my fate, and I want to know the issue to be raised; and I shall not hesitate which side to take; nor can I doubt the result when the issue is once fairly comprehended by the people of the United States.

Why, Mr. President, confess this power of Congress to place fetters upon a State so as to prevent any change of her internal institutions and local government in a manner consistent with the conscience, the happiness, the welfare of her people by and through her people alone; admit the power of Congress to do this thing, and what is the use of talking of a federal union of free States? You have a consolidation in its very worst form, because you will have an unlimited power existing in the caprice and will of the accidental majorities in this body and the executive branch of the Government. Admit this doctrine, and that local self-government, which is the school of our people to be republican citizens, is stricken down at once. There is nothing left of this Government worth maintaining if such a doctrine is to be admitted. And yet if the provisions in this section have any effect, they mean that or they mean nothing. I have shown them to be utterly inconsistent with themselves. I have shown that they call upon a people in the same breath to obey a well-defined written charter of limited government, and at the same time to give their unqualified adhesion to a revolutionary manifesto. No, Mr. President, there is no such power. There was no such power given or intended to be given, and none such can be proven, as I say here in the presence of Senators well able to prove it if it exists. They can show and they will show no provision of the Constitution which gives Congress the power to impress any feature upon the constitution of a State that shall forbid that State to modify or abolish it in accordance with the wish of its people in any subsequent generation. When a State shall have become a member of this Union it stands on an equal footing with every other member.

One cannot be stricken down by any rule or through any claim of power that shall not be equally applicable and fatal to every other State. And if Senators shall not see the danger of the violation of so clear a principle of our Government, then history will have been false and her lessons unreliable if the day shall not come, and come speedily, when their own instructions will return to plague the inventors, and they will drink in bitterness from the very chalice that they have pressed to the lips of others unable now to resist them.

Mr. President, it is never wise to pass laws which are invalid and which must be mere dead letters. A law that is a dead letter, a law that cannot be executed, is a reproach to the legislature that passes it and tends to bring other laws into contempt. If I were asked today what I believed was the chief danger of the people of the United States, I should say the decay of respect for the laws of the land. It is the disregard of law, it is the disrespect for law that is the fruitful source of most of our unhappiness. I could illustrate it in a thousand ways ; did time permit I could turn to almost every Department of the Government, I could go into the highways, into all the avenues of society, and there show you that as a rule a want of respect for the law of the land is an American fault, and a fault that I am afraid is undermining the security of the Government of this country. It matters not whether this disrespect is for the Constitution that is our fundamental law, or for the laws passed in pursuance of it, or whether it be a disrespect for the constitutions of the States and the laws passed in pursuance of those constitutions ; but disrespect for the established rule, disrespect for the spirit of government which is represented by law is in my opinion one of the great dangers of the day, and one that my fellow-countrymen do not seem to me fully to appreciate. The lesson is needed as much by our rulers as by the people; indeed the latter are mere followers of the example. Therefore, sir, I would never willingly assist in placing upon the statute-book any law that could not command their respect and their obedience. If it be an invalid law, it will do neither. It will simply, as I said, draw reproach upon those who legislated for it. It will simply produce contempt for the law itself. No, sir. Let us confine ourselves in our legislation strictly within the limits of those powers granted us, and then insist at all times, in the face of all persuasions of party advantage or the contrary, that those laws here made shall be obeyed and shall be the law for all men, and this whether we are framing laws to admit new States or whether we are framing laws for governing all the States within the limitations of power confided to us.

For this reason I have said as much and as unpremeditatedly as I have in regard to this very important question. I am very clear that the Constitution of the United States of its own force would extend itself over the people of this Territory and of this incoming State without our saying anything about it in the law. But if it be deemed necessary to recite the fact that they are to be governed by the Constitution and laws of the United States—merely repeating a truism —let that be done; to that I have no objection; but do not, I beg of you, couple with that an utterly inconsistent demand upon them that they shall obey the law and a revolutionary manifesto at the same time. It is insensible and unreasonable; it is neither legal nor wise, if there can be any difference between the two.

Therefore I hope this section will be amended. It is not that I refuse in the least to acknowledge the force of every constitutional law and of every amendment to the Constitution. That is not my object at all. I simply object to inconsistently coupling them in this incongruous connection, the Constitution with the Declaration of Independence, and attempting to fasten certain conditions upon the future generations of this incoming State under the implication that the people of that State shall not at their own will and pleasure modify and change their State constitution as their own happiness instructs them. It must be in harmony with the Constitution and laws of the United States, or else would be absolutely invalid and of no authority. Nothing of the kind can or should be presumed.

I hold that the people of the new State of Colorado, after they have been admitted to the Union by complying with the conditions of this act, will then be here as an equal member of this Union of States, and that any measure of relief demanded by their people which involves any change in their organic law, can be made just as lawfully and free from interference by the Government of the United States as would the ancient Commonwealth which you, sir, so long represented on this floor. If any claim to the contrary is made, let us know it now, because it will be established at the cost of a revolution in our form of government; and if it is sought to be accomplished, the people ought to know it, and if it be their will, there is nothing else than submission left.

But, sir, I object and protest against such changes being wrought in this indirect and unfair manner, by claiming power wrongfully one day and making that a precedent for some fresh act thereafter.

It is for that reason that I have thought it my duty to say thus much on the subject.

Mr. MERRIMON. Mr. President, in my judgment an enabling act like this purports to be ought to be a very brief and a very simple one. It ought simply to provide that the people of the Territory may call a convention and frame a constitution republican in form for the purpose of organizing a State government and making application to Congress to be admitted under that constitution as a member of the Union. All these provisions imposing restrictions on the people of Colorado, other than the single restriction as to a republican form of government, it seems to me are out of place and are not contemplated by the Constitution of the United States.

But I do not propose to discuss that feature of the bill now before the Senate. I wish to direct attention to another matter of graver moment than that.

By the Constitution "new States may be admitted by the Congress into this Union;" and by the uniform practice of the Government, from the earliest period of its existence until now, every new State, when it is admitted as a member of the Union, comes in upon terms of equal footing with every other State; and Congress, unless it shall violate the spirit of the Constitution, unless it shall repudiate the practice of the American people from the beginning of their Government down to now, cannot do otherwise than admit the State of Colorado upon a like footing with the other States. It is sought, however, by this bill to do otherwise. Under the Constitution of the United States, by its express words and as well by its force and effect, the several States of the Union have power in the exercise of their police powers to make wide and important distinctions in the enjoyment of civil rights to which the people are entitled. For example, in the Southern States we have two races entirely distinct from each other; we have the African race and the white race. These are the prevailing races. Those States have power in the exercise of their police power to provide that the African race shall be educated in one class of schools, while the white race shall be educated in another class of schools. In the exercise of this power they may provide that the white race and the black race shall not intermarry. They have the power to provide that the two races in their attendance upon theaters and other public places shall occupy apartments separate from each other. The State of California, and the State of Oregon, and the State of Nevada, and the States of the far West, may exercise like powers in reference to the Mongolian and other races. They may provide discrimination in the exercise of civil, and, I may add, of political rights, with a view to the proper enjoyment by all the people of sound morals and good and wise government.

I know that it is contended by some persons that under the Constitution the several States cannot exercise such power. Suppose I should admit that for argument's sake, if that is true; then the clause which I propose to strike out is altogether immaterial—nugatory—for the Constitution of the United States is the supreme law of the land, and no State can pass any law impairing its obligation. If the Constitution of the United States forbids the States to exercise power to make such discriminations, why provide in the constitution of Colorado against the exercise of such power?

If by the Constitution no distinctions can be made in the matter of civil or political rights, why incorporate it in this act, or why incorporate it in the constitution of Colorado which it is proposed to make? If the Constitution has the force and effect contended for by the Senators here, this provision in this act, and when placed in the constitution of Colorado, will be entirely inoperative. It can have no force and effect practically, because the Constitution will operate upon the people of Colorado just as it operates on the people of Maryland or any other State, and no such distinction can be made.

But the truth is the Constitution does not have any such effect upon the rights and powers of the States. It has been so decided by the highest judicial tribunal in this country and by many State courts.

If I am correct in this, if such is the fact, then why undertake to force upon the people of Colorado a provision which is not to operate upon other States of the Union? Why undertake to force the people of Colorado to incorporate into their constitution an organic provison which, if the time shall come when it will be necessary to do so, shall prevent a distinction between the white race and the Mongolian race or any other race different from the white race, not for the purpose of depriving any race or class of people of any rights to which they are entitled, but for the purpose of preserving the morals of the country or promoting the interests of society in other respects? Why undertake to dwarf the proposed State of Colorado?

I say therefore that this distinction ought to be stricken out. If it can have any effect at all, it only will have such effect by incorporating it in the constitution of Colorado to dwarf that State, to deprive it of a power which belongs to every State other than this. My opinion is, as a matter of law, it would be inoperative, but it is manifest it is intended to operate. It would be a reflection upon the decency of the Senate to say that it would incorporate words that can have no operative effect. If these words are to have operative effect, they will dwarf the State of Colorado. They are intended to compel a State to come into the Union as a member of the Union on terms unequal with the other States; and therefore the clause ought to be stricken out. I cannot, will not vote to impose such restrictions. The State, when it comes, must come or ought to come in on an equal footing with any other State. This is the true doctrine.

The VICE-PRESIDENT. The question is upon the amendment of the Senator from Maryland, [Mr. HAMILTON,] upon which the yeas and nays have been called for.

The yeas and nays were ordered.

Mr. BOGY. As it is my wish to vote for the admission of this Territory, I am very anxious that anything in the bill which does not meet my approbation should be stricken out. As a matter of information I refer to the act of Congress authorizing the people of Missouri to form a State constitution and to be admitted as one of the States of the Union. In that act of Congress, which was passed in

1820, four conditions were imposed. The conditions were not to be part of the constitution of the new State, but they were to be accepted or rejected by the convention which was to form the constitution of the new State. In the bill before us an effort is made to dictate to the new State certain conditions, certain provisions, which are to form a part of its constitution. If we impose upon a new State applying for admission any conditions, those conditions can never be altered. They must remain as a part of the State constitution forever afterward. We have no right to impose these conditions upon a State. If we have the right, they certainly have not the right to alter those conditions. They must remain a part of the State constitution for all time to come. Such has not been the practice in the admission of new States heretofore, excepting in the cases of Nebraska and Nevada in the year 1864. There is a good reason why conditions at that time were imposed upon those new States. It was during a time of war, when war existed in the country, brought about by a number of States attempting to secede from the Union, and of course disregarding the Constitution of the United States, going beyond the Constitution, going out of the Government. Therefore there was a reason at that time to impose upon those States conditions which would prevent in the future any such effort. However wrong that was at that day, it was the birth of the occasion, brought about by the excitement of that period, fundamentally wrong then as it is now.

I hold that this new State, if it be made a State, can never, after the constitution is formed, change its constitution. If it can change its constitution, we have no right to impose any terms; and, in point of fact, why impose these conditions? The Constitution of the United States is the supreme law of the land over all the States, the new States as well as the old States. The great principles of the Declaration of Independence, which are not to be enforced as practical legislation, will be observed there as great principles affecting the rights of man in opposition to the rights of government. The principles embodied in the Declaration of Independence are of a revolutionary charater. They are not laws; they are great fundamental principles which exist in the breasts of men who love liberty and are willing to sacrifice life and property to maintain that liberty. If we have a right to impose one condition we have a right to impose another, and if that right goes on it will lead to a perfect consolidation of all the States.

Again, the States must all be of equal dignity. This new State of Colorado cannot have less rights than the ancient State of New York, or of Delaware, or of Pennsylvania, or any one of the old thirteen States. She must come in with the same rights, without any limitation, having the same fundamental right to alter and change her constitution whenever a majority of her people may think proper to do so. But a spirit is abroad, a spirit is entertained by a certain party in this country and in this Chamber, that it is not competent for the States to change their constitutions. The Executive in a message sent to us a few days ago intimates very broadly that the reconstructed States, so called, have not the right to change their constitutions; that their constitutions were a part of the contract under which they were readmitted. Can that be true? Can that be correct? Have they lost any of their rights since they have again become members of the Union? Have not the people of Alabama the same right to change and alter their constitution that the people of New York have? Conditions were imposed, and whether right or wrong at the time, it was the exercise of a great power and they had to submit to those conditions; but after the admission of those States they have the same right again to change and alter their constitutions that they had before. Take my own State. Missouri is not exactly a reconstructed State nor was it a State in rebellion, notwithstanding we changed our constitution during the war. The party then in the ascendency changed it entirely and made a constitution which does not meet the approbation of the people now, and a convention in my State will be held in a very few weeks for the purpose of making a new constitution and changing entirely the constitution which was formed in 1863 or 1864. Is it not competent for us to do this? If it be competent for any of the old States to change their constitutions, it will be competent for any of these new States when they come into the Union to change their constitutions.

The views which I am expressing now have been so well and so ably presented by the Senator from Delaware [Mr. BAYARD] that it appears to be a waste of time for me to dwell upon the same subject. To my mind he has exhausted it. I repeat that I am anxious to vote for the admission of Colorado and for the admission of New Mexico, yet I do not think I can do so if this provision is retained in the bill, not that I object to any provision declaring that the Constitution shall be the supreme law of the land. It is the supreme law of the land. There is no question about that. I object to nothing the omission of which would have the slightest tendency to weaken this Government, to weaken the ligaments which bind the States to the Federal Government; nor am I disposed to do anything which will destroy the character of the States and make them mere dependents upon the will and caprice of the Federal Government. The original intention I want to carry out, a confederacy of sovereign States, and yet the Constitution of the United States and the laws made in pursuance thereof to be the supreme law of the land. Without that qualification I do not wish any State to be admitted. I therefore hope the amendment of the Senator from Maryland may be adopted. Otherwise, I do not see that I can vote for this bill.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Marylahd, [Mr. HAMILTON,] on which the yeas and nays have been ordered.

Mr. DENNIS. I am paired with the Senator from Minnesota, [Mr. RAMSEY.] If he were here he would vote "nay," and I would vote "yea."

Mr. NORWOOD. On this question I am paired with the Senator from South Carolina, [Mr. PATTERSON.] If he were here he would vote "nay," and I would vote "yea."

The question being taken by yeas and nays, resulted—yeas 18, nays 39; as follows:

YEAS—Messrs. Bogy Cooper, Davis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Kelly, Lewis, McCreery, Merrimon, Ransom, Saulsbury, Sprague, Stevenson, Stockton, and Tipton—18.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Robertson, Scott, Sherman, Spencer, Stewart, Washburn, West, Windom, and Wright—39.

ABSENT—Messrs. Bayard, Brownlow, Carpenter, Dennis, Fenton, Ferry of Connecticut, Harvey, Johnston, Jones, Norwood, Patterson, Ramsey, Sargent, Schurz, Thurman, and Wadleigh—16.

So the amendment was rejected.

Mr. TIPTON. In lines 7, 8, and 9 of section 4 I move to strike out the following words:

And, after organization, shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States.

I was absent from the Senate unavoidably an hour or more, and am not aware, therefore, whether any motion has been made upon that proposition or not.

Mr. HAMLIN. It has just been voted on.

Mr. LOGAN. We have just voted on it by yeas and nays.

Mr. TIPTON. I understand that vote was on the clause following the word "provided," "and make no distinction in civil or political rights on account of race or color," &c. This proposition of mine, then, has not been before the Senate.

Mr. President, this is one of those unheard-of things that occasionally find their way into our legislation. I understand the people of Colorado to be an intelligent people. I understand them to be a patriotic people. I understand them to be a people of ordinary comprehension certainly, and of common sense. They make an application for admission here, and they know that they are doing it under the Constitution of the United States. They know that a constitution which they present here must be in accordance with the spirit and the letter of the Constitution of the United States. They have never given you any evidence of disloyalty, yet you enact that before you will permit them to form a constitution, which they shall present here for your supervision, you will call upon them to make an expression of their loyalty to the Government of the United States, a Government for which they furnished means and sent forth their soldiers when there was a call made upon the Territories by the Government of the United States. But you do not ask the people of Colorado themselves; they might have the power to address you on this question; but you proceed upon the implication that if the people of Colorado shall elect men to represent them in a constitutional convention, they shall put themselves so far in the power of that delegation that it is competent, that it is constitutional, that it is right, that those representatives by a vote, before ever they can proceed to the work for which they have assembled, must solemnly declare on behalf of the people of the Territory that they do adopt the Constitution of the United States.

If it is necessary for any one to adopt the Constitution of the United States, can he do it by proxy in this manner? If it is necessary that a man shall swear allegiance to the Constitution of the United States, can he endow with the attributes of his sovereignty a neighbor, an agent, an attorney to take that oath for him and in his stead? No man believes that for a moment. Therefore I am utterly at a loss to know why such a proposition should have ever been placed in a bill admitting a Territory to the position of a State under the Constitution of the United States. I have heard no explanation of it, and I apprehend that there is no explanation to be made. Any pledge the delegates may make in regard to the people of Colorado will be absolutely null and void. They have not any power to make it, and you know that they have no power to make it. Every lawyer on the floor of the Senate knows that that legislative assembly can have no binding power whatever in this respect. They will come here to be admitted not on the pledge that their delegates in constitutional convention have made to the Government of the United States, but they will come here with a constitution which is to be measured by the Constitution of the United States. And yet you propose to march them through the magnificent farce of pledging themselves to the Constitution of the United States by men who were elected for the purpose of adopting a State constitution for a Territory.

There is nothing, therefore, in that proposition that ought to remain in the bill. I am in favor of the admission of the people of Colorado; but when I shall come to vote on the bill, whether that proposition is in it or out of it, I wish the people of Colorado to understand that so far as my vote is cast here I do not suppose it is competent to swear them to the Constitution of the United States by a set of del-

gates who will be elected clothed with no such power whatever. In regard to all the conditions-precedent that are specified in this same fourth section, no one of them can be binding unless it be incorporated in the constitution, and is constitutional outside of the pledge that these delegates may make in behalf of the people.

I wish to say, therefore, that if this proposition is not stricken out, when I vote for this bill I shall vote with a distinct understanding that that and all pertaining to it in the fourth section is a mere nullity.

Mr. MORRILL, of Vermont. Mr. President, I am very much astonished at the tenacity with which our democratic friends insist on striking out any compact, any condition, for the admission of States. All the doctors that we have heard talk on this subject so far claim that the moment a State gets into the Union it may rub out and do just what it pleases. If such is the character of the conditions that are annexed to the admission of Territories as States, I do not see why they should be at all particular what the conditions are in the acts for their admission.

Mr. SAULSBURY. I simply want to say one word. I can see no use whatever in incorporating this provision in the statute. It is true it does no harm, but this is a high legislative body, and I have not heard one single argument or reason why it should be incorporated or what possible good it could effect. And yet the Senate of the United States, perhaps as high a legislative body as there is in the world, actually would be incorporating that which by common consent is useless. Everybody knows that the Constitution of the United States is the supreme law of the land, and will operate as well in Colorado as in any other State of this Union. I ask what is the good sense of the Senate of the United States in the preparation of a statute incorporating in it that which is wholly useless and which adds nothing whatever to the validity of the statute.

My objection to this provision is not simply that it is here, but because it is perfectly useless, accomplishes no good, and, in my judgment, has not that care which ought to be exercised in the preparation of statutes by this high body. I shall vote to strike it out because it is surplusage and certainly of no earthly use by any possibility whatever.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska, [Mr. TIPTON.]

Mr. TIPTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MERRIMON. I ask that the amendment be reported; I have not heard it yet.

The SECRETARY. In section 4, beginning in line 7, it is proposed to strike out the following words?

And, after organization, shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States.

The question being taken by yeas and nays, resulted—yeas 12, nays 36; as follows:

YEAS—Messrs. Bogy, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Kelly, McCreery, Saulsbury, Stockton, and Tipton—12.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Jones, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Pease, Pratt, Robertson, Sargent, Scott, Sherman, Stewart, Washburn, West, and Windom—36.

ABSENT—Messrs. Bayard, Brownlow, Carpenter, Conover, Cragin, Dennis, Eaton, Fenton, Ferry of Connecticut, Gilbert, Harvey, Johnston, Lewis, Norwood, Oglesby, Patterson, Ramsey, Ransom, Schurz, Spencer, Sprague, Stevenson, Thurman, Wadleigh, and Wright—25.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. SPRAGUE. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HAMILTON, of Maryland. I desire to ask one question of the Senator from Tennessee, [Mr. COOPER,] who is a member of the Committee on Territories, or the Senator from Nebraska, [Mr. HITCHCOCK.] What is the population of that Territory now?

Mr. HITCHCOCK. I have already stated that from the best information obtainable we believe the population to be at least one hundred and fifty thousand.

Mr. COOPER. In answer to the question of the Senator from Maryland I will state that the census of 1870 shows a population of thirty-nine thousand eight hundred, according to my recollection. In the committee I opposed the bill on the ground of want of population in the Territory, because we had no evidence, or not sufficient evidence, to show the increased population contended for by the Senator from Nebraska. If there was any such evidence, I am not aware of it.

The yeas and nays were taken on the passage of the bill.

Mr. COOPER. On this question I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were here he would vote "yea," and I should vote "nay."

Mr. DAVIS. On this question I am paired with the Senator from Missouri, [Mr. SCHURZ.] If present he would vote "yea," and I should vote "nay."

Mr. DENNIS. On this question I am paired with the Senator from Minnesota, [Mr. RAMSEY.] If he were here he would vote in the affirmative, and I should vote in the negative.

Mr. NORWOOD. On this question I am paired with the Senator from South Carolina, [Mr. PATTERSON.] If present he would vote "yea," and I should vote "nay."

The result was announced—yeas 42, nays 12; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bogy, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Robertson, Sargent, Sherman, Spencer, Stewart, Tipton, Washburn, West, Windom, and Wright—42.

NAYS—Messrs. Bayard, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, McCreery, Ransom, Saulsbury, Sprague, Stevenson, and Stockton—12.

ABSENT—Messrs. Boreman, Brownlow, Carpenter, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Gilbert, Johnston, Lewis, Merrimon, Norwood, Patterson, Ramsey, Schurz, Scott, Thurman, and Wadleigh—19.

So the bill was passed.

AMENDMENTS TO HOUSE BILLS.

Mr. CONOVER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ROBERTSON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4734) to establish certain post-roads; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CEMETERY AT YORK, PENNSYLVANIA.

Mr. HITCHCOCK. I move now that the Senate proceed to the consideration of the bill to enable the people of New Mexico to form a State government.

The motion was agreed to.

Mr. CAMERON. Now, Mr. President, I beg the Senator from Nebraska to allow me five minutes; I will not ask more. For three or four days you have laughed about a little proposition that I brought forward here. Now I want to have it seriously acted on.

Mr. HITCHCOCK. Some time ago I stated that I would consent to a motion for an executive session after the bill for the admission of New Mexico should be taken up. Unless that is now insisted upon I should like to make a motion that we take a recess until eight o'clock.

Mr. STEWART. It seems to me we can adopt the same amendments to this bill as to the other; make them identical, and pass this bill if there is a majority in favor of it.

Mr. CAMERON. I had the floor and did not give it up. I ask the Senate to take up the bill to place head-stones over one hundred and sixty buried soldiers in the town of York, Pennsylvania. The people of York during the four or five years of the war nursed and cared for all the sick that came there. One hundred and sixty were buried. They built a monument over their graves; they built an iron and stone fence around the ground; they built a house to accommodate the person who had charge of the cemetery; and they put wooden tablets at the heads of the graves. These tablets are decaying, and they ask the Government to recognize it as a national cemetery and to put proper memorials to mark the remains of these patriotic people. It will cost $1,600. The people of the town have spent more than $20,000. I should like to know if there is a man in the Senate who will deny to these good people this recognition of their great and honorable work? I ask the Senate to take up the bill and pass it without another word.

Mr. SHERMAN. I will not oppose the bill being taken up, but I shall feel it my duty to oppose it, and I will show to the Senate that the example thus set as a compliment to the Senator from Pennsylvania would not only be a very expensive compliment, but wrong in principle. I will not submit to the passage of a bill of this kind unless the facts be made known to the Senate.

Mr. CAMERON. I only ask the Senate to take it up, and the Senator from Ohio may take the responsibility of consuming time if he will.

Mr. HAMILTON, of Maryland. With the consent of the Senator from Nebraska, I move that the Senate proceed to the consideration of executive business.

Mr. CAMERON. I trust not. I have asked for five minutes.

The VICE-PRESIDENT. The question before the Senate is the bill for the admission of New Mexico.

Mr. HITCHCOCK. Of course the honorable Senator from Pennsylvania will not now press the motion after the announcement that his bill will lead to debate. I certainly, if his bill could be passed by unanimous consent, would not object to the New Mexico bill being laid aside informally; but as it is announced that the Senator from Ohio intends to debate and fight the bill, of course it cannot be interposed at the present time.

Mr. CAMERON. Well let him fight it. He will not make a long fight, I think. All I ask is an opportunity to let him do so and let us have a vote.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent to take up the bill indicated by him for consideration.

Mr. SHERMAN. I object for one.

The VICE-PRESIDENT. Objection is made. The Secretary will read the New Mexico bill, which is before the Senate.

EXECUTIVE SESSION.

Mr. CONKLING. What becomes of the motion for an executive session?

Mr. SCOTT. I move that the Senate proceed to the consideration of executive business.

Mr. HITCHCOCK. I stated that I would yield for that motion.

The VICE-PRESIDENT. The question is on the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

ADMISSION OF NEW MEXICO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. SARGENT. I propose to move *seriatim* the amendments which were made in the case of Colorado, commencing with the first one and going on all the way through. Perhaps it would be more satisfactory to the Senate to see that each amendment is in instead of moving a substitute embodying them, which has been prepared. On line 23, of section 3, I move to strike out the words "from the passage of this act" and insert "next after the 1st day of September, 1875."

The amendment was agreed to.

Mr. EDMUNDS. There ought to be an amendment in line 20, of section 3—"be held throughout the Territory at such time in the month of November, 1875, as shall be fixed."

Mr. SARGENT. The Senator can move that. I took the amendments which were carried in the other bill. I got them at the Clerk's desk.

Mr. EDMUNDS. I think this was put on the other bill; it was moved, at any rate. In line 20 of section 3, after the word "time," I move to insert "in the month of November, 1875."

Mr. MORTON. That was agreed to.

Mr. EDMUNDS. It was agreed to in the other bill.

Mr. SARGENT. The Clerk failed to give it to me then.

The amendment was agreed to.

Mr. SARGENT. Now, in section 5, line 6, after the word "held," I move to insert the words "in the month of July, 1876."

Mr. EDMUNDS. It should come in after the word "time;" so as to read:

Shall be held at such time in the month of July, 1876.

Mr. SARGENT. I followed the Clerk; but I accept the modification.

The amendment was agreed to.

Mr. SARGENT. The next amendment which I received from the Clerk is in section 8, line 5, after the word "thereof" to insert—

With the approval of the President.

The amendment was agreed to.

Mr. SARGENT. The next amendment is in section 9, line 2, after the word "located" to insert "and with the approval."

The amendment was agreed to.

Mr. SARGENT. The next amendment is in section 10, line 3, after the word "selected" to insert the words "and approved."

The amendment was agreed to.

Mr. SARGENT. The next amendment is in section 11, line 3, to strike out the word "or" at the beginning of the line and insert "and."

The amendment was agreed to.

Mr. SARGENT. In section 12, line 2, after the words "sales of," I move to insert "agricultural."

The amendment was agreed to.

Mr. SARGENT. Now, in lines 2 and 3 I move to strike out the words "have been or," and in line 3 to strike out the words "prior or."

The amendment was agreed to.

Mr. SARGENT. As a proviso to the same section, I move to add—

Provided, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses.

The amendment was agreed to.

Mr. SARGENT. Now I move to strike out section 13, as follows:

SEC. 13. That the eighth section of the act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the 4th day of September, 1841, shall be, and is hereby declared to be, applicable to the State of New Mexico, when admitted into the Union as herein provided.

The amendment was agreed to.

Mr. SARGENT. I offer the following additional section to the bill:

That all mineral lands shall be excepted from the operation and grants of this act.

The amendment was agreed to.

Mr. THURMAN. There is one thing that I should like to have a word of explanation about, and that is this clause in section 4, among the conditions to be provided by ordinance of the convention:

Secondly, that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands and to all lands owned or held by any Indian or Indian tribes, until the title thereto shall have been extinguished by the United States lying within said Territory.

The way it is punctuated it means "the United States lying within said Territory." I am reading from the Colorado bill, and I was told the same words are here. It is on page 4 of the Colorado bill.

Mr. EDMUNDS. I did not see any such thing in the Colorado bill, but it may be there.

Mr. THURMAN. It is the second condition in the proviso. The proviso is:

And provided further, That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship.

Mr. EDMUNDS. I do not see in the New Mexico bill anything about Indian lands.

Mr. THURMAN. This is in the Colorado bill. I have been out of the Senate because I have been sick all day. Here it reads:

Secondly, that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands and to all lands owned or held by any Indian or Indian tribes, until the title thereto shall have been extinguished by the United States lying within said Territory.

Mr. EDMUNDS. That is not in the bill under consideration.

Mr. SARGENT. No; it is not in this bill.

Mr. THURMAN. It is in the Colorado bill. The implication is that when we extinguish the right, they set up title.

Mr. EDMUNDS. That is so; but I did not observe that in the Colorado bill.

Mr. THURMAN. It does not prohibit them from setting up a title. They have no right to that, and their jurisdiction over them we do not intend to take away.

Mr. SARGENT. The language of this bill is:

That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof.

Mr. THURMAN. That is right.

Mr. SARGENT. Cannot we by unanimous consent agree that the provision in the Colorado bill shall be the same as in this bill? I submit that question, whether we cannot by unanimous consent agree that the Colorado bill shall be made to conform with this bill in this provision; so as to read:

Thirdly. That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

I offer that as a substitute for the equivalent provision in the Colorado bill. I want to substitute the "thirdly" in this bill for the "secondly" in the Colorado bill.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The correction may be made in the Colorado bill by unanimous consent. The Chair hears no objection to that correction being made.

Mr. HITCHCOCK. I think we had better wait to get through with one bill before we take up another.

Mr. STOCKTON. It seems to be taken for granted that there is unanimous consent unless a gentleman rises and makes a noise. I rose three or four times. I certainly never will give my consent to such legislation as that after the passage of a bill a gentleman may rise and suggest that by unanimous consent the bill is to be made different from the bill that passed. I am perfectly willing to have the amendment made, but let the Senator move to reconsider.

Mr. SARGENT. I enter that motion and will call it up by and by.

Mr. LOGAN. Let us finish this bill first.

The PRESIDING OFFICER. Objection is made to the proposition of the Senator from California.

Mr. MERRIMON. I move to strike out from the word "and" in line 12 of section 4 to the word "taxed" in line 14. The clause to be stricken out is:

And make no distinction in civil or political rights on account of race or color, except Indians not taxed.

Mr. THURMAN. I should like to understand what is considered to be the effect of that provision in the bill. We know that in some States persons who have resided in the State and are permanently domiciled there are allowed to vote without having even declared their intention to become citizens of the United States. I think many States have gone that far; certainly they have allowed foreigners to vote without even that formality. It is not necessary therefore, in order to be an elector of a State, that one should be a citizen of the United States, that a person should have been naturalized. What would be the effect in case Colorado or New Mexico should not require United States citizenship as a qualification of elect-

ors? Would not this provision in the ordinance, if considered binding on the State, compel them to allow all the Chinese to vote? I should like somebody to explain why it would not.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. CAMERON called for the yeas and nays on the passage of the bill; and they were ordered.

Mr. THURMAN. After passing the Colorado bill, and passing it by a large majority, I see no reason why this bill should not pass provided the reasons for passing the Colorado bill were sufficient, as they appear to have been in the minds of the Senate. The vote on the Colorado bill was quite decided; and if the Senate think Colorado is entitled to admission into the Union, the same reasons should induce it to admit New Mexico. The claims of New Mexico indeed are stronger than the claims of Colorado. The claims of New Mexico have the additional sanction of the treaty we made with Mexico by which that Territory was acquired, and also the fact that New Mexico has more population than has Colorado. I shall not therefore, after the Senate has voted to admit Colorado, feel myself under any obligation to oppose the admission of New Mexico.

Mr. BAYARD. I wish to ask the Senator who seems to have charge of this bill to state the population of the Territory?

Mr. HITCHCOCK. Its population is equal to that of Colorado, and probably greater.

Mr. HAMILTON, of Maryland. How many votes did it poll at the last election?

Mr. HITCHCOCK. I am unable to inform the Senator.

Mr. HAMILTON, of Maryland. Is there anybody on this floor who is able?

Mr. SARGENT. The census of 1860 showed a population of over ninety-three thousand, and although Arizona and Colorado were cut off afterward, the census of 1870 showed 91,871, and it is very well known that the census is taken very imperfectly indeed in these extensive Territories. It is so even in my State. The State of California unquestionably has a population of seven hundred and fifty thousand souls, but a census taken there to-morrow would not probably show over between five and six hundred thousand. It is impossible to take the census there as you can in the city of Baltimore or the State of Maryland.

Mr. HAMILTON, of Maryland. One thing we do know, that there has always been an interest taken in the Delegate elections in that Territory, and I want to know what the vote was at the last Delegate election.

Mr. LOGAN. The vote at the last election, which I am told was not a full vote, was 17,500.

The question being taken by yeas and nays, resulted—yeas 32, nays 11; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bogy, Boutwell, Cameron, Conover, Cragin, Dennis, Dorsey, Ferry of Michigan, Flanagan, Gilbert, Gordon, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Logan, Mitchell, Oglesby, Patterson, Ramsey, Sargent, Spencer, Stewart, Tipton, West, Windom, and Wright—32.

NAYS—Messrs. Edmunds, Frelinghuysen, Hamilton of Maryland, McCreery, Merrimon, Morton, Pease, Pratt, Saulsbury, Stevenson, and Stockton—11.

ABSENT—Messrs. Bayard, Boreman, Brownlow, Carpenter, Chandler, Clayton, Conkling, Cooper, Davis, Eaton, Fenton, Ferry of Connecticut, Goldthwaite, Hager, Hamilton of Texas, Howe, Johnston, Jones, Morrill of Maine, Morrill of Vermont, Norwood, Ransom, Robertson, Schurz, Scott, Sherman, Sprague, Thurman, Wadleigh, and Washburn—30.

So the bill was passed.

ADMISSION OF COLORADO.

Mr. SARGENT. Now I move that the vote by which the Colorado bill was passed be reconsidered in order that we may correct the text.

The motion was agreed to; and the passage of the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the people of the original States, was reconsidered.

Mr. SARGENT. I move to reconsider the vote by which the bill was ordered to a third reading.

The motion was agreed to.

Mr. SARGENT. Now I move in section 4 to strike out from line 25 to line 27 these words:

And to all lands owned or held by any Indian or Indian tribes until the title thereto shall have been extinguished by the United States.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. DARBY.

Mr. RAMSEY. I desire the Senate to give their consent to let me pass a pension bill. It is House bill No. 2765. It will take but a minute. The Senator from Indiana, [Mr. PRATT,] the chairman of the committee, recommends it.

There being no objection, the bill (H. R. No. 2765) granting a pension to John W. Darby was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Darby, late a private in Company M, Thirty-second Regiment Massachusetts Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

COUNTING OF ELECTORAL VOTES.

Mr. MORTON. I move that the Senate proceed to the consideration of the bill (S. No. 1251) to provide and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

The motion was agreed to.

Mr. DAVIS, (at six o'clock and fifty-six minutes p. m.) I move that the Senate do now adjourn.

Mr. EDMUNDS. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 25; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boreman, Cooper, Davis, Dennis, Gilbert, Gordon, Hamilton of Maryland, Kelly, Lewis, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Stockton, Thurman, and Tipton—21.

NAYS—Messrs. Allison, Anthony, Boutwell, Cameron, Dorsey, Edmunds, Flanagan, Frelinghuysen, Harvey, Hitchcock, Ingalls, Logan, Morrill of Maine, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, West, Windom, and Wright—25.

ABSENT.—Messrs. Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cragin, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Hager, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, Mitchell, Morrill of Vermont, Robertson, Schurz, Sherman, Sprague, Stewart, Wadleigh, and Washburn—27.

So the Senate refused to adjourn.

The PRESIDING OFFICER. Senate bill No. 1251 is before the Senate as in Committee of the Whole, and will be read.

Mr. CAMERON. I ask the Senator from Indiana now to give way to me for a few minutes.

Mr. EDMUNDS. I call for the regular order.

The PRESIDING OFFICER. The regular order is called for. The Secretary will proceed with the reading of the bill.

Mr. CAMERON. I have appealed to the Senator from Indiana, and he has not said whether he would yield to me or not.

Mr. EDMUNDS. He cannot do it without laying aside the bill.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be read.

The bill was read.

Mr. CAMERON. Now I move to postpone the bill before the Senate for the purpose I have indicated.

Mr. LOGAN. I would not do that.

Mr. CAMERON. Yes, I will; and I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 10, nays 17; as follows:

YEAS—Messrs. Bogy, Cameron, Dennis, Merrimon, Mitchell, Patterson, Ramsey, Spencer, Stevenson, and Thurman—10.

NAYS—Messrs. Alcorn, Boreman, Boutwell, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Gilbert, Logan, Morrill of Maine, Morton, Pratt, Sargent, West, Windom, and Wright—17.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Eaton, Fenton, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Johnston, Jones, Kelly, Lewis, McCreery, Morrill of Vermont, Norwood, Oglesby, Pease, Ransom, Robertson, Saulsbury, Schurz, Scott, Sherman, Sprague, Stewart, Stockton, Tipton, Wadleigh, and Washburn—46.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. THURMAN, (at seven o'clock and ten minutes p. m.) I move that the Senate adjourn.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 4, nays 22; as follows:

YEAS—Messrs. Bogy, Gilbert, Ramsey, and Thurman—4.

NAYS—Messrs. Alcorn, Anthony, Boutwell, Cameron, Edmunds, Flanagan, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Sargent, Scott, Spencer, West, Windom, and Wright—22.

ABSENT—Messrs. Allison, Bayard, Boreman, Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, Kelly, Lewis, McCreery, Merrimon, Morrill of Maine, Norwood, Patterson, Ransom, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stewart, Stockton, Tipton, Wadleigh, and Washburn—47.

The PRESIDING OFFICER. The Senate refuses to adjourn; but there is not a quorum voting.

Mr. RAMSEY. Would it be in order to move for an executive session now?

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. THURMAN. That is a debatable motion.

Mr. EDMUNDS. Not when there is not a quorum.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. Does the Chair decide that the motion is not debatable?

The PRESIDING OFFICER. The Chair so decides.

Mr. THURMAN. I appeal.

Mr. MORTON. I ask unanimous consent to take this vote to-morrow at one o'clock.

Mr. EDMUNDS. The motion is not debatable.

Mr. THURMAN. The motion is to send the Sergeant-at-Arms for absentees. I would like somebody to point out a rule that says it is not debatable.

Mr. EDMUNDS. I object to debate.

The PRESIDING OFFICER. There are only two motions to be put, to adjourn or to send for the absentees. The Chair so rules.

Mr. THURMAN. I should like to be referred to the rule which forbids debate.

Mr. EDMUNDS. Regular order.

Mr. THURMAN. Let us have the rule read. Nothing will be gained——

Mr. EDMUNDS. Mr. President, I object to debate.

The PRESIDING OFFICER. Objection is made to debate. The yeas and nays have been called for.

Mr. EDMUNDS. On what question?

Mr. THURMAN. On the appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Ohio appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 3; as follows:

YEAS—Messrs. Alcorn, Allison, Boreman, Boutwell, Cameron, Cragin, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hitchcock, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Spencer, Stevenson, West, Windom, and Wright—25.

NAYS—Messrs. Gilbert, Sargent, and Thurman—3.

ABSENT—Messrs. Anthony, Bayard, Bogy, Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Dennis, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, Johnston, Jones, Kelly, Lewis, McCreery, Merrimon, Morrill of Vermont, Norwood, Patterson, Ransom, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stewart, Stockton, Tipton, Wadleigh, and Washburn—45.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. EDMUNDS. If the appeal could be taken at all, it is beaten of course.

The PRESIDING OFFICER. There is no decision.

Mr. MORRILL, of Maine. I should like to inquire what the motion is.

The PRESIDING OFFICER. The motion is that the Sergeant-at-Arms be directed to request the presence of the absentees; on which motion the yeas and nays have been ordered.

Mr. CAMERON. I think——

Mr. EDMUNDS. The motion is not debatable.

Mr. STEVENSON. I rise to a question of order. Can less than a quorum do any sort of business?

The PRESIDING OFFICER. None except to adjourn or to send for the absentees.

Mr. STEVENSON. Under what rule can they send for absentees?

The PRESIDING OFFICER. That has been the uniform practice of the Senate. On this motion the yeas and nays have been ordered.

Mr. MORTON. Before the vote is taken I ask unanimous consent to make a proposition, and that is that we take the vote on the bill to-morrow at one o'clock.

Mr. LOGAN. How can you make a bargain when there is not a quorum?

Mr. CAMERON. We can make a bargain for ourselves.

Mr. MORTON. If I can have unanimous consent that we shall take the vote to-morrow at one o'clock, I shall be willing that the Senate now adjourn.

Mr. PEASE. I rise to a point of order: that no motion can be entertained, it having been declared that there is no quorum present, except a motion to adjourn or a motion for a call of the Senate. No motion for unanimous consent can obtain. No motion is in order except to adjourn or to order a call of the Senate.

Mr. SCOTT. I suggest that the Chair count the Senators present and ascertain whether there is not a quorum in the Chamber.

The PRESIDING OFFICER. The yeas and nays on this question will reveal the fact whether there is a quorum present.

Mr. LOGAN. I would like to ask—I do not know whether it would be considered a parliamentary question or not—is there no means of ascertaining the presence of a quorum except by the yeas and nays? Is it not a fact patent to everybody that there is a quorum present; and when members sit here and refuse to answer to their names, has not the President of the Senate a right to count the Senate to ascertain if there be not a quorum present?

Mr. EDMUNDS. Let the call proceed.

Mr. THURMAN. The rule ought not to be enforced on one side and not on the other.

The PRESIDING OFFICER. The roll-call will proceed on the motion to send for absentees.

The Secretary proceeded to call the roll.

Mr. OGLESBY, (when his name was called.) The roll is being called now, as I understand, on a motion for the President to direct the Sergeant-at-Arms to go for absentees.

The PRESIDING OFFICER. To request their attendance.

Mr. OGLESBY. And if that fails for the want of a majority, there being no quorum present, I suppose they will not be sent for. If the motion prevails will they be sent for?

The PRESIDING OFFICER. Certainly.

Mr. OGLESBY. And shall we have to remain here till they come?

The PRESIDING OFFICER. Certainly. [Laughter.]

Mr. OGLESBY. I vote "yea."

The result was announced—yeas 26, nays 10; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Cameron, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Pease, Pratt, Sargent, Scott, Spencer, West, Windom, and Wright—26.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boreman, Dennis, Gilbert, McCreery, Merrimon, Ramsey, and Stevenson—10.

ABSENT—Messrs. Brownlow, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Eaton, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Johnston, Jones, Kelly, Lewis, Morrill of Vermont, Norwood, Patterson, Ransom, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stewart, Stockton, Thurman, Tipton, Wadleigh, and Washburn—37.

The PRESIDING OFFICER. There is no quorum voting.

Mr. EDMUNDS. That does not make any difference. The order is made.

The PRESIDING OFFICER. The Sergeant-at-Arms will request the presence of absentees.

Mr. PRATT. I move to postpone the pending order——

The PRESIDING OFFICER. No business can be transacted.

Mr. EDMUNDS. We are executing an order of the Senate now.

Mr. MORRILL, of Maine. Can it not——

The PRESIDING OFFICER. No business can be transacted except a motion to adjourn. A call of the Senate is being executed.

Mr. PRATT. Cannot my motion be heard?

The PRESIDING OFFICER. It cannot. It is out of order.

Mr. ALLISON. Cannot the Senator from Indiana, by unanimous consent, be allowed to present his bill?

Mr. EDMUNDS. There is no quorum. There cannot be unanimous consent.

Mr. PRATT. I think this motion of mine would produce a quorum in very short order.

The PRESIDING OFFICER. The Senator is out of order.

Mr. LEWIS, (at seven o'clock and thirty-seven minutes p. m.) I move that the Senate adjourn.

A division was called for.

Mr. LEWIS. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. ANTHONY. I ask unanimous consent to make a statement. I am informed that it was understood by our friends on the other side of the Chamber that if this vote should be taken on the two bills which have been passed without any unnecessary delay, after that we should adjourn. I did not know it, and I was not a party to it, but if that was the understanding and if in consideration of that Senators have withheld speeches which they had intended to make, I think not only good faith, but a regard for our own comfort and convenience, require that we should carry out the understanding whatever it was, and I for one will do it although I did not know of it. But certainly if the speeches which we might naturally have expected upon two bills of such importance have been withheld on the other side upon that understanding, I think we should abide by it.

Mr. EDMUNDS. Mr. President——

Mr. LEWIS. I moved that the Senate adjourn, and it is not debatable.

The PRESIDING OFFICER. The Chair supposed no objection was raised to the statement by the Senator from Rhode Island. The Senator from Vermont desires to make a statement.

Mr. LEWIS. I waive the motion for the moment.

Mr. EDMUNDS. So far as I know I have never violated an engagement of honor on this floor. I never heard until this minute that there was such an understanding on the part of anybody. When we have understandings in the Senate that are expected to bind gentlemen, it is usually supposed that they will be made known to them or publicly stated, so that they might have known of them if they had been present. If any gentleman will say that any public statement of that character was made, whether I was here to hear it or not, I shall most cheerfully acquiesce, because I feel myself bound. If none was made, if gentlemen have made private engagements, of course they must be responsible and nobody else.

Mr. PEASE. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi asks to make a statement. The Chair hears no objection.

Mr. PEASE. It occurs to me that if any such arrangement was made by our friends on the other side of the Chamber they certainly violated that pledge in moving to adjourn after we had passed upon the Colorado question and we had to rally our forces in order to pass the New Mexico bill. So it seems to me they are debarred from entering any complaint now, for if any arrangement was made I say they were to remain until we passed those two bills, and they certainly did move to adjourn before.

Mr. SCOTT. May I be permitted to recall what occurred, from which I think, if it was not expressly stated certainly, it was inferred, that an adjournment should take place?

Mr. HAMILTON, of Maryland. Certainly.

Mr. SCOTT. Early in the afternoon the Senator from Vermont [Mr. EDMUNDS] made a motion to proceed to the consideration of executive business. When he made that motion the Senator from Nebraska [Mr. HITCHCOCK] who had charge of the Colorado bill rose and stated that he did not wish that motion made at that time, but

that if the Senate would proceed with the Colorado bill and then permit him to take up the bill for the admission of New Mexico, he would not then object to the motion to proceed to the consideration of executive business, although it was not stated that proceeding to the consideration of executive business would be followed by adjournment.

Mr. EDMUNDS. I stated exactly the reverse.

Mr. SCOTT. I know, upon the question of going in at that time; but although it was not stated, still it did create the impression I think on the mind of nearly everybody that all that was expected by the Senator from Nebraska was to get up the bill for the admission of New Mexico and then an executive session would follow and an adjournment take place. Instead of that the New Mexico bill was taken up and passed, and my own impression was that there would be an adjournment in pursuance of what was stated.

Mr. HAMILTON, of Maryland. And the Senator from Indiana, when his bill was taken up, took his coat and hat. That was the idea, and we certainly so understood. I appeal to the Senator from California if it was not so.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Senator may proceed if there be no objection.

Mr. HITCHCOCK. Of course, Mr. President, I have no authority to speak for the majority of the Senate, nor for any gentleman who has charge of the business now before the Senate. I stated what I said in regard to the executive session publicly, and the Senate understood all that that implied. They had a right to their own conclusions from that implication. But I had no right to make, and of course I did make no arrangement that binds anybody. I stated, however, what I expected in private conversation with Senators sitting near me. I gave them my personal opinion, and to that extent only am I responsible. It was of course my personal expectation that no further business would be transacted. I hardly hoped even to be fortunate enough to pass the New Mexico bill to-night, and with that passage I was agreeably disappointed. Beyond that of course I am not responsible and cannot be held responsible, except that personally I should have been very glad, with other Senators, to adjourn at that time had I been able to induce the Senate to adjourn.

Mr. ALCORN. Mr. President——

The PRESIDING OFFICER. If there be no objection, the Senator from Mississippi will proceed.

Mr. ALCORN. I know nothing as to an arrangement or as to the form in which the proposition came if it came at all, or how it was accepted; but I do know that the general understanding around me in this circle was that as soon as the two bills which have been referred to should be passed, the Senate would adjourn. I heard it said in my hearing on my right and on my left, and I supposed in truth that there was a general understanding to that effect. Hence it was that I voted for an adjournment to carry out what I understood to be the consent of all parties.

Mr. BOREMAN. I simply wish to corroborate what has been said by the Senator from Mississippi. It was understood in this portion of the Chamber that when we got through with the two new State bills there would be an adjournment. I know that was the impression here, and some of the opponents of the bills abated their opposition to some extent on that ground. I am satisfied of that, and I think in good faith we ought to adjourn.

Mr. MORTON. Before a vote is taken on the adjournment, I ask unanimous consent to an agreement to take the vote on this bill to-morrow at one o'clock.

Mr. HAMILTON, of Maryland. We cannot agree to that.

Mr. MORTON. Say two o'clock.

Mr. ANTHONY. Say four o'clock.

The PRESIDING OFFICER. This debate is proceeding by common consent.

Mr. LOGAN. It is perfectly evident that we have a quorum; it has been perfectly evident all the evening that we had a quorum. I do not desire to break any agreement, but I do say that if the Senate can be held to an agreement that may be made by any one member, not published to the Senate, and Senators may then be called upon to carry out such agreements, legislation might be thwarted from now to the end of the session. I have always understood that when agreements were made between the different sides of the Chamber they were made publicly. I heard nothing of this agreement; I knew nothing about it. It would have been much better, if such an agreement is to be carried out, that Senators should have stated it some time ago. That would have saved a good deal of trouble, and we might have been home by this time. I suppose the idea now is that we are to adjourn and give up after having ordered a call of the Senate and sent the Sergeant-at-Arms for the purpose of requesting Senators to come here for the reason and only reason that Senators sat in their seats and refused to answer to their names when a quorum was certainly present. If that is the way to carry out agreements, I do not understand this thing of agreements. I have learned something by this performance. If we are ever in the minority here, the best way for us to stop legislation is just to sit still and not vote. There is no rule that requires a man to vote.

Several SENATORS. Legislation has not been stopped.

Mr. LOGAN. It has stopped legislation. I do not say there was any intention of that kind; but I say it would have been better for Senators to have made this statement about an agreement before this thing occurred, and saved us the trouble of witnessing men sitting here in silence and refusing to answer to their names. If it is thought we ought to carry out an agreement of this kind, I will consent, and would have done so along ago. Here we have been held for an hour in this way without any one stating that there was any such agreement. Now at this late hour it is said an agreement was made. If the rest of the Senate consent, I have no objection; but for myself I do not understand it; for my part I do not consider myself bound by it; and I do not propose to carry it out unless the majority of the Senate is in favor of doing so.

Mr. CAMERON. I desire to make a short explanation—only a word or two.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. CAMERON. We had no formal understanding on this subject, but I understood that after we should have gotton through with the bills admitting the two Territories we should adjourn. I think that was the general impression all arounnd the Senate Chamber; and as evidence of it the Senator who had charge of the bill now brought up left his place, left the Senate Chamber for the purpose of going home when it was taken up. I certainly should not have persisted so much in bringing up my poor little bill if I had not been under the impression that when night came we should adjourn in a few minutes. I considered the business of the Senate as done for to-day, and therefore I thought that little bill might be acted on, and for that reason I persisted as much as I did.

Mr. INGALLS. What is the question?

The PRESIDING OFFICER. The motion of the Senator from Virginia that the Senate adjourn. The Senator from Pennsylvania is speaking by unanimous consent.

Mr. CAMERON. I only intended to say further that I shall certainly vote for the adjournment now. I think that is due to our own sense of justice to many gentlemen here. As further evidence that it was believed so, a great many of our own friends who are anxious to vote on this particular bill have left. There are empty seats here which would have been occupied if those gentlemen had believed this bill was to be pressed now.

Mr. LEWIS. It is very evident that in the present temper of the Senate no business can be transacted. I insist now on the motion to adjourn.

The PRESIDING OFFICER. The Chair was about putting the motion of the Senator from Virginia.

Mr. MORTON. Before the motion is put I again ask if we cannot get an agreement to vote on this bill to-morrow at four o'clock.

Mr. BAYARD. There has been no suggestion of a disposition at any time to make any undue delay in debate, and it is impossible to say how long this question may be discussed. I trust it will be discussed with a due sense of each man's responsibility to the country and to himself. There has been to-day an understanding in regard to some absence of debate on a measure, which does not seem to have been regarded.

Mr. EDMUNDS. It was not a public understanding.

Mr. BAYARD. Therefore the expectation of those who were to be affected by it has been disappointed.

Mr. MORTON. In view of what has taken place, I am satisfied no business can be transacted to-night, and I consent to an adjournment.

Mr. ANTHONY. I think the Senator from Delaware is not quite fair in saying that an understanding had been entered into and that the Senator is not disposed to regard it.

Mr. BAYARD. The Senator misunderstood me. I did not say an understanding was entered into. I said that it was perfectly well understood that the Senator who had the two territorial bills in charge would himself move an adjournment. When a member of this body is placed in charge of a measure by the voice of the majority of the Senate, we suppose that he has some control over the conduct of the business of the Senate; and when he says to us "when these two bills have passed I shall move to adjourn," we suppose that he speaks with some authority, because we can then see what the termination of the business is. I do not mean to say that that business ought to have been prolonged or would have been prolonged. I do not mean to say that there was an abstinence from debate, because I have no right to say that. I only say that when the proposition was made that there should be an adjournment by the person in charge of the business of the evening, we were surprised that it was not agreed to.

Mr. ANTHONY. When, Mr. President——

Mr. THURMAN. I insist on the vote.

Mr. ANTHONY. I think after the Senator from Delaware's remarks, I ought to be allowed to reply; but if the Senator from Ohio does not think so, I will yield.

Mr. BAYARD. I beg that the Senator may be heard.

Mr. THURMAN. The Senator from Delaware replied to the Senator from Rhode Island.

Mr. ANTHONY. He did not reply to me, but interrupted me.

Mr. THURMAN. I withdraw any objection.

Mr. ANTHONY. The Senator from Delaware says there was no understanding entered into, but the thing was perfectly understood. I do not understand myself the difference between those terms; but it seems to me now, from what has been said on both sides of the Chamber, that the Senator who is in charge of the bill, who Senators

on the other side had the right to suppose had our confidence, as he certainly has, gave them to understand that at the close of the two bills we should adjourn. Therefore, out of respect to him, and out of regard for the understanding which was had on the other side, I shall vote to adjourn; but I never heard of the understanding until I heard the complaint on the other side.

Mr. HITCHCOCK. I desire unanimous consent to make a personal explanation. I desire to say that I never did, either publicly or privately, then or at any other time, say I would move to adjourn, and I presume no Senator on this floor will say that I so stated.

Mr. HAMILTON, of Maryland. It was to go into executive session.

Mr. BAYARD. Then the Senator must have been gravely misunderstood, for his statement was heard by more than one Senator.

Mr. HITCHCOCK. They must have misunderstood me. I said publicly that I would not oppose going into executive session.

Mr. HAMILTON, of Maryland. That was it.

Mr. LOGAN. That was no agreement to adjourn.

The PRESIDING OFFICER. The Senator from Virginia [Mr. LEWIS] has moved that the Senate do now adjourn.

Mr. ALLISON. I understand the Senator from Indiana who has charge of the bill desires an adjournment. If so, I vote yea.

Mr. MORTON. I said I would not oppose an adjournment, because I am satisfied nothing will be done to-night.

The PRESIDING OFFICER put the question on the motion to adjourn, and declared that it appeared to be agreed to.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were not ordered, one-fifth of the Senators not seconding the call.

The PRESIDING OFFICER, (at seven o'clock and fifty minutes p. m.) The ayes have it. The Senate stands adjourned till to-morrow morning at eleven o'clock.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 24, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CHARLES A. LUKE.

Mr. McCORMICK, by unanimous consent, introduced a bill (H. R. No. 4837) for the relief of Charles A. Luke; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It appropriates, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $1,200, to be paid by the Secretary of War to Charles A. Luke, now of Prescott, Territory of Arizona, in full compensation for property taken from him for the use of the Government in the extension of the military reservation at Camp Mohave, in said Territory, under General Orders No. 62, dated at headquarters of the Army, August 16, 1869.

Mr. McCORMICK. This is the unanimous report of the Committee on Military Affairs.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCORMICK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONVEYANCE OF HOMESTEADS IN DAKOTA.

Mr. POLAND, by unanimous consent, introduced a bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of the act of the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyances of homesteads not valid unless the wife joins in the conveyance;" which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It provides that the twentieth section of the act named in the title shall not be construed as an absolute repeal of chapter 37 of the laws of Dakota, approved May 12, 1862, but only as repealing so much of said chapter 37 as is inconsistent with the first-named act, and no other effect shall be given to said twentieth section.

Mr. POLAND. I will state in a moment the object of this bill. By some mischance or other, when the Legislature of the Territory of Dakota at their late session passed an act relating to homesteads, by its twentieth section they repealed a former chapter which provided for homesteads. But that chapter also provided for the exemption of personal property, so that all exemptions of personal property are repealed. There is in consequence a great state of alarm in that Territory; public meetings are being held; and it this is to correct that mistake.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SITE FOR PUBLIC BUILDING AT JERSEY CITY.

Mr. SCUDDER, of New Jersey. I ask that by unanimous consent the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey, and that it be now passed. It is simply a bill to authorize the condemnation of land.

Mr. GARFIELD. I object.

Mr. SCUDDER, of New Jersey. The bill makes no appropriation whatever.

Mr. GARFIELD. It enlarges the limit, does it not?

The SPEAKER. There are several gentlemen who desire to ask unanimous consent. If members will simply be quiet and listen they have the entire control, for a single objection will stop any such measure. Gentlemen merely ask the privilege of presenting these things. It will ease the business of the House very greatly to devote a little time to that kind of business. The gentleman from New Jersey asks unanimous consent for the passage of the bill which will now be read by the Clerk.

The bill was read. It authorizes the Secretary of the Treasury to purchase at private sale, or by condemnation if necessary, a suitable site for the public building to be erected in Jersey City, in the State of New Jersey, provided for by act of Congress approved March 3, 1873; the proceedings to condemn to be instituted in the district court of the United States for the district of New Jersey, and conducted under the direction of the said court, so far as practicable, in the manner prescribed by the act of the Legislature of the State of New Jersey entitled "An act to authorize the formation of railroad corporations, and regulate the same," approved April 2, 1873, or such other mode of condemnation as shall be in pursuance of the laws of said State, and as the said court may determine upon; provided that the cost of said site shall not exceed the amount appropriated by the said act of March 3, 1873.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCUDDER, of New Jersey, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LYDIA CRUGER.

Mr. BURROWS, by unanimous consent, from the Committee on Claims, reported a bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Shepherd, deceased; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It appropriates the sum of $18,124.34 for the payment of the judgment rendered in favor of Lydia Cruger, executrix of Moses Shepherd, by the Court of Claims of the United States on the 19th day of November, A. D. 1860, to be paid to the said Lydia Cruger or her legal representatives.

Mr. BURROWS. This is a judgment of the Court of Claims that never has been paid. The bill is the unanimous report of the Committee on Claims.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURROWS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMER ALABAMA.

Mr. SYPHER. I ask unanimous consent to submit the following resolution for consideration and adoption at this time:

Resolved, That it shall be in order to consider an amendment in Committee of the Whole to the miscellaneous appropriation bill to allow the sum of $3,000 to pay a bill of general average on account of the steamer Alabama.

I will say that this matter has been investigated by the Committee on the Judiciary, and is reported by them unanimously.

Mr. ATKINS. Does it come from any committee?

Mr. BUTLER, of Massachusetts. It comes from the Committee on the Judiciary, and is unanimously reported by them.

There being no objection, the resolution was adopted.

IMPROVEMENT OF THE FOX AND WISCONSIN RIVERS.

Mr. SAWYER. I am instructed by the Committee on Commerce to report back with some slight amendments the bill (H. R. No. 4573) to aid the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, and to ask for its consideration at this time.

The SPEAKER. The bill will be read, after which objections will be in order.

The first section of the bill provides that whenever, in the prosecution and maintenance of the improvement of the Wisconsin and Fox

Rivers, in the State of Wisconsin, it becomes necessary or proper to take possession of any lands, or the right of way over any lands, for canals and cut-offs, or to use any earth-quarries or other material lying adjacent or near to the line of said improvement and needful for its prosecution or maintenance, the officers in charge of said works may, in the name of the United States, take possession of and use the same, after having first paid or secured to be paid the value thereof, which may have been ascertained in the mode provided by the laws of the State wherein such property lies, or by commissioners appointed and directed by the Secretary of War; provided, however, that when the owner of such property shall fix a price for the same which, in the opinion of the said officer in charge, shall be reasonable, he may take the same at such price without further delay, and in case of real or mixed property may receive a conveyance thereof in fee to the United States; that in case any lands or other property is now or shall be flowed or injured by means of any part of the works of said improvement heretofore or hereafter constructed, for which compensation is now or shall become legally owing, and in the opinion of the officer in charge it is not prudent that the dam or dams be lowered, the amount of such compensation may be ascertained in like manner, and upon like conveyance payment may be made; and that the Secretary of War may employ a competent attorney to represent the interests of the United States in legal proceedings under this act, and for flowage damages hereinbefore occasioned.

The second section provides that a portion of the appropriation to be made for the further prosecution of the improvement aforesaid, not exceeding in amount $25,000, may be applied in payment for the property and rights taken and used as aforesaid.

Mr. RANDALL. I would like to have some little explanation of this bill.

Mr. SAWYER. There is now no law under which the Government, in the prosecution of any public work of this kind, can own the fee of real estate. In this case they want to set the dams and control them, and this is what the Department asks.

Mr. BLAND. I object.

Some time subsequently,

Mr. BLAND said: I withdraw my objection to the bill in relation to the improvement of the Fox and Wisconsin Rivers, as I understand an amendment has been proposed to it.

Mr. SAWYER. The amendment proposed is to strike out the words "to be" in section 2, and inserting in lieu thereof the word "now," so that it will read "that portion of the appropriation now made for the further improvement," &c.

There being no further objection, the amendment was agreed to, and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAWYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSION OF SAINT JAMES, WASHINGTON TERRITORY.

Mr. PRATT. I ask consent that the Committee of the Whole be discharged from the further consideration of House bill No. 1450, for the relief of the mission of Saint James, in Washington Territory, and that it be considered at this time.

Mr. HUNTON. At the instance of the Delegate from Washington Territory, [Mr. MCFADDEN,] I object.

ORDER OF BUSINESS.

Mr. MAYNARD. On the 8th of December last a bill was recommitted to the Committee on Banking and Currency with the privilege to report it back at any time. I have been instructed by that committee to report that bill back now with an amendment in the nature of a substitute.

The SPEAKER. If it be a question that will raise discussion the Chair will be compelled to recognize either the gentleman from Massachusetts, [Mr. G. F. HOAR,] who has been upon the floor for some time with a privileged report, or the gentleman from Ohio [Mr. GARFIELD] with another privileged motion or report. The Chair has been entertaining propositions for unanimous consent. But if business is to be carried on in the regular order, then it must be done intelligibly and according to precedence.

Mr. RANDALL. Let us come to the regular order of business.

Mr. BUTLER, of Massachusetts. I want to have a bill passed to compensate a man who has paid money into the Treasury which was not due from him. The bill comes from the Committee on the Judiciary.

Mr. RANDALL. Let us take the regular order of business first.

Mr. BUTLER, of Massachusetts. This bill has passed the House once, and has been reported twice from the Committee on the Judiciary.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] has just the same right as other members to make privileged reports. But there are several gentlemen who stand here upon a precise equality as to the right to report at any time. As to the precedence of those rights, that is a question for the House and not for the Chair to decide.

Mr. RANDALL. I call for the regular order of business.

ELECTION CONTEST—PINCHBACK *vs.* SHERIDAN.

Mr. HARRISON, from the Committee on Elections, submitted a report in the case of Pinchback *vs.* Sheridan, concluding with the following resolutions:

Resolved, That P. B. S. Pinchback was not elected a member of Congress from the State of Louisiana for the State at large in the Forty-third Congress.

Resolved, That George A. Sheridan was duly elected a member of Congress for the State at large from the State of Louisiana in the Forty-third Congress, and is entitled to his seat.

Mr. SMITH, of New York. On behalf of the minority of the committee I submit their views, accompanied by the resolution which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That George A. Sheridan is not shown to be entitled to a seat in this House as Representative at large from the State of Louisiana.

Mr. GARFIELD. I suggest to the gentleman from Tennessee [Mr. HARRISON] that he should amend his resolutions by substituting for the words "member of Congress" the words "Representative in Congress." There is no such office as "member of Congress."

The reports were laid on the table, and ordered to be printed.

DAVID R. DILLON.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the House shall pass the bill (H. R. No. 4472) to authorize the Secretary of the Treasury to defend certain suits against David R. Dillon.

The bill was read. It authorizes the Secretary of the Treasury, in behalf of the United States, to defend the suit or suits brought in the State court of Georgia against David R. Dillon for cotton delivered by said Dillon to the Treasury agents of the United States and the proceeds thereof by them turned into the Treasury of the United States, if, upon inquiry, he shall find the facts so to be; and the said suits shall be removed to the circuit court for the district in which said suits may be pending, with like effect, and the same proceedings shall be had thereon as are now provided by law in case of suits against an officer appointed or acting by or under any revenue law of the United States.

Mr. COOK. I object.

Some time subsequently,

Mr. COOK said: I withdraw my objection.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LANDS IN CALIFORNIA.

Mr. TOWNSEND, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 4840) to provide for the sale of desert lands in Lassen County, California; which was read a first and second time.

The bill was read. The first section provides that it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen and who has filed his declaration of intention to become such, to file a declaration with the register and the receiver of the proper land district for the county of Lassen, California, in which any desert land is situated, that he intends to reclaim a tract of desert land situated in said county not exceeding one section, by conducting water upon the same, so as to reclaim all of said land within the period of two years thereafter; and said declaration shall be under oath, and shall describe particularly said section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey; which said declaration shall be supported by the affidavit of at least two credible witnesses, establishing to the satisfaction of the register or receiver the fact that said lands are of a character described in the act. And at any time within the period of two years after filing said declaration, and upon making satisfactory proof of the reclamation of said tract of land in the manner aforesaid before the register and the receiver of said land office, such person shall be entitled to enter or locate the reclaimed section, or any part thereof, in the same manner as in cases where public lands of the United States are subject to entry, at a price not exceeding $1.25 per acre, and shall receive a patent therefor.

The second section provides that all lands within said county of Lassen, exclusive of timber lands and of mineral lands, which do not produce grass or which will not without such reclamation produce some agricultural crop, shall be deemed desert lands within the meaning of the act.

Mr. RANDALL. I hope some explanation will be given of this bill; is it a report from a committee.

Mr. TOWNSEND. It is a unanimous report from the Committee on Public Lands.

Mr. WILLARD, of Vermont. I desire to ask one question. It is whether any of these lands are within the limits of a railroad grant?

Mr. TOWNSEND. No, sir; none of them.

Mr. LUTTRELL. None of them; and there can be no possible objection to this bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAVID L. STANTON.

Mr. NIBLACK. I ask unanimous consent to report back from the Committee on Ways and Means the bill (H. R. No. 1974) for the relief of the sureties of David L. Stanton.

The bill was read. It provides that John T. Ensor, Zephaniah Poteet, and the other sureties of David L. Stanton, late collector of internal revenue for the fifth district of Maryland, by bond to the United States dated April 24, A. D. 1869, be, and they are thereby, released from their said liability arising from any defalcation of the said David L. Stanton as such collector; and the proper officer of the Treasury Department be, and he is thereby, authorized and directed to dismiss any and all suits that may have been instituted and are now pending in favor——

Mr. RANDALL. I object.

Mr. WILLARD, of Vermont. I call for the regular order of business.

Mr. RANDALL. I will withdraw my objection to the bill which has just been read.

Mr. WILLARD, of Vermont. I renew the objection, and call for the regular order of business.

ARKANSAS ELECTION CONTEST.

Mr. PIKE, from the Committee on Elections, presented a report on the contested-election case of Gause *vs.* Hodges from the first district of the State of Arkansas, accompanied with the following resolutions:

Resolved, That Lucien C. Gause is not entitled to a seat in the Forty-third Congress from the first congressional district of the State of Arkansas.

Resolved, That Asa Hodges is entitled to a seat in the Forty-third Congress from the first congressional district in the State of Arkansas.

Mr. CROSSLAND. I give notice that the minority of the committee proposes to submit a report in this case.

The SPEAKER. It will be understood that the minority of the committee have leave to submit their views.

The report was ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The regular order is insisted upon by the gentleman from Vermont, [Mr. WILLARD.]

REPORT OF COMMISSIONER OF EDUCATION.

Mr. DONNAN. I rise to present some privileged reports from the Committee on Printing. In the first place I report the following resolution for the printing of the usual number of the report of the Commissioner of Education for the year 1874:

Resolved by the House of Representatives, (the Senate concurring,) That there shall be printed twenty thousand copies of the report of the Commissioner of Education for the year 1874; five thousand for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

The resolution was adopted.

SURVEY OF THE TERRITORIES.

Mr. DONNAN also, from the Committee on Printing, reported the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed four thousand copies of the annual report of the geological and geographical survey of the Territories for 1874; one thousand copies for the use of the Senate, two thousand copies for the use of the House of Representatives, and one thousand copies for distribution by the Smithsonian Institution.

Mr. ATKINS. I object to that.

The SPEAKER. It is a privileged report. The question is on agreeing to it.

The resolution was adopted.

FIRST AND NINTH CENSUSES.

Mr. DONNAN, from the Committee on Printing, reported a joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses. It directs the Congressional Printer to bind in suitable form for ready reference and preservation the manuscript returns of the first and ninth censuses of the United States.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was according read the third time, and passed.

SMITHSONIAN REPORT FOR 1874.

Mr. DONNAN also, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1874 be printed; two thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and seventy-five hundred for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

GEOLOGICAL SURVEY OF THE TERRITORIES.

Mr. DONNAN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in quarto form one thousand copies of each of volumes 2, 7, and 9 of the final reports of the geological survey of the Territories, for distribution by the Smithsonian Institution.

INDEX OF FINANCIAL BILLS.

Mr. DONNAN. The Committee on Printing, to whom was referred a letter of the Clerk of the House relative to the index of several legislative matters, have directed me to report the following resolution:

Resolved, That the index of bills introduced into the House from the First to the Forty-second Congress, inclusive, relative to banks, currency, public debt, tariff, and direct taxes, prepared by the Clerk of the House of Representatives, be printed and stereotyped.

Mr. DONNAN. I ask that the letter of the Clerk on this subject be printed in the RECORD.

There being no objection, it was ordered accordingly.

The letter is as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 11, 1875.

SIR: I have caused to be prepared an index to the various bills presented in or acted upon by the House of Representatives from the First Congress to the Forty-second Congress, inclusive, relating to banks, currency, public debt, tariff, and direct taxes.

The indexes give the title of each bill, the number of the Congress and the session, the name of the person introducing it, the page of the Journal having references to it, the committee to whom referred, the number of the report, the nature of the report, the action of the House of Representatives, if any, the action of the Senate, if any, and the date of approval, if approved.

In the belief that the printing of this index will be of great service in the investigation of this class of subjects, I respectfully submit the manuscript, with the request that it be referred to the appropriate committee for their judgment.

Very respectfully, your obedient servant,

EDW. McPHERSON,
Clerk of the House of Representatives United States.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

The resolution was adopted.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Massachusetts [Mr. G. F. HOAR] rises to a point of order.

Mr. COBURN. Before the House proceeds to the consideration of that report I desire to raise the question whether that shall be considered first or whether the bill reported from the special committee in relation to political affairs in Alabama shall have preference.

Mr. RANDALL. I want the regular order.

Mr. COBURN. The bill reported from our committee provides for general elections, and I ask that it be considered in preference to the other.

Mr. ALBRIGHT. In connection with this matter I desire to ask this question: If this bill relating to the South is not considered to-day, or if a day be not now fixed for its consideration, will it not require a suspension of the rules by a two-thirds vote to reach it hereafter?

The SPEAKER. It will not.

Mr. COBURN. I will ask further whether it is not liable to be interrupted constantly by motions to suspend the rules?

Mr. RANDALL. These are not parliamentary inquiries; they are in the nature of debate or argument.

Mr. POLAND. I desire to say a word in relation to the order of business. Some time ago I submitted a report in reference to matters in Arkansas, which has priority in point of time of this matter in charge of the gentleman from Massachusetts [Mr. G. F. HOAR] and also the matter in charge of the gentleman from Indiana, [Mr. COBURN.] I failed to call it up from the urgency of the Committee on Ways and Means and the Committee on Appropriation in relation to the public business. The chairman of the Committee on Appropriations said it was absolutely important for the proper preservation of the appropriation bills, and to get them along I should stand out of his way and let him report one more appropriation bill. And for that purpose I do not intend to bring up this matter of Arkansas to be in his way; but as against either of these other measures I shall claim of the House that I am entitled to priority in point of time and to have the first consideration of the matter in relation to Arkansas before either of these other measures is considered.

Mr. BUTLER, of Massachusetts. I desire to make a parliamentary inquiry.

Mr. MAYNARD. I desire to call the attention of the House to a fact.

The SPEAKER. The Chair will hear a parliamentary inquiry. No gentleman loses his right by this discussion in regard to the order of business.

Mr. MAYNARD. A few minutes since I was recognized by the Chair, and, acting under the authority which the committee I belong to has, reported from that committee a bill which I want to put on its passage. At the instance of the Chair action was withheld for gentlemen to present matters by unanimous consent. I wish to inquire of the Chair the attitude of that bill, because I do not wish to lose the privilege which the committee deem valuable.

Mr. BUTLER, of Massachusetts. If these bills now struggling for the floor are not taken up to-day, will not a motion to suspend the rules take the reporters off their feet at any hour after to-day?

The SPEAKER. It is important the House should act understandingly on this point of business, and gentlemen will take their seats and preserve order. The Chair will now hear the gentleman from Massachusetts, [Mr. G. F. HOAR,] who wishes to make a parliamentary inquiry.

Mr. G. F. HOAR. I wish to say these resolutions contain an important recommendation; one of which is concurred in by all the

members of the committee, of all political parties, addressed to the Louisiana house of representatives, to remedy what they deem an injustice, and that house of representatives will adjourn in a very short time, and it is important the opinion of this House should be expressed. The other resolution contains an important declaration to this House as to who shall be considered the lawful governor of that State, which question is now in abeyance. It seems to me as a matter of importance it has priority over the general legislation proposed by the gentleman from Indiana, [Mr. COBURN,] and also over the recommendation made by the gentleman from Vermont, [Mr. POLAND,] in regard to Arkansas, which is that a certain existing state of things there shall not be disturbed by anybody. Our report asks the House to do something toward giving peace and quiet to a great State and curing an existing evil of the most enormous and serious magnitude, affecting the politics, commerce, and peace of that State. The proposition of the gentleman from Vermont relates simply to an intention not to disturb an existing condition of things in another State. I do not mean to ask the House to take any considerable time. I will call the previous question, if the House consents, at the end of an hour, and let all the general debate on this general case come up under other bills. I hope, and I desire to say I believe sincerely, that it would be the desire of both parties in the State of Louisiana, for the sake of their peace, for the safety of their lives, for the sake of their commerce and business, this House should express at once its judgment in regard to the matters involved in these resolutions. It does not require any determinations of the complicated facts at all.

The SPEAKER. The gentleman from Illinois desires to be heard.

Mr. GARFIELD. I hope the further time of the House will not be consumed in this way.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. WARD, of Illinois. What I wish to say, Mr. Speaker, is in the same line substantially of the remarks made by the gentleman from Massachusetts, [Mr. G. F. HOAR,] except that mine will relate to Arkansas. As has been said by the chairman of the committee, the gentleman from Vermont, [Mr. POLAND,] the case of Arkansas presents the most urgent demand, it seems to me, for the consideration of this House; certainly as strong a case as the one to which reference has just been made. It is prior in point of time, and I desire very much to see it at once considered. It has been postponed from time to time. The condition of that State and the questions connected with this matter are quite as important—I will not say more important—but at least quite as important as the case of Louisiana. The people are in as great a state of uncertainty, as great a state of dread—perhaps in every condition, in everything equally demanding the attention of Congress in some shape at once. Of course it is a matter for the House to determine; and I do not want to antagonize gentlemen who have other reports in charge.

Mr. G. F. HOAR. I rise to make a parliamentary inquiry.

Mr. BUTLER, of Massachusetts. I ask my colleague to yield to me for one moment for a suggestion. Is not this the way to get the House out of the trouble? To assign an evening when this matter may be considered. Everybody is interested enough in it to come here. And then let the appropriation bills go on, for you cannot get a quorum at an evening session on appropriation bills.

Mr. G. F. HOAR. My parliamentary inquiry is this: whether, if these resolutions were postponed by a vote of the majority until to-morrow morning, they would then after the reading of the Journal stand with the same rights as they have now? If that is so, I am ready to accede to that proposition.

The SPEAKER. They will have the same rights. The Chair, however, will ask the gentleman to state his inquiry again.

Mr. G. F. HOAR. I desire to know whether the House may not by a majority vote postpone these resolutions until to-morrow morning after the morning hour, and whether they will not then come up in the same position.

The SPEAKER. The Chair thinks the gentleman had better hold them in his own possession, because if he calls them up now and they are postponed, they must take their chance the same as other postponed matter. The Chair did not understand the gentleman's question exactly as he first put it. Postponement would subordinate the privilege which now exists in them. They are safer in the gentleman's hands.

Mr. POLAND. I would like to make a further suggestion about this matter: that these various measures in relation to the Southern States all stand aside, and let the gentleman from Ohio [Mr. GARFIELD] get through his first appropriation bill, and then that these various reports be taken up in the order in which they have been presented to the House.

Mr. SMITH, of New York. Mr. Speaker, I desire to be heard for a moment.

The SPEAKER. The Chair is listening to gentlemen now because for the future he will not allow time to be consumed in settling the order of business. He desires that this shall be settled now, that members may fully apprehend the situation.

Mr. SMITH, of New York. I apprehend the regular order is the report of the Committee on Elections with respect to the election of President and Vice-President. I offer to the House, if that matter is taken up, that the previous question shall be called at the end of one hour. And I desire to say that it ought to be considered before the appropriation bills, because all parties take an interest in expediting the appropriation bills; and there is no necessity in that case, as in this, of immediate consideration. And I certainly cannot yield the floor, being entitled to it in the regular order of business, unless we are voted down in the House.

The SPEAKER. If the gentlemen will now resume their seats, the Chair will explain the situation.

Mr. CONGER. Will the Chair allow me a moment on the order of business?

The SPEAKER. The Chair will hear the gentleman from Michigan.

Mr. CONGER. I desire to say one word in regard to the order of business. Among the different propositions which are the result of the action of the investigating committees appointed by this House to visit the Southern States, and which has occupied a large portion of the time of several members of the House, there are some measures proposed which have the common concurrence of all the committees or the majorities of all the committees. Among them is the bill introduced by the gentleman from Indiana, [Mr. COBURN.] I for one, representing the Vicksburgh committee, desire that those measures shall have preference and prominence before the special report of that committee; and I think the House should take up and act upon those measures at the earliest possible moment. If I understand aright, although these committees are privileged to report, yet after to-morrow they must yield at any time for a motion to suspend the rules; and therefore these committees, privileged to report at any time and ordered by the House to make these investigations, may be deprived of the opportunity to report at all.

And I wish to say this in addition to my venerable friend from Vermont, [Mr. POLAND.] That gentleman claims a priority of right to report to this House. Now, the gentleman is the representative of the masterly inactivity of the committee and the House, and has pursued the policy of not reporting——

The SPEAKER. The Chair thinks that that does not relate to the order of business.

Mr. POLAND. I think the gentleman from Michigan should not so misrepresent me. The report of this committee was prepared immediately after the recess, and there was a considerable delay in presenting it in order to accommodate one member of the committee who desired to present a different line of views. Our report has been made to the House three weeks ago.

Mr. CONGER. I have never heard the gentleman offer to call the attention of the House to it; and he reports in favor of no action, which is certainly masterly inactivity.

Mr. POLAND. I have already stated to the House that I had delayed calling up the report at the request of the chairman of the Committee on Ways and Means and the chairman of the Committee on Appropriations, that they might have time to carry forward the measures necessary for the maintenance and support of the Government.

Mr. NEGLEY. I would ask the gentleman from Vermont if this bill is not necessary for the support and maintenance of the Government quite as much as the appropriation bills?

Mr. POLAND. Certainly, certainly; and I propose as soon as the next appropriation bill is out of the way to proceed with it with all possible speed and dispatch.

Mr. NEGLEY. I have no reflection to cast on the gentleman from Vermont.

Mr. POLAND. I do not think anybody has.

Mr. NEGLEY. But I think it time that these questions were considered by the House.

Mr. WARD, of Illinois. Inasmuch as this matter has been debated I desire to say a word, and as the gentleman from Michigan has drawn his rapier and has aimed at some members of the Arkansas Committee, I desire to say something on the subject. I have worked early and late on the Arkansas case ever since I was appointed a member of the committee to inquire into the affairs in that State, and the delay in action on the part of the committee ought not to prejudice the case. It is true, as has been stated by the chairman of the committee, that after the recess the report of the majority was drawn and there was delay in making the report because there was not union in the committee. But the report was made two or three weeks ago and there has not been an opportunity since that I could see when I felt that I could antagonize the regular legislation of the House by pressing this matter, or when I could urge my friends to take it up, although we have never been unwilling to take it up.

Now, sir, I disagree, and disagree sharply, with the chairman of the committee in the results arrived at from this investigation; but I do not think that there has been any improper delay in making it up. I do not believe that he has unnecessarily postponed the matter; and now, with reference to the residue of these propositions relating to the Southern States, I have only to say that this has precedence and is as important as any, and ought to take the lead in this line of discussion.

Mr. COBURN. I desire to say one word. I am fully satisfied that the debate upon the bill which is submitted by the committee in relation to the state of political affairs in Alabama will cover almost every question applicable to Louisiana, Mississippi, Alabama, or any other part of the South. Any question relating to those States can be debated on this bill, and hence I propose to have general debate on the

whole question and act on the matter, and to have legislation that will amount to something. What we propose must pass the Senate; mere resolutions need not. Resolutions amount to nothing comparatively. There is something here which is proposed to be put in the shape of law, and it seems to me that the whole matter can be settled more reasonably after general debate on this bill than after special debate upon special resolutions. We must come to legislation in the end, and in the limited time it ought to be first taken up.

Mr. SPEER. If this discussion is to embrace the discussion of the whole condition of the Southern States, it is nothing more than courteous that the report of the committee appointed to investigate the affairs at Vicksburgh should first be in. It has not yet been made and is not printed.

The SPEAKER. The Chair desires that every gentleman in the House may apprehend the precise condition of its business.

Mr. G. F. HOAR. I suppose I have not yielded any right I have to the floor?

The SPEAKER. None. The gentleman from New York [Mr. SMITH] has a bill pending or joint resolution from the Committee on Elections in relation to counting the votes in the election of President and Vice-President of the United States, which was made under a resolution giving that committee the right to report at any time. They reported some days since, but before the report was considered the House passed to other business. It is now pending as reported. On it the House can raise the question of consideration as it can do upon any of these various reports which are authorized to be made at any time. These reports stand in that respect precisely on the same privilege. It is not possible for the Chair under the rules or in equity to give precedence to one over the other. As to precedence between the reports the House must determine.

Mr. SMITH, of New York. Is not the report of the Committee on Elections unfinished business? I think my colleague from Tennessee [Mr. HARRISON] had commenced his argument upon it.

The SPEAKER. The Chair thinks that he did not begin his argument.

Mr. GARFIELD. I desire to inquire whether, under the ruling of the Chair, which seems to me entirely correct, a majority of the House has not control of its business?

The SPEAKER. Wholly.

Mr. GARFIELD. Then I hope that no further objection will be made to going into Committee of the Whole on the state of the Union on the appropriation bill.

The SPEAKER. That of course takes precedence in submission to the House; precedence not only because it is a motion to suspend the rules, but because it relates to the public business.

Mr. COBURN. Allow me to suggest to the Chair a parliamentary inquiry which has been made by three or four gentlemen: whether or not, unless these matters be taken up to-day, they will be cut off?

The SPEAKER. They will not, because the orders in relation to them were made under a suspension of the rules.

Mr. COBURN. Then I ask for a session of the House to-night for the consideration of this election bill.

Mr. RANDALL. For debate only?

Mr. COBURN. I ask that the House will commence its consideration to-night.

Mr. POLAND. I cannot consent to that.

The SPEAKER. The pending question is on the motion of the gentleman from Ohio [Mr. GARFIELD] to suspend the rules and go into Committee of the Whole upon the sundry civil appropriation bill.

Mr. MAYNARD. Does the Chair consider me as having reported this morning?

The SPEAKER. The Chair did not so consider; but the gentleman loses no right that he had.

Mr. CESSNA. I desire to make a parliamentary inquiry. Suppose the House now goes into Committee of the Whole and rises at five o'clock this afternoon; can we not then take a recess until half past seven o'clock or any other hour and have a session at which can be raised the question of consideration upon any of these proposed subjects?

The SPEAKER. The Chair sees no reason why that cannot be done.

The question was taken upon suspending the rules and going into Committee of the Whole on the sundry civil appropriation bill; and upon a division there were ayes 127.

Those voting in the negative rose to be counted; but, without announcing the number,

The SPEAKER said: There is evidently a large majority in the affirmative.

Mr. G. F. HOAR. I call for the yeas and nays on this motion.

Mr. GARFIELD. Pending the vote on going into Committee of the Whole, I move that all general debate be limited to thirty minutes.

The SPEAKER. The gentleman is too late, unless he ignores entirely what has been done so far. The House is now engaged in certifying the vote upon the motion of the gentleman to suspend the rules and go into Committee of the Whole upon the sundry civil bill. The gentleman from Massachusetts [Mr. G. F. HOAR] asks that that certification be made by the yeas and nays.

Mr. GARFIELD. Very well; let the vote proceed.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 101, not voting 39; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Beck, Begole, Bell, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Butlinton, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clayton, Clymer, Comingo, Cook, Cotton, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Danford, Darrall, Davis, Dawes, DeWitt, Durham, Eames, Eldredge, Finck, Fort, Foster, Freeman, Garfield, Giddings, Glover, Gooch, Gunter, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Hereford, Herndon, Hoskins, Houghton, Hunter, Hunton, Kellogg, Knapp, Lamar, Lamison, Lawrence, Leach, Lowndes, Luttrell, Magee, Marshall, James W. McDill, Merriam, Milliken, Mills, Morrison, Myers, Neal, Niblack, O'Brien, O'Neill, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Poland, Potter, Randall, Ray, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Isaac W. Scudder, Sener, Lazarus D. Shoemaker, Sloss, Southard, Speer, Stanard, Standiford, Starkweather, Alexander H. Stephens, Stone, Storm, Strawbridge, Swann, Thompson, Thornburgh, Tyner, Vance, Waddell, Waldron, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—147.

NAYS—Messrs. Albright, Barber, Barry, Biery, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Curtis, Dobbins, Donnan, Duell, Dunnell, Field, Frye, Gunckel, Hagans, Harmer, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kelley, Lansing, Lawson, Lewis, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Negley, Niles, Nunn, Orr, Packard, Page, Pike, Thomas C. Platt, Pratt, Rapier, Scofield, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Todd, Townsend, Tremain, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—101.

NOT VOTING—Messrs. Bass, Berry, Bundy, Benjamin F. Butler, Clinton L. Cobb, Corwin, Cox, Creamer, Eden, Farwell, Eugene Hale, Havens, Hays, Hendee, Holman, Kasson, Kendall, Killinger, Lamport, Lofland, McLean, Mitchell, Morey, Nesmith, Orth, Pelham, Phillips, James H. Platt, jr., Rainey, Ransier, James C. Robinson, Rusk, John G. Schumaker, Sessions, J. Ambler Smith, Charles R. Thomas, Wheeler, William Williams, and Ephraim K. Wilson—39.

So the motion to go into Committee of the Whole was agreed to.

During the call of the roll,

Mr. COX said: I am paired off with General BUTLER on these and other matters. He has gone into the Supreme Court room; if present I do not know how he would vote.

Mr. GARFIELD. Before going into Committee of the Whole, I ask consent that all general debate on this bill may be limited to fifteen minutes.

Mr. NIBLACK. I must object for the present. I want first to see what is the temper of the House on this subject.

Mr. GARFIELD. Will the gentleman suggest any time that will be satisfactory to him?

Mr. NIBLACK. I think we had better consider the bill, and after a while we can rise and limit debate.

Mr. GARFIELD. I would really prefer to fix some limit now in order to save time. If we come out of committee, some other business may intervene and delay us. I have suggested fifteen minutes as the limit. I will make it thirty minutes if the gentleman desires.

Mr. NIBLACK. We can tell better after a while what time will be needed for debate.

Mr. GARFIELD. If the gentleman speaking for himself will indicate how much time he wants, it may facilitate matters.

Mr. NIBLACK. I think we had better allow one hour.

Mr. GARFIELD. Then I agree to one hour.

Mr. CESSNA. I object to one hour; it is too much.

Mr. GARFIELD. If the gentleman from Pennsylvania [Mr. CESSNA] is anxious for the appropriation bills to get through, I hope he will not object to this arrangement.

Mr. CESSNA. I prefer that we should see if the House cannot fix a less time.

Several MEMBERS, (to Mr. CESSNA.) O, no; withdraw your objection.

Mr. CESSNA. Well, I will agree to one hour.

The SPEAKER. The Chair hears no objection to limiting general debate in Committee of the Whole to one hour; and that order will be made.

The House then resolved itself into Committee of the Whole, (Mr. HOSKINS in the chair,) and proceeded to the consideration of the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. All general debate on this bill has been limited to one hour.

Mr. GARFIELD. I ask that the first reading of the bill be dispensed with.

Mr. HEREFORD. I object.

Mr. GARFIELD. Then I ask that the first reading be now proceeded with. I will, however, inquire of the Chair whether, if the reading be now had, it comes out of the hour allowed for general debate?

The CHAIRMAN. That is the impression of the Chair.

Mr. CESSNA. That is right; it is a good ruling.

The CHAIRMAN. Upon further reflection the Chair believes he was mistaken, and now holds that the reading of the bill will not come out of the hour allowed for general debate.

Mr. HEREFORD. I withdraw my objection to dispensing with the first reading of the bill.

Mr. ELDREDGE. I renew the objection.

Mr. RANDALL. O, I hope not.

Mr. CESSNA. I make the motion that the committee do now rise so that the House may limit general debate.

Mr. GARFIELD. I believe I have the floor.

Mr. CESSNA. I know that; but I hope the gentleman will yield for this motion, as it appears that we are to consume two hours instead of one.

Mr. GARFIELD. I desire to inquire whether gentlemen on either side wish to take any time in general debate on this bill? I am anxious that we shall get fairly started in the work upon it. For myself I wish to occupy only ten or fifteen minutes in order to make a few general statements.

Mr. NIBLACK. So far as I am concerned, I did intend to occupy some time; but I find that I have not my documents and figures with me, having left them at my room. Hence I shall take an opportunity upon some other bill to submit my views.

Mr. GARFIELD. Perhaps the gentleman can do so under the five-minute rule.

Mr. NIBLACK. Perhaps so; but if not, I can wait another opportunity.

Mr. GARFIELD. I move then that the committee rise for the purpose of limiting debate on the bill.

Mr. ELDREDGE. I rise to a point of order. It was agreed by unanimous consent that there should be one hour for debate.

The CHAIRMAN. It is entirely competent for the committee to rise at any time when it so desires.

The motion of Mr. GARFIELD that the committee rise was agreed to, there being—ayes 104, noes 30.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, had come to no resolution thereon.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole, and pending that motion I move that all general debate on the bill be limited in Committee of the Whole to fifteen minutes.

Several MEMBERS. Say five minutes.

Mr. ELDREDGE. I rise to a point of order. The House has already by unanimous consent fixed one hour as the time for general debate on this bill; and I submit that an order agreed to unanimously by the House cannot be changed.

Mr. GARFIELD. On the contrary, when the House has sometimes cut off all debate the committee has risen and an order has been made allowing time for debate. If the change can be made in one direction, it certainly can in the other. In Committee of the Whole I asked gentlemen on the other side whether they desired to speak; and if any one had indicated such a desire I would have interposed no objection.

Mr. ELDREDGE. We went into Committee of the Whole with the understanding, by unanimous consent, that one hour's debate should be allowed upon the bill.

Mr. GARFIELD. No; debate was limited to one hour; it was not ordered that one hour absolutely should be allowed. I made the request that debate be limited to one hour.

Mr. ELDREDGE. As the gentleman knows perfectly well, the proposition was made that there should be one hour for debate. The question was raised whether a shorter time should not be fixed, and the gentleman consented that it should be an hour. The Chair then stated that he heard no objection.

The SPEAKER. The fact that the order was made by a unanimous vote does not change essentially the situation of the question except in this regard: that it is necessary to make a motion to reconsider in order to reverse the order already made.

Mr. GARFIELD. Then I move to reconsider.

Mr. ELDREDGE. I understand the present occupant of the chair to have held repeatedly that where a proposition was agreed to by unanimous consent it could not be reconsidered.

The SPEAKER. The Chair has not so held, although he thinks that in his whole experience in this House he has never known the motion to reconsider to be made under these circumstances.

Mr. GARFIELD. I do not know that there is anything remarkable about it. I see no harm in making a precedent in favor of saving time.

The SPEAKER. It is impossible for the House to retrace its steps in less than an hour, except by general consent.

Mr. RANDALL. Let us facilitate the proceedings on this bill if we can.

Mr. GARFIELD. Then I ask unanimous consent that general debate in Committee of the Whole be limited to fifteen minutes.

Mr. COX. Mr. Speaker, I raise this point of order. When we voted to go into committee it was with the understanding that one hour should be devoted to general debate. *Non constat* that would not have been carried but for that understanding on the part of the House.

The SPEAKER. The Chair cannot rule on a contingency.

Mr. CESSNA. The gentleman from New York is mistaken about the fact. One hour was fixed as the limit after unanimous consent had been given.

Mr. GARFIELD. Unanimous consent had been given that debate should be closed, and the limitation was that it should not extend beyond an hour. We do not propose to do more than reduce that limitation upon the general debate. I put it in that way. If, however, there is any feeling about it, if gentlemen think it is repressing their rights of debate, I will not press it any further. I ask unanimous consent that general debate in committee on the appropriation bill shall be limited to fifteen minutes.

The SPEAKER. The gentleman from Ohio asks that general debate shall be limited in committee to fifteen minutes. Is there objection?

Mr. NIBLACK. I made the objection to limiting debate to fifteen minutes, thinking there were two or three gentlemen on this side who wished to speak; but I understand nobody is prepared to go on at this moment, and I therefore shall not make any further objection to limiting the time for general debate.

Mr. GARFIELD. It was on that statement of facts by the gentleman from Indiana I moved the committee rise for the purpose of limiting debate for fifteen minutes.

Mr. MAYNARD. I think we should understand before we go into committee whether the first reading of this bill for information has been dispensed with, or whether it is to be insisted upon. If the reading of the entire bill for information shall be insisted on, that of itself will take nearly an hour.

The SPEAKER. The Chair understands there is no objection to limiting general debate in Committee of the Whole to fifteeen minutes.

Mr. COX. I should like to have the ruling of the Chair on my point.

The SPEAKER. What is the point?

Mr. COX. Whether, after unanimous consent has been granted for general debate in committee for one hour, the gentleman can move to rise and come back into the House and cut off debate which was agreed to by unanimous consent?

The SPEAKER. The limitation to fifteen minutes has been done by general consent. The Chair has not ruled otherwise.

Mr. GARFIELD. I now move the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOSKINS in the chair, and proceeded to the consideration of the bill (H. R. No. 4729) making appropriations for the fiscal year ending June 30, 1876, for other purposes.

The CHAIRMAN. By order of the House general debate has been limited on this bill to fifteen minutes.

Mr. GARFIELD. I wish very briefly to call the attention of the House to some things which ought to be understood.

Mr. HEREFORD. Will the gentleman in charge of the bill, before he proceeds, allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. HEREFORD. What is the gross amount of appropriations in this bill?

Mr. GARFIELD. I ask gentlemen to send to the document-room for the report of the Committee on Appropriations accompanying this sundry civil appropriation bill. It is report 149. Upon the third page of that report the gentleman from West Virginia will find in detail the amount of the various items of this bill, which make a total of $25,285,978.38; of which nearly $200,000 is to be paid by the national banks and not by the Treasury, for the amount referred to is a provision to carry out the requirements of the bill for the redemption and reissue of national-bank currency.

And now, while gentlemen are getting the bill and the accompanying report, I will make a few general reflections on the old but important subject of

APPROPRIATIONS AND EXPENDITURES.

Mr. Chairman, we have now so nearly reached the end of the long journey through the annual appropriation bills of the session that I am able to state with approximate accuracy the result of the labors of the Committee on Appropriations, and the amounts voted and to be voted by Congress for the public service for the fiscal year ending June 30, 1876. This aggregate will be of special interest in its relations to the appropriations of recent years, and because the year for which we are now appropriating is the centennial anniversary of our national life.

Did the time permit I should be glad to institute a comparison between the expenditures of the Continental Colonies in 1776, and the great Government for which we are now providing. But the pressure of public business forbids me to consume the waning moments of this session in such a review.

I shall therefore confine my remarks to the consideration of the appropriations of the present session and their relation to the appropriations of recent years.

Mr. RANDALL. This is a very important bill, and I ask for order, so that we may hear what is said by the chairman of the Committee on Appropriations.

Mr. GARFIELD. Before entering upon this, however, I will call attention to estimates I had the honor to submit at the last session

in my speeches of March 5, 1874, and near the close of the session, June 23, 1874. I do this because both here and in the public press it has been charged that the estimated reduction of appropriations and expenses was exaggerated in amount for party purposes.

REDUCTIONS OF APPROPRIATIONS FOR 1875.

When the legislative bill was brought before the House for action on the 5th of March, 1874, I proposed a plan of reduction of expenditure in the several Departments of the Government, and in summing up the proposed result I used these words, as reported in the CONGRESSIONAL RECORD:

What Congress will do in reference to the centennial exhibition and in reference to the estimates for the board of public works, and how much will be appropriated in the form of relief bills, claim bills, and pension bills, members of the House can estimate as well as I.

These things ought to be fairly considered by the House and determined on their merits.

It is therefore impossible to say what figure will represent the ultimate amount of reduction. But I believe I am reasonably safe in saying that we can reduce the expenditures, exclusive of the sinking fund, to $270,000,000 for next year, provided the House sustain the Committee on Appropriations as they have done in the bills already reported.

It was somewhat hazardous, at that early period of the session, to name the amount to which the twelve annual bills, the numerous relief acts, and the permanent appropriations would be limited; and for this reason it is specially gratifying to me to find that my estimate was very near the actual amount as subsequently ascertained by the Treasury Department, when all the appropriations were analyzed and footed up.

In the book published by the Secretary of the Treasury, entitled "Digest of appropriations for the fiscal year ending June 30, 1875," will be found, on page 156, a summary of all the appropriations made at the first session of the Forty-third Congress, amounting in the aggregate to $155,017,758.20. To this should be added the permanent appropriations for the same year. On page 150 of the Book of Estimates of last year the total estimate of all the permanent appropriations for the year ending June 30, 1875, were $147,859,230.76; this aggregate contained the expenses of the national loan, which for the previous year amounted to $2,806,863.94, and which was at the last session taken from the list of permanent appropriations and placed in the annual bills. Subtracting this sum and also the sinking fund, (estimated last year at $29,918,856,) it left the net amount of permanent appropriations for the fiscal year 1875, $115,133,510.82; total annual and permanent for 1875, $270,226,906.62.

My estimate of March 5, 1874, exclusive of the sinking fund, was $270,000,000. The actual amount was less than a quarter of a million in excess of the estimate.

In my speech of June 23, 1874, I gave a summary of the amounts appropriated in the twelve annual bills passed at the session then closing, which, compared with the amounts appropriated in the corresponding bills for the previous year, showed an aggregate reduction of $26,863,006.96. After stating that I had not taken into account the $4,000,000 appropriated in what was known as the "naval emergency bill," nor the various relief acts, I made the following remarks, as reported in the CONGRESSIONAL RECORD:

The summing up of the amounts appropriated in the bills that have passed within the last day or two has been done somewhat hurriedly, and I will not vouch for the absolute correctness of the figures here given; but I am satisfied they are not far out of the way. I may safely affirm that the appropriations made at the present session of Congress are in the aggregate $25,000,000 less than those of last year. I ought also to add that this statement no account has been taken of the unexpended balances in either year.

I now call attention to this statement, as compared with the actual results when all the appropriations of the sessions were ascertained.

I here copy from page 156 of the Treasury digest of appropriations for 1875 the detailed statement of all the appropriations made during the third session of the Forty-second Congress, and the first session of the Forty-third Congress:

Recapitulation by acts.

	Third session Forty-second Congress, fiscal year 1874.	First session Forty-third Congress, fiscal year 1875.
To supply deficiencies in the appropriations for expenses of taking ninth census, approved December 16, 1871		
To supply deficiencies in the appropriations for expenses of Joint Select Committee on alleged outrages in Southern States, approved January 16, 1872		
To supply deficiencies in the appropriations for salaries and contingent expenses of the Post-Office Department, approved February 20, 1872		
To supply deficiencies in the appropriations for the service of the Government, approved May 18, 1872, and January 8, 1873	$1,646,833 82	
To supply deficiencies in the appropriations for the service of the Government, approved March 3, 1873, and June 22, 1874	9,496,406 14	$4,053,812 39
*For legislative, executive, and judicial expenses of the Government, approved May 8, 1872; March 3, 1873; and June 20, 1874	18,170,441 18	20,758,255 50
For sundry civil expenses of the Government, approved June 10, 1872; March 3, 1873; and June 23, 1874	32,173,257 90	26,924,746 88

Recapitulation by acts—Continued.

	Third session Forty-second Congress, fiscal year, 1874.	First session Forty-third Congress, fiscal year, 1875.
For support of the Army, approved June 6, 1872; March 3, 1873; and June 16, 1874	$31,796,008 81	$27,788,500 00
For the naval service, approved May 23, 1872; March 3, 1873; December 31, 1873; and June 6, 1874	22,275,707 65	20,813,946 70
For the Indian service, approved May 29, 1872; February 14, 1873; and June 22, 1874	5,505,218 90	5,538,274 87
For rivers and harbors, approved June 10, 1872; March 3, 1873; June 23, 1874	7,352,900 00	5,228,000 00
For forts and fortifications, approved June 10, 1872; February 21, 1873; and April 3, 1874	1,899,000 00	904,000 00
For support of Military Academy, approved May 23, 1872; February 28, 1873; and June 6, 1874	344,317 56	339,835 00
For service of Post-Office Department, approved June 1, 1872; March 3, 1873; and June 23, 1874	6,496,602 00	7,175,542 00
For invalid and other pensions, approved February 20, 1872; January 10, 1873; and June 20, 1874	30,480,000 00	29,980,000 00
For consular and diplomatic service, approved May 22, 1872; February 22, 1873; and June 11, 1874	1,311,359 00	3,404,804 00
For fire-proof building at Albany, New York, approved March 12, 1872		
For court-house and post-office at Indianapolis, Indiana; Huron, Michigan; Saint Louis, Missouri; Hartford, Connecticut, &c., approved March 18, 1872		
For Reform School, District of Columbia, approved May 15, 1872		
For Medical and Surgical History of the Rebellion, approved June 8, 1872		
For reliefs For miscellaneous	3,342,647 86	2,121,540 86
Totals	172,290,700 82	155,030,491 27
Amended totals*	$170,424,800 82	$151,106,128 27

TREASURY DEPARTMENT,
Warrant Division, July 1, 1874.

* There appears for the first time in this bill an appropriation of $2,216,763 for defraying expenses incident to the national loan for the current fiscal year, the appropriations for that object having heretofore been indefinite. There also appears an appropriation for official postage-stamps required by the various Departments of $1,865,900 in 1874, and $1,707,600 in 1875, without any corresponding appropriation in 1873. To arrive at a just comparison of the appropriations made at each session of Congress the amounts appropriated for postage and expenses of national loan in 1875 and for postage in 1874 should be deducted from the totals of those years, leaving the amended totals.

This table shows a reduction of $19,331,405.62.

In the note appended to it, the Secretary properly states that for the first time the annual bills of the last session contained $2,216,763 for expenses of the national loan.

But the amount expended in the preceding year for the same purpose was $2,806,863.94; and the last session of Congress should have been credited with a further reduction to the amount of the difference between these sums, namely, $590,100.94. This item, added to the amount of reduction stated by the Secretary, gives a reduction of $19,923,506.56.

The difference between this amount and the amount estimated in my speech of June 23, 1874, consists in the two items, which, as I then stated, were not included in my estimate. One was the $4,000,000 appropriated for the naval emergency arising from our trouble with Spain, which should not be considered as a part of the ordinary cost of carrying on the Government; the other was the aggregate of all the relief and pension acts passed at the last session, which amounted to $2,121,540.86; these acts were not under the charge of the Committee on Appropriations, and they amounted to a larger sum than I supposed they would.

But including the relief acts, and leaving out the naval emergency appropriation, the actual reduction in the ordinary appropriations for the public service at the last session was $24,000,000 less than at the preceding session. I expressed the opinion that it would turn out to be $25,000,000. I am content to let the facts speak for themselves. It was a difficult work to bring down the aggregate by so large a sum; but it was done in the interest of economy, and its value to the Treasury and the country cannot be impaired by the ungracious and unjust attempts which have been made to belittle the work.

Before leaving this subject, I desire to say that during the last session it was frequently asserted here that these reductions were intended only for political effect, and would be followed by deficiency bills to a corresponding amount. To these assertions I am now able to respond by pointing to the fact that the deficiencies for this year will be less than for any year since the war began.

I have compiled a table of deficiency appropriations for each year since 1869, which is a conclusive answer to all the insinuations on this subject:

	Deficiency.
For fiscal year ending June 30, 1870	$23,000,000
June 30, 1871	22,000,000
June 30, 1872	14,000,000
June 30, 1873	6,500,000
June 30, 1874	11,000,000
June 30, 1875	4,000,000

We have gone far enough in the examination of the necessary deficiencies of this year to be satisfied that they will be considerably less than those of last year.

This fact is a conclusive answer to all the doubts and insinuations suggested in regard to the reductions made at the last session. In many cases the retrenchment bore heavily upon individuals and Departments of the Government; but I am gratified to see that in the Treasury Department, where the largest reduction was made, the public service suffered no injury thereby. In his annual report the Secretary of the Treasury says that—

So far as the estimates relate to the Treasury Department he has required them to be kept within the appropriations of the last session. * * * He is gratified to be able to express the opinion that such reduction has not affected injuriously the public interests confided to his care, nor has it tended to obstruct or delay the public business.

APPROPRIATIONS AT THE PRESENT SESSION.

During the present session the Committee on Appropriations have endeavored to pursue the line of policy which they marked out one year ago, and they have still further reduced the appropriations wherever they have found it practical. So many of the bills are still unfinished that I am not able to state with accuracy the difference between the aggregate of appropriations at this session and those of the last, but I present herewith a statement of the amounts appropriated in the regular bills of last session and the corresponding bills of this session as they now stand. Some of them have become laws, some have passed both Houses and are now in conference committees, others have passed the House and are still under consideration in the Senate, and two, the sundry civil bill and the deficiency bill, have yet to be acted on in the House.

In some branches of the public service there has been an increase; but that increase has been made necessary by the growth of the public business itself, and is in itself a healthy indication.

The business of the Post-Office Department has very considerably increased during the current year, and an increased appropriation for that service of nearly a million and a half has been found necessary. The committee made an earnest effort to devise some means by which this growing deficiency could be avoided. It is hoped that the new rates of postage provided at the last session will increase the revenues of that Department; but the law has not yet been in operation a sufficient time to exhibit its full effects.

The Army and Navy bills have been kept very nearly at the reduced aggregates of last year, the $4,000,000 extraordinary appropriation for the Navy at the last year not being repeated in the bill of this year.

The aggregate appropriations for the Military Academy, for fortifications, and for pensions are nearly the same as last year.

Mr. YOUNG, of Georgia. Will the gentleman tell me why the fortification bill is less than last year? Does he not propose to take appropriations already granted by this House, and transfer them to another branch of the service for rifling guns and other ordnance materials?

Mr. GARFIELD. I will answer the question when that clause of the bill is reached.

The consular and diplomatic bill shows a reduction of about $2,000,000, the amount appropriated last year for paying the award of the mixed claims commission.

The Indian bill with the Senate additions shows a reduction of about one million.

The aggregate amount of the legislative and sundry civil bills as they now stand show a reduction of about two millions, but this will probably be less before they become laws.

I think the deficiency bill will be less than that of last year by about one million.

The river and harbor bill as it passed the House shows an increase over that of last year of about $750,000.

I have copied from the Treasury digest already referred to the list of appropriations made at the last session, and have set opposite them the corresponding appropriations made and pending at the present session. I have indicated in the table the present status of each bill. I have no means of knowing what the aggregate of relief acts for the session will be, but I estimate them the same as for last year.

Annual appropriation bills.

Appropriation bills.	For fiscal year 1875.	For fiscal year 1876.	Remarks.
Legislative	$20,758,255 50	$19,613,643 99	In conference.
Army	27,788,500 00	27,701,500 00	In the Senate.
Navy	20,813,946 70	16,976,006 40	Now a law.
Indian	5,538,274 87	4,855,507 57	In conference.
Fort	904,000 00	850,000 00	Now a law.
Consular	3,404,804 00	1,344,785 00	Now a law.
Military Academy	339,835 00	364,740 00	Now a law.
Post-Office	7,175,542 00	8,356,000 00	In the Senate.
Pensions	29,980,000 00	30,000,000 00	In the Senate.
River and harbor	5,228,000 00	5,999,200 00	In the Senate.
Sundry civil	26,911,246 88	25,285,978 38	In the House.
Deficiency, (estimated)	4,053,812 39	3,000,000 00	In Committee on Appropriations.
Relief acts, (estimated)	2,121,504 00	2,121,540 86	
Total	155,017,758 20	147,458,902 20	

Estimated total decrease below annual bills of last session, $7,558,856.

The Secretary of the Treasury estimates the permanent appropriations for 1876 at about $1,200,000 less than those for 1875.

This would indicate an aggregate reduction in appropriations of all kinds of about $8,500,000. The actual reduction will be not far from this amount either way, unless some unusual demands are made upon the Treasury by the legislation of the remaining days of this session.

EXPENDITURES.

It is still more difficult to forecast the expenditures, but we may reasonably expect a considerable reduction below those of the current year.

For several years past I have made a careful analysis of the actual expenditures of the Government as shown by the books of the Treasury. Last year I presented an analysis for the fiscal year ending June 30, 1873. I here reproduce that, and add to it under the same arrangement an analysis of the expenditures for the last fiscal year, the year ending June 30, 1874.

Here, as in the former analysis, I have grouped expenditures into three classes: First, those payments that were made directly on account of the war; second, the expenses of the Army and the Navy; third, all other expenses, including the civil establishment and public works. This comparative statement I think will be of value in studying the character and tendency of our public service.

Comparative statement of expenditures during the fiscal years ending June 30, 1873 and 1874.

	1873.	1874.
Amounts paid on account of expenses growing directly out of the late war:		
Joint Select Committee on alleged outrages in Southern States	$1,087 20	
Investigations in relation to elections in Louisiana and Arkansas	20,000 00	
Payment of judgments Court of Claims	489,034 70	$378,567 10
Southern claims commission	52,800 04	53,800 00
Tribunal of arbitration at Geneva	62,210 22	6,968 49
Expenses of national currency	181,654 84	173,688 83
Expenses of national loan	2,806,863 94	1,878,569 55
Refunding national debt	54,726,83	702,726 85
Assessing and collecting internal revenue, including payments of drawbacks and amounts illegally collected	6,687,039 49	5,722,164 35
Defending claims for cotton seized	52 95	10,626 53
Salaries of direct-tax commissioners	540 55	
Expenses of collecting direct tax in Delaware	22 46	
Repayments for lands sold for direct taxes	9,075 00	44,147 91
Return of proceeds of captured and abandoned property	1,960,679 26	2,545,375 45
Collection of captured and abandoned property, records and evidence respecting same	84,459 50	14,573 00
Refunding internal taxes illegally collected	1,507 44	478 36
Refunding proceeds of cotton seized	3,282 00	122,627 03
Premium on bonds purchased in currency	5,105,919 99	1,395,073 55
Payment of interest on the public debt	104,750,688 44	107,119,815 21
Bounties	465,049 14	1,444,088 44
Keeping, transporting, and supplying prisoners of war	258,080 11	123,941 36
Military telegraph	17,220 36	
National cemeteries	431,219 22	284,900 15
Maintenance of steam-rams	14,548 93	
Gun-boats on western rivers	33,408 28	650 00
Providing for comfort of sick and discharged soldiers	1,305 79	829 10
Payment of stoppages or fines due National Asylum for Disabled Volunteer Soldiers	193,750 59	440,821 67
Traveling expenses of California and Nevada volunteers	28,000 00	34,285 56
Traveling expenses of First Michigan Cavalry	500 00	959 86
Commutation of rations to prisoners of war in rebel States	2,000 00	7,000 00
Draft and substitute fund	42,792 84	
Appliances for disabled soldiers	8,000 00	
Transportation of insane volunteer soldiers	1,000 00	
Support of Freedmen's Hospital and Asylum, Washington, District of Columbia	72,000 00	51,284 90
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (regular)	93,924 79	
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (transfer)	12,871 95	24,432 00
Horses and other property lost in the military service	99,975 85	105,359 76
Reimbursing State of Kansas for military expenses	336,817 37	
Reimbursing State of Kentucky for military expenses	525,258 72	64,927 57
Refunding to States expenses incurred in raising volunteers	758,110 31	64,477 03
Defraying expenses of minute-men and volunteers in Pennsylvania, Maryland, Ohio, Indiana, and Kentucky	28,762 32	
Supplying arms and munitions of war to loyal citizens in revolted States	945 38	
Capture of Jefferson Davis	2,051 00	
Claims of loyal citizens for supplies furnished during the rebellion	927,910 19	122,025 24
Bounty for destruction of enemy's vessels	133,802 28	
Payment to captors of rebel ram Albemarle	202,912 90	
Payment to officers and crew of United States steamer Kearsage	141,377 00	16,933 31
Pensions	29,359,426 86	29,038,414 66
Relief acts, (various)	797,748 78	528,361 19
Defending suits and claims for seizure of captured and abandoned property		36,966 50
Pay of two and three year volunteers		418,557 45
Collecting, drilling, and organizing volunteers		171,032 50
Prize money to captors		318,160 40

Comparative statement of expenditures, &c.—Continued.

	1873.	1874.
Payment of shares on captures made by Admiral Farragut's fleet in the Mississippi River		$603 520 00
Payment to captors of rebel steamer Sumter		100, 000 00
Total	$157, 262, 415 81	154, 171, 130 50
Military and naval establishments:		
For the Army, after deducting payments for the late war, already mentioned in group 1, and for improvements of rivers and harbors, and other public works	32, 524. 548 64	30, 224, 677 47
For the Navy	21, 474, 433 61	28, 468, 628 22
	53, 998, 982 25	58, 693, 305 69
Civil service proper; being all the expenditures not named in the first and second groups:		
1. The civil list, including expenses of legislative, judicial, and executive offices of the Government, not including Internal Revenue and Customs Departments	16, 026, 321 32	*17, 342, 910 67
Increase of salaries by act of March 3, 1873	1, 948, 210 04	
Foreign intercourse	1, 292, 108 49	1, 301, 583 47
Indians	7, 946, 809 53	6, 692, 462 09
Expenses of mints, coast-survey, light-house service, revenue-cutter service, and marine-hospital service	4, 812, 183 58	5, 040, 544 84
Cost of collecting customs duties, exclusive of revenue-cutter service, and building and repairing custom-houses, including the refunding of excess of deposits and amounts illegally collected	12, 586, 045. 93	13, 293, 542 74
Deficiencies in the revenues of the Post-Office Department	4, 765, 475 00	4, 214, 044 71
Mail steamship service	725, 000 00	500, 000 00
Expenses of eighth and ninth census	105, 762 44	108, 841 64
Survey of public lands and land funds to States	1, 401, 971 27	1, 395, 910 13
Government of Territories	271, 985 36	300, 789 69
Steamboat inspection service	221, 917 50	222, 109 75
2. Extraordinary expenses:		
Investigation of senatorial election in Kansas	20, 000 00	
Survey of boundary between United States and British possessions	2, 304 63	160, 000 00
Commissioners to international penitentiary congress at London	5, 000 00	
Copies of proceedings of same	1, 362 65	
International exposition at Vienna	111, 146 26	37, 791 74
Payments for coin, nickels, &c., destroyed by fire at Chicago	370, 813 24	65, 944 76
Miscellaneous	1, 662, 634 86	2, 527, 950 42
3. Public Works:		
Custom-houses and post-offices, and repairs and preservation of same	3, 270, 329 90	4, 320, 448 92
Marine hospitals	61, 928 73	
Light-houses and repairs	1, 408, 851 49	1, 040, 788 55
Court-houses, post-offices, and building for State, War, and Navy Departments	5, 352, 452 34	4, 006, 952 25
Arsenals and armories and Military Academy buildings	916, 476 33	702, 985. 74
Forts and fortifications	1, 801, 766 92	2, 263, 991 22
Rivers and harbors	6, 371, 687 32	5, 511, 345 24
Navy-yards	1, 370, 587 06	1. 230, 381 32
Interior Department building	10, 000 00	
Buildings, Government Hospital for Insane, Columbia Hospital, and Columbia Institution for Deaf and Dumb	179, 800 00	51, 697 46
Improvements of public grounds, streets, and avenues in the city of Washington, including Washington Aqueduct and bridges across the Potomac River, extension of Capitol grounds and Capitol building, &c	4, 062, 915 08	1, 936, 420 22
Total	79. 083, 847 27	74, 269, 437 57
Grand Total	290, 345, 245 33	287, 133, 873 76

*In this amount is included $1,469,790.53 expended for postage on official mail matter, which appears for the first time in our Treasury accounts.

Comparing these three general groups of expenses in the analyses which I made for the three years 1871, 1873, and 1874, the result stands as follows:

Total expenditures by years.

	1871.	1873.	1874.
FIRST GROUP.			
Amount paid directly on account of the late war	$175, 543, 140 27	$157, 262, 415 81	$154, 171, 130 50
Per cent. of the whole for each year	60.5	54	53.3
SECOND GROUP.			
Army and Navy	45, 114, 551 46	53, 998, 982 25	58, 693, 305 69
Per cent. of the whole for each year	14	18	20.4
THIRD GROUP.			
Civil service proper	70, 906, 749 70	79, 083, 847 27	74, 269, 473 57
Per cent. of the whole for each year	25.5	23	25.9
Totals	291, 564, 441 43	290, 345, 245 33	287, 133, 909 76

A comparison of the amounts expended in the three years named under the first group shows how slowly the expenditures growing out of the late war are reduced. In 1871, they were 60¼ per cent. of all our expenses; in 1874 they were still nearly 54 per cent. of the whole.

Much the largest item in this group is of course the interest on the public debt, which can only be decreased by refunding at a lower rate of interest and by payments of the principal.

Let it then be understood that the interest on the public debt, the pensions, the back pay and bounties of volunteers, and all that goes to make up the expenses which the war made necessary, even yet make nearly 54 per cent. of the total expenses of this Government. This table shows by percentages how the Army and Navy expenses have run, and how the civil expenses have run. Now, when gentlemen think we can cut down the expenditures by a very large sum, say $50,000,000, as proposed by the gentleman from Pennsylvania, [Mr. RANDALL,] they must inquire what items in this list of these expenditures they can strike out. In the civil service the percentages run thus:

The cost of the civil service proper, including all public buildings, was about seventy-one millions in 1871; in 1873 it was seventy-nine millions; and in 1874 it was a little more than seventy-four millions, about one-quarter of all the expenses of the Government. During the fiscal year 1874 nearly 54 per cent. of our expenses were on account of the late war, 20½ per cent. for our Army and Navy, and about 25½ per cent. for our other expenses.

Mr. LAWRENCE. Will my colleague allow me to make an inquiry?

Mr. GARFIELD. Certainly.

Mr. LAWRENCE. Does his statement include the appropriations for the claims allowed by the commissioners of claims?

Mr. GARFIELD. It does. They are all included in the war expenses.

Mr. LAWRENCE. One thing further. Here are what are known as the 4th of July claims, reported from the Treasury Department under the act of June 16, 1874, which requires them to be examined according to the act of July 4, 1864—claims for quartermaster stores and commissary stores, furnished during the war, to the amount of $112,659.60.

Mr. GARFIELD. That is since this fiscal year began and does not appear in my analysis.

Mr. LAWRENCE. These claims have to be provided for by this Congress, and there is a bill from the Committee on War Claims proposing to make appropriation to pay them.

Mr. GARFIELD. Certainly; but that is aside from the pending discussion. I return to the point from which this colloquy diverted me.

I wish to call attention to one class of our expenditures which depend mainly upon the yearly acts of Congress. Referring to the table it will be seen that the third group of expenditures includes the cost of maintaining the civil departments of the Government, and also the expenditures made upon the various public works of the country, which have become a very large item of our public expenditures. The Committee on Appropriations have found it extremely difficult either to reduce or limit this class of expenditures; especially those relating to public buildings. The pressure of local interests to secure such buildings is at all times very strong; but the Committee on Appropriations, during the last two years especially, resisted the efforts to secure appropriations for buildings not already begun.

PUBLIC BUILDINGS UNDER THE SUPERVISING ARCHITECT OF THE TREASURY.

But great as the appropriations for public buildings have been, the amounts have been greatly exaggerated in the public mind.

I desire to call attention to an article published in the New York Tribune on the 21st of January, 1875, which, as a whole, is a great exaggeration in regard to these appropriations. The portion of the article to which I refer is as follows:

Without further preface we will submit a portion of the evidence upon which we base our conclusions.

1. The expenditures for public buildings during the year ending June 30, 1873, were $9,039,698.76, and for the year ending June 30, 1874, they were, as near as we can get at them, $7,956,208.

2. On the 1st of July, 1873, the balance of appropriations standing to the credit of the office of Supervising Architect and available for work on public buildings amounted to no less than $14,774,573, as we learn from page 35 of Secretary Richardson's report of that year.

3. The total of the appropriations for public buildings made at the last session of Congress for the fiscal year ending June 30, 1875, was $8,356,525. (See Tribune Almanac for 1875, page 24.)

4. By special enactment of the same Congress all former appropriations for public buildings remain valid until the Secretary of the Treasury can "raise the wind." (See chapter 476 of the acts of the present Congress, first session.)

5. The sum total of the balances to the credit of the Supervising Architect on the 1st of July, 1873, being $14,774,573, added to the $8,356,525 of fresh appropriations made in 1874, gives an aggregate of $23,131,098; from which deduct the $7,956,208 expended during the last fiscal year, and we have left $15,174,890 as the sum standing to the credit of the Supervising Architect on the 1st of July, 1874.

6. From the above summary it appears that although the appropriations made for public buildings were $12,341,944 for the year ending June 30, 1874, and only $8,356,525 for the current fiscal year, the sum at the disposal of the Supervising Architect was actually $400,000 greater for the current fiscal year than for the year preceding, and that so far from the reduced appropriation being any guarantee of reduced expenditure, as claimed in speeches made at the close of the last session of Congress, the effect of the legislation at that session was to place at the disposal of the Supervising Architect a sum which is nearly double his expenditures for the previous year.

7. The vast sum of $15,000,000 which the Supervising Architect is authorized to expend cannot, of course, be expended in the present state of the revenue without an increase of the public debt. Hence the significance of the modest requests which the President is making for an increase of taxation.

Soon after I read this article I requested the Secretary of the Treasury to furnish an official statement covering the whole subject. I append his reply, which inclosed an official table, showing in detail the expenditures on each of the public buildings under the Supervising Architect of the Treasury and the amounts expended in 1873 and 1874 and the amount appropriated for 1875:

TREASURY DEPARTMENT,
Washington, D. C., January 26, 1875.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, in which you ask that the following information be furnished you:

1. Actual expenditure on account of public buildings for 1873 and 1874.

2. Balances available for public buildings July 1, 1874, including appropriations for 1875.

3. Balances of appropriations for public buildings January 20, 1875.

In compliance with your request the statement desired by you is herewith inclosed.

The amount, $14,774,573, which is stated on page xxxv of the finance report for 1873 to be the sum of the balances of appropriations standing to the credit of the Supervising Architect's office July 1, 1873, includes the appropriations for the fiscal year 1874, which were made available immediately upon the approval of the act, (17 Statutes at Large, 524) namely, March 3, 1873.

I am, very respectfully,

CHAS. F. CONANT,
Acting Secretary.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Statement of expenditures for public buildings, balances, &c.

Title of appropriation.	Net expenditures, 1873.	Net expenditures, 1874.	Balances available July 1, 1874, including appropriation for 1875.	Amount appropriated for 1875.	Balances available January 20, 1875.
Custom-house, &c., Rockland, Maine	$12,000 00	$35,819 03	$52,180 97		$292 71
Machias, Maine	5,506 65				
Portland, Maine	1,012 64	3,838 27	9		6 76
Bath, Maine		592 37	4,407 63		535 23
Burlington, Vermont			5,933 60	$5,933 60	
Fall River, Massachusetts	103,200 00	29,656 65	67,143 35		67,143 35
Boston, Massachusetts		30,000 00	25,000 00	25,000 00	
Newport, Rhode Island	8,141 75		53 13		
Hartford, Connecticut	1,129 80	59,215 70	189,654 50	150,000 00	96,323 21
New Haven, Connecticut			20,000 00	20,000 00	20,000 00
Albany, New York		150,063 50	104,911 20	5,000 00	99,299 10
Ogdensburgh, New York			3,000 00		3,000 00
Baltimore, Maryland	50,000 00				
Charleston, South Carolina	168,841 54	93,239 98	100,000 00	100,000 00	64,672 00
New Orleans, Louisiana	434,896 00	104 00	234,327 85	234,327 85	97,257 05
Cincinnati, Ohio	417 30	758,595 35	1,290,987 35	600,000 00	1,188,639 01
Chicago, Illinois	1,460,253 89	1,085,253 05	1,002,040 53	750,000 00	368,695 68
Cairo, Illinois	8,977 60		1,935 47		1,935 47
Milwaukee, Wisconsin			38,453 17	38,453 17	7,453 17
Port Huron, Michigan	5,000 00	26,164 57	343,835 43	75,000 00	297,849 33
Evansville, Indiana	45,356 30	47,158 00	57,485 70	50,000 00	57,478 55
Knoxville, Tennessee	79,938 72	115,185 24	21,831 76	20,000 00	1,065 43
Nashville, Tennessee			150,000 00		150,000 00
Memphis, Tennessee			75,000 00	50,000 00	74,800 00
Saint Louis, Missouri	399,105 55	1,292,768 80	858,125 65	750,000 00	6,340 28
Saint Paul, Minnesota	42,911 50	7,898 50	45 00		348 00
Astoria, Oregon	25,963 28	23 00	142 62		
Portland, Oregon	125,682 26	47,635 81	42,639 19	40,000 00	16,890 87
Marine hospital, San Francisco, California			58,789 56		7,701 82
Chicago, Illinois	62,482 94		24 56		24 56
Appraisers' stores, Philadelphia, Pennsylvania	4,866 70		11 20		11 20
San Francisco, California	20,000 00	168,178 11	219,821 89		132,091 72
Barge office, New York	25 30				
Building for State, War, and Navy Departments	1,669,233 28	865,770 14	924,996 58	700,000 00	153,903 53
Branch mint building, San Francisco, California		577,309 42	235,842 82	235,842 82	162,903 01
Treasury building, Washington, District of Columbia	43,840 00	34,000 00	58,331 80	58,331 80	35,331 80
Assay-office building, Boise City, Idaho			100 00		100 00
Sub-treasury building, San Francisco, California			30,000 00	30,000 00	30,000 00
Assay-office building, Helena, Montana			50,000 00	50,000 00	48,136 75
Alteration of Treasury building	2 50				
Court-house, &c., Little Rock, Arkansas	103 25	25,626 00	74,270 75		74,270 75
Parkersburgh, West Virginia	3 00	35,188 42	114,808 58		71,106 85
Raleigh, North Carolina	166 45	18,078 77	181,754 78		132,379 60
Dover, Delaware	31 60	10,260 85	29,607 55		29,607 55
Utica, New York	167 70	160,843 62	38,988 68		38,973 68
Philadelphia, Pennsylvania	926,000 00	42,071 50	1,281,928 50	750,000 00	316,672 30
Covington, Kentucky	144 80	30,515 75	99,339 45		99,339 45
Atlanta, Georgia		20 90	109,979 10		109,979 10
Trenton, New Jersey	86,406 51	56,344 01	107,249 48		35,868 48
Indianapolis, Indiana	77,989 90	52,352 69	39,657 41		249 60
Boston, Massachusetts	265,187 50	430,108 81	1,042,820 94	352,027 00	366,179 15
New York, New York	1,629,396 60	1,353,255 22	1,385,838 38	1,384,207 82	628,563 85
Jersey City, New Jersey		72 00	99,928 00		99,428 00
Omaha, Nebraska	147,200 96	51,000 00	65,500 00	65,500 00	20,309 85
Lincoln, Nebraska		3,984 05	126,015 95		97,250 95
Columbia, South Carolina	74,564 43	98,024 32	156,899 75	156,899 75	45,389 90
Portland, Maine	3,521 36				
Madison, Wisconsin	7,500 00	3,355 94	144 06		144 06
Pittsburgh, Pennsylvania			300,000 00	300,000 00	150,000 00
Grand Rapids, Michigan			70,000 00	70,600 00	3 99
Springfield, Illinois	3,000 00				
Des Moines, Iowa	372 31				
Jail for the District of Columbia	25,022 60	190,034 17	124,943 23	50,000 00	46,443 23
Total	7,965,554 47	7,989,706 51	11,716,727 19	7,116,523 81	5,552,389 93
Repairs and preservation of public buildings	224,313 06	240,570 44	203,063 98	200,000 00	70,942 48
Heating apparatus for public buildings	44,349 77	130,623 10	200,000 00	200,000 00	149,197 39
Vaults, safes, and locks for public buildings	86,079 39	153,683 00	75,000 00	75,000 00	24,560 00
Total	354,742 22	524,876 54	478,063 98	475,000 00	250,699 87
Grand total	8,320,306 69	8,514,583 05	12,194,791 17	7,591,523 81	5,803,089 80

From this official record it will be seen—

1. That the expenditures for public buildings during the year ending June 30, 1873, where, for construction, $7,965,564.47, and for repairs, preservation, heating-apparatus, vaults, safes, and locks, $345,742.22; making a total of $8,320,306.69, instead of $9,039,698.76, stated by the Tribune.

2. The balances of appropriations standing to the credit of the Supervising Architect of the Treasury July 1, 1873, amounting to $14,774,537, as stated by the Secretary of the Treasury on page 35 of the finance report for 1873, included the $7,989,706.50 for construction and the $524,876.50 for repairs and preservation, heating-apparatus, vaults, safes, &c.—total $8,514,583.05—the total of appropriations for the fiscal year ending June 30, 1874, which were made available on the passage of the act. The whole was available at that

date. The Tribune has therefore overstated the amount by more than eight and a half millions.

3. The appropriations for public buildings for the fiscal year ending June 30, 1875, were: For construction, $7,116,523,81; and for repairs, furniture, heating-apparatus, vaults, safes, locks, &c., $475,000—total, $7,591,523.31, and not $8,356,525 as stated by the Tribune.

4. The clause of the statutes referred to by the Tribune making appropriations for public buildings available until they are used was put on by the House against the recommendation of the Committee on Appropriations.

5. The unexpended balances of former appropriations which remained to the credit of the Supervising Architect July 1, 1873, added to the total appropriation for 1874, amounted to $12,194,791.17, and not $23,131,098 as stated by the Tribune.

6. The total appropriations made for the fiscal year ending June 30, 1875, including construction, repair, preservation, heating-apparatus, vaults, locks, &c., was $7,591,523.81, and not $12,341,944 as stated by the Tribune.

7. The balances standing to the credit of the Supervising Architect January 20, 1875, for all purposes was $5,803,089.80, and not $15,000,000 as stated by the Tribune.

For many years Congress has made the appropriations for public buildings available immediately in order that the work may be commenced early in the season. If this were not done it would confine the work to the last half of the year and push much of it into bad weather of the fall and winter.

But I think the Congress needs to be warned of the danger of pressing too fast and too far in the matter of public buildings. This seems to be a marked tendency of all modern governments. It played a large part in the work of swamping the French government under the late emperor.

I have examined the recent French budgets, and have found that during thirteen years, in each of which an average of $12,000,000 of surplus was promised, each resulted in a deficit. In the thirteen years prior to 1870 there was an average deficit of $15,000,000. The increase of their expenditures on public works is illustrated by the fact that in 1853 they amounted to $21,000,000, in 1859 to $34,500,000, in 1866 to $40,000,000, and in 1870 to a still larger sum.

Warned by such examples and by the manifest tendency in our own Government to extravagance in any matter of public works, the Committee on Appropriations have sought to so limit our expenditures for public buildings that they shall not in any one year bear an unreasonable proportion to other expenses. There are now twenty-four buildings in progress under the Supervising Architect of the Treasury, and some fourteen others authorized, but not yet commenced. The Committee on Appropriations believe that we ought not to add new buildings to this list until some of those now under way are finished.

But what is far more important than that, the Committee on Appropriations believe it is of the utmost importance to regulate by law the expenditures upon all new buildings, so that the plans may not be changed and the cost increased far beyond the ordinary limit fixed by Congress. In almost every public building the original limitation has been almost wholly disregarded. And we have placed in this bill a clause which, if it becomes a part of a law, will forbid the accounting officers of the Treasury to pay any money except on an official certificate that it is in pursuance of a plan within the limitations fixed by law.

Before closing the general discussion I wish to refer to a complaint which I have heard in several quarters, that the Committee on Appropriations have erred in their habit of introducing the general legislation on appropriation bills. This would be a just complaint if it were true that the committee had introduced general legislation not germane to the subject of public expenditures. But I venture to claim it as a ground of especial credit to the Committee on Appropriations that they have in many ways limited and reduced expenditures by legislative clauses to correct abuses and bring the expenditures of the Government directly under the eye of Congress, and subject them to the annual scrutiny of both Houses The legislation placed upon our bills has in almost every instance been directed to the single purpose of putting the expenditures of the Government into so plain a business shape that the ordinary citizen can understand them.

If time were allowed me, I should be glad to enumerate the reforms in the method of transacting the public business and the economy in the public expenditures which have been inaugurated by the Committee on Appropriations during the last four years by means of general legislation. This has been done in no spirit of interference with the rights of other committees of the House, but because in the course of our investigation the necessity for such reforms has been made clearly apparent to us. And now, Mr. Chairman, I will omit any further remarks upon the provisions of this bill until we come to its consideration paragraph by paragraph.

The CHAIRMAN. By order of the House all general debate upon this bill is concluded.

Mr. GARFIELD. I now ask that the first reading of the bill for information be dispensed with.

There was no objection, and it was so ordered.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the following:

Public printing and binding:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, $1,625,507.66; and out of the sum hereby appropriated, printing and binding may be done by the Congressional Printer to the amounts following, namely.

Mr. RANDALL. I move to amend the paragraph just read by reducing the appropriation $25,000. I do so because upon examination I find the amount proposed to be appropriated by this bill in this paragraph for the next fiscal year is only $20,000 less than was appropriated at the last session of Congress for the current fiscal year. In view of the fact that the franking privilege has been abolished, and that in consequence thereof the House has reduced enormously the printing of public documents, which I believe to be the case, I think the proposed reduction is entirely too small. The amount appropriated last year was $1,645,000, while this year, notwithstanding the reduction in the amount of printing, to which I have directed the attention of this committee, it is proposed to appropriate $1,625,000 for this purpose. There is either something wrong about this matter, or else the number of public documents has not been reduced so largely as we had supposed. I would like to have some explanation given, in view of these facts, why this appropriation is kept up so enormously high.

Mr. GARFIELD. Gentlemen will remember that we are now appropriating for a long session of Congress. This bill relates to next winter, to the next long session, when the estimates for the RECORD alone are double the amount that they were for this session. The gentleman of course will recognize that as a necessary increase.

Mr. RANDALL. I do; that is a partial reason for this increase.

Mr. GARFIELD. In the next place, during the seven months of the next session there will also be a very much larger amount of congressional matter to be printed than in the short session. The reductions which we have made from the estimates were considered by the Public Printer as too great. They were made chiefly on the ground, after going carefully over the estimates, that there was a considerable reduction in the price of paper and other material. We believe there will be more printing to do the next year than this year.

And in this connection I ought to remark that we have made this recommendation in the bill on the supposition that there will not be so much printing ordered by the Senate as has been ordered by the House. The Public Printer tells us that should the Agricultural Reports, the order for printing which has passed the House and been sent to the Senate, be concurred in by the Senate, there will be required for that alone $200,000 more than is here recommended.

Mr. RANDALL. The gentleman makes a distinction between the cost of printing for the present session of Congress and the next session.

Mr. GARFIELD. Yes.

Mr. RANDALL. Then I would like to ask this question: The appropriation recommended here is about the same in amount as the appropriation made last year for the same purpose. I would like to know whether the appropriation for the current year has been exhausted? If the appropriations running through a short session have not been exhausted, and the franking privilege being abolished, why should there not have been a reduction, because of abolishing the franking privilege, in the expenses of this year? Why should there not have been a surplus left in the Treasury out of the appropriation for this year?

Mr. GARFIELD. The gentleman will remember that the documents printed during this year were, many of them, legacies from the old days of franking. A very large portion of the documents ordered to be printed just before the franking privilege was abolished were really printed this year.

Mr. RANDALL. And paid for this year?

Mr. GARFIELD. Yes; and the Public Printer tells me that he will run very close to the amount appropriated.

Mr. RANDALL. One question more. What sort of check or mode of voucher is adopted in reference to the expenditure of this large sum of money by the Public Printer? Where is the check, or is there any on him? Who examines his accounts?

Mr. GARFIELD. In the first place the accounts of the Public Printer are under the general control of the Joint Committee on Printing; that is, his expenditures are. In the next place they pass through the regular accounting officers of the Treasury like all other accounts. Then, as the gentleman will remember, we put a further check upon him in a bill two years ago, in assigning a limit to the printing for each Department, and requiring him to give an actual statement of the cost of the printing done for each Department. There is a sort of rivalry among the Departments to get their work done as cheaply as possible. Hence they scan the accounts of the Public Printer very carefully.

Mr. RANDALL. I have never seen any report upon this subject, so far as I recollect, from the Committee on Printing. I withdraw the amendment.

Mr. WOOD. I move to amend by striking out the last word. The gentleman from Ohio [Mr. GARFIELD] occupied all the time allotted by the House for general discussion; therefore I am obliged to avail myself of this formal amendment in order to say a few words in reply.

Mr. GARFIELD. The gentleman will allow me to say that I would have been glad to give gentlemen on the other side as much time as they desired, but they did not indicate any wish in the matter.

Mr. WOOD. The gentleman from Ohio, now as upon previous occasions, has with some degree of self-congratulation (and I concede not without some foundation) claimed that, so far as he and his committee are concerned, they have made an earnest effort to reduce the expenditures of the Government. I will take this occasion to say that I believe the gentleman and his committee have endeavored to reduce the expenses of the Government. But I apprehend that the gentleman in his statement of last summer, in which he claimed a reduction of $26,000,000, was entirely at fault in point of fact, as the sequel now proves. The gentleman, while claiming an intention to reduce appropriations, always finally consents to the contrary of reduction when the bills are about to pass both Houses and become laws. Because, sir, whatever his committee may report in the line of reduction, and whatever this House may agree to, the Senate invariably has added large amounts to our appropriation bills; and when they have been returned to us this House—too frequently with the consent of the chairman of the Committee on Appropriations—has assented to these increased appropriations. But, sir, be that as it may, it is a very singular fact, a fact of which I challenge contradiction, that the annual expenditures of the Government—I am not now speaking of appropriations or estimates of reduced appropriations or reduced estimates—the figures and the records show that the annual expenditures of the Government have not been reduced at all; and, sir, it is the expenditures, not economical professions, with which the people of this country have to deal. It is the effect of legislation as finally felt in taxation that concerns them. I declare here that there is next to no reduction of the annual expenditures of the Government outside of the reduction in the appropriation to pay the annual interest to bondholders. I affirm that in the War Department there has been no decrease of the expenditures; that now, nine years after the war, we are keeping up all the paraphernalia of war, with all the attendant contingent expenses necessary to a time of war; that to-day our Army in its number of officers is larger in proportion to the rank and file than that of any other nation anywhere; that while we have reduced the rank and file, the number of officers is improperly and unjustly disproportionate; that in Washington to-day we have an expenditure of probably over $100,000 going to officers who are in the discharge of no duty whatever or who are performing merely the duty of civilians. I hope the time will speedily come when there will be an earnest, honest, resolute effort made in the line of economy, so as to produce an absolute reduction of the expenditures of the Government, which are now, in my judgment, at least $30,000,000 too much. I withdraw my *pro forma* amendment.

Mr. COX. I renew the amendment with the view to ask one question. I wish to inquire of the gentleman from Ohio [Mr. GARFIELD] whether I understood him aright as to the discrepancy between his speech of last session on economy and the actual saving to the Government during the past year. What was the amount of discrepancy to which the gentleman confessed just now?

Mr. GARFIELD. I did not make any confession except to this extent: I called attention to the fact that I distinctly excluded from my statement two things. One was the amount of the various relief acts, with which I had nothing to do and as to the aggregate of which we could know nothing until the year was over. I expressed the opinion, as given to me in a statement of the Clerk of the House, that those bills would probably amount to less than one million and a half of dollars. In that I was mistaken, for they summed up about two million and a quarter of dollars. I also distinctly excluded from my statement the $4,000,000 appropriated for the Navy as a special emergency fund, and not coming in regularly as one of the current ordinary expenses of the Government. The actual reduction, counting in all things, is $20,000,000. The putting in of the $4,000,000 emergency appropriation and the $2,250,000 for relief bills has caused the apparent discrepancy; and both of those things were referred to in my former remarks.

Mr. COX. The gentleman from Ohio made his remarks at the end of the session—on the very last day—the 23d of June, 1874, just before the session closed.

Mr. GARFIELD. Certainly.

Mr. COX. The gentleman at that time must have known all about the expenses of the Navy and all about the probable expenses for those relief bills. As we charged at that time (and the gentleman might as well be frank about it) the very rosy character of his statement was because it was made before the election, while his present statement is made after the election; and I think the latter statement is the best.

Mr. GARFIELD. I think they are both very good.

The CHAIRMAN. Does the gentleman from New York [Mr. COX] insist on his amendment?

Mr. COX. O, no.

The Clerk read as follows:

For the Court of Claims, $12,000; for the Department of State, $25,000; for the Treasury Department, $300,000; for the War Department, $120,000; for the Navy Department, $65,000; for the Interior Department, $225,000; for the Agricultural Department, $15,000; for the Department of Justice and the Attorney-General's Office, $10,000; for the Supreme Court of the United States, $25,000; for the supreme court of the District or Columbia, $5,000; for the Post-Office Department, $175,000; and for both Houses of Congress, $648,507.66.

Mr. RANDALL. I move to amend by striking out in nineteenth line the words "and twenty," so that the appropriation for the War Department will be $100,000. This is the same amount that was appropriated last year; and I know of no reason why we should appropriate this year for that Department 20 per cent. more than we appropriated last year for the same purposes.

Mr. GARFIELD. The gentleman will remember that the distribution of this fund was a somewhat conjectural matter; we had no guide to go by.

Mr. RANDALL. But last year you made the appropriation $100,000; and now you ask $120,000.

Mr. GARFIELD. The signal service sent in a special estimate desiring us to give them $70,000. That service requires a much larger sum for printing than we have given before. The work now is much larger.

Mr. RANDALL. It seems to me an enormous sum of money; that is, to appropriate $120,000 for printing here.

Mr. GARFIELD. They report on all rivers and harbors. It is for printing engineer's reports and reports of surveys. It is for printing surveys like the Wheeler expedition. It is, besides, for the printing of blanks, &c.

Mr. RANDALL. How much was expended by the War Department last year for this printing?

Mr. GARFIELD. I have not the full amount expended for printing last year. The statement made by the committee was that the demand for more printing came from the printing of weather reports.

Mr. RANDALL. I suggest to the gentleman from Ohio to let my amendment be adopted, and we can come back to this subject when it is ascertained what the War Department expended last year for this printing. I tell the gentleman that I will not be factious in reference to the question at all.

Mr. GARFIELD. What is the gentleman's amendment?

Mr. RANDALL. My amendment is to reduce the appropriation to $100,000, which is the same as last year, with the proviso that there shall not be any increase. If we can get the fact of how much was expended last year for this printing, we will then know exactly upon what to base our appropriation. The gentleman has my word that I will not interpose any objection if my amendment is allowed to be adopted. If after the amendment has been adopted and the exact facts have been ascertained the gentleman from Ohio can show me reasonable cause for any increase of this appropriation beyond what was appropriated last year, I will very readily go with him.

Mr. GARFIELD. Leave it the other way, the gentleman withdrawing his amendment and having the right to go back and offer it at any time when the facts have been ascertained.

Mr. HAWLEY, of Connecticut. If gentlemen will look at page 4 of the report of the Committee on Appropriations, they will see a letter from General Myers, chief of the Signal Service, in regard to this whole question.

Mr. RANDALL. I withdraw the amendment on the understanding I shall have the privilege of going back and moving it again hereafter.

Mr. LAMPORT. I move in line 23 to strike out "fifteen" and insert "twenty-five;" so it will read:

For the Agricultural Department, $25,000.

Now, Mr. Chairman, I offer this amendment for this reason: The committee reported last year in favor of $20,000 for this printing for the Agricultural Department. It was entirely insufficient for the purposes of that Department. Formerly the appropriation was $25,000. The Commissioner of Agriculture has sent me a communication, in which he informs me that he cannot get along with the printing of that Department short of $25,000, which is the amount he has heretofore had for the same purpose. As I have said, last year it was cut down to $20,000, and he had to forego the printing of very important matter.

Gentlemen of the House will see that the printing in the Agricultural Department is actually necessary. It is for the printing of labels and the monthly record, &c. Twenty-five thousand dollars are absolutely necessary to carry out the useful objects of the Agricultural Department.

Mr. GARFIELD. I hope we will not pass that amendment. Almost all the printing of that Department is by special order of Congress.

The committee divided; and there were—ayes 17, noes 60.

Mr. LAMPORT demanded tellers.

Tellers were ordered; and Mr. LAMPORT, and Mr. SAYLER of Indiana, were appointed.

The committee again divided; and the tellers reported ayes 31, noes not counted.

So the amendment was rejected.

Mr. STORM. I move at the end of line 30 to add the following.

The Clerk read as follows:

Provided, That all printing of records and briefs of suits in the Court of Claims and in the Supreme Court of the United States shall be done at the expense of the parties thereto, except the record for the United States when the United States is a party, and the brief of the attorney for the United States.

Mr. STORM. I think no gentleman in this House will object to that amendment.

Mr. GARFIELD. I make the point of order that amendment is new legislation and not in order to this bill.

Mr. STORM. It is not new legislation. The gentleman from Ohio says it is. Let him state in what respect it is new legislation.

Mr. GARFIELD. Let the amendment be read.

The amendment was again read.

Mr. GARFIELD. This is a clear case of new legislation, in my judgment. The law now is that the United States shall print the record of cases sent up on appeal.

Mr. STORM. There is no law whatever which compels the United States to be at the expense of printing the record, evidence, and briefs of attorneys in private cases. I am simply putting a limitation or restriction upon the appropriation. I contend that Chief Justice Drake, when he made the order requiring records in private cases to be printed at the expense of the United States, had not any authority of law for so doing. There is no law authorizing any such printing, and I move to add the proviso as a limitation on this appropriation. I submit the amendment is in order. It is a well-known fact that there are cases in which the United States is not a party in any way, and testimony to be taken in such cases, perhaps in Kansas, is printed at the expense of the Government. I wish to know whether the gentleman contends there is any law authorizing the payment by the United States for the printing of the testimony, the record, and the briefs of attorneys in cases where the United States is not a party? That is what is done at present; and I wish this simply as a limitation to the appropriation.

Mr. BUTLER, of Massachusetts. I desire to say to my friend opposite that this is exactly what the United States have to do.

Mr. STORM. But not in pursuance of law.

Mr. BUTLER, of Massachusetts. O, yes. By law.

Mr. STORM. I would like to see the law?

Mr. BUTLER, of Massachusetts. Allow me to state it first, and then we will see if I can make my statement good. Not the testimony, not the briefs of the lawyers, nothing but the record in the Supreme Court is printed by the order of the United States. In the Court of Claims the record is printed. In the court of Alabama claims—that is not provided for by law, in the other two it is—in the court of Alabama claims they allow only the printing of records where the claim is less than a thousand dollars, so as to cover the cases of sailors and others who are poor; but in all cases where the claim is over a thousand dollars, then the claimants have to do the printing themselves. And as that comes to an equal distribution all over the country for all suitors, it does not make any odds whether the country pays or whether it is paid by a charge on the individual.

The CHAIRMAN. The Chair is not familiar with the law, which one side states in one way and the other side in another way. The Chair desires either to see the law or to submit the question to the action of the committee.

Mr. BUTLER, of Massachusetts. Let it be put to the vote.

Mr. STORM. All right.

The question being taken on Mr. STORM'S amendment, there were ayes 33, noes not counted.

So the amendment was not agreed to.

Mr. STORM. I offer the following amendment:

In line 16 strike out "$12,000" and insert "$8,000;" so that it will read: "For the Court of Claims, $8,000."

The amendment was not agreed to.

Mr. STORM. I offer the following amendment.

The Clerk read as follows:

In line 25 strike out "$25,000" and insert "$15,000;" so it will read: "For the Supreme Court of the United States, $15,000."

Mr. STORM. Mr. Chairman, I desire to say a word on that amendment. My colleague well remarks that the abolition of the franking privilege, instead of having reduced public printing, has apparently had no effect whatever upon the amount of public printing that has been done. It ought to have reduced the public printing more than one-half, but it has had no such effect.

It seems we have been going on and ordering books to be printed at the expense of the Government without any regard to the fact whether those books would ever be sent to the parties intended to be benefited by them; so that I believe now the vaults of this Capitol are piled up with documents and books never intended to be sent out and that never will be sent out, but which lie there moldering and rotting. I was one of those who believed that the abolition of the franking privilege would operate to a large diminution in the amount of public printing. But it seems such has not been the case, and I apprehend, where we have a large establishment like the Public Printing Office, with a large number of men employed, with a large number of presses and costly machinery of every kind used in printing, it would be almost impossible for us to substantially reduce the amount of appropriations that will be required year after year for this public printing.

I desire also to say this; that there has been a dispute as to whether we have been saving any money by the present method of printing and publishing the debates of Congress. The Public Printer appeared before a committee that had that matter under investigation, and he declared that he had no books and had nothing to show what was the actual amount of the cost of doing this printing. He said he had charged the amount of printing according to his estimates. He had made his estimates and charged the amount of printing according to them, and not with any reference at all to the actual cost.

But the chairman of the Committee on Printing, the gentleman from Iowa, [Mr. DONNAN,] introduced a resolution and had it passed which required the Public Printer to give a detailed statement of the amount of cost of printing the debates. Now, the Public Printer has not done that. He has made his report, and we are just as ignorant to-day as we were one year ago as to what is the cost of printing the debates of Congress. And I say that until he makes a report showing us what is the actual cost of printing these debates, which he alleged he could print cheaper than Messrs. Rives & Bailey could, thereby causing the contract to be taken from them, Congress ought to withhold any appropriation for that purpose until the Congressional Printer shows what becomes of the money. Let there be no appropriation until he shows, by rendering a proper account here, what is actually the cost of printing the debates. The annual report of the Public Printer does not show that fact, but leaves it as much in doubt and obscurity as before. The Government is now doing a general publishing business. It prints for all the Departments of the Government. It prints and binds books for private individuals; it prints speeches for members of Congress, and publishes an official gazette. I hope the day is not far distant when the Government will cease to publish a book and thus interfere with the private affairs of individuals.

[Here the hammer fell.]

Mr. GARFIELD. I oppose the amendment and ask for a vote upon it.

The question was taken on the amendment of Mr. STORM, and it was not agreed to.

The Clerk read as follows:

TREASURY DEPARTMENT.

For life-saving and life-boat stations:

For salaries of two superintendents of the life-saving stations on the coasts of Long Island and New Jersey, at $1,500 each; one assistant to superintendent on the coast of Long Island, $500; for one superintendent on the coast of Massachusetts, $1,000; for one superintendent on the coasts of Maine and New Hampshire, $1,000; for one superintendent on the coasts of Virginia and North Carolina, $1,000; for one superintendent on the coasts of Delaware and Virginia, $1,000; for one superintendent on the coast of Florida, $1,000; for one superintendent on the coasts of Lakes Erie and Ontario, $1,000; for one superintendent on the coasts of Lakes Huron and Superior, $1,000; and for one superintendent for the life-saving stations on the coast of Lake Michigan, $1,000; in all, $11,500.

Mr. RANDALL. I would like to ask the chairman of the committee why there is an increase of this appropriation from $6,000 last year to $11,500 this year?

Mr. GARFIELD. My colleague on the committee from Maine [Mr. HALE] had charge of this subject, and can answer the gentleman's question.

Mr. HALE, of Maine. I had charge of this part of the bill and if the gentleman will revive his recollection he will remember that last year on the recommendation of the Committee on Commerce the House passed a bill, which is chapter 344 of the Statutes at Large, providing for new life-saving stations in different parts of the country.

Mr. RANDALL. That is satisfactory.

Mr. HALE, of Maine. Not only in reference to this item, but in reference to all the items referring to this subject, the increase results in this part of the service from the legislation of last year.

Mr. RANDALL. It is only the increase directed by law?

Mr. HALE, of Maine. Only the increase directed by law.

The Clerk read as follows:

For new life-saving stations on Long Island Sound, one at Eaton's Neck and one at Point Judith, $10,000.

Mr. RANDALL. Is that also in pursuance of law?

Mr. HALE, of Maine. All these increases in this branch of the service are.

The Clerk read as follows:

For one hundred and fifty keepers of stations, at $200 each, $30,000.

Mr. HAZELTON, of New Jersey. I see upon line 57 an appropriation for one hundred and fifty keepers of life-saving stations, at $200 a year each, while in the next paragraph there is an appropriation for five keepers at $2,400 each. I would like to inquire why the distinction is made and why the pay of these other keepers is increased?

Mr. HALE, of Maine. The answer to that is that in the bill to which I have before referred, which was urged through Congress by the Committee on Commerce, section 3 provided that for this special service the keepers should have an additional compensation, on the whole not to exceed forty dollars a month. The Committee on Appropriations had no discretion in the matter; the salaries are fixed by law.

Mr. RANDALL. I would like to ask the gentleman if this is in pursuance of law?

Mr. HALE, of Maine. Entirely so.

The Clerk read as follows:

And the Secretary of the Treasury is hereby authorized, whenever he shall deem it advisable, to acquire, by donation or purchase, in behalf of the United States, the right to use and occupy sites for life-saving or life-boat stations and houses of refuge the establishment of which has been, or shall hereafter be, authorized by Congress.

Mr. RANDALL. That is a new character of legislation so far as my experience goes; but I believe the rules of the House were suspended to allow it to come in.

Mr. HALE, of Maine. There are certain cases where the Secretary has offers of sites free and to the acceptance of which there is no objection except the letter of the law which does not permit him to receive them. The amendment speaks for itself, and needs no explanation.

Mr. RANDALL. Why not strike out the word "purchase" and

permit donations to be made? I do not like to give the Secretary of the Treasury or any other officer of the Government the right to purchase property without any restraint or limit.

Mr. HALE, of Maine. It is deemed advisable that sites of life-saving stations should be subject to the same rule as are the sites of light-houses, and while the Secretary is authorized to accept any gift where land is offered he should also, when Congress authorizes the construction of life-saving stations, be authorized to purchase sites, as he has in cases of light-houses.

Mr. RANDALL. I ask that he be required to report to Congress annually his operations under this act.

Mr. HALE, of Maine. There is no objection to that; but that is done every year in reference to the light-house sites. We have a report in reference to those sites in the annual report of the Secretary of the Treasury every year.

Mr. RANDALL. I have nothing further to say.

The CHAIRMAN. The Chair will take this opportunity to say that it is impossible for him to determine whether the debate is exhausted or not, unless gentlemen will offer amendments. A gentleman before speaking should offer an amendment to the bill.

The Clerk resumed the reading of the bill, and read as follows:

For fuel for thirty-eight vessels, repairs and outfits for same, ship-chandlery and engineers' stores for same, traveling expenses of officers traveling on duty under orders from the Treasury Department, commutation of quarters, and contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, and miscellaneous expenses which cannot be included under special heads, $260,000.

Mr. MAYNARD. I move to strike out the last word for the purpose of making a suggestion to the gentleman in charge of this bill. The next two headings of the bill are "national currency" and "national loan." I suggest that the paragraphs under those two headings be passed over till we get through the bill, and I will state my reason for making the suggestion.

Mr. BUTLER, of Massachusetts. I desire to speak upon the pending paragraph, and for the purpose of doing so I will move to strike out the last word. I desire to say, rather to those that shall come after me than to those that are here, something upon this subject. There ought to be a revision of the revenue-cutter service, of the light-house inspector service, of the engineer service, of the quartermaster service, and of the Navy. We have now, singular as it may seem, five navies, each running under a different flag. We have a regular Navy for one; we have this commercial navy for another; we have the light-house navy, to supply light-houses, for another; we have a quartermaster's navy in the Army for another; and we have the engineer navy on the sea-coast for another.

Now, all these ought to be consolidated. I once began to perfect a bill to do it, and tried to get the necessary information; but I ran against so many snags that I gave it up. I hope that somebody who will come after me will do it. Here is the trouble: the revenue-cutter service protects life and property and protects the revenue; that is one navy. There is another navy which I left out—the Coast Survey, which is engaged in surveying on the coast. The light-house steamers are engaged in supplying the light-houses.

All these different navies bear different flags. The smuggler in my country, when he sees a revenue-cutter flag, gets away as quick as he can in order to save himself. But when he sees the Coast-Survey flag or the light-house flag, he does not care anything at all about it; and if he sees the engineer flag or the Army flag up, he does not have any occasion to get out of their way, but runs right along under their noses. Now, if these navies were all consolidated, and the revenue-cutter service authorized to supply the light-houses when occasion requires, or the Coast-Survey to supply the light-houses or to protect the revenue, then there would be a saving of at least a quarter or a third, perhaps a half, by the consolidation. But it is too late this session to perfect such a measure, and I will leave it as a legacy to those who come after me to do what ought to have been done.

Mr. KELLOGG. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Yes.

Mr. KELLOGG. Would it not be making that service a little too much of a jack-of-all-trades by putting it all in one?

Mr. BUTLER, of Massachusetts. They would not have any more to do than they have now.

Mr. KELLOGG. There are three under the Treasury Department.

Mr. BUTLER, of Massachusetts. Yes; three under the Treasury Department, two under the War Department, and one under the Navy Department; and all have ships afloat. I do not see why they should be under different heads, under different flags. That is all I have to say. I withdraw my amendment.

Mr. MAYNARD. I renew the suggestion I made a moment since, that we pass over till we get through the bill the paragraph under the headings "national currency" and "national loans." I will assign a reason why I make the suggestion.

The Committee on Banking and Currency, of which I am a member, have had that subject under consideration during a large portion of the last session and during the present session. Different members of the committee have prepared reports, which are not yet accessible; that is, no portion of them accessible in the form of documents. There is a report signed by a portion of the members which has been placed upon our table, and which, I am told, the Superintendent of the Government Printing Office says was not printed there. I think it would be desirable that the whole subject should be before us in an intelligible form before we act upon these portions of this bill.

Mr. STARKWEATHER. I hope we will act on the bill in its order.

Mr. MERRIAM. Does the gentleman believe that any man would read those reports if we had them?

Mr. RANDALL. I believe that the report of the committee on behalf of the committee in relation to the bank-note company should come in here in accordance with the custom and usage of the House. The desire of the committee is that we shall have all the reports before us in the usual channel.

Mr. HALE, of Maine. Does the gentleman mean to say that the committee did not authorize the report to which he refers? I do not know anything about it.

Mr. RANDALL. There were two reports from the Committee on Banking and Currency in reference to printing the currency. The one that Mr. PHELPS presented is the majority report and the one that Mr. MAYNARD presented lacks one of a majority, if you want to know that.

Now this morning there has been placed on our desks a printed copy of the report of the gentleman from New Jersey, [Mr. PHELPS,] while, notwithstanding the precaution that was taken to have the reports on both sides placed before us speedily, the official copies of those reports which should have come from the folding-room have been in some way kept back.

The CHAIRMAN. There is no question before the committee. The gentleman from Tennessee [Mr. MAYNARD] asks unanimous consent that the paragraphs in relation to the national currency and national loan be postponed for future consideration.

Mr. MERRIAM. I object.

Mr. GARFIELD. Nobody can lose any rights by this postponement, which, as I understand, is asked by the Committee on Banking and Currency, in order that their printed report may come in. It seems to me we ought to allow these matters to be passed over.

The CHAIRMAN. If there be no objection the Clerk will omit to read the paragraphs in relation to the national currency and the national loan, and they will be reserved for consideration hereafter.

There was no objection.

Mr. KELLOGG. A proposition for the reorganization of the Treasury was made in order as an amendment to this bill. I do not want to interfere with the rapid disposition of the bill; but I wish to bring in that amendment at some suitable place.

Mr. GARFIELD. It can come in at the end of the bill.

Mr. KELLOGG. Or perhaps at the end of this section.

The Clerk read as follows:

JUDICIARY.

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners; and for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $3,000,000.

Mr. WILSON, of Indiana. I move to amend by striking out the last word. I do this for the purpose of inquiring of the gentleman who has charge of this bill whether any part of this appropriation is to be used as a secret-service fund.

Mr. GARFIELD. The secret-service fund is a separate appropriation under the head of the Treasury Department, and has nothing to do with this.

Mr. WILSON, of Indiana. Has this Department a secret service connected with it?

Mr. GARFIELD. Out of its contingent fund the Department of Justice, as I understand, sometimes employs persons to obtain evidence. A small sum is used for that class of purposes under another head in a portion of the bill which we have not yet reached. No part of this judiciary fund is used as "a secret-service fund."

Mr. WILSON, of Indiana. I withdraw the amendment.

Mr. BECK. Mr. Chairman, I renew the amendment. I desire some information about this matter. Here is an appropriation of $3,000,000 in the aggregate, a part of which is for defraying the expenses of the courts of the United States, jurors, witnesses, safe-keeping of prisoners, "and for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory or supplementary thereto."

I think there should be some discrimination made and some indication given in this bill as to the amounts which are to be applied to these different purposes respectively. We ought to know how much of this immense sum is to be spent under the direction of the Attorney-General to carry out the enforcement acts, by employing spies, detectives, and other infamous characters under the guise of United States marshals for the purpose of persecuting the downtrodden people of the South. I have no doubt much of it will be clandestinely used for such purposes.

I am satisfied that the secret-service force of the United States is being prostituted to the basest of purposes under the direction of the Attorney-General of the United States. How much of this money can or will be used by him for this purpose I do not know; but the power is given to him to use as much of it as he pleases under pretense of carrying out the enforcement laws. That secret service is of course

paid out of the Treasury in some manner, and this seems to be a convenient one. It was proved before the Committee on Ways and Means, when we had the Sanborn contracts before us, that not only was Sanborn himself in the secret service of the United States, drawing at least $3,700 out of the Treasury while acting under contracts for his own advantage, but he had a swarm of men paid by the Government working under and for him. Among others I recollect a man named A. Goodrich Fay (as the testimony taken before us showed) traveling all over Europe in his interest, who not only received from the Treasury over $3,000 in gold, but also turned over to the Treasury officials here "samples," as he called them, of silks and other goods valued at £150, which have never been heard from. Another man by the name of Martin was paid over $2,000 at the same time. These men were all working for their own private advantage. And in the celebrated safe-burglary case in this city, not long ago, it was shown that Nettleship and his gang of thieves were drawing money out of the Treasury just as they saw fit upon their own certificates, no account ever having been given to Congress either of the amount or of the object for which it was expended, so far as I have ever heard.

It has also been shown by testimony that the Attorney-General was employing men all over the South, squandering the money of the Government under the pretense of hunting Ku-Klux, but in reality oppressing the people for political purposes. We have a Committee on the Expenditures of the Treasury Department—one of our regular committees—a committee composed of five members with the gentleman from Louisiana [Mr. SYPHER] as chairman.

Mr. SENER. Will the gentleman allow me a question? Does he contend that all these sums were paid out of any appropriation made for the Department of Justice?

Mr. BECK. They were paid in part at least out of this general sum, I presume.

Mr. SENER. No, sir; I will explain that.

Mr. BECK. I called on that committee, in a speech I made on this floor at the last session, for a full report as to what the secret-service bureau was doing and what it was costing, who were employed, and what amount of money was expended.

Mr. SENER. In our committee——

Mr. BECK. Wait a moment. I am speaking of the committee of which the gentleman from Louisiana [Mr. SYPHER] is chairman. I called upon them for a report last March. I was informed that they had not then had time to report. I am now told by the democratic member of that committee, the gentleman Ohio, [Mr. SOUTHARD,] that the committee has never met to this day, although he has called several times for a meeting. We are now within seven days of the close of this Congress, yet the committee charged to look into those matters has never reported and never met, so far at least as one member of the committee knows. I assert that there are hundreds of thousands of dollars squandered illegally and improperly in these aggregate appropriations in ways that Congress would not approve, but of which we cannot get any information. I am opposed to voting great sums of $3,000,000 in the aggregate unless we know something about their expenditure and retain some control over that expenditure. I do not know accurately how far the Department of Justice (so called) controls these people, but I know they are used by it in many improper ways.

I think I can safely assert that the Attorney-General of the United States, as shown in the western district of Arkansas, as shown in North Carolina, and in many other sections of the country, is paying men out of some fund for purposes he has no right to, and which Congress would not sanction if the facts were fully laid before it. For that reason I want the appropriations limited by law to specific purposes and the amounts to be applied to each definitely fixed.

[Here the hammer fell.]

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body insisted on its amendment to the concurrent resolution of the House to print seven thousand copies of the report of R. W. Raymond on mining statistics, with the accompanying engravings, agreed to the conference asked on the part of the House on the disagreeing votes of the two Houses, and had appointed Mr. ANTHONY, Mr. HOWE, and Mr. SAULSBURY as managers of said conference on its part.

The message further announced that the Senate had agreed to the concurrent resolution of the House to correct the enrollment of the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes."

The message also announced that the Senate had passed without amendment the bill (H. R. No. 844) to authorize the promulgation of the general regulations for the government of the Army.

The message further announced that the Senate had passed a bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, with amendments; in which the concurrence of the House was requested.

The message also announced that the Senate had passed a bill (H. R. No. 1082) granting to the Willamette Valley and Coast Railroad the right of way through the public lands for a narrow-gauge railroad; in which the concurrence of the House was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. SENER. Mr. Chairman, I suppose no committee has discharged its duty more thoroughly than the Committee on Expenditures in the Department of Justice, which for the first time was created by the last session of this Congress. That there have been great frauds committed by the marshals of the United States cannot be denied. This judiciary fund goes to pay marshals for court expenses in fifty-one judicial districts in the United States and ten in the Territories. Payments out of it are made only upon accounts-current by the marshal, approved by the judge, and these accounts, after being thus approved by the judge of the district or circuit court, as the case may be, are afterward passed upon, first by the Auditor of the Treasury, and secondly and finally by the First Comptroller of the Treasury. We have examined as far as we could, holding meetings day by day, this whole question. We examined into that great fraud in the western district of Arkansas, where there were stolen, in my judgment, not less than from four to five hundred thousand dollars in the space of three years. The Attorney-General, in my judgment, was not responsible for these frauds. Within three years he changed the marshals three different times, and nearly every time the last marshal stole more than the one he displaced.

A MEMBER. By whom were they appointed?

Mr. SENER. The President appointed them on the recommendation, I suppose, of somebody who represented or professed to represent that State in Congress. But we investigated, as I was going on to say, into these expenditures and we found the opportunity for the frauds lay way back in the act of 1789. These frauds which have crept in upon the Governmennt have been caused, as I have said, by an old act of Congress which allowed the accounts of these marshals to be made up on accounts-current without being sworn to but merely certified to by the judges of the respective districts to be paid out of the Treasury of the United States. In some particular districts the judges held it to be their duty under that law that they were not bound even to inquire into these expenditures; that if the services were performed the amounts appended and allowed were correct. The act which we reported here last session, and which, slightly modified by the Senate, has recently become a law, requires all these accounts of marshals, clerks, district attorneys, and commissioners now to be brought into open court and sworn to. It is further to be shown to the satisfaction of the court by oath of some party that the services were actually and necessarily performed; and even then that does not deprive the proper accounting officers of the Treasury of the right to revise these accounts. This open door to fraud then has been closed.

Now, will this sum be too large? I doubt it; but it is apparent, Mr. Chairman, that with these precautions, unless there be collusion between the district attorney, the marshal, the clerk, and the judge, there can be no fraud on the Treasury.

In 1860 the appropriation for the judiciary fund was $1,000,000. Up to 1870, under the law, fines, forfeitures, and penalties went in aid of the judiciary fund, and there was an appropriation of so much money and of fines, forfeitures, and penalties; but in 1870 Congress cut off that feature of fines, forfeitures, and penalties, and made a specific appropriation, which for the last year was $3,000,000, and all of it will be needed, as a statement from the Acting Comptroller of the Treasury shows.

[Here the hammer fell.]

Mr. SENER. I hope I shall be allowed five minutes more.

The CHAIRMAN. The committee have no power to extend the gentleman's time.

Mr. BUCKNER. I rise to oppose the amendment, and yield my time to the gentleman from Virginia, [Mr. SENER.]

The CHAIRMAN. The Chair has recognized the gentleman from Louisiana, [Mr. SYPHER.]

Mr. SYPHER. I would not have made any remarks on this subject but for the speech of the gentleman from Kentucky, [Mr. BECK,] and his drawing in my name in connection with the expenditures in the Department of Justice. I have nothing to do with the investigation of these; the committee of which I have the honor to be chairman had not. Therefore I did not look into that matter. The gentleman from Virginia [Mr. SENER] and his committee examined the expenses of that Department quite thoroughly and submitted their report.

Mr. BECK. I spoke of the expenses of the Treasury Department.

Mr. SYPHER. I am coming to that. And I desire to remark that the Committee on Expenditures in the Treasury Department is like a great many other useless things about this House. When we called our first meeting and attempted to go through the Department we found that the Committee on Appropriations was divided into subcommittees and had taken charge of every Bureau and branch of that Department. And not only that, but we found that the committee so ably presided over by the gentleman from Connecticut, [Mr. KELLOGG,] the Committee on Civil Service Reform, were also on a smelling expedition in that Department. We found the tracks of that committee wherever we went. And as these committees generally had the ear of the House, we thought the Treasury sufficiently guarded, without our traveling over the same ground which they had so well investigated. That perhaps is a sufficient explanation why the Committee on Expenditures has not done more in the way of investigation.

The gentleman from Ohio, [Mr. SOUTHARD,] to whom the gentleman from Kentucky referred, will bear me out in saying that the Committee on Expenditures was called several times at the beginning of the session and that we met and went through the Printing Bureau and examined quite thoroughly their books and ways of doing business; but when it appeared to us that other committees more privileged in this House than we were investigating this matter so thoroughly and perfectly, we did not deem it necessary, and the gentleman from Ohio will not say he ever applied to the chairman of the committee to have it convened, or that he had ascertained anything ought to be investigated which had been omitted by other committees of the House.

I think that is a sufficient defense for that committee. If there is anything in this appropriation of money which they are not entitled to, or if they have squandered that which has been given to the Department by former appropriations, I think the gentleman from Virginia [Mr. SENER] will find it out by means of his committee.

Mr. SOUTHARD and Mr. SENER rose.

The CHAIRMAN. The gentleman from Ohio [Mr. SOUTHARD] is recognized by the Chair.

Mr. SOUTHARD. I only rise, Mr. Chairman, because my name has been introduced in this discussion in reference to the action of the Committee on Expenditures in the Treasury Department. I do not understand the situation to be as it has been stated by the chairman of the committee.

At the beginning of the last session of Congress there was talk of calling a meeting of the committee, and three of the members took a bird's-eye view of the Treasury Department, and that was all the action that was ever had by the committee. I in person called upon the chairman of the committee at least three several times and requested him to convene the committee. The chairman stated that he would do so, and agreed to appoint the time and place for the meeting of the committee. At each of these times I appeared at the place designated, and no other member of the committee was there, not even the chairman himself. After these several failures I ceased any further efforts through the chairman to procure a meeting of the committee, and never to my knowledge was any meeting of that committee held during the last session or this session of Congress. I felt the importance of an examination, and I thought I did what I ought to do in order to have the committee convened.

Mr. WOOD. I offer the following amendment.

The Clerk read as follows:

In lines 153 and 154 strike out these words: "or any acts amendatory thereof or supplementary thereto."

Mr. WOOD. I desire the attention of the chairman of the Committee on Appropriations; and if he can answer the interrogatories I wish to propound to him, I may possibly withdraw my amendment.

I desire to know, in the first place, the proportion of this appropriation which goes under the act of 1871. Then, secondly, I desire to know what the amendments to that act are which have made it necessary for the Treasury Department of this Government to expend any money. I desire, thirdly, to know whether it is designed that this appropriation shall cover any other acts amendatory to the act of 1871 that this Congress may pass before its final adjournment; whether this appropriation is to be retrospective in its operation, or whether it is designed thus to provide money for some purpose yet undeveloped on the part of this administration and the party in power.

I wait for a reply before I speak further on my amendment.

Mr. GARFIELD. I did not hear some of the interrogatories of the gentleman from New York distinctly, but I shall reply to such as I heard. There cannot be a statement showing just the amounts of expenditures in that Department under this law or any particular law, because all the appropriations are for purposes authorized by law in the Department. No such division of expenses can be made.

Mr. WOOD. I think the gentleman from Ohio is not entirely candid in his answer to my question.

Mr. GARFIELD. O, yes; entirely so. The gentleman asked me how much it costs to enforce certain laws. I say it is impossible to answer that question, because the Department is bound to enforce all the laws, and they keep no separate account as to the cost of enforcing any particular law.

Mr. WOOD. The gentleman entirely evades my question. It specifically applies to expenditures under a certain law, the law of February, 1871, with reference to the enforcement of the right of citizens to vote. It applies to the Southern States and to the Southern States exclusively. Now, I desire to know what portion of this $3,000,000 goes to the expenditures necessary for the enforcement of that law.

Mr. GARFIELD. The Attorney-General draws the money on the orders or at the request of the marshals. The marshal says, for instance, that he requires so much to pay jurors and for the enforcement of writs of the courts in his district, and the Secretary of the Treasury pays those expenses on the requisition of the Attorney-General; but there is nothing to show how much of the money is expended in the enforcement of the election laws, how much upon jurors, and it is not possible to make such a division.

Mr. WOOD. I understand the gentleman, then, to say that he cannot tell the House how much of this money is to be expended in the enforcement of the election law.

Mr. GARFIELD. Nobody else can.

Mr. WOOD. I say that every monthly return from any marshal is on file in the office of the Attorney-General, and he knows exactly what proportion of this amount goes to certain States or to certain districts and for what purpose that money is drawn. Are we to accept the inference from the remarks of the gentleman from Ohio that the marshals in the Southern States can draw upon the Government *ad libitum* to any extent and for any purpose?

Mr. GARFIELD. O, not at all. Their accounts are sent through the regular officers to the Treasurer of the United States; and if the gentleman will turn to pages 32 and 33 of the report of the Attorney-General, he will see the returns from each judicial district and the amount expended in each district.

Mr. WOOD. Now, I desire an answer to my second question. I desire to know what are the acts which have been passed supplementary to the act of February 28, 1871, in the enforcement of which this fund is to be expended.

Mr. GARFIELD. If the gentleman will turn to pages 32 and 33 of the report, he will see precisely where the expenses are, where the heavy expenses come in and where the light expenses come in.

Mr. WOOD. I will accept the reply so far as it goes; but I would inquire whether that statement refers to the additional acts as well as to the acts of February, 1871?

Mr. GARFIELD. They refer to those additional other acts, but not specifically.

Mr. WOOD. I desire to know whether it is designed that this appropriation shall cover the expense incurred under any act not yet passed by Congress?

Mr. GARFIELD. No, sir; nothing at all. I have gone carefully over the estimates of the expenses incurred under the existing acts of Congress, and there is no larger appropriation than is necessary to carry them out.

Mr. DURHAM. Mr. Chairman, having been one of the Committee on Expenditures in the Department of Justice, and having investigated this matter both last session and this, I think I am prepared to come to a just conclusion as to the amount asked for in the appropriation for the Department of Justice. And I might ask the chairman of the Committee on Appropriations why it is that he proposes to increase the appropriation for this Department up to $3,000,000, when, according to the returns made by the Attorney-General for the last year, it was only $2,669,000. Why is it that this increase of appropriation is asked?

Now, Mr. Chairman, I ask gentlemen to look at this very long list which I hold in my hand, showing by the report of the Attorney-General that there are some very extraordinary amounts exhibited. I might refer to this report, but there is no time to do it in five minutes. I ask gentlemen upon this floor to look at it for a moment. There is here an estimate for the extraordinary sum of $275,000 for special attorneys. Why is it that this large amount is to be expended upon special attorneys?

Mr. GARFIELD. Upon what page does the gentleman find that?

Mr. DURHAM. I find it on pages 32 and 33, the very pages to which the gentleman referred. As the gentleman from New York has stated, already we have district attorneys everywhere, and yet, according to the report of the Attorney-General, it is precisely as I have stated to you here.

Sir, while I concur in some things which have been stated by the chairman of the committee, the gentleman from Virginia, [Mr. SENER,] that perhaps some corrections have been made in this Department since our investigation commenced last year, I must say that I do not come to the conclusion that the gentleman from Virginia does, and that I believe that there is a great deal of room yet for the Attorney-General to make improvements in that Department. I repeat again, I do not see why it is that these extraordinary expenses have been had in this Department, as shown by the report which I hold in my hand. For instance, so far as the District of Columbia is concerned, the Department of Justice expends here more than it expends for the whole State of Kentucky. You will find by looking at this report that the Department of Justice spends for the District of Columbia $129,000, while in the great State which I have the honor to represent in part here it expends only $68,000. In addition to that I call attention to the State of North Carolina, where there are two districts. In one of them there is exhibited in this report the extraordinary sum of $52,000 paid for marshals' fees and nothing but marshals' fees. For the whole district there was, as shown by this report, expended by the Department of Justice $137,000, whereas, as I said a moment ago, only $68,000 was expended in the whole of the great State which I in part represent.

[Here the hammer fell.]

The question was upon the amendment of Mr. WOOD, to strike out the words "or any acts amendatory thereof or supplemental thereto."

Mr. SPEER. I ask the gentleman to withdraw that amendment and I will renew it.

Mr. WOOD. I withdraw the amendment.

Mr. SPEER. I renew the amendment. I do not think that any previous legislation of Congress contains words to this effect. It strikes me that this paragraph proposes to make an appropriation in advance for contemplated legislation. It says "for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto." That is evidently providing in advance an appropriation of Congress to carry out legislation which

Congress has not yet enacted. I ask whether or not the legitimate construction of that language would not be that if this Congress should pass any act amendatory of or supplemental to the enforcement act before this appropriation went into effect next July it would be covered by this appropriation? I say that this language strikes me as unusual and extraordinary.

In my judgment this appropriation of $3,000,000 for the Department of Justice is at least half a million too high. I do not want to bring any railing accusations against the Attorney-General; but whether the responsibility be his or not, I say from my knowledge of that Department, derived from my investigation of its expenditures, that it is rotten from stem to stern. The President some days since sent a message to the Senate of the United States in relation to affairs in Arkansas. That message was accompanied by various documents which have been printed. One of them is a letter to the Attorney-General from D. F. McKibben, the president of the board of supervisors, Sebastian County. In that letter Mr. McKibben says:

> The utter failure of the United States grand jury, which has been in session at this place for the past four weeks, in bringing to light the frauds perpetrated in this district and exposing the guilty parties, is a matter of no little surprise to almost everybody except those directly interested. Facts have lately come into my possession which fasten the entire responsibility of this matter upon Marshal Fagan, who signed blank summonses to grand jurors, and directed the same to R. C. Kerns, Roots's old chief deputy, who filled in the names of such persons as he knew were friendly to him, and others upon whom suspicion of fraud rested, and thus the action of that grand jury was controlled completely by the men whom the Government was endeavoring to expose, and who kept up a constant communication with the members of the jury. One indictment was found, and in less than one hour thereafter the party was notified and left town. J. W. Donalley, chief clerk under Britton and Roots, although not to be seen in the marshal's office, makes up all the returns for deputies, and, in short, manipulates Fagan's accounts the same as under Britton and Roots. These are facts which can be substantiated, if necessary. *A very large number of deputies have been commissioned*, and among them some of the most disreputable characters that ever infested this country.

The way these frauds arise to a large extent is this: There are between seventeen and eighteen hundred United States commissioners all dependent for their fees on the amount of business that they do. They act in collusion with the deputy marshals, issue warrants on frivolous pretexts, sometimes issue them in blank and give them to the marshals, who go out and arrest parties and bring them before the commissioners, charging traveling for four or five or six hundred miles each, and then in many cases compromise with the parties, and charge the Government their fees. That is the way the frauds arise. It may not be the fault of the Attorney-General, but a great and infamous abuse is practiced with this judicial fund, and I say it is the duty of Congress to lay its strong arm upon it.

How shall we do it? Gentlemen may say that to decrease the amount to be appropriated will not be effective. I agree that it will not be entirely effective. But if we cut down the appropriations of the Attorney-General to $2,500,000, then when a marshal makes a requisition on him for so much money he will say to him that the general appropriation has been reduced and he cannot spare him as much as he asks for, but will only give him half as much. If he makes his requisition for $40,000, the Attorney-General may send him $20,000, for it is discretionary with him how much he will send. When these marshals know that the appropriation is reduced and that the power of the Attorney-General is limited in the premises, then they will reduce the number of their deputies, and the officers of the courts in the Southern States will be diminished, and the Government will save from half a million to a million dollars.

[Here the hammer fell.]

Mr. GARFIELD. I desire to say but a word. In this appropriation bill we have followed the exact language that has been followed in similar bills for many years. It is only this: that the appropriation we may authorize the Attorney-General to use shall be used for carrying out the laws that are in force, or that may be passed by Congress. We are appropriating for next year, and we use language that will authorize the Attorney-General to use this money for enforcing whatever may be the law next year. It is language we have always used, and, as I said to the gentleman from New York, [Mr. WOOD,] there is no additional appropriation and no additional estimates for anything expected to be done in the way of legislation. But we follow the exact language of the appropriation acts in all the years since I have known anything about them. There is nothing covered or concealed or intended to be.

Mr. WOOD. This is an exceedingly important question, because it involves the jurisdiction and control by an Executive Department over any appropriation made by Congress for any purpose. Now I want to understand the gentleman from Ohio very distinctly in the explanation he has just made. Suppose that between this time and the 4th of March next, this Congress should pass any act of any character whatever as an amendment to the act of February 28, 1871, (which is directly alluded to in the pending paragraph of this bill,) will the Attorney-General be justified in taking any portion of this appropriation to defray any expenditure under such an act?

Mr. GARFIELD. Why, sir, without the slightest possible doubt, if we pass an appropriation to carry on the courts of the United States and their various functions for the fiscal year ending June 30, 1876, we make such appropriation in reference to all the laws that may be in force during that fiscal year. That is a matter of course.

Mr. WILSON, of Indiana. I would like to ask the gentleman a question.

Mr. GARFIELD. It has always been so; this is nothing new.

Mr. WOOD. I am not referring to the courts. We all know very well that the judges of our courts receive annual salaries provided for by law.

Mr. GARFIELD. This relates not merely to the salaries of the judges, but to the other expenses of the courts.

Mr. WOOD. We appropriate in pursuance of law for the salaries of judges. But here is a vague, indefinite contingent fund to be placed at the disposition of the Attorney-General, to be expended as he pleases and for any purpose.

Mr. GARFIELD. I cannot yield further.

Mr. WILSON, of Indiana. I want to ask the gentleman from Ohio a question. How does the committee arrive at this sum of $3,000,000? Is it merely a lumped sum adopted in order to reach an amount large enough for the Attorney-General to draw upon to meet the expenses of these courts?

Mr. GARFIELD. I will tell the gentleman. When the Committee on Appropriations first took up this question since I have been a member of the committee, we found that from three-quarters of a million to a million dollars was received as fines, penalties, forfeitures, and the like, and was never covered into the Treasury, but was used directly to meet the expenses of the Judicial Department. We found that such had been the practice from the beginning of the Government. But the Committee on Appropriatians determined to stop that practice—to cover all that class of receipts into the Treasury and to make an aggregate appropriation for all the expenses of the Judicial Department. In doing this we went over a series of years and found what the actual expenses had been. We then made an estimate deliberately on the basis of past experience. We have done the same in this case. We propose to appropriate this year considerably less than was appropriated last year; for, although this particular item is the same, other items are less.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. WILSON, of Indiana. I move to amend by striking out the last word. I wish to call the attention of the chairman of the Committee on Appropriations and of the House to some facts in connection with this matter. I find that the expenditures under this head for the year ending June 30, 1874, were $2,669,730.81. The proposition is now to make this appropriation $3,000,000.

Mr. SENER. May I make an explanation?

Mr. WILSON, of Indiana. I prefer that the gentleman should wait a moment.

Mr. SENER. An explanation may help the gentleman. The Attorney-General allows so much money periodically, as it may be needed by the marshals, upon requisitions; and he then certifies how much he has allowed upon such requisitions. Now, the Comptroller of the Treasury can certify absolutely how much has been paid out during any one year; and in a telegram which I have here the Comptroller states that the whole of this fund for 1874 has been paid out upon vouchers finally passed through his office, except $47,759, which he thinks will be required to close pending accounts.

Mr. WILSON, of Indiana. Yes, sir. Now I want to call attention to a fact which I believe was alluded to by the gentleman from Kentucky, [Mr. BECK,] though I could not hear him say distinctly. Among these expenditures you will find, for example, in the western district of Arkansas, the enormous amount of $80,785 paid out to marshals upon these requisitions of which the gentleman from Virginia [Mr. SENER] speaks. I find also that in the State of North Carolina there was paid to the marshals alone $142,733.

Mr. SENER. That is for two districts.

Mr. WILSON, of Indiana. Now, if you turn to the District of Columbia you will find that there was paid to the marshal alone in this District $82,947; about twice as much as is paid to the marshals of both the districts of the great State of Ohio. Now, I think it is time to look into this matter; and for one I insist that we should cut down this appropriation at least $500,000.

Mr. ARCHER obtained the floor and yielded to Mr. SENER.

Mr. SENER. In explanation of the matters referred to by my friend from Indiana [Mr. WILSON] and my friend from Kentucky, [Mr. BECK,] let me say that in the courts of Ohio and in those of North Carolina you have only the ordinary United States jurisdiction; while in the District of Columbia there are five judges holding courts all the year round, including a general term, an equity court, a criminal term, and a probate term, besides a police justice's court. There is also a district court of the United States.

There was a very large expenditure, I grant, for the district attorney for this district. You have a large amount paid the district attorney, as shown by the Attorney-General's report; but that is under an express provision of a law passed by Congress, which does not allow the accounting officers of the Treasury to revise his accounts. It is a law which was passed in 1870. He was paid last year for services for himself and for deputies and for all sorts of contingent expenses, including about $1,000 for stationery, $24,000. That was by a law passed by Congress. You have given the district attorney of the southern district of New York a *carte blanche*, and he spends $30,000 a year, himself and deputies. You have since 1860, when this fund was a million dollars, created twelve more courts in the United States by the erection, in my opinion, of useless judicial districts. The increase for that purpose is $400,000. You have authorized the Attorney-General to employ special counsel in certain cases. You

have made it obligatory upon him, whenever called upon by the head of any Department who thinks the interests of the Government require it, to employ counsel in special cases. And these special attorneys authorized by law and requested by the several heads of Departments amount to $150,000 more. You have since 1860, when this fund was $1,000,000, added a system of internal-revenue laws. You have also cases under the pension law which have been largely increased by the war, out of which there necessarily springs much civil and criminal business. There are also cases arising out of the bounty laws and out of frauds incident to bankruptcy proceedings. There are also cases growing out of the national banking act. In the State of New York alone, for the election in 1872, $100,000, as I have the statement here to show, was paid for supervisors and deputy marshals under your election laws.

The Attorney-General has no option over these expenses. His Department is given a certain sum, and whether correctly expended or not is for the courts and the accounting officers of the Treasury to say. I have not found in my examination that this Attorney-General has been so smeared as some gentlemen seem to think. The Committee on Expenditures in the Department of Justice is the only committee of these committees on expenditures which for many years has marched squarely up to its duty and investigated these expenditures, and I wish to say we have not found that Department guilty of the wrong-doing which has been attributed to it in vague and indefinite charges.

[Here the hammer fell.]

Mr. DEWITT. I wish to know whether there are any acts amendatory of the acts of February 28, 1871?

Mr. GARFIELD. I do not know.

Mr. DEWITT. If there are not, then there is no necessity for reference to them.

Mr. BECK. I move to strike out "three" and insert "two," so as to make it $2,000,000.

Mr. Chairman, I desire to say once more that this is an extremely loose way of making appropriations. In making appropriations we take care very often to particularize in items even as low as a few hundred dollars, so much for pens, so much for ink, so much for laborers, so much for this, and so much for that, pretending at least to be appropriating specifically and carefully. Here is the sum of $3,000,000 in the aggregate the control of which, so far as this House is concerned, goes into the hands of the Attorney-General, as the head of the Department of Justice, to be used by him for any purpose he may construe to be necessary to carry out the enforcement laws and acts supplementary thereto.

If gentlemen wish to know how that money is spent, under pretense of executing these odious laws, let them turn to the special report of the committee of the two Houses, composed of seven Senators and fourteen Representatives, where the proof is abundant in the case of North Carolina, where there is now so much trouble to ascertain how so much money is spent. In that report it was shown by abundant testimony that marshals were appointed all over the country for whom there was no use, and men would come to their offices to be arrested and get a portion of the fees for the arrest. As prompt dismissal of proceedings followed in these bogus cases, it was a convenient way of purchasing political allegiance. It was shown that thousands and thousands of dollars were squandered for the arrest of men without any cause and without any charge made against them, for no other reason in the world except to get the money out of the Treasury of the United States. That testimony is now in the document-room, and shows fully and conclusively the truth of what I have stated.

I have said that I do not want the Attorney-General to have that unlimited power, because I have no faith in him; and if I had no other reason to not have faith in him, I find reason for it in his own official register of the employés of his Department. There, sir, has been a scandal the most disgraceful that ever befell this country. In the safe-burglary business, where an honest, innocent man was sought to be deprived of his liberty and reputation by such a conspiracy as perhaps no other country ever witnessed before, I find the Attorney-General of the United States appointing the man whose safe was robbed, the man who was more than suspected of being implicated in the conspiracy, assistant district attorney for this District on the 24th of April, 1874. Now, that safe was broken open late on the night of April 23, 1874, or early on the morning of the 24th. Mr. Harrington won his spurs on that morning. Then he was found to be fit to be the assistant district attorney of the United States, although he swore ten days prior to that date, before a committee of this House, that he was not an officer of the Government, and therefore could be an officer of the District of Columbia. What had he done on that eventful night? Was it important that he should have official control over the grand juries, witnesses, and prisoners in this District? The Attorney-General doubtless had some reason satisfactory to himself for intrusting him with this authority; at least his records show that the moment he became implicated in this safe robbery he is commissioned by the Attorney-General of the United States an officer of this Government at a salary of $2,500 a year, and the official records show the fact.

Mr. RANDALL. I desire to ask the gentleman a question. How many men who served upon the jury that were unable to agree have been provided with places since that?

Mr. BECK. I am unable to answer that question.

Mr. CHITTENDEN. I do not suppose that any thought I may have or any suggestion I may venture to make in respect to the item now under consideration will have more effect than an attempt of a canary bird to break the back of a rhinoceros. But, sir, that consciousness shall not prevent my going upon the record, and, if you please, as a prophet. I know the fate of prophets, but I tell the gentlemen on this side of the House that the time is coming when obnoxious monthly tariff bills cannot be passed here to cover blind appropriations of this character.

Here is a proposition in eight or ten lines to vote $3,000,000 in a lump. I appeal to the common sense of the House whether it can be justified or much longer tolerated? There is no commercial establishment in the world which, pursuing such a policy, could avoid bankruptcy. Neither can the Government of the United States live, except as a dishonored bankrupt, if it persists in such a policy.

I submit, Mr. Chairman, that this House should not be called upon in these pinching times to place three millions of money at the disposal of any man, nor should it in any way dispose of round sums so that its members cannot go to the country and vindicate their votes now and hereafter. When money came rolling in by hundreds of millions you could dispense it in that way with impunity, but not so now.

The gentleman from Ohio [Mr. GARFIELD] says, in vindication of this proposition, that it is the old way for many years. Ay, sir. It is the old rut. And it is the old rut that is leading the Government to bankruptcy. But, sir, you will have to get out of that rut if the people of this country are intelligent and this is to remain a republican Government.

I say, Mr. Chairman—and if I speak earnestly it is because I know I am speaking the truth—that large commercial establishments in the country that mean to prosper are forced to cut down expenses nearly or quite one-third; and the time is near at hand when Congress will have to come to that or something near it. Your employés will have to work more than six hours a day and must be well paid for what they do.

[Here the hammer fell.]

Mr. HALE, of Maine, obtained the floor, and said: I know that the gentleman from New York [Mr. CHITTENDEN] had a speech prepared in the last war with Great Britain, and therefore I yield my time to him.

Mr. CHITTENDEN. I accept the gentleman's time, and will reply to his impertinence in a speech prompted by his own official conduct.

On Friday morning I went to the chairman of the Committee of the Whole, thirty hours before the final disposition of the tariff bill, and asked him to recognize me to give some facts showing the absurdity of the fifth section of the bill. He did not promise to do it. The next morning, when the points I wished to touch upon had been alluded to, I went to the desk and said "Will you recognize me?" He said "I cannot." What was the result? There were fifteen speeches here from Pennsylvania, and the gentleman from New York, [Mr. COX,] getting in by the courtesy of a Pennsylvania member of the Committee on Ways and Means, succeeded in making one speech from New York, besides Mr. ROBERTS, a member of the Committee on Ways and Means. The gentleman from Maine, [Mr. HALE,] the chairman of the Committee of the Whole, allowed Pennsylvania to speak fifteen or sixteen times, while New York was allowed to speak but twice.

Well, now, I do not complain of that. If the gentleman's character for fair dealing and the republican party, of which he is a distinguished member, can stand that sort of judicial fairness, I can stand it; but it will not be so forever.

[Here the hammer fell.]

The CHAIRMAN. Debate has been exhausted on the amendment and on the amendment to the amendment. The question is on the amendment to the amendment, proposed by the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I withdraw it that the gentleman from North Carolina [Mr. ROBBINS] may renew it.

Mr. ROBBINS. I renew the amendment to the amendment. I am not well enough to do justice to this subject to-day, but I hear so much said about the State of North Carolina that I feel it is due to her that some of her Representatives should be heard on this question, and unwell as I am I must address a few words to the committee.

I see no occasion, Mr. Chairman, for increasing this appropriation, as it is proposed to increase it, by several hundred thousand dollars, when the country ought to be and is becoming more peaceable and law-abiding instead of getting worse. The trouble, Mr. Chairman, about this business all lies in a nutshell. While the Government is being run upon the pretense of preventing the intimidation of voters, it is engaged itself in intimidating all the democratic voters in the South for party purposes.

That is what you run your courts for; that is what you pass your laws for; that is what you propose to suspend the writ of *habeas corpus* for, and threaten to destroy the very liberties of the whole country in order to intimidate millions of white men and drive them from the polls, so that you can hold on to power. Sir, you ought to be ashamed of yourselves when you hold us up to censure because, as you state, we have intimidated a few negroes, while you are endeavoring to intimidate millions of white men. That is what is the matter.

In North Carolina, Mr. Chairman, the marshals have had more than $50,000 paid to them, and I do not know how much more has been expended, but I believe several hundred thousand dollars in one of the North Carolina districts.

Mr. SPEER. One hundred and forty thousand dollars.

Mr. ROBBINS. This is in one-half of the State, when in the whole State of Kentucky the Government only paid $68,000.

Now, Mr. Chairman, it is all wrong to put this round sum of $3,000,000 into the hands of a man like the Attorney-General of the United States, a man who works for his party and forgets his country; who seems willing to enslave and destroy States in order that he may hold on to place and aid those to do so to whom he truckles.

[Here the hammer fell.]

Mr. HALE, of Maine. Mr. Chairman, I have discovered in the last ten minutes that the country and the republican party are in immit nent danger from two sources, the one just indicated by the gentleman who has taken his seat in the intimidation that we propose to carry out as a party upon ten millions of better people. Upon that point I say nothing. It is a large subject, which in five minutes no one can argue. But this further danger is discovered, that the republican party is to be dissolved because the gentleman from New York, [Mr. CHITTENDEN,] whenever he seeks the floor to talk upon one subject or another, fails to get it. Now, there have been some things undoubtedly that have troubled the republican party. There have been too large expenditures in certain Departments; there may have been maladministration in the South; I have sometimes felt myself as if there was. There may have been faults in the construction of our tariff bills and in the enforcement of the revenue laws; but it never dawned on me before what was the tremendous nature of the frowning danger impending over us until the gentleman turned and asked if the republican party can stand it that he did not get in a five-minute speech on the tariff bill!

The gentleman from New York when he first broke ground here took a pledge of total abstinence from speaking until after the holidays. He took that pledge and kept it only for a little while, having been very lively on his feet since the holidays. If when I was in the chair yesterday I was instrumental in breaking down the republican party by keeping the gentleman down and bringing it to the ruin that he predicts and turning over the Government to our friends on the other side of the House; with that crime resting on me—for which he has arraigned me—I ask the forgiveness of my fellow-members of the republican party; and I hope that gentlemen on the opposite side, for the good I have done them in raising this great issue of the gentleman's repression which I charge it upon them to keep foremost in the next presidential campaign, will award me a fair meed of praise, and as I know that they are good fellows, they will do it. I now yield the remainder of my time to the gentleman from Ohio. [Mr. GARFIELD.]

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate.

The question was put; and on a division there were—ayes 101, noes 45.

So the motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole had, according to order, had under consideration the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the sundry civil bill, and pending that motion I move that all debate on the paragraphs in relation to the Judiciary Department be limited to ten minutes.

Mr. SPEER. O, I hope not; I hope the gentleman will make it twenty minutes.

Mr. GARFIELD. I am willing to limit the debate only upon the pending paragraph.

Mr. SPEER. I move to amend the motion of the gentleman from Ohio so as to make the time allowed for debate twenty minutes instead of ten, and I think that is not an unreasonable request.

Mr. GARFIELD. I will compromise on fifteen minutes.

Mr. SPEER. I will agree to that.

The SPEAKER. It is not competent for the House to close debate on more than one paragraph of the bill at a time.

Mr. GARFIELD. I have modified my motion so as to close debate in fifteen minutes.

Mr. SPEER. Then I withdraw my amendment.

The question was taken on the motion to close debate, and it was agreed to.

The question recurred on the motion that the House resolve itself into Committee of the Whole; and being taken, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. The pending question is upon the motion of the gentleman from North Carolina [Mr. ROBBINS] to strike out $3,000,000 and insert $2,000,000.

Mr. ROBBINS. I withdraw the amendment.

Mr. COOK. I renew the amendment. In connection with this paragraph making appropriations for the carrying out of the enforcement acts, I desire to read from the report of the Attorney-General to show the number of prosecutions under those arts, and the disposition made of them. As they relate exclusively to the South, I ask the earnest attention at least of gentlemen on this side of the House to a statement.

The Attorney-General reports, on page 6 of his annual report, that there were nine hundred and sixty-six arrests under the enforcement acts. In regard to the disposition of those cases he says there were one hundred and two convictions, ninety-two acquittals, and seven hundred and seventy-two discontinuances. Now, about those seven hundred and seventy-two discontinuances: Were they properly discontinued? The parties were arrested and transferred sometimes several hundred miles in order to be brought before the courts.

Mr. DAWES. Do you object to the discontinuances?

Mr. COOK. Not at all; but I object to appropriating $3,000,000 improperly, that is what I object to. There were one hundred and two convictions in thirteen States. Yet gentlemen are arraying themselves against the people of the States of the South, denouncing them as bandits and outlaws, and guilty of every offense against this Government. Yet here it would seem there were seven hundred and seventy-two improper and illegal arrests, for I take it for granted that no judge or district attorney or Attorney-General would discontinue a case that was founded on such evidence as to justify conviction. I object to appropriating $3,000,000 for the arrest of innocent men, as shown by the seven hundred and seventy-two discontinuances.

Look at my State, the State of Georgia. There was expended, as shown by this report, $76,595 in that State to the marshal. There were thirty-four arrests and prosecutions under the enforcement act, of which there were six convicted and all the rest acquitted. Here were expenditures of $76,000 to carry out the enforcement acts and procure the conviction of six men. What does all this argue? It shows that the charges of outrage on the part of the southern people, and violation of the enforcement acts of Congress which have been passed from year to year, are mere whims, mere pretexts, and utterly false, founded upon the most frivolous charges which cannot be sustained before the courts. They are cases which when they come before the court, before the judges upon the bench, are not sustained. The judge in my State is a republican out and out; so is the district attorney, and so are the marshals. But they are respectable men and administer the laws in good faith. And yet out of thirty-four arrests in the State of Georgia for the violation of these enforcement acts there were but six convictions, and in the whole South there were but one hundred and two convictions for violations of the enforcement acts.

Mr. MCKEE. Then it was not such a terrible thing after all; not so terribly oppressing.

Mr. COOK. No; but the cost of it is oppressive. It shows this, that upon the most frivolous pretexts men are arrested. Any little difference between the people of different color, and sometimes of the same color, gives ground for charges which lead to these arrests, and the party arrested is obliged to travel from one hundred to three hundred miles in my State to get to a Federal court, and to give bonds for his appearance there, and when he gets there there is no evidence to convict him. When the prosecuting officers come to look into these cases they see that their charges are outrageous and inconsistent, and hence you have had these seven hundred and seventy-six discontinuances.

[Here the hammer fell.]

Mr. HEREFORD. I desire to oppose this amendment, for although it is a reduction of $1,000,000, and for that reason will receive my vote, yet I do not believe the proposed reduction is sufficient. I ask every lawyer on this floor who has been engaged in the practice of his profession for a year, or for fifty years, to state to his constituents and to answer to himself this question: here is an appropriation asked for of $3,000,000, not for the payment of the salaries of the judges, but simply for the expenses of the courts. The Attorney-General in his letter to the chairman of the committee sums up that there are held during the year four hundred and eighty-two terms of the United States courts, which at $3,000,000 per year, would give us an average sum of $6,223 to the term. Now I ask every lawyer upon this floor if he does not know that that was an unwarrantable expenditure of the people's money—over $6,000 to a term of the courts? Go to your own State courts, does it cost one tithe of $6,000 to hold a term of your State courts? Many of the terms of these courts do not last over one week. In my own State very often a term of the United States court does not last over one or two weeks. In many of the other States the term does not last over a week. Yet here is an average of $6,200 for every term of court that is held.

Mr. MCKEE. Does not the gentleman know that it must necessarily be more expensive to summon witnesses and jurors before United States courts (there being perhaps but one or two of such courts for a whole State) than it is to summon witnesses and jurors before the local courts of a State?

Mr. HEREFORD. I know it is a fact (and every lawyer I presume who has practiced in the United States courts knows it) that sometimes when men have gone one hundred miles from their homes to the place where the United States court is held for the purpose of attending to their own business as newspaper editors perhaps, or possibly as lawyers, they have been summoned by the United States

marshal to serve as jurors, and he has then certified to mileage as if those men had been summoned at their own homes; the mileage has been charged from their residences to the place where the court was held and back again.

Mr. McKEE. That may be so in West Virginia; but it is not so in Mississippi.

Mr. HEREFORD. Furthermore, I see by the report of the Attorney-General that there has been expended in one district in North Carolina $142,000 as court expenses, when for the whole State of Pennsylvania a less amount was paid for such expenses. Does any gentleman who hears me believe that this is an honest expenditure—that more money has honestly been expended for court expenses in one district in North Carolina than in the whole State of Pennsylvania? I appeal to honored Representatives of Pennsylvania on this floor and ask them whether they believe this is an honest expenditure for court expenses? Every one must see that it is not. I therefore ask that this bill be cut down.

Mr. GARFIELD. I rise to say, in concluding this debate, that the annual assault made upon the judiciary of the United States and the administration of justice under it is something that has very greatly surprised me every time these bills have been before us. During the last year, as shown by a letter of the Attorney-General addressed to myself, there were four hundred and eighty-two terms of United States courts; there were before those courts nineteen thousand one hundred and ninety-four civil suits and six thousand six hundred and twenty-seven criminal suits. The administration of our judicial system, including the enforcement of our revenue laws, complicated as they are in their numerous details, costs, I venture to say, less in proportion to the extent of territory, the number of the courts, and the multiplicity of cases than any judicial establishment of any State of this Union.

The following is the letter of the Attorney-General:

DEPARTMENT OF JUSTICE,
Washington, February 4, 1875.

SIR: Referring to our conversation this morning, I now have the honor to inform you that, under existing laws, there are four hundred and eighty-two terms of United States courts held during the year, and one hundred and thirty-eight places designated wherein they shall be held. This does not include special terms. I am unable to state definitely the number of special terms held within any given year, but I think I am safe in saying that there is not less than fifty. This will give you some idea of the vast amount of business transacted in the Federal courts throughout the country.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

Hon. J. A. GARFIELD,
Chairman of the Committee on Appropriations, House of Representatives.

I yield the balance of my time to the gentleman from Virginia, [Mr. SENER,] who has given this subject some special examination.

Mr. SPEER. It was on my motion that fifteen minutes were assigned to this debate, and I ask the Chairman whether he intends to rule me out from occupying any portion of that time?

The CHAIRMAN. The gentleman from Ohio has the right to yield the balance of his time to whomever he pleases.

Mr. SPEER. As it was on my motion that this time was allowed for debate in Committee of the Whole, I think it unfair on the part of the Chair that I should be denied any part of that time.

Mr. DURHAM. I should like to put a question to the chairman of the Committee on Appropriations.

Mr. GARFIELD. I have not now the floor.

Mr. SENER. In reply to the gentleman from Kentucky, [Mr. BECK,] I wish to say that I prepared in part and submitted the report upon the affairs in the western district of Arkansas; and hence I am able to affirm that all the frauds there were perpetrated with the knowledge and consent of a corrupt judge, Story, not by the Attorney-General.

I wish to say, in reply to the gentleman from North Carolina, [Mr. ROBBINS,] that since the creation of that western district of North Carolina the internal-revenue receipts on tobacco alone have increased, according to a statement which I have from the Commissioner of Internal Revenue, nearly $200,000 in one year; and licensed distilleries have increased to such an extent that while during the fiscal year ending June 30, 1873, there were twenty-three distilleries, with a capacity of eight hundred and thirty gallons daily, there were during the fiscal year ending June 30, 1874, eighty-four distilleries, with a daily capacity of nearly twenty-one hundred gallons.

Mr. ROBBINS. Will the gentleman allow me——

Mr. SENER. I cannot yield. Thus it will be seen upon an inspection of affairs in that district, such as has been given by the Committee on Expenditures in the Department of Justice, that there has been an unusual amount of crime there—evasion of the revenue laws, counterfeiting, &c. Persons employed in the secret service have had to go there and remain weeks at a time in order to detect these evasions and violations of the law. Though these expenditures may appear large, they are certified to by the judge and approved by the auditor and comptroller; and the integrity of the present judge, so far as I know, has not been impeached here or elsewhere. This statement is due to the marshal of the district, as well as to the Attorney-General, who has nothing to do with these expenditures. They come before the judiciary for approval. This whole fund of $3,000,000, if expended, will have to be expended according to law, under the supervision of the judiciary; and any reflections in advance as to these disbursements affect not the Attorney-General but the judiciary of the country.

The CHAIRMAN. The time allowed by order of the House for debate upon this paragraph is exhausted. The pending question is upon the amendment of the gentleman from Georgia [Mr. COOK] to make the appropriation $2,000,000 instead of $3,000,000.

Mr. WILSON, of Indiana. I move an amendment to make the appropriation $2,500,000.

The CHAIRMAN. There are two amendments now pending.

The amendment of Mr. COOK was not agreed to; there being ayes 49, noes not counted.

Mr. SPEER. I move to amend by striking out $3,000,000 and inserting $2,500,000.

The question being taken on agreeing to the amendment, there were—ayes 60, noes 92.

Mr. SPEER called for tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. SPEER were appointed.

The committee divided; and the tellers reported—ayes 67, noes 101.

So the amendment was not agreed to.

Mr. WOOD. I now move to amend after the word "thereto," in line 154, by the insertion of the words "now in force," so that it will read, "and for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, now in force, $3,000,000;" thus making it apply to existing laws only.

The committee divided; and there were—ayes 52, noes 87.

Mr. WOOD demanded tellers.

Tellers were ordered; and Mr. WOOD and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported—ayes 47, noes 85.

So the amendment was rejected.

The Clerk read as follows:

For the support and maintenance of convicts transferred from the District of Columbia, $8,000.

Mr. SPEER. I move to strike that out.

I sought the floor a moment ago, Mr. Chairman, when the appropriation of $3,000,000 for the Department of Justice was up, in order to show wherein I thought it was excessive and why it should be reduced. There are sixty-four marshals in the United States, and by law their salaries, made up of fees, mileage, &c., cannot exceed $6,000 per annum. Sixty-four marshals at $6,000, the maximum of salary which they can receive, would make $384,000, which by law is all they are entitled to.

Now, what have they received by the report of the Attorney-General? There have been paid to marshals the enormous sum of $2,071,332.18. Or, in other words, there have been paid to marshals and their deputies $1,687,332 more than their legal salaries. How is that accounted for? It is done in this way: These marshals evade the law by employing a host of deputies and paying them constructive mileage upon cases which they go out to the country and hunt up, and when they are brought to trial, if they ever are brought to trial, nine-tenths of them are non-prossed and no conviction takes place.

For the amount of appropriation there is no Department of the Government where there is so much corruption, and I must express my surprise at the chairman of the Committee on Expenditures in the Department of Justice rising on this floor and admitting that in the western district of Arkansas there were $500,000 stolen and yet voting for an appropriation of $300,000 over what was expended last year, and more than was expended during the year when he says half a million was stolen. Does he want that stealing to go on? Why does he in his zeal for the Attorney-General, who is responsible indirectly if not directly for these expenditures and frauds—why does he vote $300,000 more than was expended last year and more than was expended each year when this stealing of half a million was going on?

The chairman of the committee has undertaken to ride two horses at the same time, which no circus-rider ever did successfully when the horses were going in opposite directions. He is attempting to go for reform and at the same time to justify the Attorney General, when the Attorney-General and reform are not traveling in the same line. Therefore he has attempted to do what I say no circus-rider ever successfully accomplished.

I do not wish to do the Attorney-General an injustice, but I wish to protect the Treasury, to protect the expenditure of the public funds; and wherever a public officer, by direction or indirection, by carelessness or actual participation, has failed in his public duty, it is my duty and the duty of the gentleman from Virginia to rise in his place and say so, let the consequences be to him as a member of the republican party what they may. His duty to the Treasury, his duty to the country, is above his friendship and personal relations to the Attorney-General.

[Here the hammer fell.]

Mr. SENER. In response to my very earnest and eloquent friend, between whom and myself personally there can be nothing but good feeling, I wish to say that if he had given as much attention to this question as he has to partisanship upon this floor, he would know these marshals' disbursements include not only their fees and the fees of their deputies, but the marshals, nearly seventy in the United States, are the disbursing officers for all these courts; that they pay

mileage to witnesses; that they pay the attendance of witnesses; the arrest, transportation, and keeping of prisoners; that they pay the incidental expenses of the court; and that these $2,400,000 are for these purposes.

Sir, I do not justify the frauds in the western district of Arkansas. I put the seal of my condemnation upon them; but do not let us from eagerness to do justice do injustice. The frauds in that district were brought to the attention of the House and the country by Mr. Whitney, a detective sent there by order of George H. Williams, Attorney-General of the United States. When we called upon the gentleman upon this floor [Mr. HYNES] who offered the resolution to investigate that district, he could give us no information. We brought witness after witness before us, but nothing could be ascertained. Then we laid our hands on this detective who went there by order of the Attorney-General. He brought to light these frauds and enabled us to bring the parties to justice, and succeeded in getting rid of that corrupt judge, Story.

Mr. SPEER. Had the Attorney-General ever done anything to correct those abuses.

Mr. SENER. Yes. He had sent this officer there three times, and had turned out in three years three marshals.

Now I want to say this: that if any part of this fund is misappropriated, it is the fault of the disbursing officers of the Treasury and of the judges. And if they are all corrupt, if we have reached that condition that you cannot trust the Treasury, then indeed it is a dark day for the Republic.

Mr. DURHAM. I desire to ask the gentleman a question. He has spoken about the Attorney-General sending a detective to the western district of Arkansas. I ask him whether the Representatives of that State did not call the attention of the House to these extraordinary expenses before the Attorney-General ever took any step in the matter?

Mr. SENER. The record will show that the detective was sent first.

Mr. HYNES. I ask the gentleman from Virginia to yield me the balance of his time.

The CHAIRMAN. The gentleman from Virginia has one minute of his time remaining.

Mr. SENER. I yield it to the gentleman from Arkansas, [Mr. HYNES.]

Mr. HYNES. I want to state, in regard to the investigation about the expenses in the western district of Arkansas, having moved for the inquiry in the House as to the character and direction of those expenses, my attention having been called to the matter at the time by certain newspaper articles, I moved the inquiry; and although what the gentleman from Kentucky [Mr. DURHAM] states is correct as a matter of record, that the inquiry was moved by myself as a Representative from the State of Arkansas, I consulted the Attorney-General before offering that resolution, and he encouraged and approved it.

Mr. DURHAM. Let me ask the gentleman a question. Did the Attorney-General call the attention of the House to the fact in his report?

Mr. HYNES. I do not remember. He had all necessary corrective in the courts, and had already instituted inquiry by detectives.

Mr. DURHAM. That is where the gentleman from Virginia is mistaken.

Mr. SENER. Not only did he send a special agent there, but he has recently sent one to Mississippi also, and turned out a corrupt marshal there.

The question being put on Mr. SPEER'S amendment, it was not agreed to.

Mr. BUTLER, of Massachusetts. I offer the following amendment.

The Clerk read as follows:

In line 162 strike out "$30,000" and insert in lieu thereof "$80,000," and add as follows: "Fifty thousand dollars of which may be expended under the direction of the Secretary of the Treasury, in procuring evidence for the defeat of fraudulent claims against the United States: *Provided*, That no part of said sum shall be paid for any evidence or document to be used as evidence, unless the claim shall be finally defeated because of the evidence so procured, to which fact the Attorney-General shall certify."

Mr. GARFIELD. I make the point of order on that amendment.

Mr. BUTLER, of Massachusetts. No point of order will lie to it. It only limits the appropriation.

Mr. RANDALL. The fact that it is a limitation does not meet the point of order that it changes existing law. It is true that a limitation is always in order, but it cannot be allowed if that limitation changes existing law.

Mr. BUTLER, of Massachusetts. Not at all; it only says what shall be done with a certain appropriation.

The CHAIRMAN. Will the gentleman from Ohio [Mr. GARFIELD] state what is his point of order?

Mr. GARFIELD. I understand that the amendment changes existing law.

Mr. BUTLER, of Massachusetts. I think everybody will agree that this ought to be done, if I am allowed to explain my amendment. This is the ground upon which I offer it, and I pray the attention of the committee, if I can have it. There are large claims, one of $900,000 and one of almost $800,000, where there is evidence in the possession of outside men that will go to control and defeat those claims; and there is no power now for the Attorney-General to do anything to get their evidence. A man comes and says, "Here I have a voucher which will defeat a very large claim of $900,000; but it is my property and not the property of the Government; I will not let it go unless I am paid." And there is another case which has been brought to the attention of the Judiciary Committee, where a man has a book containing estimates made at the time by a board of survey as to damages for the amount of hundreds of thousands of dollars, and he says, "This book I have got in my possession, and I won't give it up unless I can be paid; and I do not want any pay unless this book, this evidence, will defeat the claim."

Now, then, I have offered this provision to allow the Secretary of the Treasury and the Attorney-General, where claims are fraudulently brought against the United States, to have money by which they can defend the United States. In order that there may be no wrong done, my amendment provides that not a dollar shall be paid until the Attorney-General certifies that the evidence so procured and agreed to be paid for was the evidence on which the claim was defeated.

The CHAIRMAN. The question is upon the point of order and not upon the merits of the bill. The point of order is raised that this money was to be expended in a certain manner and the amendment proposes a different expenditure.

Mr. BUTLER, of Massachusetts. There is no provision of law by which it shall be expended. There is a provision of $30,000 now, and I have raised it to $50,000 and limited the expenditure in a given way. If the House chooses to give the increased amount, they have a right to determine how it shall be expended. There is no law which requires that expenditure; there is no law which governs that expenditure. It is put into the hands of such officers as Congress chooses to put it into.

Mr. GARFIELD. Let us have a decision on the point of order.

The CHAIRMAN. The Chair, from the examination he has been able to give to the subject, thinks that it does change existing law by transferring this fund from the hands of the officers now having charge of it under the law, and the Chair therefore sustains the point of order.

Mr. BUTLER, of Massachusetts. I will modify my amendment by striking out the words "Secretary of the Treasury."

Mr. CESSNA. I ask that the amendment, as modified, be read.

The Clerk read as follows:

Strike out the word "thirty," in line 162, and insert in lieu thereof the word "eighty," and add "and of that appropriation $50,000 may be expended under the direction of the Attorney-General in procuring evidence for the defeat of fraudulent claims against the United States: *Provided*, That no part of said sum shall be paid for any evidence, or documents to be used as evidence, unless the claim shall be finally defeated because of the evidence so produced, to which fact the Attorney-General shall finally certify.

Mr. BUTLER, of Massachusetts. I hope that amendment will pass for the sake of public justice.

Mr. POTTER. The amendment proposes to give authority for an expenditure of money which the law does not now allow; and therefore it necessarily changes existing law.

The CHAIRMAN. The Chair rules that the amendment as modified comes within the rules, and is in order.

Mr. GARFIELD. I believe that on the whole we have appropriated a sufficient amount of money for the purposes of the Judiciary Department, not too much but enough, and that we ought not to authorize an increase, and an increase for a purpose which seems to be peculiar in its character. The object of the amendment is to enable the Attorney-General to procure evidence in a certain class of claims. It does not say by what means. If brought before the courts of course they will have them examined, and if before the Departments it seems to me that we do not need any figuring. It seems to me also as if this money may be used in some peculiar manner to defeat claims against the Government. It is an unnecessary amount of appropriation and an unusual demand to add this to the expenditures for this Department.

Mr. WHITTHORNE. I offer the following amendment in lieu of the amendment offered by the gentleman from Massachusetts:

Provided, That no part of this appropriation shall be used in defending or defraying the expenses of or connected with claims for cotton seized by the agents of the Treasury Department after the 13th day of June, 1865, and the proceeds of which cotton were directed by the fifth section of the act of May, 1872, to be by the Secretary of the Treasury paid over to the owners thereof.

Mr. GARFIELD. I make the point of order that that amendment is not germane to the pending amendment.

The CHAIRMAN. The Chair rules that the amendment is not in order.

Mr. WHITTHORNE. Do I understand that the Chair rules the amendment out of order?

The CHAIRMAN. The Chair rules that the amendment proposed is entirely new legislation, and therefore he rules it out of order.

Mr. WHITTHORNE. Then I desire to occupy the floor in opposition to the amendment offered by the gentleman from Massachusetts, [Mr. BUTLER.]

The CHAIRMAN. The amendment of the gentleman from Massachusetts has already been spoken to for and against.

Mr. POTTER. I move to amend the amendment by striking out the last word. I am utterly opposed to the proposition of the gentle-

man from Massachusetts, [Mr. BUTLER.] It was before the Committee on the Judiciary in the form of a separate bill and it now comes in here as an amendment to an appropriation bill. The object is to put a fund in the hands of the Attorney-General by which he can buy the evidence of any person who will not tell what the Attorney-General thinks the interests of the United States require that he should tell.

In my judgment such a law is upon principle erroneous and demoralizing. It is subject also to the further objection that it is open to the gravest abuses on the part of the officer who has the fund in charge. Wherever the Government has gone into this business of informers the results have been such, so far as this country was concerned, as to make the people dissatisfied with such methods of getting evidence. There are processes of law by which a man can be compelled to come forward and testify, and if he venture to commit perjury the law has provided for his punishment. The experience of centuries has shown that, on the whole, this was the best method to get at truth and that which is bought is rarely to be relied upon.

Mr. WILSON, of Indiana. Will the gentleman allow me to ask him a question?

Mr. POTTER. Certainly.

Mr. WILSON, of Indiana. How would the gentleman get along with a case of this kind? Suppose that a party has in his possession a book that is of very great importance to the Government as evidence. That party deposits that book over in Canada, and he is called as a witness in a case here in Washington. I would like to know by what process or operation the Government can compel the production of that book?

Mr. POTTER. By the ordinary processes of law, by means of which any man may recover any such book in Canada. There are courts in Canada which furnish to persons competent to bring suits in them competent legal remedies for such a case.

Mr. WILSON, of Indiana. Suppose that when you have got your writ over in Canada the party transfers the book back into the State of New York.

Mr. POTTER. Then follow it into the State of New York, where you have courts that will give you your remedy.

Mr. WILSON, of Indiana. Suppose that the case is already going on, in the trial of which the book is needed, as was the case recently in Washington; what then?

Mr. POTTER. That depends upon whether you can get your trial put off or not. It probably would be cheaper in some cases to buy a man than to fight him. But it is a dangerous principle to apply in legislation, and it is a discretion which never should be given to any officer of the Government.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I rise to oppose the amendment to the amendment. I propose to modify my amendment so that it shall apply only to prosecutions in the courts of the United States. I do that to meet the point of the gentleman from Tennessee, [Mr. WHITTHORNE,] as it is all that was intended.

Now, I want to state just this one case here, and then you can see what you are doing. An Englishman has obtained a judgment in the Court of Claims for $900,000. That judgment, on the face of the evidence, is as good as any judgment that can be taken, and it is on appeal in the Supreme Court of the United States, and you cannot touch it as it stands now. Now, I have seen a copy of a letter from that Englishman in the hands of a man who says that the letter is genuine. The letter says that the cotton for which this judgment was obtained was bought by him in exchange for arms which he ran through the blockade. Now, if that fact could be proved, the claimant could not get a dollar, and the United States would save $900,000. The man says, as he has a right to say, that that letter is his private property, and you cannot force it out of him.

Mr. POTTER. Why not?

Mr. BUTLER, of Massachusetts. I will tell you why; I can answer that question. If you undertake to force it from him, in the first place, he may say that he will put it in the stove. And where are you then?

Mr. POTTER. Call you to prove the copy.

Mr. BUTLER, of Massachusetts. Pardon me; but how can you prove the original? More than that; there is other evidence in England to be sent for; and how are you to get it there? That is a matter of comity only. There are half a dozen like cases within the knowledge of the Department of Justice, where this evidence is lying about, and you cannot get it. If you undertake to force its production, you will not get it; you may destroy it, but you cannot get it. I say you must have confidence in your officers. If you have not an Attorney-General who is fit to carry on the business of his office, then impeach him, and not continually blackguard him as you are doing. During the whole of this term I have heard nothing but complaints about the Attorney-General. If I had said half as much against any officer of the United States as has been said against him, I would have brought in articles of impeachment against him if I believed what I said; if I did not, I would not have attacked a man who cannot defend himself. If there is anything more cowardly than that, I do not know what it is. But the charges have been made again and again here, and by the gentleman from Kentucky, [Mr. BECK,] who is not in his seat. If the Attorney-General has done one-half of what he is accused of, he should be impeached. But there is not a man on the other side of the House who dares to bring in a proposition for his impeachment, for he has no proof.

Now, I simply say that here is a high officer of the Government, the head of the Department of Justice. My amendment proposed that this power should be intrusted to him and to the Secretary of the Treasury, my object being to get rid of this cry that the power might be abused. The name of the Secretary of the Treasury has been struck out on a point of order. Now I say give this power to the Attorney-General; if he does not use it well, impeach him; and if he does use it well and saves money to the Treasury, I shall have done my duty, and this House will have done well in adopting the amendment.

Mr. POTTER. I have said nothing against or about the Attorney-General. I said that this is a power with which I would not trust anybody. In no State of this Union was any such power ever intrusted to any public officer.

Mr. BUTLER, of Massachusetts. And in no State of the Union are claims brought against the State to the extent of millions of dollars and a court empowered to bind the State government by its judgment in favor of such claims.

Mr. POTTER. I withdraw my amendment to the amendment.

The question recurred on the amendment of Mr. BUTLER, of Massachusetts, which was to increase the appropriation from $30,000 to $80,000 and to add to the paragraph the following:

Fifty thousand dollars of which may be expended under the direction of the Attorney-General in procuring evidence for the defeat of fraudulent claims against the United States brought in the courts of the United States: *Provided*, That no part of said sum shall be paid for any evidence, or document to be used as evidence, unless the claim shall be finally defeated because of the evidence so procured, to which fact the Attorney-General shall certify.

The question was taken on agreeing to the amendment; and there were—ayes 79, noes 64.

Mr. ASHE called for tellers.

Tellers were not ordered.

So the amendment was agreed to.

Mr. ATKINS. I give notice that I shall ask the yeas and nays on this amendment in the House.

The Clerk read as follows:

For this sum, or so much thereof as may be necessary, to be expended under the direction of the Attorney-General in the detection and prosecution of crimes against the United States, $25,000.

Mr. RANDALL. I move to amend by striking out the paragraph just read. I make this motion because I want the chairman of the Committee on Appropriations to tell us, if he can, the manner in which this money was expended last year. This appropriation is merely a repetition of one contained in the act of last year.

Mr. GARFIELD. I am not able to tell the gentleman how the money has been expended during the past year.

Mr. RANDALL. There has been some public criticism in regard to the manner of this expenditure.

Mr. GARFIELD. I asked the Attorney-General in regard to this when he was before the Committee on Appropriations, and he explained the necessity of a provision of this sort in connection with the collection of the internal revenue, especially the tax on whisky. In the remote districts, away off in the mountains, you cannot find out illicit distilleries except by the use of detectives. The marshal is too well known for this purpose. Wherever he goes the violators of the law keep out of his way. He must employ somebody not known to be in the service of the Government—in other words, he must employ detectives—to go into particular neighborhoods to ascertain whether any illicit distillery or anything of that sort is being carried on there.

Mr. RANDALL. I am quite as anxious as the gentleman from Ohio or the Attorney-General can be to have all the revenues of the Government reach the Treasury. But there has been some criticism as to the manner in which this money has been expended. I had hoped therefore that the gentleman was possessed of some record, some letter, some report which would indicate to the House the manner in which this fund was expended during the past year. The duty which he speaks of as necessary to be performed by the employment of detectives would seem to my mind to be covered by the three million appropriation.

Mr. GARFIELD. O, no. The fund which is here asked for is one the expenditure of which cannot in its very nature be exhibited in detail. It ought not to be. To give the names of all persons employed in a service like this would very soon defeat the object of the appropriation. I do not believe that until the millennium comes we can get along without something of the spy system. We are compelled to adopt it in war, and I think we even went too far in rejecting it in reference to moieties last year. If we undertake to omit this feature in the detection of crime, it is far worse than if it were merely omitted in the enforcement of the law.

Mr. RANDALL. The gentleman will observe that if he could tell us how this money was expended last year, we should be able to decide more intelligently as to the propriety of such an expenditure.

Mr. GARFIELD. That is very true. But the gentleman will also observe that if I did know (as I do not) how this money has been expended, and if I should undertake to state the details of its expenditure, the very object of such an appropriation would be in a large measure defeated.

Mr. RANDALL. Well, I withdraw the amendment.

Mr. NIBLACK. I move an amendment so as to make the amount of the appropriation in the pending paragraph $20,000. For one I do not object to giving the proper Department some money as a secret-service fund, or rather as a contingent fund to meet unusual and extraordinary expenses. But it does seem to me that we are drifting into a state of very great confusion in regard to the fund for this detective or secret service to which the gentleman from Ohio has alluded. We give the Secretary of the Treasury each year a very considerable sum of money for the purpose of employing a secret-service force; and under this provision numbers of detectives rove all over the country to look after every conceivable class of crime. We also allow the Commissioner of Internal Revenue a very considerable sum to be used in the detection of violations of the internal-revenue laws. We are now asked to give $25,000 to the Attorney-General, which, as the gentleman from Ohio states, is to be used, at least in part, for hunting out illicit distilleries and matters of that sort, coming properly under the jurisdiction of the Commissioner of Internal Revenue.

It does seem to me we are in these different ways employing quite a large number of men under different officers of the Government to travel over the same ground and do the same service. What is the result? You catch one of these detectives in "putting up some job," as it is called, upon some honest citizen, or assisting in some safe-burglary, if you please, or in any kind of transaction which brings dishonor on the service, and you find one Department insisting it is not responsible and another that it is not responsible, and thus we are unable to trace any direct responsibility to any proper source.

I insist whatever is given for this branch of the service ought to be under one responsible officer, to be controlled and directed by him, and that we ought not to peddle it out in this way, leaving the Attorney-General to appoint one class of these detectives, the Solicitor of the Treasury Department another portion, and then to have still another class under the general employment of the Treasury Department for the same purpose. We have, too, the Post-Office Department detectives, and so on in reference to all the Departments, until we do not know how many in all are employed in this business under the Government; so that when they are caught, as too many of them are, outside of the line of their duty, it is impossible to tell who is responsible for their conduct.

Mr. GARFIELD. I hope the gentleman from Indiana will withdraw his amendment.

Mr. NIBLACK. If the chairman of the committee has no response to make to my remarks, of course I will withdraw it.

Mr. GARFIELD. I rise to oppose the amendment and ask for a vote.

Mr. NIBLACK. I have withdrawn my amendment.

Mr. BROMBERG. Mr. Chairman, I renew the motion to strike out the entire section made a while ago by the gentleman from Pennsylvania, [Mr. SPEER.] I listened to the explanation of the chairman as to the distinction between offenses and crimes, but I could not follow him. I think this section is entirely covered by the $3,000,000 appropriation. I cannot understand how the Committee on Appropriations can come and ask us to vote an indefinite amount without any specification as to the use to be made of these large sums of money.

I send up to the Clerk's desk and ask to have read what I intended to have read at the time we had the three-million appropriation under consideration, but I failed to do so because I could not get the floor for that purpose.

I ask the Clerk to read the extracts I have marked from the testimony taken in the Alabama investigation.

The Clerk read as follows:

MOBILE, *January* 2, 1875.

ROBERT W. HEALY, called by the minority, sworn.

By Mr. BUCKNER:

Question. State your residence and official position.

Answer. I reside at Montgomery, Alabama; I am at present marshal of the United States for the southern district of Alabama; I have held the position eight years lacking a month or two.

Q. You have held it then since Alabama was reconstructed?

A. I have held it since about the 1st of April, 1867, before the passage of the reconstruction acts.

Q. While you have been marshal have you received any written or printed instructions from the Attorney-General or Secretary of War as to your duties during the last two years?

A. I have never received any instructions from the Secretary of War of any kind, but I have received instructions from the Attorney-General.

Q. Did you appoint any United States deputy marshals during the last two years?

A. I did.

Q. How many deputies did you appoint for your district, and when were they appointed?

A. I appointed in some counties one for each beat, and for others I appointed but two or three for the whole county, and in some none at all.

Q. A beat is a voting precinct?

A. Yes, sir; they call them beats.

Q. When did you appoint those deputy marshals?

A. I think the appointments were all made during the month of October last.

Q. Can you tell the counties in which you appointed any deputies?

A. I prefer to wait till I can show you the list, which I have in Montgomery.

Q. Upon whose recommendation did you appoint these men in October last?

A. Sometimes I appointed on the recommendations of men in the counties, but most of them I appointed on the recommendation of Mr. Mayer, the chairman of the State executive republican committee.

By the CHAIRMAN:

Q. Did you have anything to do with the location of the troops?

A. No, sir; not with the location. Some of the citizens of Barbour County wrote me asking me to have detachments of troops sent to two or three little places in that county. I had no authority to make the order at all, and I wrote to General McDowell asking that this be done, and he said in reply that stationing of troops was done only upon the suggestion of the Attorney-General, and that I must address myself to him. I just forwarded the application of these people to the Attorney-General after that, and I have never received any response to it as yet; yet detachments were stationed as requested afterward.

Mr. BROMBERG. And yet the Committee on Appropriations comes in here and asks you to put $3,000,000 into the hands of the Attorney-General of the United States without any account being rendered for services exactly like this referred to in the extracts I have read. They ask the same amount this year, when there is no canvass to be made and no extraordinary requirements are imposed upon the Department. They ask just as much now as when they wanted $3,000,000 to cover the whole South with deputy marshals.

Mr. ALBRIGHT. How much compensation do these marshals get?

Mr. BROMBERG. That is what I want to know exactly. How much do they get?

Mr. ALBRIGHT. I ask whether they get anything at all?

Mr. BUCKNER. What do you think they were appointed for?

Mr. GARFIELD. I will answer the gentleman by saying that this appropriation has been in year after year and has nothing to do with the number of marshals at all, but relates wholly to the detection and making way for suits in the courts. The three million appropriation is for prosecutions before the courts, and not for getting up evidence, for finding out crimes and bringing the criminals before the courts.

Mr. BROMBERG. I understand the gentleman that while these large appropriations are necessary, he cannot state for what particular purposes the money is to be expended.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I will take the floor and yield my time to the gentleman from Alabama.

Mr. BROMBERG. Of course, in regard to this appropriation of $25,000, it is to be applied to payment of detective services, but I say that in this and in other paragraphs of appropriations for this Department there is gross vagueness and looseness. Not a single account is rendered here. When it has been shown here that millions of dollars have been placed in the hands of the Attorney-General for marshal's fees, the chairman of the Committee on Appropriations cannot tell anywhere within a hundred thousand dollars what has been done with the money.

The question ought not to be a difficult one to answer. It applies not only to the $25,000 in this paragraph, but to every section in this clause making appropriations for the Judiciary. I shall therefore vote against every one of them until the committee can come here and make an intelligible statement.

[Here the hammer fell.]

Mr. BUCKNER. I move to strike out the last word.

I desire to say something in reference to the subject-matter of the amendment introduced by the gentleman from Alabama [Mr. BROMBERG] as to the appointment of these marshals.

Mr. GARFIELD. I rise to a point of order. Debate on the amendment has been exhausted.

The CHAIRMAN. The gentleman from Missouri moves an amendment to the amendment.

Mr. BUCKNER. I move it for the purpose of making a statement in reference to these deputy marshals. I wish to say that so far as the southern district of Alabama is concerned these civil officers have been used as mere electioneering agents. There were appointed as many as two hundred or three hundred deputy marshals under the pretext that they were necessary to protect the ballot-boxes and see that the members of Congress were duly elected. These men, whether paid anything or not, were, beyond all sort of controversy, appointed and put there to operate on the election.

Mr. CANNON, of Illinois. Will the gentleman allow me to ask him one question?

Mr. BUCKNER. I have not time now; I will hear the gentleman afterward. There never was such a thing before in the State of Alabama; there never was before any such appointment of deputy marshals; and they were authorized, if not appointed, at the suggestion of the Attorney-General. These men were invariably appointed by the chairman of the republican committee at the suggestion of the members of Congress and others controlling in the State. These deputy marshals were themselves some of them candidates on the State ticket. They had upon them the badge of the Federal Government as its officers, and were there in densely populated districts coercing the negro from his disposition to vote the democratic ticket. That is in evidence here. [Laughter.] Gentlemen laugh at that statement; but I say the evidence was that until the sending of troops and marshals and the greasing with the overflowed bacon there was a disposition all through Alabama among the negroes to vote the democratic ticket just as elsewhere.

[Here the hammer fell.]

Mr. PELHAM. I rise to a personal explanation.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ALBRIGHT] has been recognized.

Mr. PELHAM. I want to contradict the gentleman's statement about the overflowed bacon.

Mr. BUCKNER. I want to read——

The CHAIRMAN. The committee will come to order. The time of the gentleman from Missouri [Mr. BUCKNER] has expired and the Chair has recognized the gentleman from Pennsylvania, [Mr. ALBRIGHT.]

Mr. ALBRIGHT. If I have the floor, I wish to say that the employment of marshals and of supervisors at the elections was for the purpose of securing in the State of Alabama fair elections, and there is no evidence that a marshal or supervisor interfered in any manner or in any respect at the election at all. And I say that there is no evidence that the marshals or supervisors, in any respect or in any manner, had anything to do with bacon or attempted to use any of it for purposes that had anything to do with the election or matters connected with the political campaign.

Now, sir, it is alleged that these marshals and supervisors were used for the purpose of coercing the negroes to vote the republican ticket. Sir, there was no such effort made. The negroes were disposed all the time to vote the republican ticket, as they are in other Southern States; but when the effort was made to prevent them from holding political meetings and to intimidate them by violence and by outrages and when murders and assassinations had been committed and perpetrated, then the marshals were appointed so that there should be that fair play at elections which is guaranteed to men everywhere under the Constitution.

Now, sir, I believe it to be the fact, and the testimony will show it, that the marshals received no compensation unless they made arrests upon legal process. They were not paid for any service rendered, nor is there an allegation that they abused any privileges or that they were at all engaged in any system of terrorism, nor any species of tyranny in the exercise of their offices. I believe there is not a particle of affirmative evidence on that point, and had there been no marshals and United States supervisors on the day of election in many places the negroes could not have voted at all unless they had voted the democrat ticket.

Mr. BUCKNER. I ask leave, in connection with what I stated a few moments ago, to read a letter.

Mr. GARFIELD. I rise to a point of order. Debate on the amendment to the amendment is exhausted.

The CHAIRMAN. The Chair sustains the point of order.

The question being taken on Mr. BUCKNER'S amendment to the amendment, it was not agreed to.

Mr. LUTTRELL. I move to amend by striking out the last two words.

Now, Mr. Chairman, I wish to be heard in reply to the gentleman from Pennsylvania, [Mr. ALBRIGHT.] I want to say to that gentleman and to my friend from Alabama [Mr. PELHAM] that the overflowed bacon was used in Opelika, Alabama, to control the negro vote against the conservative party; that over twenty thousand pounds of it was sent seventy-five miles from the overflowed country and to Mr. Betts, who was the radical candidate for Congress, and was used by the radical party at Opelika in controlling the negro vote. The testimony taken at Opelika also shows that this bacon was sent out on the day before the election to a congressional district remote from the overflowed lands and used to feed republican voters, the democratic colored men being refused any part of it.

Now I want to send up to the Clerk's desk and have read an affidavit from a deputy marshal on that subject.

Mr. PELHAM. The statement that the bacon was sent into any congressional district remote from the overflowed lands is untrue.

Mr. LUTTRELL. I have an affidavit here which I ask to have read.

Mr. PELHAM. I say that not a pound of it was issued——

The CHAIRMAN. The gentleman from California is entitled to the floor.

Mr. LUTTRELL. Now, Mr. Chairman, I have stated that this bacon was consigned to Mr. Betts, nearly seventy-five miles from the overflowed country, and that it was used in a certain locality to control the colored vote, according to the evidence which was before the committee, and it was so used by republican voters on the day prior to the election, excepting nine casks, which were seized by Army officers. We had a deputy marshal subpœnaed before the committee, but were unable to obtain his attendance. I ask the Clerk to read the affidavit which I send up for the information of the House, and particularly for the information of my friend from Pennsylvania [Mr. ALBRIGHT] and Mr. PELHAM.

The Clerk proceeded to read the affidavit, but before concluding the hammer fell.

Mr. CANNON, of Illinois. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Missouri, [Mr. BUCKNER,] who has talked about deputy marshals under the enforcement act being appointed by General Healy, the United States marshal, on the recommendation of the chairman of the republican State central committee of Alabama. The evidence fails to show that appointments of these deputies were refused on the recommendation of either party. The practice is to appoint these deputy marshals upon the recommendation of each political party; and if none were appointed upon the recommendation of the democratic central committee, it was for the reason such appointments were not asked. The evidence taken by the Alabama committee, however, shows that many of the deputy marshals on duty on election day at Mobile were democrats; but while we are talking about deputy marshals, I will call attention to the fact that the evidence shows that over one hundred armed deputy sheriffs, all democrats, and not a single republican, were appointed by the partisan democratic sheriff, and this, too, generally upon the recommendation of the chairman of the democratic central committee, and that these deputy sheriffs, armed, were continually passing along the streets, going from one ward or voting place to another; so if gentlemen want to go into the appointment of deputies, I will meet them half way in the inquiry.

Mr. BROMBERG. If the evidence says that those deputy sheriffs were armed, it is not true.

Mr. CANNON, of Illinois. One word now in reply to the gentleman from California, [Mr. LUTTRELL.]

Mr. BROMBERG rose.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor.

Mr. CANNON, of Illinois. I have but a word to say in reply to the gentleman from California. He sends an affidavit to the Clerk's desk to be read as a part of his remarks of a man by the name of Carpenter, who claims to have been a deputy marshal, who says he prostituted his office to improper uses while serving process.

Mr. LUTTRELL. The gentleman is mistaken. It is not the affidavit of Mr. Carpenter. It is the affidavit of a republican United States marshal appointed by General Healy.

Mr. CANNON, of Illinois. I am not mistaken. It is a deputy marshal who makes the affidavit, merely *ex parte*, that he prostituted process that was placed in his hands for service; and this man, who, by his own statement in the very affidavit which the gentleman files, says that he prostituted his office, thereby breaking his official oath, furnishes the gentleman this affidavit, and the gentleman hastens to have the same read as a truthful statement. How much dependence can you put in the voluntary statement of a man whose very statement shows his own infamy? This is the same man who hastens to the gentleman from Alabama [Mr. BROMBERG] after the election, at his home in Mobile, and makes his statement about these same matters, which the gentleman from Alabama details in his evidence before the investigating committee as in his opinion a reliable, truthful statement as to matters therein contained. Sir, the evidence shows no misconduct upon the part of these deputy marshals, and this affidavit is read to cast opprobrium upon those who acted as deputy marshals in Alabama. It will not do. No just man would hang a dog upon such evidence.

[Here the hammer fell.]

The question was taken on the amendment, and it was not agreed to.

Mr. SHEATS. I move to strike out the last four words of the amendment.

Mr. GARFIELD. O, I must insist upon the debate being confined to the pending amendment.

Mr. SHEATS. I have never bothered this House with any remarks yet.

Mr. GARFIELD. Very well; then I will not insist on the point of order.

Mr. SHEATS. I wish to make some remarks directly pertinent to the amendment that I offer.

The gentleman from California [Mr. LUTTRELL] has alluded to the conduct of men in Alabama with the bacon that was sent down there. I think I know as much about the disposition of that bacon as the gentleman from California. I assert that there never was a pound of that bacon used to influence voters in any respect.

I will say another thing, that if there was bacon sent down there by the Federal Government, there never were any Ku-Klux or white-leaguers encouraged there by that bacon. And they who charge, let them be deputy marshals or anybody else, that the republicans influenced or intimidated democratic voters in Alabama, either with bacon or by any other improper means they lie. The intimidation down there was by the white-leaguers and Ku-Klux, who ride at the dead hour of night and murder and outrage men under all circumstances. I have nothing to say more than to give a refutation to the charge that intimidation was used on the part of republicans in Alabama. I withdraw the amendment to the amendment.

Mr. LUTTRELL. I renew the amendment to the amendment, and ask that the remainder of the affidavit be read, and then I will conclude my remarks.

A MEMBER. That will take up all your time.

Mr. LUTTRELL. Never mind the reading of it, then; I will state what it contains. This man, Mr. Perrin, United States marshal, recommended by the State central committee of the republican party in Alabama, swears that he prepared three hundred blank warrants at the request of the chairman of that committee, Mr. Maher, and placed the names of leading democratic or conservative citizens on the back of these blank warrants; and on the 27th day of October, 1874, made a requisition on the commander of the military post at Mobile for a detachment of soldiers to enforce writs of the United States court; but said writs had no existence, such requisition being made at the request of the chairman of the republican State and district executive committee of Alabama and with the concurrence of members of said committee. The real object of asking for such troops was to place them in the most central portion of the demo-

cratic district and intimidate democratic voters by causing reports to be circulated that warrants for the arrest of a large number of white citizens were to be issued. The result was that many white citizens, rather than suffer arrest and maltreatment and the expense and trouble of a trial, with unscrupulous witnesses to testify against them, preferred to leave, and did leave the country. This action encouraged the more partisan and turbulent negroes to unite the colored men against the whites, and enabled the republicans to vote them as they pleased.

Mr. Perrin also swears that three and a half hogsheads of bacon were placed at his disposal, and notice was given that on a certain day he would issue the bacon to colored persons who would vote the republican ticket. He also swears that he issued a notice that on the 3d day of November he would give a barbecue. This caused a large influx of negroes, and at least 500 illegal votes were cast then and there for the republican candidates.

Mr. CLEMENTS. I want to know what is the amendment.

The CHAIRMAN. The gentleman has moved an amendment to the amendment.

Mr. CLEMENTS. I want to know what the gentleman is talking about.

Mr. LUTTRELL. I am satisfied the gentleman does not want to know what I am talking about, but simply to interrupt the reading of the affidavit.

Mr. CLEMENTS. I want to know what the amendment is, so that I can understand what you are saying.

Mr. LUTTRELL. I am not responsible for the gentleman's stupidity.

Mr. CLEMENTS. Neither am I for yours.

Mr. LUTTRELL. I see a disposition on the part of some members to refuse to have this affidavit read.

Mr. MOREY. Let it all be read; I should like to hear it.

The CHAIRMAN. The reading of it will come out of the gentleman's time.

Mr. LUTTRELL. I will then ask that it be printed in the RECORD so that all can read it.

Many MEMBERS. O, read; read.

Mr. LUTTRELL. The object of that is simply to take up time.

The CHAIRMAN. Does the gentleman call for the further reading of the paper?

Mr. LUTTRELL. I will state what it is.

Mr. CONGER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CONGER. The gentleman from California has charged this side of the House with preventing the reading of that affidavit.

Mr. LUTTRELL. I have not so charged the gentleman from Michigan.

Mr. CONGER. I ask that it be read.

Mr. LUTTRELL. I made no charge against you.

Mr. CONGER. You made it against some members.

Mr. LUTTRELL. Then it does not affect you.

Mr. CONGER. I ask that it be read.

Mr. LUTTRELL. If it does not come out of my time, I ask that it be read, or else printed in the RECORD.

The CHAIRMAN. It will come out of the gentleman's time.

Mr. CESSNA. Does the gentleman know of his own personal knowledge that it is genuine and was ever made by anybody?

Mr. STORM. We all know what these remarks are made for.

Mr. SPEER. It is to consume the gentleman's time.

Mr. NEGLEY. That is an unfair charge. The gentleman himself asked to have it read, and I demand that it be read.

The CHAIRMAN. The Clerk will proceed with the further reading of the paper during the remainder of the five minutes.

Mr. SPEER. The effect of that will be to cut the gentleman off from his speech.

The CHAIRMAN. The gentleman asked to have it read as a part of his speech.

Mr. LUTTRELL. And afterward I withdrew the request and offered to state the substance of the affidavit.

Many MEMBERS. Read; read.

Mr. LUTTRELL. You may hallo "read" until you are hoarse in your effort to drown the voice of the people and to stifle free speech. This is an affidavit by one of your own republican marshals, recommended by the Alabama State central committee, and it contains statements which the republican party in this House do not desire to hear, as the facts contained therein are enough to make the very imps of the infernal region blush with shame.

Several MEMBERS. Order! Order!

The CHAIRMAN. The gentleman will suspend until order is restored, and the officers of the House will enforce the orders of the Chair.

After order had been restored,

The CHAIRMAN. The gentleman from California will proceed.

Mr. G. F. HOAR. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. G. F. HOAR. The gentleman from California has a perfect right to withdraw the written paper and proceed with his oral remarks.

The CHAIRMAN. There is no doubt whatever about that, and the Chair will see that he is protected in his rights.

Mr. GARFIELD. In the mean time how much of his time is left?

The CHAIRMAN. The Chair has endeavored to enforce order as far as he could without partiality. The gentleman from California has introduced the paper as a part of his remarks and asked for its reading. His time was exhausted before the reading was concluded. Afterward he moved another amendment, and called for the reading of the remainder of the paper. If the Chair had understood his application when he made it to withdraw that call and proceed with his remarks he certainly would have ruled that it was his right to do so. The gentleman now has one minute more of his five minutes.

Mr. G. F. HOAR. I hope the gentleman will be allowed by unanimous consent to proceed for five minutes with his oral remarks.

Several members objected.

The CHAIRMAN. The Chair has no power under the rules to extend any gentleman's time.

Mr. LUTTRELL. I thank the gentleman from Massachusetts [Mr. G. F. HOAR] for his courtesy. I have been interrupted from the beginning. I propose now to sit down, withdrawing this affidavit for the present to renewing the reading as soon as I can get the floor. All I ask of this House is that I may be allowed to submit my remarks, whatever they may be, and then let other gentlemen have the opportunity to reply as much and as often as they see fit. I am ready to meet them. I have some hundreds of affidavits of witnesses who could have been called, but which the committee in their haste did not see fit to examine, showing that the intimidation came from United States marshals and republican negroes, in maltreating, insulting, and otherwise abusing negroes who were disposed to vote the conservative ticket.

Mr. PLATT, of New York. I rise to oppose the amendment.

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate. We have now had a discussion of three-quarters of an hour upon a question that has no relation to the subject under consideration.

Mr. PELHAM. This matter ought not to be discussed altogether upon one side; the gentleman from Ohio should give our side a chance.

The motion of Mr. GARFIELD that the committee rise was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had had under consideration a bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4835) in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein; and

An act (H. R. No. 1938) to provide for settlements with certain railway companies.

MISCELLANEOUS APPROPRIATION BILL.

Mr. GARFIELD. I move that when the House shall again resolve itself into Committee of the Whole on the sundry civil appropriation bill all debate on the pending paragraph be closed in one minute.

The motion was agreed to.

Mr. GARFIELD. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the miscellaneous appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. HOSKINS in the chair,) and resumed the consideration of the miscellaneous appropriation bill.

Mr. GARFIELD. I yield the one minute allowed for debate on this question to the gentleman from Alabama, [Mr. PELHAM.]

Mr. PELHAM. Mr. Chairman, I regret very much that I am not allowed a fuller opportunity to review what has been said by the gentleman from California, [Mr. LUTTRELL,] who has made many statements in regard to this matter which to say the least are untrue. In the one minute allowed me I will only say that he is mistaken in stating that the bacon referred to was used by the candidate for Congress in the third district of Alabama to assist him politically or in any other manner. That statement is not true. The candidate for Congress was not appointed to distribute the bacon. The man appointed for that purpose was not at the time of his appointment a candidate for any office.

Mr. LUTTRELL. I did not say that the candidate for Congress was appointed to attend to that; but the bacon was consigned to him.

Mr. PELHAM. It was not consigned to him while he was a candidate.

Mr. LUTTRELL. The papers show it.

Mr. PELHAM. The papers do not show it, and the proof shows and the truth is that he never did issue or use one pound of it for any purpose.

Now, my colleague [Mr. BROMBERG] has spoken in regard to the practice of marshals in that section of the country. He has intimated that they are all dishonest, and charges the republican party with dishonesty. I have only to say in reply that when the republican

party was first organized in Alabama we had quite a number of men in it who may have been guilty of some indiscretions. My colleague probably knows more about that matter than I do, because he occupied a more prominent position as a member of the executive committee of the republican party. Such may have been the practice then, but it is not now. If it was then, it ceased when he left the party and joined the opposition.

In reply to what was said by the gentleman from Missouri [Mr. BUCKNER] in regard to the appointment of marshals, I will say that these marshals were not under pay; they were only appointed to prevent if possible the killing of men on election day. The democrats did have marshals, a great many of them. It is true they were not appointed by the Attorney-General or the marshal of the district; they received their appointments from another source, and were better organized and more effective than those appointed under known and written laws and authority.

The question being taken, the amendment to the amendment was not agreed to.

The question then recurred on Mr. BROMBERG'S amendment.

Mr. BROMBERG. I withdraw the amendment.

The Clerk read as follows:

For iron gratings for the windows and putting up the same in the building for penitentiary in the Territory of Montana, $1,200.

Mr. RANDALL. I wish to say that last year we made an appropriation of $6,000 for a penitentiary in this Territory, provided that that sum would complete it. Now here is another appropriation for the same building. I do not move to strike it out; I only call attention to the matter.

The Clerk read as follows:

For the continuation of the geological and geographical survey of the Territories of the United States, under the direction of the Secretary of the Interior, during the fiscal year ending June 30, 1876; by the first division, under F. V. Hayden, in Colorado and such adjacent portions of Utah and New Mexico as were not explored the preceding year, $60,000; and by the second division, under J. W. Powell, in Utah, $20,000; in all, $80,000, to be immediately available.

Mr. GARFIELD. I move to amend the paragraph just read by making the first appropriation $75,000 instead of $60,000, the second appropriation $25,000 instead of $20,000, and by changing the aggregate from $80,000 to $100,000. The Committee on Appropriations believe they have cut that down further than was wise in view of what has been already begun.

Mr. E. R. HOAR. Does the gentleman from Ohio propose to make a similar increase of appropriation on page 47 for geographical surveys for the Territories west of the one hundredth meridian?

Mr. GARFIELD. I do.

Mr. E. R. HOAR. If so, I have no objection.

The amendment was adopted.

The Clerk read as follows:

For collection of mining and mineral statistics, under charge of Professor Rossiter W. Raymond, the amount to be immediately available, to be expended, and to be for the completion of the work, $15,000.

Mr. COX. I move to strike that out and in lieu thereof to insert the following:

For collection of mining statistics $10,000, to be spent under the direction of the Secretary of the Treasury: *Provided*, That the salary of the commissioner of mining statistics shall not exceed the rate of $3,000 per annum, and the commissioner's principal assistant $2,000 per annum.

Mr. GARFIELD. I make the point of order that changes the supervision of this work and makes this another matter altogether. It is new legislation, and not in order to this bill.

Mr. COX. Mr. Raymond is not responsible to anybody. I propose to place this matter under some officer of the Government.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARFIELD. This appropriation concludes his work. It is made mainly to close up the work.

Mr. COX. If the amendment I have already moved is decided by the Chair to be out of order, I now move to reduce the appropriation from $15,000 to $10,000 and to add to it as a proviso what I have sent up to the Chair in my former amendment.

Mr. GARFIELD. That is the very part of the gentleman's proposition which is new legislation and against which my point of order was made.

Mr. COX. My object plainly is this, and I can state it briefly——

Mr. G. F. HOAR. Let the amendment be read.

The amendment was again read.

Mr. G. F. HOAR. I rise to a point of order. This amendment is liable to two objections. In the first place, it reduces this salary under the guise of limiting the expenditure of this money; and, secondly, it is not germane to the paragraph providing for the collection of mining and mineral statistics. We might as well attempt here to fix the salary of the Secretary of the Treasury as to fix the salary of this officer.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. COX. I move to strike out $15,000 and insert $10,000, and will be glad to give my reasons for it. I do not believe it is possible to strike down any of these appropriation bills in this House. When I saw the other day a committee of this House suspend the rules and pass an appropriation bill containing $5,999,000, or in round numbers $6,000,000 of appropriations, without discussion and without examination, a mere log-rolling bill, through this House, I gave up any hope of reform or economy in this House for this short session. I only ask now to cut down this appropriation from $15,000 to $10,000. Why? Because this Mr. Raymond gets his $5,000 a year. He is not responsible to any officer. He is no officer himself. He is compiling statistics. He has an office in New York, goes to Europe, gets his information from the owners of mines, makes up his little book, and sends it to us to be printed at still further expense. He does his work in Europe, and we pay him the full salary of a member of Congress to get up this work. It is all wrong.

[Here the hammer fell.]

Mr. GARFIELD. I take the floor and yield to the gentleman from Maine.

Mr. HALE, of Maine. This matter of mining statistics came in regular course before the Committee on Appropriations. I had occasion personally to investigate it. I conferred with the Delegates from the Territories and others as to the object of this work. I found it was not only of great use, but that there was great demand for it. I found the work of Professor Raymond sought after and that nearly everywhere men bore testimony of the good kind of the work he is doing. Professor Raymond was sent for to come to Washington. He appeared before the committee and demonstrated that his investigations are not made in his office in New York or in trips to Europe, but that each year he spends certain months in visiting the mining regions. In addition to that he has correspondents all over the great West in connection with the great mining sections. When in New York he compiles whatever information he has derived from all these sources. That is his mode of doing his valuable work.

Now, it may be some satisfaction to the gentleman from New York, who says we never cut down appropriations, to be told that Professor Raymond expects this appropriation will finish this work unless Congress shall see fit to enlarge its scope or send him off elsewhere. The work he has been doing he cannot complete without the present appropriation. The committee believe it is a moderate one, and I believe we get valuable information in this way for every dollar we spend.

Mr. COX. I withdraw my amendment and yield to the gentleman from Arizona, who will renew it.

Mr. McCORMICK. I renew the amendment *pro forma*.

I regret that the gentleman from New York, [Mr. COX,] who is usually well informed on everything he undertakes to speak upon on this floor, has fallen into a mistake on this subject. Professor Raymond has been commissioner of mines and mining for several years, and his reports have been generally conceded to be among the most valuable documents published by Congress. So valuable have they been considered by the miners of the West that they have asked for an increased number of copies from year to year; and so important are they thought to be by the territorial Delegates that at a recent meeting they unanimously signed a letter to the Senate and House Committees on Appropriations, asking that this appropriation be made, and even a larger amount than that which has been reported could in their opinion wisely be given for the work in which Professor Raymond is engaged.

I have in my hand a letter from Professor Raymond, written in New York yesterday, in which he says he expected an attack of this kind. He does not say by whom, and I am much surprised that it should come from my friend from New York. I am sure he has been misled by some one jealous of Mr. Raymond's success, or wholly ignorant of his services to the Government.

I will ask the Clerk to read extracts from this letter.

The Clerk read the following:

The whole cost of the office in New York is about	$600
The secretary and stenographer cost	500

* * * * * * *

The commissioner and his single general assistant have traveled annually about twenty thousand miles in arranging for the collection of statistics, and as many local agents have been employed as could be got to work for nothing, or paid with the money appropriated. Let the reports speak for themselves as to their contents. They are quoted, translated, and praised all over Europe as valuable and complete pictures, not of single properties, but of the resources of the United States and the scientific methods in use among us for their development.

Mr. GARFIELD. Let us have a vote now.

The question being put upon the amendment, it was not agreed to.

Mr. GARFIELD. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I now move that the House take a recess until half past seven o'clock, to enable me to go on with the sundry civil bill.

DISTRICT TAX BILL.

Mr. COTTON, by unanimous consent, from Committee on the District of Columbia, reported a bill (H. R. 4840) for support of the government of the District of Columbia for fiscal year ending June 30, 1876; which was read a first and second time, ordered to be printed, and recommitted.

TEXAS PACIFIC RAILWAY.

Mr. WELLS and Mr. STANDIFORD obtained leave to print in the RECORD remarks on the Texas Pacific Railway bill. (See Appendix.)

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I ask that by unanimous consent the sundry civil appropriation bill, now under consideration of the Committee of the Whole, may be reprinted. The edition is exhausted.

There was no objection, and it was so ordered.

REPORTS ON AFFAIRS IN ARKANSAS.

On motion of Mr. POLAND, by unanimous consent, the reports both of the majority and the minority of the Select Committee on Affairs in Arkansas were ordered to be printed.

ORDER OF BUSINESS.

Mr. COBURN. I move so to amend the motion of the gentleman from Ohio [Mr. GARFIELD] that the session of the House this evening may be devoted to the consideration of the bill reported by the Select Committee on Affairs in Alabama.

The SPEAKER. That could not be done except by general consent.

Mr. RANDALL. I object. We want to finish these appropriation bills.

PERSONAL EXPLANATION.

Mr. SYPHER. I ask the indulgence of the House to make a brief personal explanation.

There was no objection.

Mr. SYPHER. During the discussion on Monday evening on the bill regulating the rate of taxation in the District of Columbia, the member from Wisconsin [Mr. ELDREDGE] used the following language. I read from the report in the CONGRESSIONAL RECORD:

I do not believe there is a State in this Union whose people are obliged to pay $3.50 on each $100 of its actual cash value, unless indeed it may be the poor tax-cursed, crushed, and ruined States of the South, and I doubt if many of them are taxed to that extent.

Mr. SYPHER. I desire to say to the gentleman that taxation in Louisiana is 14½ mills on the $100.

My remark was 14½ mills on the dollar, not on $100 as reported.

Yesterday the member from Wisconsin rose to a personal explanation, and asked leave to print his corrected remarks in the RECORD, and under that pretense, by unanimous consent of the House, he printed in the RECORD this dirty fling at me:

Mr. ELDREDGE. I do not want to hear from the gentleman from Louisiana. That people have suffered enough from *his sort*.

Now, sir, if there is any *meaner sort* than *he* and *his sort*, they must be mighty low down.

Mr. GARFIELD. I call the gentleman to order.

Mr. RANDALL and others. Let the words be taken down.

Mr. SYPHER. If the language is unparliamentary I withdraw it. I do not wish to transcend the rules of the House, and do not think I have done so.

Mr. ELDREDGE. I said that. I said it most distinctly at the time and meant it.

Mr. SYPHER. Attacking a member under the guise of printing a personal explanation in the RECORD is an act which deserves to be characterized as *contemptible and cowardly*.

Mr. GARFIELD. I now insist on my motion.

Mr. ELDREDGE rose.

Mr. GARFIELD. I will waive the motion to allow the gentleman from Wisconsin to make a response for not more than the same length of time.

Mr. ELDREDGE. Yesterday I made no personal explanation. It is headed in the RECORD "Personal explanation," but I did not put that heading to it. I did not consider it a personal explanation. I corrected a mistake in the reporting of my speech. I reproduced the speech as nearly as possible which I made the night before, and asked leave to publish it because it had not been correctly reported. I have nothing to take back in that speech.

Mr. GARFIELD. I renew my motion that the House take a recess until half past seven o'clock.

The motion was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House resumed its session at half past seven o'clock, (Mr. TYNER occupying the chair as Speaker *pro tempore*.)

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the state of the Union upon the sundry civil appropriation bill, and, pending that motion, I move that all debate upon the pending paragraph be closed in one minute. I am willing however to yield for motions that can be made by unanimous consent.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion. I desire to call up the motion to reconsider the vote by which the resolution reported by the gentleman from Vermont [Mr. POLAND] in regard to Arkansas affairs was recommitted to the special committee on that subject.

Mr. SPEER. I call for the regular order of business.

Mr. GARFIELD. I insist on my motion.

Mr. BUTLER, of Massachusetts. And I insist on mine.

The SPEAKER *pro tempore*. The motion of the gentleman from Massachusetts is not privileged.

Many MEMBERS. Regular order!

Mr. COBURN. I desire to make a parliamentary inquiry, and it is whether it will be in order to take up some other measure if the House refuses to go into Committee of the Whole on the state of the Union on the appropriation bill?

The SPEAKER *pro tempore*. The first question is on the motion of the gentleman from Ohio, [Mr. GARFIELD,] pending his motion that the House resolve itself into Committee of the Whole on the state of the Union upon the sundry civil appropriation bill, that all debate upon the pending paragraph be closed in one mimute.

The question was put on the motion to close debate; and no quorum voted.

Mr. GARFIELD. I withdraw the motion to close debate and insist upon the former motion to go into Committee of the Whole.

The SPEAKER *pro tempore*. Then the question recurs upon the motion to go into Committee of the Whole on the sundry civil appropriation bill.

The question was taken; and on a division there were—ayes 53, noes 33; no quorum voting.

Tellers were ordered; and Mr. GARFIELD and Mr. COBURN were appointed.

Mr. SPEER. I hope gentlemen will not insist on a division; there is evidently no quorum in the Hall.

Mr. COBURN. I insist on a further count.

The House divided; and the tellers reported—ayes 58, noes 45.

Mr. GARFIELD. I ask for a call of the House.

Mr. BUTLER, of Massachusetts. I call for the yeas and nays on the motion. We cannot see whether there be a quorum here or not unless the roll is called.

Mr. GARFIELD. A call of the House is the only thing in order now.

Many MEMBERS. O, no!

Mr. BUTLER, of Massachusetts. I move that the House adjourn, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GARFIELD. I ask the gentleman to withdraw his motion to adjourn; we can just as well test the question whether there is a quorum here or not by calling the yeas and nays upon the motion to go into Committee of the Whole.

Mr. BUTLER, of Massachusetts. You are a little late now in making that proposition, but I will withdraw the motion to adjourn and call the yeas and nays upon the motion to go into Committee of the Whole.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 90, not voting 114; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Creunse, Davis, Dawes, Durham, Finck, Garfield, Giddings, Glover, Gunter, Eugene Hale, Benjamin W. Harris, Harrison, Hatcher, John B. Hawley, Joseph R. Hawley, Hereford, Herndon, Hunton, Lawrence, Loughridge, Luttrell, Magee, McCrary, James W. McDill, McLean, Merriam, Milliken, Mills, Morrison, Neal, O'Brien, Packer, Isaac C. Parker, Poland, Randall, Ray, Read, Ellis H. Roberts, Henry B. Sayler, Sener, John Q. Smith, Speer, Stanard, Standiford, Starkweather, Storm, Swann, Thompson, Tyner, Vance, Waldron, Wells, Wheeler, Whitehead, Whitehouse, Charles W. Willard, George Willard, William B. Williams, Willie, Wood, and John D. Young—83.

NAYS—Messrs. Albright, Barber, Barrere, Barry, Biery, Bradley, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Corwin, Cotton, Crooke, Danford, Darrall, Donnan, Dunnell, Field, Freeman, Frye, Gunckel, Hagans, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hubbell, Hurlbut, Hynes, Lamport, Lawson, Lowe, Lynch, Maynard, MacDougall, Monroe, Moore, Morey, Myers, Nunn, O'Neill, Packard, Page, Parsons, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Sawyer, Sessions, Sheats, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, John M. S. Williams, James Wilson, and Jeremiah M. Wilson—90.

NOT VOTING—Messrs. Banning, Barnum, Bass, Beck, Begole, Berry, Buffinton, Burchard, Roderick R. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Conger, Creamer, Crossland, Crutchfield, Curtis, DeWitt, Dobbins, Duell, Eames, Eden, Eldredge, Farwell, Fort, Foster, Gooch, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Hathorn, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hunter, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Leach, Lewis, Lofland, Lowndes, Marshall, Martin, Alexander S. McDill, McKee, McNulta, Mitchell, Negley, Nesmith, Niblack, Niles, Orr, Orth, Hosea W. Parker, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Richmond, Robbins, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, William A. Smith, Southard, Alexander H. Stephens, St. John, Stone, Strawbridge, Charles R. Thomas, Tremain, Waddell, Whiteley, Whitthorne, Wilber, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, Woodworth, and Pierce M. B. Young—114.

So the motion was not agreed to.

During and after the call of the roll the following announcements were made:

Mr. VANCE. My colleague, Mr. ROBBINS, is detained at his room by sickness.

Mr. HARRIS, of Georgia. I desire to vote.

Mr. COBURN. Was the gentleman in the House when the last name on the roll was called?

Mr. HARRIS, of Georgia. Mr. Speaker, I was not in the House when the last name on the roll was called, but came in while the roll was being verified, and as it has been the custom of members thus

circumstanced to vote, I desire to record my vote in the affirmative. It is intimated by some that the practice of thus voting is not strictly within the rules of the House, and if such be the fact I withdraw the vote.

Mr. CONGER. I was not in the Hall while the roll was being called; if I had the right to vote I would vote "no."

Mr. BURCHARD. The Committee on Ways and Means, of which I am a member, is authorized to sit during the session of the House. I was not in until after the roll was called.

The SPEAKER *pro tempore*. Was the committee in session?

Mr. BURCHARD. I presume it was not.

The SPEAKER *pro tempore*. Then the gentleman has no right to vote.

Mr. BURCHARD. I will say that if I had been present I would have voted in the affirmative.

Mr. SMITH, of Virginia. I was not in when the last name on the roll was called; if I had been here I would have voted "ay."

The result of the vote was announced as above recorded.

Mr. BUTLER, of Massachusetts. I desire to move——

Mr. POLAND. I call up the motion to reconsider the vote recommitting the report and resolution reported from the committee on affairs in Arkansas.

Mr. BUTLER, of Massachusetts. I antagonized the motion to go into Committee of the Whole. I also moved to call up the motion to reconsider before the gentleman made the motion to go into Committee of the Whole. Two days have passed by since the motion to recousider was made, and I have the same right to call it up as anybody else. I desire now to call up the motion to reconsider the vote by which the resolutions about Arkansas were recommitted to the committee. And I made that motion before the question was put on going into Committee of the Whole.

The SPEAKER *pro tempore*. The Chair did not recognize the gentleman from Massachusetts [Mr. BUTLER] as calling up the motion to reconsider. The gentleman from Vermont [Mr. POLAND] calls up the motion to reconsider the vote by which the report of the Committee on Arkansas Affairs was recommitted to that committee.

Mr. SMITH, of New York. I call for the regular order.

The SPEAKER *pro tempore*. That is the regular order.

Mr. GARFIELD. The question of consideration.

Mr. COBURN. I raise the question of consideration.

Mr. GARFIELD. I desire to state that if the House shall refuse to consider the motion of the gentleman from Vermont, [Mr. POLAND,] I shall renew the motion to go into Committee of the Whole on the sundry civil appropriation bill.

Mr. COBURN. I desire to speak upon the question of consideration.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. COBURN. I raised the question of consideration.

The SPEAKER *pro tempore*. Does the gentleman want to hear the rule read?

Mr. COBURN. I will hear it read.

The SPEAKER *pro tempore*. The Clerk will read the rule.

The Clerk read as follows:

When any motion or proposition is made, the question "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker. And it is competent for a member to raise the question of consideration upon a report, even though a question of privilege is involved in the report.

Mr. COBURN. All I desire to say is that I raised the question of consideration as between the report of the gentleman from Vermont [Mr. POLAND] and the bill which has been reported from the Special Committee upon Political Affairs in Alabama.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Ohio [Mr. GARFIELD] to raise the question of consideration.

Mr. HYNES. I desire to make a parliamentary inquiry. What will be the effect of a negative vote on this question of consideration?

The SPEAKER *pro tempore*. It is competent for the majority of the House to determine whether or not they will consider the motion of reconsideration called up by the gentleman from Vermont, [Mr. POLAND.] If the House shall determine in the negative, then that question will not be before the House.

Mr. COBURN. And then any other question may be entertained.

Mr. HYNES. If the reconsideration is refused now, does that impair in any way the privilege of that motion to reconsider?

The SPEAKER *pro tempore*. It is only an indication of the sense of the House not now to consider that motion.

Mr. HYNES. What will be the effect of that upon the privileged character of the motion to reconsider?

The SPEAKER *pro tempore*. None at all. The gentleman from Vermont calls up the motion to reconsider the vote whereby the report of the Committee on Arkansas Affairs was recommitted to that committee. The gentleman from Ohio [Mr. GARFIELD] raises the question of consideration on that report. The question now is, will the House now consider the motion to reconsider?

The question was taken; and upon a division there were—ayes 101, noes 72.

Before the result of the vote was announced,

Mr. GARFIELD called for the yeas and nays.

Mr. COX. Try tellers first.

Mr. BUTLER, of Massachusetts. If the motion to reconsider is not now considered, will it be in order for the gentleman from Indiana [Mr. COBURN] to rise and make his report at any time?

The SPEAKER *pro tempore*. If the House shall refuse to consider the motion of the gentleman from Vermont, [Mr. POLAND,] the Chair will then recognize the gentleman from Ohio [Mr. GARFIELD] to submit a motion to go into Committee of the Whole on the sundry civil appropriation bill.

Mr. BUTLER, of Massachusetts. And if we vote that down, will the Chair recognize the gentleman from Indiana?

The SPEAKER *pro tempore*. It will be sufficient for the Chair to determine whom he will recognize at that time.

Mr. CESSNA. I desire to say, without meaning any imputation upon the Chair, that it seems to me that it would be very unjust to the gentleman from Indiana if the Chair shall not recognize him in case this motion is voted down. The gentleman from Ohio has once been recognized, and therefore the Chair ought to recognize some other gentlemen.

The SPEAKER *pro tempore*. The response of the Chair to the gentleman is that the motion to suspend the rules will take precedence of any other motion.

Mr. MAYNARD. But it has once been voted down to-night.

The SPEAKER *pro tempore*. Nevertheless it may be submitted again. The Chair considers it his duty to recognize gentlemen who have propositions to submit in reference to the public business.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GARFIELD] calls for the yeas and nays on the question of considering the motion of the gentleman from Vermont [Mr. POLAND] to reconsider the vote by which the report of the Committee on Arkansas Affairs was recommitted.

The yeas and nays were ordered.

The question was taken; and there were—yeas 15, nays 182, not voting 90; as follows:

YEAS—Messrs. Albert, Bundy, Burleigh, Crounse, Curtis, Danford, Benjamin W. Harris, Harrison, Hynes, Loughridge, McCrary, Pierce, Poland, Charles W. Willard, and Jeremiah M. Wilson—15.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barrere, Barry, Beck, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burchard, Burrows, Benjamin F. Butler, Cain, Caldwell, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Darrall, Davis, Dawes, Donnan, Dunnell, Durham, Eames, Field, Finck, Fort, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hagans, Harmer, Henry R. Harris, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Hoskins, Howe, Hubbell, Hunton, Hurlbut, Kasson, Lamar, Lamport, Lawson, Lowe, Luttrell, Lynch, Magee, Marshall, Martin, Maynard, James W. McDill, MacDougall, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Niblack, Nunn, O'Brien, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, James H. Platt, jr., Thomas C. Platt, Rainey, Randall, Ransier, Rapier, Ray, Read, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Speer, Sprague, Stanard, Standiford, Charles A. Stevens, Stone, Storm, Stowell, Strait, Swann, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, James Wilson, Wood, and John D. Young—182.

NOT VOTING—Messrs. Barnum, Bass, Begole, Berry, Buffinton, Roderick R. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Cox, Creamer, Crossland, Crutchfield, DeWitt, Dobbins, Duell, Eden, Eldredge, Farwell, Eugene Hale, Robert S. Hale, Hamilton, Hancock, John T. Harris, Hathorn, Hays, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Houghton, Hunter, Hyde, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lansing, Lawrence, Leach, Lewis, Lofland, Lowndes, Alexander S. McDill, McKee, Mitchell, Nesmith, Niles, Orr, Hosea W. Parker, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Potter, Pratt, Richmond, Robbins, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Shanks, Sloss, William A. Smith, Snyder, Southard, Starkweather, Alexander H. Stephens, St. John, Strawbridge, Charles R. Thomas, Tremain, Tyner, Waddell, Whiteley, Wilber, William Williams, Ephraim K. Wilson, Wolfe, Woodworth, and Pierce M. B. Young—90.

So the House refused to consider the motion to reconsider.

During the roll-call the following announcements were made:

Mr. SHERWOOD. My colleague, Mr. SOUTHARD, is necessarily absent to-night. If he were present he would vote "no."

Mr. SHELDON. The gentleman from Georgia, Mr. WHITELEY, is detained from the House in consequence of sickness. If here, he would vote "no."

Mr. ARCHER. My colleague from Maryland, Mr. WILSON, is detained from the House by sickness.

The result of the vote was announced as above stated.

Mr. GARFIELD. In pursuance of the motion which I made to-day for a recess, that this evening might be devoted to the consideration of the miscellaneous appropriation bill, I now move that the rules be suspended and that the House resolve itself into committee on that bill.

Mr. COBURN. I raise the question of consideration between that bill and the bill that has been reported from the Special Committee on Alabama Affairs.

Mr. GARFIELD. Mine is a motion to suspend the rules.

The SPEAKER *pro tempore*. The motion to suspend the rules takes precedence.

Mr. CONGER. I rise to a question of order. My point is that the chairman of the Committee on Appropriations has already made one motion to go into committee, which has been voted down, and that

the gentleman from Indiana [Mr. COBURN] or some other gentleman has now the right to be recognized by the Chair.

The SPEAKER *pro tempore*. The Chair decides otherwise and recognizes the gentleman from Ohio. He clearly has the right to make a motion to suspend the rules.

The question being taken on the motion of Mr. GARFIELD, there were—ayes 116, noes 126.

Mr. STONE called for tellers.

Tellers were ordered.

Mr. RANDALL. In order to save time I demand the yeas and nays at once.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. Is it competent now for the gentleman from Ohio [Mr. GARFIELD] to withdraw his motion?

Mr. RANDALL. I object.

The SPEAKER *pro tempore*. The gentleman has no right to object.

Mr. BUTLER, of Massachusetts. Has not the gentleman from Ohio the right to withdraw his motion?

The SPEAKER *pro tempore*. He can, if he desires to do so.

Mr. GARFIELD. Let the question be tested first by tellers.

The SPEAKER. The yeas and nays have been demanded and ordered.

Mr. GARFIELD. I believe I must test the sense of the House on this question.

The question was taken; and there were—yeas 93, nays 116, not voting 78; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Caulfield, John B. Clark, jr., Cook, Cox, Crittenden, Crossland, Crounse, Davis, Dawes, Durham, Eames, Finck, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunter, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Hunton, Kasson, Knapp, Lamar, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, O'Neill, Pierce, Poland, Read, Robbins, Ellis H. Roberts, Henry J. Scudder, Sener, J. Ambler Smith, John Q. Smith, Speer, Stanard, Standiford, Starkweather, Stone, Storm, Swann, Thompson, Tyner, Vance, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Wood, John D. Young, and Pierce M. B. Young—93.

NAYS—Messrs. Albright, Barber, Barrere, Barry, Begole, Biery, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Curtis, Danford, Darrall, Donnan, Dunnell, Field, Frye, Gunckel, Hagans, Harmer, Benjamin W. Harris, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hurlbut, Hynes, Lamport, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Nunn, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Rainey, Randall, Ransier, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Wilber, Charles G. Williams, John M. S. Williams, James Wilson, and Jeremiah M. Wilson—116.

NOT VOTING—Messrs. Averill, Barnum, Bass, Berry, Buffinton, Chittenden, Freeman Clarke, Clymer, Clinton L. Cobb, Comingo, Creamer, Crutchfield, DeWitt, Dobbins, Duell, Eden, Eldredge, Farwell, Freeman, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Hathorn, Hendee, E. Rockwood Hoar, Holman, Houghton, Hunter, Hyde, Kelley, Kellogg, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lofland, Lowndes, Alexander S. McDill, Mitchell, Nesmith, Niles, Orr, Hosea W. Parker, Pendleton, Perry, Phelps, Phillips, Pike, Potter, Pratt, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Shanks, Sherwood, Sloss, William A. Smith, Southard, Alexander H. Stephens, St. John, Strawbridge, Charles R. Thomas, Tremain, Waddell, Waldron, Whiteley, William Williams, Ephraim K. Wilson, Wolfe, and Woodworth—78.

So the House refused to go into Committee of the Whole.

During the vote,

Mr. ROBBINS stated that his colleague, Mr. LEACH, who was absent from the Hall on account of sickness, was paired with the gentleman from New Hampshire, [Mr. PIKE.]

Mr. SHERWOOD stated that he was paired with his colleague, Mr. SOUTHARD, who if present would vote in the affirmative, while he would vote in the negative.

Mr. MAYNARD moved to dispense with the reading of the names.

Mr. RANDALL objected.

Mr. RANDALL said: Mr. Speaker, I change my vote from "ay" to "no."

Mr. BUTLER, of Massachusetts. That is, to reconsider.

The vote was then announced as above recorded.

Mr. RANDALL. I rise to a privileged motion. I move to reconsider the vote by which the House refused to go into the Committee of the Whole; and on that motion demand the yeas and nays.

Mr. CONGER. I move to lay the motion to reconsider on the table; and on that motion demand the yeas and nays.

Mr. CESSNA. Mr. Speaker, I make this point of order and ask the ruling of the Chair upon it: that a motion to reconsider a vote upon consideration is not in order.

Mr. RANDALL. I never heard that a motion to reconsider was not in order.

The SPEAKER. This is a motion to go into Committee of the Whole.

Mr. CESSNA. I make the point that it is not in order. The motion to go into committee has been twice voted on and twice voted down.

The SPEAKER. The Chair sees nothing in the point. The gentleman from Michigan [Mr. CONGER] moves to lay the motion to reconsider upon the table.

Mr. MILLS. Pending that I move the House take a recess until to-morrow morning at ten o'clock.

Mr. BUTLER, of Massachusetts. Does not the new rule come in here?

Mr. RANDALL. My motion is of higher privilege.

The SPEAKER. The gentleman from Texas will be entitled to the floor to make his motion as soon as the motion to reconsider has been definitely settled; but no motion is in order until the door of reconsideration is closed one way or other.

Mr. ROBBINS. I move the House adjourn.

Mr. HEREFORD. And on that motion I demand tellers.

Mr. BUTLER, of Massachusetts. Let us have the yeas and nays, as the tellers only take up time.

The yeas and nays were ordered.

Mr. SMITH, of New York. I desire to suggest a way out of this difficulty. I understand the motions now made on the other side of the House will be withdrawn if the report from the Committee on Elections can be taken up and considered at this time.

Mr. HYNES. I rise to a parliamentary inquiry. Is a motion to reconsider the vote by which the House refused to suspend the rules in order? The motion which was made by the gentleman from Ohio [Mr. GARFIELD] was a motion to suspend the rules and go into the Committee of the Whole on the state of the Union; and I ask the Chair whether the motion to reconsider that vote is in order?

The SPEAKER. The Chair is of the impression, on the technical point, that it has been frequently reconsidered; that is, the vote by which the House refused to go into committee. Both the vote of the House refusing to go into committee and the vote of the House agreeing to suspend the rules and go into committee have been allowed to be reconsidered. The motion to suspend the rules, to which the motion to reconsider does not apply, is the two-thirds vote on Monday.

Mr. HYNES. I understand that. I wish to suggest to the Speaker whether the intention and logic of the motion to reconsider is not to get rid of the action of the House? Is not this an evasion of the action of the House by refusing to go into committee?

The SPEAKER. It only involves a single vote.

Mr. HYNES. I understand that; but it is so much time lost.

The SPEAKER. The opposite decision might involve grave consideration if the House could not reconsider the vote to go into committee. At the outside it can only involve a single vote.

Mr. RANDALL. I move that when the House adjourns to-night it adjourn to meet on Friday next.

Mr. CESSNA. I submit another proposition on the point of order raised by me a moment ago. There has been no ruling of the House on this point since the adoption of the new rule. Now, it is perfectly evident the motion of the gentleman from Pennsylvania [Mr. RANDALL] is a dilatory motion. The motion to adjourn then makes two dilatory motions, and that clearly is in violation of the new rule.

The SPEAKER. The Chair cannot decide a motion to reconsider is a dilatory motion; for if the vote had been carried in the affirmative, the gentleman might move to reconsider and lay that motion to reconsider upon the table. It cannot be construed as a dilatory motion. It is a motion absolutely inherent in the direct motion. Pending the motion to adjourn the gentleman from Pennsylvania moves that when the House adjourns it adjourn to meet on Friday next.

Mr. CESSNA. I make the point of order that that is a dilatory motion under the new rule.

The SPEAKER. The new rule allows two dilatory motions.

Mr. BUTLER, of Massachusetts. Well, you have got the two dilatory motions now.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that when the House adjourns to-day it be to meet on Friday.

Mr. ROBBINS. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 141, not voting 84; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Luttrell, Magee, Marshall, McLean, Mills, Morrison, Niblack, O'Brien, O'Neill, Pierce, Read, Robbins, Sener, Speer, Standiford, Stone, Storm, Swann, Vance, Whitehead, Whitehouse, Whitthorne, Willie, John D. Young, and Pierce M. B. Young—62.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hurlbut, Hynes, Kasson, Kellogg, Lamport, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, Nunn, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Sessions, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner,

Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—141.

NOT VOTING—Messrs. Barnum, Bass, Berry, Buffinton, Bundy, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Creamer, Dobbins, Duell, Eden, Eldredge, Farwell, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Hathorn, Hendee, Herndon, Holman, Houghton, Hunter, Hyde, Kelley, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lofland, Lowndes, McCrary, Alexander S. McDill, Milliken, Mitchell, Morey, Neal, Nesmith, Niles, Orr, Packer, Hosea W. Parker, Pelham, Perry, Phelps, Phillips, Pike, Potter, Pratt, Randall, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sherwood, Sloss, J. Ambler Smith, William A. Smith, Southard, Stanard, Alexander H. Stephens, St. John, Strawbridge, Charles R. Thomas, Tremain, Waddell, Waldron, Charles W. Willard, William Williams, Ephraim K. Wilson, Wolfe, Wood, and Woodworth—84.

So the motion was not agreed to.

During the call of the roll,

Mr. SHERWOOD said: I am paired with my colleague, Mr. SOUTHARD. If he were here he would vote "ay," and I would vote "no."

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*, (Mr. TYNER.) The question recurs on the motion to adjourn, on which the yeas and nays have been ordered. The Clerk will call the roll.

Mr. CESSNA. Before the Clerk begins to call the roll, I desire to submit a parliamentary inquiry. Is it in order for me at this time, or for any other gentleman on this side of the House, to give notice to the other side that every minute of time occupied in these dilatory motions shall be deducted from the time we intended to allow for the discussion of the bill?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry. The Clerk will call the roll.

The question was taken; and there were—yeas 70, nays 133, not voting 84; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Luttrell, Magee, Marshall, McKee, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Pierce, Potter, Randall, Read, Robbins, John G. Schumaker, J. Ambler Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wood, John D. Young, and Pierce M. B. Young—70.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Clayton, Clements, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Howe, Hurlbut, Hynes, Kasson, Kellogg, Lamport, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, James W. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Negley, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Sener, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Sypher, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—133.

NOT VOTING—Messrs. Bass, Buffinton, Bundy, Cannon, Chittenden, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Comingo, Cox, Creamer, Crutchfield, Dobbins, Duell, Eden, Eldredge, Farwell, Garfield, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Hathorn, Hendee, George F. Hoar, Holman, Houghton, Hubbell, Hunter, Hyde, Kelley, Kendall, Killinger, Lamar, Lamison, Lansing, Leach, Lewis, Lofland, Lowndes, McCrary, Alexander S. McDill, McLean, Mitchell, Morey, Myers, Nesmith, Niles, Nunn, Orr, Hosea W. Parker, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Sloss, William A. Smith, Stanard, Alexander H. Stephens, St. John, Strawbridge, Taylor, Charles R. Thomas, Tremain, Waddell, Charles W. Willard, William Williams, Ephraim K. Wilson, Wolfe, and Woodworth—84.

So the House refused to adjourn.

During the call of the roll,

Mr. SHERWOOD said: I am paired with my colleague, Mr. SOUTHARD. If he were here he would vote "ay," and I would vote "no."

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion to lay on the table the motion to reconsider the vote by which the House refused to go into Committee of the Whole; on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 131, nays 7, not voting 149; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Curtis, Danford, Darrall, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Howe, Hubbell, Hynes, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Maynard, James W. McDill, MacDougall, McKee, McNulta, Merriam, Moore, Myers, Negley, Nunn, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Walls, Wells, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—131.

NAYS—Messrs. Albert, Burleigh, Kellogg, Pierce, Sener, Stanard, and Whitehead—7.

NOT VOTING—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crutchfield, Davis, Dawes, DeWitt, Dobbins, Duell, Durham, Eden, Eldredge, Farwell, Finck, Giddings, Glover, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Havens, Hendee, Hereford, Herndon, Holman, Hoskins, Houghton, Hunter, Hunton, Hurlbut, Hyde, Kasson, Kelley, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Luttrell, Magee, Marshall, Martin, McCrary, Alexander S. McDill, McLean, Milliken, Mills, Mitchell, Monroe, Morey, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Orr, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Potter, Pratt, Randall, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Shanks, Sloss, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Alexander H. Stephens, St. John, Stone, Storm, Strawbridge, Swann, Sypher, Charles R. Thomas, Tremain, Vance, Waddell, Jasper D. Ward, Marcus L. Ward, Whitehouse, Whitthorne, Charles W. Willard, William Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—149.

Mr. O'BRIEN. I would inquire of the Chair if that is a quorum of the House?

The SPEAKER. It is not a quorum.

Mr. O'BRIEN. Then I move that there be a call of the House.

Mr. CESSNA. Before that motion is put, I raise a question of order that the gentleman from Maryland [Mr. O'BRIEN] was in his seat and did not vote.

Mr. O'BRIEN. I did vote and my name is recorded.

Mr. CESSNA. Then I beg the gentleman's pardon. If he did vote, I cannot of course make the point of order on him, and I do not desire to make it.

The question was put on the motion of Mr. O'BRIEN that there be a call of the House; and on a division there were—ayes 108, noes 13.

So the motion was agreed to.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. There is evidently a quorum in the Hall.

Mr. RANDALL. Well, the call of the House will divulge that fact, if there be one here.

Mr. BUTLER, of Massachusetts. There is evidently a quorum in the Hall, and I desire to know if it is not in the power of the House to require members here present, in their seats, to vote?

The SPEAKER. The rule makes it the absolute duty of members in their seats to vote.

Mr. BUTLER, of Massachusetts. If a member will not vote is there no way in which the House can compel him to do it?

The SPEAKER. The Chair knows of no way of making a horse drink, although you may lead him to water.

Mr. BUTLER, of Massachusetts. I am not dealing with horses now or any such reasonable animals.

Mr. CESSNA. We are dealing with a different kind of animals.

Mr. HYNES. I desire to make a parliamentary inquiry, and it is whether this is not an attempt to defeat the recent amendment of the rules by which filibustering was stopped, and if gentlemen who are present in their seats cannot be compelled to vote, as for instance the gentleman from Pennsylvania on my left, [Mr. RANDALL,] who I know was in his seat and did not vote? I raise that as a privileged question.

The SPEAKER. If the gentleman will indicate any mode by which a member can be compelled to vote the Chair will be glad to enforce it.

Mr. HYNES. I will do so. I will move that the gentleman from Pennsylvania on my left [Mr. RANDALL] be compelled to vote under the rules of the House.

Mr. O'BRIEN. If it is in order, I move that that motion be laid upon the table.

Mr. MAYNARD. I call for the regular order.

The SPEAKER. The regular order is a call of the roll, the House having ordered a call.

Mr. HAWLEY, of Illinois. I understand that the rules require that every member who is in his seat shall vote unless excused by the House. Is there no way in which a member present can be compelled to vote?

The SPEAKER. The Chair has never known a way.

Mr. BUTLER, of Massachusetts. Then it is time we found out one. The rules seem to be only to keep us from doing anything in the way of business.

Mr. HAWLEY, of Illinois. Then the rules are of no use whatever, if that be so.

Mr. MAYNARD. I think the majority of the House can find some way to compel gentlemen either to vote or leave the House.

The SPEAKER. The moment a majority of the House appear to be voting, then it is of no consequence who do not vote.

Mr. CESSNA. It amounts to just this then, that some of our friends are not sufficiently healthy to be present, and because they are not business must be stopped.

Mr. CONGER. In order to save the rules of the House harmless, I will move that the names of those who have not voted be now called in order that an opportunity may be given them to vote, or the rest of us here can ask that they be excused.

The SPEAKER. The rules do not permit any gentleman to vote after the result has been announced.

Mr. MAYNARD. No result has been announced.

The SPEAKER. There has been an announcement of a failure to reach a result.

Mr. PIERCE. I call for the regular order.

The SPEAKER. The regular order is the call of the House.

Mr. HYNES. I ask the Chair to rule upon my point of order. Is it not in the power of the House to compel a member to vote?

Mr. O'BRIEN. How do you know there are any here who did not vote?

Mr. HYNES. I saw some here who did not vote; I will designate as one the gentleman from Pennsylvania, [Mr. RANDALL.]

The SPEAKER. The Chair knows of no way by which that rule can be enforced.

Mr. HYNES. As the Chair says he knows of no means by which a member who is here in his place can be compelled to vote——

Mr. BUTLER, of Massachusetts. The Chair did not so decide; he only decided that you could not make a horse drink.

Mr. HYNES. I move that the House compel members present to vote.

Mr. CLEMENTS. Is not a member who is in his seat and refusing to vote when his name is called in contempt of the House?

The SPEAKER. It never has been so ruled, because if that was so it would bring a great many members in contempt of the House every day.

Mr. CLEMENTS. I did not say members refraining from voting, but refusing to vote.

The SPEAKER. Members will do well to recollect that this is a frequent and annually recurring experience of the House; it is not a new thing.

Mr. BUTLER, of Massachusetts. There is a rule of the House bearing directly upon this question. As the rules bind us upon every other question and in every other respect, why should not members be bound in this respect? As the rules are enforced in every other case against doing business, why not enforce them now so as to do business?

The SPEAKER. The whole trouble arises from this fact: The point is made against certain members who are present that they do not vote. It is the duty of members of the House primarily before voting that they should attend the sessions of the House. The whole trouble arises from the fact that certain members whose duty it is to attend are not here. If they were here, then this difficulty would not arise.

Mr. BUTLER, of Massachusetts. What good would it do if they did not vote?

Mr. CESSNA. If the call of the House is proceeded with as ordered, would it be in order to direct the Sergeant-at-Arms to bring in first the republican members who are absent?

Mr. STORM. The understanding when the recess was ordered was that the session of the House to-night was to be for the consideration of the sundry civil appropriation bill; it was upon that understanding that members came here. It is a violation of good faith to insist that we shall consider other business.

The SPEAKER. The House has ordered that there shall be a call of the House, and the Clerk will now proceed to call the roll.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Messrs. Bass, Buffinton, Bundy, Roderick R. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Creamer, Crutchfield, Dawes, Dobbins, Duell, Eden, Eldredge, Robert S. Hale, Hathorn, Hendee, Holman, Houghton, Hunter, Hyde, Kelley, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lowndes, Alexander S. McDill, McKee, Mitchell, Monroe, Nesmith, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Ransier, Read, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, Scofield, Shanks, Sloss, William A. Smith, Snyder, Alexander H. Stephens, St. John, Strawbridge, Swann, Charles R. Thomas, Tremain, Waddell, Marcus L. Ward, William Williams, Ephraim K. Wilson, Wolfe, and Woodworth.

The SPEAKER. The roll-call shows the presence of 221 members.

Mr. SENER. I wish to call attention to the fact that the gentleman from Massachusetts, Mr. BUFFINTON, has leave of absence.

Mr. BUTLER, of Massachusetts. I ask that the doors be closed.

The SPEAKER. The Doorkeeper will see that the doors are closed.

Mr. BUTLER, of Massachusetts. I move that the absentees be sent for, so that we need not have to go over this proceeding again.

Mr. E. R. HOAR. My colleague, Mr. BUFFINTON, is detained from the House by sickness, and he has leave of absence.

Mr. SPEER. I desire to ask whether it is not in order now to offer excuses for absent members?

Mr. WILSON, of Indiana. My colleague, Mr. WILLIAMS, is absent on account of sickness.

Mr. PLATT, of New York. The gentleman from Ohio, Mr. MONROE, who has been here all the evening until a few minutes ago, is troubled with a severe sore throat and had to go home.

Mr. BUTLER, of Massachusetts. Is this proceeding in accordance with any order?

Mr. COBURN. To save time I will simply ask whether it is proper now for members to be giving excuses for absentees?

Mr. SPEER. This is the proper time to do so.

Mr. BUTLER, of Massachusetts. No, sir; the proper time and the only time is when the absentees are brought in.

The SPEAKER. Members who have good excuses for being absent ought not to be brought in.

Mr. BUTLER, of Massachusetts. Of course the Speaker will not issue his warrant against any member who is absent under leave of House.

Mr. SPEER. Would you issue a warrant to compel a sick member to be brought here?

Mr. BUTLER, of Massachusetts. Who is to answer whether a man is sick or not?

Mr. COBURN. A member who is sick might send in his excuse by the Sergeant-at-Arms.

Mr. SMALL. My colleague, Mr. PIKE, is necessarily absent this evening, and is paired with some gentleman on the other side.

Mr. O'BRIEN. My colleague, Governor SWANN, has been obliged by sickness to go home. He is paired with the gentleman from New Jersey, Mr. WARD. I ask that he be excused.

Mr. PAGE. My colleague, Mr. HOUGHTON, is absent on account of sickness in his family.

Mr. BUTLER, of Massachusetts. I insist on my point that this is not regular.

The SPEAKER. The gentleman from Massachusetts moves that a warrant be issued for the absentees.

Mr. SENER. Pending that motion, is it not in order to move that further proceedings under the call be dispensed with?

The SPEAKER. It is.

Mr. SENER. I make that motion.

Mr. RANDALL. I call for the yeas and nays on the motion.

Mr. KASSON. Is this the proper time to offer an excuse for an absent member? If so, I wish to move that the gentleman from Kentucky, Mr. BECK, (who as the House knows has a broken arm and has gone home feeling unable to remain) be excused.

Mr. BUTLER, of Massachusetts. When the roll is called for excuses that will be the time to make them.

Mr. CESSNA. There is no danger that our Sergeant-at-Arms will bring here any member who is sick.

Mr. SPEER. But it is the duty of the Sergeant-at-Arms to execute the order of the House.

Mr. CESSNA. I know that, but not against a sick member.

Mr. COBURN. The Sergeant-at-Arms can make return that the member is sick.

The SPEAKER. The Clerk will read the rule on this subject; and the Chair asks members to give attention.

The Clerk read as follows:

Upon calls of the House, the names of the members shall be called over by the Clerk, and the absentees noted. After which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.—*Rule* 36.

The SPEAKER. The Chair thinks that under the strict construction of this rule excuses for members are in order before the warrant is issued for those whom the House deems to have no excuse. It is the practice to hear these excuses verbally stated by consent.

Mr. SPEER. I move that the gentleman from Massachusetts, Mr. BUFFINTON, be excused on account of sickness.

A MEMBER. He has been excused.

Mr. RANDALL. I call for the yeas and nays on that motion.

The SPEAKER. The gentleman from Massachusetts has indefinite leave of absence from the House, and therefore he does not need to be excused.

Mr. KASSON. I move that Mr. BECK be excused.

Mr. SPEER. I move that Mr. STEPHENS, of Georgia, be excused on account of sickness.

The SPEAKER. Before hearing the excuse of any member the Chair is compelled to submit the motion of the gentleman from Virginia [Mr. SENER] that all further proceedings under the call be dispensed with. That motion, if adopted, would of course obliterate this whole record.

Mr. SENER. I hope the motion will prevail.

Mr. CONGER. The doors should be closed before that question is taken.

The SPEAKER. That was done immediately upon the conclusion of the roll-call.

The question recurred on Mr. SENER'S motion to dispense with all further proceedings under the call.

Mr. RANDALL demanded a division.

The House divided; and there were, ayes 32, noes not counted.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 27, nays 177, not voting 83; as follows:

YEAS—Messrs. Albert, Ashe, Barber, Bell, Brown, Burleigh, Roderick R. Butler, Crittenden, Gooch, Eugene Hale, Hamilton, Hancock, John T. Harris, Harrison, Kellogg, Knapp, Isaac C. Parker, Potter, Read, Ellis H. Roberts, Sener, J. Ambler Smith, Snyder, Waldron, Wheeler, Charles W. Willard, and George Willard—27.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Atkins, Averill, Banning, Barrere, Barry, Begole, Berry, Biery, Blount, Bowen, Bradley, Bright, Bromberg, Buckner, Burchard, Burrows, Benjamin F. Butler, Caldwell, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Cox, Crooke, Crossland, Crounse, Curtis, Danford, Darrall, Davis, DeWitt, Donnan, Dunnell, Eames, Farwell, Field, Finck, Fort, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gunckel, Gunter, Hagans, Harmer, Benjamin W. Harris, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W Hazelton, John W. Hazelton,

E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunton, Hurlbut, Hynes, Kasson, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, MacDougall, McLean, McNulta, Merriam, Milliken, Mills, Moore, Morey, Morrison, Myers, Neal, Negley, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Pelham, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Randall, Ransier, Rapier, Ray, James W. Robinson, Ross, Henry B. Sayler, Henry J. Scudder, Sessions, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Starkweather, Charles A. Stevens, Stone, Storm, Stowell, Strait, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Vance, Wallace, Walls, Jasper D. Ward, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—177.

NOT VOTING—Messrs. Barnum, Bass, Beck, Bland, Buffinton, Bundy, Cain, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Creamer, Crutchfield, Dawes, Dobbins, Duell, Durham, Eden, Eldredge, Robert S. Hale, Henry R. Harris, Hathorn, Hendee, Hereford, Herndon, Holman, Houghton, Hunter, Hyde, Kelley, Kendall, Killinger, Lamar, Lamison, Lansing, Leach, Lewis, Lowndes, Maynard, Alexander S. McDill, McKee, Mitchell, Monroe, Nesmith, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, Robbins, William R. Roberts, James C. Robinson, Rusk, Sawyer, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Shanks, Sheldon, Sloss, William A. Smith, Stanard, Alexander H. Stephens, St. John, Strawbridge, Swann, Taylor, Thompson, Tremain, Waddell, Marcus L. Ward, Wells, Wilber, William Williams, Ephraim K. Wilson, Wolfe, and Woodworth—83.

During the vote,

Mr. TODD said: Mr. Speaker, is it in order for members to pass out of the door during the roll-call when the doors have been ordered to be closed on a call of the House?

The SPEAKER. It is the custom to allow members to go out on registering their names, and to return. They go and come upon their personal honor to return, and are registered to that effect.

Mr. SHELDON stated that Mr. BECK and Mr. PARSONS had both gone home sick, and before leaving had paired, but he could not say how they would vote on this question.

The vote was then announced as above recorded.

Mr. CLYMER. I move to reconsider the vote by which the House refused to dispense with all further proceedings under the call.

Mr. MOREY. I move to lay that motion on the table.

Mr. O'BRIEN. And on that I demand the yeas and nays.

Mr. CESSNA. I think we ought to understand this thing right here, and I therefore make the point of order that the motion just made is not in order.

The SPEAKER. On what grounds?

Mr. CESSNA. That it is dilatory merely. I wish the ruling of the Chair on that point as I did on the other.

The SPEAKER. The Chair overrules it.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 61, not voting 91; as follows:

YEAS—Messrs. Adams, Albright, Ashe, Atkins, Averill, Barrere, Barry, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Curtis, Danford, Darrall, Donnan, Dunnell, Eames, Farwell, Field, Foster, Freeman, Frye, Garfield, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Hubbell, Hunton, Hurlbut, Hynes, Kellogg, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Luttrell, Lynch, Martin, McCrary, James W. McDill, MacDougall, McNulta, Moore, Morey, Myers, Negley, Niblack, O'Brien, O'Neill, Packard, Packer, Page, Isaac C. Parker, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, Sener, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Starkweather, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, White, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, John D. Young, and Pierce M. B. Young—135.

NAYS—Messrs. Archer, Arthur, Banning, Barber, Barnum, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Finck, Fort, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Knapp, Lamar, Magee, Marshall, Merriam, Milliken, Mills, Morrison, Neal, Hosea W. Parker, Pierce, Potter, Randall, Read, Robbins, J. Ambler Smith, Southard, Speer, Sprague, Standiford, Stone, Storm, Vance, Waldron, Wells, Whitehead, Whitehouse, Willie, and Wood—61.

NOT VOTING—Messrs. Albert, Bass, Beck, Blount, Buffinton, Bundy, Cannon, Chittenden, Freeman Clarke, Clements, Comingo, Creamer, Crutchfield, Dawes, Dobbins, Duell, Durham, Eden, Eldredge, Gooch, Robert S. Hale, Hamilton, Hathorn, Havens, Hendee, Hereford, Herndon, Holman, Houghton, Howe, Hunter, Hyde, Kasson, Kelley, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lowndes, Maynard, Alexander S. McDill, McKee, McLean, Mitchell, Monroe, Nesmith, Niles, Nunn, Orr, Orth, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Ransier, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Shanks, Sheats, Sloss, William A. Smith, Snyder, Stanard, Alexander H. Stephens, St. John, Strawbridge, Swann, Charles R. Thomas, Tremain, Waddell, Marcus L. Ward, Wheeler, Whiteley, William Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, and Woodworth—91.

So the motion to reconsider was laid on the table.

Mr. SPEER. Now I insist on my motion that the gentleman from Georgia, MR. STEPHENS, be excused on account of illness.

Mr. BUTLER, of Massachusetts. I call up my motion to send for the absentees.

Mr. SPEER. I insist that my motion is first in order.

The SPEAKER. The Chair begs the attention of members to what is the rule of the House upon this case:

The doors shall then be shut—

That is, when a call has been ordered, a quorum having failed to appear—

and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.

The language of the rule is not absolutely clear whether, as regards the making of excuses, it refers to the time when the member appears, or whether it refers to the time before he appears.

Mr. SPEER. Before he appears.

Mr. NIBLACK. What has been the practice?

The SPEAKER. The Chair has in his hand at this moment the Journal of the House of February 5, 1858, which embraces a very long process, covering many pages, in which the yeas and nays were called upon propositions to excuse members.

Mr. G. F. HOAR. Let me make a suggestion. If the excuse be disposed of before the member is sent for, it will depend substantially upon what is the feeling and the temper of the House, without hearing the party.

The SPEAKER. Yes, if the excuse be taken beforehand; but if you send for the member first, you may send for a man, under the mandate of the House, whose coming from his home in an inclement night may be dangerous to his life.

Mr. G. F. HOAR. If I may be permitted I would make this suggestion, that that is true of all legal and judicial processes whatever. You order the sheriff to arrest a man, you order the arrest of a witness for contempt, and finding a witness in such a condition is a sufficient excuse from serving the process. But if the question of the validity of the excuse is to be adjudged by the House now, it not only destroys practically the power of the House to have a call of the House, but it also involves the impropriety of adjudging the question of contempt of the House without hearing the party.

Mr. BURCHARD. If you excuse a man, that is the end of it.

Mr. RANDALL. I demand the regular order.

Mr. BUTLER, of Massachusetts. I now desire to make this motion: I move that the Sergeant-at-Arms be directed——

Mr. RANDALL. I insist on the regular order.

The SPEAKER. The Chair will hear the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. This is the regular order, in my judgment. I move that the Sergeant-at-Arms be directed to go for such members as are absent, and to bring in those who in his judgment are not disabled by sickness from coming.

Mr. RANDALL. In the judgment of the Sergeant-at-Arms?

The SPEAKER. The Chair thinks that would be giving a very large discretion to the Sergeant-at-Arms.

Mr. BUTLER, of Massachusetts. I was desirous of relieving the minds of gentlemen who are so very tender-hearted. Then I make the motion that the Sergeant-at-Arms be sent for absent members.

Mr. SPEER. In defense of the ruling of the Chair, I desire to say this——

The SPEAKER. The Chair has not ruled upon the point.

Mr. SPEER. In the last Congress, on the occasion of a call of the House, the gentleman from New York [Mr. POTTER] being in the chair as Speaker *pro tempore*, the other side of the House put motion after motion to excuse absent members and called for the yeas and nays on those motions, and every such motion was entertained by the Speaker *pro tempore* and the yeas and nays allowed to be called.

Mr. HALE, of Maine. The same point which arises here came up when the House was in continuous session for forty-six hours. The gentleman from Indiana [Mr. TYNER] being in the chair, the matter underwent considerable discussion, and an appeal was taken from the decision of the Chair that excuses could be heard before the warrant issued. But that appeal was withdrawn, because the acting Speaker had issued the warrant, and therefore there was no need for the appeal. But it did seem to me then that if the other ruling was maintained, and if the excuses of absentees could be received here upon the floor, and motions made on those excuses, and the yeas and nays called, the proceeding, which is the vital proceeding in a call of the House, to wit, the summoning in of absent members to make a full House, may be so indefinitely postponed as to be entirely inoperative. But at that time the Gordian knot was cut by the acting Speaker ordering the warrant to issue.

Mr. SENER. But the order had been issued before the excuses had been offered.

Mr. NIBLACK. I desire to make a suggestion.

The SPEAKER. The Chair will hear the gentleman.

Mr. NIBLACK. If the warrant should issue before excuses are made, the Speaker would have to issue his warrant for those who are absent by leave of the House, and hear their excuses afterward.

The SPEAKER. That would be no hardship, because if they were absent by leave of the House they would be excused afterward. Gentlemen will observe that if the Chair decides to entertain now a motion to excuse a member and the yeas and nays are called on that, that motion to excuse can be repeated upon every member who is absent, and the yeas and nays can be called on each motion. It would be, therefore, absolutely impossible to get a quorum for business.

Mr. WILBER. And then the motion to reconsider the vote upon the motion to excuse could be made.

The SPEAKER. It would be absolutely impossible to get a quorum for business; the call of the House would be entirely nugatory. The Chair, in looking at the decisions in the Journal of 1858, observes this practice, which has since been broken up by the House. Upon a motion to excuse a member another member rises and asks to be excused from voting on that motion, and the yeas and nays were called on that. Of course that is mere trifling with the object. It is the right of fifteen members, the very extreme limit in this case, to send for absentees. The number of members present must be less than fifteen before the power is lost to send for absentees. One-fifth can call for the yeas and nays. If there are fifteen members present, then three members can call for the yeas and nays on voting to excuse each one of a hundred or more absentees. The Constitution says that one-fifth of those present can call the yeas and nays. Then on excusing each member who is absent three members present could call the yeas and nays, and gentlemen can see the time that would be taken up. The Chair is putting the extreme case.

Mr. SPEER. Yes; very extreme.

The SPEAKER. But it shows the effect of the ruling which is asked upon excusing members now absent on this roll-call.

Mr. CESSNA. Suppose the warrant of the Speaker is now sent out for absentees; what business can be transacted, although we have a quorum present, or must we wait for the coming of the other members?

The SPEAKER. That the Chair is not commenting upon. The rule says further on:

The order of arrest is not usually made by the House unless a quorum cannot otherwise be obtained; and upon the appearance of a quorum, a motion is usually made and carried that "all further proceedings in the call be dispensed with;" and this motion is held to be in order at any period of the proceedings.

Mr. SPEER. Is not that motion now in order?

The SPEAKER. It is not, because it was the last motion decided by the House. The Chair thinks, therefore, that a ruling of the kind which was made during the speakership of Mr. Orr—and the Chair does not ever like to overrule a decision by a previous Speaker—absolutely nullifies the power of the House to obtain a quorum. Beyond that there is no possible harm that can result to any member from this procedure; because if the Speaker's warrant goes out and finds a man unable to leave his house he is simply subpœnaed, he does not attend now but he comes into the House the next day, having disobeyed its warrant, and offers his excuse and would be excused.

Mr. SPEER. Does not the rule say that the warrant shall not issue except for those who are not excused?

The SPEAKER. The Chair thinks that is not the rule.

Mr. SPEER. Will the Chair read that portion of the rule?

The SPEAKER. That portion of the rule is as follows:

The doors shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear.

They must be here, and if they do not give a good excuse they may be taken into custody.

Mr. TYNER. If the Chair is now trying to find a way out of a difficulty which is likely to occur, let us suppose that the warrant of the Speaker shall be issued and that the absentees shall be brought to the bar of the House before proceedings under the call are suspended, would it not then be competent to call the yeas and nays on the proposition to excuse each one of the absentees?

The SPEAKER. No; because it is in the power of the House at any time to dispense with further proceedings under the call by a single vote.

Mr. TYNER. Suppose that the House shall not do it?

The SPEAKER. O, of course if the majority of the House shall choose to tangle itself up it can. But the way out is clear if the House shall choose to take it. The rule says that the order of arrest is not usually made by the House unless a quorum cannot otherwise be obtained, and upon the appearance of a quorum the motion is usually made and carried that all further proceedings under the call be dispensed with. The Chair has never known absentees to be sent for when a quorum is present.

Mr. TYNER. The vote which has been taken, and which has been determined by a majority of the House, indicates that the House is not willing to dispense with proceedings under the call. Suppose that absentees are brought to the bar of the House; no one of them would be entitled to vote upon dispensing with further proceedings under the call until he shall be excused by the House for being absent.

The SPEAKER. He would be entitled to vote when excused by the House or when the proceedings under the call are dispensed with, one or the other.

Mr. BUTLER, of Massachusetts. I wish to call the attention of the Speaker to this fact: Here we are proceeding in this way when there is an absolute quorum present, and it is because a minority of the members here refuse to vote.

Mr. RANDALL. If the gentleman is going to make any remarks, I ask leave to reply to them.

Mr. BUTLER, of Massachusetts. I am content with what I have said.

Mr. RANDALL. I say that the reason why we are here and did not vote was that we have thrown no obstructions in the way of nor have we asked any delay in time on any appropriation bill; that this morning when we came here we did not call for the usual time for general debate on the sundry civil bill; on the contrary, when we were offered one hour for general debate with a view to hasten the business of the House we took but fifteen minutes. We subsequently did not demand the first reading of the appropriation bill as we had a right to do, and we came here to-night under a distinct pledge made by the republican side of the House that the House would go into Committee of the Whole on the sundry civil bill on the meeting of the House.

Mr. BUTLER, of Massachusetts. I know of no such pledge.

Mr. CLEMENTS. Does the gentleman think as Representatives we have no other business than to vote money out of the Treasury?

Mr. BUTLER, of Massachusetts. Then we are able to do only such things as you want us to do.

Mr. RANDALL. No; you are able to do such things as you may in honor do.

Mr. MYERS. I rise to a question of order. In order to give the House control over its own business and settle a precedent, if you please, as the rule is not certain on the point, is it not in order to move that pending the call of the House no excuses shall be in order?

Mr. SPEER. That would be a change of the rule.

Mr. FINCK. The rule reads plainly, and there can be no misconstruction of it. It is that—

Upon calls of the House, the names of the members shall be called over (alphabetically) by the Clerk, and the absentees noted. After which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.

Now, then, the very next thing after the doors are shut is, what? It is that the roll shall be called for excuses. But the rule says:

The doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose.

The SPEAKER. It does not state at what time excuses shall and can be offered.

Mr. FINCK. Certainly not; but it follows immediately after the order for the closing of the doors, and it has always been the rule of a court that a witness about to be attached has a right to have the reasons stated why he was not present.

The SPEAKER. The Chair has been present at a great many calls, but he scarcely remembers a case in which when a quorum was present the hearing of excuses has been made the subject of delay in the business of the House.

Mr. WHEELER, (at five minutes past twelve o'clock a. m.) If the night is going to be frittered away and we are to be incapacitated from performing the business of the country, I propose to move that the House do now adjourn.

The question was put; and on a division there were—ayes 81, noes 80.

Several members called for the yeas and nays.

The yeas and nays were ordered.

Mr. WILSON, of Indiana. Pending that motion, I move that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. BURLEIGH. I desire to move that the House take a recess until seven o'clock to-morrow morning.

The SPEAKER. The Chair thinks that pending a call of the House all motions are out of order except a motion to adjourn or to dispense with further proceedings under the call. The rule is quite positive on that point.

Mr. BUTLER, of Massachusetts. That is only when there is not a quorum present.

The SPEAKER. The Chair does not know any distinction in such matters during a call of the House.

The question was taken on the motion to adjourn; and there were—yeas 95, nays 115, not voting 77; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, DeWitt, Durham, Eames, Finck, Foster, Freeman, Giddings, Glover, Gooch, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hoskins, Hunton, Kasson, Kellogg, Knapp, Lamar, Loughridge, Luttrell, Magee, Marshall, McCrary, James W. McDill, McLean, Merriam, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, John G. Schumaker, Henry J. Scudder, Sener, J. Ambler Smith, Southard, Speer, Standiford, Stone, Storm, Vance, Waldron, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Wood, John D. Young, and Pierce M. B. Young—95.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Cotton, Crooke, Curtis, Danford, Darrall, Donnan, Dunnell, Farwell, Field, Fort, Frye, Garfield, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hurlbut, Hynes, Lamport, Lawrence, Lawson, Lofland, Lowe, Lynch, Martin, Maynard, MacDougall, McNulta, Moore, Myers, Negley, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, James Wilson, and Jeremiah M. Wilson—115.

NOT VOTING—Messrs. Bass, Beck, Buffinton, Bundy, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Corwin, Cox, Creamer, Crounse, Crutchfield, Dawes, Dobbins, Duell, Eden, Eldredge, Robert S. Hale, Hathorn, Hendee, Herndon, George F. Hoar, Holman, Houghton, Hunter, Hyde, Kelley, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lowndes, Alexander S. McDill, McKee, Mitchell, Monroe, Morey, Nesmith, Niles, Nunn, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, Scofield, Isaac W. Scudder, Sessions, Shanks, Sloss, William A. Smith, Stanard, Alexander H. Stephens, St. John, Strawbridge, Swann, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Marcus L. Ward William Williams, Ephraim K. Wilson, Wolfe, and Woodworth—77.

So the House refused to adjourn.

Mr. ALBRIGHT. I desire to offer a resolution.

Mr. LAMAR. I rise to a parliamentary inquiry which I think is a good one, and I desire to say a word upon it. Am I right in the statement that to-day the chairman of the Committee on Appropriations, in charge of the sundry civil appropriation bill, made a motion that the House do now take a recess until half past seven o'clock for the purpose of taking up the sundry civil appropriation bill and considering it? Am I right in making that statement? I think I am. No gentleman I think will controvert that statement. Now, the inquiry I make is this: As the House voted in favor of that motion, is it not tantamount to an order of the House that such should be its procedure when it met again at the designated hour?

Mr. CONGER. I desire to say a word in regard to that question.

Mr. LAMAR. I wish my inquiry answered, for I have another one to make.

The SPEAKER. The gentleman from Michigan desires to say a word.

Mr. CONGER. I stood by the chairman of the Committee on Appropriations when he made his motion; I was within two seats from him, I think.

Mr. LAMAR. I submit that the chairman of the Committee on Appropriations ought himself to state what his motion was.

Mr. CONGER. Let me make my statement.

Mr. CESSNA. I desire to submit the point that the gentleman from Ohio [Mr. GARFIELD] could not make such a motion as has been stated.

Mr. ALBRIGHT. I would like to know whether these are "parliamentary inquiries?"

Mr. CONGER. Among a large number of republicans on this side of the House it was agreed that we should take a recess and have a session to-night to take up this bill in regard to southern affairs.

Mr. O'BRIEN. What right had you to conspire in that way?

Mr. CESSNA. And it was with that understanding that a large number of gentlemen on this side voted for the recess.

Mr. LAMAR. I insist on an answer to my inquiry.

Mr. CONGER. When the gentleman from Ohio made his motion for a recess, he added in a low voice, (which I heard, because I was close by him, but which I venture to say was not heard five seats distant from me,) "For the purpose of taking up the appropriation bill."

Mr. KELLOGG. I heard that remark, and I was in the center of the Hall, at my seat.

Mr. WILBER. That was not five seats off.

Mr. GARFIELD. In view of what has been said, I wish to make a statement.

Mr. CONGER. Before the gentleman from Ohio proceeds, I wish to add a word. The gentleman from Indiana, [Mr. COBURN,] in charge of the bill reported by the Alabama committee, moved to amend the motion of the gentleman from Ohio so that the session of this evening should be for the purpose of considering that bill. The Speaker decided that that was not a proper amendment to the motion to take a recess. Therefore we could not have had the voice of the House as to the object of the meeting this evening, for that motion was not entertained.

Mr. CESSNA. As a question of fact I submit this inquiry to the Chair: this morning when we were discussing this question did I not submit to the Chair this question of order—that if we went into the Committee of the Whole this morning and gave the day to the appropriation bill the evening session could be devoted to the consideration of the bill in regard to southern affairs? I submitted that parliamentary inquiry to the Chair—if we devoted the day session to the consideration of the appropriation bill and then ordered a recess at or about five o'clock whether at the evening session it would not be in order to raise the question of consideration so that the majority of the House could determine whether they would take up the appropriation bill or the bill in regard to affairs in the South, and the Chair answered that inquiry by saying, "the Chair knows nothing to prohibit it."

Mr. GARFIELD. What the gentleman from Pennsylvania [Mr. CESSNA] has just stated did certainly occur. It was a parliamentary inquiry that he made; but no notice that I heard was given at any time——

Mr. CESSNA. Any gentleman must be very thick-headed who did not understand that notice.

Mr. GARFIELD. I am not standing here to be insulted by the gentleman in this sort of way.

Mr. CESSNA. I do not insult anybody.

Mr. GARFIELD. I call the gentleman to order. Unless he can address members respectfully I decline to be interrupted.

Mr. CESSNA. I addressed the Chair.

Mr. GARFIELD. I heard every word that the gentleman uttered this morning; and there was no notification whatever, at least so far as I heard, of a purpose to call that matter up. The gentleman simply made an inquiry as to what would be in order. After that inquiry was made my motion to go into Committee of the Whole prevailed. A number of gentlemen during the day consulted with me whether we had better have an evening session or sit until six o'clock. I consulted with the Speaker; I consulted with half a dozen members to ascertain their judgment as to which proceeding would probably accomplish most work.

Mr. BUTLER, of Massachusetts. Is this going on by unanimous consent? If so, I object. I want to go to business.

Mr. LAMAR. I insist that the chairman of the Committee on Appropriations should be allowed to make his statement.

Mr. GARFIELD. I think the gentleman from Massachusetts will hardly cut me off in this way.

Mr. BUTLER, of Massachusetts. Well, I withdraw my objection; but I do not want to sit up at night to listen to this sort of discussion.

A MEMBER. Then go to bed.

Mr. GARFIELD. After consulting with various gentlemen I finally concluded that at about five o'clock we would take a recess until half past seven o'clock. When the time arrived, I moved that the committee rise; and when the committee had risen, I then addressed the Speaker, moving that we take a recess until half past seven o'clock for the purpose of going on with the sundry civil appropriation bill. I said it in my ordinary voice, and I did not know at that time there was any purpose on the part of anybody to do anything else. That was the understanding of the gentleman from Pennsylvania with whom I consulted about how much time we should gain if we sat till six o'clock instead of having an evening session. I came and made my motion.

Mr. BUTLER, of Massachusetts. I want to say a word. Let the other side be heard.

Mr. NIBLACK. I rise to a question of order, and that is if I am to be kept here to-night I insist that the rule shall be strictly enforced against smoking in the Hall—strictly enforced.

The SPEAKER. The gentleman from Indiana insists on the rule being strictly enforced which prohibits smoking in the Hall. The Doorkeeper will see that the rule is enforced.

Mr. BUTLER, of Massachusetts. I desire by leave of the House to say a word about my course. The gentleman from Ohio has given his. This is it. Here we have passed the Army appropriation bill, the Navy appropriation bill, the West Point Academy appropriation bill, the consular and diplomatic appropriation bill, the river and harbor appropriation bill, and I thought the country could get along without the sundry civil appropriation bill better than the country could allow this Congress to adjourn and let the state of disorder in the South go on. And that being so, and knowing that the next Congress would pass the appropriation bills and would not pass this bill we have got before us, I thought it to be my duty, as a friend of the country, as the friend of the loyal men North and South, we should pass this bill rather than pass the sundry civil appropriation bill.

Mr. GARFIELD. I do not object to the gentleman's making a statement, but I do object to his entering upon an argument.

Mr. BUTLER, of Massachusetts. I am making my statement, not making an argument.

The SPEAKER. The gentleman from Pennsylvania [Mr. CESSNA] offers the following resolution.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. RANDALL. I move to lay that resolution upon the table.

Mr. NIBLACK. Pending that motion I offer as an excuse for my colleague, Mr. HOLMAN, that he is detained from his seat by illness, and I move that he be excused. I insist upon a ruling on my motion.

Mr. O'BRIEN. On the motion to lay on the table I demand the yeas and nays.

Mr. HARRIS, of Virginia. Before the ruling of the Chair is had on the motion of the gentleman from Indiana, I ask, as I have never obtruded my views in these discussions on points of order, to say a word or two in reference to this particular parliamentary law.

Mr. MOREY. I wish to know whether the gentleman from Indiana has been recognized to make that motion pending the motion to lay the resolution upon the table?

The SPEAKER. He has not.

Mr. MOREY. Then I object.

The SPEAKER. The Chair will hear the parliamentary inquiry of the gentleman from Virginia.

Mr. HARRIS, of Virginia. When we undertake to construe a law, whether a statute or parliamentary rule, we must look to the circumstances which surrounded the parties at the time the law or rule was adopted for its true construction. Now, what was the condition of the country at the time this rule became the parliamentary law of the land? We had no telegraphs then by which to summon a man in California in the twinkling of an eye, like a flash of lightning. We had no railroads then which would enable members to come rapidly to this city from any part of the Union. Hence the necessity for hearing excuses for the absence of members before issuing the warrant of the Speaker for their arrest; otherwise a member being absent who had a good excuse might be brought here from a long dis-

tance at the peril of his life, when if the excuse which he had was heard his arrest would not have been ordered.

Mr. MOREY. I call for the regular order of business.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion, and move that all further proceedings under the call be dispensed with. There is a large number of gentlemen on the outside who wish to come in.

Mr. SPEER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and was decided in the affirmative—yeas 133, nays 66, not voting 88; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barrere, Barry, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Curtis, Darrall, Donnan, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Hagans, Harmer, Benjamin W. Harris, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hynes, Kellogg, Lamport, Lawrence, Lawson, Lofland, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McNulta, Monroe, Moore, Myers, Negley, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Randall, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, Sener, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Speer, Sprague, Stanard, Starkweather, Charles A. Stephens, Stowell, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Walls, Wheeler, White, Whitehouse, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Wiliams, James Wilson, and Jeremiah M. Wilson—133.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Danford, Davis, DeWitt, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Ransier, Read, Robbins, Southard, Standiford, Stone, Storm, Vance, Wallace, Jasper D. Ward, Wells, Whitehead, Whitthorne, Willie, Wood, John D. Young, and Pierce M. B. Young—66.

NOT VOTING—Messrs. Archer, Barber, Bass, Beck, Buffinton, Bundy, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Creamer, Crounse, Crutchfield, Dawes, Dobbins, Duell, Dunnell, Durham, Eden, Eldredge, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Harrison, Hathorn, Hendee, Holman, Houghton, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kendall, Killinger, Lamar, Lamison, Lansing, Leach, Lewis, Loughridge, Lowndes, Alexander S. McDill, McKee, Merriam, Mitchell, Morey, Nesmith, Niles, Nunn, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Shanks, Sloss, Small, H. Boardman Smith, John Q. Smith, William A. Smith, Alexander H. Stephens, St. John, Strait, Strawbridge, Swann, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Marcus L. Ward, William Williams, Ephraim K. Wilson, Wolfe, and Woodworth—88.

So the motion to dispense with further proceedings under the call was agreed to.

Mr. RANDALL. I rise to make a privileged motion. I move to reconsider the vote just taken.

Mr. COBURN. I rise to a privileged question, and call up the report of the Committee on Affairs in Alabama.

The SPEAKER. The gentleman from Indiana [Mr. COBURN] rises to a privileged question. The gentleman from Pennsylvania [Mr. RANDALL] rises to a privileged motion; which necessarily takes precedence.

Mr. RANDALL. Which is to reconsider the vote by which the House voted to disperse with further proceedings under the call.

Mr. COBURN. My object is to have the House consider the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. RANDALL. And my object is to proceed with the appropriation bills.

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. RANDALL] necessarily takes precedence.

Mr. PIERCE. I move that the House do now adjourn.

Mr. CONGER. I move to lay the motion to reconsider on the table.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] moves to lay the motion to reconsider on the table, and pending that it is moved by the gentleman from Massachusetts [Mr. PIERCE] that the House do now adjourn.

Mr. CESSNA. I desire to submit to the Chair this point of order: The gentleman from Pennsylvania [Mr. RANDALL] has already moved to reconsider the vote to dispense with further proceedings under the call, and then a motion was made to adjourn, and was voted down. Then a vote was taken on the proposition of the gentleman from Pennsylvania, and the result was that no quorum voted. We are now at the same position again.

The SPEAKER. At what position are we now?

Mr. CESSNA. At the same position as when we voted awhile ago and had no quorum.

The SPEAKER. The proposition now pending is the motion of the gentleman from Massachusetts [Mr. BUTLER] to dismiss all further proceedings under the call.

Mr. CESSNA. I understood the Chair to decide that that motion had been carried.

The SPEAKER. But the gentleman from Pennsylvania moves to reconsider the vote by which the motion was agreed to.

Mr. G. F. HOAR. I desire to raise the point of order that the motion to dispense with further proceedings under the call is not subject to a motion to reconsider.

Mr. RANDALL. Why not?

Mr. G. F. HOAR. The motion to dispense with further proceedings under the call is one of those motions which in its very nature exhausts itself at once. If further proceedings are dispensed with, the House resumes its business. If a motion to reconsider can be made, it can be brought up at any time within the period fixed by the rule.

The SPEAKER. The motion to reconsider is not debatable, and in this case, if to be made at all, must be instantly made. The Chair will suppose this state of facts: The gentleman from Massachusetts moves to dispense with proceedings under the call, stating that enough members have arrived to make a quorum. But suppose he found that he had been under a misapprehension as to that, would he not be entitled to move a reconsideration?

Mr. G. F. HOAR. Suppose the House had adjourned by that time?

The SPEAKER. That of course would cut off all motions.

Mr. CESSNA. Let me suggest that a new motion for a call of the House might be made at any time, whether it was in order to reconsider or not.

The SPEAKER. That would involve both the motion for a call and the call of the House itself, and would take a great deal of time.

Mr. G. F. HOAR. There are a large number of motions which in their nature take effect and go into operation at once.

The SPEAKER. The Chair does not know any one of them that is not subject to reconsideration.

Mr. E. R. HOAR. The motion to adjourn is not.

The SPEAKER. Because there is then no House.

Mr. G. F. HOAR. A motion to amend, after the bill itself has been passed and gone from the consideration of the House.

The SPEAKER. Because that has been executed in the last motion, when the bill has been passed.

Mr. G. F. HOAR. I know it is fully executed. Now, I submit that dispensing with further proceedings under the call has at once put the House in a position for the resumption of other business. The doors are opened. Members have come in and members are entitled to take part in the proceedings by having come in in the mean time, in the very nature of things.

The SPEAKER. There is no motion under parliamentary law, that the Chair knows of, which, after the proper stage is passed, is liable to reconsideration. If this were passed by without a motion to reconsider, the Chair would acknowledge, of course, that it would become an accomplished fact. But the motion to reconsider is made *instanter*. Nothing has intervened.

Mr. G. F. HOAR. There is the motion to take a recess after a recess has been had.

The SPEAKER. When the recess is taken there is no House left to deal with the question of reconsideration.

Mr. G. F. HOAR. My point is this: A call of the House, while it is going on, confines the right to vote to the members who are then present. The doors are shut. No person can come in. It is not in strictness the act of the House itself. It is the act of a portion of the House, who, by the Constitution of the United States, are notified to compel the attendance of absent members. Now, when a motion to dispense with proceedings under the call has been adopted, the doors are instantly thrown open. Then other members come in and the House goes on with its business. It is just like the case of an adjournment or recess. The order has gone into operation and cannot be put back in the position which it was before.

The SPEAKER. The Chair will state to the gentleman a case which he remembers, without bringing up names. It occurred during a call of the House. During a vote on dismissing the proceedings it was found that a member of the House had evaded by leaving the House after the call was made; and if the call had been dismissed and there had been no power to reconsider, it would have put it beyond the power of the House to take cognizance of that offense.

Mr. G. F. HOAR. That was a gross contempt of the House, and the House could have taken cognizance of it at any time.

The SPEAKER. The Chair thinks not. It might hang upon a motion of reconsideration whether the House could take cognizance of such an offense at all.

Mr. G. F. HOAR. Suppose a man struck the Speaker or one of the officers of the House, could he not be punished for contempt of the House?

The SPEAKER. That is a matter in no wise connected with a call of the House; this was an offense under and connected with a call of the House.

Mr. GARFIELD. I think I remember the case to which the Chair refers, and I believe that in that case I myself moved a vote of censure on the offending member.

The SPEAKER. The Chair could not rule this motion out.

Mr. MAYNARD. I make another point of order. We have had at least two dilatory motions made to obstruct the report of the gentleman from Indiana, and this is manifestly a dilatory motion. We found ourselves without a quorum and a call of the House was ordered, which was not a dilatory motion, of course, because it was necessary, there being no quorum present. After a quorum was secured, the House dispensed with all further proceedings under the call; and this motion manifestly, as the Chair must see, is another dilatory motion in contravention of the rules of the House in that regard.

Mr. PIERCE. I call for the regular order.

Mr. KELLOGG. I desire to make a parliamentary inquiry. Suppose the House should take a recess until ten o'clock to-morrow, would it not be in a condition to complete this business?

Mr. WILSON, of Indiana. There would not be time.

Mr. KELLOGG. Would not the session continue as long as the House chooses to sit?

The SPEAKER. Certainly, the legislative day would continue.

Mr. KELLOGG. Would it not continue to-morrow if we take a recess now?

The SPEAKER. Why, of course; but the gentleman from Massachusetts [Mr. PIERCE] has moved that the House adjourn.

The question was put on the motion to adjourn; and on a division there were—ayes 69, noes 85.

Mr. RANDALL. I call for tellers.

Mr. ALBRIGHT. I ask for the yeas and nays.

The yeas and nays were ordered, forty-one members voting therefor.

The question was taken; and there were—yeas 80, nays 120, not voting 87; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Danford, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hoskins, Hunton, Knapp, Lamar, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, John G. Schumaker, J. Ambler Smith, Southard, Speer, Stanard, Standiford, Stone, Storm, Vance, Wells, Whitehead, Whitehouse, Whitthorne, George Willard, Willie, Wood, John D. Young, and Pierce M. B. Young—80.

NAYS—Messrs. Albright, Averill, Barber, Barry, Begole, Biery, Bradley, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Crooke, Crounse, Curtis, Darrall, Donnan, Dunnell, Eames, Farwell, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kellogg, Lawrence, Lawson, Lofland, Lowe, Lynch, Martin, Maynard, James W. McDill, MacDougall, McNulta, Moore, Morey, Myers, Negley, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, James H. Platt, jr., Thomas C. Platt, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—120.

NOT VOTING—Messrs. Archer, Barrere, Bass, Beck, Buffinton, Bundy, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Comingo, Corwin, Cotton, Creamer, Crutchfield, Davis, Dawes, Dobbins, Duell, Eden, Eldredge, Freeman, Garfield, Eugene Hale, Robert S. Hale, Hathorn, Havens, Hendee, Holman, Houghton, Hyde, Kasson, Kelley, Kendall, Killinger, Lamison, Lamport, Lansing, Leach, Lewis, Loughridge, Lowndes, Alexander S. McDill, McKee, Mitchell, Monroe, Nesmith, Niles, Nunn, Orth, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, William R. Roberts, James C. Robinson, Rusk, Sawyer, Milton Sayler, Schell, Scofield, Sener, Shanks, Sheldon, Sloss, John Q. Smith, William A. Smith, Alexander H. Stephens, St. John, Strawbridge, Swann, Charles R. Thomas, Tremain, Waddell, Waldron, Marcus L. Ward, Wheeler, Charles W. Willard, William Williams, Ephraim K. Wilson, Wolfe, and Woodworth—87.

So (at one o'clock and thirty-five minutes a. m., Thursday, February 25) the House refused to adjourn.

Mr. CLEMENTS. I desire to state that on this question I am paired with my colleague, Mr. ROBINSON, who, if present, would vote "ay" and I would vote "no."

Mr. BUNDY, who was present and had voted, arose and withdrew his vote.

The question recurred upon laying on the table the motion to reconsider the vote by which the House had agreed to dispense with further proceedings under the call; and being taken, upon a division there were—ayes 82, noes 42.

Mr. RANDALL. Is there a quorum voting?

The SPEAKER. It does not require a quorum to dispense with further proceedings under the call.

Mr. RANDALL. I call for tellers, then.

Mr. BUTLER, of Massachusetts. And I call for the yeas and nays. We may as well order them at once.

The yeas and nays were ordered, there being in the affirmative 25, one-fifth of the last vote.

Mr. WOOD. I desire to make a parliamentary inquiry of the Chair.

The SPEAKER. The Chair will hear the gentleman.

Mr. WOOD. The inquiry is whether after the doors have been ordered to be closed in proceedings under a call of the House any member who was then outside has a right to come into the House?

The SPEAKER. He has not.

Mr. WOOD. I desire to state that I am informed the member from Ohio, Mr. BUNDY, who has not been here until now, is now here and voting.

Mr. HYNES. Have not all proceedings under the call been dispensed with by order of the House?

The SPEAKER. They have not.

Mr. WOOD. I hope the gentleman will be required to withdraw.

The SPEAKER. No member of the House has a right to be here unless present when the doors were closed.

Mr. CONGER. Has not the gentleman from New York [Mr. WOOD] been outside and come in again since the order to close the doors?

Mr. COX. He has a right to go out.

Mr. WOOD. We have our democratic friends outside who cannot obtain access, while those on the other side do obtain access. I am told that more than one upon the other side has been admitted, and none on this side has been admitted. If that is so, I desire that those members will be excluded.

The SPEAKER. It is not proper for any member to be here in the Hall who was not here when the doors were ordered to be closed under the call of the House.

Mr. CESSNA. Suppose that when the announcement was made by the Chair that further proceedings under the call were dispensed with——

The SPEAKER. The Chair announced no such thing.

Mr. CESSNA. The Chair announced that the motion was carried.

The SPEAKER. Very well; but the motion to reconsider that vote was made.

Mr. CESSNA. But suppose that when the Chair announced that the ayes had it, a gentleman entered the Hall before the gentleman from Pennsylvania [Mr. RANDALL] made the motion to reconsider.

The SPEAKER. The door would not be opened until the Chair directed it to be opened.

Mr. CESSNA. The door was opened.

The SPEAKER. The Doorkeeper would not open the door until the Chair had so directed. No motion is complete until the discretion of the House to reconsider it has been exhausted.

Mr. WILSON, of Indiana. Suppose that the motion to reconsider was not made until to-morrow.

The SPEAKER. If no motion is made to reconsider, the action of the House is complete.

Mr. WILSON, of Indiana. The motion to reconsider can be made to-morrow?

The SPEAKER. Certainly.

Mr. WILSON, of Indiana. Then I suppose that under the ruling of the Chair every gentleman who should come in between to-night and to-morrow——

The SPEAKER. If no reconsideration was moved, and the House proceeded to the consideration of other business, the doors would be instantly opened.

Mr. O'BRIEN. By order of the Chair.

The SPEAKER. There is no confusion about it.

Mr. CONGER. After the Chair announced the vote on the motion to dispense with further proceedings under the call, the gentleman from Indiana [Mr. COBURN] obtained the floor and stated the character of the bill which he reported.

The SPEAKER. O, no.

Mr. CONGER. He did state it.

The SPEAKER. That might be; and there might be a great many things stated on the floor without the gentlemen so stating them having the floor for that purpose.

Mr. CONGER. Another gentleman obtained the floor for a motion of higher privilege.

The SPEAKER. Two could not have had it at the same time.

Mr. WILSON, of Indiana. My colleague [Mr. COBURN] had the floor, but the gentleman from Pennsylvania [Mr. RANDALL] rose to a motion of higher privilege.

The SPEAKER. No gentleman has the floor for a motion unless the Chair recognizes him as having the floor. If no motion of a higher privilege had been submitted, then the Chair would have recognized the gentleman from Indiana.

Mr. CONGER. If the Chair pleases, the Chair himself stated the subject mentioned by the gentleman from Indiana, [Mr. COBURN.]

The SPEAKER. Yes; in a colloquial way, as the Chair very often states propositions of gentlemen on the floor without their being recognized as entitled to make motions or submit propositions for the action of the House.

Mr. MAYNARD. What is the regular order of business?

The SPEAKER. The regular order is the motion to lay on the table the motion to reconsider the vote by which the House agreed to dispense with further proceedings under this call.

Mr. STARKWEATHER. As the gentleman from New York [Mr. WOOD] has said that some republican members have been let into the Hall and no democratic members have been let in, I desire to state that at the time the vote was passed to dispense with further proceedings under the call several gentlemen on both sides were let in without any wrong intention.

The SPEAKER. The Chair supposes there was no wrong intention about it.

Mr. WOOD. I insist upon my question of order that any member who has been admitted into the Hall since the doors were closed by order of the House shall be directed to withdraw.

The SPEAKER. The Chair sustains the point of order.

Mr. CONGER. Before that is decided I wish to ask whether this House has power to drive a member out of the Hall by force? I ask the Chair to rule on that.

The SPEAKER. The Chair does not see that that question is raised. The point of the gentleman's inquiry was whether any gentleman not in the Hall when the call was ordered had the right to come in and remain here. The Chair sustained the point that a member in that situation had not such right. Now, the Chair does not suppose that any question of force follows from that decision.

Mr. CONGER. I understood the gentleman from New York [Mr. WOOD] to ask whether it was not necessary for a gentleman who had come into the Hall under such circumstances to leave it.

The SPEAKER. The Chair does not suppose that any gentleman in that position would wait to be forced out.

Mr. WILSON, of Indiana. Suppose the member does not go out, what then?

The SPEAKER. It is not for the Chair but for the House to say what should be done.

Mr. WILSON, of Indiana. Then the question put by the gentleman from Michigan [Mr. CONGER] becomes very pertinent—can the House force such a member out, any more than compel these gentlemen to vote who sit in their seats and refuse to answer when the roll is called?

Mr. MAYNARD. Why, Mr. Speaker, the very object of a call of the House is to get men in, not to keep them out.

The SPEAKER. To get them in under the rules and according to law. The Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 3, not voting 147; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crounse, Curtis, Danford, Darrall, Donnan, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunter, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hurlbut, Hynes, Kellogg, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McNulta, Moore, Morey, Myers, Negley, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—137.

NAYS—Messrs. Cox, Morrison, and O'Brien—3.

NOT VOTING—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Comingo, Cook, Cotton, Creamer, Crittenden, Crossland, Crutchfield, Davis, Dawes, DeWitt, Dobbins, Duell, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hendee, Hereford, Herndon, Holman, Houghton, Hunter, Hunton, Hyde, Kasson, Kelley, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Leach, Lewis, Lowndes, Luttrell, Magee, Marshall, Alexander S. McDill, McKee, McLean, Merriam, Milliken, Mills, Mitchell, Monroe, Neal, Nesmith, Niblack, Niles, Nunn, Orth, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Pratt, Randall, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Shanks, Sloan, Sloss, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Standiford, Alexander H. Stephens, St. John, Stone, Storm, Strawbridge, Swann, Sypher, Charles R. Thomas, Tremain, Vance, Waddell, Marcus L. Ward, Wells, Whitehead, Whitehouse, Whitthorne, William Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—147.

So the motion to reconsider was laid on the table.

During the roll-call the following announcements were made:

Mr. CLEMENTS. On this question I am paired with my colleague from Illinois, Mr. ROBINSON, who if present would vote "no," while I should vote "ay."

Mr. BURROWS. My colleague, Mr. WALDRON, has been called home by severe illness in his family.

The result was announced as above stated.

The SPEAKER. The doors will now be reopened.

Mr. RANDALL. Has a quorum voted?

The SPEAKER. No quorum has voted.

Several MEMBERS. That is not necessary.

Mr. RANDALL. Does the Chair hold that less than a quorum can decide this question?

The SPEAKER. There is no need of a quorum. Less than a quorum can agree to dispense with the proceedings under the call: and there cannot be any sort of doubt that the same vote is sufficient on reconsideration as on the direct question.

Mr. RANDALL. I would like to hear the rule upon which the Chair states the first proposition, that less than a quorum can dispense with proceedings under a call.

Mr. COBURN. I rise to a privileged question. I call up for consideration the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the suppression of their authority, and to maintain the security of elections. I ask that the bill be read.

Mr. RANDALL. I raise the question of consideration.

Mr. CONGER. Before that question is made should not the bill be presented at the desk and announced by the Chair?

Mr. BUTLER, of Massachusetts. Unless the bill is read we cannot tell what it is.

The SPEAKER. The bill will be read.

The Clerk read the title of the bill.

Mr. RANDALL. I raise the question of consideration.

Mr. BUTLER, of Massachusetts. Should not the bill be read first?

Mr. RANDALL. I raised it before a word of the bill was read.

The SPEAKER. The question of consideration on a bill is raised at the initial point for the very purpose of saving the time of the House, if the House so wishes. There have been bills of three hundred pages in length.

Mr. RANDALL. I raise the point that the last vote developed the want of a quorum.

The SPEAKER. That is no point, because there may be a quorum upon the next vote. The question of consideration, however, is in order. The question therefore is, Shall the bill be now considered?

Mr. HEREFORD. I desire to raise this point under the resolution by which the report is sought to be made——

Mr. CONGER. I call for the regular order.

Mr. HEREFORD. I have a right to state my point of order.

The SPEAKER. The Chair will hear it.

Mr. HEREFORD. The point I raise is this, that by the resolution under which the committee seek to make this report (and I shall ask the Journal to be read) they were only authorized to ascertain certain facts in regard to the State of Alabama and to report those facts to this House. By that resolution they were not authorized to report by bill or otherwise in reference to the State of Alabama, much less to report in reference to all the States. This being a select committee, they have no right to go beyond that which was delegated to them by this House. By one of the rules of the House a standing committee has a right to report by bill or otherwise; but it is laid down in all authorities, by Cushing in his Manual, which if the House desires I will have read and they will see my point is plain, that a committee cannot go beyond the power delegated to it. A select committee certainly cannot go beyond the power delegated to it. Can this Alabama committee have the right under the power delegated to them to report a tariff bill to this body? Certainly not. They have no right to go beyond the power delegated to them. No committee can transcend the power given to it. It certainly cannot be upheld that this committee can report a measure including not Alabama alone but all the States.

The SPEAKER. Where a subject is submitted to a committee for investigation it always carries with it the remedial power. Take the case to which the gentleman himself has referred. The Ways and Means Committee are instructed to investigate certain matters connected with the Pacific Mail subsidy——

Mr. HEREFORD. But that is a regular committee.

The SPEAKER. Suppose they are not authorized in the resolution to report anything except the facts, still they may report sundry measures based on those facts. The gentleman makes the point that they could not report a tariff bill.

Mr. HEREFORD. But that is a standing committee.

The SPEAKER. It makes no difference in their power.

Mr. RANDALL. I appeal from the decision of the Chair on that point.

The SPEAKER. There is nothing absolutely whatever in the point of the gentleman from West Virginia.

Mr. RANDALL. I appeal from the decision of the Chair.

Mr. HEREFORD. Allow me to read from Cushing's Manual.

The SPEAKER. Certainly.

Mr. HEREFORD. I propose now to read from Cushing's Manual as to the power of committees.

Mr. PARKER, of Missouri. Is it in order to discuss a point after it has been decided by the Chair?

The SPEAKER. The Chair will hear the gentleman from West Virginia if he has an authority on the subject. The Chair is always indulgent on points of order, as they are criticisms upon his own conduct.

Mr. HEREFORD. I read the following from Cushing's Manual as to the power of committees:

These rules are founded in the clear and indisputable principle of parliamentary law, that a committee is bound by and is not at liberty to depart from the order of reference; a principle which is essential to the regular dispatch of business; for if it were admitted, that what the House entertained in one instance, and referred to a committee, was so far controllable by that committee that it was at liberty to disobey the order of reference, all business would be at an end; and as often as circumstances should afford a pretense, the proceedings of the House would be involved in endless confusion and contests with itself.

The SPEAKER. The rule means exactly what the gentleman from West Virginia states, that the Select Committee on Alabama Affairs could not be allowed to report a tariff bill. Nor could the Committee on Louisiana report the Pacific Mail subsidy, nor the Committee on the Public Lands be allowed to bring in an appropriation for the continuance of public buildings. It means simply that each committee should be kept within the purview of its own powers. When the House organized the committee to examine into the affairs of Alabama they did not send it as a mere matter of curiosity to find certain facts.

Mr. HEREFORD. I understand this is a bill covering the whole United States.

The SPEAKER. But it covers Alabama inclusively.

Mr. RANDALL. I appeal from the decision of the Chair, and call for the reading of the resolution under which the committee was appointed.

Mr. TYNER. Does not the RECORD show that the bill has been twice read?

The SPEAKER. When the gentleman from Indiana reported the bill the other evening, he did so with the right of the gentleman from Pennsylvania [Mr. RANDALL] to raise this point reserved; so that the point was made in time if it had validity. The reserved right was held by the gentleman from Pennsylvania to make this point. The Chair holds that the committee have full authority to make the report.

Mr. RANDALL. And from that decision I appeal, and I ask that the resolution shall be read.

Mr. CONGER. I move to lay the appeal on the table.

Mr. BROMBERG. I call for the reading of the resolution under which the committee has acted.

The SPEAKER. Although what the gentleman from West Virginia insists on is entirely omitted, the Chair knows what the resolution contains.

Mr. BROMBERG. But the House has to vote on the appeal, and in order to form its judgment it ought to hear the resolution read.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Whereas, at the recent election for Representatives to Congress in the State of Alabama and during the canvass which preceded said election, Federal soldiers were stationed in several counties in said State by order of the President of the United States; and whereas information had been received by the President that intimidation and threats, violence, murder, and assassination had been resorted to in said State for the purpose of preventing electors from voting; and whereas these allegations have been denied by a portion of the press of Alabama and correspondents of northern newspapers, and it has been stated by them that there was no intimidation or threat or violence of any kind for the purpose of deterring or influencing voters at such election, and it has been charged by them that said troops were sent to Alabama to intimidate and overawe electors, and prevent the free exercise of suffrage by such at said election: Therefore,

Be it resolved, That a committee of five members of this House be appointed by the Speaker to go to Alabama to take testimony and investigate said charges and counter charges, and to report the same to the House of Representatives; and that said committee be empowered to inquire into all the facts relative thereto, and particularly to investigate and inquire whether any murders or assassinations or any other acts of violence were committed in said State at said election or while the contest for the same was pending; if so, by whom and upon whom committed, where and at what time; what were the known or supposed political sentiments of the parties respectively, and the motives which influenced them; to ascertain whether any means or efforts were used to constrain suffrage, or whether peaceable and legal assemblies were interrupted or disturbed by armed forces or by violence in said State, and to inquire and ascertain whether the Federal soldiers interfered with or in any manner whatever attempted to interfere with the free exercise of suffrage during said election, and to report the same to the House of Representatives.

Resolved, That said committee shall have power to send for persons and papers, and tender oaths to any one examined before or by them, to employ a clerk and stenographer, and to report at any time.

Mr. HEREFORD. The committee was only to report those facts.

Mr. RANDALL. I desire to say a word. On the absence of any resolution directing this report and on the face of the resolution itself, which gives no authority to report at any time, I base my appeal.

Mr. CONGER. And I move that the appeal be laid on the table.

Mr. RANDALL. I move that the House do now adjourn.

Mr. CONGER. I call for the regular order.

Mr. MAYNARD. I desire to make a parliamentary inquiry. How many dilatory motions are to be entertained?

The SPEAKER. The rules prohibit more than two being entertained on any question.

Mr. MAYNARD. How many have we had to-night.

The SPEAKER. Not more than two on any one question.

Mr. HEREFORD. The dilatory proceedings have been on the other side. We were in the midst of an appropriation bill when these proceedings commenced.

The SPEAKER. Pending the motion to lay the appeal from the decision of the Chair on the table, the gentleman from Pennsylvania [Mr. RANDALL] moves that the House do now adjourn.

The question being put, there were ayes 43.

Before the negative vote was taken,

Mr. RANDALL called for tellers.

Mr. NEGLEY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 134, not voting 74; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Luttrell, Magee, Marshall, Martin, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, Schell, John G. Schumaker, Sener, Sloss, J. Ambler Smith, William A. Smith, Southard, Standiford, Stone, Storm, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, John D. Young, and Pierce M. B. Young—79.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Barry, Begole, Biery, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Cotton, Crooke, Crounse, Curtis, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hynes, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lynch, Maynard, McCrary, James W. McDill, MacDougall, McKee, McNulta, Moore, Morey, Negley, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—134.

NOT VOTING—Messrs. Albert, Archer, Bass, Beck, Buffinton, Cannon, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Corwin, Creamer, Crutchfield, Dawes, Eden, Foster, Gunter, Eugene Hale, Robert S. Hale, Hathorn, Hendee, Holman, Houghton, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lowndes, Alexander S. McDill, Mitchell, Monroe, Myers, Niles, Nunn, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, William R. Roberts, James C. Robinson, Milton Sayler, Scofield, Henry J Scudder, Sessions, Sheldon, John Q. Smith, Snyder, Speer, Stanard, Alexander H Stephens, St. John, Swann, Charles R. Thomas, Tremain, Waddell, Waldron Marcus L. Ward, Charles W. Willard, William Williams, Ephraim K. Wilson Wolfe, Wood, and Woodworth—74.

So the House refused to adjourn.

During the call of the roll,

Mr. CLEMENTS said: I am paired with my colleague, Mr. ROBINSON. If he were here he would vote "ay," and I would vote "no."

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Michigan [Mr. CONGER] to lay on the table the appeal taken by the gentleman from Pennsylvania [Mr. RANDALL] from the decision of the Chair.

The question being taken, there were ayes 96.

Before the negative vote was announced

The SPEAKER said: The Chair will direct the vote to be taken by tellers; and appoints the gentleman from Massachusetts, Mr. BUTLER, and the gentleman from Pennsylvania, Mr. RANDALL.

The House again divided; and the tellers reported—ayes 130, noes 2.

Mr. CONGER. There is a quorum in the Hall.

Mr. BUTLER, of Massachusetts. I ask that the question be taken by yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. I move that the House do now adjourn.

The SPEAKER. That motion is not in order.

Mr. RANDALL. The appeal was the last question voted on.

The SPEAKER. It is the same question now precisely.

Mr. RANDALL. Then I will reserve that shot for another time.

The question was taken on the motion of Mr. CONGER to lay on the table the appeal from the decision of the Speaker taken by Mr. RANDALL; and there were—yeas 142, nays 0, not voting 145; as follows:

YEAS—Messrs. Albright, Barber, Barrere, Barry, Biery, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hynes, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McKee, McNulta, Moore, Morey, Myers, Negley, Niles, O'Brien, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—142.

NAYS—None.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crutchfield, Curtis, Davis, Dawes, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Hendee, Hereford, Herndon, Holman, Houghton, Hunton, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Leach, Lewis, Lowndes, Luttrell, Magee, Marshall, Alexander S. McDill, McLean, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Neal, Nesmith, Niblack, Nunn, O'Neill, Orth, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Pratt, Randall, Read, Richmond, Robbins, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sloss, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Charles R. Thomas, Christopher Y. Thomas, Tremain, Vance, Waddell, Waldron, Marcus L. Ward, Wells, Whitehead, Whitehouse, Whitthorne, William Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—145.

During the roll-call the following proceedings took place:

When the name of Mr. BLAND was called and he failed to vote,

Mr. CLEMENTS said: The gentleman from Missouri, Mr. BLAND, is in his seat and I insist that he vote.

The SPEAKER. The gentleman cannot interrupt the roll-call for any purpose.

Mr. SMART. Mr. EAMES, of Rhode Island, is paired upon this question with Mr. SLOSS, of Alabama. If Mr. EAMES were present he would vote "ay," and Mr. SLOSS would vote "no."

Mr. CESSNA. On this question my colleague, Mr. O'NEILL, is paired with Mr. HAMILTON, of New Jersey. If Mr. O'NEILL were present he would vote "ay," and if Mr. HAMILTON were present, I presume he would not vote at all.

The call of the roll having been completed,

Mr. CLEMENTS said: When the name of the gentleman from Missouri, Mr. BLAND, was called he was in his seat and did not vote.

The SPEAKER. The Chair has not yet announced the vote.

Mr. CLEMENTS. But before the vote is announced I wish to make this point. I stated at the time the fact that the gentleman from Missouri [Mr. BLAND] was in his seat and had not been excused from voting. The gentleman is yet in his seat, and I now insist that he vote.

Mr. BLAND. I will vote on an appropriation bill or any other bill that is worth voting on.

Mr. WILSON, of Indiana. I move that the names of those gentlemen who have not voted be now called.

Mr. BUTLER, of Massachusetts. I hope they will have an opportunity of voting.

The SPEAKER. The gentleman from Indiana will observe that his motion would be equally in order on any roll-call in the House on any day.

Mr. WILSON, of Indiana. Certainly; and if it is, it is in order now.

The SPEAKER. The Chair thinks that the roll-call should proceed without interruption, and that the result should be announced before any action can be taken on non-voting. It will be just as much in order after the result is announced as before.

Mr. WILSON, of Indiana. I desire the Chair to hear me.

The SPEAKER. The Chair will hear the gentleman; but it is a very exceptional proceeding.

Mr. WILSON, of Indiana. The Constitution provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

Now the purpose of that is, as a matter of course, to procure a quorum; that is the object of it. Then the rules provide that every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him, and he must be excused before the commencement of the roll-call. Now, it seems to me that this constitutional provision was made not only for the purpose of compelling the attendance of members here, but also for the purpose of putting it in the power of the House to compel members to do their duty.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The gentleman will observe that the obligation to vote which is upon every member is upon him as absolutely at one time as at another. It does not depend on the number that may vote upon a roll-call; the obligation to vote is without condition or restriction. If the proceeding that the gentleman now states he desires to have taken will be in order, it could be made upon every roll-call, and it would be a form of dilatory proceedings in the House daily which would obstruct all legislation.

Mr. CESSNA. Before this vote is announced, I desire to submit an inquiry to the Chair.

Mr. WILSON, of Indiana. The failure of gentlemen to vote when their names are called is an obstruction of business.

A MEMBER. Your points of order are an obstruction of business.

Mr. WILSON, of Indiana. It operates no more strongly one way than another. If the ruling of the Chair is a correct ruling, then it is always in the power of gentlemen to obstruct business by simply omitting to record their votes.

The SPEAKER. The gentleman will observe that the roll-call proceeded without interruption, and the result is to be announced.

Mr. WILSON, of Indiana. I wish to suggest this point to the Chair: of what avail is it to compel the attendance of members here, if there is no power in the House to compel them to vote after they have been brought here?

The SPEAKER. The Chair does not pretend to place a limit upon what the House may adjudge as a punishment for that offense. The Chair is only at this point maintaining that it is not competent for him to allow the roll-call to be interrupted for such a purpose, although he is now indulging it, owing to the irregularity of the proceedings. The roll-call must go through to its legitimate conclusion. If the Chair should rule as the gentleman suggests, then any roll-call could be interrupted and no business could be transacted.

Mr. COX. I call for the regular order; which is the announcement of the result of the vote.

Mr. CESSNA. Before the vote is announced, I rise to a question of privilege. I heard the gentleman from Maryland [Mr. O'BRIEN] vote in answer to the call of his name. I want to know whether his vote has not been withdrawn.

Mr. BUTLER, of Massachusetts. And I heard another gentleman go to him and say, "What did you vote for? We do not want to vote."

Mr. RANDALL. Eavesdroppers never hear any good of themselves.

Mr. CLEMENTS. I will again state what I stated a moment ago, that during the call of the roll the member from Missouri [Mr. BLAND] was in his seat and declined to vote. The roll-call is now completed; he yet remains in his seat. I ask as a member of the House that he be called upon to vote on this question.

The SPEAKER. The gentleman will observe that if the Chair allows the roll-call to be interfered with for this purpose he must necessarily entertain such a motion every day and in regard to every gentleman who may not vote. Suppose that to-morrow in the transaction of business the roll is called.

Mr. CLEMENTS. Then I ask the Chair what recourse has the House in such a case? And for that purpose I call the attention of the Chair to the thirty-first and sixty-first rules of the House.

The SPEAKER. The Chair does not need to be reminded of the rules of the House. The duty of each gentleman here to vote is absolute. As to the mode of enforcing that duty there is no rule that points it out. The House may censure the gentleman for not voting, or if it choose the House may expel him.

Mr. CLEMENTS. That is what I am driving at.

Mr. COX. How can you do that without a quorum?

The SPEAKER. That is for the House to find out.

Mr. CONGER. I rise to a point of order?

The SPEAKER. The gentleman will state it.

Mr. CONGER. I make this point of order, that the gentleman from Maryland, [Mr. O'BRIEN,] as I understand, answered to his name on the roll-call.

The SPEAKER. And his vote is recorded.

Mr. CONGER. I understood that it was not.

The SPEAKER. It is. The Chair apologizes to the House for entertaining this interruption, for it is wholly irregular, and it would be a very bad precedent. No gentleman who is in his seat is entitled to know the fact on which this proceeds. The rules of the House absolutely forbid that a gentleman shall be near the Clerk's desk while the tally is going on. No gentleman is presumed to know what the vote is. No gentleman is presumed to know until the vote is announced whether a quorum has voted or not.

Mr. CLEMENTS. I do know, for I listened.

The SPEAKER. Precisely; but the gentleman does not so know in any manner that authorizes him to take official cognizance of it.

Mr. CLEMENTS. I have the evidence of my ears, Mr. Speaker.

Mr. RANDALL. Well, they are very large.

Mr. CLEMENTS. Large or small, they are sufficient to enable me to know the fact upon this point.

The SPEAKER. The Chair gives notice that during the few remaining days that he is to occupy the position of Speaker he will under no circumstances entertain an interruption of the roll-call On this question—in which the Chair begs leave to remind the House he is as much interested as any other member can possibly be—on the motion to lay on the table the appeal from the decision of the Chair the yeas are 142, noes none given.

Mr. DONNAN. I rise to a parliamentary inquiry.

Mr. BUTLER, of Massachusetts. I rise to a privileged question.

Mr. DONNAN. My parliamentary inquiry is this: Is the declared vote the only means by which a quorum can be determined when it is within the cognizance of every man here, the Speaker included, that there is within the Hall a sufficient number of members who have not voted to make a quorum.

The SPEAKER. The Speaker would be glad to hear from the gentleman from Iowa [Mr. DONNAN] any practicable mode in which his point can be enforced.

Mr. DONNAN. Is it not within the power of the Speaker, he having cognizance of the fact, to declare that a quorum is present?

The SPEAKER. But the Speaker's declaration will not make members answer "ay" or "no."

Mr. RANDALL. I move a call of the House.

The SPEAKER. If any gentleman raises the question that business is proceeding without the presence of a quorum, it is within the competence of the Chair to decide that a quorum is present; and he will not allow the business of the House to be interrupted by any dilatory proceeding. He assumes the responsibility for that purpose of declaring that a quorum is present, because no business can proceed without a quorum. Even a gentleman speaking is entitled to have a quorum present. If the point be raised, a gentleman addressing the Chair may be taken off the floor by any member raising the point that no quorum is present. The question being so raised, the Chair, according to his judgment and on his responsibility, can rule that a quorum is present. But when the roll-call is resorted to, that is the last made of certification, from which there is no appeal. Now that the rules absolutely require gentlemen to vote is undeniable; but how the gentleman from Missouri, on whom the point has been made, can be compelled to stand up and pronounce his vote "ay" or "no" the Chair does not know.

Mr. BUTLER, of Massachusetts. I rise to a privileged question. I send to the desk a resolution which is privileged.

Mr. RANDALL. I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania, [Mr. RANDALL,] taking cognizance of the fact that no quorum has voted, moves a call of the House.

Mr. RANDALL. I withdraw the call to hear the resolution of the gentleman from Massachusetts read.

The Clerk read as follows:

Hon. SAMUEL J. RANDALL, having been within the bar of the House and in his seat and having refused to answer to his name when called by the Clerk of the House on a division by yeas and nays ordered by the House—

Ordered, That said SAMUEL J RANDALL be forthwith taken into custody by the Sergeant-at-Arms and brought to the bar of the House to show cause and excuse, if any he has, why he should not be dealt with for disobedience of the rules of the House and contempt of its authority.

Mr. RANDALL. I move to lay that resolution on the table.

Mr. HAWLEY, of Connecticut. This is a second contempt of the House.

Mr. BUTLER, of Massachusetts. I have not yielded the floor.

Mr. O'BRIEN. I make the point that no quorum being present, the House cannot entertain any business.

The SPEAKER. The gentleman from Maryland [Mr. O'BRIEN] makes the point that no quorum being present it is not competent to entertain business.

Mr. O'BRIEN. And I insist on that point.

Mr. BUTLER, of Massachusetts. To that I answer that as there

appears to be a person present who on the roll-call is not shown to be present, he may under the rule be taken into custody if only fifteen members be here.

The SPEAKER. But the gentleman from Massachusetts does not present this resolution under that form of proceeding. That would come under the head of proceedings to enforce the attendance of absentees.

Mr. BUTLER, of Massachusetts. This gentleman is absent so far as regards making a quorum. He cannot be here for one purpose and absent for another.

Mr. O'BRIEN. I insist that my point is well taken, and I ask the decision of the Chair upon it.

Mr. BUTLER, of Massachusetts. Here is a man who does not pretend to be present making a proposition.

Mr. O'BRIEN. I demand that the Chair determine the point I make that there is no quorum in the Hall at this moment. I move a call of the House to ascertain whether there is a quorum present.

Mr. BUTLER, of Massachusetts. Now, as some business has intervened, and as some members may have come in, I call upon the Speaker to declare the presence of a quorum, if he believes there is a quorum in the Hall.

The SPEAKER. The Chair cannot declare a quorum against a yea and nay vote.

Mr. BUTLER, of Massachusetts. Some business has intervened and some men have come in.

Mr. O'BRIEN. I demand the regular order of business.

Mr. BUTLER, of Massachusetts. You have seen this gentleman here, for he moved to lay the resolution upon the table.

Mr. O'BRIEN. I voted and am recorded, and I have the right to demand the regular order.

Mr. BUTLER, of Massachusetts. I did not say a word about you.

Mr. O'BRIEN. There is no quorum present, and the gentleman's resolution cannot be received.

Mr. BUTLER, of Massachusetts. Do not interfere with another man's rights.

The SPEAKER. The gentleman will observe it will never be permissible for the Chair to obtrude his judgment against a roll-call.

Mr. BUTLER, of Massachusetts. I do not ask that. This is subsequent to the roll-call, other business having intervened.

The SPEAKER. What business?

Mr. BUTLER, of Massachusetts. A motion to adjourn and other business.

The SPEAKER. There has been no intervening business. The gentleman from Massachusetts offered a resolution, and the gentleman from Pennsylvania interjected a motion without recognition to lay upon the table. There has been no business intervening. The gentleman's resolution is the business upon which the point of order is raised.

Mr. BUTLER, of Massachusetts. As I understand the rule, this is considered to be other business.

The SPEAKER. The point of order is raised on this very business.

Mr. BUTLER, of Massachusetts. As I understand the point of order, it cannot be sustained, for making a motion is other business and gives a chance for a new motion to adjourn.

The SPEAKER. The gentleman will observe that gives a right to make a motion to adjourn, but it does not give a right to entertain this resolution, because the rule is explicit; when upon a roll-call the House shall find itself without a quorum, but two things are in order: one is to have a call of the House and the other is to move to adjourn. The business which the gentleman presents cannot be entertained if the point of order be made against it.

Mr. O'BRIEN. I demand the regular order of business.

Mr. BUTLER, of Massachusetts. He made a motion directly in the Speaker's presence. The gentleman from Pennsylvania made a motion for a call of the House.

The SPEAKER. The Chair did not hear it.

Mr. BUTLER, of Massachusetts. What, not hear the gentleman move there be a call of the House?

The SPEAKER. He withdrew it, but the motion that there be a call of the House would be in order.

Mr. BUTLER, of Massachusetts. He ought not to be recognized as not present and then be allowed to make a motion.

Mr. COX. What is the business before the House now?

Mr. BUTLER, of Massachusetts. With his presence and that of the chairman it makes a quorum. The chairman knows the Chair is present.

The SPEAKER. The Chair knows that.

Mr. BUTLER, of Massachusetts. The Chair knows Mr. RANDALL is present, and that makes two, and that makes a quorum.

The SPEAKER. But how does the Chair know that some one of the one hundred and forty-two members who voted has not gone out?

Mr. BUTLER, of Massachusetts. He must judge for himself.

The SPEAKER. The gentleman sees the utter absurdity, if he will excuse the expression, of the Chair putting an opinion in against a record on the roll-call.

Mr. BUTLER, of Massachusetts. The Chair has his own eyes and is here and he knows, as well as he knows he is standing, there are more than one hundred and forty-two men here.

The SPEAKER. The Chair is rigidly bound by the rules of the House.

Mr. MOREY. If he is bound by the record, then the presumption is that no one has gone out.

Mr. BUTLER, of Massachusetts. The presumption is that no one has gone out, and he knows there are two present who are not recorded on this roll-call.

The SPEAKER. He only knows there are one hundred and forty-two present.

Mr. BUTLER, of Massachusetts. There were half an hour ago.

Mr. ATKINS. I call the gentleman from Massachusetts to order. The Chair has decided the question.

Mr. O'BRIEN. I demand the regular order of business.

Mr. CONGER. I ask that gentlemen occupying the area in front of the Chair shall take their seats, so we may know what is going on.

Mr. O'BRIEN. The point of order having been raised and overruled, I demand that gentlemen shall take their seats, so we may proceed with the regular order. I move thereby a call of the House.

Mr. COBURN. I rise to a point of order. It is simply as to the manner of making a record of members present. One way of making the record is to have the roll called and the names of members marked as present upon the roll-call, whether upon the yeas and nays or on a call of the House. That makes the record; but there is another way in which the House can make its record as positively, as absolutely, as undeniably as that, and that is by a member rising in his place and saying there is present another member who has not answered to his name, mentioning his name to the House, and asking that it be recorded. The record can be made and that man is present and voting.

The SPEAKER. The Chair never heard of that being done. He begs to remind the House, whereas that might and doubtless would be true, that there is a quorum in the Hall, the very principle enunciated by the gentleman from Indiana has been the foundation probably for the greatest legislation frauds ever committed.

Where a quorum, in the judgment of the Chair, has been declared to be present in the House against the result of a roll-call, these proceedings in the different Legislatures have brought scandal on their name.

Mr. COBURN. It would be a record made by the House.

The SPEAKER. There can be no record like the call of the yeas and nays; and from that there is no appeal. The moment you clothe your Speaker with power to go behind your roll-call and assume that there is a quorum in the Hall, why, gentlemen, you stand on the very brink of a volcano.

Mr. HAWLEY, of Illinois. When, on a call of the roll, a gentleman's name is called, and he fails to answer, after the roll-call is completed, any other member may call attention to the fact that that member is in his seat and has not voted.

The SPEAKER. That would be wholly irregular. The certification of the roll-call admits of no appeal from it.

Mr. HAWLEY, of Illinois. Then what is the meaning of the rule that the member shall answer to his name?

The SPEAKER. That it is his duty to do it.

Mr. HAWLEY, of Illinois. Then may I not say, "Here is the gentleman from Pennsylvania, [Mr. RANDALL,] if you please; he is in his seat and refuses to answer; I ask that his name be called?"

The SPEAKER. Under what rule?

Mr. HAWLEY, of Illinois. I may designate him under the rule. Suppose he declines to answer? Then I ask to have his name called, and the Speaker directs the Clerk to call his name. If he refuses, I may offer a resolution, or any other member, that he be punished for contempt.

Mr. O'BRIEN. Not if there is not a quorum.

Mr. HAWLEY, of Illinois. I do not think it matters whether there is a quorum or not.

The SPEAKER. The roll has been called and it has disclosed the presence of 142 members.

Mr. HAWLEY, of Illinois. But suppose the roll-call had disclosed the presence of 200 members, I have the right and every other member has the right to demand that every member present shall vote.

The SPEAKER. No; the Chair denies that utterly. If that were the case the House could do no business. The House would be a mere mob if that could be entertained.

Mr. GARFIELD. Allow me to make a suggestion. If that were allowed every time the House voted on a bill that question might be raised again and again.

Mr. HAWLEY, of Illinois. Shall we say then that a minority of the House may remain present without voting and that there is no way to compel them to vote?

The SPEAKER. A majority of the House of Representatives can transact any business.

Mr. BUTLER, of Massachusetts. I ask leave to make this suggestion: Let me call the attention of the Speaker to an authority. After the motion was made to dispense with the call of the House, and the vote was taken, that vote showed there was not a quorum present. Immediately afterward the Speaker recognized the gentleman from Indiana, and the gentleman from Pennsylvania, and when no intervening business had been adjudicated——

The SPEAKER. Let the Chair stop the gentleman right there. No gentleman made the point; and if the gentleman from Maryland [Mr. O'BRIEN] had not made the point in this instance, the Chair would not have interrupted the gentleman from Massachusetts.

Besides, the point on that motion would have been entirely different from this, for that did not require a quorum to decide it.

Mr. BUTLER, of Massachusetts. Now, less than a quorum punishes, when there is a call of the House, by causing the arrest of the absent members and bringing them here in custody.

The SPEAKER. By a special rule there must be a call of the House to warrant that.

Mr. TYNER. Will the Chair pardon me for a single suggestion? When the vote was taken by which the House suspended all further proceedings under the call, that vote showed the absence of a quorum. Immediately afterward the gentleman from Indiana rose and made the report from his committee. The gentleman from Pennsylvania [Mr. RANDALL] at once called the attention of the Chair to the fact that there was no quorum present.

The SPEAKER. The Chair never heard the point made. It was matter of conversation between the Chair and the journal clerk that the point had not been made. He thought it rather strange that it had not been. The journal clerk just certifies the Chair that it was a matter of conversation between us, that the point had not been made.

Mr. G. F. HOAR. Suppose the point had been made. Suppose that fifteen men under a call of the House had shut the door. Suppose a motion carried to dispense with further proceedings under the call and a motion to reconsider made, which the Chair has held to be in order, and a motion to lay that on the table—the doors being shut all the time and the House waiting outside. Now, when the House comes in, on opening the doors, can the point be made that a quorum was not present at the last roll-call?

The SPEAKER. That strengthens the point, for this reason: That where a motion was pending that requires no quorum to settle it the point could not be raised, as it can be in regard to a motion that does require a quorum.

Mr. NEGLEY. I would inquire if we lacked a quorum on the last roll-call?

The SPEAKER. On the roll-call there were 142 members answering to their names. The Chair begs to state that no gentleman has, under the rules, made to him any suggestion whatever as to the mode of forcing the minority to respond to their names.

Mr. BUTLER, of Massachusetts. I tried to punish one of them, and you would not let me do it.

Mr. CONGER, (at three o'clock and thirty minutes a. m., Thursday, February 25.) I move that there be a call of the House.

Mr. NEGLEY. I hope that there will be a call of the House; and let us bring all the laggards of our party here.

Mr. O'BRIEN. I call for the regular order.

The SPEAKER. The regular order is the motion that there now be a call of the House.

The motion was agreed to.

The SPEAKER. The Clerk will proceed to call the roll.

The Clerk called the roll, and the following members failed to answer to their names:

Messrs. Albert, Bass, Beck, Buffinton, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Crutchfield, Eames, Eden, Eldredge, Eugene Hale, Robert S. Hale Hamilton, Hathorn, Hendee, Holman, Houghton, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lowndes, Luttrell, Alexander S. McDill, Mitchell, Monroe, Myers, Nunn, O'Neill, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pratt, Ransier, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Scofield, Henry J. Scudder, Sloss, J. Ambler Smith, William A. Smith, Stanard, Alexander H. Stephens, Charles A. Stevens, St. John, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Waldron, Marcus L. Ward, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, Wood, and Woodworth.

The SPEAKER. The Doorkeeper will close the doors. The roll-call shows the presence of two hundred and fourteen members.

Mr. RANDALL. I move that further proceedings under the call be dispensed with.

Mr. CESSNA. I move that the Speaker be directed to issue his warrant to the Sergeant-at-Arms to bring in the absentees.

The SPEAKER. The Chair thinks that strictly speaking the proceedings under the call take precedence before the motion to dispense with the proceedings can be strictly in order. The Chair was addressed about the same time by two gentlemen. The motion of the gentleman from Pennsylvania [Mr. RANDALL] is to dispense with further proceedings under the call.

Mr. CESSNA. And my motion is that the Speaker issue his warrant to the Sergeant-at-Arms directing him to bring the absentees to the bar of the House.

The SPEAKER. The question is upon the motion of the gentleman from Pennsylvania on the left of the Chair, [Mr. CESSNA.]

Mr. NIBLACK. On that motion I call for the yeas and nays.

The yeas and nays were ordered; there being 43 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 139, nays 45, not voting 103; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Biery, Bradley, Buckner, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Coburn, Conger, Cotton, Crooke, Crossland, Crounse, Danford, DeWitt, Dobbins, Donnan, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Gunter, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hynes, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, MacDougall, McKee, McNulta, Merriam, Moore, Morey, Niles, O'Brien, Orr, Packard, Packer, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Randall, Ransier, Rapier, Ray, Ross, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Storm, Stowell, Strait, Strawbridge, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, Wheeler, White, Whiteley, Wilber, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—139.

NAYS—Messrs. Adams, Arthur, Ashe, Banning, Barnum, Berry, Bland, Blount, Bowen, Bromberg, Brown, Burchard, Caulfield, John B. Clark, jr., Clymer, Cook, Durham, Finck, Glover, Henry R. Harris, John T. Harris, Hatcher, Herndon, Hunton, Lamar, Milliken, Morrison, Neal, Hosea W. Parker, Pierce, Read, Robbins, Ellis H. Roberts, John G. Schumaker, Sener, Southard, Standiford, Stone, Vance, Whitthorne, Charles W. Willard, George Willard, Willie, John D. Young, and Pierce M. B. Young—45.

NOT VOTING—Messrs. Albert, Archer, Atkins, Barrere, Bass, Beck, Begole, Bell, Bright, Buffinton, Caldwell, Chittenden, Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Comingo, Corwin, Cox, Creamer, Crittenden, Crutchfield, Curtis, Darrall, Davis, Dawes, Duell, Dunnell, Eames, Eden, Eldredge, Giddings, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Hathorn, Gerry W. Hazelton, Hendee, Hereford, Hodges, Holman, Houghton, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lansing, Leach, Lewis, Lowndes, Luttrell, Magee, Marshall, Alexander S. McDill, James W. McDill, McLean, Mills, Mitchell, Monroe, Myers, Negley, Nesmith, Niblack, Nunn, O'Neill, Orth, Page, Parsons, Pendleton, Perry Phelps, Phillips, Pike, Potter, Pratt, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Milton Sayler, Schell, Scofield, Henry J. Scudder, Shanks, Sloss, Smart, J. Ambler Smith, William A. Smith, Speer, Stanard, Alexander H. Stephens, Charles A. Stevens, Swann, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Waldron, Marcus L. Ward, Wells, Whitehead, Whitehouse, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, Wood, and Woodworth—103.

So the motion of Mr. CESSNA was agreed to.

Mr. RANDALL. I rise to a privileged motion, and move to reconsider the vote by which the House directed the Speaker to issue his warrant to bring in the absentees.

Mr. HURLBUT. I move to lay that motion on the table, and on it call the yeas and nays; for we may as well have them at once and be done with them.

The yeas and nays were ordered.

Mr. RANDALL. Pending that motion I move that the House now adjourn.

Mr. HURLBUT. I rise to a question of order. Is the motion to adjourn now in order?

The SPEAKER. Pending a call of the House, if a quorum appears not to be present, only two motions are in order; one to adjourn and the other to dispense with further proceedings under the call.

Mr. BUTLER, of Massachusetts. We are proceeding under the call now, are we not?

Mr. HURLBUT. The record shows that a quorum is present.

The SPEAKER. That does not take away the right to move to adjourn.

Mr. RANDALL. It would rather facilitate it.

The SPEAKER. It does not affect it at all, one way or the other.

Mr. RANDALL. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, 45 members voting therefor.

Mr. BUTLER, of Massachusetts. I would like to have the new rule read.

The Clerk read as follows:

Whenever a question is pending before the House, the Speaker shall not entertain any motions of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn; but the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless two-thirds of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money, the credit, or the property of the United States, except the regular annual appropriation bills.

Mr. BUTLER, of Massachusetts. I rise to a question of order.

Mr. CONGER. Has not a motion to adjourn been voted on since any other business has intervened?

Mr. BUTLER, of Massachusetts. I go further back than that. The question under consideration is the consideration of the bill before the House. Now, then, there has been one motion to adjourn made.

The SPEAKER. But there is another question before the House.

Mr. BUTLER, of Massachusetts. Then what an excellent rule that is to cut off dilatory motions.

Mr. MAYNARD. I submit that the question is this: A bill has been presented and the question is whether it shall be received, and that question is now pending and undecided.

The SPEAKER. But this question of a call of the House has supervened because of the fact that no quorum answered on the roll-call.

Mr. CONGER. Has there not been a motion to adjourn made since the last motion of a different character was made?

The SPEAKER. There has not, or the Chair would not entertain the motion.

Mr. WILLARD, of Vermont. I rise to a parliamentary inquiry. If the House now adjourns will not the first thing in order after the reading of the Journal to-morrow, in the legislative day, be the consideration of the bill reported by the gentleman from Indiana, [Mr. COBURN?]

The SPEAKER. It will.

Mr. BUTLER, of Massachusetts. I would like to ask a parliamentary question also. Would not the bill go over to-morrow unless two-thirds of the members present should second the previous question?

The SPEAKER. As it now stands, the question being of consideration, it would have to go over to the next morning.

Mr. BUTLER, of Massachusetts. And until such time as the filibustering on that day would permit it to be considered.

The SPEAKER. A majority of the House can dispose of it on that day without dilatory motions.

Mr. BUTLER, of Massachusetts. But it has not been considered to-day.

The SPEAKER. The Chair will state that as it stands now it goes over as unfinished business, if the House adjourns now. As soon as the Journal is read to-morrow, it comes up with the pending question on its consideration. If the House should vote to consider it, then it would during that day require a two-thirds vote of the House to second the previous question upon it; but the next day a majority of the House could dispose of it.

Mr. BUTLER, of Massachusetts. With the exception of one motion to adjourn and one motion to adjourn to a particular day and such sitting still in their seats as gentlemen on the other side of the House choose to indulge in.

The SPEAKER. If there is not a majority of the House, the question cannot be settled.

Mr. RANDALL. I never knew any less than a majority of the House to pass a bill.

The SPEAKER. That is the great trouble, that it requires a majority of the House to do it.

Mr. BUTLER, of Massachusetts. The majority of the House are for the bill when we can get them here. We propose to send for those who are absent. We can get them here by breakfast-time.

Mr. CONGER. I wish to submit a point to the Chair. An adjournment will bring about a new legislative day, and then, though this bill may come up immediately after the reading of the Journal as unfinished business, yet that new day being one upon which the rules may be suspended, would not any motion to suspend the rules or any other privileged motion take precedence of this bill?

The SPEAKER. It would not, because this motion is made under a suspension of the rules; and while the House is acting under a suspension of the rules, the pending business cannot be displaced by a new motion to suspend the rules. This point the Chair has already twice stated.

Mr. CONGER. I cannot see that we gain anything by an adjournment.

A MEMBER. We gain several hours' sleep.

Mr. CONGER. We shall have to go over the same ground again on another day. The same motions that prevent our coming to a vote to-day will prevent our coming to a vote to-morrow.

The SPEAKER That is true unless a majority of the House are for the bill.

Mr. CONGER. There is a majority of the House in favor of the bill whenever we can get a vote on the question.

Mr. WILSON, of Indiana. We have a Sergeant-at-Arms who can bring in the absentees.

Mr. O'BRIEN. He has gone to sleep.

Mr. WILSON, of Indiana. We will wake him up.

A MEMBER. He has not gone to sleep.

Mr. BUTLER, of Massachusetts. He is going after these people who sleep that the negro may be murdered.

Mr. CLEMENTS. I would like to ask the Chair what was the object of the new rule which the House adopted a few weeks ago?

The SPEAKER. The object was to give a majority of the House the right to prevent dilatory motions.

Mr. CLEMENTS. I ask whether that was successful.

The SPEAKER. There has not been a majority of the House here to-night in control of the business. The rule is entirely successful if the majority desires to enforce it.

Mr. BUTLER, of Massachusetts. The trouble has been to control the minority—to make them stay in their seats and vote.

The question was taken on the motion of Mr. RANDALL that the House adjourn; and there were—yeas 70, nays 123, not voting 94; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Pierce, Randall, Read, Robbins, Ellis H. Roberts, Schell, Sener, Southard, Speer, Standiford, Stone, Storm, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, John D. Young, and Pierce M. B. Young—70.

NAYS—Messrs. Albright, Averill, Barrere, Barry, Biery, Bradley, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Coburn, Conger, Cotton, Crooke, Crounse, Danford, Darrall, Dobbins, Donnan, Dunnell, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hoskins, Howe, Hubbell, Hurlbut, Hynes, Lawson, Lofland, Lowe, Lynch, Martin, Maynard, James W. McDill, MacDougall, McNulta, Moore, Morey, Myers, Negley, Niles, Orr, Packard, Packer, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Isaac W. Scudder, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, Wheeler, White, Whiteley, Wilber, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—123.

NOT VOTING—Messrs. Albert, Barber, Bass, Beck, Begole, Bell, Buffinton, Burchard, Chittenden, Freeman Clarke, Clements, Stephen A. Cobb, Comingo, Corwin, Creamer, Crutchfield, Curtis, Dawes, Duell, Eames, Eden, Eldredge, Eugene Hale, Robert S. Hale, Hamilton, Hathorn, Hendee, Herndon, George F. Hoar, Holman, Houghton, Hunter, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lamport, Lansing, Lawrence, Leach, Lewis, Loughridge, Lowndes, McCrary, Alexander S. McDill, McKee, Mills, Mitchell, Monroe, Nesmith, Nunn, O'Neill, Orth, Page, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Potter, Pratt, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Sherwood, J. Ambler Smith, John Q. Smith, William A. Smith, Stanard, Alexander H. Stephens, Swann, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Waldron, Marcus L. Ward, George Willard, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, Wood, and Woodworth—94.

So the motion to adjourn was not agreed to.

During the roll-call,

Mr. CLEMENTS said: On this question I am paired with my colleague from Illinois, Mr. ROBINSON. If he were here he would vote "ay," and I should undoubtedly vote "no."

The result of the vote was announced as above stated.

Mr. RANDALL. I move that all further proceedings under the call be dispensed with.

The SPEAKER. That is the pending motion, on which the yeas and nays have been ordered.

Mr. RANDALL. No, sir; the motion on which the yeas and nays were ordered was the motion to reconsider the resolution directing you to issue your warrant.

The SPEAKER. The question is really on the motion to lay on the table the motion to reconsider.

Mr. RANDALL. Do I understand the Speaker to hold that now, a motion to adjourn having been made and voted down, the motion to dispense with further proceedings under the call is not in order.

The SPEAKER. The Chair thinks it is in order, but not of higher privilege than the motion to reconsider.

The question is upon laying upon the table the motion to reconsider, upon which the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 120, nays 47, not voting 120; as follows:

YEAS—Messrs. Albright, Averill, Banning, Barber, Barry, Begole, Bell, Biery, Bradley, Brown, Buckner, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hynes, Lamport, Lawson, Lofland, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McKee, McNulta, Merriam, Myers, Negley, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, Ross, Henry B. Sayler, Shanks, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Starkweather, Charles A. Stevens, Storm, Stowell, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Todd, Townsend, Wallace, Walls, Jasper D. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, and Jeremiah M. Wilson—120.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Barrere, Blount, Bowen, Bromberg, John B. Clark, jr., Clymer, Davis, DeWitt, Giddings, Glover, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Lamar, Luttrell, Magee, Milliken, Morrison, Neal, Niblack, Hosea W. Parker, Pierce, Potter, Randall, Read, Robbins, John G. Schumaker, J. Ambler Smith, Southard, Speer, Stone, Vance, Wells, Whitehead, Whitthorne, Willie, John D. Young, and Pierce M. B. Young—47.

NOT VOTING—Messrs. Albert, Bass, Beck, Berry, Bland, Bright, Buffinton, Burchard, Caldwell, Caulfield, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Dawes, Durham, Eames, Eden, Eldredge, Finck, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hathorn, Havens, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lansing, Lawrence, Leach, Lewis, Loughridge, Lowe, Lowndes, Marshall, Alexander S. McDill, McLean, Mills, Mitchell, Monroe, Moore, Morey, Nesmith, Niles, Nunn, O'Brien, O'Neill, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Milton Sayler, Schell, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheats, Sheldon, Sloss, Small, William A. Smith, Sprague, Stanard, Standiford, Alexander H. Stephens, St. John, Swann, Charles R. Thomas, Christopher Y. Thomas, Thompson, Tremain, Tyner, Waddell, Waldron, Marcus L. Ward, Wheeler, Whitehouse, Charles G. Williams, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Wood, and Woodworth—120.

So the motion to reconsider was laid on the table.

During the vote,

Mr. CLEMENTS stated that he was paired with Mr. ROBBINS, who would vote in the negative, while he would vote in the affirmative.

Mr. CURTIS stated that he was paired with Mr. ELDREDGE.

The vote was then announced as above recorded.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion. There are certain members of the House in the custody of the Sergeant-at-Arms, and I believe they ought to have the right to come in here and make their excuses. That motion takes precedence. They ought not to be kept out in custody.

The SPEAKER. The Chair thinks they had better be brought in.

Mr. BUTLER, of Massachusetts. Let them be brought in.

Mr. MERRIAM. I move the House adjourn.

Mr. RANDALL. I move all further proceedings under the call be dispensed with.

The Sergeant-at-Arms appeared at the bar of the House, having in custody members of the House absent without its leave.

The SPEAKER. Mr. WARD, of New Jersey, you have been reported as having been absent during the session of the House without its leave. What excuse have you to offer?

Mr. WARD, of New Jersey. I was not well last evening, and Gov-

ernor SWANN being in the same condition, we paired with each other.

Mr. RANDALL. I move that the gentleman be excused.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. The gentleman from New Jersey has been brought here in the custody of the Sergeant-at-Arms and he now says that he is paired. Suppose upon a call of the roll he answers that he is paired; will that clear him on the roll or the record or compel his voting to make a quorum?

The SPEAKER. It will not, for the House never knows anything about pairs.

Mr. BUTLER, of Massachusetts. He must vote, then.

Mr. RANDALL. That is for himself to judge.

The SPEAKER. The gentleman from Pennsylvania moves that he be excused.

Mr. NIBLACK. On that I demand the yeas and nays.

Mr. BUTLER, of Massachusetts. I rise to a point of order that that is not a matter of yeas and nays.

The SPEAKER. Why?

Mr. BUTLER, of Massachusetts. For the reason, in the first place, that nobody objects to his being excused. I have not heard anybody object.

The SPEAKER. The Chair does not know that.

Mr. BUTLER, of Massachusetts. Ask unanimous consent, then.

The SPEAKER. The gentleman from Pennsylvania asks that the gentleman from New Jersey be excused; and on that motion the gentleman from Indiana demands the yeas and nays.

Mr. BUTLER, of Massachusetts. Can the yeas and nays be called on that? I thought the Speaker ruled——

The SPEAKER. The Chair ruled that pending the sending for members the yeas and nays could not be called on separate excuses and the member be not sent for; but if the member be brought here and presents an excuse, it requires a vote of the House to excuse him.

Mr. CONGER. These gentlemen have not been brought by the Sergeant-at-Arms. They are not in the custody of the Sergeant-at-Arms.

The SPEAKER. The gentleman from New Jersey is this moment in the custody of the Sergeant-at-Arms.

Mr. CONGER. There was no order made for the Sergeant-at-Arms to bring these gentlemen here. He has no business to have them here.

Mr. WILBER. The Sergeant-at-Arms has not brought them. They have come in as a matter of request.

The SPEAKER. Then the Sergeant-at-Arms did not do what the House ordered him to do.

Mr. ALBRIGHT. They are not under arrest.

Mr. BUTLER, of Massachusetts. Has not the warrant issued?

Mr. STONE. It is evidently a case of false imprisonment.

Mr. CONGER. I make the point of order that these gentlemen are not here in the custody of the Sergeant-at-Arms by order of the House.

The SPEAKER. Then they are not here by any right whatever; because the doors are closed.

Mr. CLEMENTS. I call for the regular order.

The SPEAKER. They are either here under the order of the House or they have no right to be here.

Mr. AVERILL. If so, they should be compelled to leave the House.

The SPEAKER. If that point of order is raised, the Chair must sustain it.

Mr. COBURN. I ask that they may be considered to be here by unanimous consent.

Mr. PIERCE. I object.

Mr. CESSNA. I rise to a question of privilege—what I regard as a question of the highest privilege. I move that the warrant do now issue.

The SPEAKER. The Chair had supposed that it had issued some time since. But there need be no difficulty about this. The Sergeant-at-Arms can at once produce the gentlemen. The Chair has just signed the warrant, and the Sergeant-at-Arms can produce the gentlemen. It is evident they could not properly be here when the doors were closed, unless they came in obedience to the summons.

Mr. CONGER. It was suggested by a gentleman that there were gentlemen outside waiting to come in and that it was a hardship that they should wait longer. The Speaker then said that they should come in, and it is in that way that they are here.

The SPEAKER. The Chair certainly thought they were in the custody of the Sergeant-at-Arms.

Mr. CONGER. I should suppose the Chair must have known whether the warrant had issued.

The SPEAKER. There are many blank warrants. The Chair did not know whether the warrants had issued.

The SERGEANT-AT-ARMS then appeared at the bar, and said: In obedience to the order of the House, I present at the bar Mr. MARCUS L. WARD, of New Jersey.

The SPEAKER. The Sergeant-at-Arms presents at the bar Mr. MARCUS L. WARD, of New Jersey, as he really presented him before; and the Chair again asks what excuse has the gentleman from New Jersey to offer for being absent from the sessions of the House?

Mr. CONGER. I think it important to raise another point of order. These gentlemen were present on the floor of the House, as I understand, before the warrant was signed. They were here as a part of this body before the warrant was signed.

The SPEAKER. Does the gentleman from Michigan think the Chair could rightly answer for taking advantage of that mistake to rule in their favor on that account?

Mr. WILBER. Just as well as the gentlemen on the other side of the House are answerable for not voting.

The SPEAKER. The Chair is answerable for what he does himself, not for what the House does. Does the gentleman from Michigan think the Chair should take advantage of that mistake and rule so? The doors were closed by order of the House. Will the gentleman from Michigan tell the Chair in what way, the doors being closed, a gentleman can come in, except by order of the House?

Mr. CONGER. If the Chair appeals to the gentleman from Michigan not to enforce the rules against the Speaker, he would be glad to withdraw the point of order.

The SPEAKER. The Chair would be glad to accommodate the gentleman from Michigan in any way he could under the rules.

Mr. CONGER. Then let the Sergeant-at-Arms enforce the order of the House against other absentees besides the gentleman now in his custody.

The SPEAKER. That will be done. The warrants have been issued for all the absentees.

Mr. CONGER. I ask that messengers be sent to execute them.

The SPEAKER. That is the duty of the Sergeant-at-Arms and not of the Chair. The Chair recommends the gentleman from Michigan to peruse the Manual.

Mr. PLATT, of Virginia. I call for the regular order.

The SPEAKER. The gentleman from New Jersey, Mr. WARD, is at the bar in the custody of the Sergeant-at-Arms. His excuse will now be heard.

Mr. WARD, of New Jersey. I have to say, as I said before, that I was not feeling very well last evening. Governor SWANN was in the same condition, and we agreed to pair, and went to our homes.

Mr. RANDALL. I move that the gentleman from New Jersey be excused.

Mr. NIBLACK. And on that motion I call for the yeas and nays.

Mr. HAZELTON, of Wisconsin. Pending that I move that all proceedings under the call be dispensed with.

Mr. WILSON, of Indiana. I desire to know if it is in order to move that all the gentlemen who are now in custody of the Sergeant-at-Arms be excused; so that one calling of the yeas and nays will be sufficient.

The SPEAKER. If further proceedings under the call are dispensed with, that would excuse everybody.

Mr. WILSON, of Indiana. I do not know if the Chair apprehends my point. Would it be in order now to move to excuse all of the members who are in custody of the Sergeant-at-Arms? If so one call of the yeas and nays would suffice for all, instead of there being a call of the yeas and nays for each member.

The SPEAKER. On the point of order the Chair will remark that the gentleman will observe himself that he might wish very much to excuse one gentleman and might wish very much not to excuse another.

Mr. WILSON, of Indiana. I make that motion, that the members now in custody of the Sergeant-at-Arms be excused.

Mr. HAWLEY, of Illinois. I desire to make a parliamentary inquiry. If I understand the ruling of the Chair, any gentleman on the other side of the House could call the yeas and nays upon the question of excusing any member brought in, and then such member could be permitted to make a motion to reconsider and may have the yeas and nays on that, and thus the yeas and nays would be called twice upon excusing every member brought into the House. It is therefore utterly idle to talk about coming to any result by a continuation of the call, and I move that all further proceedings of the call be dispensed with.

The question was taken, and the motion was not agreed to.

Mr. WILSON, of Indiana. I move that the motion to excuse the gentlemen from New Jersey [Mr. WARD] apply to all the members now in the custody of the Sergeant-at-Arms.

Mr. RANDALL. I object to that.

Mr. BUTLER, of Massachusetts. Have we not a right to have the motion put in that way?

The SPEAKER. The gentleman from Massachusetts will see at once, the Chair thinks, the injustice of such a proceeding. There might be ten gentlemen in custody, one of whose offenses was flagrant; but if you put the question in relation to all of them as one question, whole and entire, the others might have to share the misfortunes of that gentleman. It is a question of the rights of the members at the bar.

Mr. BUTLER, of Massachusetts. But who is going to raise the question if they do not object?

The SPEAKER. It is a parliamentary decision.

Mr. BUTLER of Massachusetts. But suppose these gentlemen do not object? If they do not object to being taken together, who else can object?

The SPEAKER. The Chair thinks that you could not expel two members in the same resolution; you could not censure two members in the same resolution.

Mr. BUTLER of Massachusetts. But suppose they desire that their cases shall not be separated?

The SPEAKER. That would not be allowed if one member of the House objected. Where a member is implicated in an offense against the House, there is no principle of law more just than that he shall stand solely and singly.

Mr. CASON. But this is a proposition to relieve these gentlemen; we do not propose to inflict any penalty upon them.

The SPEAKER. Yes; but the House may wish to inflict a penalty on one and none on another.

Mr. BUTLER, of Massachusetts. But we do not propose that.

Mr. NIBLACK. I call for the regular order.

The SPEAKER. The Chair has never known a precedent of this sort, and the purpose the gentleman seeks may be gained by dispensing with proceedings under the call.

Mr. BUTLER, of Massachusetts. I understand that, and we will dispense with the proceedings under the call when we get ready to do it; but I propose that, so far as these members now at the bar are concerned, we shall dispense with the proceedings under the call.

The SPEAKER. The gentleman can relieve these members by dispensing with the proceedings under the call.

Mr. BUTLER, of Massachusetts. But why not dispense with them so as to have a dozen as well as forty excused?

The SPEAKER. You can do it if the House gives unanimous consent.

Mr. SAYLER, of Indiana. This is so plain a question that I must insist on the regular order.

Mr. HYNES. Is it in order to move that all proceedings under the call be dispensed with with reference to the gentlemen now at the bar?

The SPEAKER. That is the same question on which the Chair has already ruled.

Mr. CESSNA. I rise to make a parliamentary inquiry, and it arises from the line of argument used by the Chair. I believe there are three gentlemen in the custody of the Sergeant-at-Arms. Suppose a motion was made to excuse the whole three and that motion was carried; no man in the House would have a right to object; no man would be injured; but if that motion should fail, the object of the Chair would be reached by taking them separately.

The SPEAKER. That kind of parliamentary ruling that goes good affirmatively and bad negatively the Chair would not like to enforce.

Mr. BUTLER, of Massachusetts. I will suggest a precedent. Allow me to say that bills have been passed here for the relief from political disabilities, including two, three, or a dozen persons.

The SPEAKER. By unanimous consent.

Mr. BUTLER, of Massachusetts. No, by a two-thirds vote under the Constitution of the United States. But we are getting exceedingly technical at this time of the morning. I call for the reading of the rule that requires these cases to be disposed of separately.

The SPEAKER. The Chair simply takes the precedents of the House for it.

Mr. BUTLER, of Massachusetts. I would like to see the precedents.

The SPEAKER. Has the gentleman ever known it otherwise?

Mr. BUTLER, of Massachusetts. Has the Chair ever known a separate vote to be taken in such cases?

Mr. WARD, of Illinois. Does the Chair rule that we can dispense with the proceedings in regard to all, and cannot vote on the motion to dispense with the proceedings in regard to a portion of them?

Mr. BUTLER, of Massachusetts. Where the man himself does not object, does the Chair hold that any other member can object for him?

The SPEAKER. The Chair never has known two to be coupled together in the same resolution. This whole proceeding is most anomalous; the House is really proceeding with a quorum of members, and yet sending for absentees.

Mr. BUTLER, of Massachusetts. How do we know there is a quorum here?

The SPEAKER. Because the last vote showed that to be the fact.

Mr. BUTLER, of Massachusetts. And when we come to another vote there will not be any quorum here, and the Chair cannot see a man who wishes to make a motion.

The SPEAKER. The Chair can see nothing but the roll-call in that respect.

Mr. SAYLER, of Indiana. I call for the regular order.

Mr. CASON. Is there a precedent for the ruling of the Chair?

The SPEAKER. The Journal here is full of precedents showing that members are excused separately. And the idea that three members shall be brought up here and the rest of the members of the House forced to vote *willy nilly* upon excusing them in a lump, when they give different degrees of excuses, when one may have a good excuse and another may have committed a very grave offense—the putting them together upon a general average, and forcing the House to vote whether they will excuse them all or not, seems to the Chair to be utterly repugnant to all ideas of parliamentary law.

Mr. BUTLER, of Massachusetts. Would it be any worse than to have Jeff Davis and some poor lieutenant put together in the same bill for the removal of political disabilities? We have put several in the same bill for that purpose.

Mr. SAYLER, of Indiana. The Chair has made his ruling. Has there been any appeal from the decision of the Chair?

The SPEAKER. There has not.

Mr. SAYLER, of Indiana. Then I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. RANDALL] to excuse the gentleman from New Jersey [Mr. WARD] now at the bar of the House in the custody of the Sergeant-at-Arms. On that motion the gentleman from Indiana [Mr. NIBLACK] calls for the yeas and nays.

Mr. BUTLER, of Massachusetts. We may as well call the yeas and nays on that as anything else; only do not make the men stand up there while we do it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 7, not voting 134; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Atkins, Averill, Banning, Barnum, Barrere, Barry, Bell, Berry, Biery, Bland, Blount, Bradley, Bright, Bromberg, Brown, Bundy, Burleigh, Benjamin F. Butler, Cain, Caldwell, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clymer, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crooke, Crounse, Danford, Davis, Dobbins, Donnan, Duell, Farwell, Finck, Fort, Frye, Garfield, Giddings, Glover, Gooch, Hagans, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Gerry W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hynes, Knapp, Lamar, Lawrence, Lawson, Lowe, Luttrell, Lynch, Magee, Marshall, McCrary, James W. McDill, MacDougall, McLean, McNulta, Mills, Moore, Morrison, Neal, Negley, Nesmith, Niblack, Orr, Packard, Hosea W. Parker, Isaac C. Parker, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Randall, Ray, Read, Robbins, Ellis H. Roberts, Henry B. Sayler, Schell, John G. Schumaker, Sener, Sessions, Shanks, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Charles A. Stevens, St. John, Strawbridge, Thompson, Thornburgh, Todd, Townsend, Tyner, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, and Pierce M. B. Young—146.

NAYS—Messrs. Roderick R. Butler, Cannon, Field, Page, Pelham, Rapier, and Small—7.

NOT VOTING—Messrs. Adams, Albert, Ashe, Barber, Bass, Beck, Begole, Bowen, Buckner, Buffinton, Burchard, Burrows, Carpenter, Caulfield, Chittenden, Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Creamer, Crossland, Crutchfield, Curtis, Darrall, Dawes, DeWitt, Dunnell, Durham, Eames, Eden, Eldredge, Foster, Freeman, Gunckel, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Hathorn, Havens, John B. Hawley, Hays, John W. Hazelton, Hendee, Holman, Houghton, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Lowndes, Martin, Maynard, Alexander S. McDill, McKee, Merriam, Milliken, Mitchell, Monroe, Morey, Myers, Niles, Nunn, O'Brien, O'Neill, Orth, Packer, Parsons, Pendleton, Perry, Phelps, Phillips, Pike, Potter, Pratt, Rainey, Ransier, Richmond, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Sherwood, Sloan, Sloss, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Stowell, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Waldron, Walls, Marcus L. Ward, Wheeler, Whiteley, Whitthorne, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, Wood, Woodworth, and John D. Young—134.

So the motion to excuse Mr. WARD, of New Jersey, was agreed to.

Mr. RANDALL. I rise to a privileged question. I move to reconsider the vote by which the gentleman from New Jersey [Mr. WARD] has been excused.

Mr. ALBRIGHT. I move to lay the motion to reconsider on the table.

Mr. BROMBERG called for the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. I move that the House adjourn.

Mr. CONGER. I make the point of order that we are now proceeding under a call of the House; that the motion to adjourn has been once made, and that it is not in order to make it again.

The SPEAKER. The Chair thinks that until further proceedings under the call be dispensed with, the motion to adjourn is hardly in order.

Mr. RANDALL. That there may not be any doubt I withdraw the motion.

Mr. SAYLER, of Indiana. I call for the regular order.

The SPEAKER. The question is on laying on the table the motion to reconsider the vote by which the House agreed to excuse the gentleman from New Jersey, [Mr. WARD.]

Mr. BUCKNER. Is that question debatable?

The SPEAKER. It is not.

Mr. CESSNA. Perhaps my colleague [Mr. RANDALL] had better withdraw the motion to reconsider, in order to save doubt.

The question was taken; and there were—yeas 139, nays 34, not voting 114; as follows:

YEAS—Messrs. Albright, Averill, Barrere, Biery, Bradley, Bundy, Burleigh, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crittenden, Crooke, Crounse, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Farwell, Field, Foster, Freeman, Frye, Garfield, Glover, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hereford, E. Rockwood Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hynes, Lamar, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Luttrell, Lynch, Magee, Martin, Maynard, McCrary, James W. McDill, MacDougall, McKee, McLean, McNulta, Merriam, Moore, Morrison, Myers, Negley, Niblack, Niles, Orr, Packard, Packer, Page, Isaac C. Parker, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Read, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Strawbridge, Sypher, Thompson, Todd, Townsend, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Wells, White, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—139.

NAYS—Messrs. Archer, Arthur, Ashe, Banning, Berry, Bland, Blount, Bowen, Bromberg, Caldwell, Cannon, Clymer, Cook, DeWitt, Finck, Hancock, Henry R. Harris, John T. Harris, Hatcher, John W. Hazelton, Herndon, Hunton, Marshall,

Milliken, Mills, Neal, Hosea W. Parker, Pelham, Schell, Southard, Speer, Storm, Whitehead, and John D. Young—34.

NOT VOTING—Messrs. Adams, Albert, Atkins, Barber, Barnum, Barry, Bass, Beck, Begole, Bell, Bright, Brown, Buckner, Buffinton, Burchard, Burrows, Benjamin F. Butler, Caulfield, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Comingo, Cox, Creamer, Crossland, Crutchfield, Curtis, Davis, Dawes, Durham, Eames, Eden, Eldredge, Fort, Giddings, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hathorn, Havens, Hendee, George F. Hoar, Holman, Houghton, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lansing, Leach, Lewis, Lowndes, Alexander S. McDill, Mitchell, Monroe, Morey, Nesmith, Nunn, O'Brien, O'Neill, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Potter, Pratt, Randall, Richmond, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Scofield, Henry J. Scudder, Lazarus D. Shoemaker, Sloss, William A. Smith, Stanard, Standiford, Alexander H. Stephens, St. John, Stone, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Tremain, Waddell, Waldron, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, William Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—114

So the motion to reconsider was laid on the table.

Mr. SYPHER. I rise to a correction of the roll. I have not been out of the House to-night. Upon the last call of the House I answered to my name; I then went to the cloak-room and lay down. I ask that the correction be made—that I be recorded as present and voting. I have not been out of the House to-night.

The SPEAKER. The next of the absentees brought in is Mr. LAURIN D. WOODWORTH. Mr. WOODWORTH, you have been absent from the sessions of the House without leave. What excuse have you to render therefor?

Mr. WOODWORTH. I was ill last evening; and not apprehending that my presence would be required in the House, I did not attend the evening session. At about four o'clock this morning, having been informed of what was going on in the House, I came up here on my own motion. I was not taken into custody by the Sergeant-at-Arms until I appeared on the floor of the House. I have no other excuse to offer.

Mr. RANDALL. I move that the gentleman be excused.

Mr. CLYMER. On that question I demand the yeas and nays.

The yeas and nays were ordered.

Mr. COBURN. I move by unanimous consent that the gentleman be excused.

Mr. RANDALL. I object.

Mr. PAGE. I rise to a question of order. The gentleman from Pennsylvania moves that the gentleman from Ohio be excused, and then when unanimous consent is asked that he be excused the gentleman objects.

Mr. NIBLACK. I move that the gentleman from Ohio be fined one dollar and costs for contempt of the House.

Mr. HERNDON. And on that motion I demand the yeas and nays.

Mr. COBURN. I make the point of order that the gentleman from Indiana is not in his seat and cannot make the motion.

Mr. COX. I renew it from my seat.

Mr. HEREFORD. I move to amend by inserting five dollars and costs.

Mr. ALBRIGHT. I move to lay that on the table.

Mr. NIBLACK. I rise to a point of order. My motion is a substitute for the other motion that the gentleman be excused, and is not my substitute amendable in the second degree?

The SPEAKER. The Chair understood the gentleman from West Virginia to move another amendment in the nature of a substitute that the gentleman from Ohio be fined five dollars and costs.

Mr. BROMBERG. I move to insert five dollars and a half and costs.

The SPEAKER. No further amendment is in order.

Mr. NIBLACK. I demand the yeas and nays on my motion.

Mr. CONGER. Is another substitute in order?

The SPEAKER. It is a simple motion; it is not a paper, and the power to amend has been exhausted. One gentleman moves he be excused, another that he be fined one dollar and costs, and another that he be fined five dollars and costs. That exhausts the power of amendment.

Mr. CONGER. Is not another amendment in order?

The SPEAKER. The Chair thinks not.

Mr. COX. You will have to change the rules again.

Mr. CONGER. Are the amendments germane to the motion that the gentleman be excused?

The SPEAKER. The question is, whether he be excused or punished. One is that he be excused, and the other is that he be punished instead.

Mr. CANNON, of Illinois. Have you ever heard of a man being punished before he was convicted?

Mr. GARFIELD. O! yes. "*Castigat auditque dolos*" was the judgment of Rhadamanthus.

The SPEAKER. If there be no objection, the yeas and nays will be considered as ordered on the several amendments. The first is to substitute five dollars and costs for one dollar and costs.

Mr. CLEMENTS. I move the committee report another rule.

Mr. PAGE. Would it be in order for the gentleman to pay his fine?

The SPEAKER. The Chair does not know to whom he shall tender it.

Mr. PAGE. Let him tender it to the other side.

Mr. RANDALL. All we want is time and not cash.

Mr. CLEMENTS. Will it be in order to offer the gentleman a dollar to withdraw his motion?

Mr. LOUGHRIDGE. What is the question before the House?

The SPEAKER. The pending question is on the motion of the gentleman from West Virginia to amend by making the fine five dollars and costs.

Mr. CESSNA. I rise to a parliamentary inquiry.

Mr. LOUGHRIDGE. Would it be in order to amend by providing that the gentleman be sent to jail for ten days?

The SPEAKER. It would be in order if one of the amendments were withdrawn or voted down.

Mr. CESSNA. Let me make a parliamentary inquiry. Suppose the amendment to the amendment was voted down, is not another one to strike out "one" and insert "two" in order, and would it not be in order to move to amend by inserting a different amount of fine, provided all the time one amendment is voted down, unless the previous question is called. Will not such an amendment be in order?

The SPEAKER. The Chair does not think it has been held these motions are debatable, and therefore there is no necessity for calling the previous question.

Mr. CESSNA. But to cut off all amendments. My inquiry is this: Suppose the amendment should be voted down without the previous question being called, would it not be in order to strike out "one" and insert "four?"

The SPEAKER. The Chair thinks it is, and the gentleman will observe the power of duplicating motions is very great.

Mr. CESSNA. That is what I wished to get at.

The SPEAKER. Does the gentleman move the previous question?

Mr. CESSNA. I demand the previous question.

Mr. RANDALL. On that I demand the yeas and nays.

Mr. GARFIELD. That has helped him by about seven jumps.

Mr. CESSNA. It is understood we have to sit here until a quorum arrives.

Mr. NIBLACK. I demand the yeas and nays on ordering the main question.

The SPEAKER. The demand for the previous question will be considered as seconded, and the gentleman from Indiana demands the yeas and nays on ordering the main question.

Mr. HEREFORD. Can the main question be ordered when there is no quorum present?

The SPEAKER. That is yet to be determined.

Mr. BUTLER, of Massachusetts. I rise to a point of order. Gentlemen are continually going out of the House although the doors have been ordered to be locked.

The SPEAKER. That is a question of honor for each member.

Mr. BUTLER, of Massachusetts. Pardon me.

Mr. RANDALL. They put down their names as they go out and are registered.

Mr. BUTLER, of Massachusetts. O, no; they do not put down their names.

The SPEAKER. That is a question of honor.

Mr. BUTLER, of Massachusetts. There is no direction and no honor. A man takes his hat and goes home, saying he is going out for fresh air.

Mr. RANDALL. I am informed that the name of every gentleman who goes out is taken down.

Mr. BUTLER, of Massachusetts. Pardon me; that is not so.

Mr. STORM. If the gentleman will go and see, he will find it is so.

Mr. BUTLER, of Massachusetts. I have been to see. I can name at least three gentlemen who have gone home since this call of the House.

The SPEAKER. That is a matter for the House to deal with. It is a matter with which the Chair officially has nothing to do. The Chair is not the Doorkeeper of the House.

Mr. BUTLER, of Massachusetts. The Chair gives the orders to the Doorkeeper and the Doorkeeper obeys them.

The SPEAKER. No; the rules prescribe the duty of the Doorkeeper.

Mr. CONGER. It is but a short time since the Chair notified members that he had not ordered the doors to be opened, as if under the rules it was the Chair that controlled that matter.

The SPEAKER. The Chair prescribes the time during which, under orders of the House, the doors should be closed. It is the duty of the Chair, when a call of the House has been ordered, to direct the doors to be closed.

Mr. BUTLER, of Massachusetts. I think it is the duty of the Chair to have the order of the House enforced.

The SPEAKER. The Chair will be glad to have the gentleman from Massachusetts point out what the Chair is required to do under the rules. The Chair does not take this as personal to himself.

Mr. HARRIS, of Virginia. Has the gentleman from Massachusetts been out himself?

Mr. BUTLER, of Massachusetts. I have been, and am a living witness to the fact.

A MEMBER. The gentleman went out upon his honor, and came back on his honor.

Mr. BUTLER, of Massachusetts. There are twenty-two members out whose names are on the roll.

Mr. RANDALL. They are all in contempt.

Mr. CONGER. I understand they are all in the restaurant.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I only desire to say

this: I think that the question of the organization of the House of Representatives of the United States is not a farce, and I think that men should not be kept here upon procedure and rulings that make a mere farce of the constitutional right of the people to have their business go on.

Several MEMBERS. Order! Order!

Mr. RANDALL. We must deal with people as we find them. An undue and improper advantage was taken. It was a question of honor with this House that last night the appropriation bill should be proceeded with.

Mr. CESSNA. That is not the fact.

Mr. BUTLER, of Massachusetts. I ask who had the right to pledge the House to any such thing?

Mr. ALBRIGHT. Is it not the rule that the majority controls?

Mr. RANDALL. It was agreed that, as stated by the chairman of the committee, the House should meet last evening for the consideration of the appropriation bill.

Mr. COBURN. There was not a word of that kind said by the chairman of the committee.

Mr. BUTLER, of Massachusetts. And for one I will not allow the statement of any man to bind me.

Mr. COX. I want to say a word in reply to the gentleman from Massachusetts. The gentleman undertakes to give us a code for the regulation of our conduct. Now, on behalf of myself and the minority of this House, I claim the right, irrespective of any promise or pledge of anybody, whether he be chairman of the Committee on Appropriations or whatever he be, to do our duty under the rules of the House as we find them and as we can use them to defeat a great wrong, and our constituents will not hold us guiltless unless we stand to that work.

I have not been in the habit of making these filibustering excursions, but I say that on this matter, to defeat a movement such as has been inaugurated last night, when nearly all the members understood the appropriation bill was to come up again, we are authorized by every code of honor, and by the rules of this House as yet unamended, to do what we have done.

Mr. COBURN. I desire to say one word about that matter of understanding. When the gentleman from Ohio [Mr. GARFIELD] made the motion that the House take a recess, and said he desired to take up the appropriation bills, I immediately rose and, right in front of the Chair, in a loud tone, moved to amend his motion, in order that the night session might be for the purpose of considering this bill reported by the select committee appointed to investigate political affairs in Alabama. And the Speaker thereupon ruled that a motion of that kind was out of order, expressing the idea—I forget the words—that a motion for a recess was not conditioned, that it was absolute. And thereupon the Chair put the motion for a recess to the House in plain and unequivocal terms—the question whether or not the House would take a recess—the Chair not inserting the words of condition which had been used by the gentleman from Ohio.

The SPEAKER. The Chair could not put in a condition.

Mr. COBURN. And there was no condition.

Mr. BUTLER, of Massachusetts. It is only a fetch on the other side.

Mr. COBURN. These gentlemen who say they had no notice and no idea that we were to take up this election bill say so in the face of the declaration I made in loud tones, as loud tones as I am now speaking in. No man who paid attention to the business of the day, no man who was desirous to know what was going on here, could have failed to hear me make that explicit, open declaration, and I leave the House and the country to judge whether anybody was deceived for one moment. I repudiate and repel as unworthy of gentlemen the imputation that is undertaken to be cast upon us. We have done nothing excepting that which has been done in the most open, candid, fair, and explicit manner, without equivocation or dodging.

Mr. HEREFORD. Mr. Speaker, on the 21st day of last December——

Mr. BUTLER, of Massachusetts. O, I object to going back as far as that.

Several MEMBERS. Regular order.

Mr. HEREFORD. This House, with singular promptitude——

Mr. BUTLER, of Massachusetts. I repeat that I object to going back so far.

Mr. HEREFORD. We listened to what you had to say, and I ask but one moment, and you can't cry me down in this manner.

Many MEMBERS. Regular order.

Mr. HEREFORD. On the 21st day of last December this House, with singular promptitude, authorized the Speaker of the House to appoint a committee to investigate affairs in the State of Alabama; but we did not expect them to come in here with a force bill covering the whole United States and endeavor to force it on the people in this manner, and that in the midst of an appropriation bill, thereby defeating necessary legislation.

[Loud cries of "Order!" "Order!" and "Regular order!"]

Mr. BUTLER, of Massachusetts. I think there is now a quorum of republican members of the House in attendance, and I move, therefore, to dispense with all further proceedings under the call.

The question was taken; and on a division there were—ayes 88, noes 42.

Mr. FINCK. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, noes 50, not voting 104; as follows:

YEAS—Messrs. Albright, Averill, Barrere, Barry, Biery, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Danford, Darrall, Donnan, Duell, Dunnell, Farwell, Field, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Hancock, Harmer, Benjamin W. Harris, Harrison, Hatcher, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hynes, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lynch, McCrary, James W. McDill, McNulta, Merriam, Moore, Myers, Niles, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Wallace, Walls, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—133.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barnum, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, DeWitt, Durham, Finck, Glover, Gunter, Henry R. Harris, John T. Harris, Hereford, Herndon, Hunton, Knapp, Lamar, Luttrell, Marshall, McLean, Milliken, Mills, Morrison, Niblack, Hosea W. Parker, Randall, Read, Southard, Standiford, Storm, Vance, Whitehead, Willie, John D. Young, and Pierce M. B. Young—50.

NOT VOTING—Messrs. Adams, Albert, Barber, Bass, Beck, Begole, Bell, Buckner, Buffinton, Roderick R. Butler, Caulfield, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Crossland, Crutchfield, Curtis, Davis, Dawes, Dobbins, Eames, Eden, Eldredge, Fort, Giddings, Eugene Hale, Robert S. Hale, Hamilton, Hathorn, Havens, Hendee, George F. Hoar, Holman, Hoskins, Houghton, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lansing, Leach, Lewis, Lowndes, Magee, Martin, Maynard, Alexander S. McDill, MacDougall, McKee, Mitchell, Monroe, Morey, Neal, Negley, Nesmith, Nunn, O'Brien, O'Neill, Orth, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Pratt, Richmond, Robbins, William R. Roberts, James C. Robinson, Rusk, Sawyer, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sloss, William A. Smith, Speer, Stanard, Alexander H. Stephens, Stone, Swann, Charles R. Thomas, Tremain, Waddell, Waldron, Jasper D. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, Wood, and Woodworth—104.

So the motion was agreed to.

The SPEAKER. The House dismisses all further proceedings under the call, and the Doorkeeper will open the doors.

The doors of the House were accordingly opened.

Mr. NIBLACK. I move that the House adjourn. I think it is about time.

Mr. BUTLER, of Massachusetts. O, no; I guess we will not adjourn just now.

Mr. CONGER. I raise the question of order that since the pending question, being on the consideration of this bill, has been before the House one motion to adjourn has been made and voted on, and therefore the motion of the gentleman from Indiana is not in order.

The SPEAKER. O, no.

Mr. CONGER. Yes; a motion to adjourn was the first motion after the question of consideration was raised.

The SPEAKER. Then when would a motion to adjourn be again in order?

Mr. CONGER. When we have taken some steps upon the pending question and when it would not longer be a dilatory motion.

The SPEAKER. There is now no question pending but the question of consideration.

Mr. CONGER. The question pending is will we consider this bill. There has been no progress in it since a motion to adjourn was voted on by the House.

Mr. BUTLER, of Massachusetts. No business has been done by the House, for there has been no House to do business.

The SPEAKER. And you would tie up the House if every member of the House wanted to adjourn.

Mr. CONGER. That would not tie up the House, because it could make some progress in the direction of the pending question.

Mr. BUTLER, of Massachusetts. And then after we have made some progress we could adjourn.

Mr. CONGER. If there be any virtue at all in the restriction of dilatory motions imposed by the new rule, if there be any place where the rule preventing dilatory motions can possibly be applied, I submit to the Chair that it must come on this now pending question.

The SPEAKER. What is the pending question?

Mr. CONGER. It is, "Will the House consider the bill?"

The SPEAKER. Has there been a motion to adjourn pending that question?

Mr. CONGER. Yes, sir.

The SPEAKER. When?

Mr. BUTLER, of Massachusetts. There were three or four of them.

Mr. CONGER. The first motion after that question was raised was a motion to adjourn.

The SPEAKER. The Chair had the impression that the motion to adjourn had not been submitted pending that question, but that the House had passed to other questions.

Mr. CONGER. I have endeavored to keep the order of these motions, so that when we did get along to the point we might make some progress.

Mr. ALBRIGHT. The gentleman from Massachusetts [Mr. PIERCE] made the motion to adjourn.

Mr. NIBLACK. I think the order of business was this: the question was raised upon the consideration of the bill, and the gentleman from West Virginia [Mr. HEREFORD] raised the point of order upon

the power of the committtee to report the bill, and the Chair made a ruling, and the appeal from it was voted upon and no quorum voted.

The SPEAKER. The Chair thinks the gentleman from Michigan [Mr. CONGER] is mistaken in his recollection of the facts. The Chair thinks the question of appealing from the decision of the Chair was interposed, and that there was no question of adjournment that came directly upon the consideration of the bill. The Chair makes this statement of course with the liability of being mistaken. It is the impression of the Chair that no motion to adjourn came directly upon the consideration of the bill.

Mr. HAZELTON, of Wisconsin. My recollection is that the motion to adjourn was the very first question that followed the question of consideration.

The SPEAKER. And pending that was there not an appeal from the decision of the Chair?

Mr. PAGE. I think the record will show the order of motions.

The SPEAKER. Ah, they are buried pretty deep just now.

Mr. CONGER. An appeal was taken from the decision of the Chair upon a point of order.

The SPEAKER. The recollection of the Chair, which of course may be entirely corrected when the record is made up, is that when the gentleman from Indiana [Mr. COBURN] made his report the gentleman from West Virginia raised his point of order as to the right of the committee to make such a report. The Chair overruled that point of order, and then the gentleman from Pennsylvania [Mr. RANDALL] appealed from the decision of the Chair. A motion was also made to lay the appeal upon the table. The Chair thinks these motions come in between the consideration of the bill and any motion to adjourn.

Mr. CONGER. Then we reach a point—I think I cannot be mistaken—where a motion to adjourn, independent of any of these intermediate motions, was voted upon by the House.

The SPEAKER. The point is very simple. The Chair begs to say again that he does not wish to state it with definiteness, because his attention may not have been directed closely to it. The point is whether a motion to adjourn was submitted and voted upon when the question of consideration was the pending question.

Mr. CONGER. I think so.

The SPEAKER. That is a question of fact.

Mr. CONGER. That is my recollection.

The SPEAKER. Then, if that be so, the pending question now is upon the appeal from the decision of the Chair, a quorum having failed to vote on it before.

Mr. CONGER. The pending question now is, if I understand it, upon the motion to lay the appeal on the table.

The SPEAKER. Yes; that is the same thing.

Mr. CONGER. On it there was not a quorum voting.

The SPEAKER. Therefore that vote has never been completed.

Mr. CONGER. But there was, pending that motion, a motion to adjourn; there is no doubt about that.

The SPEAKER. Yes.

Mr. NEGLEY. I hope the gentleman from Michigan [Mr. CONGER] will not extend his argument. Let us go right at it and vote. What is the use of going over all this matter now?

Mr. CONGER. I want to understand what the question is.

Mr. NEGLEY. Let the gentlemen upon the other side put themselves on the record as often as possible.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] then agrees with the Chair that the pending question is upon laying the appeal on the table.

Mr. CONGER. And that a motion to adjourn was taken pending that question.

The SPEAKER. The recollection of the Chair is that pending the appeal a motion to adjourn was made and put, and cannot be again put pending that appeal.

Mr. NEGLEY. I then call for the regular order.

The SPEAKER. The question then recurs, "Will the House lay on the table the appeal from the decision of the Chair?"

Mr. NIBLACK. Is not my motion to adjourn now in order?

The SPEAKER. The Chair thinks not, because a motion to adjourn has been once put pending this appeal.

Mr. CONGER. I believe the yeas and nays have been ordered.

The SPEAKER. They were ordered, but no quorum voted. They have not been ordered anew. The yeas and nays are now demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nay 1, not voting 151; as follows:

YEAS—Messrs. Albright, Averill, Barrere, Barry, Biery, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Farwell, Field, Fort, Freeman, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lamport, Lansing, Lawrence, Lawson, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, MacDougall, McKee, McNulta, Moore, Morey, Myers, Negley, Nesmith, Niles, Orr, Packard, Packer, Page, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Randall, Ransier, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Walls, Jasper D. Ward, White, Whiteley, Wilber, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—135.

NAY—Mr. William A. Smith—1.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barnum, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crutchfield, Curtis, Davis, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Finck, Foster, Garfield, Giddings, Glover, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hendee, Hereford, Herndon, George F. Hoar, Holman, Hoskins, Houghton, Hunton, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Leach, Lewis, Loughridge, Luttrell, Magee, Marshall, McCrary, Alexander S. McDill, James W. McDill, McLean, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Neal, Niblack, Nunn, O'Brien, O'Neill, Orth, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sloss, J. Ambler Smith, Southard, Speer, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Taylor, Charles R. Thomas, Tremain, Vance, Waddell, Waldron, Wallace, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—151.

The SPEAKER. On this question the affirmative vote is 135, the negative 1.

Mr. RANDALL. Is that a quorum?

The SPEAKER. It is not.

Mr. WILSON, of Indiana, and Mr. RANDALL moved a call of the House.

Mr. NEGLEY. I hope we shall have a call of the House this time.

Mr. WILSON, of Indiana. I hope so, too.

Mr. RANDALL. I ask for the yeas and nays on the motion for a call of the House.

Mr. BUTLER, of Massachusetts. In order to give time for members to come in, I move that the House adjourn.

Mr. CESSNA. I desire to make an inquiry of the Chair. Suppose the motion to lay on the table is withdrawn; the next question will be, "Shall the decision of the Chair stand as the judgment of the House?" Upon that, if we have the yeas and nays, I think we shall have a quorum. I ask that the gentleman who made the motion to lay on the table withdraw it, and let the question be put to the House in the shape I have indicated.

The SPEAKER. The Chair does not quite see how that can be done.

Mr. CONGER. Why not?

The SPEAKER. How can the Chair entertain business in the absence of a quorum?

Mr. CESSNA. The Chair may very readily presume that there will be a quorum here before we verify the last vote.

The SPEAKER. The Chair cannot presume that.

Mr. BUTLER, of Massachusetts. I withdraw the motion to adjourn.

The SPEAKER. On the motion for a call of the House the yeas and nays have been demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 28, not voting 108; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clymer, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crossland, Crounse, Davis, Dobbins, Donnan, Durham, Farwell, Field, Finck, Fort, Freeman, Giddings, Glover, Gooch, Gunckel, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Hodges, Hunter, Hunton, Hurlbut, Knapp, Lamison, Lamport, Lansing, Lawrence, Lawson, Lofland, Lowe, Marshall, Martin, Maynard, MacDougall, McNulta, Milliken, Monroe, Morrison, Myers, Neal, Negley, Niles, O'Brien, O'Neill, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Randall, Ransier, Rapier, Read, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Vance, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Wilber, Willie, James Wilson, Jeremiah M. Wilson, and Woodworth—151.

NAYS—Messrs. Barrere, Barry, Cason, Stephen A. Cobb, Danford, Darrall, Duell, Dunnell, John B. Hawley, Joseph R. Hawley, Howe, Hynes, Kasson, Lowndes, Lynch, McLean, Merriam, Moore, Nesmith, Orr, Ray, Sawyer, Smart, William A. Smith, John M. S. Williams, William B. Williams, John D. Young, and Pierce M. B. Young—28.

NOT VOTING—Messrs. Adams, Albert, Barber, Bass, Beck, Begole, Bell, Berry, Biery, Buffinton, Burchard, Benjamin F. Butler, Carpenter, Caulfield, Chittenden, Freeman Clarke, Clinton L. Cobb, Cox, Creamer, Crutchfield, Curtis, Dawes, DeWitt, Eames, Eden, Eldredge, Foster, Frye, Garfield, Gunter, Hagans, Eugene Hale, Robert S. Hale, Harrison, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hyde, Kelley, Kellogg, Kendall, Killinger, Lamar, Leach, Lewis, Loughridge, Luttrell, Magee, McCrary, Alexander S. McDill, James W. McDill, McKee, Mills, Mitchell, Morey, Niblack, Nunn, Orth, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Rusk, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sheats, Sheldon, Sloss, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Charles R. Thomas, Tremain, Waddell, Waldron, Walls, Marcus L. Ward, Wheeler, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, and Wood—108.

So a call of the House was ordered.

Mr. CONGER. I move that the absentees be sent for.

The SPEAKER. The call will first have to take place.

The roll was then called, and the following members failed to answer to their names:

Messrs. Albert, Barber, Bass, Beck, Begole, Buffinton, Burchard, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Crutchfield, Dawes, Eames, Eden, Eldredge, Foster, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hurlbut, Kelley, Kellogg, Kendall, Killinger, Leach, Lewis, Loughridge, McCrary, Alexander S. McDill, James W. McDill, Mitchell, Nunn, Orr, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, Rusk, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Shanks, Sheldon, Sloss, John Q. Smith, Snyder, Stanard, Alexander H. Stephens, Stone, Swann, Charles R. Thomas, Tremain, Waddell, Waldron, Wallace, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, and Wood.

Mr. BUTLER, of Massachusetts. I move to dispense with all further proceedings under the call.

The SPEAKER. The absentees will be first called.

Mr. BUTLER, of Massachusetts. As a quorum is present we might save time by dispensing with all further proceedings under the call.

The SPEAKER. The rule is absolute to call the absentees.

Mr. BUTLER, of Massachusetts. I move that all further proceedings under the call be dispensed with.

The SPEAKER. Upon the call two hundred and five members have answered to their names. The doorkeepers will now close the doors.

Mr. BUTLER, of Massachusetts. I believe I have the right now to move that all further proceedings under the call be dispensed with.

Mr. NEGLEY. I hope not. I desire the odium to attach to the republicans who have coalesced with our enemies as well as those who have remained away from the sittings of the House shirking their duty in a shameless manner and detaining us here all night, and who have so far prevented us from enacting any legislation to secure the better enforcement of the laws and equal protection to all American citizens in every section.

Mr. BUTLER, of Massachusetts. I wish to have that done as much as anybody, but their names will appear in the list of absentees and that is all the good you can do. You can only show them to their constituents in the RECORD. We have a quorum of republicans in this Hall now.

Mr. NEGLEY. I should like to see the spectacle of the candidates for the Presidency, for judges, and for prominent positions on committees in the next House arrayed before the House for absence from the House without its leave. I leave the country to surmise the real motives of these absentees.

Mr. RUSK. I am one of the absentees, and I should like to tell the House why it is that I was absent.

Mr. BUTLER, of Massachusetts. I can tell why he has been absent; he has been sick, for I inquired into it.

Mr. WILSON, of Indiana. I move that the absentees be sent for.

Mr. RANDALL. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WILSON, of Indiana. I withdraw the motion.

Mr. BUTLER, of Massachusetts. I move that all further proceedings under the call be dispensed with as there is now a quorum in the Hall.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 114, nays 58, not voting 115; as follows:

YEAS—Messrs. Albert, Albright, Barry, Biery, Bradley, Bundy, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Coburn, Conger, Cotton, Crooke, Danford, Darrall, Dobbins, Donnan, Field, Fort, Freeman, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, John W. Hazelton, Hodges, Hubbell, Hunter, Lamport, Lansing, Lawrence, Lawson, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, MacDougall, McKee, McNulta, Monroe, Moore, Myers, Negley, Niles, O'Neill, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Ross, Rusk, Henry B. Sayler, Isaac W. Scudder, Sener, Sessions, Sheats, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Todd, Townsend, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—114.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Davis, DeWitt, Durham, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Hunton, Knapp, Magee, Marshall, McLean, Milliken, Mills, Neal, Niblack, O'Brien, Hosea W. Parker, Robbins, Milton Sayler, Southard, Standiford, Storm, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, and John D. Young—58.

NOT VOTING—Messrs. Averill, Barber, Barrere, Bass, Beck, Begole, Buffinton, Burchard, Burrows, Chittenden, Freeman Clarke, Clements, Clinton L. Cobb, Corwin, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Dawes, Duell, Dunnell, Eames, Eden, Eldredge, Farwell, Finck, Foster, Garfield, Eugene Hale, Robert S. Hale, John T. Harris, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Howe, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Leach, Lewis, Loughridge, Luttrell, McCrary, Alexander S. McDill, James W. McDill, Merriam, Mitchell, Morey, Morrison, Nesmith, Nunn, Orr, Orth, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Read, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Sawyer, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Shanks, Sheldon, Sloan, Sloss, Smart, John Q. Smith, Speer, Stanard, Starkweather, Alexander H. Stephens, Stone, Swann, Charles R. Thomas, Thompson, Thornburgh, Tremain, Tyner, Waddell, Waldron, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, William Williams, Ephraim K. Wilson, Wolfe, Wood, and Pierce M. B. Young—115.

So the House dispensed with all further proceedings under the call.

Mr. RANDALL. I move to reconsider the vote by which all further proceedings under the call were dispensed with.

Mr. NEGLEY. I move the House adjourn, and pending that I wish to make a parliamentary inquiry of the Chair. In what condition will it leave the bill if the House adjourns?

The SPEAKER. It will come up as the unfinished business after the reading of the Journal to-morrow.

Mr. RANDALL. Are you sincere in that motion?

Mr. BUTLER, of Massachusetts. I wish to make a parliamentary inquiry, and that is whether it will not take during the next legislative day two-thirds to call the previous question?

The SPEAKER. It will until next morning.

Mr. NEGLEY. We can afford to spend a day on this question, and I hope the House will agree to the adjournment now.

The question being taken on the motion to adjourn, there were—ayes 53, noes 66.

Mr. RANDALL. I call for the yeas and nays.

Mr. HUBBELL. I desire to ask of the Chair whether the motion to adjourn is in order pending the motion to reconsider?

The SPEAKER. A motion to adjourn is superior in privilege to the motion to reconsider.

Mr. BUTLER, of Massachusetts. What is its effect on the motion to reconsider?

The SPEAKER. It holds up the motion to reconsider.

Mr. BUTLER, of Massachusetts. Suppose the motion to reconsider should not be put till to-morrow?

The SPEAKER. It would then be too late. The House will have adjourned.

Mr. BUTLER, of Massachusetts. It may or may not.

The SPEAKER. The House would have proceeded to other business.

Mr. CESSNA. Has the motion to adjourn been withdrawn or was it voted down?

The SPEAKER. It was voted down on a division, and the yeas and nays were demanded and ordered thereon.

Mr. CESSNA. Did the Chair rule that the motion of the gentleman from Pennsylvania [Mr. RANDALL] was superior to that of his colleague [Mr. NEGLEY] to adjourn?

The SPEAKER. The Chair ruled just the contrary. But pending the motion to adjourn, the motion to reconsider is still a motion pending.

Mr. NEGLEY. If it is the desire of the republicans in this House to remain here for the consideration of this bill I withdraw my motion.

Mr. RANDALL. I object. The yeas and nays have been ordered.

The SPEAKER. That does not make any difference. The motion to adjourn is withdrawn.

Mr. RANDALL. I renew it.

Mr. WILSON, of Iowa. I desire to make a parliamentary inquiry. If the House evidently does not want to adjourn and a motion is made as a dilatory motion, is not the Speaker the judge of that under our rule?

The SPEAKER. But the rule is very specific that pending the lack of a quorum but two motions are in order, one to adjourn and one for a call of the House.

Mr. BUTLER, of Massachusetts. But there is a quorum here.

The SPEAKER. But that cannot deprive the House of the right to try the motion to adjourn, because the rule gives it specifically.

Mr. POTTER. Pending the call.

Mr. BARRY. Is there not also the power to reconsider the motion by which the call of the House was ordered? Does not that make three motions that are in order?

The SPEAKER. Only two motions are pending; the motion to reconsider the vote dispensing with further proceedings under the call, and the motion to adjourn made by the gentleman from Pennsylvania [Mr. RANDALL] on which the yeas and nays have been demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 69, nays 111, not voting 107; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Davis, DeWitt, Durham, Finck, Giddings, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Potter, Read, Robbins, Milton Sayler, Sener, J. Ambler Smith, William A. Smith, Southard, Speer, Storm, Thompson, Vance, Wells, White, Whitehouse, Whitthorne, Willie, and John D. Young—69.

NAYS—Messrs. Albert, Albright, Averill, Barry, Biery, Bradley, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Danford, Darrall, Dobbins, Donnan, Dunnell, Field, Fort, Freeman, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, Hodges, Howe, Hunter, Hynes, Lamport, Lansing, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Martin, Maynard, MacDougall, McKee, McNulta, Monroe, Moore, Negley, Niles, O'Neill, Packard, Packer, Page, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Ray, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Wallace, Walls, Jas-

per D. Ward, Marcus L. Ward, Whiteley, Wilber, John M. S. Williams, James Wilson, and Jeremiah M. Wilson—111.

NOT VOTING—Messrs. Barber, Barnum, Barrere, Bass, Beck, Begole, Buffinton, Burchard, Cain, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Crossland, Crounse, Crutchfield, Curtis, Dawes, Duell, Eames, Eden, Eldredge, Farwell, Foster, Garfield, Glover, Eugene Hale, Robert S. Hale, Havens, John B. Hawley, Hays, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Leach, Lewis, Lynch, McCrary, Alexander S. McDill, James W. McDill, Merriam, Mitchell, Morey, Myers, Nunn, Orr, Orth, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Randall, Rapier, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Shanks, Sheldon, Sherwood, Sloss, Snyder, Stanard, Standiford, Alexander H. Stephens, Stone, Strawbridge, Swann, Charles R. Thomas, Townsend, Tremain, Tyner, Waddell, Waldron, Wheeler, Whitehead, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Ephraim K. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—107.

So the House refused to adjourn.

The SPEAKER *pro tempore*, (Mr. STARKWEATHER.) The question recurs on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to reconsider the vote dispensing with further proceedings under the call.

Mr. CESSNA. I move to lay the motion to reconsider on the table.

Mr. RANDALL. And on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 3, not voting 182; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barry, Biery, Burleigh, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Coburn, Conger, Corwin, Cotton, Crooke, Danford, Darrall, Dobbins, Donnan, Dunnell, Farwell, Field, Fort, Freeman, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hunter, Hynes, Lansing, Lawrence, Lawson, Lofland, Lowe, Lowndes, Lynch, Maynard, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, O'Neill, Packer, Page, Thomas C. Platt, Potter, Pratt, Rainey, Ransier, Rapier, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sener, Sessions, Sheats, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Wallace, Jasper D. Ward, Marcus L. Ward, White, Wilber, John M. S. Williams, and James Wilson—102.

NAYS—Messrs. Archer, Hereford, and Speer—3.

NOT VOTING—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barber, Barnum, Barrere, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bradley-Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Stephen A. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Davis, Dawes, DeWitt, Duell, Durham, Eames, Eden, Eldredge, Finck, Foster, Garfield, Giddings, Glover, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hunton, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Leach, Lewis, Loughridge, Luttrell, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, Milliken, Mills, Mitchell, Morey, Morrison, Neal, Nesmith, Niblack, Nunn, O'Brien, Orr, Orth, Packard, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Randall, Ray, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Stone, Storm, Stowell, Strait, Swann, Charles R. Thomas, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Walls, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—182.

So the motion to reconsider was laid on the table.

The SPEAKER. The doors will be opened, proceedings under the call having been dispensed with.

Mr. LAWRENCE. I have a proposition which I would like to submit to the House, and which I hope will be acceptable to both sides of the House.

Mr. BUTLER, of Massachusetts. That would be impossible.

Mr. LAWRENCE. I hope it will be. I propose to report from the Committee on War Claims a bill making appropriations to pay claims allowed by the Department and put it on its passage now. There ought to be no possible objection to that.

Mr. BUTLER, of Massachusetts. No war claims now, until something is done for justice.

Many MEMBERS. Regular order.

Mr. POTTER. The result of this last vote is to show a less number of members present than at any time during the night—but 105. I think the House ought now to adjourn.

Mr. FIELD. They were not waked up to vote.

Mr. WILBER. We were down stairs getting breakfast.

The SPEAKER. The pending question is upon laying on the table the appeal from the decision of the Chair, on which the yeas and nays have been ordered.

Mr. BUTLER, of Massachusetts. That is a good question to vote on.

Mr. POTTER. Pending that motion, would a motion to adjourn be in order?

The SPEAKER. It would not be.

Mr. CESSNA. We have voted down a motion to adjourn pending this motion to lay the appeal on the table.

The question was taken; and there were—yeas 136, nay none, not voting 151; as follows:

YEAS—Messrs. Albright, Averill, Barry, Begole, Biery, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crutchfield, Danford, Darrall, Dobbins, Donnan, Farwell, Field, Fort, Freeman, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hunter, Hurlbut, Hyde, Hynes, Kasson, Lansing, Lawson, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Randall, Ransier, Rapier, Ray, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William B. Wiliams, James Wilson, Jeremiah M. Wilson, and Woodworth—136.

NAY—None.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barnum, Barrere, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burchard, Burrows, Caldwell, Caulfield, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clymer, Clinton L. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Curtis, Davis, Dawes, DeWitt, Duell, Dunnell, Durham, Eames, Eden, Eldredge, Finck, Foster, Frye, Garfield, Giddings, Glover, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hunton, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lawrence, Leach, Lewis, Luttrell, Magee, Marshall, Alexander S. McDill, McLean, Merriam, Milliken, Mills, Mitchell, Morrison, Myers, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Potter, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sheldon, Sloss, Small, Southard, Speer, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Charles R. Thomas, Thornburgh, Tremain, Tyner, Vance, Waddell, Waldron, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—151.

The SPEAKER. No quorum have voted.

Mr. RANDALL. Then I move a call of the House.

Mr. BUTLER, of Massachusetts. And pending that motion I move that when the House adjourn it be to meet——

Many MEMBERS. O, no.

Mr. BUTLER, of Massachusetts. We are not going to adjourn.

The SPEAKER. The motion indicated by the gentleman from Massachusetts [Mr. BUTLER] is not in order. When a vote discloses the absence of a quorum there are but two motions in order, one for a call of the House and the other to adjourn.

The question then recurred upon the motion for a call of the House.

Mr. RANDALL. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL, (at ten o'clock and ten minutes a. m.) I move that the House adjourn, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 69, nays 111, not voting 107; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Davis, DeWitt, Durham, Finck, Giddings, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Hunton, Knapp, Lamar, Lamison, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Potter, Read, Robbins, Milton Sayler, Sener, J. Ambler Smith, William A. Smith, Southard, Speer, Storm, Thompson, Vance, Wells, White, Whitehouse, Whitthorne, Willie, and John D. Young—69.

NAYS—Messrs. Albert, Albright, Averill, Barry, Biery, Bradley, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Danford, Darrall, Dobbins, Donnan, Dunnell, Field, Fort, Freeman, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hunter, Hynes, Lamport, Lansing, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Martin, Maynard, MacDougall, McKee, McNulta, Monroe, Moore, Negley, Niles, O'Neill, Packard, Packer, Page, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Ray, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, John M. S. Williams, James Wilson, and Jeremiah M. Wilson—111.

NOT VOTING—Messrs. Barber, Barnum, Barrere, Bass, Beck, Begole, Buffinton, Burchard, Cain, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Crossland, Crounse, Crutchfield, Curtis, Dawes, Duell, Eames, Eden, Eldredge, Farwell, Foster, Garfield, Glover, Eugene Hale, Robert S. Hale, Havens, John B. Hawley, Hays, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Killinger, Leach, Lewis, Lynch, McCrary, Alexander S. McDill, James W. McDill, Merriam, Mitchell, Morey, Myers, Nunn, Orr, Orth, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Randall, Rapier, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Shanks, Sheldon, Sherwood, Sloss, Snyder, Stanard, Standiford, Alexander H. Stephens, Stone, Strawbridge, Swann, Charles R. Thomas, Townsend, Tremain, Tyner, Waddell, Waldron, Wheeler, Whitehead, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Ephraim K. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—107.

So the motion to adjourn was not agreed to.

Mr. RANDALL. I call for the regular order.

The SPEAKER *pro tempore*, (Mr. POLAND in the chair.) The question recurs on the motion for a call of the House, on which the yeas and nays have already been ordered.

Mr. CESSNA. As the last vote develops the presence of a quorum, perhaps my friend on the other side will withdraw his motion for a call of the House.

The question was taken; and there were—yeas 72, nays 163, not voting 52; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Caulfield, John B. Clark, jr., Comingo, Cook, Crittenden, Crossland, DeWitt, Durham, Eldredge, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hereford, Herndon, Hunton, Knapp, Lamar, Lamison, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Pierce, Read, Milton Sayler, J. Ambler Smith, Southard, Speer, Standiford, Alexander H. Stephens, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—72.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Lansing, Lawrence, Lawson, Leach, Lewis, Lofland, Loughbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—163.

NOT VOTING—Messrs. Bradley, Buckner, Burchard, Cain, Carpenter, Chittenden, Freeman Clarke, Clymer, Clinton L. Cobb, Cox, Creamer, Crounse, Danford, Davis, Eames, Eden, Finck, Foster, Robert S. Hale, Hatcher, Gerry W. Hazelton, Hendee, George F. Hoar, Holman, Hoskins, Kasson, Kendall, Killinger, Lamport, Mitchell, Neal, Niles, Packer, Parsons, Phelps, Potter, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, Henry J. Scudder, Sloss, A. Herr Smith, Stone, Charles R. Thomas, Waldron, George Willard, Charles G. Williams, Jeremiah M. Wilson, and Wolfe—52.

So the House refused to order a call.

During the roll call,

Mr. SLOSS said: On this question I am paired with the gentleman from Rhode Island, Mr. EAMES. If present he would vote "no," and I should vote "ay."

The result of the vote was announced as above stated.

Mr. RANDALL. I move to reconsider the vote by which the House refused to order a call.

Mr. NEGLEY. I move to lay that motion on the table, and on my motion I call for the yeas and nays.

Mr. MAYNARD. Are not these dilatory motions? Should not the question be taken directly upon laying on the table the appeal from the decision of the Chair?

Mr. HYNES. I submit this parliamentary inquiry: If the vote on the refusal of the House to order a call develops the fact that a quorum is present, is it in order to move to reconsider that motion?

The SPEAKER *pro tempore*, (Mr. POLAND in the chair.) The regular occupant of the chair has so ruled.

Mr. NEGLEY. I believe we shall save time by proceeding with the roll-call, and I have called for the yeas and nays upon the pending motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 79, not voting 45; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crutchfield, Danford, Darrall, DeWitt, Dobbins, Donnan, Duell, Dunnell, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Isaac C. Parker, Pelham, Pendleton, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Randall, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Charles A. Stevens, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—163.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, Dawes, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Pierce, Potter, Robbins, William R. Roberts, Milton Sayler, Southard, Speer, Standiford, Alexander H. Stephens, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—79.

NOT VOTING—Messrs. Burchard, Benjamin F. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Creamer, Crounse, Curtis, Eames, Eden, Foster, Robert S. Hale, Hendee, Holman, Howe, Hubbell, Kasson, Kendall, Killinger, Marshall, Martin, Mitchell, Nunn, Packer, Page, Hosea W. Parker, Parsons, Phelps, Rainey, Read, Ellis H. Roberts, James C. Robinson, Schell, John G. Schumaker, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, Starkweather, St. John, Stone, Charles R. Thomas, Waldron, and Wolfe—45.

So the motion to reconsider the vote by which the House refused to order a call was laid on the table.

During the roll-call the following announcement was made:

Mr. SLOSS. I am paired upon this question with the gentleman from Rhode Island, [Mr. EAMES.] If he were here he would vote "ay," and I should vote "no."

The result of the vote was announced as above recorded.

Mr. ELDREDGE. I rise to a privileged motion. I move that the House do now adjourn.

Mr. NEGLEY. I raise the point of order that that motion is not in order.

The SPEAKER. It is not in order.

Mr. RANDALL. Does the Chair decide that the motion to adjourn is not in order when not accompanied by a motion to fix the day to which the House shall adjourn?

Mr. ELDREDGE. Upon what ground does the Chair rule my motion out of order?

The SPEAKER. Because on the pending question as many motions of that kind have been made as the rules allow.

Mr. ELDREDGE. There has been intervening business since a motion to adjourn was made, and a motion to adjourn is not in the nature of a dilatory motion or the House might be placed in an attitude where it could not adjourn.

The SPEAKER. It was the very last question voted on.

Mr. ELDREDGE. The last question voted on was a motion to lay upon the table the motion to reconsider the vote by which the House refused to order a call.

The SPEAKER. But it was the last vote taken prior to that.

Mr. ELDREDGE. At least two yeas and nays have been taken since a motion to adjourn was voted on.

Mr. RANDALL. What is the decision of the Chair?

The SPEAKER. The Chair does not think the motion in order.

Mr. ELDREDGE. Then I must respectfully appeal from the decision of the Chair.

Mr. NEGLEY. I move to lay the appeal upon the table.

Many MEMBERS. O, no.

Mr. BUTLER, of Massachusetts. Is not the appeal under the circumstances a dilatory motion?

Mr. ELDREDGE. I do not see how the House can ever get out of session if a motion to adjourn is in its nature a dilatory motion.

The SPEAKER. It is not in its nature a dilatory motion; but there are two reasons why the Chair cannot entertain the appeal, one of which will certainly be satisfactory to the gentleman from Wisconsin while the other will not. One is that the rules absolutely forbid the Chair entertaining an appeal when another appeal is pending. Now the very question pending is an appeal from the decision of the appeal.

Mr. ELDREDGE. Let me suppose a case, (which perhaps is not possible in point of fact,) that the Speaker should be wrong on a motion intervening after an appeal has been taken, that he should be absolutely wrong, violating all parliamentary law; must the House submit to that?

The SPEAKER. The majority of the House will find a way out of any such difficulty.

Mr. ELDREDGE. I think the rule to which the Speaker refers is where an appeal is pending on this very question, relating to the same subject on which the appeal is now sought to be taken.

The SPEAKER. The appeal is not in order while another appeal is pending.

Mr. ELDREDGE. I suppose that must relate to an appeal on the same question.

The SPEAKER. It has no qualification whatever.

Mr. ELDREDGE. Then the Speaker could be absolutely wrong.

The SPEAKER. That is quite probable; he might be. It is by no means impossible.

Mr. ELDREDGE. I do not say he is, but merely state the supposition; but there may be a case where the Speaker may violate all parliamentary law, and has the House no remedy?

The SPEAKER. The gentleman will observe the only thing the House has to decide is this appeal until the motion to adjourn comes to be in order, so that the working of the decision cannot be a great hardship.

Mr. ELDREDGE. I know we can renew the motion to adjourn.

The SPEAKER. There are two grounds, which are these: It is exhausted because it has been once tried on the pending question. The gentleman may differ from the Chair, but on the absolute literal rule the Chair cannot entertain one appeal while another is pending.

Mr. ELDREDGE. On that I reserve the right to take an appeal after the other one is disposed of.

The SPEAKER. Then the whole question will be changed.

Mr. ELDREDGE. That may or may not be.

Mr. NEGLEY. What is the condition of the question before the House?

The SPEAKER. The gentleman is reserving the right to appeal on a condition of circumstances which passes out from under him.

Mr. TREMAIN. He reserves a right which does not exist.

Mr. NEGLEY. I wish to make a parliamentary inquiry. What is the condition of the question before the House?

The SPEAKER. The pending question is as the Chair will state it for the benefit of gentlemen who were not present. The gentle-

man from West Virginia [Mr. HEREFORD] made the point of order that the Special Committee on Alabama Affairs had no right to report the bill which has been reported. The Chair overruled that point of order, and from that decision the gentleman from Pennsylvania [Mr. RANDALL] took an appeal. That appeal has been voted on three times.

Mr. CESSNA. The motion to lay it upon the table.

The SPEAKER. Yes; the motion to lay the appeal upon the table has been voted on three times, but no quorum voted either time, and it comes over so that it is now the pending question. The question recurs, will the House lay upon the table the appeal from the decision of the Chair?

Mr. ELDREDGE. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BROMBERG. Cannot we have the resolution creating this committee read for the information of those who were not here when the appeal was taken?

Several MEMBERS. Regular order!

Mr. BUTLER, of Massachusetts. The republican vote, as I understand it, is "ay."

Mr. COX. I ask the Chair to state precisely the question on which the appeal is taken. I wish to know the nature of the decision of the Chair and the appeal which has been taken from it.

The SPEAKER. The Alabama committee was created by a resolution passed under suspension of the rules instructing and directing them to inquire into a certain state of facts in Alabama. There is on specific words giving that committee the right to report a bill. On that the gentleman from West Virginia, raises the point that the committee was not authorized to report a bill. The Chair overruled the point of order, on the general ground that the committee could report any remedial measure pertinent to the subject of the investigation. From that decision the gentleman from Pennsylvania [Mr. RANDALL] appeals, and the gentleman from Pennsylvania [Mr. CESSNA] moves to lay the appeal upon the table.

The question was taken; and it was decided in the affirmative—yeas 165, nays 74, not voting 47; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Eldredge, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pike, Thomas C. Platt, Poland, Pratt, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Charles A. Stevens, St. John, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—166.

NAYS—Messrs. Adams, Arthur, Ashe, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, William R. Roberts, Milton Sayler, Sloss, Snyder, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—74.

NOT VOTING—Messrs. Archer, Atkins, Banning, Brown, Burchard, Cannon, Cason, Chittenden, Clinton L. Cobb, Creamer, Curtis, Davis, Eden, Foster, Robert S. Hale, Hendee, Herndon, Hynes, Kendall, Killinger, Lofland, McNulta, Mitchell, Phelps, Pierce, James H. Platt, jr., Potter, Rainey, James C. Robinson, Schell, John G. Schumaker, Henry J. Scudder, J. Ambler Smith, William A. Smith, Southard, Speer, Starkweather, Alexander H. Stephens, Stone, Stowell, Charles R. Thomas, Waldron, Jasper D. Ward, Wheeler, Whitehouse, George Willard, and Woodworth—47.

So the appeal from the decision of the Chair was laid on the table.

During the call of the roll the following announcements were made:

Mr. PARSONS. Mr. Speaker, I desire to say that upon all questions pending in the House since eleven o'clock last evening I was paired with the gentleman from Kentucky, Mr. BECK.

Mr. MCNULTA. I desire to say that I am paired with the gentleman from Georgia, Mr. STEPHENS, until one o'clock and thirty-five minutes p. m. to-day.

Mr. CONGER. My colleague, Mr. WALDRON, was called from the House in consequence of sickness in his family, and is unable to be here this morning.

Mr. SNYDER. My colleague, Mr. HYNES, was called home by the illness of his wife an hour ago.

The result of the vote was then announced as above recorded.

Mr. ELDREDGE. I rise to a privileged motion. I move to reconsider the vote by which the appeal was laid on the table.

Mr. NEGLEY. I move to lay the motion to reconsider on the table.

Mr. ELDREDGE. And on that I demand the yeas and nays.

Mr. BUTLER, of Massachusetts. Is not that a dilatory motion?

Mr. CESSNA. I make the point of order that it is a dilatory motion.

The SPEAKER. The Chair does not see how, if the motion itself is not dilatory, the reconsideration could be so regarded.

Mr. BUTLER, of Massachusetts. The appeal itself was a dilatory motion last night.

The SPEAKER. Not so recorded.

Mr. WILSON, of Iowa. I desire to make a parliamentary inquiry. Is the motion to reconsider the vote by which the House laid on the table the appeal from the decision of the Chair—is that motion to reconsider in order?

The SPEAKER. Why not?

Mr. WILSON, of Iowa. I never heard it made in my life.

Mr. ELDREDGE. That is no reason why it is not in order.

Mr. SMITH, of Ohio. Suppose the motion of the gentleman from Wisconsin is carried and the action of the House is reconsidered, would it be in order to move to lay that on the table again?

The SPEAKER. That would imply that a majority first laid the motion on the table and then reconsidered its action. If the majority should choose to go from one side to the other, the Chair does not know anything in the rules to prevent them.

Mr. CONGER. I ask the Chair if this is not evidently a dilatory motion?

The SPEAKER. If the appeal is not dilatory, neither is the motion to reconsider. This principle must always be acknowledged, that when the direct motion is in order, the motion to reconsider is in order. They cannot be separated. The right to make the direct motion being conceded, the right to reconsider is absolute.

Mr. WHEELER. This is simply a motion, as I understand it, to reconsider the vote by which the appeal was laid on the table.

The SPEAKER. That is it exactly.

Mr. G. F. HOAR. I understand that there is some misapprehension respecting the ruling of the Chair. If this is tabled, can it be again renewed?

The SPEAKER. If the House should reconsider it, the question again comes up for the action of the House; but if the House tables the motion to reconsider, that ends it.

Mr. G. F. HOAR. I did not myself misunderstand the Chair.

Mr. ELDREDGE. I have called for the yeas and nays on the motion to lay on the table the motion to reconsider.

The yeas and nays were ordered.

Mr. FORT. I wish to raise the point of order whether a gentleman voting with the minority can move to reconsider?

The SPEAKER. The gentleman from Wisconsin who moved to reconsider voted with the majority.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. Did I understand the Chair in putting the question rightly, that this was a motion to reconsider the vote by which the appeal was laid on the table?

The SPEAKER. The motion of the gentleman from Wisconsin is to reconsider the vote by which the appeal was laid on the table, and the pending question is on the motion to lay that motion to reconsider on the table.

Mr. BUTLER, of Massachusetts. That is all right.

The question was taken; and there were—yeas 157, nays 74, not voting 56; as follows:

YEAS—Messrs. Albert, Albright, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Freeman, Frye, Garfield, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Kelley, Kellogg, Lamport, Lansing, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Moore, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Strait, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tyner Walls, James D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—157.

NAYS—Messrs. Adams, Arthur, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, De Witt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, William R. Roberts, Milton Sayler, Sloss, Southard, Speer, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wood, John D. Young, and Pierce M. B. Young—74.

NOT VOTING—Messrs. Archer, Ashe, Averill, Burchard, Caulfield, Chittenden, Clinton L. Cobb, Comingo, Creamer, Curtis, Dawes, Duell, Eden, Farwell, Foster, Gooch, Robert S. Hale, Hendee, Hunter, Hynes, Kasson, Kendall, Killinger, Lamison, Lawrence, McNulta, Mitchell, Monroe, Moore, Nesmith, Phelps, Potter, Rainey, Ransier, James C. Robinson, Schell, John G. Schumaker, Henry J. Scudder, Sener, Sheats, Smart, William A. Smith, Standiford, Alexander H. Stephens, Stowell, Strawbridge, Swann, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waldron, Wallace, Wilber, Ephraim K. Wilson, Wolfe, and Woodworth—56.

So the motion to reconsider was laid on the table.

Mr. RANDALL. I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. I rise to a point of order. Before this present motion which has been finally decided as to the appeal, the pending question was the question of consideration raised by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. BUCKNER. Is this a debatable question?

The SPEAKER. The gentleman from Massachusetts is stating his point of order.

Mr. BUTLER, of Massachusetts. I say that the pending question was the question of consideration raised by the gentleman from Pennsylvania [Mr. RANDALL] upon the bill presented by the gentleman from Indiana, [Mr. COBURN.] Upon that the rule applies, that when any question is pending the Speaker shall entertain but two dilatory motions: the one a motion to fix the day to which the House shall adjourn and the other a motion to adjourn. Both those motions have been put over and over again since this question was pending; and the fact that there has intervened other business, such as a call of the House and on the appeal on a point of order, one of them necessary because there was no quorum and the other delay to this time for want of a quorum, does not affect the rule, the intent of which, as explained by the Chair from the floor and from the desk at the time it passed, was to cut off all dilatory motions after the question is stated until the call for the previous question, and then it is to be decided on the first day in one form and on the second day in another.

Now, we have voted on motions to adjourn and on motions to fix the day to which the House shall adjourn over and over again. There can be no end to these proceedings, and the rule is utterly valueless if it does not protect the majority now.

The SPEAKER. The Chair understands the gentleman to take this view: that as the bill now is it comes before the House and is upon its engrossment and third reading; and that there having been two motions made, one to adjourn and another to fix the day to which the House shall adjourn, they never can be repeated until that point is passed.

Mr. BUTLER, of Massachusetts. I ground myself upon the reading of the rule, the first clause of which I should like the Chair to have read. It is that when one question is pending there shall be but two dilatory motions entertained: one to adjourn and one to fix the day to which the House shall adjourn.

Now, the question of consideration has been pending, I think, since about one o'clock last night, and the two dilatory motions have been made and voted upon.

The SPEAKER. The Chair will direct the Journal to be read, and gentlemen will please pay attention to it.

The Clerk read as follows:

Mr. COBURN, from the select committee on the condition of political affairs in the State of Alabama, to which was recommitted the bill of the House No. 4745, to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections under the authority heretofore granted, reported the same without amendment.

Pending which, Mr. HEREFORD raised the point of order that the said committee, being a select committee, had no right to report the bill.

The Chair decided that the point of order was not well taken.

From that decision of the Chair Mr. RANDALL appealed.

Mr. CONGER moved that the appeal be laid on the table.

Pending which,

Mr. RANDALL moved (at two o'clock and fifteen minutes a. m.) that the House adjourn.

And the question being put, it was decided in the negative—yeas 79, nays 133.

So the House again refused to adjourn.

The SPEAKER. The gentleman will observe that the motion to adjourn was pending the appeal from the decision of the Chair; that pending the consideration of the bill there were other questions that supervened before the motion to adjourn was submitted.

Mr. BUTLER, of Massachusetts. Now, going back of that, the point I take is this: after the bill was presented, and after the question of consideration was raised, then the point of order was raised.

The SPEAKER. And by the raising of that point of order, and by the appeal, the House immediately passed to another question than that of the consideration of the bill.

Mr. BUTLER, of Massachusetts. But we left the question of consideration still pending, and it is pending yet, and it has been pending from that hour to this.

The SPEAKER. The Chair will direct the rule to be read.

Mr. MAYNARD. Before that is done permit me to say that the Journal as read does not show that the gentleman from Pennsylvania [Mr. RANDALL] raised the question of consideration; I think the Chair will recollect that he did it. Then the point of order was made by the gentleman from West Virginia, [Mr. HEREFORD;] but the gentleman from Pennsylvania raised the question of consideration before the point of order was raised by the gentleman from West Virginia.

Mr. BUTLER, of Massachusetts. The question of order was not raised until after the reading of the title of the bill.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

RULE —. Whenever a question is pending before the House, the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn; but the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration, unless two-thirds of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money, the credit, or other property of the United States, except the regular annual appropriation bills.

The SPEAKER. That is, the two motions to which reference is made in the rule relate to the power of the House to have them entertained when a question is immediately pending. This question might have gone over, if the House had been able to obtain a quorum, as it was without one for some twelve or fourteen hours on the side that was trying to secure legislation—this question might have gone over for several days. Yet the gentleman from Massachusetts would hardly present this point.

Mr. BUTLER, of Massachusetts. I should present the point whenever we got back to that question.

Mr. CESSNA. I would ask, what is the pending question now?

The SPEAKER. It is, "Will the House now consider this bill?" And pending that no motion to adjourn has been made till now.

Mr. CESSNA. There was a motion made to adjourn after the appeal from the decision of the Chair.

The SPEAKER. That appeal raised another question.

Mr. BUTLER, of Massachusetts. The question of consideration was then pending.

The SPEAKER. It might have been pending for three or four days.

Mr. BUTLER, of Massachusetts. Very possibly; but it could not have been except for dilatory motions.

The SPEAKER. Has the motion to adjourn ever been put immediately pending the question of consideration of the bill?

Mr. BUTLER, of Massachusetts. I understand the object of the rule is to bring the House at a single session to a vote on the bill if two-thirds shall order the previous question; otherwise the rule is simply nugatory.

The SPEAKER. Then if the House wanted to debate the question another day they would be precluded from so doing.

Mr. BUTLER, of Massachusetts. By no means; debate is not dilatory.

The SPEAKER. But when they came to the motion to adjourn—they could not get over to another day without adjourning.

Mr. CESSNA. The Chair stated that he was to determine whether a motion was a dilatory motion or not.

The SPEAKER. The question now is not so much as to motive as to the literal meaning of the rule. "Whenever a question is pending before the House." Now pending the consideration of this question, has there been a motion to adjourn submitted?

Mr. BUTLER, of Massachusetts. Yes, eight of them.

The SPEAKER. The Chair thinks not, and therefore rules that this motion to adjourn is in order.

Mr. PAGE. I desire to make a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. PAGE. It is this: How many more dilatory motions can be entertained by the Chair?

The SPEAKER. But one more; the motion to adjourn and the motion to fix the day to which the House shall adjourn, are the two dilatory motions which can now be entertained.

Mr. BUTLER, of Massachusetts. Well, we have struck bottom, then, within two motions.

Mr. RANDALL. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 165, not voting 52, as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Averill, Banning, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Lamison, Leach, Marshall, Milliken, Mills, Morrison, Neal, Niblack, Hosea W. Parker, Perry, Potter, Read, Robbins, William R. Roberts, Schell, Sener, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—70.

NAYS—Messrs. Albert, Albright, Atkins, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Luttrell, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whitehead, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—165.

NOT VOTING—Messrs. Archer, Barnum, Beck, Buckner, Roderick R. Butler, Chittenden, Clements, Clinton L. Cobb, Creamer, Crittenden, Curtis, Eden, Farwell, Foster, Giddings, Robert S. Hale, Hendee, Holman, Hynes, Kasson, Kendall, Killinger, Loughridge, Magee, Maynard, McLean, McNulta, Mitchell, Morey, Nesmith, O'Brien, Poland, Rainey, Randall, James C. Robinson, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sloss, J. Ambler Smith, John Q. Smith, Snyder, Stanard, Alexander H. Stephens, Taylor, Charles R. Thomas, Waldron, Ephraim K. Wilson, and Woodworth—52.

So (at one o'clock and thirty minutes p. m.) the motion to adjourn was not agreed to.

Mr. HEREFORD. I rise to a privileged motion.

Mr. COBURN. I ask now that the House proceed with the consideration of the bill reported by me; that it be taken up and read.

Mr. HEREFORD. I send to the desk the resolution which is privileged.

The Clerk read as follows:

Resolved, (the Senate concurring,) That this House adjourn to March 1.

Mr. HEREFORD. In connection with that resolution I ask the Clerk to read a passage which I have marked in Barclay's Digest.

The SPEAKER. The motion of the gentleman from West Virginia [Mr. HEREFORD] is not in order.

Mr. COBURN. That motion being out of order, I desire that the Clerk shall now proceed with the reading of the bill.

Mr. ELDREDGE. I ask that the extract from Barclay's Digest sent up by the gentleman from West Virginia be read.

The Clerk read as follows:

A resolution proposing, with the concurrence of the Senate, an adjournment for more than three days is held to be privileged.

Mr. CONGER. I raise the point——

The SPEAKER. There is no need of raising any point. The resolution is not in order.

Mr. ELDREDGE. I appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. ELDREDGE. On what grounds?

The SPEAKER. The rule is explicit. The Clerk will read a rule which was adopted about eight years since.

The Clerk read as follows:

Pending a motion to suspend the rules, the Speaker may entertain one motion that the House do now adjourn; but after the result thereon is announced, he shall not entertain any other dilatory motion till the vote is taken on suspension.

The SPEAKER. The Clerk will also read the first clause of the new rule.

The Clerk read as follows:

Whenever a question is pending before the House, the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn.

The SPEAKER. It has been the uniform habit, not only of the present occupant of the chair but of his immediate predecessor, to decline to receive any appeal under the rule first read, because in the first place it is so explicit that there can be no doubt of its meaning, and in the second place its purpose would be wholly perverted and destroyed if an appeal were allowed, because appeals could be put in without limit as dilatory motions.

Mr. COBURN. I ask for the reading of the bill.

Mr. ELDREDGE. I move that when the House adjourns to-day it adjourn to meet on Saturday next.

The SPEAKER. That motion is in order.

The House divided; and there were ayes 52, noes not counted.

Mr. COBURN demanded the yeas and nays.

The yeas and nays were ordered.

Mr. COX. Is that motion amendable?

The SPEAKER. It is not; that would make two motions.

Mr. COX. I move to adjourn.

The SPEAKER. The Chair cannot entertain it.

The question was then taken; and it was decided in the negative—yeas 80, nays 173, not voting 34; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crooke, Crossland, Davis, DeWitt, Durham, Eldredge, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Schell, Southard, Speer, Standiford, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—80.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Jeremiah M. Wilson—173.

NOT VOTING—Messrs. Chittenden, Clinton L. Cobb, Crittenden, Curtis, Dawes, Eden, Finck, Foster, Robert S. Hale, Hendee, E. Rockwood Hoar, Kasson, Kendall, Killinger, McNulta, Mitchell, Morey, Nesmith, Poland, Rainey, Ellis H. Roberts, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sloss, Alexander H. Stephens, Swann, Charles R. Thomas, Waldron, Wheeler, Ephraim K. Wilson, and Woodworth—34.

So the House refused to adjourn over until Saturday next.

Mr. ELDREDGE. I now raise the question of consideration.

Mr. COBURN rose.

Mr. LUTTRELL. I rise to a question of order, that the gentleman from Indiana is not in his seat.

Mr. COBURN. I am occupying the seat of a friend who has yielded it to me temporarily.

The SPEAKER. The Chair does not sustain the point of order.

In reference to the proceedings under the amended rule the Chair begs to call the attention of the House to the fact that the last two motions are the only ones which have been made in order and the only ones which could have been made had the report come in at this hour. The proceedings of the long night session had no reference whatever to the amended rule, but arose from causes to which the amended rule had no application and was not intended to have any application.

Mr. ELDREDGE. I object to the consideration of the bill.

The SPEAKER. The gentleman from Indiana, [Mr. COBURN,] from the Select Committee on Alabama Affairs, reports back a bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. COBURN. I ask for the reading of the bill.

Mr. ELDREDGE. Is not my point in order before the reading?

The SPEAKER. It is either way.

Mr. ELDREDGE. I raise the question of consideration at once.

The SPEAKER. The gentleman from Wisconsin raises the point of consideration; and the question is, Will the House now consider this bill?

Mr. ELDREDGE. I demand the yeas and nays.

Mr. CESSNA. I understood that was pending all the time.

The SPEAKER. Of course; but it has to be voted on.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 170, nays 89, not voting 28; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Eldredge, Field, Fort, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Henry B. Sayler, Scofield, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—170.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, Schell, Sener, Sloss, J. Ambler Smith, William A. Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—89.

NOT VOTING—Messrs. Chittenden, Freeman Clarke, Clinton L. Cobb, Eden, Farwell, Foster, Freeman, Robert S. Hale, Hendee, Kendall, Killinger, Mitchell, Page, Phelps, Rainey, Ransier, Ellis H. Roberts, Sawyer, John G. Schumaker, Henry J. Scudder, Sessions, Stanard, Alexander H. Stephens, Charles R. Thomas, Waldron, Jasper D. Ward, Charles W. Willard, and Ephraim K. Wilson—28.

So the House agreed to consider the bill, H. R. No. 4745.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 2765) granting a pension to John W. Darby.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

ORDER OF BUSINESS.

Mr. ELDREDGE. I move to reconsider the vote by which the House agreed to consider the bill, H. R. No. 4745.

Mr. CONGER. I move to lay the motion to reconsider on the table.

Mr. ELDREDGE. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 85, not voting 41; follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutch-

field, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Niles, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Todd, Townsend, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—161.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, Schell, Sener, Sloss, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—85.

NOT VOTING—Messrs. Beck, Bell, Burleigh, Burrows, Chittenden, Freeman Clarke, Clinton L. Cobb, Curtis, Darrall, Eden, Foster, Freeman, Robert S. Hale, Harmer, Havens, Hendee, Kasson, Kendall, Killinger, Mitchell, Myers, Negley, Nesmith, O'Neill, Page, Hosea W. Parker, Ellis H. Roberts, John G. Schumaker, Henry J. Scudder, Small, J. Ambler Smith, William A. Smith, Charles R. Thomas, Thompson, Thornburgh, Tremain, Waldron, Charles W. Willard, George Willard, William Williams, and Ephraim K. Wilson—41.

So the motion to reconsider the vote by which the House agreed to consider the bill (H. R. No. 4745) was laid on the table.

SECURITY OF ELECTIONS, ETC.

Mr. COBURN rose.

Mr. NIBLACK. I rise to a point of order.

Mr. RANDALL. I call for the reading of the bill.

The SPEAKER. The Chair will hear the point of order of the gentleman from Indiana.

Mr. NIBLACK. The point of order I make is that section 9 of the bill provides for the creation of new offices, and that the bill therefore must receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair does not know anything about section 9. The bill has not been read. The Clerk will read the bill.

Mr. ELDREDGE. I move that the House do now adjourn.

Mr. NIBLACK. I ask that the point of order may be held in reserve until the bill has been read.

The SPEAKER. The Clerk will proceed with the reading of the bill.

Mr. ELDREDGE. Does the Chair decide that the motion to adjourn is not in order?

The SPEAKER. It is not in order.

Mr. ELDREDGE. A different question is now pending. The question of consideration has been disposed of and the bill is now before the House.

The SPEAKER. That is not really and in fact a different question. The next stage of the bill is upon its third reading. The mere motion as to whether the House shall now consider it does not present a different phase at all.

Mr. ELDREDGE. The question was, would the House consider the bill. The House has decided that it will consider it now. The next question is on the bill itself, and that is now before the House.

The SPEAKER. That does not change the status of the bill at all.

Mr. ELDREDGE. I concede that. But the question is an entirely different one.

Mr. CESSNA. I raise the question of order that the gentleman from Indiana, [Mr. COBURN,] who reported the bill, is entitled to be recognized and not the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. RANDALL. I ask for the reading of the bill.

Mr. ELDREDGE. I must appeal from the decision of the Chair.

The SPEAKER. The Chair cannot entertain the appeal.

The Clerk read the bill, as follows:

A bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if two or more persons, within the jurisdiction of the United States, shall invade any of the States of this Union for the purpose of forcibly overthrowing the existing government of said State, or any constituted authority of the same, or for the purpose of interfering in any forcible or unlawful manner with the due execution of the laws of said State or of the United States; or if two or more persons, within the jurisdiction of the United States, shall conspire with any other person or persons for any of the unlawful purposes hereinbefore recited, with intent to commit the same, each person so offending shall be deemed guilty of felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000 and by imprisonment and confinement at hard labor for a term not exceeding ten years, at the discretion of the court trying the same.

SEC. 2. That if two or more persons shall conspire together to overthrow by force or to usurp by violence the State government of any of the States of this Union, or any department thereof; or if any two or more persons shall in fact, by force and violence, attempt to subvert or usurp such State government, or any department thereof; or if any two or more persons shall, by like force and violence, actually overthrow the existing government of any State, or any department thereof, each person so offending shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $5,000, and shall be imprisoned not less than one year and not more than twenty years, at the discretion of the court trying the same.

SEC. 3. That any person or persons using or proposing to use fire-arms or other deadly weapons against any peaceable individual or individuals, or assemblages of the same, at or near the place and on the day or days of registration or holding an election for Representatives or Delegates to Congress, for the purpose of intimidating or injuring such individual or individuals while such election is in progress, and before the same shall have been completed, or before such election has commenced to be held, for the purpose of intimidating such individuals from coming to the same, shall be guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $2,000, and imprisoned not less than one year and not more than three years, at the discretion of the court trying the same: *Provided*, That in all prosecutions under this act the open or concealed carrying of fire-arms or other deadly weapons at such elections or place of registration shall be taken as presumptive evidence of the intent to intimidate under this act.

SEC. 4. That in case the registration officers appointed under the laws of any State or Territory, where by the laws of said State or Territory registration is required as a condition of voting at any election for Representatives in Congress, shall willfully or corruptly refuse or neglect to give any person entitled to vote, at any precinct or voting place established under the provisions of the laws of Congress, or of any State or Territory, full and sufficient opportunities to register in the manner prescribed by law, and within the time fixed by law, or shall, by any device or subterfuge, impose conditions or enforce discriminations upon voters or classes of voters not declared in such registration laws, or shall refuse or neglect, on request made by the voter or his agent, to furnish such voter with a certificate of registration, or such other form of evidence of the same as may by law be required in such State or Territory, such officer shall be deemed guilty of a crime, and on conviction thereof shall be fined not less than $500 nor more than $1,000, or imprisoned not less than six months nor more than two years, or both, at the discretion of the court trying the same.

SEC. 5. That any person or persons who, at any election for a Representative to Congress, shall, by cunning or device, fraud or force, take, or cause to be taken, from the legal custodian or custodians of the same, or from any place where kept in deposit by any such custodian or custodians, the box or boxes of ballots, or the poll-lists, or either of them, or shall carry away, conceal, scatter, deface, mutilate, or destroy said ballots or poll-lists, or any or either of them, before the final count and comparison of the same has been completed, and the result of the election ascertained and publicly announced, or before the time has expired for which such ballots and poll-lists, or either of them, have to be preserved under the laws of the United States or of such State and Territory, every such person shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $3,000, and imprisoned not less than two years nor more than five years, at the discretion of the court trying the same.

SEC. 6. That if in the prosecution of any of the undertakings hereinbefore declared unlawful, or in the commission of any of the offenses hereinbefore set forth, any person not participant in said offenses or unlawful undertakings, shall be killed by any persons engaged in the same, or any of them, such killing shall constitute the crime of murder; and any person committing the same, or accessory before the fact to such commission, shall, on conviction thereof, suffer the penalty of death.

SEC. 7. That the district courts of the United States, within their several districts, shall have, exclusively of the courts of the several States, jurisdiction of all crimes and offenses against the provisions of this act, and also concurrently with the circuit courts of the United States of all causes, civil or criminal, arising under this act, except as herein otherwise provided; and the jurisdiction hereby conferred shall be exercised in conformity with the laws and practice governing United States courts; and all crimes and offenses committed against the provisions of this act may be prosecuted by the indictment of a grand jury, or, in cases of crimes and offenses not infamous, may be, either by indictment or information, filed by the district attorney in a court having jurisdiction.

SEC. 8. That the supervisors of elections hereafter appointed for any county, parish, or voting precinct in any congressional district, at the instance of ten citizens, as provided in existing laws, shall exercise the same powers and perform the same duties as are now given to and required from supervisors in towns and cities of twenty thousand inhabitants or upward. All supervisors of elections within any congressional district may hereafter be appointed from the congressional district; and the judge of the circuit court of the United States within whose circuit such district may be situate shall appoint such supervisors on petition as now provided by law at least thirty days prior to the registration or election in which they are to act; and one of said supervisors, so appointed by said judge, shall be by him denominated as chief supervisor of said congressional district, and shall possess the powers and perform the duties now required by law of a chief supervisor.

SEC. 9. That the provisions of existing laws as to the appointment, powers, and duties of special deputy marshals for cities and towns of twenty thousand inhabitants or upward, in elections for Representatives to Congress, are hereby extended to the several counties, parishes, and voting precincts in each congressional district, and such special deputies may be selected from any portion of such congressional district.

SEC. 10. That at all elections for Representatives in Congress hereafter held, the managers of such elections or board of officers charged with the conduct of the said election, by whatever title denominated at the several polling places, shall immediately, after the closing of the polls, and before separating or adjourning to any other time or place, count and declare, in the presence of the supervisor and deputy marshal, if any shall have been appointed and shall be present at said polling place, the result of the vote polled at said place of election, and shall thereupon immediately certify the same so far as relates to Representatives in Congress or presidential electors, if voted for in said election under the laws of the State, and shall deliver such certificate to said supervisor or deputy marshal, which ever may be present; and such supervisor or deputy marshal, as the case may be, shall at once transmit such certificate to the chief supervisor of the congressional district, who shall, as soon as practicable, forward the same to the Clerk of the House of Representatives. And the officer or officers charged with the canvassing or consolidation of the vote of any county, city, or parish shall in like manner perform such duty in the presence of such supervisor, if present, who shall, if appointed, attend in each county, city, or parish at the time and place provided by law for such canvass and consolidation.

SEC. 11. That no officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained.

SEC. 12. That the ballots, poll-lists, tally-sheets, or other papers which by the law of any State are evidence of an election, and which have been used in elections for Representatives to Congress, shall hereafter be preserved and safely kept by the custodian provided by the laws of the several States until the close of the first session of the Congress to be affected by such election; that either party to an election contest in the House of Representatives of the United States, in which contest an allegation of fraudulent count or change of ballots is made, may have a subpœna directed to said custodian, who shall, if so required by said subpœna, produce such original ballots, lists, and other papers connected with said election, and the same, after the usual notice to the contestant or contestee, may be examined and compared before any person in the county or parish authorized to take depositions in contested elections, and such person shall certify under his hand and seal, and forward in the manner provided by law, said examination and comparison, to be used as evidence in the case. After said examination and compari-

son shall be completed, said ballots, lists of voters, and other papers shall be returned to their lawful custodian in the same condition as when by him produced before said examining officer.

SEC. 13. That whenever in any State or part of a State the unlawful combinations tions named in section 5299 of the Revised Statutes and in the first and second sections of this act shall be organized and armed, and so numerous and powerful as to be able by violence to either overthrow or set at defiance the constitnted authorities of said State and of the United States within said State, or when the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and, during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privilege of the writ of *habeas corpus* to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of the act entitled "An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *And provided further*, That the President shall first have made proclamation, as provided by law, commanding such insurgents to disperse.

Mr. RANDALL. Is there any report accompanying the bill?

Mr. NIBLACK. I now ask that the Chair shall rule on my point of order.

The SPEAKER. The gentleman will please state his point of order.

Mr. NIBLACK. My point of order is that sections 8 and 9 of the bill create new offices. First, in the eighth section by reorganizing offices in such a way as to create new offices, and in the ninth section by extending existing offices over Territories not now provided for, and thus creating new offices. I also call the attention of the Chair to section 11, to show that this is the construction of these sections. And therefore, under the rule, this bill must have its first consideration in Committee of the Whole.

The SPEAKER. Does the bill provide for paying any money out of the Treasury of the United States?

Mr. NIBLACK. That is not the question; it creates new officers, and if the Chair has any doubt about it I ask to have the rule on the subject read.

Mr. COBURN. I call the attention of the Chair to the eleventh section of the bill.

Mr. SPEER. But an amendment allowing these officers compensation would be germane to the bill.

The SPEAKER. That is the very point. If such an amendment were in order the bill would go to the Committee of the Whole on the state of the Union.

Mr. CESSNA. The Chair will rule upon such an amendment when it comes up.

The SPEAKER. The Chair understands the gentleman from Indiana [Mr. NIBLACK] to make the point that the rule forbids the creation of any new officers.

Mr. NIBLACK. My point is that any bill providing for the creation of new officers, or which in the language of the Chair in the Utah case naturally tends in that direction, must receive its first consideration in Committee of the Whole on the state of the Union.

The SPEAKER. The Chair will have the rule read to which he supposes the gentleman refers.

The Clerk read as follows:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

The SPEAKER. Now the question is, does this measure make an appropriation of money, or does it require an appropriation to be made, or does it authorize the payment of any money out of appropriations already made? Does it not rather absolutely and in terms exclude the possibility of all these modes of expenditure?

Mr. NIBLACK. I insist that the natural tendency of the creation of new officers is to create a charge upon the public Treasury.

The SPEAKER. But the language is, "that no officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained."

Mr. SPEER. But an amendment striking out that section would be in order.

The SPEAKER. O, no. It is no more in order to strike out that section in the bill than it would be to insert a section providing for the payment of these officers.

Mr. SPEER. Either would be in order.

The SPEAKER. Neither would be in order. The gentleman will remember that in the Utah case an attempt was made to secure that by getting in an amendment of this kind; but it did not follow that the House would adopt the amendment, and the Chair could not infer that it would be adopted.

Mr. SPEER. Was not the Chair about sending the bill to the Committee of the Whole on the point of order when the gentleman from Vermont [Mr. POLAND] withdrew it?

The SPEAKER. What bill?

Mr. SPEER. The Utah bill.

The SPEAKER. Well; but that bill did not contain this provision: "That no officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained."

Mr. SPEER. Which provision does the Chair refer to?

The SPEAKER. The provision of the eleventh section: "That no officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained."

Mr. SPEER. That section says that no officer created under this act shall receive any compensation, but now the point is that an amendment giving them compensation would be germane to the bill.

The SPEAKER. If such an amendment be adopted, then the bill goes to the Committee of the Whole right off. It cannot be maintained that the House of Representatives is unable to appoint an officer or a commissioner or agent without pay or emolument of any kind whatever without having the matter considered in Committee of the Whole. The gentleman cannot maintain that.

Mr. NIBLACK. The concluding portion of the eleventh section is, "nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained." But that clause continues the compensation to these officers.

The SPEAKER. Not at all; the gentleman does not read it correctly: "That no officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained." That language absolutely excludes the possibility of taking any money from the public Treasury.

Mr. NIBLACK. I regret to differ from the Chair, but I respectfully take an appeal from his decision.

Mr. SPEER. Do I understand the Chair to say that an amendment would not be in order striking out the eleventh section?

The SPEAKER. If a gentleman offered a specific proposition to pay these officers the Chair would not admit it.

Mr. SPEER. Why?

The SPEAKER. Simply because it should have its first consideration in Committee of the Whole, because it provides for the payment of money out of the Treasury.

Mr. SPEER. The Chair would not refuse to admit the amendment on the ground that it was not germane to the bill?

The SPEAKER. That is not the point at all; the point is that it makes an appropriation. It might be germane to the bill, but should receive its first consideration in Committee of the Whole.

Mr. GARFIELD. And if admitted it would send the bill to the Committee of the Whole.

The SPEAKER. Certainly.

Mr. NIBLACK. I will ask an appeal from the decision of the Chair; I do it with all respect to the Chair.

Mr. THOMPSON. That is purely a dilatory motion.

Mr. COBURN. I rise to a point of order, and claim the floor.

Mr. NIBLACK. The Attorney-General has decided in the case of John W. Wright that an officer who does not receive compensation is not an officer of the United States; but if he be an officer he would be entitled to compensation.

Mr. GARFIELD. If the gentleman's authority is good, would it not follow if he does not receive compensation that he is not an officer?

The SPEAKER. The Chair would be glad to have the gentleman from Indiana [Mr. NIBLACK] state what particular feature of the rule this bill violates.

Mr. COX. What is the number of the rule.

The SPEAKER. It is Rule 112. Does this bill violate that portion which relates to a bill making appropriations of money, or requiring an appropriation to be made, or authorizing payment to be made out of any other appropriation?

Mr. NIBLACK. I am assuming that the creation of a number of officers would necessarily result in an appropriation from the Treasury to pay them. And with all due respect I must appeal from the decision of the Chair. I have been informed—I do not know, for I have not read it thoroughly—that there is an appropriation in the sundry civil bill itself which could be used to pay the expenses of the officers authorized by this bill.

Mr. GARFIELD. There is no appropriation of that sort in the bill.

Mr. NIBLACK. An appropriation that might be used in that way if this bill should become a law.

Mr. GARFIELD. There is no appropriation there except to pay some supervisors in Philadelphia some old pay due them from the last election.

Mr. NIBLACK. Besides, this bill gives additional jurisdiction to the United States courts, and that inevitably will result in a charge on the Treasury.

Mr. GARFIELD. No amount of money that might be appropriated would enable persons to receive pay whom the law says shall not re-receive it.

Mr. BECK. If this bill creates new officers, and should become a law, would not the Committee on Appropriations have a right to report an appropriation to pay them?

The SPEAKER. This bill expressly prohibits that.

Mr. BECK. It is prohibited in this bill?

The SPEAKER. This bill itself says so.

Mr. GARFIELD. If the Committee on Appropriations should report a clause making an appropriation for the purpose the gentleman indicates, he could make the point of order on it that there was no law for it, but, on the contrary, a law against it.

The SPEAKER. The Clerk will read section 11 of the bill.

The Clerk read as follows:

SEC. 11. That no officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained.

Mr. NIBLACK. That is a limitation on the act itself, and goes no further. I suppose I have a right to differ from the opinion of the Chair.

Mr. GARFIELD. I must raise the point of order that the appeal taken from the decision of the Chair is a dilatory motion.

The SPEAKER. That is a very delicate point for the Chair to rule upon. While the Chair does not possibly see how there can be any difference of opinion, it is not for him to determine that the gentleman does not make the appeal in good faith.

Mr. GARFIELD. The Chair has determined that appeals which have been made heretofore at times were dilatory.

Mr. WOOD. The Chair rules that an amendment substituting a salary for these officers would not be in order?

The SPEAKER. Of course not; that would not be any more in order than the most remotely imaginable thing would be.

Mr. WOOD. Upon what ground?

The SPEAKER. Because it must have its first consideration in Committee of the Whole.

Mr. ELDREDGE. Might not a motion properly be made to strike out the section prohibiting the payment of these officers?

The SPEAKER. The language is so broad——

Mr. ELDREDGE. If the section which prohibits the payment of the officers now existing or those created by this act were stricken out, then might they not be paid their salaries?

The SPEAKER. It would have to go to the Committee of the Whole.

Mr. ELDREDGE. If I am not mistaken the Speaker has frequently ruled that where an amendment could be legitimately made to a bill which would send it to the Committee of the Whole, the bill itself was subject to a point of order.

The SPEAKER. The amendments cannot parliamentarily be made to provide salaries.

Mr. ELDREDGE. It would certainly be legitimate to strike out that portion of the bill.

Mr. COBURN. I must make the point of order on the appeal that it is dilatory.

The SPEAKER. The Chair does not desire to extend the absolute decision of the Chair without the right of appeal, although the point is so entirely clear to him.

Mr. CESSNA. And does the Chair propose to entertain the motion to lay on the table, and a motion to reconsider that vote, and then two motions relative to adjournment?

Mr. BUTLER, of Massachusetts. If the Chair shall make a decision on any other point of order which they may choose to raise, can that decision be also appealed from?

The SPEAKER. There may be some colorable pretext here. The Chair can of course limit this matter. It would put him in an embarrassing position to say that his judgment shall absolutely be taken without appeal, although it is not possible for him to see in this case any ground for a difference of opinion.

Mr. GARFIELD. But I think the Chair has the right to demand of gentlemen on the other side that they shall say they believe the Chair has ruled wrongly.

Mr. CONGER. I move that the appeal do lie upon the table.

Mr. NIBLACK. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 55, not voting 69; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Biery, Bradley, Buffinton, Bundy, Burchard, Burrows, Benjamin F. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark jr., Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Curtis, Danford, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Frye, Garfield, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamar, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Mills, Moore, Morey, Myers, Negley, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Strawbridge, Sypher, Thornburgh, Todd, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and John D. Young—163.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Barnum, Bell, Berry, Bland, Bowen, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Comingo, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hereford, Hunton, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Neal, Hosea W. Parker, Perry, Potter, Read, William R. Roberts, Schell, Southard, Speer, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehouse, Whitthorne, Wolfe, and Pierce M. B. Young—55.

NOT VOTING—Messrs. Archer, Banning, Beck, Begole, Blount, Bright, Burleigh, Roderick R. Butler, Cain, Chittenden, Freeman Clarke, Clinton L. Cobb, Cook, Cox, Creamer, Crounse, Crutchfield, Darrall, Dawes, Eden, Foster, Freeman, Robert S. Hale, Hancock, Harrison, Hatcher, Hendee, Herndon, Holman, Hurlbut, Kendall, Killinger, Knapp, Marshall, Mitchell, Monroe, Morrison, Nesmith, Phelps, Poland, Randall, Ray, Robbins, James C. Robinson, Milton Sayler, John G. Schumaker, Scofield, Sener, Sessions, George L. Smith, William A. Smith, Standiford, Alexander H. Stephens, St. John, Strait, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Townsend, Waldron, Whitehead, Whiteley, William Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—69.

So the appeal from the decision of the Chair was laid on the table.

Mr. NIBLACK. I move to reconsider the vote by which the appeal has been laid on the table. I do this for the purpose of calling attention to the ruling of the Chair in the Utah case. If I am wrong about this matter, I have been misled by what I understood the Chair to rule on that occasion. I ask that the language of the Chair in deciding that case be read; and then I will not struggle further about this question.

Mr. CESSNA. I object.

The SPEAKER. The Chair would be glad to have it read.

Mr. CESSNA. All right; if the Chair wants it read, I have no objection.

The SPEAKER. The gentleman from Indiana sends to the Clerk's desk the decision of the present occupant of the chair upon a bill concerning the execution of the laws in the Territory of Utah, and for other purposes. The Clerk will read it.

The Clerk read as follows:

The SPEAKER. They would not be germane. Any bill that can be considered in the House, as against the point that it should go to the Committee of the Whole, cannot have a germane amendment made to it appropriating money. The point is whether, if this bill is allowed to be considered in the House, an amendment affixing different salaries to the offices from what the committee proposes is not germane. The Chair does not wish to put himself in this attitude, that a bill shall be considered in the House, as against the point that it should have its first consideration in Committee of the Whole, and then exclude an amendment which would be obviously a germane amendment to the bill. Suppose for one moment—and the Chair invites the attention of the chairman of the committee to this—suppose for one moment that, where a bill reports certain fees and emoluments to be allowed to the assistant attorney, some gentleman proposes double those fees and emoluments, on what ground can the Chair rule that out as an amendment not germane?

Mr. MCKEE. Then I contend that in all cases we shall have a strict construction of this rule.

The SPEAKER. That is what the Chair has been trying to do for the past three months—to give a very strict construction to the rule. And the Chair begs the attention of the House to this point, that any bill which may be legitimately considered in the House, as against the point that it shall go to the Committee of the Whole, cannot have a germane amendment appropriating money or property, and any amendment of that nature would therefore be ruled out at once. And that is one of the touch-stones whereby to test the rule, that if a bill, even against the apparent wording of the text, is open to a germane amendment making an appropriation, the bill becomes obnoxious to the point of order.

Mr. MCKEE. Then we can hardly introduce any bill that touches in any way upon any office but it may be ruled that it shall go to the Committee of the Whole.

The SPEAKER. The rule simply is, that the Committee of the Whole shall first discuss the bill. The gentleman from Mississippi [Mr. MCKEE] will observe that this is merely as to the process, the parliamentary process, not affecting the merits of the bill at all. The Chair has no right to rule, and does not desire to rule in any way at all, touching the provisions of a bill. He merely rules as to the parliamentary process to which it shall be subjected. And the Chair thinks, after having looked at the matter carefully, that this bill is unquestionably liable to the point of order, and must have its first consideration in Committee of the Whole.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

Mr. SPEER. What is the date of that?

Mr. NIBLACK. March 5, 1874.

The SPEAKER. The Chair is really quite pleased to see how accurately he made the distinction in that decision. It is precisely what he would reaffirm this moment. There was no clause whatever in the Utah bill excluding the idea of taking money from the Treasury. It left it broad open to any kind of increase, the new marshals to be paid exactly the same amount of fees the then existing marshals were. The two bills were entirely different in scope and purpose. Were that bill again before the House the Chair would again send it to the Committee of the Whole; and according to the line of distinction in that decision, he is bound to have this bill considered in the House.

Mr. BECK. I wish to say one word, not upon the eleventh section, but upon the seventh section of the bill.

Several MEMBERS. Regular order!

The SPEAKER. The Chair will hear the gentleman from Kentucky.

Mr. BECK. The rules provide that all proceedings touching appropriations of money, or authorizing payments out of appropriations already made, shall be first discussed in the Committee of the Whole. We have by the sundry civil appropriation bill made appropriation of $3,000,000 for jurors, witnesses, and other expenses of suits in United State courts. Section 7 of this bill provides that the district and circuit courts shall have, exclusively of courts of the several States, jurisdiction of these new crimes and offenses thus created; and

all these expenses for witnesses and for other purposes must be paid out of the appropriation already made generally for the courts. Large sums of money must necessarially be paid out of the general appropriation for judicial expenses to carry on this new class of cases over which the United State courts are to have exclusive jurisdiction by this bill. That is the point which I wish to make.

The SPEAKER. The gentleman from Kentucky, if he heard the construction given to the new rule when it was first introduced, will remember the distinction there was between that which *requires* an appropriation and that which may *involve* an appropriation. You may introduce a new rule of evidence in pension cases. The result of that new rule of evidence may be to increase the list of pensioners, but it is not liable to the point of order. It may ultimately involve an expenditure, but it does not require it. So this may involve an expenditure, but it does not reqnire it. The distinction is very wide.

Mr. NIBLACK. I withdraw my motion.

The SPEAKER. So the Chair understands.

Mr. COBURN. The time that has been occupied in getting ready to go into the discussion of this bill seems to render it almost impossible we should go on further this evening. Perhaps no more momentous and important measure has been submitted to this session of Congress.

Mr. CONGER. I ask the gentleman to yield to me for a motion to adjourn.

Mr. COBURN. Several gentlemen wish to present amendments this evening, and I will yield first to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. The gentleman from Indiana yields to me to offer the following amendments to be printed in the RECORD.

The Clerk read as follows:

Insert in section 13, line 20, after the words "*habeas corpus*," the following words: "in such insurrectionary district or districts wherein the President deems such powerful and armed combinations to exist."

Add as an additional section the following:

SEC. 14. This act shall continue and be in force for and during the term of two years.

Mr. BUTLER, of Massachusetts. I desire to say that the first amendment is offered as a matter of greater caution. The section now only allows the *habeas corpus* to be suspended in those insurrectionary districts where organized and armed bands exist so numerous and powerful as to be able by violence to overcome the constituted authorities of the State. And lest there should be any mistake about it I move the amendment. The new seetion limits the time in which the writ of *habeas corpus* may be suspended, and I have taken the words from the old act of 1792, which was passed in the time of Washington for the suppression of the whisky rebellion in Pennsylvania. It was an act—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions.

And the words are these:

This act shall continue to be in force for and during the term of two years, and from this to the end of the next session of Congress thereafter, and no longer.

It was approved May 2, 1792.

Mr. COBURN. I now yield to my colleague on the committee, the gentleman from Illinois, [Mr. CANNON,] to offer an amendment.

Mr. CANNON, of Illinois. I offer the following amendment:

Strike out the whole of the thirteenth section of the bill.

Mr. HAWLEY, of Illinois. I desire to offer an amendment which I send to the desk.

Mr. COBURN. I admit no more amendments than those two which are offered by the gentleman from Massachusetts [Mr. BUTLER] and the gentleman from Illinois, [Mr. CANNON.]

Mr. HAWLEY, of Illinois. I desire to have my amendment read.

Mr. COBURN. I do not allow those amendments to be read if it is to come out of my time. I do not desire to have my time consumed in the reading of various amendments.

The SPEAKER. The gentleman must dispose of his time as he sees fit.

Mr. HAWLEY, of Illinois. I hope my amendment will be allowed to be read.

The Clerk read as follows:

Substitute for the thirteenth section of the bill the following:

That section 4 of the act entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 20, 1871, be, and the same is hereby, revived and re-enacted and continued in force until the close of the next regular session of Congress, and no longer.

Mr. COBURN. I now enter a motion to recommit the bill.

Mr. CONGER. If the gentleman will yield to me I desire to move——

Mr. GARFIELD. Before the gentleman from Michigan makes the motion, I desire to make a suggestion to the gentleman managing this bill.

Mr. COBURN. I do not yield to the gentleman from Ohio, but to the gentleman from Michigan.

Mr. CONGER. At the request of many members of this House, who for over twenty-nine hours have been constantly sitting here, and of many others who during a large portion of the time have been here without sleep, and without food except such as they could procure at the restaurant, I move that the House do now adjourn.

Mr. E. R. HOAR. Before that motion is put, if my friend will give way to me, I ask consent to give notice of an amendment which I wish to offer to the bill—to strike out the first, second, and fourth sections of the bill—without which amendment I cannot support it.

The SPEAKER. Does the gentleman from Indiana admit the amendment of the gentleman from Massachusetts [Mr. E. R. HOAR] to be pending?

Mr. COBURN. No, sir.

Mr. GARFIELD. I desire to make a suggestion to the gentleman in charge of the bill. It is exceedingly important that some arrangement should if possible be entered into in regard to the time when the vote should be taken on it, that we may know what we have to expect.

Mr. CESSNA. I object to any arrangement being attempted in the present temper of the House. I think such an arrangement may be better made to-morrow when we come up here in fresher condition than now.

Mr. CONGER. In reply to the suggestion of the gentleman from Ohio I will say that I attempted in conversation with gentlemen on the other side of the House and with our own friends to arrive at some conclusion as to the time to be occupied in the discussion of the bill. But they were not prepared to say what length of time they might want, and were disposed as we are on this side to leave that to the progress of events to-morrow.

Mr. BUTLER, of Massachusetts. As to that I will say that I do not think they deserve much time on the other side, because they have sinned away the day of grace here by keeping us up all night.

Mr. GARFIELD. I desire to remind the House that we have but two days this week and two days next week for all our public business; and if we are to adjourn now, to go into this discussion to-morrow without any limitation, with the probability that no vote can be reached until the next day on this bill—and when the question of engrossment comes the gentleman knows what will then happen—I do not think it would be possible to touch an appropriation bill this week, or any other business. We have gone so far without any consultation as to this that we ought to have it now, if ever.

Mr. ALBRIGHT. I would suggest that a great deal of time would be saved if an evening session were held to-night, for the purpose of discussion only, on this bill.

Mr. BUCKNER. We are all too much worn out.

Mr. ALBRIGHT. Perhaps an hour to-morrow might be fixed, when the vote would be taken if we have an evening session to-night. There are gentlemen who desire to speak who would as soon speak to-night as to-morrow. And if an evening session was set apart for discussion on this bill without any vote on it, no advantage would be given to anybody, and it would certainly save time.

The SPEAKER. Is there objection?

Mr. HARRIS, of Virginia, and others objected.

Mr. CESSNA. I demand the regular order of business and insist that a vote be taken on the motion to adjourn.

Mr. COBURN. I desire to say a word as to the suggestion made by the gentleman from Pennsylvania, [Mr. ALBRIGHT.]

The SPEAKER. Several gentlemen have objected to that proposition, and there is no use in discussing it now.

Mr. COBURN. The Committee on Military Affairs had to-night assigned to it for its business; and I will ask whether, if the House adjourns now, it will vacate that privilege of the committee?

The SPEAKER. The committee would necessarily lose its session. The gentleman from Michigan [Mr. CONGER] has moved that the House adjourn.

The question was put on the motion of Mr. CONGER; and on a division there were—ayes 130, noes 33.

Mr. HAWLEY, of Connecticut. I call for tellers. A great many gentlemen had not time to reach their seats, and may have been counted on both sides.

Tellers were not ordered; only three members voting therefor.

So the motion was agreed to; and accordingly (at four o'clock and ten minutes p. m., Thursday, February 25) the House adjourned until eleven o'clock a. m. on Friday.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: Memorial of the Legislature of Wisconsin, relating to the improvement of Kewaunee Harbor, Wisconsin, to the Committee on Commerce.

By Mr. BIERY: The petition of 210 artisans and workingmen of Allentown, Pennsylvania, for Government aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. BLAINE: Resolutions of the Legislature of Wisconsin, asking extension of time for the construction of the railroad from Lake Saint Croix to Superior and Bayfield, to the Committee on the Public Lands.

By Mr. BUNDY: Two petitions of citizens of Lawrence County, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. DAWES: The petition of women of Massachusetts, for restrictive legislation in regard to the manufacture and use of alcohol, to the Committee on the Judiciary.

By Mr. GLOVER: Resolutions of the General Assembly of the State of Missouri, in favor of pensions to survivors of the Mexican war, to the Committee on Invalid Pensions.

By Mr. HATHORN: The petition of Helen M. Bishop, for a pension, to the same committee.

By Mr. MAYNARD: The petition of citizens of Macon County, Tennessee, for extension of a post-route to Red Boiling Springs, Macon County, Tennessee, to the Committee on the Post-Office and Post-Roads.

Also, memorial of Thomas H. Reeves, of Jonesborough, Tennessee, concerning compensation as member of Congress from the State at large to the Forty-second Congress, to the Committee on Elections.

Also, the petition of Thomas Livesay, of Putnam County, Tennessee, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. O'NEILL: Resolution of the Legislature of Pennsylvania, in favor of the passage of the bill to equalize bounties, to the Committee on Military Affairs.

By Mr. STORM: Resolution of the Legislature of Pennsylvania, in favor of the passage of the bill to equalize bounties, to the same committee.

By Mr. WILLARD, of Michigan: The petition of citizens of Wayland, Michigan, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. WOODWORTH: The petition of 54 citizens of Berlin, Mahoning County, Ohio, for a protective rate of import duties upon all articles that are or can be produced within the United States, to the Committee on Ways and Means.

By Mr. ALBERT: The petition of Logan O. Smith, of Saint Mary's County, Maryland, for the establishment of a post-office at Scotland, on the mail-route from Leonardtown to Ridge, in Saint Mary's County, Maryland, to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The petition of George T. Lovell, to have his claims for insurance adjudicated under the Geneva award, to the Committee on the Judiciary.

By Mr. HURLBUT: The petition of C. O. Parsons and others, of McHenry County, Illinois, for increase of duty on lead and flaxseed, to the Committee on Ways and Means.

By Mr. KELLEY: The petition of citizens of Clearfield and Centre Counties, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and for the passage of the currency bill of Hon. W. D. KELLEY providing for the issue of 3.65 convertible bonds, to the same committee.

By Mr. MARSHALL: The petition of citizens of Gallatin County, Illinois, for the improvement of the navigation of the Ohio River, to the Committee on Commerce.

By Mr. ROSS: Resolution of the Legislature of Pennsylvania, in favor of equalization of bounties, to the Committee on Military Affairs.

By Mr. WILLIAMS, of Michigan: The petition of 43 citizens of Muskegon County, Michigan, for a bounty of $200 to every Union soldier and sailor, to the same committee.

IN SENATE.

THURSDAY, *February* 25, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ADMISSION OF NEW MEXICO.

Mr. SARGENT. Before proceeding to other business, I desire to have an error corrected in the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, so that the bill may go to the other House in proper form. I call attention to a verbal error made last night. The Senator from Vermont who offered the amendment to the Colorado bill agrees with me that this is a verbal error. "Eighteen hundred and seventy-five" is used instead of "1876" in the New Mexico bill. It is provided that the election shall take place in 1876 and it was intended to make the provision in the New Mexico bill; but, by an error, it was engrossed "1875." I ask that the Secretary be authorized to correct this error in the engrossment of the amendments to the House bill.

The VICE-PRESIDENT. The Chair hears no objection, and the correction will be made.

Mr. DAVIS. I do not know what the effect will be. I should like to look into it.

Mr. EDMUNDS. It is merely a clerical error that is to be corrected.

Mr. DAVIS subsequently said: On examination I find the amendment all right, and I withdraw my objection.

The VICE-PRESIDENT. There being no objection, the Clerk is authorized to make the correction.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 4837) for the relief of Charles A. Luke—to the Committee on Claims.

The bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance"—to the Committee on the Judiciary.

The bill (H. R. No. 4472) to authorize the Secretary of the Treasury to defend certain suits against David R. Dillon—to the Committee on the Judiciary.

The bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin—to the Committee on Commerce.

The bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Sheppard, deceased—to the Committee on Claims.

The joint resolution (H. R. No 161) to provide for the preservation of the manuscript returns of the first and ninth censuses—to the Committee on Printing.

GEOLOGICAL SURVEY OF THE TERRITORIES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in quarto form one thousand copies of each of volumes 2, 7, and 9 of the final reports of the geological survey of the Territories, for distribution by the Smithsonian Institution.

REPORT OF COMMISSIONER OF EDUCATION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there shall be printed twenty thousand copies of the report of the Commissioner of Education for the year 1874; five thousand for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

SURVEY OF THE TERRITORIES.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed four thousand copies of the annual report of the geological and geographical survey of the Territories for 1874; one thousand copies for the use of the Senate, two thousand copies for the use of the House of Representatives, and one thousand copies for distribution by the Smithsonian Institution.

CREDENTIALS.

Mr. RAMSEY presented the credentials of Hon. Samuel J. R. McMillan, chosen by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. WRIGHT. I present the petition of Alonzo F. White, Bowman Garrison, and very many other soldiers and sailors of different towns in Pennsylvania, urging the immediate passage of a law providing for the equalization of bounties, by the provisions of which, as they set forth, an unjust discrimination in reference to bounties under existing laws will be remedied, and to which the attention of the Senate and House of Representatives is most respectfully requested. As a bill has been reported on the subject, I move that the petition lie on the table.

The motion was agreed to.

Mr. FERRY, of Michigan, presented a petition of citizens of New Buffalo, Michigan, praying for an appropriation for the improvement of the harbor at that point; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Michigan, praying that $200 in legal-tender notes be granted to each soldier who served in the late war, instead of one hundred and sixty acres of land; which was referred to the Committee on Military Affairs.

Mr. CONOVER presented a petition of citizens of Florida, praying that mail routes 6454 and 6457 be discontinued and others established in their stead; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING presented a petition of Lewis Burt and other citizens of New York, asking for a prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories and the District of Columbia; which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution for the printing of ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1874; in which it requested the concurrence of the Senate.

TERMINATION OF TREATIES.

Mr. FRELINGHUYSEN. A day or two since I entered a motion to reconsider the passage of Senate joint resolution No. 19. I now ask that the motion to reconsider and the joint resolution be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The Senator can have its reconsideration acted on, and then after the reconsideration it can be committed.

Mr. FRELINGHUYSEN. I entered a motion to reconsider, and that can be referred to the Committee on Foreign Relations. There has been no vote to reconsider. I merely move that the motion to reconsider and the joint resolution be referred to the committee.

The VICE-PRESIDENT. The Chair will put the question in that form.

Mr. SCOTT. Is that the joint resolution relating to the treaties containing the "most favored nation" clause?

Mr. FRELINGHUYSEN. Yes.

Mr. SCOTT. The desire is to refer the resolution again to the committee?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. SCOTT. All right.

The motion to refer was agreed to.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas, reported it without amendment.

Mr. EDMUNDS. I am instructed by the same committee, to whom was referred the bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities, to report it with an amendment striking out the name of Smith from the bill. I am am unable to find any petition in favor of Smith, and we therefore are not disposed to report in his favor at this time. We therefore recommend that the bill be amended by striking out the name of Smith, and leaving it stand as to Hawes.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee, reported it without amendment.

Mr. EDMUNDS. I am instructed by the same committee, to whom was referred the bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fauntleroy and Charles H. Williamson, citizens of Virginia, to report it favorably as to Fauntleroy, with an amendment striking out the name of Williamson. We think that Mr. Williamson is not entitled to have his disabilities removed. He was dismissed from the service for leaving his duties without notice, or something of that character, so that he does not fall within the rule the committee is disposed to make.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of a public building at Atlanta, Georgia, to report it without amendment, and as it will take but a moment to read it, and as I have no doubt every Senator will be in favor of granting all that is asked for in the bill, I request its present consideration.

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read the bill.

Mr. EDMUNDS. I think it is due to all the committees that each one should have its part of the morning hour, and that we should all take our turn with business. I feel it to be a duty to insist on things taking their regular order; but as this bill has been read, if it is not to be made a precedent, I will not insist on the objection I ought to have made a little earlier.

Mr. CONKLING. I want to understand when this bill is acted on what reasons there are for it.

Mr. MORRILL, of Vermont. I will not insist on its being acted on now if it is objected to.

Mr. CONKLING. There are public buildings in my State as to which we cannot get this done.

Mr. MORRILL, of Vermont, The building was directed to be constructed of brick. At Atlanta the brick are of poor quality. They are made of clay that crumble and decay in a short time.

Mr. CONKLING. Was it directed to be constructed of brick?

Mr. MORRILL, of Vermont. Yes. It is found also that stone of good quality can be procured at a much cheaper rate than these brick.

Mr. CONKLING. I have no objection if that is it. I thought it was another thing.

The VICE-PRESIDENT. No objection being made, the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate.

Mr. BOUTWELL. If I recollect, the appropriation for that building was a limited one.

Mr. MORRILL, of Vermont, Yes, sir.

Mr. BOUTWELL. Does this change the limit of the appropriation?

Mr. MORRILL, of Vermont. It does not,

Mr. BOUTWELL. I am not sure as a matter of law that it does not.

Mr. CONKLING, (to Mr. MORRILL, of Vermont.) Are you sure? This is a very quick way of doing things. It is committed to the discretion of the Secretary of the Treasury, and then all acts and parts of acts which might impinge upon that, for that is the meaning of it written in plain language, are repealed.

Mr. EDMUNDS. That gives him an unlimited discretion. He can buy marble at $100 a pound if he wants to. I think the bill had better go over until to-morrow.

Mr. MORRILL, of Vermont. I do not ask action upon it if there is any doubt.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 4813) to authorize the removal of the bronze fountain by Rhinehart from the lobby of the city Post-Office, reported it without amendment.

Mr. BAYARD. There is on the Calendar a bill for the relief of Mr. F. V. Hayden, the Government geologist, which I think if the Senate will hear read they will agree to the present consideration of. The bill ought to be passed immediately, and I think when they hear it read all Senators will agree to it.

The Secretary read the bill.

Mr. EDMUNDS. In pursuance of what I said I think everything ought to take its turn.

The VICE-PRESIDENT. If objection is made, the bill cannot be considered now.

Mr. BAYARD. May I suggest to the honorable Senator from Vermont that the bill was reported about ten days ago, and I think if he will read it he will approve its object. As it is a Senate bill, unless it be passed in time for the action of the other House the proposed relief for this worthy man will be entirely lost. It will require no debate. I think the reading of the bill and a mere statement of the case will satisfy the Senate that it is a case in which relief should be at once granted. It will take but one moment. I feel that it would be an act of beneficence to an individual and of justice on the part of the Government.

Mr. EDMUNDS. I think the Senator does not understand my position. In making these objections I am not objecting to the merits of any of the bills that are presented. I am only speaking in the interest of fair play in the Senate to have cases considered in their turn; but if the Senate wish to consider this bill under these circumstances or any other, I am not going to stand here alone to insist upon the regular order. I withdraw the objection and ask the Chair to put it to a vote whether the Senate will proceed in this way, and that will relieve me from all further responsibility.

Mr. OGLESBY. Are reports of committees in order?

The VICE-PRESIDENT. Reports of committees are in order, but the Senator from Delaware asks unanimous consent of the Senate to take up a certain bill. Objection was made and that objection has been withdrawn. It requires unanimous consent.

Mr. SARGENT. It is simply a bill for the relief of Mr Hayden, allowing a small amount of money which was taken by highway robbers from his clerk in Montana while traveling in a stage-coach.

Mr. CLAYTON. I must object. There are other meritorious bills on the Calendar quite as meritorious as this.

The VICE-PRESIDENT. Objection is made. Reports of committees are in order.

Mr. CLAYTON. I withdraw the objection.

Mr. HITCHCOCK. I renew it.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4765) granting a pension to Emillia O. Black, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1265) relating to the promotion of rear-admirals on the retired list of the Navy, reported it without amendment.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4754) granting a pension to Betsey A. Eaton, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth, reported it without amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts, reported it without amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3709) granting a pension to William H. H. Buck, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3692) granting a pension to Harriet W. Wilkinson, reported adversely thereon; and it was postponed indefinitely.

Mr. LEWIS. I move that the Senate do now proceed to the consideration of House bill No. 4727, to do an act of justice to a worthy man.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent to take up a bill.

Mr. EDMUNDS. What is the bill?

Mr. LEWIS. House bill No. 4727, to pay Mr. Wright, contractor for sweeping the streets of this city.

Mr. EDMUNDS. That will lead to debate.

Mr. LEWIS. If there is any debate, I think it will come from the other side. If this bill is not passed, it will be an act of injustice to a worthy man, who has performed his contract well and honestly carried it out in good faith; and unless he is paid he is utterly ruined by withholding from him what is justly due him. I hope the Senate will take up this bill.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent to take up the bill. Is there objection?

Mr. INGALLS. I should like to hear the bill read for information.

The Secretary read the bill (H. R. No. 4727) explanatory of the act passed June 20, 1874.

Mr. SHERMAN. Does that require unanimous consent?

The VICE-PRESIDENT. It does; the bill was read for information.

Mr. EDMUNDS. It is not up yet.

Mr. SHERMAN. I object to it unless it can be considered without debate. I understand it will lead to debate.

Mr. CONKLING. I want the Senator from Ohio to give me one moment to discharge my duty about this matter. I do not know this applicant at all or who he is, but another person that I do know came to me yesterday and made a statement of the facts in this case which if correctly made would appeal to every Senator. This man has advanced from his own pocket the money with which this thing has been done. He cannot get that back nor any part of it, it is stated to me, as the law stands. He has been borrowing money at a ruinous rate of interest by the month, as I am told, and it is a case of extreme hardship. The form of the bill I know nothing about, and I do not know personally about the merits; but some one came yesterday and acquainted me with a state of facts which if it be the real state of facts summons every member of the Senate to give some attention to this case.

Mr. SHERMAN. There is a statement of the District Commissioners from which it is manifest that if this bill passes, there is no reason for opposing other claims which have now been satisfied by the 3.65 bonds. It is therefore a matter of grave importance, and I make this opposition after having read the communication of the commissioners of the District, signed by them, calling attention to the importance of the principle involved here.

Mr. LOGAN. Allow me to call the Senator's attention to one thing in this matter. I read the statement of the commissioners too, and I know a good deal about this thing, inasmuch as Colonel Wright I knew formerly, and he has talked to me a great many times about it, and others have too. I think the Senator will find when he examines the contract which was made for this sweeping that the commissioners in making their report have made a very great mistake. I presume the Senator from Virginia has a copy of the contract.

Mr. LEWIS. I have a copy of the contract here, and I venture the assertion that there is no Senator on this floor who will take that contract and read it and then say that it is not a simple act of justice to Mr. Wright to pay this money. I know nothing about Mr. Wright except that the bill was sent to our committee and we examined it thoroughly at four different meetings of the committee, and every member of the committee was for paying Mr. Wright. The commissioners sent a communication to us which we examined thoroughly, and I say here to-day that there is nothing in it, and one of these commissioners acknowledged to me here in my seat that he had not read the contract.

The VICE-PRESIDENT. It requires unanimous consent to consider the bill at this time, and objection is made by the Senator from Ohio.

Mr. FERRY, of Michigan. I desire to say——

Mr. LEWIS. I move that the pending order and all others be laid aside, and that this bill be taken up.

The VICE-PRESIDENT. The Chair must inform the Senator that that would be a violation of the order of the Senate in the morning hour.

Mr. LEWIS. I shall have a right to do it when the morning hour passes?

The VICE-PRESIDENT. After the morning hour.

Mr. LEWIS. Very well. I will call it up then.

The VICE-PRESIDENT. Reports of committees are still in order.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4800) granting a pension to John H. Looby, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 712) to enable disabled soldiers to receive money commutations upon orders for artificial limbs that are dated on or before June 16, 1870, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3884) granting a pension to Mary C. Toy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3719) granting a pension to Mathew B. Whitacre, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3720) granting a pension to Charles C. Haight, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4801) granting a pension to Micajah Stout, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4777) granting a pension to James A. Forgey, reported it without amendment.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4767) for the relief of Ferdinand Monti, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4771) granting a pension to Charles A. Draher, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4329) granting a pension to William H. Small, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4755) granting a pension to William Lyon, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4763) granting a pension to Lafayette Briggs, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3683) granting a pension to Melissa Rankin, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 965) granting a pension to Samuel Purcell, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 695) granting a pension to Sue Bradley Johnson, widow of General G. L. Johnson, reported adversely thereon; and it was postponed indefinitely.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 2586) granting a pension to Woodson Powers, have instructed me to report the same back and recommend that the bill be indefinitely postponed. There is a House report in the case unfavorable to the allowance of the pension; there are no papers supporting the claim; and we do not understand how the bill passed the House of Representatives under these circumstances. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. CONKLING, from the Committee on Judiciary, to whom was was referred the bill (S. No. 4) to protect persons against inveigling from abroad, kidnaping, forcible constraint, or involuntary service, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was recommitted the bill (S. No. 127) for the relief of J. M. Stone, William M. Compton, and W. C. McAlexander, sureties on the bond of B. B. Emory, deceased, late collector of internal revenue of the third district of Mississippi, reported adversely thereon; and it was postponed indefinitely.

CONTESTED ELECTIONS OF REPRESENTATIVES.

Mr. MORTON. I am directed by the Committee on Privileges and Elections to report back the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in case of contested elections, with an amendment, and recommend its passage; and as it is a measure to which there can be no objection and it is important to have action, I ask unanimous consent now to put the bill on its passage. It will take but a moment.

There being no objection, the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections was considered as in Committee of the Whole. It repeals so much of section 127 of the Revised Statutes as requires the Clerk of the House of Representatives to open, upon the written request of either party, any deposition in cases of contested

election, after he shall have received the same, and prior to the meeting of Congress.

The amendment of the Committee on Privileges and Elections was to add to the bill:

SEC. 2. That section 107 of the Revised Statutes of the United States shall be construed as requiring the testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant.

Mr. MORTON. The first section simply repeals the law which authorizes the evidence in contested-election cases in the House of Representatives to be opened during vacation. The Clerk says the evidence is opened during vacation by attorneys and others and stolen or mutilated, and it is important that the law shall not authorize it. The amendment is to provide that the ninety days within which testimony is taken in cases of contested election shall begin to run from the day the returned member has served his answer upon the contestant. As the law now stands there is no time fixed when the ninety days shall begin to run.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 20) relative to postage on monthly newspapers relative to agricultural subjects and implements; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

TEXAS INDEMNITY BONDS.

Mr. HAMILTON, of Texas. On the assignment of bills coming in from the House of Representatives a few days ago the bill (H. R. No. 4001) to provide for the redemption of overdue bonds of the United States known as Texas indemnity bonds was referred to the Committee on Claims at my suggestion. I find that at the other end of the Capitol it was considered by the Committee on the Judiciary, and it is suggested to me that it ought to go to the Committee on the Judiciary in this body. I therefore make that motion, with the consent of the chairman of the Committee on Claims.

Mr. EDMUNDS. I should like to ask what the Judiciary Committee has to do with this subject? Is it not a mere matter of finance?

Mr. HAMILTON, of Texas. No, sir; they say not. I was under the impression that it was a simple claim of the State of Texas against the United States, but it is stated to me now that there are law questions involved in the bill which ought to be considered by the Judiciary Committee.

Mr. EDMUNDS. Very well.

The VICE-PRESIDENT. The Senator from Texas moves that the Committee on Claims be discharged from the consideration of the bill indicated by him, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

STATUE OF ADMIRAL FARRAGUT.

Mr. MORRILL, of Vermont. I ask that the communication from the Secretary of the Navy relative to a contract for the statue of Admiral Farragut awarded to Miss Vinnie Ream, which was referred a few days ago to the Committee on Naval Affairs, be referred to the Committee on Appropriations. It can be considered only by that committee, as a contract has been made for the statue, and the only question is about the appropriation of the money. I therefore ask that that communication be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The Chair is informed that it was referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont. I understood it was referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. The Chair is informed that it was entered as referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont. Very well.

PRINTING OF BILLS.

Mr. SARGENT. I move that the Colorado and New Mexico bills be ordered to be printed by the Senate, with the amendments. I do this at the request of members of the House.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. CHANDLER. I move that the Senate take a recess from five until half past seven o'clock to-day for the purpose of considering the steamboat bill this evening.

Mr. CONKLING. I suggest that we had better wait until we reach that part of the day and see what the condition of the business is, and not vote on it now.

Mr. EDMUNDS. I demand the regular order, Mr. President.

The VICE-PRESIDENT. Resolutions are in order.

Mr. ALCORN. I ask the consent of the Senate to call up Senate bill No. 720.

The VICE-PRESIDENT. It requires unanimous consent.

Mr. ALCORN. I am aware of that, Mr. President; but I trust the Senate will indulge me in taking up this bill, which is unimportant in itself.

Mr. MORRILL, of Maine. State what the bill is?

Mr. ALCORN. It is a bill to authorize an inquiring individual out in Nevada to dig a hole in a mountain. The mountain has been lying there on its "ragged edges," without a hole, since the creation of the world, and there has nothing been found upon its surface which is at all valuable; but an inquiring individual asks to bore a hole in it.

Mr. MITCHELL. I object.

The VICE-PRESIDENT. Objection is made.

Mr. EDMUNDS. Regular order.

Mr. ALCORN. I trust I shall be allowed to go through with what I was going to say.

Mr. EDMUNDS. Let us have the regular order.

Mr. ALCORN. Do I understand the Senator from Oregon to object?

Mr. MITCHELL. Yes, sir; I do.

Mr. ALCORN. Very well.

The VICE-PRESIDENT. If there be no resolutions, the Committee on Transportation is entitled to the remainder of the morning hour.

Mr. FERRY, of Michigan. The chairman of the Committee on Transportation does not seem to be in his seat, and I ask that the Senate grant me the indulgence of allowing me to call up from the table Senate bill No. 420.

Mr. EDMUNDS. The regular order, Mr. President. Call the next committee.

Mr. LEWIS. I ask for the taking up of my bill, and I give notice that I shall object to everything until it is taken up.

Mr. SCOTT. Mr. President, I rise to ask for information. The Committee on Transportation being entitled to this morning, will it be passed over and the next committee called? I make the inquiry for the reason that I am exceedingly solicitous to get another morning for the Committee on Claims, and I do not wish a motion now to be interposed which will give the Committee on Transportation another morning.

Mr. EDMUNDS. It will not give them another morning if we have the regular order.

The VICE-PRESIDENT. The Committee on Transportation has the rest of the morning hour to-day. If that committee is not ready, the Chair will call the next committee.

Mr. SHERMAN. The chairman of that committee is not present at the moment, and I am next on the list; and I know very well he wants to get action on a certain proposition reported from that committee. I ask, therefore, that the resolution reported by that committee be now taken up. It will probably lead to no debate.

Mr. FERRY, of Michigan. I would say to the Senator from Ohio that the chairman of the committee has been sent for; and while he is coming in I ask that this bill I have referred to be taken from the table. It is a bill objection to which was once raised by the Senator from Ohio's colleague, [Mr. THURMAN,] but I understand he has no further objection to the bill. It was reported by the Committee on Public Lands, and all that is necessary is to concur in the amendment of the House.

Mr. SHERMAN. All I desire is that the Senator from Minnesota shall have his business considered.

Mr. FERRY, of Michigan. I will yield as soon as he comes in.

Mr. LEWIS. I shall object, because I tried to call up a bill awhile ago and I could not get it up.

INTERNAL COMMERCE.

Mr. SHERMAN. I call for the reading of the resolution reported by the Committee on Transportation.

The VICE-PRESIDENT. The resolution will be read for information.

The Chief Clerk read the following resolution reported by Mr. WINDOM on the 2d instant from the Select Committee on Transportation Routes to the Sea-board:

Whereas the power to regulate commerce among the several States, conferred upon Congress by the Constitution, includes the power to aid and facilitate commerce by the employment of such means as may be appropriate and plainly adapted to that end, and Congress may therefore, in its discretion, provide for the improvement or creation of such channels or highways of commerce as will in its judgment afford the cheapest and best facilities for the interchange of commodities between different States of the Union; and whereas it is believed that the thorough and systematic improvement of the Mississippi River, including the construction of an adequate channel at its mouth; the connection of the Mississippi River with the lakes by means of the Fox and Wisconsin improvement and the Hennepin Canal; the speedy completion of the improvements between Lakes Superior and Huron and Lakes Huron and Erie; the thorough and systematic improvement of the Ohio and Kanawha Rivers, and of the Tennessee River, are works of great national importance and of immediate and pressing necessity, which, when completed, will reduce the cost of transportation, and thereby diminish the burdens now borne by the industrial interests of the country: Therefore,

Resolved, That, in addition to the usual and necessary appropriations made in the river and harbor bill for works already under the charge of the Government, including the Missouri River, the Committee on Commerce be instructed to insert in said bill such sums as in their judgment (having due regard to the recommendations of the Chief of Engineers and of the commissioners appointed upon the improvement of the mouth of the Mississippi) can be judiciously and economically expended, during the next fiscal year, upon the improvements above indicated, looking to their speedy completion and the wants of our rapidly increasing internal commerce.

Mr. BAYARD. May I ask the origin of that resolution?

The VICE-PRESIDENT. It is reported by the Select Committee on Transportation Routes to the Sea-board.

Mr. BAYARD. When was it reported, I ask?

Mr. WINDOM. That resolution was reported by myself, I will say to the Senator from Delaware.

Mr. BAYARD. When, I ask?

Mr. WINDOM. Some three weeks ago, probably.

Mr. SCOTT. On the 2d of February.

Mr. BAYARD. Is it on the Calendar?

Mr. WINDOM. I believe it is.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. WINDOM. I hope we may have a vote on the resolution; and therefore I waive any remarks I might otherwise make in order to get a vote.

Mr. THURMAN. It is impossible that that resolution can pass without debate. Here are various works of public improvement, to say nothing about the assertion of omnipotent powers for Congress, upon which we are asked to vote definitely to instruct the Committee on Commerce to include appropriations in the river and harbor bill for the commencement of these works without any examination of these various plans having been made by this body, whatever examinations may have been made by the Committee on Transportation. That committee may have satisfied itself that the General Government should commence these works that are named; especially I think that it might expend a few more millions on the Fox and Wisconsin River improvement. It has only given some millions of acres of land and some millions of money to make a canal where there is no canal yet, and it perhaps is very necessary for the welfare of the country, especially in the present plethoric state of the Treasury, when we are to take off taxation instead of increasing it, as I presume, or otherwise this matter would not be pressed—it is very essential indeed that we should embark a few more millions either of land or of money upon that improvement; and so, too, perhaps about other improvements that are named in the resolution and the very names of which are strangers to the majority, I venture to say even to two-thirds, of this Senate.

Now, Mr. President, I for one am unwilling to embark this nation blindly in this way in an expenditure that no man can foresee the end of. That cannot be done within the few remaining days of this present session of Congress. If we are to change the whole policy of this Government from its foundation to this day, and are to embark in an unbounded and unlimited scheme of internal improvement which will ultimately double the debt of the Republic—if we are to do that, let it be done after full discussion, after full information, and upon mature consideration. It cannot be done in the few remaining days of the session of Congress in which we now are.

The VICE-PRESIDENT. The morning hour having expired, the Chair calls up the unfinished business of yesterday, being the bill (S. No. 1251) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon. The Senator from Pennsylvania [Mr. CAMERON] moved the postponement of this bill and all prior orders to take up a bill which he indicated.

Mr. WINDOM. The Senator from Pennsylvania is not present.

Mr. SARGENT. Did not the motion of the Senator from Pennsylvania fall with yesterday's session?

The VICE-PRESIDENT. The Senate was dividing on that motion and there was no quorum.

Mr. SARGENT. A motion to lay aside a prior order, I submit with deference, does not go over to the next day.

Mr. MORTON. This bill is the unfinished business.

The VICE-PRESIDENT. The Chair is of the opinion that it does go over and that it adheres to the bill until it is disposed of.

Mr. EDMUNDS. It is a motion to postpone the bill.

Mr. WINDOM. I wish to make a request of the Senator from Indiana. I do not expect to be able to postpone the bill in charge of the Senator from Indiana in order to act upon this resolution, but I ask for a very few moments to answer the remarkable speech of the Senator from Ohio. I want no more than two or three minutes to do that.

Mr. SARGENT. I will not object to that provided we first dispose of the motion of the Senator from Pennsylvania.

Mr. MORTON. If the motion of the Senator from Pennsylvania is the unfinished business, I hope it will be disposed of.

Mr. EDMUNDS. It is merely attached to your bill like a motion to amend. It is a motion to postpone.

The VICE-PRESIDENT. The business before the Senate is the unfinished business of yesterday, being Senate bill No. 1251 in regard to the presidential vote. The Senator from Pennsylvania moved to postpone the consideration of that bill and all prior orders and to take up a House bill in regard to a cemetery at York. The Senate divided on that motion and there was no quorum. The Chair is of the opinion that the question now is upon the motion of the Senator from Pennsylvania. Is the Senate ready for the question?

Mr. WINDOM. I believe that motion is debatable, but I will ask unanimous consent to make a remark in answer to the Senator from Ohio.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent to make a few remarks in reply to the Senator from Ohio. Is consent granted?

Mr. THURMAN. If the Senator is to reply to me, I do not want him to reply to me and then I be cut off from any rejoinder which I might think necessary; and I say to him now that a motion to postpone this bill, as I understand, is a debatable question.

Mr. CONKLING. Certainly.

Mr. THURMAN. And upon that he can reply to me and I can rejoin if I think it necessary.

Mr. EDMUNDS. It has nothing to do with this bill.

Mr. WINDOM. I would prefer to talk directly to the question.

Mr. MORTON. If the understanding is that this debate is to go on and that the Senator from Minnesota is to speak and then to be replied to by the Senator from Ohio, I can understand that it may take all the afternoon.

Mr. WINDOM. Mr. President, I do not want to occupy more than two or three minutes at this time.

The VICE-PRESIDENT. Is objection made?

Mr. THURMAN. As the Senator from Pennsylvania who made the motion to postpone is not now in his seat, my respect for him and my disposition to do anything that would be obliging to him would induce me to give unanimous consent to allow my friend from Minnesota to occupy the time.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. WINDOM. Mr. President, the Senator from Ohio evidently misunderstood wholly the purport of this resolution, and I am not quite willing that we shall pass it over without a statement in reply to his remarks.

He says that we propose in this resolution to enter upon works of internal improvements the very names of which, as I understood him, two-thirds of the Senate never heard. Now, sir, it is a most remarkable fact if two-thirds of this Senate or one single member of this Senate never heard of the channels of commerce proposed to be improved by this resolution. What are they? "The Mississippi River." The Senator from Ohio himself, I think, has heard of the Mississippi River and the improvement at its mouth.

The next is "the connection of the Mississippi River with the lakes by way of the Fox and Wisconsin River," which was recognized as a great natural highway of commerce in the ordinance of 1787. It was then provided that this connection should be forever free, because it was then anticipated that it would be the great line of commerce connecting the Mississippi River with the lakes. So I think if the Senator has ever read the ordinance of 1787 he ought to have heard of that improvement also.

Then there is the conection between the great lakes, Superior and Huron, and Huron and Erie. I think nearly all of the Senators have heard of the existence of these lakes in the northern part of this country. The other improvements are "the Ohio and Kanawha Rivers" and "the Tennessee." I suggest to the Senator from Ohio that a large number of his constituents have heard of the Ohio River if he never has. And certainly the Kanawha has been so often spoken of by my honorable friend from West Virginia and also from Virginia behind him that I think the Senator must be aware that there is such a river as the Kanawha. And as to the Tennessee River, which is the only other improvement proposed, I believe it extends through four or five States of the Union, and connects the Mississippi and the Ohio by water communication with the cotton States of the Southeast. It certainly seems to me that a very moderate knowledge of geography on the part of Senators of the United States would have enabled them to know that there was such a place as the Tennessee River. Hence I say I am surprised when the Senator from Ohio gets up in his place here and tells us that we are proposing some monstrous and novel works of internal improvement the "very names of which" two-thirds of the Senate never heard.

Now, Mr. President, there is not one of these improvements suggested but which will pay back to the Government tenfold the cost proposed to improve it. The whole amount asked for by the Committee on Transportation would be less than four millions for the next year's work; and it seems to me that it is not liable to the charge of extravagance or that we should be criticized for bringing in new measures here which have not been considered. I am anxious before this session closes that we may have a chance to act upon this question. I believe when the Senator from Ohio himself comes to consider it and sees what is to be accomplished by it, he will not be opposed to it.

But I see I am taking time that my friend from Indiana [Mr. MORTON] is anxious to occupy otherwise; and giving notice to the Senate that I will at the earliest moment call up this resolution and press it for action, I will not now detain it longer.

Mr. MORTON. I move to lay the motion to postpone on the table.

Mr. THURMAN. I hope the Senator will allow me to reply.

Mr. HAMILTON, of Maryland. I rise to a question of order. It is not in order to lay a motion to postpone on the table.

The VICE-PRESIDENT. The Chair will suggest to the Senator from Indiana that a call for the regular order is all that is necessary.

Mr. THURMAN. How can that be? The motion is to postpone the regular order.

Mr. MORTON. I move to lay that motion on the table.

Mr. EDMUNDS. That carries your bill with it.

The VICE-PRESIDENT. The regular order is Senate bill No. 1251, and on that the pending question is the motion of the Senator from Pennsylvania to postpone the consideration of the bill and take up another bill. That is the question before the Senate.

Mr. THURMAN. And on that I wish to say a word.

The VICE-PRESIDENT. The Senator from Ohio.

Mr. MORTON. Is not my motion in order?

Mr. THURMAN. I shall occupy but a very few minutes.

Mr. President, if the argument of the Senator from Minnesota is no more brilliant than his wit this morning, witty as he is acknowledged to be, it will not require much ability to answer it. I did not say that two-thirds of the Senate were ignorant of the most striking features of the geography of the United States. I said nothing of the kind and intimated nothing of the kind. Therefore the foundation for the facetiousness of the Senator is totally wanting. I spoke of the schemes of improvement, and in respect to them I said that I did not believe one-third of the Senators know what those schemes are. I repeat that assertion. I do not believe it. This resolution proposes peremptorily to instruct the Committee on Commerce to bring in appropriations which the Senator says will amount to four millions for the coming year for the furtherance of particular schemes of improvement. What those particular schemes are, I repeat, I do not believe that one-third of the Senate know. Let us see.

Whereas it is believed that the thorough and systematic improvement of the Mississippi River—

That is the first thing. What kind of "thorough and systematic improvement" is intended by that? Is it intended that you shall make a canal around the rapids below Saint Louis, or that you shall make a canal around the Falls of Saint Anthony, or that you shall simply go on as formerly with your snag-boats pulling up snags here and there? What is meant by that? Is it meant that you shall take measures for the protection of the city of Saint Louis and the harbor there to prevent the river from leaving it, as some have supposed to be necessary? Is that within this "thorough and systematic improvement?" What is meant by it, I should like to know. Here is nothing but vagueness. An expenditure that no man can foresee is included under the simple words "thorough and systematic improvement of the Mississippi River."

Then again in respect to the same river:

Including the construction of an adequate channel at its mouth.

What is meant by that? Does that mean the jettee system, or the Saint Philip Canal, or the improvement of the Southwest Pass? What does it mean, I should like to know? I should like one-third of the Senators here to rise and say that they understand what is meant by that. If they do, I say they are better informed than the remaining two-thirds.

Again, sir:

The connection of the Mississippi River with the lakes by means of the Fox and Wisconsin improvement and the Hennepin Canal.

We certainly have heard of the Fox and Wisconsin improvement; but as to what new improvements are to be adopted to complete that work, which seems to be of perpetual duration, we are left all in the dark.

Again:

The speedy completion of the improvements between Lakes Superior and Huron and Lakes Huron and Erie.

What is meant by that? If it is meant, so far as Lake Huron is concerned, that we are to spend more money on the Saint Clair Flats, I shall not object if the expenditure is necessary; but what is meant by these words?

The improvements between Lakes Superior and Huron.

Is it meant that you are to double the canal around the Sault Sainte Marie? Is that the meaning of it, or what is meant by it? What is the scheme, what is the plan upon which we are asked to bestow four millions of money?

Again:

The thorough and systematic improvement of the Ohio and Kanawha Rivers.

What is that to be? Do you propose to adopt here without knowing anything about it a system of slack-water navigation on the Ohio River? If you do, I want to know where you will begin. Will you begin at Louisville? Will you begin at Cincinnati? Will you begin at Portsmouth? Will you begin at the mouth of the Kanawha? Or where will you begin with your system of slack-water navigation? Before you meddle with that river much, I want to know what your system of improvements is and want to know how it will affect my constituency. Or do you simply mean that you are going to work pulling out snags here and there, or deepening the channel over bars here and there by wing-dams—a system which I remember was recommended some years ago and it was estimated that it would cost $15,000,000 for the wing-dam plan alone? What expenditure the slack-water navigation, the dams required in order to create that would involve, I should like to know before we embark upon that enterprise. The same remarks will apply to the Kanawha.

Then as to the improvement of the Tennessee River, what is that to be? Ever since I can recollect, we have been expending money to improve the Tennessee River. The appropriations for the improvement at Muscle Shoals I do not know how large they have been, but very large indeed. Whether more is necessary or not I do not know, or what scheme is in contemplation for the improvement of the Tennessee River.

I spoke of these schemes, these plans of improvement which may or may not be good, which may or may not be advisable, which if we understood them perfectly we might be willing to execute to the extent of our constitutional power; but which, so far as we know, may be wholly unadvisable and may be a waste of money, or if they be advisable ought to be postponed until a time has arrived when Congress ceases to levy additional taxes and takes off taxes already imposed. But now when we are asked to impose $30,000,000 a year additional taxes on the people of the United States, to increase the taxes on what have become necessaries of life to a great portion of our people—now when we are aked to do that and to do that in the few remaining days of this session, I say it is no time to appropriate $4,000,000 blindly without knowing for what it is to be appropriated. I for one do not fear to take the responsibility of opposing this thing. I know very well what use is made of these various schemes; I know that the man who stands at the door of the Treasury and opposes these various schemes is charged with being opposed to cheap transportation and the agriculture interest of the land. Sir, it is an accusation easily made; it is a cheap thing; it has no terrors for me.

Mr. WINDOM. Mr. President——

The VICE-PRESIDENT. The question before the Senate is——

Mr. WINDOM. A single word.

The VICE-PRESIDENT. The Chair will state the question. The question before the Senate is on the motion of the Senator from Pennsylvania, to postpone the consideration of the pending bill for the purpose of acting on another.

Mr. WINDOM. On that I wish to say a single word and only a single word.

Mr. MORTON. Now, Mr. President——

The VICE-PRESIDENT. The Senator from Minnesota is entitled to the floor.

Mr. WINDOM. In reply to the Senator from Ohio I will say that he has revealed much more knowledge than I supposed he had, but he has simply revealed what I had no doubt was his true position, entire and absolute opposition to anything that will tend to cheapen transportation in this country; and consequently I want to say in answer to his comments on my wit that my wit was quite equal to his memory, as understood by all the other Senators around me here, when he attempts to quote his first speech in his last.

Mr. THURMAN. It is not at all wonderful that there should be a want of comprehension on that side of the Chamber in the little circle that surrounds the Senator from Minnesota, for he has the happiest faculty of dissemiuating a mist and fog around him of any Senator on this floor; and as to the position of the Senator from Ohio on the subject of cheap transportation, when the proper time comes to discuss that as it ought to be discussed, the Senator from Ohio will express his opinions, poor as they may be, and trust to his constituents to vindicate or condemn them.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania, [Mr. CAMERON.]

The motion was not agreed to.

PENSIONS TO SOLDIERS OF 1812.

The VICE-PRESIDENT. The bill (S. No. 1251) to provide the manner of counting the votes for President and Vice-President, and the decision of questions arising thereon, is before the Senate as in Committee of the Whole.

Mr. PRATT. I desire to appeal to the courtesy of my colleague to allow me to submit a motion to the Senate and take its judgment upon that motion. Its decision will be my guide in the future. The motion that I desire to submit is that the pending order be temporarily laid aside or postponed for the purpose of enabling me to call up the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

This bill, as it came from the House, has been amended by the Committee on Pensions in this body, and I think it is so shaped now as to command the approbation of most of the Senators. At all events, I wish to submit this motion, and I shall beg the liberty of calling the yeas and nays upon it, so as to know what is the ultimate sense of this body as to taking up and considering this measure at the present session of Congress. It has been here ever since March, 1874. The bill, as amended by the committee, will admit to the pension-roll about five thousand old soldiers and the widows of soldiers, every one of whom is now about the age of eighty years. It will restore a limited number, not more than sixty, I think, to the pension-roll who were dropped.

With this general statement I wish to submit the motion to the Senate whether they will postpone temporarily the pending order for the purpose of allowing me to call up the bill and put it on its passage.

The VICE-PRESIDENT. The Senator from Indiana [Mr. PRATT] moves that the bill now pending be informally postponed for the purpose of taking up the bill he has indicated.

Mr. LEWIS. I asked a few minutes ago the Senate to take up a bill which I feel very much interested in; but the bill proposed to

be taken up by the Senator from Indiana [Mr. PRATT] is of paramount importance to that which I was advocating, and I therefore hope the Senate will lay aside the pending order and proceed with that.

Mr. ALCORN. I trust the Senate will consent to take up the bill that the honorable Senator from Indiana [Mr. PRATT] desires now to present for consideration. I do not think Congress is aware of the injustice that is now being done to a portion of the people of the country, for example, to the old soldiers of the war of 1812 who were stricken from the rolls, not upon the question of loyalty or disloyalty, but because of the fact that they resided in a certain portion of the country. Within my own knowledge there are old soldiers of the war of 1812, now above eighty years of age, living in the State that I have the honor in part to represent, who are absolutely in want, one of whom is blind, and has been blind for ten years, and who was a Unionist and stood loyal to the Government; and yet, because he lives in the State of Mississippi, he has been suspended from the pension-roll, and to-day he comes and begs Congress that he may be restored. No private bills will be entertained, and his only hope is through this general bill; and what I say of him applies to hundreds of others of these old men, now over three-score years and ten, who are wending their way rapidly to their graves. I ask, Mr. President, that the Senator from Indiana may be heard upon this occasion, and that his bill may be taken up.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana, [Mr. PRATT.]

Mr. EDMUNDS. I ask the Senator from Indiana in charge of the bill before the Senate [Mr. MORTON] if he consents to this motion.

Mr. MORTON. My colleague has made an appeal to me which it is hard for me to resist under the circumstances, and personally I should be very glad to gratify his wishes on this subject. I am assured by Senators, however, that if I yield, the bill now before the Senate will lose its place. If it be the pleasure of the Senate by a vote to lay this bill aside for the purpose of considering that bill and then to resume the consideration of the pending measure, I have nothing to say.

Mr. ALCORN. That is it.

Mr. MORTON. At the same time I do not wish to do anything which will forfeit the consideration of the bill pending before the Senate.

Mr. EDMUNDS. I call for the regular order. You cannot entertain an informal motion.

Mr. SARGENT. I ask for the yeas and nays.

The VICE-PRESIDENT. The Senator from Vermont asks for the regular order. The regular order is Senate bill No. 1251.

Mr. EDMUNDS. The Senator from Indiana can submit a motion to postpone this measure. That would not be in order.

Mr. PRATT. That was the motion I submitted, on which I wish to take the sense of the Senate.

Mr. EDMUNDS. Very well; on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I have only a word to say. The Senator from Indiana [Mr. PRATT] has brought forward a bill which is thought to be of great importance, and it is; but in order to give place for it, another bill of great importance which has been hanging between the two Houses for more than a year has been kept back, and I wish by asking for the yeas and nays upon this question to know whether the Senate are to postpone the consideration of the counting of the electoral vote bill and to postpone the consideration of the civil-rights bill, which some day or other I hope to get up if we can dispose of this, in order to take up a bill to pay money out of the Treasury to the soldiers of the war of 1812, without regard to race, color, or previous condition of servitude or previous loyalty. I shall be guided of course by the vote of the Senate; and if the Senate chooses to postpone this bill and to take up the other, of course it will be fair notice to me and will relieve me from all further responsibility about the civil-rights bill.

Mr. CRAGIN. I presume that I am in favor of the bill which the Senator from Indiana on my right [Mr. PRATT] seeks now to call up and to displace the one which is the unfinished business; but I can see no sense in point of economy of time or in any other way in displacing the present measure to take up his. As soon as we dispose of the bill now under consideration the Senator can make his motion, and if he can get the Senate to agree to it, certainly he can just as well then get them to agree to it as he can now. Time is being wasted in this struggle for the order of business. If we would go on regularly, dispose of this bill and of other bills, his measure would come up in time. I am in favor of it, but not now.

Mr. PRATT. I have but a word to say in reply. I should feel myself criminal at this late hour of the session if I omitted to seize upon any opportunity, any opening in the business here for the purpose of bringing this bill before the Senate. As the chairman of the Committee on Pensions, I am in receipt of scores of letters weekly from these old men and old women and their friends. I have repeatedly tried to get this measure before the Senate, and I have always encountered some antagonistic measure that was of greater importance, and so it was laid over from day to day until now we are within a week of the adjournment and I am getting desperate, Mr. President. I want to shift the responsibility from my shoulders upon the shoulders of the Senate, and I am thankful to my friend from Vermont for having demanded the yeas and nays.

Mr. BOUTWELL. Mr. President, I am willing for one to assume my share of the responsibility of refusing to substitute the measure of which the Senator from Indiana [Mr. PRATT] has charge for the one before the Senate. It is agreed, not by one party but by both parties, that the existing rule governing the two Houses when in convention for the purpose of counting the electoral votes is a rule fraught with danger to the existence of the country, and I for one am willing to take the responsibility of pressing that measure to the exclusion of every other until it is disposed of by this body. We have only six days, and it must be considered by the other House as well as by this. Therefore I am ready to vote against the proposition of the Senator from Indiana.

Mr. ANTHONY. There is no Senator whom I would favor more gladly than my friend from Indiana, [Mr. PRATT;] but this is a motion that we shall have an extra session of Congress. That is what it amounts to. The bill, if taken up, cannot be disposed of in two or three days. We know there are a great many speeches to be made upon it.

Mr. FERRY, of Michigan. I have noticed that every time I have made an effort to take up a question out of the regular order, even a question so trivial as that of concurrence in a House amendment to a bill already passed by the Senate, and stating meanwhile that the original objector had since concluded that the ground of objection would no longer justify further objection on his part; and while there was no possible objection to concurrence in the amendment, I have been ruled out by the declaration here that the regular order must be observed by the Senate. Now we are pressed by the Senator from Indiana [Mr. PRATT] to take up a bill in his charge. I state to him that I concur in his measure, I favor it, and would be disposed to vote for it if it was regularly before the Senate, and yet I must, out of respect for the judgment of the Senate, heretofore repeatedly expressed, vote against his motion to interject the measure he submits against the regular order. If I vote for his proposition now in this irregular way, I am voting that the Senate was wrong in rejecting my effort to have the Senate consider irregularly the measure I urged. I deferred to the judgment of the Senate before against taking up a bill vital to many citizens of Michigan and which I am anxious to have considered and passed before the end of the session. I am therefore compelled to vote against the proposition of the Senator from Indiana at this time and against my convictions in respect to the merits of his bill; but I feel that my higher duty is to stand with the majority of the Senate in the support of the pending measure, which involves broader interests than the one suggested by my friend from Indiana, which will have my support when regularly up for consideration.

Mr. CONKLING. Mr. President, I hope the Senate will not approve the motion submitted by the Senator from Indiana, [Mr. PRATT.] I intend to vote against it myself; and my purpose in rising is to say to the Senator from Vermont who has charge of the civil-rights bill that if this motion prevails and the pending order is disposed of I will vote not to take up the bill in charge of the Senator from Indiana who makes this motion, but I will vote to take up the civil-rights bill if the Senator from Vermont having charge of it shall make that motion. I think, however, that the pending order should not be postponed for any bill.

Mr. HAMLIN. Mr. President, I wish to say that I feel a very decided interest in some at least of the provisions of the bill which the Senator from Indiana proposes to take up. That bill with certain amendments will receive my very cordial support, and I shall be very glad if there shall be an opportunity in which we can consider and pass it; but I am constrained by the condition of things which we find existing, and I believe it my duty to the country to vote against the motion.

Mr. STEVENSON. I hope the motion of the Senator from Indiana [Mr. PRATT] will prevail. The bill which is the pending order can very well be dispensed with; the other cannot be. If you are ever going to do justice to the old soldiers now is the time. If this Congress adjourns without doing them that justice, many of them will go to their graves without ever having had their services recognized, and it seems to me if ever there was a case where a bill was entitled to precedence it is this one. I have no speech to make upon it; I only desire to say that I hope we shall have a test question on it and see who are the friends and who are the enemies of the bill.

Mr. CLAYTON. Mr. President, I am prepared when the opportunity is afforded to vote for the bill proposed by the Senator from Indiana, [Mr. PRATT;] but I think there are other measure of paramount importance to that at this time. While I am willing to do justice to the old soldiers of 1812, I should like to do justice also to the soldiers of the late war by the adoption of a bill for the equalization of bounties which has passed the House of Representatives and is awaiting our action. I think if we are going to enter into this bounty business and do justice to the soldiery, we are called upon to do justice to the soldiers of the late war as well as to the soldiers of 1812. I regard the pending order as being paramount to all these questions, although they are of great importance.

Mr. LOGAN. I know it is rather an ungracious thing to vote against the desire of my friend from Indiana. I should certainly be pleased to vote with him on almost any question; but I now give notice to the Senate that I am ready to go on with the pending order. I have refrained making a motion this morning that I said I would

make for the reason that I think this a very important question. I now say, however, that I will antagonize the bounty bill with any question that comes before the Senate, except the regular order. That I will not antagonize with the bounty bill; I deem it about as important as anything else.

Mr. MORRILL, of Maine. One remark has fallen from my honorable friend from Kentucky which leads me to say a word. In no sense whatever can the vote which we give here indicate our judgment upon the merits of the proposition of the Senator from Indiana, [Mr. PRATT.] Whether I am for it or whether I am against it, is not involved at all in this motion by any possible parliamentary necessity or as a matter of fact. It is a question of the order of business, the importance of which is just this: If we do not stand by the order of business we lose the control of the business of the Senate, and we who are in the majority are responsible for it, and will be laughed at properly for a weakness unbecoming men charged with such duties.

Here is a matter of paramount and exigent necessity; and the question is, after having entered upon its consideration, whether we will allow anybody to lay it aside. I trust we shall not, Mr. President. My friend near me [Mr. MORTON] feels that it is a matter of courtesy; that his colleague appeals to him as a matter of courtesy. By no possibility is there any question of courtesy in it at all. With all the parliamentary respect and regard I have for my honorable friend over the way, [Mr. PRATT,] he cannot ask it as a matter of courtesy, and I say to my honorable friend near me if he yields to it as a matter of courtesy he yields the discharge of an obvious duty. It is too late in the session, and the questions that are pressing us are of too momentous a character, for us to yield to any personal or private considerations whatever.

Mr. SCOTT. Mr. President, the Senator from Maine has expressed a portion of what I rose to say in reference to the position in which we place ourselves by this vote; but I deem myself justified in making an appeal to my friend from Indiana [Mr. PRATT] after having made this motion and elicited the expressions thus far made in the Senate to withdraw the motion, and for this reason: he puts it upon the ground that he wishes to throw the responsibility for deferring this measure from his own shoulders upon the Senate. If we all are driven into that position who are besieged by those who have measures in charge, is it not perfectly apparent that all the time of the Senate will be wasted in discussions upon the order of business? If I were to yield to the importunities that I meet with to bring forward a bill, for instance, for which I think the Senator himself will vote when it comes before the Senate—although I am not sure that he will—a bill which seeks to permit thousands of loyal people in the South to present before the commissioners their claims that are now barred by the statute of limitations; if I were to yield to their importunities and throw the responsibility upon the Senate; if the Senator from Illinois who has charge of the bounty bill were to come in and antagonize every measure that is once regularly before the Senate, is it not perfectly apparent that we sacrifice all business for the purpose of getting rid of this personal responsibility?

The Senate is responsible when it has voted to take up a measure; and it has voted to take up this measure in charge of the Senator's colleague, [Mr. MORTON,] a general measure, one involving perhaps the peace of the country at the next presidential election, one that should be provided for; and I think the Senator has now discharged his duty certainly in bringing this subject before the Senate, and there can be no reflection upon him if he will now at once yield and withdraw the motion and permit us to go on with the regular order of business.

Mr. PRATT. Mr. President, this measure, although repeatedly brought up by me, has been postponed from time to time upon just such arguments as I hear to-day. There is always some question of greater moment to the country than this measure, that should be disposed of before this is taken up. It so happens that for ten months past I never have found a time when it was in the order of business to get a hearing upon this bill, which hearing ought not to consume more than thirty minutes of time, so few and simple are its provisions. But that time has never come, and we are within a week of the adjournment of this Congress, when the bill must fall to the ground, and no action can be had in favor of these old people until the Forty-fourth Congress.

Sir, I have listened to the appeal of the Senator from Pennsylvania. If I could have the unanimous consent of the Senate that some evening should be set apart for the consideration of this bill, or some hour during the day, I would cheerfully withdraw this motion; but unless we can come to an agreement of that kind I must get rid of this responsibility which rests upon my shoulders as the chairman of the Committee on Pensions and place the responsibility of the failure of this measure upon the Senate. Therefore unless we can come to an agreement of that kind I must insist that the vote be taken on my motion.

Mr. CONKLING and Mr. SHERMAN. Let us vote.

Mr. MORTON and others. "Question!" "Question!"

Mr. PRATT. If the Senate will give me Saturday morning after the morning hour for the consideration of this bill, say at one o'clock, I will cheerfully withdraw this motion.

Mr. EDMUNDS. It is impossible to make any arrangement in the state of the appropriation and other bills. I am sorry it is so; but the Senator can see that himself.

Mr. PRATT. Very well.

Mr. SAULSBURY. I hope the motion of the Senator from Indiana will prevail. As a member of that committee two years ago I know the bill was carefully examined, and it commended itself to the judgment of the Committee on Pensions; and there has been persistent effort on the part of the chairman of that committee to bring the bill forward. Now it can be disposed of, as he says, in thirty minutes. It is an act of justice to these people, who will soon die off. For one, therefore, I shall vote for the motion of the Senator from Indiana.

The question being taken by yeas and nays, resulted—yeas 29, nays 34; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Pease, Pratt, Ransom, Saulsbury, Schurz, Sprague, Stevenson, Stockton, Thurman, and Tipton—29.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Carpenter, Chandler, Clayton, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Jones, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Patterson, Ramsey, Sargent, Scott, Sherman, Stewart, Washburn, West, Windom, and Wright—34.

ABSENT—Messrs. Brownlow, Cameron, Conover, Fenton, Ferry of Connecticut, Ingalls, Morton, Robertson, Spencer, and Wadleigh—10.

So the motion was not agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RAMSEY, and Mr. FERRY of Michigan, submitted amendments intended to be proposed by them to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4677) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations.

Mr. INGALLS submitted an amendment intended to be proposed to the deficiency appropriation bill; which was ordered to be printed and referred to the Committee on Appropriations.

Mr. WEST, from the Committee on Transportation Routes, submitted an amendment to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on the rivers and harbors, and for other purposes; which was ordered to be printed and referred to the Committee on Commerce.

COUNTING OF ELECTORAL VOTES.

The VICE-PRESIDENT. The bill (S. No. 1251) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, is before the Senate as in Committee of the Whole and open to amendment.

Mr. THURMAN. Mr. President, in line 8, section 1, I move to strike out the words "one teller" and insert "two tellers." The bill provides for one teller on the part of the Senate and two on the part of the House. I see no reason for that. The Senate and the House stand on an equal footing in respect to the count of the votes. This bill goes on the theory that they stand on an equal footing. Although they meet together to witness the counting of the votes, that does not make a joint assembly in which a majority present can control the minority. The Houses do not lose their individuality, but each House is equal to the other in the functions that are to be performed. There is no propriety, therefore, in giving two tellers to the House of Representatives and only one to the Senate. On the contrary, there ought to be a teller of each party, and in order to do that there should be two tellers of the Senate and two of the House. I move that amendment.

Mr. MORTON. The bill is as the present rule is, providing one teller for the House and two for the Senate, but I make no objection to the amendment. I think it is well enough.

Mr. CONKLING. I wish to make an inquiry of the Senator from Ohio before we vote upon this amendment. In constituting committees in all parliamentary bodies, an odd number is the rule for the obvious motive of securing action; in other words to prevent a tie. Without stopping now to consider the length and breadth of the function of these tellers, suppose it occurs that they stand two to two. I ask the Senator from Ohio whether it is wise to so adjust the numbers that an equal division may occur?

Mr. THURMAN. What the Senator from New York says would have significance if these tellers had any ultimate power of decision; but as the power of decision, and in fact everything but the mere ministerial duty of reading the returns and footing them up is reserved to the two Houses, there is no necessity whatever for constituting a majority of the tellers of one political party or the other. All questions that arise for decision must be decided by the two Houses. The tellers have certain ministerial functions to perform. They read the certificates; and if there is no objection then they put down on sheets, which are already ruled and prepared for them, the votes. That being done, when the work is completed, they add up the figures and hand the paper to the Presiding Officer, who declares the result. Their duties being ministerial only, there is no necessity for having a majority of one opinion or of another opinion; but in order to preserve the rights of the Senate, its individuality, and in order to avoid any

errors that might creep in by the superior vigilance that might be exercised by two over one, it is but right and proper that there should be two tellers on the part of the Senate.

Mr. CONKLING. The only fault of the argument of the Senator from Ohio is that it proves too much. If really these tellers have nothing to do but foot up a column of figures and state it, the Senator will see that there is little substance in contending that there should be two rather than one on the part of the Senate. I am not going to oppose this amendment; but I still think that if there be any use for the suggestion made by the Senator from Ohio, it would be a better suggestion if he would so fix a number that it should be an uneven number and should insure an opinion from those who are to give an opinion, even though it may be upon a question so ministerial in the function called for as that prescribed by the Senator from Ohio. If he says there is no significance about this one way or the other, then one teller is as good as forty. If any contingency should arise in which numbers might be important, then I submit that it ought to be as in the case of a committee so fixed that there may be a majority.

Mr. BAYARD. Does the honorable Senator say that as to the function of tellers and the report made by them provided by the joint rule, the votes of two from one House might overrule the vote of the one from the other House?

Mr. CONKLING. I am inclined to think it would.

Mr. BAYARD. I think not.

Mr. CONKLING. I only say as a proposition at large, assuming that they have anything to do, the idea should be to constitute the body in such wise that there would be a controlling part by reason of having the whole body an odd number, rather than so adjust it that there might be an equal difference with no product from the process.

Mr. BAYARD. In this case the tellers are appointed on behalf of each House, act for each House, and not together.

Mr. CONKLING. That is true; and now will the Senator from Delaware tell me what reason occurs to him for having two tellers instead of one on the part of the Senate?

Mr. BAYARD. I confess I have not thought on the subject.

Mr. BOUTWELL. I agree with the proposition of the Senator from Ohio that there should be two tellers from each House, that each leading opinion in each House may be represented by the tellers. The tellers have no positive ultimate authority. If we desire to do anything different, I think it should be in the direction of having an uneven number of tellers from each House, as three or five, for example, that each House might be advised by a majority of its committee of tellers as to what should be done. But plainly the tellers of the two Houses cannot act together, inasmuch as the two Houses themselves cannot act together. Therefore, if any opinion from the tellers were desirable by the respective Houses, it could be ascertained by having one teller or three tellers or five tellers from each House, and in no other way. For one I am content that there shall be two from each House, that the leading opinions of each House may be represented.

Mr. THURMAN. My object in making this motion was that the Senate might maintain its right to a perfect equality of power in this important business, and I have but a few words to say in reply to the suggestions of the Senator from New York.

Now, what are the duties of these tellers? The President of the Senate takes up a return, opens the envelope, does not read it himself, but hands it to the tellers. For what purpose is it handed to the tellers? First, that they may read it; and having read it, then if no objection is made, the vote of that State is put down in the blanks which have been previously prepared. But it is the duty of the tellers, when they read such returns, to announce to the joint assembly any defects that they may find. We had an example at the last count where the tellers reported that the returns were all in due form except that one of the seals did not appear to be the great seal of the State. That was a thing which could not appear by mere reading; it could only appear by inspection, and every member of the Senate and House so assembled to the number of between three hundred and four hundred could not make that personal inspection at the moment. The consequence was that that was a duty which devolved upon the tellers. Now, if you have four, you are more likely to have a careful inspection of the returns than if you have a less number.

Then, in the second place, the return having been accepted or not rejected, and the votes being put down, it will be necessary to be careful to see that they are put down in the right column, and when footed up that the footing is correct, and it is more likely to be correct where four perform the duty than where a less number do. Still I do not say that three might not perform it or that two might not perform it; and I would prefer one from each House rather than two from the House of Representatives and one from the Senate. What I insist upon is the absolute equality of the Senate in the functions that are to be then performed. I therefore insist that the motion I have made ought to be adopted.

Mr. BAYARD. Mr. President, if some gentleman who was in either House of Congress in February, 1865, when this rule was adopted, when I presume there was discussion on the subject, can tell us why the precedent was established, we could better see whether we should change it. If there were good reasons for it then, it might be well to continue it; and I must say that I cannot see any very important results in any way from this change. I thought there were reasons why originally the House of Representatives should have two tellers and the Senate should have one. Those reasons must continue. If they never had an existence, I might as well take the suggestion of my honorable friend from Ohio and insist, for the sake of dignity, or whatever you may please to call it, upon the equal representation of the Senate upon this tally board with the other House. I confess, however, that if we are there represented by a teller, his report will be quite as sufficient for the Senate as if there were two or three or any other number. It so strikes me. But there might have been reasons why there was that disproportion between the Houses. It might have grown simply out of the numerical difference between the two bodies. Something of that kind might have been in the minds of those who drew the rule, and the rule was a joint rule which of course both Houses were consulted about. I can apprehend that it will be no loss to the Senate if it is represented by an additional teller, nor can I see any harm done by increasing the number. Perhaps it might be some assistance in the arithmetical feat of recording the vote.

Mr. CONKLING. Mr. President, without referring to the debates, a considerable portion of which were printed I believe in a pamphlet at the time, which pamphlet is still within reach, I will state to the Senator from Delaware one consideration, growing rather out of usage than necessity or fundamental reason, why the number of three tellers in all was fixed. The custom has been, speaking now of the two tellers on the part of the House, for the tellers representing the sentiments of a particular State from which electors came to count the vote. Speaking more plainly and exactly, a State had cast its vote for the democratic nominees for President and Vice-President. The usage has been for the democratic teller in the House to announce to the House the returns, to read them at large, as has sometimes been done, or to announce the result of them. A State having voted otherwise, the teller representing the other party read its returns to the House; and when the announcement in gross of the result came to be made the teller on the part of the Senate usually did that. So the work has been apportioned, rather as the Senate will see as a matter of comity or courtesy among the tellers than otherwise; and the one teller on the part of the Senate has been held sufficient to represent the Senate. How far the numerical difference between the two Houses, to which the Senator has referred, entered into it, I do not know; but I rather think that the adjustment fell to that number of tellers because the usage had been to apportion the process, as I have endeavored to state.

Mr. BAYARD. I am obliged to the Senator for this statement. He has given me now a suggestion in favor of the amendment of the Senator from Ohio, to which I referred before. I wish that no other feeling than that of most gracious comity may prevail between members of the Senate or House in any performance of public duty; but still there is the fact which was recognized in the reasoning which caused the rule to be adopted, that when the vote of one party was to be read from a State in which that party had been successful with its candidate a gentleman associated with that party read it aloud, and when the arithmetical computation of a vote was to be announced on the other side his political opponent rose and read it. That rule was, I think, a wise one. It was satisfactory to all. It was courteous and it was substantially just and protective.

Just so, Mr. President, will the same reasoning apply to the reading of the votes on the part of the Senate. I think from the fact that there can be a representation of both political parties in counting the votes in the board of tellers created by the joint rule, who act for that purpose, there is something that will be satisfactory to the country at large as well as to the representatives in the two Houses of Congress. Therefore I wish now that there would be not only no objection to, but, for very palpable reasons, cause for giving the Senate two tellers, so that each party of the Senate should proclaim the vote and make it perfectly satisfactory, so far as that proclamation is concerned, to both sides. I think there is force in the suggestion of the Senator from Ohio, and I trust his motion may prevail.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

The amendment was agreed to.

Mr. THURMAN. After the word "votes" at the end of the eleventh line of the first section, I move to insert—

Which certificates shall be opened, presented, and acted upon in the alphabetical order of the names of the States, beginning with the letter A.

Mr. President, this bill goes upon the theory, which I believe to be the correct one, that the function of the President of the Senate is simply to open the returns; that it is not his function to count them; that they are to be counted in such manner as shall be provided either by a joint rule of the two Houses or by law, whichever is the proper mode of providing for their count. His function then being simply to open the returns and to deliver them to the tellers, it ought not to be left in his discretion to select the returns that he will first present. They should be presented in some prescribed mode, and I conceive of no one less liable to objection than the alphabetical order of the names of the States. It would be impossible to select any other method that I am aware of, unless you were to call the States in the order of their coming into the Union.

Mr. BAYARD. Or in the order of their adopting the Federal Constitution.

Mr. THURMAN. In the order of their adopting the Federal Con-

stitution, or of the original thirteen and the subsequent admission of the States; but that is not so convenient a mode as the alphabetical mode. The alphabetical mode requires no research, can give rise to no possible discussion, is perfectly simple, and is perfectly fair.

I therefore propose this amendment, which I consider to be correct and to be in perfect harmony with the whole idea of the bill. Manifestly it ought not to be left in the power of the Presiding Officer to select at his pleasure what returns he will first present. There ought to be a prescribed mode that should settle that question, if for no other reason, to relieve him from any responsibility on the subject or any suspicion as to improper motives in his presentation of the returns. But for much higher reasons than that it is proper that these returns should be presented, opened, and acted upon in some prescribed mode. I hope, therefore, there will be no opposition to this amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. THURMAN. I now move to strike out the last sentence of the first section on page 2 of the bill.

The PRESIDING OFFICER. The Secretary will report the words to be stricken out.

The SECRETARY. On page 2, beginning at line 34, it is proposed to strike out the following words:

And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner.

Mr. THURMAN. The previous part of the section provides that when a question shall arise in regard to "counting the votes therein certified"—that is, certified in any certificate which shall have been opened and presented as provided in the section—the Senate shall withdraw, and the two Houses shall act upon the objection or question separately; and then, when each House has made its decision, they shall convene again and the decision shall be announced. Then come in at the close of the section these words:

And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner.

I do not know why these words are put in. I can conceive of no necessity for them. I can conceive of a construction put upon these words that would lead to irremediable mischief. I would be glad, if the Senator from Indiana is not willing that the amendment should be adopted, that he would give us his view as to the effect of these words. If he is willing that the amendment shall be adopted, I will not trouble him.

Mr. MORTON. I find that these words are embraced in the original rule, and form a part of the rule to which perhaps no exception was ever taken. The original rule providing for the counting of the votes says:

And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner.

It simply provides for the determination of any question that it may be necessary to determine which shall require the concurrence of both Houses, to be determined in like manner, subject to the same restrictions. There may be other questions arising. I could not now anticipate one; I do not know that I could mention one; but other questions may arise, the determination of which may be essential; and this clause simply provides for their settlement in the same way.

Mr. THURMAN. It seems to me obvious that these words in section 1—the last sentence in the section—should come out. The previous part of the section provides all that is necessary for the counting of the votes. All that can properly be done by the two Houses is already provided for. I was aware that these words were in the twenty-second joint rule, and I can conceive some reasons why they were put in that rule; but I can conceive no good reason why they should remain. The Senator from Indiana and I think that the twenty-second rule is a bad rule. It is proposed to abolish it. I do not think it is necessary to preserve this part of it which to my mind is in the highest degree objectionable. Let the whole of it go, if any part of it is to go. There were very peculiar circumstances in the first counts of the votes under that rule. The rule was adopted in 1865, I believe.

Mr. MORTON. February 6, 1865.

Mr. THURMAN. It does not say in my copy when it was adopted. It was adopted in 1865. There were very peculiar circumstances under which that rule was adopted. Several of the Southern States were not reconstructed as it was then said, as some Senators and as the majority of both Houses of Congress thought. I shall not go into the question whether they needed reconstruction at all. They were not reconstructed and the question whether they should vote for President and Vice-President was a mooted question. It was a question whether in point of fact they were States of this Union. That was the question. If they were States of the Union they were entitled to vote, but a majority of Congress refused to consider them as States of the Union.

Mr. BAYARD. Not so early as 1865?

Mr. THURMAN. I am speaking now of 1868, not at the time this rule was adopted. The war had not closed at the time the rule was adopted in 1865, and what States would be in the Union in 1868 was a question that no one could then absolutely foretell. The war still existed, and no one was able to foretell what would be the result after the war should close upon the autonomy of the States that had been engaged in the rebellion. Under those circumstances this rule was adopted, and it was enforced. It was enforced in the count of 1869, and that most extraordinary of all announcements ever made was made by the President of the Senate, that the vote of Georgia should be received if it would not change the result, but if it would change the result it should be rejected! It was in that state of the country that this provision crept into this rule. No reason of that kind exists any more. There is no longer any question what are the States of this Union. Fortunately for the country, every one of them is a State in the Union. There is no longer any expelled sister. On the contrary, you have taken in a couple more yesterday, although they are very young and very feeble. There is no question, therefore, as to what are the States of the Union, and no necessity for this provision being in this rule. On the contrary, if it is left in the rule it may give rise to claims that are utterly inadmissible. We have no provision for contesting the elections of President and Vice-President. This bill does not propose to provide for any such contest. If it did it would be lamentable, nay, wholly, utterly defective. There is no reason, therefore, for opening the door to questions over which we have no jurisdiction; and unless we intend to invite questions and the exercise of a jurisdiction we do not possess, these words should be stricken out of the section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

The amendment was agreed to.

Mr. THURMAN. Now, Mr. President, in order to make the bill consistent with the action just taken by the Senate, I move to strike out the words in section 3, lines 3 and 4—

Or for the decision of any other question pertinent thereto.

That follows as a matter of course after striking out the last sentence in section 1.

The amendment was agreed to.

Mr. MERRIMON. As this seems to be a very important bill, I take it that it is well to have the phraseology used as correct as possible. Therefore in line 3 of section 1 I move to amend by striking out the words "the two Houses of Congress" and inserting the words "the Senate and House of Representatives." There is no such phraseology in the Constitution as "the two Houses of Congress." The phraseology used in the Constitution is that which I propose to insert, "the Senate and House of Representatives."

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. MERRIMON. I move to amend in line 4, section 1, by inserting after the words "one o'clock" the letters "p. m."

The amendment was agreed to.

Mr. MERRIMON. In line 15 of section 1, after the word "counted," I move to insert the words "by them."

Mr. MORTON. What does the Senator say?

Mr. MERRIMON. After the word "counted," in line 15, section 1, I move to add the words "by them." As it now reads it does not indicate who is to count. It will make it more precise to say "the votes having been counted by them;" that is, the tellers.

Mr. FRELINGHUYSEN. Is the Senator from Indiana quite sure that that would be right?

Mr. MORTON. I scarcely understood the Senator from North Carolina. I think those words hardly necessary.

Mr. FRELINGHUYSEN. I do not object to them if they are merely unnecessary, but the question is whether the votes are counted by tellers.

Mr. MERRIMON. Then we ought to settle it. That is the very thing we ought to settle. I understand the tellers are to count the votes. They are to read the certificates and then cast up the votes; and having done so, they hand the result to the President and he announces it to the joint meeting.

Mr. FRELINGHUYSEN. The tellers certainly perform the ministerial duty of counting the votes, but whether that is the counting spoken of in the Constitution I think there is very grave question.

Mr. MERRIMON. Then I ask the Senator who is to count? The statute will not then provide for that.

Mr. STEVENSON. I do not think there can be any doubt from the language of the rule that it was intended that the tellers should do the counting. The language is:

And said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted, the result of the same shall be delivered, &c.

Now it seems to me those words would be useless. If these gentlemen are to make a list of the votes, unless they count them, how can they be ascertained?

Mr. FRELINGHUYSEN. I would recall the language of the Constitution to my friend:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates.

Mr. CONKLING. "And the votes shall then be counted."

Mr. FREYLINGHUYSEN. "And the votes shall then be counted." I understand that that counting is really done under the supervision and in fact by the two Houses. I think the bill is a good deal better leaving it as the Constitution leaves it, without saying "being counted by the tellers."

Mr. MERRIMON. Then it seems to me a wrangle might spring up at once as to whether the tellers should count the votes or somebody else. I do not see how the joint meeting could count them unless through some instrumentality.

Mr. FRELINGHUYSEN. The bill is in the language of the Constitution now.

Mr. MERRIMON. I understand the object of this act is to execute the provision of the Constitution. I submit the amendment to the Senate.

Mr. LOGAN. I merely wish to ask the Senator if it is not at least sufficient to use the language of the Constitution? This is precisely the language of the Constitution. The mere addition of the number of votes, done merely as a clerical duty by these persons, certainly is subject to the supervision of the two Houses of Congress, the same as, for instance, in many States where the State constitution refers the counting of the votes for governor to the house of representatives and the senate of the State. They are to count the vote; that is the language of several of the State constitutions; but the vote is never actually counted by the Legislature; it is counted in their presence by the secretary or clerks, as may be. But the meaning of it evidently is that they count the vote. The clerks merely are those persons designated by the bodies to count the vote. Should they make a miscount of the vote there in the presence of the two houses, the two houses would have jurisdiction over it certainly. Hence it certainly means the counting of the vote by the two Houses of Congress, although the mere enumeration of the number is done by persons who are selected for that purpose. I think it is well to leave the language in the bill just as it is.

Mr. MERRIMON. The whole statement of the vote is prepared under the supervision of the joint meeting, but who is to cast up the vote? Is it by the tellers or by the Clerk of the Senate or the Clerk of the House? Somebody must do it. The object of this statute is to execute a provision of the Constitution upon which all legislation is to rest. Of course when the tellers cast up the vote and hand it to the President of the Senate the whole is done under the supervision of the joint meeting. My object is to make it specific.

Mr. MORTON. I submit to the Senate that these words are not necessary. It is possible that something more may be involved in the counting of the votes than the mere addition of the figures. It seems to me it is entirely safe to leave it in the language of the bill.

Mr. THURMAN. I wish to say one word on this question. Somebody must do the ministerial function of counting these votes. They must be counted either by the tellers, or by clerks, or each member must take his turn and count them for himself, which is simply impracticable. Nor do we propose to devolve that duty upon clerks. We appoint tellers and take care who they shall be, in order that the count may be accurate. I think the bill as it now stands without the amendment implies that the tellers shall count the votes. They are to make a list of them. "The votes having been counted;" I think the implication is that they are to be counted by the tellers. In order to make this bill exactly conform to the Constitution, the word "then" ought to be in before the word "counted." The Constitution is "and the votes shall then be counted;" that is, shall be counted right there, in the presence of the two Houses. That is what the Constitution requires, and it ought to be so, perhaps, here. They are not to be counted elsewhere. They are to be counted then and there.

Mr. MORTON. That is implied from the preceding part of the section.

Mr. THURMAN. Perhaps it is. I should think it was; but I suppose the Senator will have no objection to inserting the exact words of the Constitution, the word "then" before the words "be counted." The language of the Constitution is:

And the votes shall then be counted.

I suppose the word "then" ought to go in; and perhaps it would relieve all difficulty to insert after the word "counted" the words "in the presence of the two Houses."

Mr. MORTON. The previous part of the section presupposes that.

Mr. LOGAN. The meaning is just the same although the words are not the same. "The votes having been counted" is just the same precisely as the language in the Constitution. I do not mean that it is *verbatim*, but the meaning is just the same.

Mr. THURMAN. I think the amendment of the Senator from North Carolina ought to be adopted to make it perfectly clear. I think that is exactly what the bill now means, and I think it would relieve all difficulty if those words be put in.

Mr. LOGAN. Will the Senator from Ohio allow me to ask him a question? On reading the rest of that portion of the section it is:

And the votes having been counted, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration, &c.

Now suppose you put the language in that the Senator suggests, so as to read, "counted by them," and an error shall occur. They hand the vote to the Vice-President. Have the two Houses then any control of the counting if you put in the words "counted by them?"

Mr. THURMAN. The bill as it now stands I think implies that the votes must be counted by them.

Mr. LOGAN. That is as a matter of course, it seems to me.

Mr. THURMAN. If the Senator thinks that such an error is likely to occur, where there are four men to one, then that is a defect in the bill.

Mr. LOGAN. I do not think it is likely to occur, but such things are possible.

Mr. THURMAN. It might; and that only shows that further amendment is necessary.

Mr. LOGAN. I do not think so. I think the bill as it is is better. The idea is that the two Houses count the vote. Of course they designate some person to do the mere ministerial office of counting the vote and making the addition, but it is, in fact, constructively done by the two Houses. Now, if you put in the words "by them," they refer to the men selected as the persons to make the count, and leaves them the persons to count the votes, instead of the construction that the Constitution certainly bears, that the Houses count the votes.

Mr. THURMAN. There is a good deal of force in what the Senator says.

Mr. LOGAN. I think that certainly would be the construction. Therefore I do not think the amendment ought to be made.

Mr. CONKLING. The Senator from Illinois has stated so exactly and so fully the view I have of this matter that I am content to give my vote upon the presentation he has made. But yet I venture to suggest to the Senator from North Carolina that his amendment would confound together two things different in law and in substance. The office to be done by these tellers, as has been said, is purely ministerial. As my friend said a moment ago, they do the work and the two Houses in fact make the count. They are mere machines. If you could invent a machine which would foot up exactly these columns of figures and state them, that machine would do everything that this bill commits to the tellers, and would do it as competently and as well if it did it as exactly as arithmetic. So you need not necessarily have members of the two Houses to act as tellers. Two of the pages of the two Houses could foot up these figures and present them to the Houses. But does anybody suppose that when you use the word "count" in the constitutional sense you can delegate to two pages the count of those votes? I take it not; but the mechanical, ministerial function, the mere manual act of presenting a total of a column of figures and handing that to the Presiding Officer, you may delegate to anybody, to the Sergeant-at-Arms for aught I know. When the Senator from North Carolina comes now to import into the bill words following those which so nearly adopt the language of the Constitution as these, it may be said, I think it will be said, as the Senator behind me [Mr. LOGAN] has suggested, that the design was to commit to these tellers the whole business, not the mechanical ministerial act of arithmetic alone, but the whole count, with all the attributes of that count as it stands in the Constitution. That is not what we mean. It may well be doubted whether we have power to do any such thing. Congress may do whatever is committed to it as a Congress. Either House or both Houses may do whatever is committed to it or to them; but Congress cannot delegate to anybody else legislative power or any other power which is reposed in Congress, and located there and nowhere else. So we may make a rule which shall commit to the Presiding Officers of the two Houses the duty of scribes and chirographers, to set down and count up and state these figures; but when you come to the last act, to the act accomplished of making the count, in all senses which the Constitution imports, that is the act of the two Houses. "The vote shall then be counted," the two Houses being there.

As I had occasion the other day to say these words are spare, they are scanty. I am not prepared to say that they deny the power to the Presiding Officer, for example, to make this count, so that it is done in the presence of the two Houses; but it is wholly unnecessary to anticipate that question here or to put into this bill anything under which it might be said that had an erroneous footing been made by tellers it had passed beyond the reach of the two Houses to correct, although the discovery might be made before the result was delivered by the Presiding Officer to the constituent body present. It seems to me that as the bill stands it is entirely unexceptionable in that regard.

The word "then," which is suggested by the Senator from Ohio, seems to me not to be necessary, because we are speaking here in the past tense, but I do not think there is any substantive objection to it. So of the words "in the presence of the two Houses." I think they would be surplusage, because the section elsewhere requires the presence of the two Houses. It would be abundant caution, but I see no other objection to it. Therefore I would vote, if it be the pleasure of any Senator, that the bill should be so changed as exactly to follow the Constitution, which I see my friend from Kentucky [Mr. STEVENSON] has in his hand. I have it in my hand—

Shall in the presence of the Senate and House of Representatives open all the certificates, and the votes shall then be counted.

There is no objection to putting those words in the bill, although I think it sufficiently appears; but when you come to add to the bill words which imply that the whole power of making the count, not merely in a tabular sense, not merely in a clerical sense, not merely that these men are to be authorized as scribes to perform the preliminary process, but that they are to be empowered to consummate and accomplish the whole fact of the count upon which the declaration is to be based, it seems to me that it is an unwise and unnecessary experiment, and may in case of a contest lead to misunderstand-

ing and embarrassment. Therefore I shall not vote for the amendment proposed by the Senator from North Carolina.

Mr. MERRIMON. With the permission of the Senate I will withdraw my amendment and offer another in lieu of it.

The PRESIDING OFFICER. The amendment of the Senator from North Carolina will be withdrawn, if there be no objection.

Mr. MERRIMON. I now propose to add after the word "certificates," in the fourteenth line of the first section, these words:

And the votes shall then be counted by the tellers under the supervision of the two Houses of Congress.

Mr. ALCORN. I ask the Senator from North Carolina if he did not make a point upon the use of the words "the two Houses of Congress" awhile ago? [Laughter.] I merely suggest this to him that he may not involve himself in any contradiction.

Mr. MERRIMON. In referring to the joint meeting in a statute I thought it better to use the words of the Constitution. Those are the leading words. Those are the words upon which all the balance of the statute turns. I admit that it is more convenient to say "the two Houses," and it may well be used for "the Senate and House of Representatives" after those words are first used in the first section of the act.

Mr FRELINGHUYSEN. It seems to me this amendment offered by the Senator from North Carolina is subject to the same criticism as the last. His amendment now is that the votes then be counted by the tellers.

Mr. MERRIMON. Under the supervision of the two Houses.

Mr. FRELINGHUYSEN. Before, it was that they be counted "by them." Mr. President, we have had a bill before us providing how these votes shall be counted, providing that there shall be the interposition of a court to settle questions, and it is argued that that is constitutional because the Constitution provides that Congress shall have a right to pass all laws to carry into effect the various provisions of the Constitution, and that therefore, inasmuch as the Constitution says that these votes are to be counted, Congress may by law provide a tribunal for their counting, to all of which I am entirely opposed. I believe that the tribunal to count the votes is the representatives of the people in Congress assembled, and I am opposed to importing into this bill a provision that that counting, being the only word in the Constitution which regulates the subject, shall be by tellers. I think that the bill is right as it is, "the votes having been counted." We have provided for tellers. We have provided that the two Houses shall be present, the votes having been counted, of course by the two Houses, the ministerial duty, the work, being performed by their agents, the tellers, and I think that anything introduced then may embarrass us very much.

Mr. MORTON. I suggest to my friend from North Carolina that I do not think his amendment strengthens the provision or makes it more clear. In reading the whole provision through, the process is so simple that I think it cannot be misunderstood.

Mr. THURMAN. We cannot hear a word the Senator says.

Mr. MORTON. I say I do not think the amendment would strengthen the section or make it more clear or relieve it from any doubt. Reading it as it is here, the whole process is so simple and clear that I think it is hardly liable to misunderstanding. I hope the Senator will not insist on his amendment.

Mr. MERRIMON. Why was it necessary, then, if the whole process is so simple, to provide that there should be tellers? Why would not that follow as a consequence without providing for it in the act? My purpose is simply to indicate, by a provision in the statute, who shall cast up the vote under the direction of the joint meeting of the two Houses.

Mr. MORTON. The tellers are to perform the mechanical, ministerial part of the work. They are to make the actual count; and I would not be willing to put anything into the bill which would seem to imply that these tellers had any other functions or any other power than simply to make the count of the vote.

Mr. MERRIMON. I do not give them any more power than that. I do not invest them with any power.

Mr. MORTON. I think that is sufficiently clear from what the bill already contains.

Mr. MERRIMON. The bill as it stands now does not indicate who shall count them. It may be the Clerk, or, as the Senator from New York said awhile ago, it may be outside of the joint meeting; it may be the President. My purpose is simply to make it certain, so that no difficulty can arise at any time about whether the Clerk shall cast up the vote or whether the tellers shall do it. Whoever does it does it under the supervision and control of the joint meeting. It is true that the tellers are simply the agents of both Houses, and when they cast up the votes they do it, without anything being said to that effect in the statute, under the supervision of the joint meeting; but when it is expressly provided that they do it under the direction of both Houses, there can be no further question about it; it only indicates who shall perform that ministerial act.

Mr. MORTON. I think that is sufficiently indicated by the appointment of tellers and the statement that "having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates." It seems to me that involves all the mechanical duties that can be required of the tellers.

Mr. LOGAN. I wish to call the attention of the Senator from North Carolina to the provision of the Constitution in comparison with the language that he proposes to amend. Although this bill comes from a committee of which I am a member, I had nothing to do with framing the bill; but whoever framed it evidently did so with a view to comply entirely and completely with the provision of the Constitution in reference to the assembling of the two Houses of Congress and the counting of the electoral votes for President. Passing over it and reading that which relates to the point under consideration, I find this:

They shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

What is the obvious meaning of that particular part of the Constitution? It is that the two Houses of Congress are to count the votes for President and Vice-President the same as the two Houses of Congress pass laws. The business of making laws is in the first instance referred to committees for the purpose of taking it out of the hands of the members of Congress, that the bills may be prepared and put in a condition to be presented for their action. So in this case they may designate persons of their own number or they may possibly designate persons not of their number—to do what? Perform no duty at all, except to take the burden off the House and Senate of making an enumeration of the votes cast for President and Vice-President. Hence they may appoint tellers. These tellers are merely to perform a ministerial office, to make an enumeration of the votes as they are handed to them by the Vice-President and to return to the Vice-President a statement of the count, that he may announce the fact. What fact? As to who has received the greatest number of votes cast for either or both of these offices.

This bill uses this language:

One teller shall be appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes; and said tellers, having read the same in the presence and hearing of the two Houses then assembled, and shall make—

What?

shall make a list of the votes as they shall appear from the said certificates.

The certificates in the hands of the Vice-President handed to the tellers in the presence of the two Houses, or, in other words, handed to the two Houses through the tellers whom they have appointed for the purpose of enumerating or counting the votes.

"The votes having been counted." How? The Constitution says, "the votes shall then be counted." Taking the language in connection the words used here have the same meaning precisely. "The votes having been counted" and "the votes shall then be counted" meaning precisely the same. Then what?

The result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote.

"Announce the state of the vote" to the two Houses as counted by the tellers, for what purpose? That the two Houses may be notified of the count made by the tellers. Then it leaves it for them to correct it if it is an incorrect count. The whole thing is under their supervision.

This being the language of the Constitution, and as the votes have always been counted in this way in the presence of the two Houses, the construction of that language being perfectly well understood, there is no necessity for any amendment; nor do I believe the language proposed by the Senator from North Carolina corrects anything, but makes the phraseology worse than it is in the bill.

Mr. MERRIMON. I adopt the very language of the Constitution.

Mr. LOGAN. You adopt the language of the Constitution but you add to it.

Mr. MERRIMON. Yes.

Mr. LOGAN. Why is there any necessity for adding to the language of the Constitution when that is perfectly understood by everybody?

Mr. MERRIMON. To designate the persons who are to do the ministerial act under the direction of the joint body.

Mr. LOGAN. This bill designates them in the fore part of the section "that one teller shall be appointed on the part of the Senate, and two on the part of the House of Representatives." They are already designated.

Mr. MERRIMON. Not to count.

Mr. LOGAN. Yes, to count.

Mr. MORTON. That is the meaning.

Mr. MERRIMON. It says they shall make a list.

Mr. LOGAN. Very well. "One teller shall be appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes; and said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted"——

Mr. MERRIMON. By whom?

Mr. LOGAN. By whom? By the two Houses of Congress, as the

Constitution contemplates, through those whom they have designated for that purpose.

Mr. MERRIMON. I propose to designate the persons who shall do it as agents of the joint meeting. That is all.

Mr. LOGAN. Designate the persons who shall do what? Count the votes?

Mr. MERRIMON. Count the votes.

Mr. LOGAN. They are already designated.

Mr. MERRIMON. I do not so understand it.

Mr. LOGAN. I cannot understand the English language if it is not so.

Mr. STEVENSON. I concur exactly in the view of the Senator from Illinois. If my friend from North Carolina will read the whole of the joint rule, I think it will be made apparent that the tellers have only a ministerial duty to perform in summing up the tabular statement of the certificates, and that the word "counted," as used in the Constitution and as used in the joint rule, does not apply to the tellers at all. It appears from the joint rule that the returns are to be opened by the President of the Senate, and "said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates." That is a ministerial duty; "and the votes having been counted"—not by these tellers—and when they have made their certificates, some gentleman rises and says, "I object to the count of such a State." Then that question is to be decided by the two Houses, and that is proved by this language:

If, upon the reading of any such certificate by the tellers, any question shall arise in regard to counting the votes therein certified, the same having been stated by the Presiding Officer, the Senate shall thereupon withdraw, and said question shall be submitted to that body for its decision.

There is a clear distinction between the word "count" and the mere summing up of what the certificates show. I concur fully that the bill as it stands now discriminates with sufficient clearness the duty of the tellers and the fact that the votes as certified are to be counted, when the certificates are made out by the two Houses. If an objection is made to any fact stated by a teller, the President makes known to the two Houses the objection; he says, "the Senator from Illinois objects to the vote of such a State," and then the question of counting the vote of that State is to be decided not by the tellers but by the two Houses.

Mr. LOGAN. I ask the Senator from Kentucky while he is up if a provision is adopted by which you make the tellers the counters, does it not conflict with the provision that the Houses shall separate for the purpose of determining whether a vote shall be counted?

Mr. STEVENSON. I think it throws doubt upon it and renders a conflict of decision more likely to arise than if you leave it stand as it is.

Mr. MERRIMON. I ask who is to do this ministerial service?

Mr. STEVENSON. The tellers.

Mr. MERRIMON. Why not say so?

Mr. STEVENSON. It does say so. I have shown the Senator the rule does say so now, as he will see by a reference to it.

And said tellers, having read the same in the presence and hearing of the two Houses then assembled—

Read what? Read the certificates which have been delivered to them by the President of the Senate—

shall make a list of the votes as they shall appear from the said certificates.

Mr. MERRIMON. To make a list does not imply to count.

Mr. STEVENSON. They do not make a list by a count; they make out only a tabulated list of the certificates and then they report those tabulated lists as made out to the two Houses in joint session. Then comes the count. Then comes the power to be exercised alone by the two Houses from these certificates as reported by the tellers and as counted in one sense if you please by the tellers, and then if there is an objection to the counting of any vote shown and tabulated by tellers, the question of whether it shall be counted or not is to be determined by the two Houses. That is already provided for.

Mr. EATON. My friend from Kentucky when reading from the joint rule reads from a rule which we destroy by this bill. You find there that the tellers are the counters, but you do not find it in the bill introduced by the Senator from Indiana. It is entirely plain in the old rule but it is not equally plain in the bill. I think it means so; I think the language will be so construed; but yet it is not as plain as it is in the old rule which is to be destroyed by this bill, which never ought to be passed.

Mr. LOGAN. I think the Senator from Connecticut will see that he is mistaken, if he reads the language. The bill is in precisely the same language as the old rule in this particular. The object of this bill is to destroy the force of one portion of the rule which provides that an objection by one House shall destroy the vote of a State. This bill requires the concurrence of both Houses to destroy the vote of a State; but so far as the mere ministerial part is concerned they are the same, and I will read them to show. The twenty-second joint rule says:

One teller shall be appointed on the part of the Senate, and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes, and said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted—

Just the language precisely of this bill—

the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected; which announcement shall be deemed a sufficient declaration.

The bill is precisely the same, word for word, as the old rule, except that it changes the proposition which allows one House to deprive a State of its vote. Of course there are changes other than that; but that is the main point in the bill. So far as this particular portion of the bill that we are discussing is concerned, it is copied verbatim from the rule.

Mr. MERRIMON. I confess, sir, that what has been said by the Senator from Illinois and other Senators has not convinced me that I am in error in offering this amendment. The object of this legislation is to execute a provision of the Constitution which directs the counting of the electoral vote for President and Vice-President; "counting" I say; simply that. I can hardly conceive a necessity to exist for any statutory provision at all. If you are going to provide for the execution of this provision of the Constitution in one respect, why not do it in all? Why not make your action complete? If we desire to make it complete, why not designate all the agencies which the joint meeting will use for the purpose of ascertaining the result? We provide an agency to open the certificates; we provide an agency to make a list of the certificates, for the convenience of the count and ascertaining the result; but the bill does not provide any agency for casting up the vote. I propose by this amendment to provide that the tellers—and I do not care particularly whether it be the tellers or the Secretary of the Senate or the Clerk of the House, but with a view to put the matter to rest I propose to provide in the bill that the tellers shall cast up the vote, count the vote under the supervision of the joint meeting. That puts it to rest. No question can arise then.

The bill will be, if amended as I propose, thus:

One teller shall be appointed on the part of the Senate, and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes—

Now the duty of the tellers begins—

and said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates.

A list; that is a mere matter of convenience; and then I propose to add—

And the votes shall then be counted by the tellers under the supervision and direction of the joint meeting.

Then it is plain; then the agency is provided and the duty of that agency is prescribed, so that there can be no question or further trouble about it. As it is, the joint meeting might direct the Secretary of the Senate to cast up the vote; they might direct the Clerk of the House to do it; they might direct the presiding officer to do it; they might direct two of the Senators to do it; they might direct somebody outside of the joint meeting to do it. My object is simply to put the question of who shall cast up the vote under the direction of the two Houses beyond any sort of doubt, to make it specific and certain.

Mr. FRELINGHUYSEN. I think that if the Senator would consider the significance of the word "counted" as used in the Constitution he would not insist on his amendment. There must be some tribunal to determine whether a State is entitled to a vote or not. There must be a certain tribunal to determine whether the vote is properly authenticated, whether the proper number of electoral votes are sent.

Mr. MERRIMON. May I interrupt the Senator?

Mr. FRELINGHUYSEN. Certainly.

Mr. MERRIMON. This provision does not interfere with that at all——

Mr. FRELINGHUYSEN. I understand.

Mr. MERRIMON. For I have said that the count shall be made under the direction of the joint meeting.

Mr. FRELINGHUYSEN. All those things are to be determined. Where is the tribunal to determine them, and where does it get its authority? There is but one word in the whole frame-work of this Government that bestows that jurisdiction and authority, and that word is "counted." You may look through the Constitution, and the only thing that settles how this important work is to be effected is contained in that word "counted" in the phrase "the votes shall then be counted." Then somebody is to determine what are votes, who has a right to vote. My friend's amendment is, "be counted by the tellers."

Mr. MERRIMON. Under the supervision and direction of the two Houses.

Mr. FRELINGHUYSEN. But they are not to be counted by the tellers under anybody's supervision; they are to be counted by the two Houses of Congress, and this bill has gone as far as it can go in defining the duties of these tellers when it has provided that they shall make a list of the votes. That is the ministerial duty they perform, and the counting must be left to the two Houses.

Mr. MORTON. I scarcely ever have had any trouble in understanding my friend from North Carolina during the time he has been here, but I confess he is unable to-day to make me comprehend any point to this amendment. I have certainly tried to do so, because I

am willing to take any amendment that I think will perfect the bill and I would accept it in an instant if I thought it would improve it at all. My friend loses sight——

Mr. MERRIMON. I am content to take a vote now. I do not want to debate it.

Mr. MORTON. In a moment. My friend loses sight of the different stages in the proceeding, and I want simply to call his attention to them. The section provides "that two tellers shall be appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes." The President first stands up and opens them and then passes them over to the desk to the tellers; "and said tellers, having read the same in the presence and hearing of the two Houses then assembled"—having opened the certificates and passed them over, the tellers read them in the presence of the two Houses; and after the tellers have read them, then the tellers "shall make a list of the votes as they shall appear from the said certificates." They make out a list, and that list shows how many votes one man gets and how many another man gets. The list must do that; the list implies that.

Mr. MERRIMON. Who is to add them up?

Mr. MORTON. Who adds them up? I suppose all the members of the House cannot stand up and add them together. The list shows how many votes each candidate gets. And now I come to another stage of the proceeding, and this evidently refers to what has taken place after all has been gone through, and the Senator will see that it refers to the conclusion of the matter; I want his attention.

And the votes having been counted—

That is, after the whole thing has been gone through with and the Houses have separately decided upon any question that may arise—

And the votes having been counted, the result of the same shall be delivered to the President of the Senate.

After you have gone through the whole thing, the two Houses having separated from time to time and voted, a list is made out just as our Secretary makes out a list of the yeas and nays.

And the votes having been counted, the result of the same shall be delivered to the President of the Senate—

Just as the Secretary here delivers the roll to the President of the Senate at the conclusion of a call of the yeas and nays—

who shall thereupon announce the state of the vote and the names of the persons, if any, elected—

That implies that that is the conclusion of the whole ceremony—

which announcement shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, shall be entered on the Journals of the two Houses.

That is the conclusion of the whole thing; and in the mean time, before the votes have been finally counted and the announcement made, what may take place? Objection may be made to the vote of North Carolina, and the two Houses separate and vote upon it; and under the rule as it now stands, if either House sustains the objection, the vote of North Carolina goes out, and she is disfranchised—has no more a vote than if she was a Territory. That is what we are proposing to correct. But this is the conclusion of the thing: After having gone through all the stages, determined how many votes shall be counted and how many rejected, the list is handed to the President and he announces the result; that is, the declaration of who is elected, if anybody is elected. I submit to my friend that his amendment does not tend to make the section any clearer or to improve it. If I thought it did, I should accept it in a moment so far as I am concerned.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Carolina.

The amendment was rejected.

Mr. MERRIMON. Now, I propose to strike out in line 15 of section 1, after the word "of," the words "the same" and insert the words "such count." I confess as the words stand now I do not know what "the same" refer to. I take it they refer to the count, and to make it more precise and logical I think the words "such count" are better.

Mr. MORTON. I do not think that makes it any more clear. The words are "result of the same," that is, the result of the counting, and nobody can misunderstand it. I submit that his amendment does not make the thing a bit clearer than it is now or improve the phraseology.

Mr. LOGAN. In the old rule which was adopted by Congress after Congress the rule is "the result of the same shall be delivered." It is the language we have followed for years, and it is better than the language the Senator from North Carolina suggests, as far as that is concerned.

Mr. MERRIMON. There is only a difference of opinion between us on that subject.

Mr. LOGAN. I admit that.

Mr. MERRIMON. I move to strike out "the same" and insert "such count" to make it logical, to say nothing of beauty of expression.

The amendment was rejected.

Mr. MERRIMON. In line 17 of section 1 I move to strike out the word "state" and insert the word "result;" so as to read:

The result of the same shall be delivered to the President of the Senate, who shall thereupon announce the result of the vote.

Mr. LOGAN. All I desire to do is merely to read the language of the old rule, "thereupon announce the state of the vote," just the same language that is in the bill, and it has been adopted by Congress after Congress.

Mr. MERRIMON. That is no reason we should not make it right now. Two wrongs never made a right.

Mr. LOGAN. There is no difference in the language.

Mr. MERRIMON. It is the difference between the "state" of a vote and the "result" of a vote.

Mr. LOGAN. What is it, tell us?

Mr. MERRIMON. The state of the vote may be such that there will be no result.

Mr. LOGAN. Then the result of the vote may be such that there will be no result. Is that it?

Mr. MERRIMON. The state of the vote is the condition of the vote, and there may be various circumstances affecting it by which there is no result; and if the vote is in such condition that there is no result——

Mr. LOGAN. I will ask the Senator, if there is no result, how can you state a result?

Mr. MORTON. I suggest that my friend now involves himself in the only reason I have heard him give. The language is "and announce the state of the vote." There may be no result to announce as shown immediately afterward by these words, "and the names of the persons, if any, elected." There may be no election. There may be therefore no result.

Mr. MERRIMON. How can he announce that anybody is elected unless there is a result?

Mr. MORTON. There may be a state of the vote in which there is no election. The bill contemplates that. But now I submit to my friend in all earnestness and candor that he does not improve, it seems to me, the phraseology or the rhetoric of the bill in any respect by striking out the word "state" and inserting "result." I hope the word will remain as it is.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Carolina.

The amendment was rejected.

[Mr. BAYARD addressed the Senate in opposition to the bill. His remarks will appear in the Appendix.]

Mr. THURMAN. I concur with the Senator from Delaware [Mr. BAYARD] in the opinion that this bill should not be pressed in hot haste, and I have not pressed it. I agree with him that it would be more satisfactory that this subject should be acted upon at the next session of Congress than now, and for the reason that he has suggested. Had the election that took place in this country last year of members of the House of Representatives in Congress taken place in England and resulted in a victory as great over the administration, the administration there would have been changed just as soon as the result was known. Such a victory has not that effect in the United States. The administration remains for a constitutional term. Yet such an expression of public opinion is entitled to great consideration by the majority here, and imposes on it, in my humble judgment, a duty not to press upon Congress matters that it is quite certain would be rejected by the Congress to meet next winter. Whether this is one of those measures or not of course must depend upon its merits, for in respect to it there has been no expression of public opinion. Therefore, while I admit that this measure is not one of the things that have been decided at the polls and that it must be acted upon according to its merits, yet I say that where there is a serious difference of opinion in respect to it, it would be more becoming and more consistent with the idea of our being governed by the public will that such a measure should be deferred, especially as ample time will be afforded for passing it next winter if it ought to be passed. But a majority of the Senate have determined otherwise. They have determined to proceed with this measure, and we are therefore brought to its consideration; and in its consideration I find the opinions of the Senator from Delaware who has just addressed the Senate and my own on an important section of the bill very far opposed. Knowing as I do the ability, the industry, the research, and the patriotism of that Senator, I never differ with him without doubting the correctness of my own judgment, and yet what he has said has not changed my opinion of the second section of this bill. On the contrary, I think that the point upon which he mainly relies in opposition to that section is not well taken, that the difficulty he supposes can never by any possibility exist.

Suppose the second section were stricken out of the bill and the bill were passed without it, what would be the effect of the bill thus enacted into a law? And here I crave the attention of the Senate, and especially of those who have been impressed by the very grave and forcible remarks of the Senator from Delaware. If that section were stricken out of the bill, then the only provision in the bill for the counting of the votes would be that a return should be counted unless both Houses concurred in rejecting it. That would be the bill applicable in every case. Mark it, Senators; in every case a return should be counted unless both Houses concurred in rejecting it.

Now, under such a law as that, suppose the President of the Senate to lay the return from a State before the two Houses and an objection be made to that return. The Senate retires to its Chamber and a vote is taken in the two Houses whether that return shall be received. The Senate votes not to receive it; the House votes that it

shall be received. The effect would be, under the first section of the bill, that that return must be counted. Remember that. Here is a return, we will suppose, just as there was at the last count, from the State of Louisiana. It is presented, opened by the Presiding Officer, handed to the tellers. An objection is made to its being counted. The two Houses separate in order to decide the question. One of the Houses decides to count it; the other not to count it. Then under the first section of the bill it would be counted. If there is another return from that same State, the Senator from Delaware seems to think you would have to go through the same process with that second return that you did with the first, and that if the Houses were reversed upon the second return, as there was not a concurrence in rejecting it, both returns would have to be received and Louisiana would be counted at twice the number of votes to which under the Constitution she is entitled. I submit to my friend that by no possibility could such a thing occur, because when once you have counted all the votes to which a State is entitled you can count no more. It is impossible; the thing is *res adjudicata*.

The moment you have decided, either by the difference of the two Houses as to the counting of the returns or in any other manner, that that return shall be counted, the vote of that State is given and no other vote from it can be received. Can there be anything clearer than that? Suppose there be two returns from Louisiana, one of them is presented and an objection is made to its count. The Houses separate, and one of the Houses decides that it shall be counted. Would it not be counted then? No one will say no. Then suppose the other return is presented. What is the objection to that? "We have counted Louisiana once; we cannot count her again. We have given her all the votes to which she is entitled; we cannot receive any further return from that State." But now, if by our act we make a difference of opinion between the two Houses equal to a judgment of both Houses in favor of the reception of a return, it is just as plain as that two and two make four that when you have counted one return the matter is *res adjudicata*, and you cannot count another.

Therefore there can be no such thing as my friend from Delaware seems to suppose of heaping up the votes of a single State and giving her twice the vote to which under the Constitution she is entitled, requiring a candidate to receive more votes in order to elect him than the Constitution requires. I beg my friend from Delaware to bear in mind what would be the result. Suppose we are in January, 1877, and this second section is not a part of the law, but the first section alone is the law. Suppose the State of Alabama, the first on the list, is called, and there are two returns from Alabama, returns from two bodies claiming to be electors, as there were from Louisiana and from Arkansas at the last count. Is there any law that says which of those returns shall be first presented by the President of the Senate? No, sir; and you cannot make any law that will meet that case. It is therefore within his discretion which one he will present first, which he will open first, and hand to the tellers first; and just as certain as that he has eyes in his head, so certain will he know which one of those two returns is the return of the republican electors and which is the return of the democratic electors, and just as certain as human nature is human nature the return of the republican electors will be opened first and handed to the tellers first. Then if the House may vote to reject it and the Senate to receive it, under this first section of the bill it is received. Then the vote of that State has been counted, and there is no question upon any other return, and cannot be. So that the effect of striking out the second section of the bill is simply this: that where the two Houses are divided in opinion upon a question which shall be the true return, the whole thing is determined by the Presiding Officer by the simple fact of which return he opens and presents first. That is the result of it. The whole thing is done in that way. Whichever return the President of the Senate shall first open and first hand to the tellers, where the Houses are divided in opinion, that return, under this first section, must be received, because both Houses do not concur in rejecting it; and that being received, no other return can be considered at all, for the question, as I said before, is *res adjudicata;* the State has been counted in all the votes to which she is entitled.

It does seem to me, then, that to strike out this second section of the bill is to clothe the Presiding Officer with a power that not one of us I trust will be willing to confer upon him—to confer upon him the power, where there is a division of opinion between the two Houses, to count the votes on that side which he shall see fit first to present. That is the inevitable result.

Again, what must you do where there is more than one return from a State, if you leave the present rule to exist? Why, just precisely what took place at the last count. The vote of three States was thrown out, Louisiana, Arkansas, Texas, and the vote of certain electors from the State of Georgia. Suppose we go on under the present rule and the vote is counted in January, 1877, and two sets of returns come from a State. The House of Representatives vote for one, the Senate for the other. Both go out, under the existing rule, and the State loses her vote. Is that right? Is that a performance of our constitutional duty? We are to determine which of the men who cast those votes were the electors in that State of President and Vice-President. That is the duty that devolves upon us. If there are two returns from two different bodies of men, it is our duty to determine between them which is the true body of men. Can we shirk that duty? Have we any right to shirk that duty? Are we not bound to decide it if we can decide it? Under your present rule you do not decide it at all. One House decides that one body of men were not the true electors and their certificate is rejected. The other House decides that the other body were not the true electors, and their certificate is rejected. Thus you come to no decision. You make no effort at a decision between these two conflicting claims.

That is not right. It may be inevitable under any system. The same thing might happen, I grant, under this very second section, but it provides that you shall consider the votes and determine between them. What, then, is this second section? I feel bound to say this much about it because I suggested this point in the first debate that took place at this session on the resolution offered by the Senator from Indiana [Mr. MORTON] to rescind the twenty-second joint rule. I suggested the very difficulty and the remedy, and I supposed that it was in some small respect owing to what I then said that the Senator has incorporated it in his bill. I thought I was right then and I think so yet. Therefore I have felt bound to make these remarks.

I have said that under the first section of the bill there can be no proper adjudication between two conflicting returns, for the whole thing would depend upon the action of the Presiding Officer, upon the mere fact of which return he opened first. Then something must be done for a case where there are two conflicting returns; and what can you do but to require the two Houses to consider each of those returns and then determine which of them shall be received? They can make no decision to receive one unless both Houses concur. One House has no superiority over the other. If the two Houses differ, one being in favor of one return and the other in favor of the other and are inflexible, of course there can be no decision; but when there are two or more returns from a State, of necessity there must be a concurrence of the two Houses in order to receive one of them. Just as an equally divided court can make no decision, in the same way where there are two returns it has to decide between them which is the true return, who were the true electors of that State as appears by the certificates that have been made.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. How is there any different rule of responsibility or right in deciding where there are two sets of papers and in deciding where there is one? The Senator says if there are two neither ought to be counted on principle unless the two Houses shall decide which one is to be taken. Now, if one set of papers be presented in respect of which the same question might be made exactly as would be made in respect of one of the two in the case where there were two, why must not both Houses decide in the same way to affirm that that paper is what it purports to be, the evidence of the vote of the State for President? That is the point that troubles me.

Mr. THURMAN. I understand the scope of the question very well, and I think it can be very easily answered.

Mr. EDMUNDS. That I should like to hear.

Mr. THURMAN. When there is but one return from a State, sufficient respect ought to be paid to that return that it should not be rejected unless both Houses unite in the opinion that it should be rejected.

Mr. EDMUNDS. Yes, but if I do not interrupt the Senator or trouble him——

Mr. THURMAN. No.

Mr. EDMUNDS. Then I think the same could be said where two papers come from the State; only one of them can be the return of the State. One is true and the other is false, unless both may be false. If false, it ought not to be counted; if true, it ought to be. I do not see that the Senator gets out of the difficulty by that suggestion.

Mr. THURMAN. Then it is because my thoughts are very muddy or my expressions are very muddy. When there is more than one return, you are driven to decide between the two returns. If one House says that one return is not the true return and the other says it is, you ought not to count that under the first section in this bill, because upon the very next return the Houses might be reversed and the vote be precisely the same upon it, and therefore you are driven, *ex necessitate*, where there are two returns, to an affirmative decision of both Houses in favor of one. You cannot apply the rule that you shall take the first return unless both Houses concur in rejecting it, without involving the difficulty which I stated before, and which perhaps the Senator did not hear, that that would put it in the power of the Presiding Officer to definitely settle what should be the vote of the State according to the mere fact of which return he opened first.

Now, Mr. President, if I have made myself understood I have done all that I desired. I have no desire whatsoever that this measure shall be pressed. I certainly have no desire that a bad measure shall be adopted. I do not know any interest that anybody has that a bad measure should be adopted. It is the interest of us all, if we are instigated by what I hope we all are, a desire for the peace of the country and that the Constitution may be obeyed, respected, and executed, to frame such a measure as shall secure its execution according to justice and the right. I know of no other motive that actuates any one of us and I know of no reason therefore why this measure should not be such a work that every man in the Senate can give it

his approval. But I do not set up for myself any infallibility of judgment. There may be men who see further than I see in this business, who, perceive difficulties that I do not perceive, and to whose judgment I would defer with the greatest pleasure.

I repeat, therefore, that I am not only willing, but I would prefer, that the decision of this matter should be remitted to the next Congress, where one House will be of one political complexion and the other of another, and where a measure may be matured that would be more likely to give universal satisfaction; for I take it to be almost certain that the twenty-second joint rule cannot stand as the law of Congress.

Mr. EDMUNDS. Mr. President, I do not think that the Senator from Ohio has any just right to say or to imply in what he says that this bill has any reference to parties——

Mr. THURMAN. I have not said so.

Mr. EDMUNDS. If he has not said so or implied so, there is no just ground that I know of for saying that this subject should be remitted to the next Congress, wherein one party will have one branch and the other party will have the other. If this is a bill which appeals to good men of all parties to settle a troublesome and difficult question for the right and according to justice under the law, and is not a party measure, then there is no reason why it should not be considered and disposed of now. I think I am safe in saying that.

The difficulty that meets us under the Constitution, as it strikes me, is this: The Constitution requires that the vote of each State shall be opened by the Presiding Officer, the President of the Senate. When opened the votes are to be counted. The question on which the whole thing turns, to which our legislation is directed, except mere machinery, is what is a vote of a State? We all agree that every vote of every State ought to be counted. We all agree that whatever pretends to be a vote, or looks like a vote but is not a vote, should not be counted. So the thing which we are to provide for by this legislation is a means of ascertaining fairly and truly, according to the Constitution and the law, what is the vote, the will, of each particular State in the choice of a President. I think no man can question that I state the question fairly. That is it. Now, how are we to do it? In almost all cases in ascertaining not only in elections but in a thousand other affairs what has been done, (because what has been done is the business which the Constitution requires in some way to be ascertained,) a tribunal is provided, upon the philosophy of justice and jurisprudence, which is one single tribunal, and whose judgment when pronounced by a quorum of its body becomes one single judgment. The fault of the present rule is that unless both Houses concur in counting a particular paper as a vote the paper is not counted at all. If a State should send a vote which should be perfect in every respect, conform on its face to the Constitution and to the law, be certified in the way that the law requires, sealed by the seal of the State, countersigned by the governor and the secretary of state, and all that, it is within the power of either House, as the rule now stands, it is true, to say it shall not be counted at all and the constitutional right of the State in question is entirely overthrown in the vote for President. But that of course implies that one or the other of the two Houses, in such a case, has failed to perform the duty which the Constitution and the law and the rule impose upon it. We cannot presume that either House would object to the counting of a particular paper as a vote unless it should have a lawful reason for doing so, unless it appeared in some way that it did not represent the lawful and constitutional vote of the State, or unless it appeared for want of evidence, in defect of execution or certification, or whatever, that we were unable to say what was the vote of the State.

Now, when you reverse it and take it as this bill is, which provides—leaving out the case of double returns—that everything that comes from a State called a vote, no matter if it be from a revolutionary government, no matter if it be from an assemblage of men who have no shadow of constitutional authority but who have got possession of the great seal, or have made another, as in the Louisiana case one of the witnesses swore that the great seals of the State of Louisiana were as plenty as blackberries and made to order, shall be counted. Here you have a paper which on the face of it appears to be proved by the great seal of the State of Louisiana; I take that merely for illustration. It is signed by somebody who purports to be the governor of Louisiana. Very well so far. Now, it may be known to every member of both Houses that that particular paper was really gotten up and emanated from an unlawful and revolutionary assemblage of men who, only a week before the time when the electors were to meet, had overturned the lawful and constituted government of that State, had possessed themselves of the public archives and the public seal, installed a man as governor *de facto*, as the modern phrase is. There is your certificate. Now this bill says that those votes shall be counted. The difficulty is just as great if not greater then under the existing rule. The rule as it exists declares that nothing shall be treated as the true voice of the State unless the representatives of the people and the representatives of the States, acting separately, shall agree that it is the voice of the State; and when I say that, I do not mean the voice of the State outside of the law and the Constitution, but upon the papers, following the law as a court do. Now when you turn it over to the other side, without you say, as this bill does—leaving aside the double returns, as I say—that whatever does come which appears to be, purports to be, in form, the voice of the people of the State, shall be counted unless both Houses concur in saying that that is not the voice of the State. To my mind the latter alternative is quite as dangerous, if not more so, than the first. What, in my opinion, the Constitution requires is a law which shall provide, for the time being, a tribunal of some sort, which is a single tribunal, which is bound to decide upon the Constitution and the law whether a particular paper which is opened by the President of the Senate in the presence of the two Houses, and which is then offered to be counted under the Constitution, is the vote which the Constitution speaks of.

The Constitution says "the votes shall then be counted." What is a vote? The Constitution does not mean that every paper which a selectman or a justice of the peace may send here shall be counted; but it says the vote shall be counted. What is a vote? The vote, under the Constitution and the law, is the lawful and authoritative expression of the electors of that State, chosen as the Constitution and the laws provide. Nothing else is a vote. That is a question which must be decided. Somebody must decide it. If you are to remit a question of that kind to the decision of two separate bodies, each acting independently of the other, where are you to land? Of course you are forced in that case to one of two alternatives. You are forced to say, as the present rule does, that nothing shall be considered a vote that the two Houses do not agree is a vote, or you are to say that everything shall be considered a vote that the two Houses cannot concur in saying is not a vote; and there you are. You are at loggerheads at once. You might as well institute a court composed of two judges and hold that no evidence shall be received, as the present rule is, except the two judges concur to receive it. That would not be very bad in administering justice, because you would presume that the two judges sworn to administer the law and nothing else would in some case or other agree that a particular piece of evidence offered was lawful. Then you turn that over and say that all evidence offered shall be received unless each of the two judges of your court say it shall not. Well, you can say it is presumable that they will act according to their duty, that in most cases they will concur in rejecting evidence that ought not to be admitted, but still you do not administer justice very well in either way. You must have one single method of deciding the question. You cannot decide it as you do in the composition of these two Houses in the passage of a law, where for public interests the law is not to be changed unless the two Houses concur in changing it. That is a mere check upon the hasty expression of public will and you are left not in a very bad condition if a law does not pass. But here comes the performance of a duty which must be performed in order that the Government may go on. What are you to do? You must in some way, under the Constitution and under the law, have a means of deciding, once for all, what the true law of the case is. Now, in almost all the States, I do not know but that in every one, if a man is reported under the Constitution and the laws and declared elected governor, and another man says that *he* is elected governor and the man so declared is not, the judicial branch of the Government is called into play to decide, under the Constitution and the laws, which of these two persons is entitled to the office of governor; and upon a proper suit brought and a decision made upon it you have reached a decision, be it right or be it wrong. Like every other judicial decision, it is better for the peace of society that it should stand, even if erroneous, than that the community should be thrown into anarchy. That is the theory upon which all judicial determinations are based. Very well; the Constitution has stopped when it says that the vote shall be counted.

There are two theories upon that subject. One is that the Constitution of the United States does not allow a judicial determination by contest or by suit of any question as to who shall be President of the United States, differing from the constitutions and the laws of almost all the States. Suppose that be so, what then? Why, the law must provide in some way for a consolidated opinion, as I think, of the two Houses, through a committee or in some way, so as to get a definite decision by a distinct body of men upon the question. The other theory is that if the two Houses under the present rule declare that A B is elected President of the United States and C D thinks he is, he has a right to appeal to the courts of his country under the judicial power, which the Constitution declares shall extend to all cases and controversies arising un der the Constitution and the laws of the United States, to determine the question.

I believe, Mr. President, as the law now stands and as the rule now stands, that if at the last election it had been declared in the Chamber of the House of Representatives that Horace Greeley, if he had not died, was President of the United States, it would have been competent for General Grant to have instituted a suit in the circuit court of the United States having jurisdiction, original jurisdiction of all causes between persons arising under the laws of the United States, to get possession of that office, and I believe that the final decision of the circuit court of the United States, or the final judgment of the Supreme Court upon appeal, would, under our Constitution and laws, have been a judicial determination constitutionally made as to the controversy between those two gentlemen respecting the right to this office. Other gentlemen disagree to that idea. They believe, as I said, that the first branch of the proposition is the true one, and that the two Houses, together or separately, or by some consolidated committee, are the final judges. Suppose that were to be so, there would still be under the Constitution the right, as broad as the Constitution

can make it, in the courts of the United States to decide any cause or controversy which arose under the Constitution and under the law; and how in such a case could a court refuse to decide, if one man claiming to be entitled to an office brought a suit against another man claiming to be entitled to that office? They could not do it.

But that, perhaps, is a little apart from the present and precise question we have, which goes upon the theory that for the time being, at any rate—of course it does not preclude an ultimate resort to the courts, for an ultimate resort to the courts is a constitutional right under the judicial power conferred by the Constitution; and of course no legislation of Congress could abridge it; but this goes upon the idea, either for the time being or for all time, that the two Houses are to decide. If they are to decide, how is the best way to do it? It has appeared to me, after considerable study of the subject—and I state my opinions with great deference and diffidence as well, in view of the opinions of other gentlemen who differ from me—that the only satisfactory solution of this difficulty, going upon the assumption that the two Houses in some way are to determine this question for the time being, that they must determine it in such a way that you get *prima facie* at least a consolidated opinion; and that it is not safe to take either horn of the dilemmas that are presented in leaving it to the two Houses to decide separately; either that nothing shall be received that they do not agree to or that everything shall be received that they do not concur in rejecting; that we should provide for what is common in many of the Eastern States, and is the constant and constitutional practice in the State from which I come; that is, on each occasion of a presidential election the appointment of a committee to be named in each House, to be, if you please, equal in number, who should form a single and consolidated committee, the members of which, thus selected and appointed, would presumably be among the purest and best and most skillful in law and in politics of the members of the two Houses; that that body of people should be sworn to take the returns when they are opened by the Vice-President of the United States, and canvass them, canvass them under the sanction of the Constitution and the law; that they should apply to them the same impartial considerations that they would be bound to apply to them had the Constitution declared that those eight persons should form a court who should finally determine every question; and that that body, call it a committee or whatever you like, but one single consolidated body, a joint committee, not acting separately like a conference committee, each representing one House, but one single body of eight or nine men, should take these papers, with the Constitution before them and the law, as to the method of voting and the method of making returns, and report to the two Houses thus assembled what the state of the vote is, and who, according to the Constitution and the laws, has received the majority of the votes. That, as I say, is the constant practice in the State of Vermont.

Mr. MORTON. What would the two Houses do with the report after it gets there?

Mr. EDMUNDS. I was going on to state: It is one of the misfortunes I labor under that I cannot say everything at once and I do not want to take time. I should propose that when these eight gentlemen, if you please, so acting and so sworn to act impartially, according to the law, should have made their report, that report should be taken as the guide as to who appeared to be the President of the United States, unless the Houses should concur in setting it aside. Instead of saying, as my friend's bill does, that a vote which has not undergone that sworn scrutiny shall be taken, I say that a vote having undergone that scrutiny and being allowed shall be taken, or being rejected shall not be rejected unless the two Houses concur in reversing this sworn examination of men who are in an attitude to make an examination. We all know as a practical thing from what we have seen, those of us who have been here through one or two presidential elections, that the difficulty in coming to a conscientious and right judgment upon a question that is presented is very great on account of the haste, the want of time, the inability of sixty or seventy Senators—taking this small body—being able to see precisely what the question is. Every Senator cannot look at the papers at the same time, and we are in haste; we must act without debate under existing rules; or, if under debate, every Senator who is acting conscientiously, as all do, would wish to see precisely what this document is which is drawn in question. We are acting of course in all these occasions upon the papers and upon the papers alone. Very well. The difficulty, therefore, is one which exists in all large bodies where you are called upon to decide suddenly upon a paper which you have never seen before where a great number of persons cannot take it in hands and inspect it, and they have not time to refer to authority or precedent, or Constitution, in order to come to a right judgment.

Now, if you remit, not by force of the power of either body as a part of the legislative department of the Government but by force of the law, this power to a chosen body of the members of the two Houses, who are small enough to act together, and each one of whom may be able to see precisely what the paper is that is drawn in question and who may by themselves have time enough, if it be not more than an hour, to study and examine the question conscientiously, and under the sanction of an oath to decide rightly, is there not a greater probability that you reach the true and lawful result than there is in saying that you leave it at large to three hundred men at the other end of the Capitol and to seventy-four at this end? I think it is.

Mr. MORTON. Suppose the committee disagree?

Mr. EDMUNDS. I will come to that, if my friend will pardon me. I have thought even of that.

Mr. FRELINGHUYSEN. Do I understand that the proposition of the Senator from Vermont would change the bill of the Senator from Indiana in this, that after the certificates are opened they are submitted to a committee who are to act *instanter* and in the presence of the two Houses?

Mr. EDMUNDS. Not precisely that. I will come to that presently, and I will condense just as much as possible because I know how valuable time is.

The difference, Mr. President, between what I suggest and what this bill—leaving out double votes for the time being—is this: In the one case, as the bill now stands, everything is to be counted that purports to be a vote unless the two Houses separately concur in rejecting it. My proposition, or suggestion rather, because I have made no motion, is that these papers should be referred to a sworn committee of four Senators and four Representatives; that they should have time to examine them; and acting under their oaths should decide whether the papers presented are votes, and being votes should count them; not being votes they should reject them. Then they report. Now what is to be done, my friend asks. I say that nothing ought to be rejected, after such a report, unless the two Houses agree to reject it; that is to say, that the probability of conformity to the Constitution and conformity to the law is heightened by having the present and sworn judgment of four Senators and four Representatives who have had time and opportunity to scrutinize the documents, is safer than to say that these papers shall be counted, unless the two Houses acting separately in their numerous bodies, say the same thing.

The next question is, What is to happen then? My friend says "Suppose they disagree;" because what I have already said only shows that this paper is not to be counted unless both Houses concur in rejecting it. If it has gone through the scrutiny of eight sworn Senators and Representatives, and they decide upon their oaths that it is not a vote at all, unless both Houses agree in then saying it shall be thrown out, I think that diminishes the chances of fraud, or of passion, or of tumult, a great deal.

My friend from Indiana asks, "What are you to do if they are equally divided in opinion, if you have eight?" Then, Mr. President, in order to meet his views, although it would not quite meet my own, I should propose that after a scrutiny by four Senators and four Representatives, made a committee for that purpose, if the question were so doubtful that they were equally divided in opinion, I would take his theory as it now stands in the bill and let it go, that a paper which came so near, to say the least of it, being what it purported to be, the vote of a State, should not be rejected unless, as he now proposes without that scrutiny, both Houses should agree in rejecting it.

Mr. THURMAN. The Senator from Vermont may have spoken on the word "then" in the Constitution, but owing to the interruptions around me I may not have heard it; but if he has not, I wish to ask him what construction can be given to the word "then" in this sentence:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall *then* be counted.

How restricted does the Senator take the word "then" to be?

Mr. EDMUNDS. I think I am safe in saying I have no doubt I give the same meaning to that word that my friend from Ohio does; that it must mean "on that occasion." "Then" does not mean "at that instant of time," because you cannot count a vote in an instant. The instant is gone while you are uttering the word "count." But the word "then," I think, in suits between private individuals, which my friend so well knows about, means "on that occasion."

Mr. CONKLING. "Forthwith."

Mr. EDMUNDS. "Forthwith," as my friend from New York suggests. That is to say, "then and there," "on that occasion," "forthwith," "without the intervention of any other affair;" and therefore if it took two days, as it may in a hundred years when we have a hundred States, to count these votes, it is "then" all the time. So that in the suggestion I make I would provide that this committee thus sworn to scrutinize and report upon these votes, doing it "then," would fulfill the Constitution if it took them a week to consider it, the two Houses remaining in joint session, by recess or otherwise, awaiting their report, just as if we were to direct the Committee on Privileges and Elections at this moment, by a resolution, to bring in a bill forthwith to preserve the peace in the District of Columbia, if there were a great tumult here, and that we would do no other business until that were done. What would we do? That committee would retire and we would take a recess for two hours. The two hours come; the committee is not ready to report; we take a recess for two hours more, or two days, any time, within the Constitution, is it not "then?" I think "then" means "on that occasion," that is to say, it is the business presently to be performed and the next thing to be done, and therefore covers a space of time broad enough to accomplish the purpose for which the Constitution requires the two Houses to attend. If I am wrong in that, I hope my friend from Ohio will suggest some more limited and better definition of the word "then."

Mr. HOWE. If the Senator is correct in his interpretation of

"then," would not his own line of procedure be excluded by it? If "then" commands the convention to count the vote the next thing, would it not prohibit the convention from referring a vote to a mixed commission such as he suggests?

Mr. EDMUNDS. No, sir; it would not, any more than it would prohibit the convention from opening the package which had been unsealed by the Presiding Officer of the Senate.

Mr. HOWE. That is preliminary. That has been done before.

Mr. EDMUNDS. No; all the President of the Senate shall do is to open the package, "and the votes shall then be counted." That requires that the eye of somebody shall run over the certificate to perceive that it is the certificate of the State, that it bears its great seal, that it bears the signature of the governor, that it contains the statements which the law requires that the electors met on the day prescribed by law and cast their votes in conformity to law. If you are to hold otherwise, then you hold that this Government is not a government of law but a government of something else. I do not think that there is any difficulty about the word "then." I think it refers to the occasion and that it means precisely the same as if the Constitution had said "on that occasion and as the business in hand, at that time, there shall be the necessary steps taken under the law to carry out this Constitution, such as the law may provide to ascertain what are the votes of States and how, they being justly compiled, the result is to be ascertained." That is what I think it means. So I do not think that a committee, which should be sworn to take these papers as the agents of the law and the Constitution, and to make a sworn report upon them, on the occasion of this great and august performance, would be a violation of the Constitution, but much the more carrying out its true and perfect spirit and intent.

When the proper time comes I shall offer an amendment (I do not know that it will get any votes, but the gravity of the occasion compels me to do what I think will be my duty) which will cover the views I have expressed.

Mr. THURMAN. Mr. President, there is great force in what the Senator from Vermont says; and the question I put to him, as to the signification he gave the word "then," was to draw from him an expression of his opinion upon the subject, and not to intimate any opinion of my own. I might admit that the word "then" means "upon that occasion," as he suggests, or that it means "immediately thereafter;" that is to say, immediately after the opening of the votes, without the intervention of any other business; that they should go on until the counting takes place. Of course what time is necessary for the counting and what agencies may be necessary in order to ascertain all that is necessary to a counting of the votes may be resorted to. I do not gainsay that, always consistent, however, with the fact that the votes are to be counted forthwith after they are opened, and in the presence of the two Houses, and the result declared. Now, whether under this provision of the Constitution the word "then" can be extended so as to cover the time which would elapse in a canvass of these votes by a committee, such as has been suggested, is a very grave question, upon which I would want to reflect before forming an opinion. I shall say no more of that, therefore, at present.

But there was one branch of the remarks of the Senator from Vermont upon which I wish to say a word, because, with great respect to his opinions, I am unable to concur with him, and that is in regard to the idea expressed by him that the election of a President of the United States may be made the subject of contest in the courts of the United States. To that view I entirely dissent. Let us see first what the judicial power is. I beg the attention of my friend from Vermont to what I am about to say. I read from the third article of the Constitution, section 1:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices, &c.

That simply states where the judicial power shall be vested, without any definition of the extent of that power. That is provided in the second section:

> SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting embassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

I read from the original Constitution. Now, as is well known, it has been decided again and again, in accordance with this language of the Constitution, that there must be a case made before the judicial power can be exercised. It must be a case, what is known in the technical language of the law, either common law or equity or statute law, as a case, before the court can get any jurisdiction of the subject, for the Constitution is plain that "the judicial powers shall extend to all cases in law and equity." Hence you must have a case before the judicial power can be brought into action. That has been frequently decided by the Supreme Court.

Then, coming to the grant of original jurisdiction to the Supreme Court, we find it provided for in the next paragraph of the section from which I have just read—

> In all cases affecting embassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction.

Very plainly these words do not include the case of a contest for an office; and the Supreme Court has decided definitely that you cannot add by legislation to this original jurisdiction conferred by the Constitution, so that you could not by law provide that there might be a contest by *quo warranto*, or any other form, originally begun in the Supreme Court of the United States, because no such thing is embraced by the words "cases affecting embassadors, other public ministers, and consuls, and those in which a State shall be party," and they are the only cases in which the Supreme Court has original jurisdiction:

> In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

It follows from this that if an election of President or the right of an individual to the office of President can be contested in a judicial court of the United States, that contest must be begun in one of the courts inferior to the Supreme Court, and can only reach that court by Congress conferring upon it appellate jurisdiction from the decision of the inferior court. And furthermore, it follows, as the inferior courts have no jurisdiction whatsoever except such as Congress may confer upon them by law, that whether they should have jurisdiction in such a case or not would depend wholly upon the will of Congress, and therefore it would be just as one Congress might decide or another Congress might decide whether there should be this judicial contest at all. Was it intended that the title to the office of President of the United States should depend upon a contest in a court, which contest itself is wholly dependent upon the fluctuating opinions of Congress? One Congress might pass a law clothing the Supreme Court of the United States with power to entertain a *quo warranto* in such a contest, and just when that contest was at its height, and before any decision had been rendered upon it, the next Congress might repeal the law conferring the jurisdiction. Was any such thing as that ever intended by the framers of the Constitution? It seems to me not. It would be a very extraordinary constitution that would thus leave it to the fluctuating will of Congress whether or not in the first place there should be any judicial cognizance of the question at all, and in the next place that would allow Congress one day to provide for this judicial cognizance and the next day or the next week repeal the law that gave the court jurisdiction.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Certainly. I wish to arrive at the truth.

Mr. EDMUNDS. Would not that same argument apply to all the cases of judicial jurisdiction arising under the Constitution and provided for in terms except those "affecting embassadors, other public ministers and consuls, and to those in which a State shall be a party;" and then would not the argument be just as great that Congress could not have intended that there should not be any trial of issues between citizens or anybody else in cases arising under the Constitution, except those over which the Supreme Court had original jurisdiction? In addition to that Congress must create a Supreme Court, to begin with, and how could it be supposed the Constitution intended to allow such suits, inasmuch as it was left for Congress to create the court to do it?

Mr. THURMAN. The Senator's question seems plausible, but it is not satisfactory at all. What I say is that, from the very nature of the thing, it never could have been intended that the title to the office of Chief Magistrate of this nation should be subject to any such fluctuation as that. The idea of the framers of the Constitution was that that question should be settled, settled at once and settled forever, and that it was better for the peace of the country that it should even be settled erroneously than that it should remain unsettled. It never was intended that the President should be in the exercise *de facto*, in virtue of the count made before the two Houses, of the office of President of the United States, and at the same time that his right to that office should be a subject of contest in the courts. And how strangely would it work.

Suppose a contest of the office of President; suppose the case that has been supposed by the Senator from Vermont, that one man is declared, in strict pursuance of the Constitution, to be President of the United States; of course then he is inaugurated; and then a contest is begun by *quo warranto* in a circuit court of the United States. I say nothing now about how long it would take to decide that controversy, because if a *quo warranto* could be brought in one case and for one reason, it could be brought for any reason that would vitiate an election. I will suppose a *quo warranto* to be begun in the circuit court; that circuit court renders a decree ousting the President of his office; an appeal is taken to the Supreme Court, and the Supreme Court affirms the decision. How are you going to enforce it? It is made the duty of the President to see that the laws are faithfully executed. How are you going to enforce that? The Supreme Court has no power to do it; it commands no army; it has no treasury. How can you enforce a judgment of ouster against the man who is *de facto* President of the United States and has the Army at his back? Was it ever intended by our fathers that any such state of case as that should arise? It seems to me certainly not.

But there is still another reason why the idea is wholly inadmissible. When would such a judicial contest end? If, as I said before, a judicial contest may be commenced for one cause, it may be for another. Suppose that the ground of the contest should be that there was fraud in the election in the great State of New York, that there were fraudulent votes given, that men voted who were not qualified to vote, that men voted under duress, that men were bribed to vote, and the like, and that if such votes were cast out then the vote of that State, which determined the election, would have been given for the unsuccessful candidate. Suppose that is the ground of contest, then the President being defendant in such a proceeding would have the right to recriminate and say "there may have been votes given for me by persons who were not entitled; there may have been bribery or corruption or intimidation or duress on my side; but I answer, *et tu quoque;* there was as much or more on your side;" and then the court is to go into a canvass of the election in the State of New York, and find out which set of electors received a majority of the lawful votes of that State. I do not remember at this instant how many votes New York casts; I think it is about 700,000. Will the Senator from New York please tell me?

Mr. CONKLING. Eight hundred thousand.

Mr. THURMAN. Eight hundred thousand. When will you get done canvassing 800,000 votes or the half of 800,000 votes or the fourth of 800,000 votes, and who is to pay the expense? Such a contest on such a ground as that, the most material of all grounds, would be simply impossible.

Again, suppose the question is whether or not voters were intimidated, thousands of them at a time, which we hear so much of in regard to Southern States, where in the world would be the end of the testimony? When would you get it all taken?

But here comes still another reason. This matter is to be submitted to the judge, in the first place, of the circuit court. That judge may be or may not be a judge appointed by the very man whose title to the seat is contested; probably he would not be, and yet he might be because you would have to fix some place where the suit should be brought, and at any rate while that suit is pending every vacancy on the bench of the Supreme Court, which is ultimately to decide the case, would be filled by the very man whose title to the office of President was contested.

It seems to me that these considerations abundantly show that the idea of contesting the office of Chief Magistrate of the United States in any court whatsoever is not to be entertained for a moment. I do not, therefore, agree with the Senator from Vermont that there can be any such contest. I do not think that the framers of the Constitution intended that the title of the persons declared in the joint assembly of the two Houses to be President should remain in doubt for a single moment, but that, on the contrary, from the time he was declared to be elected all men should respect his title, for he was declared elected pursuant to the Constitution of the country. There might be error in deciding who was elected; every body of men is liable to commit error; courts are liable to commit error as well as congresses; the decision may be in favor of the wrong man; but the public safety and peace require that that decision, when once made, shall be final and irrevocable.

Mr. FRELINGHUYSEN. It seems to me, Mr. President, that there is one idea which the Senator from Ohio has entirely omitted, which is conclusive upon this subject; it certainly is to my mind. I think the twelfth article of the amendment to the Constitution settles who has jurisdiction over this question. It does not do so in express terms, but it does do so by necessary implication. It says that the President of the Senate is to open the certificates and the votes, which are then to be counted in the presence of the two Houses. That by necessary implication to my mind gives the jurisdiction over this subject to the two Houses; and if the Constitution does give it to them, we cannot by law give it to the judiciary of the country.

Mr. MORTON. I would suggest to my friend further that the twelfth article of the amendments provides that if no candidate receive a majority of all the electors appointed, the House of Representatives shall immediately proceed to elect by States, giving no interval of time.

Mr. FRELINGHUYSEN. Certainly. The whole frame-work of the Constitution is repugnant to the idea of its being settled by the judiciary. But while I have not made up my mind it does not seem to me that the amendment suggested by the Senator from Vermont is at all subject to a like criticism. That proposition is to have a committee appointed who shall *instanter*, if the thing is feasible—I do not know that it is—consider the votes, and if they report favorably on a vote it shall be accepted unless both Houses reject it, and if they report unfavorably it shall only be accepted on both Houses voting for it; the only effect of that committee being not to take the jurisdiction away from Congress but to change the rule of evidence, it strikes me that it may be a precautionary measure of some value. I do not know whether the Senator from Indiana has thought of that.

Mr. MORTON. The committee had the benefit of having the amendment proposed by the Senator from Vermont before it, and it was somewhat considered. The proposition of the Senator from Vermont is to intrude a joint committee of the two Houses into the consideration and determination of this question, providing that that committee shall be four of each House, a joint committee of eight, that it shall not be like a conference committee, the members from each branch acting separately, but that it shall compose one committee and that the returns of the election of electors shall be referred to that committee, and when that committee makes its report that shall stand as the voice of both Houses unless overruled by both. I think there are a number of very grave objections to that.

In the first place it is a plan that is unknown to the system of legislation which we have, a joint committee of the two Houses having power of that kind conferred upon it. It certainly was not embraced in the idea that the two Houses should be present, although not as a joint convention but present each in its own capacity when those votes are counted. In the next place it involves the dangers of the present rule to a very great extent, and it involves another danger perhaps equal to that in its character. It places the election of President and Vice-President in the hands of eight men, or rather a majority of eight men, which would be five, unless their action is overruled by the two Houses. You substitute the judgment of eight men or a majority of eight men for the judgment of the two Houses.

Mr. EDMUNDS. No; we substitute that for the naked return which the Senator's bill proposes shall stand unless the two Houses reject it. I say subject the naked return to these eight men unless the two Houses reject their conclusion, which gives you a higher security.

Mr. MORTON. No, sir. I think it does not give a higher security, and I think it presents the greatest temptation for corruption that could possibly be devised. You place the election of Chief Magistrate in the hands of five men out of eight, and their action is to stand unless overruled by the joint convention of the two Houses, and the two Houses differing in politics may not agree jointly to overrule that action if it shall be in favor of that candidate who has a majority in one of the Houses. You have the very difficulty involved in the present rule. Let me suppose a case. You appoint four Senators and four Representatives to constitute one committee. The House is democratic and the Senate is republican. They get together and the four members of the House and one member of the Senate agree to make a certain report throwing out the votes of certain States, if you please, or counting improperly the votes of certain States, and then the conclusion of those five of the eight must stand unless both Houses agree to overrule that conclusion. That is putting a majority of the joint committee of the two Houses in a position that the Constitution has never contemplated. No precedent for a thing of that kind, I venture to say, can be found, and a more dangerous contrivance cannot well be devised. It brings the question back to just where it stands now. The question would then be to get possession of the committee. If both Houses are of the same complexion, and both candidates for President are substantially of the same complexion, the question is determined by a majority of that committee. If the Houses are of different political complexion, the committee will be divided in precisely the same way; they will either not agree at all, or if they do agree it must be in favor of one party or the other, and that party is sure to have a House against it.

It seems to me that there is nothing to be gained by this provision. It complicates the matter. It substitutes the judgment of four or five men for the judgment of the two Houses. The other plan is simpler, and it is safe, in my judgment. A return is made. The Senator from Vermont says it may be a forgery out and out. If so, that is not the return from the State; that is not what is contemplated; but here is a return from a State. It is opened in the presence of the two Houses. It bears the seal of the State; it has all the insignia of coming from the State of Vermont, if you please. As it stands, without the twenty-second joint rule, the President of the Senate opens that vote, and it must be counted. There is no help for it. There is no provision by which you can avoid counting that vote. Under the twenty-second joint rule if an objection is taken to the counting of the vote the two Houses separate, and if one House refuses to overrule the objection the vote is thrown out; Vermont is disfranchised just as Arkansas was disfranchised upon a mere technicality that turned out not to be founded in fact, disfranchised upon a trifle that turned out to have nothing in it; and that was only two years ago.

Mr. President, where the vote of a State comes up—and a mere forgery cannot be intruded; and a mere mock electoral college cannot be palmed off; it will be understood that this vote has come from the messenger sent by the State or has come in the regular way—that vote ought to be counted; the State should not be disfranchised unless both Houses agree to do so, and have a good reason for doing it. You cannot pass a simple law, without the concurrence of both Houses, even of the most unimportant character. I ask if you will disfranchise a State or half a dozen States without the concurrence of both Houses, and what is the advantage of intruding this committee here? You create a small body of men and you clothe them virtually with the power of determining who shall be President of the United States, a majority if you please of eight men, subject to the greatest temptation that ever a majority of eight men was subject to in this world—the power to determine who shall be President and Vice-President of the United States. If men are weak, if they can be corrupted, if temptation may overcome them, you place these men in a position where they are more exposed than they could be in any other way. It is a contrivance unknown, utterly wanting in analogy in anything common to our system of government.

This bill provides that if an objection is made to an electoral vote, the

two Houses shall separate and consider the question. If it is a forgery out and out, there is no doubt but that it would be objected to. We must consider that both Houses act with some integrity, although they may be swayed by popular passion or by popular feeling to a great extent. If both Houses concur in rejecting the vote, the State is disfranchised. If they do not, then the vote is to be counted. But there is one case that is provided for in this bill, a case where, for example, there are two rival governments in a State or where there are two sets of electors, both certified to in the same form, where there may be an actual controversy, as there has been in some of the States, and two sets of returns are sent here. How will you settle that question? This bill provides that when that question comes up it shall be referred to the two Houses, and that return which shall be the genuine return according to the votes of both Houses shall be counted. You cannot adopt any other rule than that in my opinion, and for that reason I think the amendment proposed is without merit.

Mr. WRIGHT. Will the Senator from Indiana allow me to ask a question on the point he is now discussing?

Mr. MORTON. Certainly.

Mr. WRIGHT. I understand that where there is more than one return, as is provided in the second section of this bill, and the two Houses are unable to decide which is the true return, then the implication is that the vote of the State is not to be counted. That, I understand the Senator to say, is left to implication entirely. The section does not state what shall be the effect if the two Houses are unable to agree. It says that the return from such State shall be counted which the two Houses, acting separately, shall decide to be the true return. But suppose that they are unable to agree upon either, then what is to be the result? I understand, by implication of course, the vote is to be rejected; but I submit to the Senator whether that ought not to be put in such language as that it should not be left to implication.

Mr. MORTON. I would have no objection to an amendment making that certain, but I think that is the implication.

Mr. WRIGHT. I have no doubt that is the implication. I suggest—without using too many words—that the Senator use this language: "and that return from such State shall only be counted which the two Houses acting separately shall each decide;" putting in the word "only" after "shall" and "each" before "decide."

Mr. CONKLING. Why not put it after "return;" so as to read: "and that return only," &c.

Mr. MORTON. I have no objection to that amendment.

Mr. WRIGHT. I suggest it, then.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The amendment will be reported.

The CHIEF CLERK. It is proposed to amend the bill in line 7, section 2, after the word "return," by inserting the word "only," and after the word "shall" inserting "each;" so as to read: "And that return only from such State shall be counted which the two Houses, acting separately, shall each decide to be the true and valid return."

The amendment was agreed to.

Mr. MORTON. At the suggestion of several Senators around me, for the purpose of taking the sense of the Senate, I move that at five o'clock the Senate take a recess until half past seven for the purpose of finishing the bill.

Mr. EDMUNDS. Let us finish the bill now.

Mr. MORTON. I will take the sense of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to take a recess from five to half past seven o'clock.

Mr. MORTON. I made the motion at the suggestion of the Senator from Ohio [Mr. SHERMAN] more particularly. I would much prefer to go on now and finish the bill. I think it can last but a little while longer, but I am willing to take the sense of the Senate.

Mr. SHERMAN. My experience has always been that it is better at a reasonable time to take a recess and come back at half past seven, and then we can sit for a number of hours.

Mr. MORTON. I withdraw the motion.

Mr. SHERMAN. Very well.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. THURMAN. I would prefer to sit this bill out if we can come to an understanding that we shall adjourn when we are through with this bill, which I agree with the Senator from Indiana will be shortly, as far as I know, for I do not know of anybody who wishes to speak at length. But if it is meant immediately after this bill shall be disposed of to take up another measure and proceed with its consideration to-night, then I think the sooner we take a recess the better. And therefore it all depends with me upon the question whether or not another measure is to be taken up and proceeded with to-night after the disposition of this bill. If that is the purpose of the majority of the Senate, then I hope the Senator from Indiana will renew the motion for a recess.

Mr. EDMUNDS. After this bill is disposed of I propose to move to take up the civil-rights bill. I shall then propose, speaking as I hope with the assent of the gentlemen on this side of the Chamber, that the gentlemen opposed to the bill may have all the time until to-morrow afternoon at five o'clock to discuss the bill; that then the general debate shall terminate, and if any amendments are to be offered to the bill that they may be offered and there may be the short debate of five or ten minutes in support of amendments or against them that in such cases is usually allowed, and that then the Senator in charge of the bill, myself or any other Senator who may happen to have charge at the time, shall have half an hour to close the debate, and we then vote. If that is agreeable to gentlemen on the other side, all I would wish to do to-night would be to dispose of this bill and take up the other and then adjourn, if gentlemen on the other side would like to do so.

Mr. THURMAN. I should not like to make any agreement of that kind, at least to-day. It is too soon to make an agreement as to when debate shall be closed on that bill. I, however, feel some little delicacy about making any suggestion upon it. I do not expect to speak on the civil-rights bill. I have twice spoken upon it, and spoken very elaborately at different sessions of the Senate, and I do not feel disposed to take up any time by further remarks but would rather leave it to others who have not enjoyed the opportunity of giving their opinions. But I think it is too soon for us to come to any conclusions. Besides, I hope that when we are through with this bill, a majority of the Senate will proceed to consider a bill that it seems to me demands the attention of the Senate now, that must be taken up now or be lost; I mean what is commonly called the steamboat bill. If it has been determined elsewhere that the civil-rights bill shall have precedence over everything else when this bill is disposed of, I know very well that any effort on my part to get up the steamboat bill will be futile; but in the hope that it has not been decided elsewhere that the civil-rights bill overrides everything else, I shall feel it my duty to ask the Senate after this present bill has been concluded to take up the steamboat bill. At this early stage, in fact before the civil-rights bill has been taken up at all, I do not think it will be possible for us to come to any arrangement as to when debate on it shall close.

Mr. EDMUNDS. There is nothing for us, then, but to go on and do the business that is before us.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. MERRIMON. Mr. President, two or three considerations have been thrown out in this debate as the real ground why this bill ought to be passed at the present session. We are told that unless it shall pass or some bill like it shall pass at this session, the country will be in great danger of revolution when the time shall come to count the electoral votes for President at the next election. We are told that the danger is imminent. I have been struck with the fact, however, that we are simply so told. No fact, no circumstance has been brought to the attention of the country which goes to show that there is more danger at this time or that there will be more danger two years hence than there has been in the past. From the beginning of the Government down to February, 1865, there was no rule or statute prescribing how the electoral votes for President and Vice-President should be counted. During all those years, in times of high party excitement, when party distinctions were as marked as they are now, no danger of this sort ever came on the country, nor was it seriously apprehended at any time that there would be a revolution. In 1865 the twenty-second joint rule was adopted. What particular considerations moved Congress to adopt that rule I do not know. The political party then in power and administering the Government was the same that administers the Government to-day. That rule adopted by that party having such majority provided that—

> No question shall be decided affirmatively and no vote objected to shall be counted except by the concurrent votes of the two Houses.

Then no vote was to be counted except by the concurrent action of the two Houses. Now suddenly it is proposed to abolish this rule, to pass a statute that is to govern the manner of counting the electoral votes for President and Vice-President, and to reverse this rule, whereby it is to be provided that no vote shall be rejected for President and Vice-President unless it shall be done by the concurrent vote of both Houses. I cannot understand, I have not been told anything that gives me to understand, why there is a necessity, or what that necessity is if there is any, for this sudden change.

Mr. EDMUNDS. The Senator ought to remember that this is not a sudden change. This topic has been under discussion almost every year since I have had the honor to be here, and it is a misfortune that it has been delayed so long in reaching some satisfactory conclusion.

Mr. MERRIMON. But we are told now that it is suddenly very important to pass it.

Mr. EDMUNDS. Not suddenly.

Mr. MERRIMON. No graver question could come before the Senate. It involves constitutional considerations of the most serious and complicated character. Right at the heel of the session, when there is no time for consideration or proper deliberation, we are called upon to pass this very delicate bill and touching a very delicate power to be exercised by Congress. I think that no good reason has been assigned for this precipitancy, and I can conceive of none except this, that the Government is about to change hands politically. In the next Congress there will be a very large majority of democrats in the lower branch of Congress; there will be a republican majority in the Senate, and I will not say it is so, but it looks very much as if the purpose was to create a check, a negative upon the democratic House. If such consideration is a moving consideration to pass this bill in this precipitate manner, I maintain that it is insulting to the democratic party, to the country, and to the American people. They are as patriotic as the republican party. They are no more given to

revolution and to doing that which is unjust than any other party in the country. No consideration has been brought forward, I maintain none can be brought forward, which goes to show that the democratic party will be less dutiful to the American people, less dutiful to their obligations to the Constitution, when the time shall come to count the electoral vote for President and Vice-President again, than they have been in the past or than any party has been in the past. I believe that the Fourty-fourth Congress will be as honest a Congress as this, and that in the exercise of the duties that will devolve on the Congress at that time in counting the electoral votes, a patriotic spirit will move the Congress as it has done in the past and there will be no greater danger of revolution then than there has been in the past. At all events no reason has been assigned, no fact has been stated, no consideration has been brought to the attention of the Senate going to show that there will be a different state of feeling at that time from what has prevailed in the past. There is then no necessity for the precipitancy that is manifested in considering this bill and in passing it right at the close of the session, when other matters are pressing upon us, when appropriation bills ought to be under consideration to the end that the interests of the Government may be carried on in the ordinary lawful way.

Mr. EDMUNDS. There are no appropriation bills before us.

Mr. MERRIMON. If there are none there ought to be some, and there would be if it were not for the bringing forward of political measures.

Mr. LOGAN. The Senator asked for a suggestion as to the reason of this. Will he allow me to show him one?

Mr. MERRIMON. Certainly.

Mr. LOGAN. He says this measure grows out of the fact that the next House is democratic. He will find by reading the rule under which we now vote for President—

> And no question shall be decided affirmatively and no vote objected to shall be counted except by the concurrent votes of the two Houses.

Now, if he is putting it on the ground that we desire political advantage, the old rule is the one we would act under, because, having a majority in the Senate, we could prevent the vote of any State being counted by just saying it shall not be counted. We cannot do that under this law unless by the consent of your democratic House. If we acted on political grounds, we would want the rule as it stands, not this bill.

Mr. MERRIMON. It might operate either way. It might operate to reject the vote.

Mr. LOGAN. No, sir; I beg your pardon. If you talk about dishonesty, I do not attribute any dishonesty to any House, or any political trick.

Mr. MERRIMON. I did not say anything about that.

Mr. LOGAN. There is no political trickery in a bill that is discussed and understood; but if we desired political advantage, we have it in the present rule; and it is to prevent that that the bill is presented to the Senate requiring that both Houses must concur to reject a vote. That is the very object. The bill is taking an advantage away from ourselves that we now have under the rule.

Mr. MERRIMON. So far as that goes, it is about as much one way as the other.

Mr. LOGAN. Not by any means; because the vote is bound to be counted, unless both Houses concur in rejecting it. Hence the other House may get a count of the vote without the assent of ours. Both Houses have to concur under this bill to exclude a vote; otherwise, under the rule, one House could exclude a vote.

Mr. MERRIMON. In order to answer the Senator from Illinois intelligibly, I will read the provision in the bill touching this matter. The bill provides:

> And no electoral vote or votes from any State to the counting of which objections have been made shall be rejected except by the affirmative vote of the two Houses.

Now, suppose that in the next counting of electoral votes such electoral votes shall come up to be counted as came up from the State of Louisiana two years ago. Although, as I contend, that electoral vote was unlawful and ought not to be counted at all, yet that vote must be counted unless both branches of Congress shall concur in rejecting it. Am I not correct in that?

Mr. LOGAN. Certainly you are correct that a vote cannot be rejected under this bill except by the concurrence of both Houses. You are going on the presumption that one House or the other is going to be dishonest and will object to a vote anyhow. We go upon the presumption that men will act honestly; and inasmuch as both Houses have to count the vote and assemble together to count the vote, therefore both Houses ought to determine when a vote is not correct. Is not that the rule in legislation? What do you convene both Houses for?

Mr. MERRIMON. If that is correct, why was not that the rule before?

Mr. LOGAN. We want to correct a rule that I consider incorrect.

Mr. MERRIMON. Why not alter the rule? Why adopt this elaborate statute?

Mr. LOGAN. This does alter the rule.

Mr. MERRIMON. It is true this alters the rule, but it is done by statute and not by a change of the rule.

Mr. LOGAN. There is no difference between a statute and a rule, so far as the effect goes.

Mr. MERRIMON. There is a very wide difference between a statute and a rule.

Mr. LOGAN. Not at all, so far as Congress is concerned.

Mr. MERRIMON. The same reasons which existed at the time the rule was adopted exist to-day; and the point I was making when the Senator from Illinois interrupted me was that no sufficient reason has been brought forward in this debate to justify the precipitancy with which this measure is being pressed through Congress. The Government has lasted nearly a century without it; and every one must concede, all have conceded indeed, that the difficulty to be solved is one of great importance that requires the highest and gravest deliberation. It is a statute that ought to be passed into law with great care, and it ought not to be passed until the whole matter is thoroughly ventilated in both branches of Congress, and every one must concede that there is no opportunity to do that now. We are to pass this bill through the Senate after a debate of three or four hours, when it ought to engage the attention of the Senate, it seems to me, as many days.

Mr. LOGAN. It has engaged the Senate for years, and the House too.

Mr. MERRIMON. Not this Senate.

Mr. LOGAN. A proposition of this kind has been before committees for years. It has been before the committee on which I am serving, the Committee on Privileges and Elections, ever since I have been in the Senate—some proposition or other of this kind.

Mr. MERRIMON. But, Mr. President, to pass over that, in my judgment Congress has power to pass an act regulating the manner of comparing the electoral vote for President and Vice-President, and that power is derived from two clauses in the Constitution. The first is this——

Mr. LOGAN. I do not want to disturb the Senator, but there is one point I should like to suggest to him. He says there has been no reason given for what he calls this precipitate action on the part of the Senate. He says we got on for many years without any rule of this kind. That is true. I ask him if he believes had Mr. Greeley been living at the time of the counting of the last vote, and had the votes of Louisiana, of Arkansas, and of Georgia been sufficient to turn the election on either side under this rule—does he believe we could have got through without a revolution?

Mr. MERRIMON. Yes, sir; I do. I think the republican party would have decided that General Grant was elected, and I have too much confidence in the patriotism of the democratic party and the democratic people of this country to believe of them that they would revolutionize the country and destroy the whole system of government because that decision had been made by a power authorized to do it.

Mr. LOGAN. Now I will ask the Senator suppose it had been decided on the other side, what does he think the result would have been?

Mr. MERRIMON. I think the republican people of the Union would have submitted to it.

Mr. LOGAN. Whether they thought it was correct or not?

Mr. MERRIMON. Yes, sir.

Mr. LOGAN. You say the democrats would have submitted. Suppose these States had voted for Mr. Greeley fairly, and there was no reason why it could be said that the result of their vote was unfair, and those States gave Mr. Greeley the majority, but by throwing all these States out we elected General Grant by one vote; do you believe then if the republican party had thrown out those States and elected Grant by one vote, while if they had been fairly counted Mr. Greeley would have been elected, the democratic party would in that case have submitted?

Mr. MERRIMON. In the first place I do not think the republican party would do that; but having the power to do that, being charged by the Constitution of the country with the power to do it, if they had made the decision, I think the American people would have submitted to it.

Mr. LOGAN. You do?

Mr. MERRIMON. I do.

Mr. LOGAN. Our past experience does not prove that to me.

Mr. MERRIMON. And further than that, I believe it is characteristic of the American people that they submit to a decision properly made by the proper authority however much they may condemn its justice, however erroneous it may be, just as they submit to a decision made by a court having competent jurisdiction of a question to decide it. If the Supreme Court having jurisdiction of a question here before it were to make a decision that was distasteful to four-fifths or nine-tenths of the American people, I believe they would submit to that decision because the proper constitutional tribunal had made the decision; and just so I believe that if the republican party in 1873 had improperly and erroneously decided that General Grant was elected in comparing the electoral vote, however much they might have condemned it, however erroneous, false, fraudulent it might have been, Congress having the power to decide that question and having decided it, the American people would have submitted to it; but they would have condemned the act at the ballot-box. When the next election took place the administration would not have received the cordial support of the American people; it would have been condemned, the whole party would have gone down in history, condemned, with the seal of condemnation upon it; but

the people would have submitted to it. If I am not correct in this view, if that revolutionary spirit prevails in the American people, that mobocratic spirit which is attributed to them, free government cannot last. If the people are not honest, if they are not willing to submit to their tribunals, if they are not willing to submit to the Constitution and live under it, then we have no government; might is right, and despotism is triumphant in this country. I do not believe any such doctrine, and when gentlemen make such suggestions with a view to push this bill through Congress in such a hurry they fail to alarm my fears. I believe I have confidence enough in the republican party of the nation to believe that if, when the next electoral vote is counted, the Congress shall ascertain that a democratic President shall have been elected, the republicans of this country will submit to it. If they do not do it they are not fit to be Americans, and they are less Americans than I believe they are.

But, sir, to go on with the point I was on when the Senator interrupted me, I say I believe Congress has power to pass a law regulating the manner of counting the electoral votes for President and Vice-President, and that power is conferred by two provisions contained in the Constitution. The first is in these words:

> The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President, &c.

That is as far as it is material to read for my purpose. Now I maintain that if there were no other words in the Constitution conferring power upon Congress, these are sufficient. When the Constitution provides that the certificates of election shall be sent to the President of the Senate, through him Congress gets jurisdiction of the electoral vote and in the particular way prescribed in the Constitution. What is that? That the Senate and House of Representatives shall come together in joint assemblage; there the President of the Senate shall open all the certificates, *ex vi termini;* the vote must be counted. The vote must be counted by the Congress; the vote must be counted by the Congress in joint assemblage; it must be the act of this joint assemblage; and I maintain that, touching the counting of the vote, every question that shall arise must be decided by the Congress, not as two separate bodies, but as the Congress sitting in joint assembly.

Mr. MORTON. If I understand the Senator's position, it is this: that when the vote is counted the two Houses come together and act as one body, and that each Senator and each Representative shall have one vote.

Mr. MERRIMON. Yes, sir; that is it exactly.

Mr. MORTON. And that they must settle all questions?

Mr. MERRIMON. They must settle all questions. It is done after the manner in which United States Senators are elected by the several State Legislatures. The act of Congress prescribes how the Senators shall be elected. The two houses of the Legislature vote on the first day separately. On the second day the two houses go into joint assemblage, and as a whole, as a joint body, they ballot for a United States Senator, and continue to ballot until one shall be elected. They vote as one body; the two branches of the Legislature are in joint assemblage; and the assemblage cast their votes as one body for United States Senator.

I maintain that by all rules of constitutional construction, of legal construction, the two Houses met for the purpose of comparing the electoral votes for President and Vice-President act as one body. They act in their joint capacity, and all questions that may arise touching the counting of the votes must be decided by that joint body. Why, sir, let me ask this: When a question is raised, as it may be raised under the twenty-second joint rule and it may be raised under this bill if it shall become a law, where is the constitutional authority for the two bodies separating, the Senate going into its Chamber here and deciding a question here in this body? I respectfully ask Senators who are supporting this bill to show me any constitutional authority for that. Show me any rule of constitutional construction or of legal construction which warrants the joint body in separating and going to their respective Chambers and deciding a question. Why, sir, in that case the matter is decided by the Senate as a Senate in its own Chamber, separate and apart from the other branch of Congress. The House decides it as a body separate and apart from the Senate. It cannot be pretended that there is one word in the Constitution which authorizes the two bodies thus to separate and to make a decision touching that matter. It was contemplated by the Constitution that the two bodies should go into joint session and for a particular purpose, to exercise a power that was conferred upon them as a joint body and to decide all questions touching the matter they had jurisdiction of as a joint body, as such joint body.

I say again that I respectfully ask any Senator who can do so to point me to a single word in the Constitution that authorizes the Senate when a question shall be raised under the twenty-second joint rule or under this bill if it shall become a law, to come back into the Senate Chamber, and here, in its capacity as a Senate, separate and apart from the House of Representatives, decide a question and then go back into joint session again. They are not exercising a power conferred by the Constitution when they do that, and I maintain therefore that Congress has power to pass a law which shall regulate the action and the proceedings had by that joint assemblage in comparing the electoral vote for President and Vice-President. This bill, if it shall pass, in so far as it provides that when a question is raised there touching the counting of the vote, the Senate shall come back into its Chamber and decide that question, in my judgment is absolutely null and void; it is inoperative, for no such power is conferred by the Constitution.

There is another clause that authorizes Congress to pass this act which I beg to read. I refer to the clause authorizing Congress—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

That clause of the Constitution is in aid of the clause which I have been endeavoring to elucidate. It authorizes Congress to pass all laws necessary to execute every provision contained in the twelfth article of amendments, but it authorizes Congress to pass all laws necessary to execute the twelfth article consistently with the power conferred upon Congress in the twelfth article. By the twelfth article the electoral vote for President and Vice-President must be counted by what body? By the Senate? No. By the House? No. But it must be counted by the Senate and the House sitting in the chamber of the House of Representatives as a joint body. Then if they must count the vote as a joint body, how can it be pretended that the two branches of Congress shall separate to decide questions essential to that count? I maintain that it is not only illogical but manifestly in the face of the Constitution.

But, sir, I want to say to the Senate that for one I have not studied this subject as thoroughly as I should desire to do. It is a grave question, one of great moment, one that ought to be decided after due deliberation and long discussion. In my judgment, it ought to be postponed until the next Congress, and then I should be very glad if the Senator from Indiana would bring the question forward early in the session so that we might have ample time to examine it and debate it thoroughly and pass a law without reference to party considerations one way or the other, and a law that would become as perpetual as the Constitution itself and ward off any possible danger.

But, sir, I repeat what I said a moment ago, that I do not believe there is danger of revolution; I do not believe that revolution is imminent. I have too much confidence in the American people of all parties to believe that they are going to destroy their Government because Congress in the exercise of a power confided to it shall decide that one man or another has been elected President.

My main object in rising was to call attention to the point I have made that Congress must sit as a joint body in counting the electoral vote and that their decisions made touching the counting of that electoral vote must be made as a joint body and in no other way.

Mr. HAMILTON, of Maryland. Mr. President, this proposition gives trouble in coming to a correct or even a satisfactory conclusion. My trouble is not in regard so much to this bill, or to the present joint rule, or to the amendment offered by the Senator from Vermont; but it goes up higher than that; it goes to the question of our constitutional power to pass any measure at all upon the subject. We all know, and I fully appreciate the fact, that there is danger, great danger, lurking in the existing joint rule, and no one can doubt but that there is equal danger in the proposition now under consideration; and therefore my earnest desire was that we might have a constitutional amendment in order to obviate the difficulties that we necessarily incur in attempting to legislate upon the subject at all. As soon as we begin to legislate we get into trouble; and the difficulty is that the moment we undertake to give a direction to the Constitution apart from its word and spirit and then enact laws or rules to suit, we hardly know where to begin and where to end. If we once begin to legislate on this subject, we hardly know where to stop. I care not what exigency brought into being the twenty-second joint rule; it is a most extraordinary rule for any exigency, and the bill now before us is not less extraordinary in its general import. It proposes to supply alleged defects or omissions in the Constitution, when it cannot cover the whole question nor apply the general and effective remedy.

The honorable Senator from Vermont has offered an amendment that in some respects is really more reasonable and probably would tend to secure better results than either the twenty-second joint rule or the bill now before the Senate; and yet when we come to look at that proposition, it is equally objectionable as a mode of safety from tumult or trouble, when we observe that the Constitution is so emphatic in respect to the power of both Houses when in joint convention, in respect to the power of both Houses when they meet in joint convention, as they are directed to do, and when in their presence the certificates shall be opened and *then* counted.

The only provision of the Constitution justifying any legislation upon this subject is this:

> *The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.*

This is the only ground for legislation of any kind. It is very narrow indeed.

I listened to the honorable Senator from Vermont with a great deal of interest. He undertook to expand the word "then" to a very great extent, and so as to cover very considerable legislation. I very readily recognized that he could technically, according to his reasoning, expand or extend that word to cover almost an infinity of time, a whole session of Congress for illustration. But even extending it as far as he would, to what results do we come under his proposition? What can we inquire into during all that extended time? The Constitution is emphatic that the votes shall be counted in the presence of both Chambers. What does the amendment of the Senator from Vermont propose to do? To appoint a joint committee, and they are to inquire into something and then report? What is to be the reach of their power? Are they to inquire simply as to what arises on the face of the certificate only? How far is the inquiry to extend, whether it be made by a joint committee, or by the tellers, or by the two Houses separated? Is it merely and purely to look at the certificates to see whether they are properly executed and have been duly attested? Is that the limit of the power, I ask, or can other questions, as to the appointment of electors, or in the case of the return of two or more votes of electors to ascertain the rightful set, and then considering this to go back and behind all for that purpose? There is no such authority given. There is nothing provided if there should be a contest as to electors. There is not an allusion to a case of the kind. The duty of the President of the Senate and of the two Houses is as simple as words can make it. And can we upon these words ingraft a whole system for contest and ascertainment?

The framers of the Constitution evidently never contemplated any such things as have transpired within the last eight or ten years. They took it for granted that the States would appoint electors, and in whatever manner it suited each State; that they would cast their votes, and that that was the end of their functions and of the action of the State, and that as they were sovereign bodies in this respect they would see to it that this important act should not be left in doubt or in any manner wanting in legal validity, and that, each State so speaking, the only simple duty was to receive the certificates, open them, and count the votes as given by the electors. The States were given the power to appoint the electors in any way they pleased, and it was supposed that the power would be so exercised and so conclusively exercised that all that in any way could follow would be the simple count in the presence of both Houses. It was contemplated by the Constitution that this most important act was final upon the part of the State and placed by its own action beyond cavil or controversy.

What is contemplated in the inquiry proposed by referring the electoral votes either to a committee appointed under the amendment of the Senator from Vermont or to the tellers to be examined in the presence of both Houses or by the Houses separately in case objection is made—what have we to be examined? Can we go back and inquire into the manner in which the electoral votes were cast? Can we go back and inquire into the manner in which the electors were appointed? Can we go back to ascertain whether they were legally appointed or elected by the people? Into what inquiry in either aspect of the case are we allowed to go? I think it must be conceded that if under this clause of the Constitution when the two Houses are assembled together for that purpose the votes must then and there be counted, it was intended that there should be no inquiry. If, however, we are permitted to inquire, then how is it to be done? In separate Houses or as a joint body? We meet as a joint body. The votes can only be counted in our presence. Shall we infer therefore that we have in separate bodies the right to investigate and reject? Is each House to examine into the manner in which the electors were appointed or how they discharged their duty? Is each House to investigate separately as to whether electors have been appointed or how appointed, or which are the rightful ones in cases of two or more sets of electors? Can this all be done as the Constitution now exists? Can it be done under the phrase "the votes shall then be counted?" Can each House, acting separately, under that phrase enter into an investigation, summon witnesses, and determine controversies about votes? Can this be done in either a joint or in separate assembly or before the committee that is to be appointed under the amendment of the Senator from Vermont? No, sir. I think not; the power is not broad enough. In fact we are but the witnesses of an act. We are summoned to see the certificates opened and the votes then to be counted. As to the latter we may be a ministerial body, in the performance of a single duty, the counting of the votes as the certificates so opened may disclose. Beyond that our duty and our power cease.

"The votes shall then be counted." I do not care how wide, how expanded, and how extended you make the word "then," you cannot have a contest in its real sense before you under that word. You are limited to one simple inquiry, and that is as to what the certificate may show when it is opened; if there be no votes shown as cast by the certificate that is the end of it, and the vote of the State is lost. We cannot go back; there can be nothing behind it; if there be error that error remains, not to be corrected. In those simple words there is no time for nor chance for correction. If there be two sets of returns, one must be right and the other wrong, or both must be wrong—both cannot be right, for with that you would have too many electors. But how inquire, how contest, how investigate? If at all, it ought to be done in joint convention or assembly, for the count is a high act and to be done in the presence of a united body. It would be anomalous to count a result in two separate bodies, it being an act that cannot admit of separation. But the prominent fact is that the framers never contemplated that there could be a contest, that there could be duplicate returns, and accordingly made no provision for it.

In the bill now before us you allow either House to except to the count of electoral votes where there be two returns made from a State. What are you to do then? The two Houses are to separate and to determine the question, and in case they disagree the vote shall not be counted. Have you that power? I think not. But what are you to do in such a case? Vote blindly to receive or reject? If not, what kind of an examination can you have? You have two sets of electoral votes, two returns laid before you, each set apparently duly certified. Are you then to inquire into the fact which set of electors are entitled to cast the votes? And this involves the inquiry further, which set was appointed; and if elected by the people, which did receive a majority of the votes of the people? Take the case of Louisiana, where two sets of electors were returned at the last election; how is it to be determined? It was not then, nor can you frame a law under this language of the Constitution that can at all be satisfactory. Can there be a contest? Is there any provision for it? When these two sets of electoral votes are before us, can we summon witnesses or have depositions taken for the purpose of showing which set of electors received a majority of the votes cast in the State, or whether they were properly appointed? That would not be *then* upon that occasion counting the votes. I do not think the language of the Constitution covers such a contested election, and yet the anomaly is this, that though we have not the right thus to examine into the fact whether certain electors were really and in fact elected by the people or not, we are required by this bill to separate and determine that question and all other questions that may arise as to such votes or certificates. And a difference is to settle the question as to the vote of the State—two separate tribunals deciding with equal power upon a fact they are required, if required at all, to see solved in joint meeting.

I differ also with the Senator from Vermont in the idea that the district court of the United States can determine upon a *quo warranto* who is President of the United States. I deny it. True we are limited in the count of electoral votes; our power being very narrow, as I have before said; yet when the votes are counted in the presence of both Houses as directed by the Constitution, it is conclusive upon the fact, and no earthly tribunal can review this ascertainment. Whenever it is ascertained and declared in the presence of both branches of Congress that such and such a person has received a majority of the electoral votes, that ends the subject so far as all judicial tribunals in this land are concerned. Our action here, though thus limited in our powers, though thus not permitted to go into a contest and to inquire whether the electors have been appointed properly or improperly, whether they have been elected by the people or not, if counted is conclusive upon all other tribunals. It is the decision of a tribunal specially appointed to see the count made. The count is all there that is to be made; but that being made, no tribunal can go behind it.

Adopt the principle here contended for and there is danger that you will make this an arena for all kinds of election tumults and disturbances. We cannot attend to any such thing. It is evident from this limited power conferred by the Constitution that it was never contemplated by the framers of it that there would be any trouble, because with the appointment of the electors the duties of the States ended and ours was only to count their votes. The framers never apprehended the troubles which have been upon us for the past eight or ten years. We never had any before. But, this upon us, would it not be well for us to provide in time by a constitutional amendment for the troubles that we will in vain attempt to avert by legislation?

I do not see, then, the necessity for this legislation. I know that if any are disposed to give trouble now, they can make it under the twenty-second joint rule and so they can under this bill. If there is a determination to revolutionize, if there is a determination to overthrow and subvert the will of the people by revolutionary or arbitrary action, it can be done under the present joint rule or under the bill proposed by the Senator from Indiana. My trouble lies not with the details of the rule or of the bill, but in the fact that neither of them is authorized by the Constitution of the United States and neither of them provide adequate safety. My hope is that the Senate will recommit this subject, pass it by for the present in the hope that as things begin to look now the people of the country are not ready for disturbances and that right measurably would be done at the next presidential election, and that in the mean time we could do by a constitutional amendment what would obviate the difficulties which now surround the subject and that would so plainly indicate the manner in which the great question of the election of a President of the United States should be determined so that there could be no future trouble in having it settled in a fixed manner, not to be tampered with by legislation and that would be acceptable to the people.

That was my desire; and therefore the more I read of this bill, the more I read the twenty-second joint rule, the more concern it gives me, because I see the utter want of constitutional power to determine the election of President of the United States by any rules or laws that we may make outside of the counting of the certificates as they are handed by the Vice-President to the tellers and counted in

the presence of both Houses of Congress. From the year 1793 down to 1865 the Vice-President always discharged that duty unexceptionably. He handed the certificates to the tellers and the seals were broken and the contents proclaimed in the presence of both Houses and the votes counted. All other questions save only the count were pretermitted. In fact and in truth, when we come to consider the matter, that was infinitely preferable to the danger of undertaking to exclude the votes of States by raising objection probably to some technical defects that might appear on the face of the papers and then by separate action exclude the count.

In fact when you look at the twenty-second joint rule and when you look at the bill proposed by the Senator from Indiana, and also at the amendment proposed by the Senator from Vermont, you see at last that they all are confined to an abstract, dry legal question whether the returns upon their face are right; for there is no machinery provided for any kind of an investigation beyond; no details in the bill or amendment by which truth as to any fact may be ascertained, but everything is left to the papers, or certificates, and it may be to our own personal knowledge of events either historical or personal. Instead, therefore, of making trouble by indifferent and inefficient legislation, we should direct our thoughts to an amendment of the Constitution by which ample provision could be made for manifest omissions—rather say not omissions, but for the manifest changes of times which have taken place since the adoption of the Constitution and the present.

Mr. SAULSBURY. Mr. President, the bill under consideration proposes "to provide for and regulate the mode of counting votes for President and Vice-President, and the decision of questions arising thereon." In my opinion the Constitution of the United States provides the only mode for counting those votes, and I have very grave doubt as to whether any law enacted on that subject can have any force, especially if it conflict at all with what has been the practice under the constitutional provision.

As between the twenty-second joint rule and the bill now before the Senate, I am not satisfied that the bill under discussion is any better in its effect or will prove of more advantage than the twenty-second joint rule; but one question with me is as to the power of Congress to determine anything about this matter. The Constitution has fixed how the votes shall be counted. The two Houses are to meet in joint convention and the President of the Senate, in the presence of the two Houses, is to open, according to the constitutional requirement, the votes of the several States, which are then to be counted. I concur in the view expressed by the Senator from Maryland [Mr. HAMILTON] that it must be done at that time, and that the result then arrived at and then announced determines this whole question.

I am not satisfied, in the first place, of the power of Congress to enact any valid law on the subject, and I think the best thing that could now be done would be to repeal the twenty-second joint rule and leave the question just where the framers of the Constitution left it. I do not apprehend that we should have much difficulty under the constitutional provision; we have lived under it up to the present time; we never did have any difficulty. Even in 1861, when, perhaps, there was as much excitement in the country as there ever had been over the result of any presidential election, with a Vice-President in the chair who was himself a candidate for the Presidency, the vote for Mr. Lincoln was counted and the country acquiesced in the fairness of the result. I apprehend that if we repeal the twenty-second joint rule and leave this whole question just where the Constitution leaves it, we shall never have any difficulty in this country in counting and ascertaining the result of a presidential election.

For this reason I wish I could induce my friend from Indiana to let this bill go over for the present, or to amend the present bill so as simply to repeal the twenty-second joint rule. I would concur in that. At present I see no safety under the present bill or under the joint rule, and therefore I think it better to leave the question where the Constitution left it.

Mr. MERRIMON. Mr. President, I wish to add a few words to what I said a while ago touching the manner in which an election for President and Vice-President of the United States may be contested. For one I do not believe that Congress or any national authority has any right to contest the election of President and Vice-President. The American people do not elect the President as a mass. They do not elect the President as the American people. They elect the President as the people of the several States and exercising their rights as citizens of the several States. The manner of the election of President is one of those provisions in the Constitution which recognize, and not only recognize but provide for and uphold, the autonomy of the States. The people of the States as citizens of those States, and as making up the people of the States, elect a President. The Constitution provides in these words:

> Each State shall appoint, in such manner as the Legislature thereof shall direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Thus it appears that the people do not vote for President directly, they vote to elect a certain number of electors who assemble at a time and place fixed by law to elect the President; and therefore if the people of a State should decline to vote for President there is no power to compel them to do it. The Federal Government is not so much interested in having a State vote as the State itself is. If a State shall see fit to decline to vote for President at all, there is no power to compel the people of that State to vote for President, nor is there any power conferred on Congress to compel the people of the State to have an election for President at all. It is a matter within the control of the people of the State through their Legislature. The Legislature may provide that the people may elect a certain number of electors to vote for President and Vice-President. The Legislature may provide that they themselves shall elect the electors. They may provide that the governor may appoint them. They may provide that the supreme court may appoint or the chief justice may appoint them, or they may provide so many appointers to appoint electors to cast the vote of the State for President and Vice-President. The whole matter is within the jurisdiction of the States, each for itself.

It has been asked, suppose there are great frauds practiced in the States in an election of President and Vice-President, as is sometimes the case in that election as in other elections. There is no power conferred in the Constitution on the national authority to contest the election in that behalf. The authority remains in the State to provide for that. It is true that in the history of this Government it does not appear that any State ever has provided for a contest of the election of electors of President and Vice-President; but it does not follow, therefore, that the State might not have done it. A good many powers are conferred on various authorities by the Constitution that have never yet been exercised, and I do not think I go too far when I say that the American people and the Congress of the Union and the authorities of the Union have to learn a good many things yet about the Constitution. It is an instrument that is not yet fully comprehended by the most learned men in the land.

I maintain that it is perfectly competent under the Constitution for the Legislatures of the several States to provide for contesting the election for President and Vice-President, in order to ascertain whether the people are directed to elect, whether A B, C D, and E F were elected electors by the people according to law. They might provide that the Legislature should contest it and that the contest should be decided by the Legislatures of the several States. They might provide that the Supreme Court should decide it. They might provide that a commission created by a law passed by the Legislature should determine whether the election was fairly held, and who were elected electors. So if the Legislature elected, they might by law provide for ascertaining whether the electors were fairly elected by the Legislature. So if the Legislature should confer power on the Governor to appoint, there might be a tribunal constituted to contest the matter and see whether or not the governor had fairly appointed so many men to be electors to vote for President and Vice-President.

It is a matter with which the Federal authorities, I repeat, have no concern whatsoever. It is a matter with the State, and when it is determined by the State, Congress cannot inquire into the election any more than Congress, when the people of a State have voted for governor and the proper authorities have decided that he was elected governor, can go on and determine that question again. I suppose no one will seriously pretend that if an election is held in New York, and the proper authorities of New York ascertain that A B has been elected, Congress may inquire into that matter and ascertain whether the election was conducted fairly, whether he was in fact elected. That is a matter that pertains to the State, of which the State authorities alone have jurisdiction, and of which the Federal authority has no jurisdiction whatever.

So in the election of President and Vice-President the election, so far as the State is concerned, is exclusively within the jurisdiction of the several States. I admit that the States have not heretofore provided a tribunal for such contests, but that does not prove that they might not have so provided. I believe they could have so provided. I believe that it is important that they should so provide, that every State should pass a statute regulating the manner and providing a tribunal for contesting the election of electors of President and Vice-President, just as they have a tribunal before which to contest the election of a governor or any other State officer; and therefore that difficulty is out of the way.

The only question that ever can arise before Congress must arise before it in joint session, and the Congress in joint session, in exercising the powers conferred upon it as a joint body, can only determine whether a vote that is sent to the President of the Senate is the vote that was ascertained by the authorities of the State, and when that is ascertained that is the end of the controversy. If the certificate of election was so informal that it did not show that there was an election, Congress would have the power to say "it does not appear that any election was held in North Carolina," but Congress has no power to say that the election held for electors of President and Vice-President in North Carolina was fraudulent, that democratic electors ought to have been elected whereas the returns show that republican electors were elected, or *vice versa*. When the State authorities have determined the matter, there is the end of the controversy and Congress cannot inquire into it. The election of electors of President by the people of the State or by the authorities of the State as provided by the Constitution is a matter of greater moment to the State than to the Federal Government. It is a matter with

them. If they choose to elect, they have the privilege and the right to do it. If they choose to abstain from voting, there is no Federal authority or power that can compel them to vote.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. EDMUNDS. I feel it to be my duty to move to amend the bill now by striking out all after the enacting clause and inserting what I send to the Chair.

The Secretary read the words proposed to be inserted, as follows:

That within not more than ten and not less than three days next prior to the last Monday in January next following any election for President or Vice-President, the Senate shall appoint four Senators and the House of Representatives shall appoint four members, and such eight persons shall constitute a Committee upon Elections of President and Vice-President. A majority of said committee shall be a quorum thereof, and the concurrence of such majority shall be necessary in any action thereof. Each member of such committee shall, before he enters upon the duties by this act imposed on such committee, take and subscribe the following oath:

"I, ——— ———, do solemnly swear that I will faithfully and impartially perform all the duties imposed upon me by the act entitled 'An act to provide for and regulate the counting of votes for President and Vice-President;' so help me God."

And such oaths of Senators shall be filed in the archives of the Senate, and of members of the House of Representatives in the archives of the House.

SEC. 2. That Congress shall be in session on the last Monday in January next after any election for President and Vice-President shall have occurred; and the Senate and House of Representatives shall meet in the Hall of the House of Representatives, at one o'clock, afternoon of that day, and from day to day, (Sundays excepted,) at the same hour, until the duties required by this act shall have been performed; the President of the Senate shall preside, and whenever the Senate shall withdraw, from time to time, the Speaker of the House shall resume his chair; having so met, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and papers purporting to be certificates of votes given at the last preceding election for President and for Vice-President, respectively, and which shall have come to his possession; and the votes shall then be counted in the manner and with effect hereinafter provided.

SEC. 3. That when the certificates of votes for President of the United States shall be opened by the President of the Senate, in the presence of the Senate and House of Representatives, as provided in the Constitution and by this act, the same shall, with the votes therein contained or stated, be then and there delivered to the committee provided for in section 1 of this act; which committee shall forthwith proceed to examine the same, and shall count the votes which shall appear to have been legally given and duly certified and returned. And said committee shall report in writing as soon as may be to said meeting their proceedings, the state of the votes, and what persons, if any, have been pursuant to law elected President and Vice-President respectively; and if, on such report, any question shall be made by any Senator or member of the House of Representatives touching the legal validity of any vote or votes so delivered to said committee, or touching any action of said committee, the Senate shall withdraw, and each House shall proceed to consider the question; and if the two Houses concur in the decision thereof, their judgment shall stand, and the report of such committee shall be modified accordingly; but if they do not so concur, the report of such committee shall stand; and if such committee shall be equally divided in opinion, the vote in question shall be counted unless both Houses concur in rejecting the same. And the persons so declared elected shall respectively be deemed entitled to exercise the functions of their offices.

SEC. 4. That section 142 of the Revised Statutes of the United States and all provisions inconsistent with this act are hereby repealed.

Mr. EDMUNDS. I do not wish to take the time of the Senate to explain this amendment any more than I have already done, which only as I conceive it furnishes an additional security and safeguard in the inspection and scrutinizing of the papers coming from States purporting to be votes; and when it comes to be a disputed question, it leaves it substantially where the bill of the Senator from Indiana leaves it.

Mr. MORTON. I do not intend to discuss this amendment. I have already said that I think this amendment is as dangerous and does embrace most of the dangers of the present twenty-second joint rule. I think it is unsafe in every respect, and I know of no advantage to be derived from it. It would be fatal to the bill if it should be adopted.

The PRESIDING OFFICER, (Mr. SCOTT in the chair.) The question is on the amendment of the Senator from Vermont.

The amendment was rejected.

Mr. STOCKTON. Mr. President, I did not intend to say a word upon this question, and I shall not detain the Senate at this time of the evening longer than a few moments.

I have listened attentively to this debate, and the conclusion of my mind is that it never was intended that the two Houses of Congress in separate session in their own Chambers should legislate on this subject at all. The power given by the Constitution of the United States as to counting the electoral votes is for the Vice-President to count the votes in the presence of the two bodies. The power commences there; it commences at no moment before they are so assembled; and I have heard nothing in this debate from the commencement to the end of it which answers that objection. You will recollect, Mr. President, that that clause of the Constitution which provides for the election of Senators requires that they shall be chosen by the Legislatures of the States. Under that clause, as is well known, various manners of elections sprang up. Some Legislatures elected in separate session of the two houses, and failing to agree went into joint session, as they do now, voting as they do *per capita* under the existing law of Congress. Congress had the right to provide a manner, but at that time had not provided. Other Legislatures elected in joint meeting at once. The objection was made that the joint meeting was not the Legislature, that it was not the power that legislated, that passed bills. The decisions and precedents were otherwise and have been otherwise. They did not meet in that capacity to pass laws; they met under the Constitution of the United States as a joint body for the purpose of having an election; and they claimed the right and exercised it, whenever they met in joint meeting, to make the rules that indicated the manner of their making their choice.

It seems to me that our fathers never did contemplate that this power of deciding upon the legality of a vote should ever come before Congress at all, either in its legislative capacity, sitting each House in its own Chamber as a separate body, or when sitting together for the purpose of counting the votes. I think it never did occur to them that such a question could or ever would come up. It may be that it is a case that ought to be provided for by constitutional amendment, but that is not the question with us now. The question is whether we shall by legislation, sitting in different chambers long before the moment comes when our power begins, make a law which will control the action of that body to whom, and to whom alone, the Constitution of the United States has committed that power. It may be that it is a mere ministerial power. I have no doubt it was meant to be that and nothing else by the Constitution and those who framed it. But whether it be a ministerial power, or whether it goes further and includes the right to decide upon the legality of the votes, the body can get no right from your legislation. Will any Senator insist that any more power than the Constitution has given to these two bodies sitting under that clause of the Constitution can be given to them by legislation by each House in separate bodies? No Senator will insist on that. If so, why should you act in reference to the case of how they shall decide when two parties from the same State present different certificates of election? Why should you provide for that if you can give them no more power than they have; and certainly it must be so?

I really think, without the slightest desire to reopen this debate at this moment, that we are acting unwisely in attempting to pass any law on this subject at this time of night and at this stage of the session. I think it will be found that so far from doing away with the difficulty which undoubtedly exists, which all admit exists, we are getting ourselves in more trouble and undertaking to do what we have not power to do. If a constitutional amendment is not necessary, then those two bodies there assembled have the power to regulate the way they shall count the vote, and if they have not the power it certainly does not exist in these two bodies sitting before the Congress meets, before the body to whom the Constitution of the United States has committed the power to count the next vote of presidential electors has convened. At a session before they are elected, you are here making laws to prevent them from doing that which was committed to them alone, and not to you, by the Constitution of the United States.

I do not know that I should have said a word on this subject if it had not struck me that the amendment offered a few moments ago by the Senator from Vermont was a better bill, if a bill must be passed, than the bill we have been discussing which has been offered by the Senator from Indiana. I think the discussion has shown some of the difficulties of the case; and some of them possibly are avoided (not those I have mentioned, but some others that have been spoken of by other gentlemen) by the amendment of the Senator from Vermont; and yet that amendment comes in at this moment. It is a question of too much importance to be acted upon at such a moment as this without consideration, without time to examine even whether the amendment is better than the original bill, and yet the question is put upon the amendment and is voted down, and now we are on the eve of passing the bill when many gentlemen really do not know what was the precise effect of the amendment of the Senator from Vermont. I think it is unwise. While I perceive that the majority of this body mean to pass this bill to-night, I simply desire to enter my protest against a subject of so much importance being legislated upon in this way. I certainly for one—I know there are others—most earnestly desire an opportunity of reading carefully the amendment offered by the Senator from Vermont. I think that amendment would be adopted in preference to the bill of the Senator from Indiana if we had an opportunity of examining it; but it is voted down without a division, simply because not one-half the Senate heard it read, and I presume not many of the Senators knew what it did contain nor the the advantages it might possess over the bill of the Senator from Indiana.

I need not say that I do not look upon this question as a party question at all, and I do not suppose any gentleman can. I have therefore refrained from speaking of it because I wished to listen to those who were wiser than myself, who have had more experience. I have listened carefully and attentively, and have simply made up my mind on a consideration of the whole matter. I am driven, as I said before, to the conclusion that it is not a subject for our legislation at all.

Mr. EATON. Mr. President, I wish to call the attention of the Senator from Indiana to the close of the bill:

Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess not beyond the next day at the hour of ten o'clock in the forenoon.

I desire to ask the honorable Senator if the meaning of the bill is that the second day closes the action of the two Houses upon this subject necessarily.

Mr. MORTON. Not necessarily.

Mr. EATON. Then I think the bill is very imperfect if in the

opinion of the framer and manager of the bill the session does not close with the ordinary day; but there should be a time when it should close, so as not to run on until the 4th of March. There should be some definite time in the bill. I am not prepared to offer an amendment, for I hardly knew what the opinion of the honorable Senator was.

Mr. MORTON. I hardly think any amendment is necessary. The Senator will observe that in the first section the time of counting the votes is fixed on the last Wednesday in January, which is two weeks earlier than is now provided by law. That was intended to give plenty of time in case there should be questions of difficulty arising, in order to give time to consider and have the whole matter determined before the 4th of March.

Mr. EATON. My impression is that there should be something definite as to this point, if the bill is to pass. I am not prepared to offer an amendment at this time. I am opposed to the passage of the bill; and I shall occupy the time of the Senate but for a few moments in stating why.

I agree in brief with what was said by my distinguished friend from New Jersey, [Mr. STOCKTON.] It is not in the power of this Congress to pass this law. It is a void law if passed. For three-quarters of a century the good people who represented their fellow-citizens here were satisfied with the Constitution of the United States; and let me read the Constitution to see whether there is any necessity for the bill. It is well to read it. It will not harm anybody to hear it. Article 12 of the amendments provides:

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted—

I have no trouble about whom the count is to be by, though there has seemed to be some little trouble on that subject—

the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately—

That means the next day—

by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote.

That is all I care to read.

Mr. President, I said that I did not propose to go into a lengthy discussion of this question; but I say in advance one thing, not for the purpose of casting any reflection upon any honorable member of this Senate—far be that from me—that I look upon any bill for a public act of this character, that is brought forward in this Chamber without anybody to say anything in its favor, as suspicious, to say the least. There has been no discussion, not a word, not a breath in favor of the principles contained in this bill. And has it come to this at last, that a bill is to be passed in these the last hours of the session, probably unconstitutional, by the mere force of numbers, without one word of argument in its favor? I say, Mr. President, it is suspicious. For seventy-five years the people of this country acted under the Constitution of the United States. They can now. The court is here. I defy any Senator on this floor to show any state of facts where under the Constitution, without any bill for a public act, without any rule of the two Houses, we cannot go on and perform all the duties that are devolved upon us in this behalf. Some Senators say that it is impossible that it can be done. Let us hear why; give a reason for it, and do not simply rely on a large vote to pass a measure of this character. I say it is suspicious.

Again, it was alleged with great power by my distinguished friend from Delaware [Mr. BAYARD] that if there was any necessity for a bill of this character it should be passed at the next session of Congress; it should not be a party measure. I appeal to every Senator on the other side of the Chamber on that point. They, like I—the mantle of charity covers us all—desire proper action, not improper. Can it be had at any better time than when this Senate is under the control of the republicans—if terms expressing party names are to be used here? I have not been in the habit of using them in legislative assemblies; it has been forbidden by the rules of such assemblies where I have served, and it ought to be here—where and when the dominant party on this floor will be in the majority for the coming two years; while on the other floor, at the other end of the Capitol, the other party, the party to which I am attached, will be in the majority? If there be any necessity for a rule, which I deny, is there not patriotism enough in both parties to get such a rule as is proper and just? There is no President to be elected next January. Two years must elapse. Why, then, in hot haste, without proper consideration, pass this measure of doubtful constitutionality at the best? Will some gentleman tell us why? Give us the necessity for it. Let us know why you do it; why your appropriation bills, your tax bills, your other bills of importance lie upon the floor or on or under your table, and you harp away upon a measure which cannot be of use for two years. It is suspicious at least.

And why is this a bill for a public act, I beg to ask? Why not amend your rule if your rule is not right? Why a bill for a public act that cannot be repealed until you have a President and a Senate and a House of Representatives to agree to repeal it? Where is the necessity for that? I say, Mr. President, that this bill ought not to be passed in this manner. I should like some honorable Senator on the other side of the Chamber to give a reason for it. Is there such a necessity for it, that everything else must go by the board, that a bill to pay old men eighty years of age must be put on the table or refused to be taken up, men that will die before this bill can be of any service, whether it be proper or improper? O, no, this bill must be taken up; you will not pass anything that is necessary, that the honor of the country demands should be passed, but you will prefer and pass a bill for which there is no earthly use for years and that without a single reason having been given for it. I do not like to characterize it as a party measure. I do not like to say either that any honorable Senator on this floor has given birth to a measure of that character or that any other honorable Senator is supporting the measure because it is a mere partisan measure. I simply say, and no man will deny it, that there is no use for it for years. If you pass it now, you pass it with that imputation hanging over you and you cannot avoid it. There is no use for it. If the election was to be held next January, if the election was to be held in a month or two months, and gentlemen felt that there was a necessity for a bill of this character, then I agree it would be their absolute duty to pass it; but no such necessity exists. It is not here.

Mr. President, not to take up the time of the Senate on this subject, as I said I should not, I simply wish to protest against legislation of this character. It is not consonant to the spirit of the Constitution of the United States which I am here to maintain and defend.

I move the indefinite postponement of the bill now under consideration.

The PRESIDING OFFICER. The Senator from Connecticut moves that the bill be indefinitely postponed.

Mr. MERRIMON. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. JOHNSTON, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. ROBERTSON.] If present he would vote "nay," and I should vote "yea."

Mr. NORWOOD, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. MORRILL.] If present he would vote "nay," and I should vote "yea."

The call of the roll was concluded.

Mr. GORDON, (after first voting in the affirmative.) Upon this question the Senator from Missouri [Mr. SCHURZ] is paired with myself, and I voted inadvertently. I therefore desire to have my name stricken from the roll. If he were present he would vote "yea," and I should vote "nay."

The PRESIDING OFFICER. The Senator's vote will be withdrawn.

Mr. STEVENSON. On this question I am paired with the Senator from Ohio, [Mr. SHERMAN.] If he were here he would vote "nay," and I should vote "yea."

Mr. CONKLING. I am opposed to the bill as it now stands, and although it is a matter of little consequence on this motion which way I vote, I will vote "yea," the motion being to postpone indefinitely, as I understand.

Mr. HAMILTON, of Maryland. On this bill I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. KELLY. I am requested to state that the Senator from Missouri [Mr. BOGY] is paired with the Senator from Iowa, [Mr. ALLISON.] Mr. BOGY would vote "yea" and Mr. ALLISON "nay."

Mr. TIPTON. The Senator from Rhode Island [Mr. ANTHONY] left the Chamber under the impression that I was paired with him on this subject, and I will not therefore vote. I am paired with him on another question if it comes up, but as he was of the impression that the pair extended to this question, I desire to be excused from voting.

The result was announced—yeas 16, nays 31; as follows:

YEAS—Messrs. Bayard, Carpenter, Conkling, Cooper, Davis, Dennis, Eaton, Goldthwaite, Hager, Kelly, McCreery, Merrimon, Ransom, and Stockton—14.

NAYS—Messrs. Boreman, Boutwell, Chandler, Clayton, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Jones, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Sargent, Scott, Spencer, Sprague, Stewart, Washburn, West, and Windom—31.

ABSENT—Messrs. Alcorn, Allison, Anthony, Bogy, Brownlow, Cameron, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Maryland, Hamilton of Texas, Howe, Johnston, Lewis, Morrill of Maine, Norwood, Pratt, Ramsey, Robertson, Saulsbury, Schurz, Sherman, Stevenson, Thurman, Tipton, Wadleigh, and Wright—28.

So the motion was not agreed to.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER. Shall the bill pass.

Messrs. BAYARD, CONKLING, and SPRAGUE demanded the yeas and nays; and they were ordered.

Mr. CONKLING. I have but a single word to say on this bill. I will not at this hour and at this stage of the debate undertake to go at length into its merits. The twenty-second joint rule as it stands is in my judgment objectionable. Perhaps I might say something

more; I think I may say it is a dangerous provision and questionable in several respects. It is proposed to obviate it by the adoption of a statute which I think more objectionable, more likely to invite difficulty, more likely to forecast disturbance and trouble in the counting of the presidential vote. I said in the beginning that I would not inflict on the Senate a discussion of the subject or a statement of my reasons, but having looked at the bill as carefully as I can, that is my judgment, and I shall therefore vote against it.

Mr. MORTON. The Senator from Connecticut [Mr. EATON] complained somewhat that there had been nothing said in favor of this bill. I have abstained from argument because I wanted a vote. The questions involved in this bill have been discussed on this floor for several years past, and I supposed the Senate was agreed on the question that the twenty-second joint rule ought to be repealed and that there ought to be some provision made by law to prevent the imminent danger of a collision at the counting of the presidential vote. This rule was adopted in 1865 under which as it now stands a single objection, however trifling in its character, will cause the two Houses to separate and to vote separately upon that objection, and unless both Houses agree in overruling the objection the vote is lost.

There is nothing partisan in this bill. It is as fair for one party as it is for another, and I regret that our democratic friends have been found voting unanimously for the indefinite postponement of this bill and I presume they will unanimously vote against the bill on its final passage. There is nothing partisan in it; and if I were disposed to seek for motives of a party character, I might turn around and say in reply to my friend from Connecticut that as the next House of Representatives will be democratic, and as it is in the power under the present rule of either House to throw the election into the House of Representatives by sustaining objections, therefore there was a strong democratic interest in preserving this rule as it is; for if this rule shall stand as it is, when we come to count the presidential vote in February, 1877, and objection is made to the vote of any State, however trifling in its character, unless that objection is overruled by both Houses, the democratic House concurring in overruling it, the election will be thrown into the House of Representatives and the democratic party will then elect the President. If I were disposed to hunt for party motives, I might find them in the existence of that fact. I might therefore account for a solid democratic vote against this bill; but I have attributed no personal or partisan motives to anybody. I had earnestly hoped that there would be no party feeling about this bill. The Senator from Ohio [Mr. THURMAN] who has made an argument in favor of this bill and I believe will vote for it, is certainly governed by no party considerations in the matter. He has risen above them, and he for one is not willing to have that temptation left to the next House of Representatives, for a great temptation would be the power by sustaining an objection to throw the election of President into their own body.

Mr. GORDON. Will the Senator allow me to ask him a question?

Mr. MORTON. Yes, sir.

Mr. GORDON. Does the Senator suppose that the temptation would be any greater with the next House than it has been with preceding Houses?

Mr. MORTON. I will say to my friend that the two Houses have both been of the same political character since the adoption of this rule. This rule was adopted in 1865. Up to this time the country has not been exposed to the danger of having a House of a different political complexion from that of the Senate. If the twenty-second joint rule was abolished, it would throw it back simply to what it was before that time, and the danger of collision before that time was imminent. If any Senator will take the trouble to read the debate in the two Houses that occurred immediately after counting the vote for President and Vice-President in 1857, he will understand the narrow escape that the country made at that time. That was before there was any rule on the subject. When the vote was counted for Mr. Buchanan, objection was made to counting the vote of Wisconsin. The electoral vote had not been cast at the time prescribed by the act of Congress. The Constitution required all the States to vote on the same day. The framers of the Constitution thought that was a very important provision. The act of Congress fixed that time, the first Wednesday in December. The electors of Wisconsin did not meet on that day, but met on a day subsequent. It was objected that that vote ought not to be counted because it was not cast in conformity to the act of Congress. If the election had turned upon the vote of Wisconsin, as was said in the debate that took place both in the Senate and in the House the very day afterward, perhaps it would have resulted in an armed conflict and a revolution, but it was very fortunate that at that time Mr. Buchanan was elected without regard to the vote of Wisconsin. Mr. Mason, the president of the Senate, said that as the matter stood any motion to reject the vote of Wisconsin was not in order. No motion was in order, he said, but to count the vote. The vote of Wisconsin was counted. He then marched out of the House of Representatives and the Senate followed him, and this very interesting debate took place immediately afterward; and it seemed to be agreed on all hands in both Houses that there ought to be some rule adopted by which the great danger would be avoided when the election might turn upon the vote of some State that was in that condition. Therefore, although no collision has taken place up to this time, and although no trouble has come, yet we have seen in the election of 1868, we have seen in the election of 1872, that these things may happen, and it is the part of prudence to provide an act by which they shall be guarded against. This bill has been well considered; there is no advantage in it to any party; I believe it is fair; and I have therefore brought it before the Senate, and hope that it will be passed to secure the future peace and safety of our country.

Mr. EDMUNDS. As I feel obliged to vote against this bill, I wish to say a single word in justification of what I do, and I am not specially afraid of being found voting with the democrats if they vote this way; I do not know that they will. Every man must act upon his own conviction of duty.

To repeal the twenty-second joint rule is one thing which I may be and I think I am in favor of, because it is open to objection. To set up another rule, which is just as bad or worse, which to my mind this bill does, is quite a different thing. If this were simply a proposition to repeal the twenty-second joint rule, I think as at present advised I should vote for it. But it is a proposition not only to do that, but to set up another rule in its stead which in my opinion opens a broader ground for collision, as my honorable friend from Indiana calls it, a broader ground for difficulty and doubt than the present rule. It is in effect to say that any spurious or revolutionary vote which may be brought forward from people pretending to be the electors of a State shall be counted, unless both Houses agree that it shall not. It is not brought forward for decision, but it stands because it comes as the authoritative voice of the people until the two Houses concur in saying it is not a vote. The twenty-second joint rule is not open to that objection. That requires consideration. So it appears to me that the rule provided by this bill is more dangerous to the public peace than the twenty-second joint rule. But as I say it is not a choice between these two, because we can omit to pass this bill and still repeal the twenty-second joint rule.

When the electors meet on the first Wednesday in December in each one of the States, the Constitution entitles us to know, entitles everybody to know that the persons who thus meet are the electors. It entitles the people of the United States to know in some way under a government of law that what those who claim to be electors send to the capital is the vote of the State lawfully and constitutionally given. Now, the Senator's bill says that whatever comes from that State purporting to be this thing shall decide who shall be President, unless the two Houses concur in saying that it is inadmissible. I think that is more dangerous than the twenty-second joint rule. I do not want to enlarge upon it, for I have not the time.

Mr. MORTON. I must say one word in reply to that, and I confess my surprise. When I brought forward a proposition the other day to repeal the twenty-second joint rule my friend opposed it, thought there ought to be a law on the subject, and he himself brought forward a bill involving the same principle as this bill, with this difference, that he interposed a committee of eight persons, four Senators and four Representatives. In his amendment offered to-night he provided that when that committee made a report, that report should stand and the votes it reported to be counted should be counted unless that report was overruled by both Houses acting concurrently.

Mr. EDMUNDS. Yes.

Mr. MORTON. It involved the very principle in this bill, except that it finally brought it back to the twenty-second joint rule.

Now the Senator says this involves all the dangers of the twenty-second joint rule. What is the foundation for that? How can that be said? If we have no rule at all, the President of the Senate will open the return and hand it down and it will be counted and there is no power anywhere to prevent it from being counted. If you have no rule at all, as in the case of Wisconsin as was then decided, and both Houses agreed that as the matter stood the President had decided correctly.

Mr. EDMUNDS. I do not so understand it at all.

Mr. MORTON. Yes, sir; they decided that there was no remedy, there was no law, there was no rule on the subject, and after discussing the matter it was dropped by common consent in both Houses. If we have no rule, whenever a vote is opened by the President of the Senate in the convention of the two Houses it must be counted, whatever may be the irregularity or the unlawfulness of it; there is no way to prevent it. That is the condition if you have no rule. Now, with the provisions of this bill, when a certificate is opened, if an objection is made, the Houses separate and deliberate upon it. If they both agree that the objection is good, then the vote is not counted; but if they do not agree that the objection is good, then the vote is to be counted. But as the rule now stands, if an objection is made, however trifling and contemptible, unless both Houses do agree in overruling it, the vote of the State is thrown out.

Mr. EDMUNDS. Or however valid it may be.

Mr. MORTON. Or however valid it may be. You have under this bill the judgment of both Houses. In other words, under this bill you cannot disfranchise a State except by the concurrent vote of the two Houses. Under the rule as it now stands one House can disfranchise a State. Without any rule every vote must be counted, no matter how false, how fraudulent, how unlawful it may be. That is the simple situation, and without a rule every vote must be counted. With the rule as it now stands one House can disfranchise New York and Indiana. Under this law no State can be disfranchised except by the combined judgment of the two Houses. I say that is in analogy with our form of government. It is conformable to reason, and in my opinion it is safe.

Mr. MERRIMON. I beg to ask the Senator from Indiana a question. Why does he say that in the absence of a rule every vote must be counted?

Mr. MORTON. Simply because there is no way of getting clear of the count. That was held in 1857; and if my friend has ever taken the trouble to read the discussion that took place in both Houses then, lasting two or three days, a very earnest and very able one, he will see the difficulties we labored under at that time and the conclusion that the able Senators and members then in Congress came to.

Mr. THURMAN. Mr. President, as I have said before in the debate to-day, I should greatly prefer that this legislation should not take place at this session, but that it should be deferred until the next Congress. In saying that I mean no imputation upon anybody of either House. Nor do I mean to say that a better bill could probably be passed by the next Congress than the bill now before us. But I do say that a bill passed by a Congress, one House of which belonged to one of the great parties of the country and the other to the other, would be more likely to be satisfactory to the country and to remain the permanent law of the land than a bill passed in the expiring hours of a Congress two years nearly before the act can have any operation or effect. I should have been glad, therefore, if the majority of this body had consented to let this bill go by this session and make it the subject of legislation next winter. But the majority have seen fit to do otherwise, and we are brought to the consideration of the bill.

Now, I wish to say in answer to some remarks made by the Senator from Indiana that I have not been influenced in my course upon this subject by any apprehensions of what the next House of Representatives would do, nor do I share in any apprehension expressed by the Senator from Indiana, nor do I believe there is any ground for their existence. He seems to think that if the present twenty-second joint rule is left to govern us, the next House of Representatives may throw out the vote of a State in order to make the election of President devolve upon the House of Representatives.

In the first place that is to impute to that House improper motive. It is not to be presumed that the House would throw out improperly the vote of a State any more than it is to be presumed that the Senate would do it. It is not to be presumed of either body that it would thus violate its sworn duty to maintain the Constitution of the Republic. If the House should vote to reject a certificate from a State, the presumption is that in the opinion of the House there was good cause for its rejection, just as if the Senate should vote to reject it the presumption would be that in the opinion of the Senate there was good cause to reject it; and therefore it is not to be supposed for a moment that the House would proceed in violation of the sworn duty of its members and in a factious and revolutionary spirit to defeat the will of the people by throwing out the vote of a State which clearly ought to be counted. But if there were any such danger, let me say to the Senator from Indiana that it will exist under his bill; that he cannot get rid of it upon his interpretation of the Constitution. How is it that he supposes that the election may be devolved upon the House of Representatives by the revolutionary proceeding that he has imagined? It rests upon this theory that the person who is declared elected by the people must receive a majority of the votes of all the electors who shall have been appointed by the States; and that is the literal reading of the Constitution in article 12 of the amendments. In the original Constitution it was declared that—

> Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The amended article declares that—

> The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed.

Giving a literal interpretation to this language, the Senator from Indiana construes the Constitution to mean that if a return should be cast out for any other reason than that the persons making that return were not electors, then, although that return could not be counted, Congress would be bound to take notice of the fact of the appointment of those electors and count them upon the question whether any individual had received a majority of the whole number of electors appointed. It is a very hard thing to suppose a case of that kind, and yet we might suppose it. In fact, it actually occurred in the case of Wisconsin. There the electors were appointed; there there was no question but that they were appointed; there there was no question as to their just title to the office of electors; and the objection to the reception of the return made by them was that they had cast the vote on a day different from that provided in the law.

There it might be said electors were appointed, and Congress is bound to take notice of the fact that they were appointed; and therefore no one could be President unless he received a majority of all the electors appointed, including these whose votes were rejected. That is one interpretation of the Constitution. It is certainly the literal interpretation, but it is open to argument whether that is the true interpretation of that instrument.

However, I do not wish to go into that argument now. That is not a case likely to occur. If votes are rejected it is not likely to be a case in which the evidence before us will satisfy us of the appointment and make it our duty to say that electors were appointed at the same time that we reject their certificates. That is a case that I think is very unlikely to occur, but even under this bill this difficulty might arise. Where there were double returns it might be that one return would be rejected, although both Houses should believe that the persons casting the votes in that return were the legal electors; and another return might be rejected through some informality. One return might be rejected because the persons casting the votes were not the legal electors, although the return itself might in every respect conform to the law. If either House were disposed to act factiously, to act in truth corruptly, to act in a revolutionary spirit, in a case where there were two returns, the very difficulty which the Senator supposes might occur under his bill. I do not believe there is danger of anything of that kind taking place, and therefore I have no idea that there is any necessity for passing this bill for the purpose of preventing a factious, corrupt, and revolutionary attempt on the part of the House of Representatives to defeat the will of the people and devolve the election on that House.

I do not know that I desire to say anything more on this subject. I shall be glad to have it laid over. I am free to say, however, that I believe this bill is better than the existing twenty-second joint rule.

Mr. SPRAGUE. Mr. President, I shall vote against the measure before the Senate, because it introduces the President of the United States into a matter with which he has nothing to do under the Constituion, and brings him into a dangerous innovation. He is charged with the execution of all laws. This is to be a law. He is charged with its execution. When was it contemplated that a retiring President should have anything to do with the election of his successor? There is too much executive interference in elections now. To make it his duty to interfere is in my judgment most pernicious. I am opposed to the bill, therefore, because its tendency is such.

And to conclude. I have listened with pain to this discussion. It is apparent that men wisest in the land, or men supposed to be the wisest, think they can carry on the Government successfully leaving the great material powers among the people untouched, to drift, to act irregularly. Why, sir, the danger mentioned in counting the vote in 1857 was not a danger of that moment, but was nearly ripe from the material condition among the people. It is the irregular action of these affairs that will soon tumble your government structure into atoms, and then these discussions of mere laws and rules will appear in their true light: simply false and weak guides to ruin.

Mr. STEWART. Mr. President, this subject is surrounded by difficulties, and my opinion is that it would be safer to leave it where it is in the Constitution without any legislation or rules. I believe it would be more likely to be right. It seems to me the difficulties attempted to be avoided are not met in this bill. In the first section it is provided that the vote shall be counted and the result declared, and that no State shall be rejected without the concurrence of the two Houses, acting separately. That of course would place it in the power of either House to retain a vote, although that vote might not be a proper vote. In any event you could not take it out of the power of either House to do wrong if they were disposed to do it.

But then the second section provides—

> That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

We have had two returns from the same State, and very likely if this law was passed it might invite two returns from a State. We might have several cases of that kind, and then the two Houses, acting separately, would have to determine affirmatively before a vote could be received. Suppose they disagree upon the returns, where would we be then?

Mr. LOGAN. It would not be counted.

Mr. STEWART. It would not be counted. The two Houses would disagree. There would be a long discussion. That case might arise. I think perhaps they would have disagreed on the vote of Louisiana the last time if this bill had been a law. They might have disagreed; I do not say they would have done it. You would have under this bill after a disagreement a long and heated discussion.

Then you have got in this bill another provision:

> Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared.

Then suppose one House would disagree and they would say, "You have no right until the votes are all counted to declare the result." It may be they would not go back to have the result declared. You have the very machinery here to produce great difficulties. What would be the probable result if you had two sets of returns? The two Houses separate. One House would claim that one return should be counted, the other House claiming that the other return should be counted, and you could not get the two Houses back so that the result could be declared. The President of the Senate under this law would have no right to declare the result until all the votes were counted. It seems to me, under this bill, where there were two sets of returns that very question might lead to a revolution. I do not see how you could avoid it. The two Houses have separated, having disagreed; they get up a heated discussion. No result can be declared until the votes are counted, and the votes cannot be counted until the Houses agree, because there is no provision made for that.

I would much prefer to repeal the twenty-second joint rule and leave this question where the Constitution has left it. From the short provision in the Constitution it is very evident that the framers had considerable trouble at the time. It is very evident they could not agree upon any elaborate mode of doing it, and I think if it is left where they left it, it will be put nearly in the true place. The Constitution says:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

I think it was anticipated that they should just count them and he should declare the result. In that case you get a President, but under this bill you might have a civil war before you get a President; and if you do not declare the result there might be a pretext for it. In this case there will be no President, no declaration, nothing to swear to according to law. You have separated the two Houses, got up a heated discussion upon a disagreement, and there is a provision in the bill that the result shall not be declared until the votes are all counted. One House will be contending for one set of votes and the other House will be contending for another set of votes, and the Vice-President will not be allowed to declare the result. I say you have a state of things calculated to lead to rebellion. I cannot vote for this bill as it stands.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The question is, Shall the bill pass?

Mr. LOGAN. I should not now say anything but that I see there is a disposition to talk on this bill. I was very sorry to hear my friend from Nevada say he would vote against this bill unless amended. I do not know that I have capacity enough to satisfy him that the objections he makes to this bill are without any good basis; but I can certainly satisfy myself of it. Let us see what his objections are.

First his objection to the bill is because if there are two returns from a State both Houses must concur in counting one or the other or they are not counted.

Now, I desire to call the attention of Senators who have any difficulty on this point to this proposition, and we will see where my friend will come out. Under the joint rule as it exists, if either House objects the vote is not counted at all, but if both Houses concur it is counted. That is the case under the rule.

Mr. STEWART. Under the existing rule the result would be declared in that case; but you here propose a legislative enactment which will prevent the declaration of the result.

Mr. LOGAN. Hold on! One point at a time. Let us see where you come out. Under the existing rule——

Mr. STEWART. I do not like the existing rule either.

Mr. LOGAN. Very well. I am speaking about things as they exist, and we are trying to better them. Under the rule as it exists if one House objects, then the vote cannot be counted at all, whether you have one State rejected or two. Under this bill we require the concurrence of both Houses. If both Houses do not concur to reject the vote, then the State has its right under the Constitution to its vote. That is the difference between the rule that exists and the rule that we propose to adopt. If two sets of returns are made to the Vice-President, the two Houses are to determine which returns shall be counted; and unless both concur as to which return shall be counted, none is counted. That is the result under the bill, but under the present rule one House can determine whether the vote of a State shall be counted. Here you require both Houses to determine that the vote is a fraud before you can reject it.

Under the Constitution both Houses are required to count the vote. Now, if it requires both Houses to count the vote, it should require both Houses to determine the votes, because the Constitution contemplates that both Houses form a convention for the purpose of determining these questions. That is the meaning of the Constitution. Both Houses then having formed a convention for the purpose of determining the votes, in this bill we provided that it shall require the assent of that convention—that is, the assent of both Houses—before a State shall be deprived of its right under the Constitution to have a vote.

That is the proposition in this bill. I defy any good lawyer to tell me why both Houses should not be consulted in reference to depriving a State of having a vote for President when both Houses are required to count the vote. Under your present rule one House may determine that which the Constitution requires both Houses to determine.

Let us see further. My friend from Nevada says that it will produce a revolution because both Houses are required to determine which one of all returns shall be counted. I will put this point to the Senator, or to any of the Senators who have made an objection to this particular section of the bill. When a State votes for President, I do not care if it makes one hundred returns, some one of these returns must be correct. If the people of the State vote at all they must have voted for some person. Under the present rule it makes no difference whether they vote for some person or not, you deprive them of the right to have it determined whom they voted for and to have their votes counted, but under this proposed rule you allow them to have a vote as is contemplated by the Constitution. You allow the convention of the two Houses to determine which one of these lists may be the right vote, according to the sentiments of the people when they voted for President and Vice-President. I ask any man to tell me what wrong there is in that proposition. Even in Louisiana, a State which we have been contending about, they did vote for somebody if we could ascertain it. No man can doubt that.

We provide then that when the State does vote for somebody the two Houses may determine whom that vote was cast for, and then give them credit for that vote when it is determined. In the present condition of things you deprive States of votes, but under this bill you provide so that States may vote and have their votes counted. Instead of its being calculated to produce revolution, it is calculated to produce peace and satisfaction to the people who vote for President that their votes shall be counted. If my State votes for President and Vice-President of the United States and one House of Congress undertakes to say that her vote shall not be counted and it is therefore rejected, I am dissatisfied; but when both Houses in convention under the Constitution determine that to be the fact, then I have no right to complain. But I would have a right to complain under the present condition of things.

A second objection is to the following clause in the bill:

Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared.

My friend from Nevada objects to this because he says it would be interminable; that Congress might prevent the election of a President at all. Will the Senator stand up before this intelligent body and say that under the Constitution of the United States, without any joint rule or without any law, the two Houses can dissolve without having determined the result in any other way except by a reference to the House of Representatives? It is not contemplated that they shall dissolve until a President is declared to be elected; that is, until the result is declared. You may declare that no one is elected President and then it goes to the House, but under the Constitution you are expected and required to determine the result. Some result must be ascertained, either that some man has been elected President or that no man has been elected President. If no one is declared elected, then the House determines who shall be the President. This bill only provides that this convention shall not be dissolved until "the electoral votes are all counted and the result declared." What result? Either that there has been a President elected or that there has not been a President elected, so that if there has not been a President elected the House may then act and perform their functions under the Constitution.

You may take this bill and examine it. I know I have not perhaps given the consideration to it that some gentlemen have; but it was before the committee of which I am a member, and has been fairly considered and examined. It has been considered with a view to having the law framed in accordance with the requirements of the Constitution, so framed that neither one House nor the other should deny to a State the right to vote. I ask the Senator by what rule is it to-day that the Senate of the United States alone can determine that a State's vote shall not be counted in any election whatever except an election that applies only to its own body? By what rule can the Senate alone determine that a State cannot vote? By the joint action of the two Houses alone can this be determined, as I read and understand the Constitution. If there is anything unconstitutional, in my judgment it is the twenty-second rule, which permits one House by its solitary act to deny a State the right to vote in a presidential election.

Mr. MERRIMON. Will the Senator allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. MERRIMON. I ask the Senator whether this bill, if it should become a law, would not put it within the power of one branch of Congress to compel the count of an unlawful vote?

Mr. LOGAN. It puts it in the power of one branch of Congress to not deny the State its vote. It does not put it in the power of one branch of Congress to say how the vote shall be or shall not be. Under the Constitution and under the rules that have been determined prior to the twenty-second joint rule it was held that Congress itself could not deny the right to count the vote.

Mr. MERRIMON. I can see the objection to the twenty-second joint rule. I am now speaking of this bill.

Mr. LOGAN. Very well. I will state my answer to the Senator. Up to the time of the twenty-second joint rule it was held by the Congress of the United States that you could not deny a State its right to vote, whether it voted in accordance with law or not. Until that rule was established allowing one branch of Congress to deny the right of a State to vote, the right had not been denied. If it is held that one branch of Congress can deny a State the right to vote, is it not better that both branches of Congress shall have the power to deny it? Ought not both branches of Congress to have the right to determine the question of these votes? Would you have it that one branch shall determine that a State shall not vote, but that both branches cannot determine that she shall vote? I would ask the Senator if that is not the logic of his suggestion?

I will answer the Senator further. I would prefer, as a member of the Congress of the United States, to count the vote of a State even if it was informally presented and informal in all that is connected with it, rather than to deny the right of a State to vote whenever its certificate was formal.

Mr. MERRIMON. Suppose this case: Suppose that a certificate is

sent here by usurping electors, and the Congress of the United States should have cognizance of that fact. In that case under this bill one branch of Congress could compel the count of the certificate of usurping electors.

Mr. LOGAN. Both branches of Congress would be required to exclude it; but if there was no certificate except that, how would you have any knowledge of any other? Will the Senator answer me that question?

Mr. MERRIMON. I might have knowledge of the fact outside.

Mr. LOGAN. But that is not the point, and as a lawyer you know it is not. How would you have any official knowledge of it? You would have none, and you know it as a lawyer,

Mr. MERRIMON. I could ascertain it in this way, and I think it is perfectly logical and lawyer-like: The joint assemblage of Congress would have the power to direct a committee to inquire into those facts just like this body might appoint a committee to inquire into facts, and when they should be ascertained, the joint assemblage of Congress could act upon the facts as they might be reported.

Mr. LOGAN. Where does the Senator get the authority to appoint his committee? When the Constitution says that the Senate shall assemble in the Hall of the House of Representatives and there the votes shall be opened by the Vice-President and there they shall be counted and the result declared, where does the Senator get his authority for this committee?

Mr. MERRIMON. From the Constitution.

Mr. LOGAN. I cannot find it.

Mr. MERRIMON. I say the Constitution provides that Congress shall act in a joint capacity; and Congress in that joint capacity has the power to determine all questions that are essential to ascertain the result of the electoral vote, to appoint committees, or do anything else for that purpose.

Mr. LOGAN. I will not go into a labyrinth of argument on that point, because it is not the question before us now. I only say to the Senator that I do not recognize his law, but I will not detain the Senate by any argument in reference to it. I merely say of the objections made now, so far as the Senator from North Carolina is concerned I think he is a fair man usually, but I do not believe that we could frame a bill to-night or at any other time in reference to counting the vote of President and Vice-President that he would assent to, unless he framed it himself.

Mr. MERRIMON. I am sorry the Senator has such a bad opinion of me.

Mr. LOGAN. It is not a bad opinion at all.

Mr. MERRIMON. I do not think I have given any evidence of that. I am sure Congress has power to pass a bill, and I would most cheerfully support a bill for this purpose which I believe conformed to the Constitution.

Mr. LOGAN. I will give the Senator the reason why I made the statement. He has argued this constitutional question to-day differently from any man I ever heard argue it in my life, and therefore I presumed he would have to draw a bill himself in order to get his vote for it. I have seen it the case frequently that legislators never could frame laws that would suit other people. It is not to be expected that they can. All laws are compromises; in their nature they must be, because our minds are so constituted that they do not run exactly in the same channel.

I was surprised, I must confess, at finding objections to this bill from some of the quarters from which they have come to-day, for it was different from my understanding in reference to it. But the objections that have been made to this bill by Senators to-night are objections that can be wiped away like a cobweb or as you would wipe water from a table with a sponge, by the logic of the Constitution and the fairness and the justice of the thing itself.

You have now a rule in your Manual allowing one House to reject the vote of a State. Do you say it is on account of fraudulent elections? They need not be fraudulent. If either House were to so far forget their honesty and integrity as to object to the vote of a State, they can prevent the vote being counted, whether it is an honest vote or a dishonest one. There is no objection specified in the joint rule; but it allows the objection of one House to prevent the counting of the vote of your State, my State, or any other State. I witnessed an exhibition of the workings of this joint rule two years ago. The vote of Arkansas was objected to in the House. That objection caused the Senate to retire and examine it. What was the objection? That the seal of the State was not affixed to the certificate of the men who cast the vote. It turned out that Arkansas had no seal of State; that the only seal she had was the seal of the secretary of state; and the certificate was stamped with that seal. Upon that frivolous objection the State of Arkansas was refused to be counted in the last presidential election. It only showed that any objection made, however frivolous, by one House might deprive a man who has been elected President of the United States of his right to the office, or might deprive a State or States of their right to vote. When, after seeing the operation of the rule in the direction in which this rule has operated, we change it even by law so as to require the action of both Houses, in my judgment it is just, in my judgment it is constitutional, in my judgment it is honest, in my judgment it is fair.

Mr. HAGER. I have no desire to enter extensively upon this debate, but rather to explain the vote that I shall give. It is a question of constitutional power and of constitutional interpretation that addresses itself to us as lawyers and as Senators. The view that I take is that the Constitution of itself is operative and that you cannot add to the powers conferred or diminish them. According to my view neither the twenty-second joint rule nor this bill, if it shall become a law, has any binding force upon the Congress that must act in this matter under the Constitution. In other words, we cannot here establish a rule by which we dictate to another Congress how they shall perform a constitutional duty. The Constitution is plain:

> The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

There is a plain duty imposed upon the President of the Senate and upon the Senate and House of Representatives assembled together. Can you say, sir, that you may limit your powers or add to them by any legislation here? Can you bind your successors in any matter of constitutional legislation? Turn to the powers that Congress has. Congress may "lay and collect taxes, duties, imposts, and excises." You might just as well undertake to pass a law here pointing out how Congress shall levy taxes and imposts, as to undertake to regulate them in the performance of a constitutional duty in regard to this matter. As well might one Supreme Court undertake to bind their successors as for one Congress to undertake to bind their successors. It cannot be done either by legislation or by any rule that you may see fit to adopt.

I admit that there is an imperfection in this part of the Constitution as to how the joint body when assembled together shall proceed to act and determine the result of the election. But as the duty is imposed upon the Senate and the House of Representatives it is for them and each body that is called upon to act in that capacity to regulate rules for themselves.

There is another important matter that enters into this consideration upon that point, and I should like to hear Senators answer it. If we pass this bill, in order that it may become a law it must be signed by the President. The President then to some extent enters into the counting of the electoral vote. Suppose we pass this bill and it becomes a law by the signature of the President with the intent to bind some other House, not ourselves. I admit we could pass a law here to regulate the election if we were to act in the matter. If we were to meet next week to count the electoral vote we could by the concurrence of both Houses pass a law to regulate our action in the matter; but we cannot, I say, pass a law to regulate the action of a future House or future Senate when they meet to perform a constitutional duty.

But, as I said, suppose this bill becomes a law signed by the President, how are you to get rid of it in the future? If it is binding upon the Senate and House that meet next, it requires, in order to repeal it, not only the vote of the Senate and the House, but the approval of the President. Thus the President enters into the consideration, when the Constitution never contemplated any such thing. It is a duty imposed entirely upon the Senate and House of Representatives; and if you pass this bill, in order that it may be a law it requires the approval of the President, and hereafter to repeal it and get rid of it also requires the approval of the President, so that a future Senate and a future House of Representatives may be entirely under the control of the President of the United States.

Did the framers of the Constitution contemplate any such state of things as that when the twelfth article of amendment was adopted? It was the intent that the people should control the election of the President, and not the President of the United States. It was the intent that the electoral vote should be brought here and opened in the presence of both Houses, and that they there, according to such rules as they might adopt, should declare the result. The President has nothing to do with it.

Sir, I am satisfied that we cannot bind our successors by any legislation in regard to a constitutional duty that they have to perform. They themselves must judge how they shall perform it; and you might as well undertake to dictate that they should do it in a particular way to accomplish a particular result as to undertake to say that they shall do it according to the provisions of this bill.

I shall therefore vote against the measure. I believe that if it passes it will be clearly unconstitutional. I see also that there is great difficulty in getting the question before any tribunal by which it may be determined. I think we should legislate on a matter of this importance with great deliberation and great care, because I know of no tribunal that can undertake to decide the question. It cannot be raised until a convention meets to act upon it; and they must act within a certain period of time, and it may lead to interminable difficulties before we can get a judicial interpretation of this law as to whether it be or be not a constitutional act.

Mr. STEWART. Mr. President, my friend from Illinois [Mr. LOGAN] failed to remove the objections in my mind. From his remarks I do not think he understood my objections.

The first section of the bill is a very smooth, easy-going section. If both Houses concur in the counting it goes on to say that the vote shall be counted and the result declared. But when you come to the second section, where there are two sets of returns, which may happen and probably would happen, and if persons were sufficiently disposed to have a revolution it would be a natural state to have two sets of returns. What then? "That if more than one return shall be received by the President of the Senate" * * * "that return from such State shall be counted which the two Houses acting separately

shall decide." They shall decide which of the two returns shall be counted. My friend from Illinois thinks it is eminently fair to leave the two Houses to decide separately such a question. If the two Houses agree affirmatively that a particular return shall be counted, then very well; but suppose they do not.

Mr. MORTON. Let me ask the Senator a question right there. Suppose there are two returns placed in the hands of the Vice-President, who shall determine which one of them shall be counted? Will you leave it to him to determine it? Will you leave it to one House to determine? Or will you leave it to both Houses to determine it? Somebody must determine, and to whom will you leave it?

Mr. STEWART. I will discuss that afterward. I would leave it where it could be determined, and not put it where it certainly cannot be determined as this bill does.

Mr. MORTON. That does not answer the question.

Mr. STEWART. I will answer it by and by. I say I would put it somewhere where it could be determined, but this bill has put it where it cannot be determined. Provided the two Houses disagree, there is no determination of the question but civil war, because you have provided in the same bill that the result shall not be declared until all the votes are counted, and they cannot be counted on a disagreement.

Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared.

The votes shall not be counted unless both Houses agree when there are two sets of returns, and unless all the votes are counted the joint meeting shall not dissolve nor shall the result be declared! There you are. Suppose you had a heated discussion for a week or ten days, the two Houses refuse to agree and there is no way of declaring the result, and there is nothing pointed out as to what is to be done next, and in that state of things it seems to me you have legislated yourselves into war.

I am not here to defend the twenty-second joint rule. I have seen the operation of it, and I think it very dangerous, and believe that both Houses will consent at this session or any other to get rid of that. Under that it is in the power of either House to exclude the vote of a State; but that being done, which is a great injustice, it does not further provide that the result shall not be declared or the joint meeting dissolved. It does not leave you in a state of anarchy. Under it a great outrage might be committed by the action of either House excluding States entitled to cast their votes; but there is no prohibition against declaring the result and having a President so that we can have law and order. I think this bill is a good deal worse than the twenty-second joint rule.

Mr. MORTON. What is the provision the Senator refers to?

Mr. STEWART. "Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared."

Mr. MORTON. Does the Senator know that it provides, as the twenty-second rule does, for taking a recess?

Mr. STEWART. It does provide for taking plenty of recesses. I understand that and that is one trouble. It provides for recesses, for time, for deliberation, for discussion, for organization, for treason, and for overthrowing the Government; but it does not provide for declaring anybody President. You have your recess and you get apart and the two Houses disagree and nobody has authority under this bill to come together and declare the result; no result is declared, and we have no President. Every day faction will be strengthening if the two Houses should disagree and no chance of a result. Under the twenty-second joint rule they might arbitrarily rule out a State, but when they came together they would be bound to declare a result.

Mr. MORTON. The terms are the same precisely in the first section as in the rule on that point.

Mr. STEWART. In the first section it is provided that they shall declare the result when the votes are counted, but in the second section there is a contingency in which the votes cannot be counted. You say if the two Houses do not agree the vote shall not be counted, and then you say in the last section the result shall not be declared unless all the votes are counted.

Mr. MORTON. There is no such provision there that the result shall not be declared.

Mr. STEWART. I will read it again:

Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared.

Mr. MORTON. Exactly.

Mr. STEWART. You cannot declare the result until you count all the votes, and you have provided a contingency in which all the votes shall not be counted. You say that where there are duplicate returns and the two Houses disagree the vote shall not be counted at all. Then you say that the joint meeting shall not be dissolved until they are counted. I think we had better leave it under the Constitution. I think that is better than to have this legislation on the subject.

The President of the Senate, in the presence of the Senate and the House of Representatives, shall open all the certificates, and the votes shall then be counted.

And for a great number of years they were counted.

Mr. LOGAN. What votes does it mean?

Mr. STEWART. It means the votes that are there.

Mr. LOGAN. Does it mean all the votes or part of the votes?

Mr. STEWART. It does not provide affirmatively for anarchy, and I would rather leave it to the good sense and patriotism of the two Houses there together to work out a good result and in the hands of a firm Vice-President to declare some result and keep us out of anarchy; I would rather the Vice-President would take it by the strong hand and declare the result and give us a President, than trust to a law that legislates us into anarchy. It is not clear to me but that the Vice-President after he has counted the votes and found a majority would have a right to declare the result; he would have a show of authority; and somebody would be President. I would rather leave it just where the Constitution leaves it, and when a result is reached let the Vice-President declare that somebody is President. I think there is less danger in that than in providing for all sorts of frivolous objections and then providing one contingency when anarchy is inevitable.

I am aware of the good faith of the author of this bill; I am aware of the labor bestowed on this bill; but I am also aware of the intrinsic difficulty of the case. It is all idle to talk about getting up any other tribunal. I do not believe your courts would last an hour after they had this function to perform. It is too big a function to turn over to any other tribunal than Congress. It is too great a question for any tribunal to be organized to decide. No tribunal could exist a day in this Republic that was organized to try this question, and the more you legislate to patch this up the worse you will be off in my opinion. The founders of the Republic would have used some language and pointed out some ways of doing this thing if it had seemed safe, but they said that when the two Houses were assembled the votes should be counted and the result declared.

I think the sensible thing is to repeal the twenty-second joint rule. I do not believe this bill will be passed when it is reflected upon. I do not believe it is wise to pass it. I want to say here that I believe more evil results will grow out of this than out of the present rule. This bill provides for a great many contingencies—provides for one of the worst features of the rule, frequent separations, giving opportunity for arrangements and organizations; and those who have seen such things know the evil results of them and the danger of a disagreement between the two Houses, when the disagreement must bring them right against a position where there is no law to execute itself and where it is easy for a party to say, "We will not go any further; we will not count any votes." Again:

And that return from such State shall be counted which the two Houses acting separately shall decide to be the true and lawful return.

But suppose the two Houses do not agree, then that return cannot be counted. They must agree affirmatively before it can be counted. Then I submit that there is a disagreement upon a vital point.

Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared.

Suppose you have a division of opinion as to a vote; suppose now that from the State of Illinois there come up two sets of returns; the two Houses separate. One House decides in favor of one set of returns and the other House upon the other. They meet; that vote cannot be counted. If there is only one return it cannot be excluded without the joint action of the two Houses.

Mr. LOGAN. But one return now can be excluded by one House.

Mr. STEWART. It is not excluded, but you do not count it. Here it says the votes shall all be counted. If it is excluded from the count, then the joint meeting shall not dissolve; it is hung up. There may be various pretexts under this bill to get the two Houses separated and discuss the question of who shall be President, and after heated discussion two or three weeks you will find you have a great deal more difficulty than there would be if you declared the result at once before there could be organizations. This invites them. I do not want any rules except those that have stood since the foundation of the Government. The twenty-second joint rule has nearly destroyed us already. All see the folly of that practice. Let the Vice-President declare the result. That is the safest thing that can be done in my opinion.

Mr. EATON. May I ask the Clerk to report the second section. It seems to me that it is inconsistent with other parts of the bill.

The PRESIDING OFFICER. The section will be read as amended.

The Secretary read as follows:

SEC. 2. That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return only from such State shall be counted which the two Houses acting separately shall each decide to be the true and valid return.

Mr. EATON. Now, I desire to suggest that the first section of the bill provides—

If, upon the reading of any such certificate by the tellers, any question shall arise in regard to counting the votes therein certified, the same having been stated by the Presiding Officer, the Senate shall thereupon withdraw, and said question shall be submitted to the body for its decision; and the Speaker of the House of Representatives shall, in like manner, submit said question to the House of Representatives for its decision; and no electoral vote or votes from any State, to the counting of which objections have been made, shall be rejected except by the affirmative vote of the two Houses.

Now the second section is that—

All such returns shall be opened by him [the Vice-President] in the presence of the two Houses when assembled to count the votes; and that return only from such State shall be counted which the two Houses, acting separately, shall each decide to be the true and valid return.

I ask the honorable Senator from Indiana if there may not be some inconsistency here? It strikes me that there may be. Let me suppose that the condition of the country just after the next presidential election should be as it is now and has been for years past, though I hope it will not be. A certain return comes up; the seal of the State is upon that return, or a pretended seal of the State, whether stolen or not; it is there. How do you reconcile these two provisions? I take it that men are generally made of the same material. I apprehend that if a return came here that I believed was a fraud, that I had no doubt the seal of the State was fraudulently placed upon, I would vote against the reception of that return, and my friend from Indiana would in the same way vote against the other return, and for some good reason. Our feelings of party might have something to do with our judgment, but we would both endeavor to be honest; I have no doubt about that; but as men think differently to-day with regard to the government in Louisiana, one gentleman honestly thinking it to be a fraud and usurpation and another gentleman of equal capacity, of equal honesty, of equal integrity, believing it to be a proper and legitimate government. I suggest that if the condition of the country two years hence should be just what it is to-day, this bill would produce anarchy in this city and you could not carry it out. By honest men I mean men doing what they believe to be just and right, but differing in opinion with regard to the returns that are sent here. I say there is an inconsistency between these two sections, and gentlemen had better be very careful before they pass the bill.

Mr. MORTON. One word in answer to the Senator from Connecticut. The second section is intended to apply to a particular case which has occurred in one of the States of this Union, that is, to a case where there are two sets of returns from the same State sent to the Vice-President. There are two sets of returns in his hands. Somebody must have the power to determine which are the correct returns. Will you give that power to the Vice-President, will you trust it to him alone? Will you give it to one of the Houses independent of the other? You answer "no." Then you give it to both Houses to determine which of the two sets of returns is the correct return. You cannot do anything else under these circumstances. If somebody cannot determine that question, it is not to be determined at all and neither set is to be counted. You would not leave that to the Vice-President, who might be a candidate himself. You would not perhaps trust his judgment. It might be a disputed point. You would not leave it to one House. Therefore you leave it just where you leave the enactment of a law—you leave it to both Houses.

The first section refers to a case where there is only one return from a State. Somebody gets up and makes an objection; it may be a very trivial one. We have known examples of that kind. Now the twenty-second joint rule says that unless both Houses concur in overruling that objection the vote is lost. We say that is not sensible; no State ought to be disfranchised in that way. We say in this bill that unless both Houses agree that the objection is a good one the vote of the State shall be counted.

Mr. THURMAN. Will the Senator allow me to interrupt him?

Mr. MORTON. Yes, sir.

Mr. THURMAN. The inconsistency here is only because these provisions are in two different sections. The first section lays down a general rule; the second section excepts one class of cases from that general rule. If the words "section 2" were stricken out, and the words "provided that" inserted, so as to make the second section precisely what it is, a proviso to the first section, there would be no inconsistency at all. It is the office of a proviso in a statute, as everybody knows, to except some case from the generality of the text of the law. This second section is in fact a proviso. It excepts one class of cases from the operation of the general rule established by the text of the statute.

I suggest to the Senator from Indiana that he can avoid all the trouble on the score of apparent inconsistency by simply amending the bill by striking out the words "section 2," and inserting "provided that."

Mr. MORTON. The bill is not amendable now. At this stage of proceeding I prefer not to amend the bill.

Mr. EDMUNDS. We are now on the passage, though nobody would object if the Senator from Indiana wishes to make that amendment.

Mr. MORTON. It is not an amendment of substance, and I ask to have the vote taken.

Mr. GORDON. I do not want to discuss the bill; I only want to ask the Senator a question that I think is of some importance. If I understand the operation of this bill, if it becomes a law it can increase the electoral vote of States, and may therefore make more votes in the electoral college than the Constitution provides for. Now let us see if that be true. The second section of the bill provides that where there is more than one return from a State both shall be opened; that is, "such returns shall be opened by the Vice-President in the presence of the two Houses." Then the first section provides that neither shall be rejected unless upon the concurrence of both Houses. Now, suppose one be a democratic return and one a republican return, and the Senate in good faith believes that the republican return is the true and valid return, in the language of the second section, and the democratic House believes that the democratic return is the true and valid return, then under the second section of this bill both of these returns must be counted, giving to the electoral college an additional number of votes.

Mr. LOGAN. O, no.

Mr. MORTON. I submit to my friend from Georgia that it is not so.

Mr. GORDON. That occurs to me as the working of the bill, and I want to know whether it is so.

Mr. MORTON. The second section is intended to apply to a case where there are double returns from the same State. In that case somebody has got to decide. We say it shall be left to both Houses. It shall not be left to the President of the Senate to decide a grave question of that kind. It should not be left to one House alone. It should be left to both Houses, and that return—not returns, but that return which the two Houses agree is the valid one shall be counted.

Mr. GORDON. I understand that.

Mr. MORTON. Does my friend think it would be safer if we were to say that only one return should be counted from one State?

Mr. GORDON. Suppose both Houses would not agree upon any one of these returns. My question was based upon the supposition that the Senate should declare one to be the valid return and the House the other the valid return. Now I maintain that under the first section of the bill both must be counted, because neither can be thrown out unless both Houses agree.

Mr. MORTON. My friend has not read the section. The section applying to two returns goes on to say:

And that return only from such State.

The word "only" was put in some time ago, on the suggestion of the Senator from Iowa, [Mr. WRIGHT.]

Mr. GORDON. I had not seen the word "only."

Mr. MORTON. "And that return only from such State shall be counted which the two Houses, each acting separately, shall decide to be the true and valid return."

Mr. GORDON. But suppose they disagree? That is the point.

Mr. MORTON. Then neither is counted. That is the express provision.

Mr. STOCKTON. Mr. President, I cannot at this last moment see the vote taken on this bill with a debate going on among gentlemen so distinguished, which seems to me so entirely away from the real point of issue in reference to the bill, without saying a final word.

When the Senator from Indiana replied to the remarks of the Senator from Connecticut by asking "Where shall we leave the power?" he showed precisely the throes and anxieties of his mind as to where that power should be left. If he was willing to leave that power where the Constitution of his country places it, he would have no anxiety to decide where he should leave it. He can put it nowhere. All he should do with it is to leave it where it was put by the fathers of the country until he can succeed in altering the Constitution which is the fundamental law of the land.

But, Mr. President, the few words I am going to utter were called forth more by a remark made by the Senator from Rhode Island [Mr. SPRAGUE] and some subsequent remarks that were made by the Senator from California, [Mr. HAGER.] I endeavored, feebly indeed, to call the attention of the Senate to the fact that while it was very doubtful whether the twenty-second joint rule was constitutional and very doubtful whether a joint rule passed by these two bodies in separate session could control that joint meeting for another purpose under a constitutional power, yet a bill, which is an act of legislation, attempting to control that, was clearly unconstitutional. But, sir, reaching for a substance I lost sight of an illustration which I got from the Senator from Rhode Island; and in my own behalf and on behalf of the Senator from Connecticut [Mr. EATON] I desire to thank the Senator from Rhode Island for having introduced that point. An act of legislation, this bill requires the signature of the President of the United States. The President of the United States can veto this bill. The President of the United States may be a candidate running for a second or third term, and it may be important to him to settle how these votes shall be counted; and whether he approves of the bill or not finally settles the question. You can make no such law without his approval. Does any gentleman dare rise in his seat and say that the Constitution of the United States has placed it in the power of the President of the United States to say how these votes shall be counted? Make your rule here; let it be decided in joint session or in separate session, each House by itself; do by rule all that is necessary to execute that power which the Constitution of the United States gives you for the purpose of counting the votes; do all that; but dare you say that, without one clause in the Constitution to justify it, the very man who may be a candidate may have the power of approving or disapproving a bill, vetoing or not vetoing a bill preventing the action to be had two years hence in the counting of the votes by the two bodies or by the Vice-President in their presence?

I thank the Senator from California for his illustration and I thank the Senator from Rhode Island for making that point. As I said before, I was grasping at it when I said that no legislative act could control that body; it was not an act of legislation, it was not a law; but for the moment it did not occur to me that it requires the President as well as both Houses of Congress to make a law; and in passing this bill you are proposing to-night to regulate, contrary to the Constitution, the counting of these votes by making the President a power that may veto the rules you make. Gentlemen here discuss whether this thing shall be done in joint session or in separate session, whether it shall reqnire both Houses; but the President of the United States has his voice in that by your bill. He can send you word that

he will approve no bill which puts the thing in this position or that position. He vetoes it. Then you try to pass it by a two-thirds vote over his veto.

The truth is and the honest truth is that the twenty-second joint rule ought never to have been passed. The whole power rested in the joint assembly when it met; and as the Senator from Nevada well said—I cannot quote his words—the power in those simple few words is as plain and express as language can make it, and as the Senator from Connecticut said this afternoon, for seventy-five years we got along very well; there never was any trouble, and I believe that there never will be any trouble in counting the vote unless you undertake to take the power from the place where the Constitution put it.

This is an effort on your part by an act of legislation to change the body, to control it; and do you say to me this is only the manner of the choice? If that be so, the Constitution left the manner of the choice, by not expressing it, to the body where it placed the power of counting the vote. The counting of the vote was put on the body who were told they must count the vote. If it be a manner, if, as I said before, you insist that the manner may be determined by your joint rules and joint regulations made in separate bodies, no man can insist that the President of the United States has anything to do with the manner. Has the President of the United States anything to do with how your tellers are appointed? Do you recollect a little amendment offered this morning by the Senator from Ohio, that there should be two tellers on the part of the Senate? Has the President of the United States anything to do with that? Did the Constitution mean he should have anything to do with it? The President of the United States, if this be proper, had better be there present personally to attend, and instead of the clause of the Constitution being that the Vice-President shall open the votes in the presence of the two Houses, change your law and say the President himself shall be personally present.

I use these illustrations as they occur to me simply in order that before the vote is taken on this bill the point made by my distinguished friend from Rhode Island should not be forgotten or omitted. It is precisely the point, as I said before, that I was trying to reach this morning, and I thank him heartily for having brought it out.

In addition to that my friend from Missouri [Mr. BOGY] suggests to me that the instant the law is passed it becomes the duty of the President on his oath to execute it; and here the man who may be a candidate running has the power of veto in his hand, and is made a party to the making of the very rule of this joint body, and he is the man in command of the Army and Navy sworn on his oath to execute it.

Sir, I say to the Senate with perfect frankness and with perfect candor that I did not know this bill was so bad when I first spoke upon it. I sat here this afternoon a listener. My mind went step by step during the debate, and I found that the bill in my judgment was unconstitutional; and listening to-night to the points that have been made, I say it is much worse than unconstitutional; it is a revolutionary measure, and I do not believe the bill has had proper consideration. I believe that views will enter the minds of gentlemen who have charge of this bill before this debate is over which will make them in their own hearts think differently about it.

I have found in my humble experience in life, not only at the bar, not only in the Senate, not only in deliberative bodies, but at business meetings of all kinds, that there was nothing which would elicit truth so well as the knocking of heads and minds together. The advantage of our free debate in this body, which God forbid ever shall be restricted, is for those of us who come here, as I hope we all do, really and honestly wishing and hoping to do our duty and to vote on bills as our best judgment may guide us. The advantage is that we learn; and although we may not be so well prepared when the debate opens as others, particularly those on the committee and the lawyers of the Senate, yet with reasonable good sense after hearing the arguments we have the advantage of a judge who hears a case argued on both sides. I hope if there are gentlemen in the Senate whose minds have become awakened by this debate to the fact that this question is a much more serious constitutional question and likely to create more trouble than they apprehended, they will pause before they put this bill through to-night.

Mr. SHERMAN. I think Senators have borrowed a great deal of trouble about this matter. I am not acute enough to see the weight of many objections made to this bill. Look at it: the first, second, third, and fourth sections of this bill differ from the twenty-second joint rule only in one or two important particulars. The twenty-second joint rule has this provision:

> And no question shall be decided affirmatively and no vote objected to shall be counted except by the concurrent vote of the two Houses.

On the other hand, this bill provides:

> And no electoral vote or votes from any State, to the counting of which objections have been made, shall be rejected except by the affirmative vote of the two Houses.

There is the gist of the whole matter. The other point of difference between the rule and the bill is this: The rule requires that when the two Houses meet to pass upon a question raised in joint convention, the question shall be decided without debate. The third section of this bill, however, provides for a limited debate.

These are the material differences between the first, second, third, and fourth sections of the bill and the present joint rule. My objection to this bill, if I was going to make it as a reason for voting against it, would be that it is unnecessary, in order to correct the errors in the joint rule, to pass a law; and the only exception that I take to this measure is that it is in the form of a bill instead of a joint rule. It is to be sent now to the President and approved or disapproved by him. It will be very much like the thirteenth amendment, which was sent to Mr. Lincoln. Mr. Lincoln said he did not see that his signature to it would give it any additional force, but still he was very glad to sign the thirteenth amendment. If this bill is sent to the President of the United States, I believe it will be a useless act. It will have all the force of a joint rule, binding upon each House in the ministerial duty of counting the presidential vote, without the signature of the President; but the signature of the President will not make it any the worse, will not take away its binding force, will not change it. It is said the President may veto it. If he vetoes it, there is the end of it; but what is the use of talking about that? There is no difficulty of that sort.

Therefore so far as the gist of the matter is concerned the first, third, and fourth sections of the bill are only a modification of the rule, and we have been spending this whole day in doing what might be done in that way. But as the bill has been presented and the Senator from Indiana with a good deal of force said Senators objected to any form of joint rule, and my colleague I am told concurred in that opinion that it was better to give this change of the rule the form of a law; if in order to satisfy some of our democratic friends it was deemed advisable to put this in the form of a law, it cannot hurt it by that form, it cannot make it any worse and does not make it any better. The signature of the President is not necessary at all to the modification of our rules, but his signature will not hurt. I believe we refused to send the fourteenth amendment to President Johnson because he had nothing to do with it, but we sent the thirteenth amendment to President Lincoln and I believe we sent the fifteenth amendment to President Grant. I am not certain about that, and it is not material.

The only new matter introduced in this bill is in the second section, which provides for the case of a contested election where there are two sets of electors claiming to be electors from a given State. This provides for a case that is not provided for by the joint rule, and it is a case that it is well enough to provide for and I see no objection on that point. It provides that where there are two returns found in their character from a State or from two bodies to be electors, if the two Houses cannot agree which is the proper legitimate return, for that reason the vote shall not be counted. That is all there is of it.

I do not think there is any very great evil to occur from the passage of this bill, excepting that it provides by bill against a contingency, a trouble arising in the mere execution of a ministerial act if the two Houses concur. I regard it as vitally important, because it is utterly impossible in the nature of things to decide a contest which may arise in the count of electoral votes under the present rule. I shall vote for the bill, not that it is in the best form, because I would prefer some modification of the joint rule, but it is in substance an improvement of the joint rule and in two important particulars it is a vital improvement. That is, it prevents either House by its own arbitrary *dictum* from excluding the vote of a State from being counted, and next it allows a reasonable debate.

We all remember the difficulty about Arkansas growing out of the fact that not one word could be said. The objection was made and presented to us, and there was not a single word of debate allowed, under the joint rule, and every Senator went up to the Clerk's desk to pass upon the question whether or not the seal of the secretary of state was attached to the return from Arkansas or the seal of the State. We had no opportunity to explain. Somebody endeavored to say that the State of Arkansas had no seal, but he was hooted down, as I remember, or at least was not allowed to say anything in the way of debate. This bill allows a moderate and reasonable debate, and in that respect it is an improvement on the joint rule. The only material changes are, first, that it allows a short and reasonable debate, and next it changes the rule as to the effect of a disagreement of the two Houses.

Mr. FRELINGHUYSEN. Do I understand the Senator from Ohio to say that this bill will have the force of a law without the signature of the President?

Mr. SHERMAN. No, sir; I say it could have the force of a joint rule without the signature of the President, and as a joint rule it would be just as effective.

Mr. FRELINGHUYSEN. But not in the shape it is now.

Mr. SHERMAN. No. The President of the United States will probably not veto it, and the only danger my friend seeks to guard against is that possibly the President will veto it.

Mr. FRELINGHUYSEN. I understood the Senator to say that it would have force without being submitted to the President for his signature. That certainly cannot be.

Mr. SHERMAN. Not in the form of a bill.

Mr. FRELINGHUYSEN. The true answer to the suggestion which was made by the Senator from California and repeated by the Senator from New Jersey, my colleague, is that the Constitution provides that Congress may by proper legislation carry out and execute the various provisions of the Constitution. This is doing that.

Mr. SHERMAN. This provision of the Constitution is to be exe

cuted by two bodies of men acting in a ministerial capacity witnessing the counting of the vote, and we can prescribe the rules and mode and manner of doing that business just as we can the mode of coming to an agreement about disagreeing votes on amendments.

Mr. HAGER. I should like to ask one question, and that is whether when we get through with this bill it will be considered a rule or an enactment without the approbation of the President? Ordinarily legislative bodies control their own rules, but in this case we put it beyond our control.

Mr. SHERMAN. Not at all.

Mr. HAGER. Certainly; unless the President approves the bill we may pass to repeal this.

Mr. SHERMAN. Not at all. I have no doubt the two Houses can in their own way, in their own manner, on the very day they meet in convention, pass a joint rule prescribing the mode and manner of doing that ministerial duty.

Mr. CONKLING. And thus repeal a law?

Mr. SHERMAN. I have no doubt. This amounts to a modification of the joint rule, just as the two Houses of Congress by a vote of two-thirds can submit a constitutional amendment to the people of the United States whether the President be willing or unwilling.

Mr. CONKLING. But does my honorable friend mean that if we pass a bill in the form of a statute, which becomes a statute by the executive signature and takes its place in the book, we can supersede or repeal that statute in any way except by passing another statute?

Mr. SHERMAN. I do say that in regard to this ministerial duty to be performed by the two Houses that the two Houses at the next Congress can pass a modification of the rule which will abolish and repeal this statute.

Mr. HAGER. Without the President's approval?

Mr. SHERMAN. Yes, sir.

Mr. CONKLING. Then I undertake to say as a lawyer that that is a *cognovit* and admission, clear and distinct, that there is no constitutional power to pass this bill. If there is constitutional power to pass this bill, it becomes a statute, and no joint rule, no concurrent resolution can strike it down. The Constitution says that, and such an attempt would be in the very teeth of it.

Mr. SHERMAN. I do not think there is any ground for that declaration whatever. The Constitution of the United States declares that the two Houses may meet together in joint convention and count the votes.

Mr. EDMUNDS. It does not say that.

Mr. SHERMAN. It does practically, and we have a right to prescribe by our joint rules our own actions. We may put this joint rule in the form of an act, and yet the two Houses, in the execution of that ministerial duty, may adopt any other rule they may see proper. Sir, if we put our joint rule, the whole of it, in the form of law, the Constitution gives to each House the power to make rules for its own government and the power to make joint rules for the government of the two Houses. That is a constitutional power, and this Forty-third Congress cannot deprive the next Congress of the power of making rules for the government of the two Houses or for the government of either House. There the constitutional privilege overrides all your laws.

Sir, the Senate of the United States can make any rule it pleases that affects its mode of proceeding, and no law can affect it, and the next Senate may change it. So with the House of Representatives. The right to make the rules of each legislative body is inherent in every parliamentary body, and is expressly guaranteed to it by the Constitution of the United States; and the right to make joint rules is equally operative.

Mr. EDMUNDS. Where does the Senator find that power in the Constitution?

Mr. SHERMAN. The Senator can look at the Constitution and find that each House may prescribe its own rules.

Mr. EDMUNDS. That I see; but the Senator adds that they have the right to make joint rules.

Mr. SHERMAN. Undoubtedly, the one includes the other. The joint rules of the two Houses are nothing but the concurrent rules of the Senate and House.

Mr. EDMUNDS. What does the Senator say to this clause of the Constitution——

Mr. SHERMAN. I hope my friend will not catechise me now.

Mr. EDMUNDS. Certainly not. I was merely asking a question for information.

Mr. SHERMAN. How is it that we pass a bill? Do we send a joint rule as to our mode of passing a bill to the President of the United States? Not at all. Where does our power exist to make a joint rule? I ask my honorable friend, and he may answer me after while. Is that given by the Constitution?

Mr. EDMUNDS. Does the Senator wish an answer now?

Mr. SHERMAN. No; after while. Well, I will ask the Senator to answer now.

Mr. EDMUNDS. I do not wish to interrupt the Senator now, but if the honorable Senator will state his question I will stand the catechism.

Mr. SHERMAN. I ask where he finds the power of both Houses to make joint rules for their government?

Mr. EDMUNDS. I was asking the Senator that very question. When he answers my question I will answer his.

Mr. SHERMAN. That is as frank as I expected the honorable Senator to be. We do make these joint rules. If we make them without any authority in the Constitution, are they of any binding force upon us?

Mr. EDMUNDS. Will the Senator pardon me if I ask him a question?

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. I asked him in good faith to tell me whereabouts in the Constitution he found the power to enact a joint rule, and he turns around and asks me the same question, and when I ask him to answer me he says I am evading. I do not think that is fair.

Mr. SHERMAN. Well, I will answer the question of the Senator.

Mr. EDMUNDS. I merely wish light about it.

Mr. SHERMAN. The Senator has the Constitution before him. If he will turn to the provision that authorizes each House to make rules for its own government, I will answer him.

Mr. EDMUNDS. I will do that. It is in the second paragraph of the fifth section of the first article:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Mr. SHERMAN. It is under that clause that joint rules are made, because the joint rules are but concurring votes of the two Houses. We have joint rules that have been in existence from the very foundation of the Government. Where is the express provision of the Constitution which authorizes the two Houses to make joint rules? It necessarily flows out of the right of each House to make rules for its own government; and rules for the government of the two Houses may be made by joint vote. There the power rests. The two Houses acting together may go on a certain day named in the Constitution or law to count the vote, and they can make a joint rule to govern their proceeding. That has already been done. That is the constitutional right of the two Houses, and no law can impair it unless it can repeal the Constitution of the United States which gives to each House and the two Houses power to make these rules. This law cannot prevent this exercise of a constitutional power, and there is the answer to my honorable friend from New York.

Mr. EDMUNDS. Are we, then, exercising a constitutional power in passing a law which repeals the constitutional privileges of each House under the clause that has been read?

Mr. SHERMAN. I do not know that it makes any difference whether we put our joint rules in the form of a law or in the form of rules. It does not weaken their force in the least. They are the assent of the two Houses. As I said before, if I had been consulted or if I had undertaken to frame this matter myself, I would have made it simply an amendment to the joint rules, and so suggested to the honorable Senator from Indiana; but he said that there were other Senators——

Mr. MORTON. The Senator from Vermont among others suggested that it had better be in the form of a law.

Mr. EDMUNDS. Certainly; and I stand by that now.

Mr. MORTON. There being two opinions, I rather thought myself it had better be in the form of a law, and accordingly took that course.

Mr. SHERMAN. My honorable colleague and the honorable Senator from Vermont concurred that this had better be in the form of a law. Why? Is it anything but a joint rule? Is it anything but an agreement between the two Houses as to how they shall perform this duty? Their advice was followed, and if the Senator from Indiana has got into trouble, it has been by following their advice. I say that the next Senate and the next House can, if they choose, modify and change this law, if you call it so, though it is nothing but a joint rule. It has not the binding force of a law except as it is the concurrent sense of the two Houses, and may be put in the form of a law. The President's signing it does not weaken it, though it may be a work of supererogation.

Mr. EDMUNDS. May I ask a question? I do not wish to take the Senator's time or ask questions if it is disagreeable to him.

Mr. SHERMAN. Not at all.

Mr. EDMUNDS. I wish to ask the Senator in view of what he is saying what construction he puts on the third clause of the seventh section of the first article:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved, &c.

Mr. SHERMAN. The answer to that has been made a hundred times, that where an act is to be performed by the two bodies, or is to regulate proceedings of the two bodies in the making of laws, or in any duty whatever, it does not require the assent of the President. It is only when you wish to give something more than a mere concurring vote of the two Houses the force of law to bind the people of the United States outside of Congress that the forms of law are required; but to govern the proceedings of the two Houses, acting together or separately, joint rules are amply sufficient.

The PRESIDING OFFICER, (Mr. CARPENTER.) The question is, Shall the bill pass? on which the yeas and nays are ordered.

The Chief Clerk proceeded to call the roll.

Mr. GORDON, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were here he would vote "yea," and I should vote "nay."

Mr. HAMILTON, of Maryland, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. NORWOOD, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. MORRILL.] I should vote "nay," and he would vote "yea" if present.

The roll-call having been concluded, resulted—yeas 28, nays 20; as follows:

YEAS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Conover, Cragin, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Harvey, Hitchcock, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Ramsey, Sargent, Sherman, Spencer, Washburn, West, and Wright—28.

NAYS—Messrs. Bayard, Bogy, Carpenter, Conkling, Cooper, Davis, Dennis, Eaton, Edmunds, Goldthwaite, Hager, Jones, Kelly, Merrimon, Ransom, Saulsbury, Sprague, Stewart, Stockton, and Windom—20.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Maryland, Hamlin, Howe, Ingalls, Johnston, Lewis, McCreery, Morrill of Maine, Norwood, Pratt, Robertson, Schurz, Scott, Stevenson, Thurman, Tipton, and Wadleigh—25.

So the bill was passed.

CIVIL RIGHTS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

The motion was agreed to.

Mr. EDMUNDS. The bill is now taken up and in Committee of the Whole and ready to be read. I have this proposition to make to gentlemen on the other side: that we will adjourn whenever it now suits their convenience, after the matters upon the table are cleared off, and that general debate shall terminate on this bill on Saturday next at two o'clock in the afternoon; any amendments proposed are to be disposed of on a five-minutes debate on each side; then thirty minutes to be allowed to the Senator in charge to close the debate, and then the bill to be finally disposed of without further debate; no other measure to be interposed outside of the morning hour while this bill is under consideration. I ask unanimous consent that there may be an understanding of this character.

Mr. LOGAN. I ask the Senator if in his proposition he means that the five-minutes debate on amendments shall continue after two o'clock on Saturday?

Mr. EDMUNDS. If amendments shall be offered.

Mr. LOGAN. Why not allow amendments to be offered during the time between now and then?

Mr. EDMUNDS. Any amendment may be offered, but it might happen that there would be no opportunity before.

Mr. LOGAN. By a five-minutes debate on amendments we might be kept here a week.

Mr. EDMUNDS. I do not think there is any danger of that.

Mr. LOGAN. I do not like that at all.

Mr. MORTON. I should like to hear the proposition read again.

Mr. EDMUNDS. The proposition that I make and ask unanimous consent for is that the general debate shall terminate on this bill on Saturday next at two o'clock in the afternoon; that any amendments proposed are to be disposed of on five minutes' debate on each side—of course by that I mean amendments moved in good faith, where men talk to the point, no filibustering or amendments of that character; then thirty minutes to close the debate, then the bill to be finally disposed of; and meantime, after the morning hour each day, that the bill shall not be laid aside or pushed out by taking up other measures.

Mr. SHERMAN. Does that contemplate that Saturday shall be occupied in the consideration of this bill?

Mr. EDMUNDS. Until two o'clock and the necessary time afterward.

Mr. SHERMAN. On Saturday I had hoped to bring up for consideration the tax bill. I do not wish to interfere with the civil-rights bill.

Mr. EDMUNDS. It only takes two hours on Saturday.

Mr. LOGAN. But if amendments are offered it may take the rest of the day.

Mr. EDMUNDS. So they may; and I make this proposition knowing perfectly well that the gentlemen on the other side, those who are opposed to this bill, (to say nothing of those who may have something to say in its favor,) have it in their power, without being accused of a design to frustrate the fair wishes of the majority, to talk much longer than from now at quarter of nine o'clock at night, during the sitting of to-morrow from twelve o'clock to such time as we might sit, and then two hours in the next day. Therefore, Mr. President, I make this as a fair and generous proposition, so as to satisfy all sides.

Mr. FRELINGHUYSEN. Let us all agree to it.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to the proposition indicated by him. Is there objection?

Mr. BAYARD. The statement is made by the honorable Senator that the debate upon this measure is to be left to those who oppose this measure to-night, if they please, and to-morrow during the session of the Senate, and that they are not to be cut off by the majority preventing debate upon this bill, so that a night session to-morrow night, lasting as long as the opposition may choose that it be prolonged, may be had on this bill.

Mr. EDMUNDS. And with the understanding that no vote shall be taken.

Mr. BAYARD. Certainly.

Mr. EDMUNDS. And no other measure interposed.

Mr. MORTON. Do I understand that the other side are to have all the time for debate?

Mr. EDMUNDS. I am perfectly willing for one, and I should propose it, that as this bill has been so much discussed if gentlemen on the other side wish for all the time from to-morrow morning until Saturday at two o'clock to speak themselves, they shall have it. If that is not agreeable to other gentlemen they have only to say so.

Mr. PATTERSON. I hope the Senator will not undertake to bind the rest of us to that. Somebody else may want to say something.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent as indicated by him in regard to this bill. Is there objection?

Mr. EDMUNDS. I ought to say that I do not propose that all the time shall be given to the other side.

Mr. BAYARD. No; that was the suggestion of the Senator from Indiana. I merely said that as we know there is a minority and a majority in this Chamber on this subject, the minority ought not to have their time of debate cut short by an adjournment to-morrow.

Mr. EDMUNDS. That I see no objection to.

Mr. BAYARD. We may have a day session, and a night session, and an all-night session to-morrow should our conscience lead us to debate the measure all night.

Mr. SARGENT. That is all right; but the majority should have some time to speak if they desire.

Several SENATORS. That is right.

The PRESIDING OFFICER. Is there objection to the proposition made by the Senator from Vermont, which has been repeated by him and taken down by the reporter?

Mr. SHERMAN. I give notice that after this bill is disposed of I shall call up the tax bill, even if it should be at a late hour on Saturday.

The PRESIDING OFFICER. The Chair hears no objection to that understanding. The Chair calls attention to the proposition made by the Senator from Vermont asking unanimous consent, as indicated by him, in regard to this bill which has been taken down by the reporter. Is there objection? The Chair hears no objection, and unanimous consent is given.

SMITHSONIAN REPORT FOR 1874.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1874 be printed; two thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and seventy-five hundred for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

Mr. RAMSEY. I move an executive session.

Mr. FLANAGAN. I move an adjournment.

Mr. RAMSEY. Let us have an executive session for a minute.

The PRESIDING OFFICER. It is moved that the Senate adjourn.

The motion was agreed to; and (at eight o'clock and forty-five minutes p. m.) the Senate adjourned.

IN SENATE.

FRIDAY, *February* 26, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting, in obedience to law, the report of the inspector of national cemeteries for the year 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate the report of the Secretary of War, transmitting, in compliance with a Senate resolution of February 23, 1875, a report of the expedition to the Black Hills under command of Brevet Major-General George A. Custer; which was ordered to lie on the table and be printed.

DESERT LANDS IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the bill (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California; which was read twice by its title.

Mr. HAGER. I ask for the passage of that bill now. It has the approval of the Department and it has the approval of the Committee on Public Lands. I ask that it shall be passed. The object is to reclaim desert lands.

Mr. INGALLS. I hope the bill will be first read for information.

The VICE-PRESIDENT. The Senator from California asks unanimous consent to consider the bill at the present time.

Mr. BAYARD. What is the unanimous consent for? Will the Chair state the question?

The VICE-PRESIDENT. The bill will be read for information.

The Senator from California asks that the bill from the House of Representatives for the sale of desert lands in Lassen County, California, be considered at this time. The bill will be read for the information of the Senate.

The bill was read. It provides that it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen and who has filed his declaration or intention to become such, to file a declaration with the register and the receiver of the proper land district for the county of Lassen, California, in which any desert land is situated, that he intends to reclaim a tract of desert land situated in that county not exceeding one section, by conducting water upon the same, so as to reclaim all of said land within the period of two years thereafter. The declaration shall be under oath, and shall describe particularly the section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey; which declaration shall be supported by the affidavit of at least two credible witnesses, establishing to the satisfaction of the register or receiver the fact that the lands are of a character described. At any time within the period of two years after filing this declaration, and upon making satisfactory proof of the reclamation of the tract of land before the register and the receiver, such person shall be entitled to enter or locate the reclaimed section, or any part thereof, in the same manner as in cases where public lands of the United States are subject to entry, at a price not exceeding $1.25 per acre, and shall receive a patent therefor. All lands within the county of Lassen, exclusive of timber lands and mineral lands, which do not produce grass or which will not without such reclamation produce some agricultural crop, are to be deemed desert lands.

Mr. SCOTT. That bill, as read, authorizes the location of land without a survey, which would interfere with the general system of locating Government lands, and I think it ought to be sent to the Committee on Public Lands before we act upon it.

Mr. HAGER. It has been, and the committee are in favor of it.

Mr. SCOTT. It has not been before the Committee on Public Lands of this body, although it may have been before the Committee on Public Lands of the House.

Mr. HAGER. The chairman of the committee [Mr. SPRAGUE] last night rose and moved to take up the bill with a view of passing it, but the Senator from Vermont [Mr. EDMUNDS] said he would like it to lie over until this morning so that he might have an opportunity to examine it. It has the approval of the Committee on Public Lands. This is a House bill, and I call it up as the chairman of the committee is not here. The purpose is to make an attempt to reclaim the alkali lands. As we all know, on this side of the Sierra Nevada, they are not now worth the survey, and the Government will not pay for the survey. The Senator from Oregon [Mr. KELLY] is on the Committee on Public Lands, and he can explain the bill to the Senate. As I have said, it has the approval of that committee. It is an experiment and these parties pay the Government price for the lands, but the Government will not survey the lands because they are not worth it.

The VICE-PRESIDENT. It requires unanimous consent to consider the bill at this time. Is consent granted? The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SCOTT. I rise now for a general purpose. I do not wish to object to any Senator's bill; but, as I am interested in having the committees called every morning, I wish to say that I shall object in advance to anything but the regular morning business.

PETITIONS AND MEMORIALS.

Mr. STEWART presented a resolution of the Legislature of Nevada, in favor of the restoration of the duty of ten cents per pound on boracic acid; which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of Nevada, instructing the Senators and Representatives from that State to modify the existing treaties with China so as to prevent the importation of Chinese, male and female, under servile contracts; which was referred to the Committee on the Judiciary.

He also presented a concurrent resolution of the Legislature of Nevada, in favor of changing the mail-route already established from Eureka, via Moray, Hot Creek, to Belmont, so as to include Sybo in said route and change the service from weekly to semi-weekly; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAYARD. I present a memorial of E. & A. Betts; George W. Bush, president of the Wilmington Steamship Company; Pusey, Jones, & Co., builders of iron steamships; the Diamond State Iron Company; the Wilmington Board of Trade, and many other merchants and shippers interested in the commerce of Wilmington, Delaware, protesting against the abolition of the present Light-House Board. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. SCOTT presented a memorial of citizens of Pittsburgh, Pennsylvania, remonstrating against the restoration of the duties on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. tariff reduction of 1872; which was referred to the Committee on Finance.

He also presented two petitions of citizens of Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which were referred to the Committee on Railroads.

Mr. MORTON presented three petitions of citizens of the counties of Warrick, Jefferson, and Warren, Indiana, soldiers in the late war, and others, praying for the enactment of a law for the equalization of bounties; which were ordered to lie on the table.

Mr. MERRIMON presented a joint resolution of the Legislature of North Carolina, in favor of a repeal of the tax of 10 per cent. on issues of State banks; which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of North Carolina, in favor of an appropriation for the erection of two light-houses on Albemarle Sound; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SHERMAN presented a memorial of citizens of Ohio, remonstrating against the passage of Senate bill No. 1102, to promote the efficiency of the light-house service of the United States, now before the Committee on Commerce, proposing and contemplating radical changes in the administration of the light-house service; which was referred to the Committee on Commerce.

Mr. WRIGHT presented a preamble and resolution, with accompanying letter, of a committee of a citizens' meeting held in Dubuque, Iowa, asking the completion of the Government building in that city and the purchase of additional ground contiguous thereto, as also the donation of certain land for a public park; which was referred to the Committee on Public Buildings and Grounds.

Mr. ALCORN presented the memorial of James M. Lyles, of Newton County, Mississippi, praying for compensation for twelve bales of cotton taken from him by the United States after the close of the war of the rebellion, or that his claim for the same be referred to the Secretary of the Treasury to be adjusted under the act of May 18, 1872, or that it be referred to the United States Court of Claims; which was referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. LOGAN it was

Ordered, That Mrs. Anna Ella Carroll have leave to withdraw her petition and papers from the files of the Senate.

EULOGIES ON SENATOR BUCKINGHAM.

Mr. FERRY, of Connecticut. Mr. President, I desire to give notice to the Senate that to-morrow afternoon at three o'clock, if under the arrangement regarding the civil-rights bill I can then properly do so, I shall ask the indulgence of the Senate to introduce resolutions and make some remarks upon them commemorative of the life and services of my late colleague, Governor BUCKINGHAM, and if at three o'clock the state of business should not be such as to make it consistent, at four o'clock at the latest. I have conferred with the committees having the next business in charge in relation to this notice that I am now giving, and I give the notice in this way because, having been ill and unable to be present in the Chamber I have not been able to confer individually with Senators.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government, to report it without amendment. I will state that the committee on this bill are equally divided, but I am directed to report it, and I shall ask the consideration of it as soon as the civil-rights bill may be disposed of.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4757) granting a pension to Freemorton Young, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4772) granting a pension to Richard G. Mobley, reported it without amendment.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (S. No. 1304) to secure depositors in the Freedman's Savings and Trust Company from ultimate loss, reported adversely thereon; and it was postponed indefinitely.

He also from the Committee on Claims, to whom was referred the bill (H. R. No. 4434) giving certain authority to the accounting officers of the Treasury in the case of John L. Smith, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1259) to authorize the appointment of Walton Cable as master in the Navy on the retired list, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BAYARD, from the Committee on Finance, to whom was re-

ferred the bill (S. No. 1237) to amend section No. 3342 of the Revised Statutes of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan, reported it with amendments.

Mr. HOWE. The Committee on the Library, to whom was referred the petition of Charles Lanman, asking compensation for an alleged infringement of copyright, have instructed me to report it back. The petitioner has recently asked permission to withdraw his papers in the case. The committee do not see any objection to his doing that, but inasmuch as the claim is based upon an alleged infringement growing out of a publication made under an order of the Senate, which is the Congressional Directory, the Committee thought it worth while to place on file their opinion of the groundlessness of the claim, and therefore report that the claim is unfounded; but we recommend that he have leave to withdraw his papers.

The VICE-PRESIDENT. If there be no objection, that order will be made.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1332) for the relief of Mrs. Eliza Potter, reported it without amendment.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1282) to change the place of holding the district and circuit courts of the United States for the district of Nevada, reported it without amendment.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 576) to provide for deductions from the terms of sentence of United States prisoners, and for other purposes, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners, reported it with an amendment.

He also, from the same committee, who were instructed by a resolution of the Senate to inquire into the state of the law respecting the discharge from prisons of persons committed thereto by the courts of the United States, and into the expediency of providing for furnishing to such persons the means of temporary subsistence, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, to whom was referred the petition of D. F. Hayes, praying payment for certain cotton captured by the United States gun-boat Kittatinny near Velasco, Texas, on the 27th day of September, 1862, from the schooner Emma, bound for Kingston, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. CONKLING. The same committee, to which was referred a petition praying for the enactment of a law giving precedence in suits in the courts of the United States for alleged wrongs by seamen against any officer of any vessel, have directed me to ask to be discharged from its further consideration. In making this report I wish to say that the committee do not intend to pass upon the merits of the supplication of this petition now, but there is no time to consider it, and that reason, among others, the committee make this report.

The committee was discharged from the further consideration of the petition.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," reported it without amendment.

BILLS INTRODUCED.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1355) to amend an act fixing the rank of professors of mathematics in the United States Navy, approved May 31, 1872; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1356) to amend the acts of Congress in relation to agricultural colleges so as to extend the time in which the State of Florida may comply with the requirements of the said acts of Congress; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. ALCORN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1357) to provide for the appointment of an official stenographer in each of the district and circuit courts of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LOGAN. I wish to ask the indulgence of the Senate. When the Committee on Military Affairs was called after the agreement that each committee should have an hour, it was within fifteen minutes of the expiration of the time, and therefore I ask the consent of the Senate this morning to give me a few minutes in order to allow me to take up the bounty bill.

Mr. LEWIS. Will the Senator give way to me for a moment to pass a bill which he knows all about, House bill No. 4727, to pay Mr. Wright for sweeping the streets? I do not think it will lead to any debate; I think the matter is understood by all.

Mr. LOGAN. I am in favor of that bill, and if the Senate will allow me to place the bounty bill before the Senate I can then dispose of the time for a few minutes perhaps. It is very desirable that the bill commonly known as the bill equalizing the bounties of soldiers should be acted upon by the Senate at some time. I do not think it will take more than a few minutes to pass it. The bill is so shaped that Senators will understand it when they hear it read. It deducts the bounties that have been given by the States, so that it will reduce the amount of money to a very small sum. I do not think that if the Senate will hear the bill read there will be any objection to it on either side of the Chamber. I will not take up the time of the Senate if the bill comes up in any discussion unless discussion is provoked. Any questions that may be asked I will answer, and I think I can demonstrate to the Senate in five minutes that it is not a bill of the character which has been denominated, which will be so expensive to the Government. I should be glad to have the bill taken up and let the Senate vote on it; and if they vote it down, that will be the end of it. I will not trouble the Senate with a speech of any length. There are, you must remember, some two hundred or three hundred thousand soldiers in this country interested in this bill, and they have been asking for two or three years that we take action upon it, and I want the Senate to take action upon it, let it be what it may. I should be very glad if the Senate would let the bill be taken up and acted upon at this time.

Mr. SHERMAN. According to my understanding it was distinctly agreed that the morning hour should be devoted to a particular committee after the formal morning business. Supposing the Committee on Finance in the second call would be reached to-day, I have been preparing and am prepared to offer business after the morning business is closed. The Committee on Military Affairs will probably be reached in the second call if we only stand by the rule.

Mr. LOGAN. I will stand by the rule, but I want to say to the Senator this: the Committee on Military Affairs has been passed over——

Mr. SHERMAN. No; we are coming to the second call now.

Mr. LOGAN. The hour that was allowed to the Military Committee was taken up by the business of another committee, and the Military Committee did not get its hour.

Mr. SHERMAN. But we have the second call of committees now.

Mr. LOGAN. If I was sure we could have the second call, that of course would make a difference. If the Senate will agree that this bill shall be considered at some time, it makes no difference to me when, before the adjournment—it will not take over an hour—I shall have no objection; but I do want it considered, at least a few minutes devoted to it at some time during this session.

The VICE-PRESIDENT. The Senator from Illinois asks consent to take up the bill named. Is there objection?

Mr. SHERMAN. I must insist upon my right to the floor if the Committee on Finance is called.

The VICE-PRESIDENT. Objection is made, and the introduction of bills is still in order.

Mr. LEWIS. I have no bill to introduce, but I wish merely to take up the bill to which I referred. If there are no other bills to be introduced I ask the Senate to indulge me in this.

The VICE-PRESIDENT. According to the order of the Senate the Chair must call the committees.

Mr. SHERMAN. Let us keep on under the rule.

Mr. LEWIS. This will take but a few minutes, and it is simply an act of justice to a poor man. I hope the Senate will indulge me in this, as I have not been troublesome to the Senate heretofore and certainly will not be any trouble much longer.

Mr. SHERMAN. If I have the right I will insist on following the order. I think the Committee on Finance can dispose of a dozen bills if it is called now.

Mr. LEWIS. Have I the right to move to suspend the business of a committee and take up this bill?

The VICE-PRESIDENT. That question has been raised several times, and it seems to be the judgment of the Senate that a member has not the right; that the order is peremptory. The Chair will call on the Select Committee on the Levees of the Mississippi River as the committee next in order.

Mr. ALCORN. We have nothing to present this morning.

The VICE-PRESIDENT. The Committee on Privileges and Elections is entitled to the remainder of the morning hour. [A pause.] The Committee on Foreign Relations. [A pause.] The Committee on Finance.

Mr. SHERMAN. Mr. President——

Mr. HOWE. Mr. President, does the Committee on Finance come before the Committee on Foreign Relations?

Mr. SHERMAN. The Committee on Foreign Relations was called.

Mr. HOWE. When?

Mr. SHERMAN. Just now.

The VICE-PRESIDENT. The Committee on Foreign Relations was called and no response made, but perhaps it is not too late to make it yet.

Mr. HOWE. If it is not too late I would like to respond for the

committee long enough to ask the consideration of the Senate to a bill for the relief of Joseph H. Colton, reported by the committee some two or three weeks ago. It is on the Calendar.

Mr. SPRAGUE. I have a bill ready from the Committee on Public Lands that I would like to pass while that is being found.

Mr. SHERMAN. Certainly I have no objection to the call of business from the Committee on Foreign Relations.

Mr. HOWE. I would like to have this bill acted on.

Mr. SHERMAN. I want to pass three or four bills of some importance from the Committee on Finance to which there will be no objection.

Mr. HOWE. There will not be any objection to this.

The VICE-PRESIDENT. Can the Senator describe the bill so that the Secretary can find it?

Mr. HOWE. It is a bill for the relief of Joseph H. Colton.

JOSEPH H. COLTON.

The bill (S. No. 1156) for the relief of Joseph H. Colton was read the second time, and considered as in Committee of the Whole. It is a request to the President of the United States to call upon the government of Bolivia to make payment of the money admitted by itself to be due, with interest thereon, according to the decree of the government of Bolivia of February 1, 1872, to Joseph H. Colton, for maps engraved for that government under a contract made in 1858.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. Has the Committee on Foreign Relations other business to present?

Mr. SHERMAN. If the Committee on Foreign Relations is through I will go on with the business of the Committee on Finance.

The VICE-PRESIDENT. The Committee on Finance is the next in order.

REFUNDING OF CUSTOMS DUTIES.

Mr. SHERMAN. I call up for consideration House bill No. 2073.

The bill (H. R. No. 2073) restricting the refunding of customs duties, and prescribing certain regulations of the Treasury Department, was considered as in Committee of the Whole.

The Committee on Finance proposed to strike out all after the enacting clause and insert:

That no moneys collected as duties on imports, in accordance with any decision, ruling, or direction previously made or given by the Secretary of the Treasury, shall, except as hereinafter provided, be refunded or repaid, unless in accordance with the judgment of a circuit or district court of the United States giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States; or unless in pursuance of a special appropriation for the particular refund or repayment to be made: *Provided*, That whenever the Secretary shall be of opinion that such duties have been assessed and collected under an erroneous view of the facts in the case, he may authorize a re-examination and reliquidation in such case, and make such refund in accordance with existing laws as the facts so ascertained shall, in his opinion, justify; but no such reliquidation shall be allowed unless protest and appeal shall have been made as required by law: *Provided further*, That the restrictive provisions of this act shall not apply to such personal and household effects and other articles, not merchandise, as are by law exempt from duty: *And provided also*, That this act shall not affect the refund of excess of deposits based on estimated duties nor prevent the correction of errors in liquidation, whether for or against the Government, arising solely upon errors of fact discovered within one year from the date of payment, and, when in favor of the Government, brought to the notice of the collector within ten days from the date of discovery.

SEC. 2. That no ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney-General recommending the same, or a judicial decision of a circuit or district court of the United States conflicting with such ruling or decision, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States: *Provided*, That the Secretary of the Treasury may, in his discretion, decline to acquiesce in the judgment, decision, or ruling of an inferior court upon any question affecting the interests of the United States, when, in his opinion, such interests require a final adjudication of such question by the court of last resort.

SEC. 3. That the Secretary of the Treasury shall have power to make such regulations, not inconsistent with law, as may be necessary to carry this act into effect.

SEC. 4. That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

Mr. BOUTWELL. I should like to suggest to the chairman of the Committee on Finance whether in that provision of the first section authorizing refunds in case the Attorney-General does not choose to appeal, there should not be provision by which the judgment of the Secretary of the Treasury should be taken upon the question of appeal as well. My belief is—and I speak not of the Secretary of the Treasury—that there is always in the Treasury Department more knowledge both of the facts and of the law on which an opinion can be safely formed as to whether an appeal should be taken, than there is in the Department of Justice.

Mr. SHERMAN. I think the provision of the substitute is sufficient upon that point that the Secretary of the Treasury is not bound to refund unless an appeal is taken to the highest court. I will state that this amendment as it now stands has the hearty approval of the Treasury Department and meets difficulties that were not met by the House bill.

Mr. BOUTWELL. As I understood the section from the reading—I have not seen it—the Treasury Department would be bound to make refunds whatever its own opinion might be if the Attorney-General should not see fit to take an appeal from a district or circuit court in which judgment had been rendered against the Government.

Mr. SHERMAN. I think it is exactly the reverse, that he is not bound to make the refund in case the Attorney-General does not appeal.

Mr. BOUTWELL. The Attorney-General may be of the opinion that there ought not to be an appeal, and the Secretary of the Treasury may think there ought to be an appeal.

Mr. SHERMAN. I think in that case the Secretary of the Treasury is not bound by the decision of the Attorney-General or by his neglect to appeal. Let the Senator look at the language and suggest any amendment.

Mr. BOUTWELL. I think the Secretary of the Treasury should have authority to direct an appeal to be taken, whatever the opinion of the Attorney-General might be.

Mr. SCOTT. If the Senator will read it he will see that he has.

Mr. BOUTWELL. If that is in, I do not object.

Mr. SHERMAN. I will go on with the next bill, this being laid aside informally.

The VICE-PRESIDENT. The bill will be laid aside for the time being.

F. V. HAYDEN.

Mr. SHERMAN. I move to take up the bill for the relief of F. V. Hayden.

The bill (S. No. 1185) for the relief of F. V. Hayden was considered as in Committee of the Whole. It is a direction to the proper accounting officers, in settling and adjusting the accounts of F. V. Hayden, geologist in charge of the survey of the Territories, to credit him with $3,825, on account of loss of that amount in 1872 by highway robbery committed on his clerk while traveling on a stage-coach between Virginia City, Montana, and Fort Hall, Idaho, bearing that sum of money from one division of the survey to the other; the amount having been lost without any fault or neglect of Hayden or his clerk.

The Committee on Finance proposed an amendment in line 6, to strike "$4,000" and insert "$3,825."

The amendment was agreed to.

Mr. HITCHCOCK. If there is a report in that case I should like to hear it.

Mr. SHERMAN. I will state the case in a moment. The Senator from Delaware [Mr. BAYARD] reported the bill. This is a case of highway robbery. A portion of the money intrusted to Mr. Hayden to pay his expenses was sent, according to the necessities of his operations, from Virginia City to some point in Montana, and on the way, a long journey in a stage, the stage was overhauled by robbers, and this money taken from the clerk, thirty-eight hundred and some odd dollars. The proof is conclusive; the papers contain the affidavit of the clerk who had charge of the money, and of one or two passengers who were in the stage, and we came to the conclusion that it was a clear case of loss by highway robbery.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUNDING OF CUSTOM DUTIES.

Mr. SHERMAN. I call up the bill which was laid over at the suggestion of the Senator from Massachusetts. I understand he thinks it is not necessary to suggest an amendment.

The VICE-PRESIDENT. The bill (H. R. No. 2073) restricting the refunding of custom duties and prescribing certain regulations of the Treasury Department is before the Senate as in Committee of the Whole, and the question is on the amendment reported by the Committee on Finance.

Mr. BOUTWELL. There still remains this point of difficulty: that if the Attorney-General does not take an appeal, as the bill now stands, the Secretary of the Treasury may refuse to make the refunds which would be required by the action of the Attorney-General. It would place the Secretary of the Treasury in a very awkward position, with the opinion of the Attorney-General on the one side and harassed by the claims of importers on the other. I would suggest the addition to the proviso of these words:

And in all cases when the Secretary of the Treasury shall so request, the Attorney-General shall take an appeal to the Supreme Court.

Mr. SHERMAN. I do not see any objection to that.

Mr. BOUTWELL. If that could be added to the proviso of the first section, it would do.

The amendment to the amendment was agreed to.

The amendment of the Committee on Finance, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BOARD OF AUDIT.

Mr. SHERMAN. I ask for the consideration of Senate bill No. 1240.

The bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board was considered as in Committee of the Whole. It provides that the board

of audit constituted by the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, may receive, audit, and allow just claims against the District of the first and second classes mentioned in the sixth section of that act, and claims for refunding sewer-taxes, notwithstanding the limit of time for presentation contained in that act and in the joint resolution to continue the board of audit, approved December 21, 1874.

The Committee on Finance reported the bill with an amendment, which was to insert at the end of the bill the following proviso:

Provided, That such claims shall be presented prior to the 1st day of July next.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

The message also announced that the House had passed the following bills:

A bill (S. No. 455) for the relief of William M. Kimball;

A bill (S. No. 459) for the relief of William J. Patton; and

A bill (S. No. 674) to relieve C. D. Anderson of his political disabilities.

The message further announced that the House had passed a bill (H. R. No. 4842) for the relief of J. C. McBurney, in which it requested the concurrence of the Senate.

FREEDMAN'S SAVINGS COMPANY.

Mr. SHERMAN. I call up Senate bill No. 1349.

The bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, and read the third time.

Mr. OGLESBY. I ask the Senator from Ohio, as we heard the bill read with some difficulty here, whether, in providing for one special commissioner in place of the three now in office, and directing that commissioner, if necessary, to employ some attorney, the bill provides that the commissioner's compensation, the attorney's compensation, if employed, shall come out of the assets of the bank?

Mr. SHERMAN. Yes, sir. The bill reduces considerably the cost of winding up this bank, and fixes the maximum compensation of the one commissioner to $5,000, and the attorney also cannot have more than $5,000.

Mr. OGLESBY. And their compensation comes out of the assets of the institution, and not out of the Treasury?

Mr. SHERMAN. Certainly.

The bill was passed.

STAMPS ON BEER CASKS.

Mr. SHERMAN. I now call up the bill reported this morning by the Senator from Delaware, [Mr. BAYARD,] about beer barrels. I do not know the number of it.

The bill (S. No. 1237) to amend section numbered 3342 of the Revised Statutes of the United States was considered as in Committee of the Whole. It amends the section referred to so as to read:

That every brewer shall obtain from the collector of the district in which his brewery or brewery warehouse is situated, and not otherwise, unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix upon the spigot-hole in the head of every hogshead, barrel, keg, or other receptacle in which any fermented liquor is contained, when sold or removed from such brewery or warehouse, (except in case of removal under permit, as hereinafter provided,) a stamp denoting the amount of the tax required upon such fermented liquor, which stamp shall be destroyed by driving through the same the faucet through which the liquor is to be withdrawn, or an air-faucet of equal size, at the time the vessel is tapped, in case the vessel is tapped through the other spigot-hole, (of which there shall be but two, one in the head and one in the side,) and shall also, at the time of affixing such stamp, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled. Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or knowingly permits the same to be done, shall pay a penalty of $100 for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill in relation to affixing stamps on brewers' casks."

HOUSE BILLS REFERRED.

The bill (H. R. No. 4842) for the relief of J. C. McBurney was read twice by its title and referred to the Committee on Claims.

CIVIL RIGHTS.

The VICE-PRESIDENT. The morning hour having expired, the Chair calls up the unfinished business of yesterday, being House bill No. 796,

Mr. SPRAGUE. Pending the reading of the civil-rights bill I ask unanimous consent to be permitted to call up and have passed a bill from the Committee on Public Lands granting the right of way to a railroad. It is a short bill.

Mr. EDMUNDS. The regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Vermont insists upon the regular order.

Mr. SPRAGUE. I desire to appeal to the Senator from Vermont.

Mr. EDMUNDS. I cannot listen, because the understanding was that nothing should intervene pending this bill.

The VICE-PRESIDENT. The bill is before the Senate, and will be read.

The bill was read.

Mr. THURMAN. In section 4, line 4, I move to strike out the words "or of any State." That section is the section in regard to juries.

EXECUTION LAW OF DAKOTA.

Mr. WRIGHT. I suppose I may be allowed to make a report.

The VICE-PRESIDENT. The Chair will receive the report, if there be no objection.

Mr. WRIGHT. I ask leave to make a statement of about two minutes before I make a report from the Committee on the Judiciary.

In the Territory of Dakota there are two laws upon the statute-books exempting a homestead and a certain amount of personal property from liability under execution. At the session of the Legislature in Dakota just adjourned they passed a law upon the subject of the homestead, and by the twentieth section thereof they repealed all laws which exempted personal property from execution. By a letter in my hands from the governor of the Territory and also other evidence before the committee, it appears that that was a mistake in repealing all laws by this twentieth section exempting personal property from execution. The House of Representatives has passed a bill declaring the twentieth section of that act inoperative.

It was before the Committee on the Judiciary this morning, and I am instructed to report the bill back and ask its passage. Unless something of the kind is done in that Territory now, so severely scourged by the grasshoppers last summer and otherwise, every particle of property is subject to execution. I report the bill back and ask that it be put on its passage.

There being no objection, the bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance," was considered as in Committee of the Whole. It provides that the twentieth section of the act named in the title shall not be construed as an absolute repeal of chapter 37 of the laws of Dakota, approved May 12, 1862, but only as repealing so much of chapter 37 as is inconsistent with the first-named act, and that no other effect shall be given to the twentieth section.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WRIGHT. The Committee on the Judiciary, to whom was referred the bill (S. No. 1337) to disapprove section 20 of the act of the territorial Legislature of the Territory of Dakota entitled "An act making the conveyance of homesteads not valid unless the wife joins in the said conveyance," approved January 14, 1875, ask that the bill be postponed indefinitely, the bill just passed superseding it.

The bill was postponed indefinitely.

PUYALLUP VALLEY COAL COMPANY.

Mr. SPRAGUE. I ask unanimous consent to take up Senate bill S. No. 1083.

No objection being made, the bill (S. No. 1083) granting the right of way for a railroad and telegraph line to the Puyallup Valley Coal Company, and for other purposes, was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments.

The first amendment was in line 6, section 1, after the word "Territory" to insert "not occupied under the pre-emption or homestead laws nor reserved for sale;" so as to make the clause read:

That there is hereby granted to the Puyallup Valley Coal Company, a corporation formed under and by virtue of the laws of the State of Oregon, the right of way over the public domain of the United States in Washington Territory, not occupied under the pre-emption or homestead laws nor reserved for sale, from such coal mine or mines in said Territory as said corporation may now or hereafter own or occupy.

The amendment was agreed to.

The next amendment was in line 17, section 1, to strike out the word "two" and insert "one;" in line 20 to strike out the words "obtaining water and conducting water to the stations;" in line 21 after the word "wharves" to insert the words "but in no case exceeding two hundred feet in width;" so as to read:

Such right of way to be sufficient for constructing, operating, and protecting such railroads and telegraph lines, not exceeding one hundred feet in width, except where a greater width is required to give room for bridge-foundations, cuts, and embankments, or for water-stations, or for depots, turn-outs, sidings, and wharves, but in no case exceeding two hundred feet in width.

The amendment was agreed to.

The next amendment was after line 22 to strike out the following words:

And in such cases no greater quantity of land is to be appropriated against the consent of the owner than is required for the safe construction and convenient use of said road and the accommodation of its business.

And in lieu thereof to insert:

And the condemnation for such appropriation shall be in conformity to the laws of said Territory.

Mr. PRATT. That amendment should not be concurred in. The bill was committed to me for examination and report and there is a mistake in presenting that amendment. I hope the amendment will not be agreed to.

Mr. BOUTWELL. I am not sure that this bill is right in itself; but the Senator from Vermont who is not now in his seat [Mr. EDMUNDS] a few moments ago objected to taking up this bill. He is absent for a moment.

Mr. SPRAGUE. Not this bill merely, but to general legislation.

Mr. BOUTWELL. This bill was then proposed and he objected to it and everything else as being a departure from the arrangement entered into last night in regard to the bill that is regularly before the Senate. I have not attended to the business; I do not know how this has happened to get in.

Mr. MITCHELL. I will state to the Senator from Massachusetts that the bill has been taken up already and is now being considered and several amendments have been adopted. I simply desire to state that this amendment is a mistake on the part of the committee, as the Senator from Indiana has said.

Mr. SPRAGUE. That is so.

Mr. MITCHELL. It should not be concurred in.

The amendment was rejected.

Mr. CONKLING. I should like to know what the bill is. Will the Senator in charge of it state what it is or have it read? It seems to be a railroad bill.

Mr. SPRAGUE. It is merely to give the right of way for a railroad in Oregon one hundred feet in width with the right to take material within the grant.

Mr. SHERMAN. No land grant?

Mr. SPRAGUE. No land grant, not an acre.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. FRELINGHUYSEN. I should like to have the bill read.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The bill will be read as amended.

The bill was read.

Mr. EDMUNDS. If I can have the attention of my friend from Delaware, [Mr. BAYARD,] I would like to inquire whether this business offered by unanimous consent is objectionable to the gentlemen on the other side in view of the understanding. If it be, I shall feel it to be my duty of course to insist on the regular order because this takes time, and if my friend from Delaware and his friends think it trenches upon the engagement, I must certainly insist upon the regular order.

Mr. BAYARD. There are very few members on this side in their seats. I believe there was no objection made when this bill was taken up, for want of attention on our part. This bill came in in that way passing over the regular order informally, subject to be called up at any time, and therefore there was no dissent expressed which the Chair asked for at the time. It was not, however, the intention of this side of the Chamber that any business should be interpolated except subject to the regular order being resumed at any instant it should be called for.

Mr. EDMUNDS. Then unless my friend and his friends are satisfied that this order may be disposed of subject to the regular order, I will object now to its further consideration.

Mr. BAYARD. I understand the honorable Senator is entirely correct; but there was some misunderstanding among gentlemen on this side as to the order of their addressing the Senate upon the pending measure.

Mr. SPRAGUE. Let us have this bill passed.

Mr. BAYARD. I understand this bill can be passed in a moment.

Mr. MORTON. I do not want to interfere with the passage of this bill but I wish to make a remark after it is disposed of.

Mr. FRELINGHUYSEN. It seems to me that the bill is a very uncertain and indefinite grant of right of way. It is not from any fixed point to any other fixed point. It is from the mines which this corporation own or which they may hereafter own, and it gives them the right to the wood and everything on this strip of one hundred feet or two hundred feet between two indefinite points, and is a most valuable grant even if the railroad is never built.

Mr. MITCHELL. I will state in answer to the Senator from New Jersey that this company is organized under a general incorporation law of the State of Oregon, and by virtue of the provisions of that law the company is compelled to fix certainly and positively the termini of its road. There can be no question about that. I presume that at the time this bill was presented the company was not organized. Large coal mines have been discovered recently in that Territory. The company has been organized only very recently. Under the general provisions of the incorporation law of Oregon they are compelled to fix the termini. Of course they only take by virtue of the provisions of this bill in view of the line fixed under the provisions of the general corporation law of the State of Oregon.

Mr. FRELINGHUYSEN. I do not understand it so. I understand this bill to give to this company the right to take the public domain, a strip one hundred feet wide, from any mine they now own or from any they may hereafter purchase to the waters of Puget Sound or to any point on the Northern Pacific Railroad. Neither the point of beginning nor the point of ending is fixed at all, and there is nothing in the bill as I understand which requires the company to build the road at all.

Mr. CONKLING. I know nothing of this bill except as I learn now from hearing it read and from looking at it. The feature to which the Senator from New Jersey calls attention strikes me; and there is one other which I think I ought to bring to the notice of the Senate. It is true that the road is to be built "from such coal mine or mines in said Territory as said corporation may now or hereafter own or occupy." Therefore the terminus at one end is entirely afloat. Then it is to be built "to navigable waters on Commencement Bay, or other point or points on the waters of Puget Sound, or Admiralty Inlet, or to some point or points on the Northern Pacific Railroad."

It is a grant of the right of way "together with timber and other material on said right of way," and so on. Without spending a moment upon that, the Senate will see what it means.

The other point to which I want to call attention is this: No time is fixed within which this road must be commenced, none within which it must be completed. As far as I can discover from reading the bill, this grant is to take place to be rendered certain as to location from beginning to end when and not till the grantee chooses to fix it; and when that is done, for all time that I can discover without limitation, there it remains a grant and a railroad may not be commenced during the life of men now living. It seems to me it is a very broad bill in its effects.

Mr. THURMAN. I demand the regular order.

CIVIL RIGHTS.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The Senator from Ohio demands the regular order, which is the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

Mr. LEWIS. I should like to call up House bill No. 2747.

Mr. THURMAN. No; I cannot give way for anything.

Mr. President, the pending question is on the motion submitted by me to strike out of the fourth section of the bill the words "or of any State." Of course no vote is to be taken on the motion until the hour of two o'clock to-morrow, but I have seen fit to make the motion now in order that it may receive that consideration which it cannot receive under a rule limiting debate to five minutes.

Mr. President, the question presented by this amendment to the Senate is whether, apart from any question of policy, it is competent for the Congress of the United States to regulate the qualifications of jurors in a State court. The section as it now stands provides—

That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the causes aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

When this bill was under consideration in the Senate at the last session, or a bill similar to this, I listened in vain for one word showing the constitutionality of that provision. I listened in vain for any word of argument to show that it is in the power of the Congress of the United States to regulate by law who shall be jurors in the State courts. No argument was made within my hearing to maintain any such proposition; but it was very distinctly and clearly demonstrated by you, Mr. President, (Mr. CARPENTER in the chair,) as well as by others, that no such power can be deduced from any provision in the Constitution. No one will pretend that before the adoption of the fourteenth amendment such a provision as this would have been constitutional, and no one will pretend that there is anything in the fourteenth amendment to give the slightest color to such a position unless it be the first section of that amendment. Before considering that, allow me to say that neither the thirteenth nor the fifteenth amendment has anything whatever to do with this question. It all turns upon section 1 of the fourteenth amendment, which is in these words:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I propose to take up this section sentence by sentence and see whether by any fair reasoning whatever the power asserted in this bill to prescribe the qualifications of jurors in a State court can be logically or reasonably deduced. The first sentence is:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Manifestly that confers upon them no right to sit as jurors; and if it did it would confer upon every woman a right to be a juror; it

would confer upon every minor a right to be a juror. The mere fact that persons born within the United States or here naturalized become citizens of the United States and of the State wherein they reside, confers no right to be selected or to act as jurors.

Let me illustrate that. Take the case of a person naturalized who cannot speak or understand one word of the English language. May not the State say that he shall not be a juror? Does not State after State declare that such persons shall not be jurors? Does not State after State require as a qualification to sit upon a jury that a person shall understand the English language—I do not mean read it; I do not mean write it; but at least that he shall understand it? Some go further and require that he shall read and write the English language. But if the interpretation asserted in this bill were given to this sentence in the article, then it would be unlawful to deprive any citizen of the right to sit upon juries. Let us see the next sentence:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Is it one of the privileges or immunities of a citizen of the United States that he shall be a juror in a State court? Who ever heard of such a proposition as that? The Supreme Court has expressly decided in the Slaughter-house cases that the sentence which I have just read only relates to the immunities and privileges of an individual as a citizen of the United States and not to any privilege or any immunity possessed by him in virtue of his State citizenship. No decision can be clearer than that. In fact it required no decision to establish that, for the language is as plain as it could possibly be. The language is—I must repeat it—"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States;" not of citizens of the State but "of citizens of the United States;" and when, pray, was it ever a privilege or an immunity of a citizen of the United States that he should be entitled to sit upon a jury in a State court? When was it that the bare fact of citizenship of the United States deprived a State of the right to provide what should be the qualification of an individual to entitle him to sit as a juror in its own courts?

The next clause is:

Nor shall any State deprive any person of life, liberty, or property without due process of law.

It is not depriving any individual of life or liberty or property to refuse to seat him in the jury-box. The sentence then concludes, and this concludes the section:

Nor deny to any person within its jurisdiction the equal protection of the law.

She does not deny to any individual within the jurisdiction of the State the equal protection of her laws when she provides what shall be the qualification of the jurors in that State. No one can by any fair reasoning whatever strain that provision to cover such a case as this and to authorize Congress to set aside the State laws, to abrogate them or to modify them in any particular in relation to the qualification of jurors in the State courts. Why, Mr. President, are not the State courts the creatures of the State constitution? Are they not created by the State and do they not derive their whole authority from the State? How, then, can it be that a tribunal thus constituted can be thus regulated in its essential composition by an act of the Congress of the United States? If you can do this in respect to jurors you can do it in respect to judges; you may overthrow the constitution of the State in respect to her judges just precisely as much as you can overthrow her constitution and her laws in respect to her jurors.

There is no fair reasoning, there is no fair logic, there is no deduction admitted by any principle of legal interpretation or of any treatise on logic that admits a stretch of these words so as to justify this provision in this bill. If you can do that, then I say that every constitution of a State and every right of a State is at the absolute mercy of Congress. If you can indulge in a latitude of interpretation in respect to this section which I have read, and which is the only section that bears on the subject or that can be supposed to bear upon it which would admit the constitutionality of this provision in the bill, then I repeat there is not one single right of a State, not one single privilege of a State, not one single safeguard of a State that is not in the absolute discretion of Congress to destroy. Have we come to that? Are the States mere counties and all sovereignty in the Government of the United States? Are the States simply sovereign in name in respect to their reserved rights if Congress, by any such interpretation of this amendment as that by which this bill is sought to be sustained, can declare that they have no reserved rights at all?

I confess that I am amazed that in the face of the plain language of this section, in the face of the solemn decision of the Supreme Court of the United States adverse to this proposition, it yet is pressed upon the Congress of the United States, and we are asked to do what the language of the Constitution does not authorize us to do, and what the solemn decision of our Supreme Court declares we have no power whatever to do. Why, sir, what respect can there be for government when the Congress of the United States sets this decision of its Supreme Court thus at defiance, sets common sense and reason at defiance, and in plain, flagrant, inexcusable violation of our Federal system, of the rights of the States and of the language of our fundamental law, usurps a power that no sane man can believe exists? Sir, this language may be strong, but it is no stronger than is warranted. I say that no sane man can believe that this power exists, and when I say "sane" I mean it. I say that no man unbiased by his prejudices, unbiased by party, unbiased by his desire to carry a party triumph, no matter what may be the fundamental law of the land, can ever in his sane moments come to the conclusion that this power is within the Federal Constitution.

Now, Mr. President, I have very little hope that anything I can say will arrest this measure or even procure the adoption of this amendment. I know that all reverence for the rights of the States has been fading out of the minds of Senators here ever since I have held a seat in this body and for years before. I know that that which was most sacred with our forefathers, that feeling without which this Constitution never would have been adopted, that sacred regard for the rights of the States and the people, that belief that it was only by a Federal system that those rights could be preserved and this Union preserved—I know that those ideas have been fading away under the influences produced by civil war, under the influences of mammon and of greed and under the dictates of the narrowest fanaticism that ever distorted a human mind. I have very little hope of making any impression upon that prevailing tendency now; but I do yet believe—at least I will not give up the hope—that the American people will ere long arouse to a sense of the danger which menaces the whole system founded by our fathers, under which we have achieved unparalleled prosperity, and whose destruction will be the death-knell of liberty and the death-knell of the existence of the Republic.

Mr. BOUTWELL. Mr. President, the remarks made by the honorable Senator from Ohio lead me to make an observation upon the meaning of the fourteenth amendment. If I differ in opinion from the honorable Senator from Ohio, it is not strange. I do not partake of the view he expresses as to the change going on even in the Senate. He says that respect for the rights of the States has been gradually fading out in the minds of Senators since he has had a seat in this body. What inference we are to draw from that remark, as to the influence he may have had upon the Senate, I cannot say. I have not observed that effect, and I doubt the existence of the fact. Nor is there in the country a disposition to interfere with the rights of the States, nor is there any change in opinion as to the power of States, except as the power of the States may have been limited by the amendments that have been made by the Constitution. I feel that this change which has taken place is due to the respect for the Constitution in those particulars wherein the powers of the States have been limited, and not from any disposition to deprive any State of its constitutional powers.

The thirteenth, fourteenth, and fifteenth amendments did limit the power of the States; they did extend the power of the General Government; and the question we are considering almost continually is the extent to which the power of the States has been limited by these amendments and the extent to which the power of the General Government has been carried by these several amendments.

I am not disposed to discuss the Slaughter-house decision, as it is called. It will stand legally and politically for what it is worth. It related to a particular case. In that case and in every other case like that, if there shall be another case like that, it is law; but it is not law beyond the case in which the opinion was rendered, and therefore for myself I dismiss that case as a legislator when I come to consider new propositions.

Mr. STEWART. That was by a divided court.

Mr. BOUTWELL. It was by a divided court, but nevertheless the opinion of the majority of the court is the law of the case, but it is not law beyond the case; it is not law with reference to the rights of States generally, and certainly is not law for the Senate when the Senate is engaged in considering a question which is a different question from that on which the court passed.

In the fourteenth amendment I find ample power for what is proposed in the bill under consideration. The fourth section of this bill does not propose, as was suggested by the Senator from Ohio, to decide the qualifications of jurors in the States. The illustration which he gave to the Senate was not an illustration in point. He says, if a State shall provide by law that a person who does not understand the English language shall not sit as a juror, is the United States to come in and by legislative authority decide or declare that such person may sit as a juror? I think no one would contend that there was any such power in the National Government, and certainly no such power is asserted in this bill.

The fourth section is:

That no citizen possessing all other qualifications which are or may be prescribed by law—

That is, by the law of the State—

shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude.

That is merely by the General Government a declaration of equality of rights among citizens of the several States and of each particular State in reference to service upon the juries of the State and in the State courts.

Mr. THURMAN. Will it trouble the Senator if I interrupt him?

Mr. BOUTWELL. Not in the least.

Mr. THURMAN. Then I beg leave to call the Senator's attention to the fact that the first section of the fourteenth amendment, on

which he relies of course to sustain the bill, has no reference whatsoever to "race, color, or previous condition of servitude." No such words are in the section. No allusion is made to that distinction. Therefore I ask the Senator, if there is power to say "that no citizen," in the language of this bill, "possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror of any State on account of race, color, or previous condition of servitude," why have you not equal power to strike out those words "on account of race, or color, or previous condition of servitude" and insert "on account of his ignorance of the English tongue?" Why can you not do it; or why can you not add after the word "servitude" the words "or on account of his ignorance of the English tongue;" for there is not one word in the first section of the fourteenth amendment that relates to race, or color, or previous condition of servitude.

Mr. BOUTWELL. That is all very true. The fourth section of this bill provides for equality in certain particulars where the equality of citizens is assailed, and not elsewhere. It is assailed or threatened in many of the States of the Union, upon the ground that certain persons are of a particular race or of a particular color or have been subject in times past to the condition of slaves. Now, in order to protect those people against discriminations for these reasons, this provision of the bill contemplates that if they are qualified in other respects as the laws of the State require for other citizens, they shall not be excluded from the jury-box for these reasons; and, although there is not in the first section of the fourteenth article of amendment any reference to these conditions, there nevertheless is a declaration which covers these conditions, and might cover and in fact does cover many other conditions:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

What does that phrase mean? It means, first and chiefly and preeminent, as the law of the land, that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States." That is the first great primal truth of the fourteenth amendment; and what is the first privilege, right, immunity under that declaration? It is that they are citizens of the several States "wherein they reside." Therefore the leading doctrine of that provision of the Constitution is that all the persons described in it are citizens of the United States, and by virtue of their citizenship they are citizens of the State wherein they reside. That is the first immunity. The chief privilege, the great right established by the fourteenth amendment to the Constitution is that citizens of the United States are citizens of the State wherein they reside. That is the immunity, that is the privilege, that is the right. Now, then, what follows?

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Not "of citizens of the States," but "of citizens of the United States." And what is the first privilege of citizens of the United States? That they are citizens of the State wherin they reside. And what is the chief right of the citizen of a State? That he is the equal before the law of every other citizen. By the fourteenth amendment the people of the United States, through their constituted authorities, have grasped the question of securing to citizens of the United States their rights as citizens of the several States; and the first right is the right of equality before the law. Therefore, while we cannot go into the States and say what the rights of citizens of the State in the State shall be, whenever there is a law in a State or a provision of its constitution which secures to citizens generally their rights and discriminates against other citizens, that discrimination is not only against citizens as citizens of the State, but against those citizens as citizens of the United States, and in our power under the fourteenth amendment to protect them as citizens of the United States, we pass the boundaries of the several States by authority of the Constitution and secure to our citizens, the citizens of the United States, their rights under the laws of the States as citizens of the State.

Mr. THURMAN. Now let me ask the Senator a question right there. Where does he find any foundation for the position that either citizenship of the United States or citizenship of a State gives a person a right to sit upon a jury?

Mr. BOUTWELL. I do not find it at all.

Mr. THURMAN. No; I guess not.

Mr. BOUTWELL. I do not need to look for it. As a citizen of the United States and as a part of the law-making power of the United States I only look beyond, within the jurisdiction of the State, and see what the rights and privileges and immunities of citizens of the State generally are under the laws and constitution of the State. Then I say if there be a citizen of the United States within that jurisdiction who is deprived in any particular of his rights as a citizen of the State, under the laws of the State, I can, under the Constitution of the United States and as a part of the law-making power, invoke the authority of the United States, legislative, judicial, and executive, for the protection of that citizen in his just rights as a citizen of the State. The Government of the United States can take the humblest citizen in the State of Ohio who by the constitution or the laws of that State may be deprived of any right, privilege, or immunity that is conceded to the citizens of that State generally, and lift him to the dignity of equality as a citizen of that State; and all that is claimed under the fourth section of this bill is that you shall not, in the State of Ohio or in Massachusetts or in Maryland, say that a man shall not sit upon a jury because he is a black man or because he is of the German race or because he has been held in slavery, and I might say for other reasons. If for other reasons discriminations were made by the law of any of these States, we might under the fourteenth amendment protect men from such discriminations.

Therefore I do not yield to the Senator from Ohio in my respect for the constitution or the sovereign power of any State. What they have, that I will assert. What they are entitled to, that I will defend. What by the Constitution of the United States they can invoke, that I will help to protect; but I will at the same time invoke the power of the Government of the United States, under the Constitution of the United States, to protect the citizens of the United States in the several States in their equal rights under the laws and constitutions of the several States wherein they may reside.

Mr. MORTON. Mr. President, the fourth section of this bill does not establish any qualifications for jurors in the State courts. It makes no pretense of that kind. It leaves the States to fix those qualifications as they see proper. A State may provide that no man shall sit upon a jury who is not thirty years old, or if you please fifty years old. The State may provide that no man shall sit upon a jury who cannot read or write; that no man shall sit upon a jury who is not worth $500 or $5,000. The State is left perfectly free to fix the qualifications of jurors as she sees proper; but by this bill she is restrained from prohibiting any man from sitting upon a jury simply because of his race or color if he has all the other qualifications required by law. If the State requires a juror to be able to read and write, to have been a citizen of the State for two years, to be worth $1,000 in money, this bill would prevent that State from excluding a colored man from sitting upon a jury if he possessed all the other qualifications. That is the point. It does not assume to say who shall be a juror or what shall be his qualifications, but it does assume to say that if the colored man has all the qualifications to sit upon a jury required of a white man, he shall not be excluded on account of his color.

Now, Mr. President, I want to call the attention of the Senator from Ohio to the fourteenth amendment, upon which he has commented. I will call his attention to the first section of that amendment and to the concluding clause of the first section.

Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I should like the distinguished Senator from Ohio to tell the Senate what is meant by the equal protection of the laws. No State shall deny to any person the equal protection of the laws. Does that simply mean that each man shall be equally protected or have an equal right to be protected from an assault and battery, from assassination? Is it confined to that? Not at all. It means in its broadest sense, it means in its true sense, that no State shall deny to any man the equal advantage of the law, the equal benefit of the law, the equal protection of the law. It means that all men shall be equals before the law, and that no man shall be denied on account of his race or color the equal advantage and benefit of the law. That is what it means. It cannot mean anything else.

Now I would like to submit to the judgment of this Senate and of the country this proposition: Whether the colored man enjoys the equal protection of the law, the equal benefit of the law, if colored men are not permitted to sit upon juries? Will any man pretend that where the right to sit upon juries is given exclusively to white men, the colored men of that State have the equal protection of the laws? I would like to hear my friend from Ohio, who has been prompt to discuss this question, upon that point.

Mr. THURMAN. And you shall.

Mr. MORTON. Does a State that gives the exclusive right to sit upon juries to white men, give the equal protection of the laws of that State to colored men? I say no. I say no upon the broadest principles of common sense.

Why, Mr. President, one of the most important principles of the common law that has come down to us from our fathers, established in England long ago, was that every man had a right to be tried by his peers. What is meant by that? Tried by his equals, those in the same general condition of society; that you cannot give a higher class the exclusive right to pass upon the rights of a lower class; that they have the right to be tried by a jury of the neighborhood, a right of trial by their peers. And we see how carefully this principle of trial by jury is guarded. We see that no man who has expressed an opinion is allowed to sit upon a jury, and sometimes weeks are spent in getting juries which are perfectly unprejudiced, who have never given an opinion on the case, who have no notion in regard to it.

Now, I ask if with the prejudices against the colored race entertained by the white race, even in some of the Northern States and certainly in all of the Southern States, the colored man enjoys the equal protection of the laws, if the jury that is to try him for a crime or determine his right to property must be made up exclusively of the white race?

Mr. MERRIMON. Will the Senator allow me to ask him a question?

Mr. MORTON. Certainly.

Mr. MERRIMON. Do I understand the Senator to deny that the State should have the right to pass a law providing that a colored man charged with murder should be tried by men of his own color?

Mr. MORTON. No, sir; I said no such thing.

Mr. MERRIMON. Or that a foreigner, if he were charged with murder, should be tried by a jury of foreigners.

Mr. MORTON. No, sir; I do not say that.

Mr. MERRIMON. Then I put this question——

Mr. THURMAN. I hope the Senator from Indiana will be allowed to conclude and then we can answer him.

Mr. MERRIMON. Very well.

Mr. MORTON. If the State of North Carolina by law provides that no man but a white man shall sit upon the jury, though it was to try a colored man for his life or to try his rights of property, I mean to say that the whole colored race of North Carolina does not enjoy the equal protection of the laws, and how any man of common sense can deny it I cannot understand.

Mr. WEST. Reverse the proposition and how would it do in South Carolina?

Mr. MORTON. Reverse the proposition and we should soon hear an outcry on the other side. There is the State of South Carolina with a large majority of colored men. Suppose that State should pass a law that no man should sit on a jury but a colored man; that wherever a white man is arraigned for a crime or whose rights of property are undergoing investigation, that right shall be determined alone by a colored jury. Then we should find the white men of South Carolina coming up here and claiming the benefit of the fourteenth amendment. They would say they were denied the equal protection of the laws in the broadest sense; that they were to be tried by a race against whom they had prejudices and who had prejudices against them. They would claim that they could not be effectually protected by a colored jury. We know they would. They are crying out now even because colored men there are allowed equal rights. They are now crying aloud that they are not enjoying equal protection against colored men. But if white men were excluded from the jury in South Carolina, just as colored men are excluded from the juries in many Southern States, we know very well they would at once claim the benefit of the fourteenth amendment and say they were denied the equal protection of the laws.

Now, sir, here I put this bill upon a ground that is impregnable. No sophistry can answer it. The Senator from Ohio [Mr. THURMAN] smiles. Let him tell the Senate first what is meant by "the equal protection of the laws." Let him then answer this question directly whether the colored race in any State would have the equal protection of the laws if they are to be tried exclusively for crime or to have their rights of property adjudicated by white men. Or reverse the case. Would the white race have the equal protection of the laws if all their rights were to be determined in courts of justice by colored men?

Mr. President, the trouble is that the rights of the colored men are not recognized by those who make this argument. They do not comprehend the spirit of these amendments. The fourteenth amendment was intended to place, and does place, men on an equality before the law. That is all. Whatever is the law for the white man must be the law for the colored man. Whatever is the law for the colored man must be equally the law for the white man. We do not say what that law shall be. The State may make the law as it seems proper; but whatever shall be the character of that law it must apply equally to all races upon the same precise conditions.

Mr. THURMAN. Has the Senator concluded?

Mr. MORTON. I will yield to my friend.

Mr. THURMAN. I do not want to interrupt you.

Mr. MORTON. I will yield to my friend. Perhaps I shall have something further to say after a while.

Mr. THURMAN. Mr. President, the Senator from Indiana has very truly said that his argument cannot be answered by sophistry. But it can be answered by reason, and answered so conclusively that even he must be compelled to admit that there is no soundness in it. If he will do me the honor to listen to me for a few minutes, I will convince even him that there is not one particle of foundation for the argument he has just made. He places his defense of this provision upon the last sentence of the first section of article 14, which says:

Nor shall any State * * * deny to any person within its jurisdiction the equal protection of the laws.

The Senator says that no class of persons receive equal protection of the laws if they are excluded from the jury-box. Now, the first thing that I have to say to that Senator is that not one woman in all the United States or the Territories thereof, outside of Wyoming Territory, is qualified to sit in a jury box. Are they not equally protected? Do they not receive the protection of the laws? When did it come that our mothers and wives and sisters were deprived of the equal protection of the laws? But that is not all. Do not our children under the age of twenty-one years receive the equal protection of the law? Yet not one of them is qualified to sit in a jury-box. Again, this clause upon which the Senator relies covers other persons than citizens. It covers every person, alien as well as citizen. Let us see what it is:

No State shall * * * deny to any person within its jurisdiction the equal protection of the laws.

You shall not deny it to the alien; you shall not deny it to the Chinaman; you shall not deny it even to the Indian, though he be not taxed. You shall not deny it to any person within your jurisdiction, be he sane or be he insane, be he old or be he young, be he innocent or be he criminal, be he learned or be he ignorant. Every human being within the jurisdiction of the State shall be entitled to the equal protection of the laws; but is every human being in that State entitled to sit upon a jury? Do you deprive the minor of the equal protection of the law when you try his case by men of mature age? Do you deprive women of the equal protection of the laws when you try their cases by their brothers or husbands or fathers? Do you deprive the Chinaman of the equal protection of the laws when you try his case by citizens of the United States? Do you deprive the alien here in the District of Columbia of the equal protection of the laws when you try his case by the citizens of the United States and residents of this District? Does Ohio deprive anybody of the equal protection of the laws when she declares, as her statute does, that no man shall be a juryman unless he possesses the qualifications of an elector? Does that deprive all persons who are not electors of the equal protection of the laws? The idea which the Senator says no sane man can contest is simply, with great respect to him, without the slightest foundation. "The equal protection of the laws" is one thing; political privileges are another thing; and privileges to administer the laws of the land as judges, jurors, or in any other character are another and quite a different thing. "The equal protection of the laws" covers those laws which are designed for the protection of life, liberty, and property.

Mr. MORTON. If the Senator——

Mr. THURMAN. But now let me finish. I will convince the Senator out of his own mouth. The Senator says that it is perfectly competent for the States to require a property qualification for the jury-box. He says they may require a qualification of $5,000 of property; that they may require, as was formerly required in many of the States and in England, a freehold qualification. But I take the Senator's own illustration: they may require a property qualification of $5,000 in order to entitle a man to be a juror. If they can do that, what becomes of the Senator's argument? Are all men who do not own $5,000 worth of property deprived of the equal protection of the laws? I want the Senator to answer that question when he comes to reply. He says that any State, Louisiana, Mississippi, may establish a property qualification for jurors and put it as high as they please to put it, say to $5,000. That would exclude ninety-nine out of every hundred negro men there, or more than that; it would in effect exclude almost the whole colored race; it would make your provision in this bill not worth the paper upon which it is printed. But the Senator says that can be done. Then I ask him if all persons not owning $5,000 worth of property would be deprived of the equal protection of the laws?

Sir, it cannot be necessary to pursue this subject further. As I said before, the clause of the amendment which he reads has no relation to citizenship. It covers every human being within the jurisdiction of a State. It was intended to shield the foreigner, to shield the wayfarer, to shield the Indian, the Chinaman, every human being within the jurisdiction of a State from any deprivation of an equal protection of the laws; and the very fact that it embraces aliens, the very fact that it embraces the traveler passing through, shows that it has no relation whatsoever to qualifications for political office or to qualifications for the administration of justice in the courts.

Mr. MORTON. Mr. President——

Mr. HAMILTON, of Maryland. Just one word before the honorable Senator from Indiana proceeds. Furthermore the honorable Senator from Indiana has said that the States can impose this qualification on jurors, that they must read and write. The States can do that in addition to the other qualifications as to property, he has said. Then are those people who cannot read and write (and that would comprise about three million nine hundred and ninety-nine thousand of the four million of colored people in the South) and who are therefore excluded from the jury-box, outside all protection of law?

Mr. MORTON. I submit in the first place that the statement and admission of my friend from Maryland is simply begging the question, as was the argument of my friend from Ohio. I say that so far as the fourteenth amendment is concerned States perhaps may do this, but they must do it to all races and colors alike; they must put them all on the same footing. They cannot require the qualification of reading and writing of one race and not require it of another. There must be equality in it; and so with regard to the property qualification.

Mr. HAMILTON, of Maryland. One question. Is race or color mentioned in the fourteenth amendment?

Mr. MORTON. I want to come to the argument of my friend from Ohio, and I submit it to him now that he admitted his whole argument away. Very reluctantly and gingerly he undertook to tell what was meant by "the equal protection of the laws." He said it meant equal protection to life, liberty, and property; and so say I. How are the laws to give equal protection to life, liberty, and property? I will bring him right back to the point, and I want no dodging upon it. I ask him if colored men have equal protection for life, liberty, and property when the power to try their rights to life, liberty, and property is placed exclusively in the hands of another race of men?

Mr. THURMAN. Will the Senator right there—

Mr. MORTON. Answer that question.

Mr. THURMAN. They have; just as they have in France, just as they have in England. Every man in France has the equal protection of the laws. Every man in England has the equal protection of the laws, and I am sorry to say, a great deal better protection than he has here.

Mr. MORTON. My friend is inclining very strongly, I think, toward a different kind of government. He says they have in England and they have in France. Is that true? I am not as familiar with the laws of England and France as my friend is; but that does not answer the question. My question is this, and I come right back to it, and I know my friend cannot answer it properly without admitting away the whole case: I ask him whether the colored men of North Carolina have the equal protection of the laws when the control of their right to life, liberty, and property is placed exclusively in the hands of another race of men, hostile to them, in many respects prejudiced against them, men who have been educated and taught to believe that colored men have no civil and political rights that white men are bound to respect. And yet the Senator would tell me that that is giving them the equal protection of the laws. I say no; the common sense of mankind will revolt at that proposition.

But my friend, chivalrous and bold as he is in defending the doctrine of inequality, falls back under the protection of the women. [Laughter.] He gets behind the ladies. That has always been the tactics. When they propose to deny a whole race, men and women, all civil and political rights, they will go and get behind a woman, and say "do women vote; do women sit on juries?" His proposition is that because the law denies to women of all races, black and white, the right to sit on the juries, therefore you have the right to deny both men and women of the colored race any right to participate in the courts of justice; and he makes that argument. It only requires that proposition to be stated in order that it may be decided. I am one of those who believe in the right of women to vote, and I have always believed in that; but because that right has been withheld from them, no argument can be made on that ground. But leaving that entirely out of view, if women are not allowed to sit upon juries, the men of their own race and color and of their own condition of life are allowed to sit upon juries and decide upon their rights of life, of liberty, and of property; but in this case that right is to be taken away from a whole race. White women are tried by white men, but colored women are to be tried by white men also and not by colored men. Is there any equality there, I ask the Senator? O, no. Mr. President, the time has come to put away all this jargon; it belongs to the past. My friend talks like a Rip Van Winkle who had been asleep twenty years. He talks the talk of twenty or thirty years ago, when the great body of the colored men in this country were slaves and were bought and sold like cattle in the market, and when the prejudices of slavery extended all through the North even, and took from the colored men there in most of the States their civil rights. We have gone past that period; thank God we have outlived it; and now there is no slave to walk the soil of this whole country. We have a constitutional amendment that makes all men equal before the law. It does not make them all equal in point of intellect, in point of property, in point of education, but they have equal rights before the law. They have the same right to struggle, they have the same right to get rich, and they have the same right to hold office; they have the same right to become the rulers of the land, provided they have the talent, the industry, and the character to obtain these things. That is what we mean by equality before the law. I do not know of a greater oppression than that here aimed. Why, how important is it in the Southern States, how important is it in those States where slavery recently existed and where its traces still remain and where the education and the feelings and the passions of slavery still remain, to establish this great right, that no man shall be excluded from the jury because of his color if he is otherwise qualified. If he has the qualifications the law requires of white men, then give him the right to sit upon the jury the same as white men.

But my friend from Ohio thought his protection in getting behind the women was not sufficient, and so he got behind the children. [Laughter.] Why he says you do not allow children to vote; you do not allow these pages to vote, and therefore you should exclude a whole race. Because you do not allow a boy ten years old to vote you ought to exclude a colored man fifty years old from voting. That is the argument. That is the force of his logic. Because you exclude infants from the right to go to the polls or sit in the jury-box, therefore you must exclude a whole race of adults, of men who have arrived at mature age, from the enjoyment of the plainest common rights. That is the kind of logic which defends their great wrongs and these inequalities. It is the logic of prejudice; a logic that has gone by under the events of war and the progress of the times; a logic that might have been tolerable twenty-five years ago, but is now out of place. My friend, if he had kept pace with the times, would not have reintroduced it into this body.

Not only that, but he gets behind the aliens also, men who come here from foreign lands but have not yet become citizens of the United States; and, by the way, let me make a suggestion on that point. Suppose a State passed a law that no man of foreign birth should sit upon a jury. He may have lived here twenty-five or thirty years, become naturalized, be among the very best of our people, as many of them are. And suppose a State should pass a law that no man of foreign birth shall sit upon a jury, what would be the outcry? It would be said that you were denying to men of foreign birth the equal protection of the laws, that you placed the juries exclusively in the hands of native Americans who have prejudices against foreigners, just as white men have prejudices against black men. Would it not be said in that case that you were denying to men of foreign birth the equal protection of the laws because their rights would be liable to the exclusive determination of native-born Americans who had some lingering prejudices against men of foreign birth?

O, no, Mr. President, there is no argument on that side of the question at all. It is simply bringing up old prejudices that ought to be buried in the same tomb with the rebellion.

Mr. THURMAN. Mr. President, when I was a boy at school we had an old Scotch professor of logic who was very exigent in his rule that we should reason fairly and logically, and very severe upon any one who departed from true logical reasoning in the consideration of any subject. He was asked one day by one of the students who had found himself pinned by his adversary in a corner by the inexorable logic of the argument, "Professor, what must I do in this strait in which I find myself?" Said he, "My son, I do not know anything you can do but to declaim." [Laughter.] Now, I think that my friend from Indiana must have taken lessons from that same old professor, for when he found himself driven in a corner by inexorable logic, his answer is to make a stump speech. I submit to the Senator whether he has answered my reply at all.

What was his argument, his great discovery, that which superseded all that the Senator from Massahusetts [Mr. BOUTWELL] had said? It was that the last sentence of the first section of the fourteenth article of amendment declared that no State should deny to any person within its jurisdiction the equal protection of the laws. Obviously that relates not simply to classes, but to every individual. And then he asserted that if any individual was deprived of the right to sit in the jury-box, that deprived him of the equal protection of the laws. I asked him, "Are women deprived of the equal protection of the laws?" What was his answer to that question? Why, that the Senator from Ohio gets behind the women. That is the logical answer of the able Senator from Indiana! That is the logical answer of the leader of the republican party on this floor! That is a specimen of his ability to reason and to reason logically! I have only to remark upon that that I am in favor of giving the white women of this country as much protection of the laws as I give the colored man, and I am not in favor of giving him any more protection of the laws than I give to my wife, my sister, and my daughter. If the Senator calls that getting behind the women, then God grant that I may always have such an array before me.

But further, I showed to the Senator that this clause on which he relies applies to every human being within the jurisdiction of a State, to the alien, to the mere transitory traveler; and I asked him if they were not entitled and did not receive the equal protection of the laws although they could not sit in a jury-box. What answer does he make to that? He makes a speech against know-nothingism; and that is the answer of the distinguished Senator from Indiana.

Again, the Senator has admitted that a State might require a property qualification for a juror, and fixed the amount himself at $5,000. Then I asked him, if that could be lawfully done, where was the equal protection of the laws for the poor men of the country who have not $5,000 of property; and the Senator does not see fit to take any notice at all of that category in which he has placed himself; but he goes on and answers by making a great speech in favor of liberty to the colored race and a speech glorifying the results of the civil war in freeing the negro from the slavery under which he formerly groaned! That is the logical answer upon a constitutional question! That is the logical answer in interpreting the Constitution of the United States, and interpreting too a provision of the Constitution which makes not the slightest allusion to "race, color, or previous condition of servitude!"

There is not one word in this first section of the fourteenth amendment that has any relation to race, color, or previous condition of servitude; but the Senator goes out of the way, clear outside of that, and finding some evil as he supposes existing in the country, undertakes by the exhibition of that evil to change the fundamental law of the land. If we were to argue in that way, where would the Constitution of the United States be? Sir, there are other evils in this country beside those that he depicts. There are other people who suffer in this country beside the colored race; there is want, destitution, almost starvation, at many a hearth-stone beside those of the colored people. There are people without hearth-stones, without homes, literally like the birds of the air and the beasts of the field, without anything to shelter their heads or their naked forms, beside the people who are of the colored race. And if we are to interpret the Constitution by pictures of suffering, of destitution, or even of wrong, and change its plain letter and extend it to meet every want or necessity that may exist in the country, then, sir, you had better abolish it at once; then, sir, the limitations of a written constitution are not worth the paper upon which they are written.

But the Senator says that I am like Rip Van Winkle, that I reason like a person of a past age. Sir, I grant I have not the facility at turning which the Senator from Indiana possesses. I grant that I

am no such gymnast as he is. I grant that I do not change well-matured considerations upon every wind of popular favor. I grant that I am a little stubborn in standing by that which I have long considered and in which I firmly believe. I grant that I do not look to see how the political weather-cock blows in order to form my opinions upon the Constitution of the United States. I grant that I do not make Richmond speeches one year and say that negroes ought not to be allowed to vote, and then become their chief champion before that speech has passed out of the memory of the persons or half the persons who heard it. I grant that I do not advocate a great expansion of the currency one day and before the ink is dry with which my speeches are printed surrender to the contractionists. I grant that I am too obstinate for that, too much of a Rip Van Winkle, if you please, too much of an antediluvian, if you please, and God forbid that I should every be anything else.

Mr. MORTON. Mr. President, the Senator from Ohio congratulates himself that he has undergone no change; that he is the same yesterday, to-day, and forever; that he has learned nothing; that he is Bourbon; that the notions he had before the war and during the war he entertains to-day, all of which is a frank admission that the notions the Senator had in regard to slavery, in regard to the rebellion, in regard to the right of this Government to put down that rebellion, in regard to the rights of colored men and what should be their condition—that all these ancient notions which have been put away, which have been trampled under foot by most men, which are unworthy of the age—that all these ancient, moss-covered notions he still entertains. He admits that he has learned nothing, that he has not progressed. He has defined his own position, and I leave him to enjoy it.

Mr. THURMAN. Mr. President, the Senator from Indiana cannot put words in my mouth that I did not utter; but driven into a corner he may resort to that means of getting out of it. Whenever the Senator shall call the attention of the Senate to any opinion upon any subject ever expressed by me, either in regard to the true interpretation of the Constitution, in regard to slavery, in regard to the war, in regard to any other subject upon which I have ever expressed an opinion, I will either acknowledge my error if I was in error, or defend my opinion as best I may. But he cannot by vague generality, or insinuation of that which he dare not produce, create any prejudice against me.

Mr. MERRIMON. Mr. President, the question involved in the present discussion is not one that can be settled by declamation or patriotic generalities. It is a dry question of constitutional law. It is not a question of political policy. The question is not whether negroes ought to be allowed to sit upon juries, or whether white men ought to be allowed exclusively to sit upon juries, or whether any class of people ought to be excluded from juries. The question is, has the Government of the United States any power to regulate the right and authority of the States to determine who shall sit upon juries in the State courts. That is the question.

In my opinion Congress has no power to pass such a law as that provided here, and I maintain that the considerations submitted by the Senator from Indiana [Mr. MORTON] do not even tend to establish the right of the Federal Government to exercise such a power. The substance, the gist of the argument he submits is, that there is a prejudice in the minds of the white people of the South and indeed of the whole country against the black people, and if a State shall undertake to exclude the black people from sitting upon juries, therefore the black man cannot have the equal protection of the laws, he is not a citizen under the Constitution of the United States, nor is he a citizen under the constitutions of the several States. He maintains that in order to have full and free citizenship a negro must have the right to sit upon juries in the courts of the several States. That I deny.

To sit upon a jury is not a civil right, in a technical sense, any more than to hold an office is a civil right. It is not a civil right of all men under the Constitution of the United States or of the several States to hold office. The rights of life, liberty, and property, and to have these protected by law and all lawful authorities, are civil rights.

But then the Senator asks, will it be pretended if juries are composed exclusively of white men that the colored people of the South have the equal protection of the laws? I answer without hesitation, "yes." What is meant by "the equal protection of the laws" is this: That whoever administers the law through the courts or anywhere else must administer it to all people without distinction for any case, according to the constitution and laws of the State where he does administer it. It is no matter whether the officer is a white man or a black man, he is bound to administer it fairly to every man, woman, and child, of every race and color, of every condition in life; and when the law is so administered by the judge or by the jury or by the other officer, whatever kind of officer he may be, that the persons to whom he administers have the equal protection of the law in the sense of the Constitution.

The Senator puts this case: He says suppose in South Carolina, where the colored race have the majority and can control, the Legislature should see fit to pass a law providing that none but negroes should sit on the juries, would there not be a great outcry on the part of the white people? I admit that there would be a great outcry in that case, and there ought to be. I think it would be a great outrage, because the white people are the more intelligent race and they are better qualified to administer the law or power. But if the Senator asks me whether they have power to do so, I answer yes, they have such power. They have the constitutional power to do it. They have not probably the moral right to do it; but they have the constitutional power to do it. Why? Because the right to sit in the jury-box is a political right; it is of that class of rights deemed political, it is in aid of the general administration of the Government.

But suppose that every judge in South Carolina was a negro, suppose that every officer in South Carolina was a negro, every white man would have the equal protection of the laws in the contemplation of the clause of the Constitution under consideration; and why? Because every negro judge, because every negro officer in the State would be bound to administer the law protecting life, liberty, and property to the white man just as he would be bound to administer it to the negro; and if he did not do that he would be guilty of a prostitution of his office, and would be subject to impeachment under the constitution and laws of that State.

It is much more important to hold many offices than to sit upon a jury. Will the Senator from Indiana deny that if the people of the State of North Carolina should see proper to alter their constitution and provide that a black man should not hold office because he was a black man, it would be competent for them to do so. Was it not contemplated by the Constitution that such political distinction should be made by the States? It was so understood at the time the fourteenth amendment was discussed and adopted that certain political distinctions might be made, as the debates show; but without reference to the debates, the Constitution as it now stands shows that these political distinctions may be made by the States in their discretion. In every State in the South it is provided that all persons shall be upon an equality politically and civilly, but that does not imply that it is not in the power of any State in the South or elsewhere in the Union to deny political rights to any class of people it may see fit for any consideration that may commend itself to the judgment of its people. Let me turn to the fifteenth amendment upon this very subject, which impliedly sustains the position I now occupy. Article 15 is in these words:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Why did that provision stop at voting? The several States cannot prohibit anybody from voting for any one of three reasons, to wit: race, color, and previous condition of servitude; but for any other reason or cause they may prohibit a person from voting. They may prohibit men from voting because they cannot read, because they cannot write, because they do not own so much property. In some of the States to-day those who cannot read and write are not allowed to vote; and I believe in one State of the Union there is a property qualification. At any rate these distinctions are kept up; and the only point of view in which the States are restricted as to their control over the right of suffrage is the one contained in the fifteenth amendment, that men shall not be prohibited from voting on account of race, color, or previous condition of servitude. But with this exception, this limitation, the power that the States exercised before the adoption of this amendment remains there to this day; and the States may discriminate as to who or what classes shall hold office; and if they may discriminate in the important matter of holding office, in the office of governor, in the places of members of the Legislature, of judges, and other officers, upon what ground does the Senator from Indiana draw the distinction that they cannot make a like discrimination as to the office or place of juror? I should like him, instead of dealing in empty declamation in discussing this dry question of law, to assign causes—reasons for the position which he assumes, rather than merely state it as a naked opinion.

If he asks me whether I think it prudent to exclude the negro from sitting in the jury-box, I am ready to answer that, and I answer no. I believe it is the duty of the southern people and of the American people, inasmuch as we have established the grand doctrine of universal freedom, universal civil equality—not political equality, but civil equality—I believe that it is our duty to the colored race to do the best we can by them, to educate them, to encourage them, and to protect them everywhere, and fit them for the rights of citizenship; but it is not our duty to go crazy about them and ruin them and ourselves, too, by misleading and deceiving them and falling down and worshiping at their feet with a view to get their votes and their political influence. That is infamous hypocrisy; it is the worst sort of demagogism; it is the meanest character of statesmanship.

I am willing to do justice by that race. I want to see them educated; I want to see them elevated; I wish to see them become citizens of a high type, and competent and able to enjoy the highest and best civilization and free government; but you are not going to do it by any such policy as is indicated in the speeches I hear on this subject on this floor from day to day. The plans suggested are not practical; they are not just; they indicate a total ignorance of what is necessary to be done for the best interests of the negro race and the people of all races and the whole country. Rights are practical things; governments are practical things, and they must be upheld and sustained in a practical way and by practical means. Fancy theories will not do, and whoever thinks so is not wise.

I not only say that I think they ought to be protected, but I believe in every State in the South the constitution or laws provide that negroes shall be entitled to hold office and shall be entitled to sit on juries. I do not know that there is any distinction made in a single State of the South; I know there is no distinction made in my own State.

This, therefore, is a mere clamor, by which a particular party in this country have been able to maintain their ascendency over the negro and the country ever since the close of the late war and to secure the votes of eight hundred thousand or a million negroes. That is the secret cause of this bill and this clamor which annoys and disturbs Congress and the whole country. I maintain that this is wrong; that it is the duty of Congress to look to the best interests of the black race and the white race; and it will be time enough when the negro race are deprived of their rights in the courts to talk about taking these extreme measures for their protection.

The Senator from Indiana a few moments ago when I propounded a question to him answered in the affirmative, and in that I think he answered his whole speech. I asked him this question: Is it competent for a State Legislature to provide by law that if a negro shall be charged with the crime of murder negroes alone shall be competent to sit on the jury to try him? When I asked him that question he said yes. Then said I, if a foreigner should be charged with the crime of murder and put on his trial would it be competent in that case for the State to provide by statute that he should be tried by a jury of foreigners? He said yes. Well, if the State has power to make distinction as to nativity and country, why not power to make a like distinction on account of race, color, or previous condition of servitude? Has he pointed to any legal distinction that justifies the one case and not the other? When I ask him that question he goes off in declamation about liberty and men being behind the age, men changing their opinions, and who sympathized with the rebellion and who did not. It seems to me that is a very poor way, a very unsatisfactory way, of discussing a question like this. It argues the lack of solid reasons for the positions he assumes. I ask him for reason; he gives me declamation—platitudes about freedom. The interests of freedom require more substantial defense than this.

I maintain that Congress has no power to abridge this right of the States, and I do it because there is no limitation imposed upon the power of a State in this regard in the fourteenth or fifteenth articles of amendment or any other article of the Constitution. The substance and effect of the fourteenth article is that every citizen, and not only every citizen but every human being within the Union, within a State of the Union, shall have the equal protection of the laws. That I admit; that is true. But it is not meant by that that he shall necessarily be a juror, that he shall necessarily be a governor, that he shall be a member of the Legislature, that he shall be a member of Congress, or that he shall be President. It means that whoever administers the laws through the political instrumentalities of the Government, in administering the laws shall give him that equal protection for his life, his liberty, and property which every man is entitled to; and if the judge is a negro, he is bound because he is a judge—not because he is a negro—if I should be brought before him to be tried in the matter of my life, liberty, or property, to administer the law to me just as he would to one of his own color or any other color. That is the right view of it and no other view of it can be taken and maintained in law and reason. This, it seems to me, is the plain meaning of the Constitution upon its face. I may add that every judicial exposition of that instrument sustains this reasonable view.

If the negroes should have the ascendency in any State, if they should compose the Legislature, if they should compose the convention of the State to form the organic law, they could provide that no white man should be governor, that no white man should hold office because he is a white man. I think that would be very unwise, very impolitic, very wrong, but still they have the power under the organic law of the United States; and they have the power in the several States to make such an organic law and carry it into effect and operation, and the white man could not say that he did not have the equal protection of the law in contemplation of law because all the officers were negroes. He could justly complain, but not upon that ground. All he could ask would be that the negro judge should administer the law to him fairly and justly, and if he should allow his color or a white man's color to prejudice his judgment unjustly, he would be a false officer and would be subject to impeachment and to be degraded from office and deserve the execration of every good man.

That, it seems to me, is the whole of the matter, and therefore I say this fourth section of this bill would be unconstitutional and void if the bill shall become a law. This clause is only calculated to produce mischief of the most serious character, and in the end be declared by the courts void. It is essentially vicious, and I trust it will be stricken out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio. Is the Senate ready for the question?

Mr. EATON. The Senator from Ohio, in submitting the amendment, suggested that the question could not be taken until to-morrow at two o'clock.

Mr. EDMUNDS. That is the understanding.

Mr. MORTON. I should like to know about that agreement. I understood it meant this: that a vote should be taken as early as two o'clock to-morrow, provided the debate lasted that long; but if nobody wants to speak, are we not entitled to have a vote at once and have the matter out of the way? I suppose that is the spirit of the agreement.

Mr. MERRIMON. The understanding was that the vote would not be taken earlier than two o'clock to-morrow.

Mr. MORTON. If persons want to speak that long.

Mr. MERRIMON. And further, that this side of the House were to have to-day to debate the bill at their pleasure, all day and all night if they pleased, and that at all events the vote would not be taken until two o'clock to-morrow. It is perfectly competent to lay this aside temporarily, to be called up at the pleasure of any one who desires to address the Senate upon it, and to consider another subject meanwhile, but it was certainly agreed that no vote should be taken until two o'clock to-morrow.

Mr. ALCORN. Every agreement is supposed to be based upon some reason; and when the reason ceased to exist, then as a matter of course the agreement of itself would cease. It was supposed that the Senators who are opposed to this bill desired to discuss it, and it was upon that supposition that the agreement was made. If, however, the Senators on the other side do not wish to discuss the bill, I see no reason why we should not take a vote on the bill. The reason for delay having ceased to exist, the vote as a matter of course should come. If they desire to debate it, the Senate is willing to hear that debate.

The PRESIDING OFFICER. The Chair has no power to compel Senators to debate the question. Unless some motion is made, the Chair will put the question on the amendment.

Mr. MERRIMON. I know there are gentlemen who desire to debate this question.

Mr. ALCORN. If there is no person to debate it now, I move that the vote be taken.

Mr. EDMUNDS. That I think would certainly be in violation of the understanding. I suppose we all appreciate how it is. The gentlemen on the other side have a stock of very good speeches; they are applicable to this subject, and they may be applicable to other subjects which may come before us. They had it in their power, of course, to expend them upon this bill if no time was fixed, and could have talked it into next week if they liked and felt it to be their duty to do so. Not knowing how long they wished to speak—but they of course acting for themselves—we agreed that no vote should be taken until to-morrow at two o'clock. Now, if they do not wish to occupy the time and are unwilling to modify the understanding so as to vote now, I certainly feel bound by the engagement. We lose nothing except the inability to go on and do business, arising from the fact that they stand by the letter of the contract. If they do, of course I for one have no complaint to make, because they certainly could occupy the time if they wanted, and they need not have made the agreement if they did not wish to do so. If they are willing to lay this matter aside for an hour or two and do something else, the agreement still to stand, we can perhaps take up the tax bill and go on with that.

Mr. ALCORN. I was not present when the agreement was made, and the remark I made was intended to draw out an expression of opinion about it. Do I understand that we are forbidden under the agreement to go to the consideration of other business, or are we to sit here simply to look at each other until the time arrives for the vote to be taken?

Mr. EDMUNDS. Perhaps it would not be very clear which would be the most advantageous to the public interests. We cannot undertake to decide that. Of course I did not anticipate for one that the time would not be occupied. The gentlemen upon the other side insisted upon having this much time for debate, and as I understand the agreement it so reads: "No vote shall be taken"—not even on an amendment, because Senators, knowing there was to be no vote, would wish to do something else—"until to-morrow at two o'clock," and "no business is to interpose except by general consent," so that the gentlemen on the other side could not have any just right to say that the time which they wished to occupy in speaking had been taken away from them.

I am disposed to stand by the agreement; but I am not sure, if they would not think it impolite, that I would not just as soon sit here and study papers as to sit here and listen to speeches.

Mr. BAYARD. The Senator from Vermont is entirely right. His interpretation of the agreement which was read to the Senate last night was quoted this morning by my honorable friend from Ohio, who in offering this amendment respecting the jury clause in this bill stated distinctly that while he offered the amendment he knew that no vote could be taken upon it until to-morrow at two o'clock. That was not only the understanding, but there could be no other idea. He stated at the time that he offered the amendment for the purpose of discussion. An unavoidable accident occurred, I may say to the Senate in explanation of any delay in the debate. A gentleman who was supposed to be desirous of addressing the Senate on this subject met with some accident to his manuscript, and on that account he was delayed; and the Senator from Ohio then took occasion to offer the amendment which he would otherwise have postponed until to-morrow when the five-minute rule would be in force, as he stated at the time; and one reason why he offered it at this juncture was that the five minutes allowed to-morrow would hardly be suffi-

cient for the proper explanation of the very important amendment which he proposed to make. The Senate heard it and in silence assented to it, and not only in silence, but it was because every one knew, as I supposed, that that was the understanding that no vote was to be taken to-day.

You see, Mr. President, this is a question of general convenience to all. If the vote upon this subject was to be delayed it did not bind Senators to remain present in the Chamber, or to keep up a quorum, or to see that the majority of the Chamber should not be out when possibly the minority might call a vote and pass a measure against the faith of the body. We all know where the majority stands; we on this side have too much cause to regret it; but at the same time, knowing the fact on our side, the arrangement was made in full view of it.

The PRESIDING OFFICER. The Senate will permit a suggestion from the Chair, that a motion to lay aside this bill informally subject to call would allow the Senate to proceed with other business, this bill to be called up at the desire of any Senator.

Mr. MORRILL, of Vermont. May I ask the Senator from Delaware whether he would consent to have us take up the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government? Would he regard it as interfering at all with the present arrangement if we were to take up that bill and dispose of it?

Mr. MORTON. What is the bill?

Mr. MORRILL, of Vermont. The tax and tariff bill.

Mr. NORWOOD. I was speaking on the Louisiana question some days ago and yielded to the motion of the Senator from Maine [Mr. MORRILL] to take up appropriation bills. I did not mean to conclude my remarks upon that question until they should be appropriate to some measure before the Senate; but as there seems to be a lull in this debate, as the question of civil-rights involves the question of equality and equal rights and equal protection of the laws, and as I know of nothing else that is more deeply involved in the Louisiana question than this, I suppose I might as well proceed now and conclude my remarks upon the Louisiana question.

Mr. FERRY, of Michigan. I appeal to the Senator from Georgia to allow me to take from the table a bill that has passed the House with an amendment awaiting the concurrence of the Senate. It is the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

The VICE-PRESIDENT. The Senator from Michigan asks unanimous consent to take up for consideration the bill indicated by him.

Mr. HAMILTON, of Maryland. I object to the consideration of any other question but the one before the Senate.

The VICE-PRESIDENT. Objection is made.

Mr. FERRY, of Michigan. I appeal to the Senator from Maryland. I supposed that on the other side they were not prepared to debate the pending question. This bill lies on the table. The Senator from Ohio who raised an objection to it has withdrawn that objection, and certainly there can be no opposition now to concurrence in the amendment of the House which provides for additional money to be placed in the Treasury. This bill provides for the restoration of lands in the State of Michigan, and one clause is that the residue of the land shall be sold at public sale. The amendment of the House is that it shall not be sold at a less minimum than $2.50 an acre; the present minimum being $1.25. I think therefore that the Senator from Maryland will not persist in his objection but will allow this bill to be considered.

Mr. HAMILTON, of Maryland. I have heard the honorable Senator; but this day was assigned by agreement for the consideration of the most important bill now before us and it is important that that bill should be discussed, and properly discussed.

Mr. EDMUNDS. Go ahead and discuss it.

Mr. HAMILTON, of Maryland. If we permit one subject to intervene, others equally important will come in. I do not know anything about the bill of the honorable Senator.

Mr. FERRY, of Michigan. Let me say one word just there. I understood from the Senator from Georgia that he was not prepared to go on with the discussion, and I appeal to him to yield to me for this purpose. I do not wish to interfere with the Senator's remarks, but if he is not prepared to go on, I desire to call up this bill.

Mr. NORWOOD. I am about as well prepared as I ever shall be.

The VICE-PRESIDENT. Objection is made.

Mr. NORWOOD addressed the Senate in continuation of the speech begun by him on the 17th instant. Having spoken two hours—

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it asked the concurrence of the Senate:

A bill (H. R. No. 2502) for the relief of settlers on lands within railroad limits; and

A bill (H. R. No. 4843) to relieve James A. Hile, of Lewis County, Missouri, late soldier Company F, Twenty-first Regiment Missouri Volunteer Infantry, from the charge of desertion.

ELIZABETH WOLF.

Mr. PRATT. Will my friend from Georgia give way for a moment to allow me to make a motion for the reconsideration of a vote on a pension bill?

Mr. NORWOOD. Yes, sir.

Mr. PRATT. I move for a reconsideration of the vote by which the bill (H. R. No. 2794) granting a pension to Elizabeth Wolf was indefinitely postponed.

The motion to reconsider was agreed to.

Mr. PRATT. I now move that the bill be recommitted to the Comtee on Pensions.

The motion was agreed to.

HOUSE BILLS REFERRED.

The VICE-PRESIDENT. Will the Senator from Georgia allow the Chair to present two House bills for reference?

Mr. NORWOOD. Certainly.

The bill (H. R. No. 4843) to relieve James A. Hile, of Lewis County, Missouri, late soldier Company F, Twenty-first Regiment Missouri Volunteer Infantry, from the charge of desertion, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 2502) for the relief of settlers on lands within railroad limits was read twice by its title.

Mr. SARGENT. When that bill comes up I want to ask the Senate to put it on its passage; but I will not interfere with my friend from Georgia now against his consent. It is a bill that has the concurrence of the Public Land Committee.

Mr. NORWOOD. I do not object to this interruption at all.

Mr. SARGENT. Then I ask for the present consideration of the bill.

The bill was read.

Mr. MORRILL, of Vermont. Is this reported by a committee?

Mr. SARGENT. It has the concurrence of the Committee on Public Lands. If the chairman were here, he would make the same request. The bill explains itself in a single sentence. Where a settler has paid the Government two dollars and a half an acre for double-minimum lands within a railroad grant, which grant is subsequently forfeited and restored to the public domain, so that he has paid twice the price he would have paid if no railroad had been projected——

Mr. MORRILL, of Vermont. If the committee approve of it, I do not object.

Mr. MERRIMON. I should like to ask the Senator from California what is the necessity for that relief?

Mr. SARGENT. The necessity is that they paid double the price for Government land under pretense that a railroad would be built, and no railroad is built and the grant is restored to the public domain. Now, instead of paying them their money back, it is provided they shall have double the land they originally took.

Mr. EDMUNDS. I think that had better stand over. I insist on the regular order.

Mr. SARGENT. I move that the bill be printed.

The motion was agreed to.

Mr. NORWOOD. I will say before proceeding——

Mr. RAMSEY. I would thank the honorable Senator to allow me, while resting, to call up the post-route bill, which is not usually read, and it might be disposed of in about two minutes.

Mr. EDMUNDS. I call for the regular order, Mr. President.

Mr. RAMSEY. I was in hopes the Senator from Vermont was not in. If I had known he was here I should not have made the appeal. [Laughter.]

Mr. EDMUNDS. That I can readily understand. [Laughter.]

Mr. RAMSEY. I withdraw the request.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MERRIMON and Mr. WINDOM submitted amendments intended to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. CARPENTER, from the Committee on the Judiciary, submitted an amendment intended to be proposed to the bill (H. R. No. 4730) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, of Vermont, Mr. MORTON, Mr. CLAYTON, and Mr. BOUTWELL submitted amendments intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations and ordered to be printed.

RECESS.

Mr. BAYARD. With the consent of the Senator from Georgia, I move that at five o'clock the Senate take a recess until half past seven.

The motion was agreed to.

EXECUTIVE SESSION.

Mr NORWOOD. Mr. President——

Mr. CARPENTER. I wish to appeal to my friend from Georgia to let us have an executive session for a few minutes; and, as he is interrupted now, perhaps he would as soon suspend here and let us have the executive session at once, as it will probably take us till about five o'clock.

Mr. NORWOOD. Very well, sir.

Mr. CARPENTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session, the doors were re-opened, and (at five o'clock p. m.) the Senate took a recess until half past seven o'clock.

EVENING SESSION.

The Senate resumed its session at half past seven o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its amendments to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, agreed to a conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WASHINGTON TOWNSEND of Pennsylvania, Mr. JACKSON ORR of Iowa, and Mr. WILLIAM S. HERNDON of Texas, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. No. 2765) granting a pension to John W. Darby; and

A bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

CIVIL RIGHTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and political rights.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Georgia is entitled to the floor.

Mr. NORWOOD concluded his speech. His speech in full will appear in the Appendix.]

[Mr. BAYARD addressed the Senate in opposition to the bill. His remarks will appear in the Appendix.]

Mr. HAMILTON, of Maryland. Mr. President——

Mr. MCCREERY. If the Senator from Maryland will yield the floor, I move that the Senate adjourn.

Mr. HAMILTON, of Maryland. I will give way for that motion, as I intend to address the Senate to-morrow upon this bill.

Mr. MCCREERY. I submit the motion that the Senate adjourn.

The motion was agreed to; and (at ten o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 26, 1875.

The House met at eleven o'clock a. m. Prayer by Rev. J. W. CHICKERING, D. D., of Boston, Massachusetts.

The Clerk commenced to read the Journal of Wednesday last.

Mr. STORM, (interrupting.) I raise the point of order that the Clerk has not read the names of the persons voting in the negative and in the affirmative on the several votes.

The SPEAKER. Does the gentleman insist on their being read?

Mr. STORM. I do.

The Clerk resumed the reading of the Journal.

Mr. HURLBUT, (interrupting.) I propose to offer for the consideration of the House a proposition, which, if adopted by unanimous consent, I think will be satisfactory to all parties. I send it to the Clerk's desk and ask that it may be read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the proposition which the Clerk will now read be adopted.

The Clerk read as follows:

By unanimous consent the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five o'clock p. m. for the consideration of the sundry civil bill, and a recess be taken from five o'clock to half past seven o'clock, at which last hour House bill No. 4745, shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. MILLIKEN. I object.

Mr. GARFIELD. I move to suspend the rules, so as to adopt that proposition.

Mr. MILLIKEN. I withdraw my objection.

Mr. COBURN. I desire to make this suggestion: that the previous question shall be considered as ordered at one o'clock on the following day.

Mr. ATKINS. I insist that the House shall come to order; it is impossible for any one to hear what is going on.

The SPEAKER. To restore order, the first thing is for members to resume their seats.

Mr. ATKINS. If they will do that, then everybody can hear what is going on.

Mr. GARFIELD. I ask the gentleman from Illinois to change his resolution so as to make it read "the sundry civil appropriation bill, and other appropriation bills."

Mr. RANDALL. You cannot get through with the sundry civil bill before five o'clock.

Mr. GARFIELD. But we may want to send the Indian appropriation bill to a conference committee, and other small bills.

Mr. RANDALL. My judgment is that the sundry civil bill will take the whole day.

Mr. BECK. I desire to make a parliamentary inquiry. I do not object to going on with the appropriation bills or to taking a recess, but I claim the right and do desire to move to suspend the rules, as I think I have a right to do, to set aside the hearing of the bill now about to be taken up; I do not desire to waive that right.

Mr. RANDALL. Any right the gentleman may have of that kind will not be interferred with by this agreement.

Mr. HURLBUT. This must either be done by unanimous consent or not by unanimous consent.

The SPEAKER. Is there any objection to the proposition of the gentleman from Illinois, [Mr. HURLBUT?]

Mr. GIDDINGS. I object.

Mr. COBURN. I would like to say——

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects to the proposition. There is no need of discussing it.

Mr. GARFIELD. I move then to suspend the rules and adopt the proposition which has been read.

Mr. COBURN. What I want to say is this: I do not propose to call the previous question at any time during the session of to-night, but I expect to call it at an early hour to-morrow.

The SPEAKER. The proposition of the gentleman from Illinois [Mr. HURLBUT] is not before the House.

Mr. GARFIELD. I move to suspend the rules and adopt that order.

Mr. BUTLER, of Massachusetts. Can the reading of the Journal be interrupted for this purpose?

The SPEAKER. The Chair thinks that it is competent for the House to suspend the reading of the Journal and at the same time make an order.

Mr. BUTLER, of Massachusetts. My inquiry is whether this motion of the gentleman from Ohio [Mr. GARFIELD] can come in to the interruption of the reading of the Journal. I do not object. I only want the ruling of the Chair as to whether we can interrupt the Journal to make an order of that kind.

Mr. RANDALL. I would like to know whether there is objection to the proposition of the gentleman from Illinois?

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects.

Mr. COX. I hope my friend from Texas [Mr. GIDDINGS] will withdraw that objection.

Mr. RANDALL. I understand the gentleman from Texas to object to the explanation of the gentleman from Indiana, [Mr. COBURN,] not to the proposition of the gentleman from Illinois.

Mr. DURHAM. I rise to a question of order. I cannot hear anything that is going on.

The SPEAKER. Nor can the Chair.

Mr. CESSNA. Is it not in order for me to appeal to the gentleman from Illinois to modify his proposition, so as to say "appropriation bills" instead of "the sundry civil appropriation bill?"

The SPEAKER. That is not of the slightest practical consequence.

Mr. CESSNA. I presumed I had the right to make the inquiry of the Chair.

Mr. COX. If we had order this thing could be arranged amicably.

The SPEAKER. The Chair will not submit any proposition till there is order.

Mr. GIDDINGS. I withdraw my objection.

The SPEAKER. If there be no further objection, the arrangement proposed by the gentleman from Illinois is made. The Chair hears no objection.

Mr. SENER. I move to reconsider the action just taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBURN. I wish now to make a statement in relation to calling the previous question. I propose to-morrow at one o'clock, or as soon thereafter as practicable, to call the previous question.

Mr. COX. You cannot get consent to that.

Mr. COBURN. I only give this notice. I do not undertake to bind anybody by the announcement.

Mr. GARFIELD. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the sundry civil appropriation bill.

C. D. ANDERSON.

On motion of Mr. HANCOCK, by unanimous consent, the bill (S. No. 679) to relieve C. D. Anderson, of Travis County, Texas, of political disabilities was taken from the Speaker's table, read three times, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVIDENCE IN CONTESTED ELECTIONS.

Mr. TODD. I ask unanimous consent that the amendment of the Senate to the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in contested elections be taken from the Speaker's table and concurred in.

There being no objection, the amendment of the Senate was read, as follows:

Add to the bill the following:

SEC. 2. That section 107 of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant.

Mr. TODD. I move concurrence in this amendment.

Mr. CESSNA. I have an amendment authorized by the Judiciary Committee of the House which I desire to submit as an amendment to this amendment.

Mr. TODD. I decline to yield for that purpose.

The amendment of the Senate was concurred in.

Mr. TODD moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM M. KIMBALL.

Mr. ALBRIGHT. I ask unanimous consent that the bill (S. No. 455) for the relief of William M. Kimball be taken from the Speaker's table and passed.

The bill was read. It directs the Secretary of War to cause to be paid to William M. Kimball the full pay and emoluments of a lieutenant and regimental quartermaster of the Eleventh Minnesota Volunteers, from October 10, 1862, to May 8, 1863; and a sum sufficient to pay the same is appropriated.

There being no objection, the bill was read three times, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY TO TERRITORIAL RAILROADS.

Mr. TOWNSEND. I ask unanimous consent that the House insist on its amendments (disagreed to by the Senate) to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands; and that a conference with the Senate be asked on the disagreeing votes of the two Houses.

There being no objection, it was ordered accordingly.

Mr. TOWNSEND. I move to reconsider the action just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM J. PATTON.

Mr. HAWLEY, of Illinois. I ask unanimous consent to report from the Committee on Claims for consideration at this time Senate bill No. 459, for the relief of William J. Patton.

The SPEAKER. The bill will be read, after which objection will be in order.

The bill directs the proper accounting officers of the Treasury Department, in the settlement of the accounts of William J. Patton, late collector of the first and second districts of Arkansas, to audit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collectors, Henry C. Brown, William Hoffman, Andrew J. L. Barker, John T. Fleming, and John A. Geohegan, it first being proved to the satisfaction of the Secretary of the Treasury that such embezzlements or larceny did not occur through any fault or negligence of said Patton; provided that in case any of the money so stolen or embezzled shall hereafter be recovered, the same shall inure to the United States.

Mr. THOMPSON. I object to that bill.

Some time subsequently,

Mr. THOMPSON said: I withdraw my objection to Senate bill No. 459. I was not aware at the time I made the objection of all the features of the bill.

No further objection being made, the bill was received, read a third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; and

A bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 1251) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

COLORADO AND NEW MEXICO.

Mr. CHAFFEE. I ask unanimous consent that the bills for the admission of Colorado and New Mexico as States of the Union, just returned from the Senate with amendments, be taken from the Speaker's table, the amendments non-concurred in, and a committee on conference asked.

Mr. RANDALL and Mr. SPEER objected.

J. C. M'BURNEY.

Mr. DUNNELL, by unanimous consent, from the Committee on Claims, reported as a substitute for House bill No. 1026 a bill (H. R. No. 4842) for the relief of J. C. McBurney, late collector of internal revenue for the second district of Georgia, with a recommendation that it pass.

The SPEAKER. The substitute will be read.

The substitute directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to J. C. McBurney, late collector of internal revenue for the second district of Georgia, the sum of $3,859.07 on account of embezzlement and defalcation of Michael O'Brien, acting as deputy to said McBurney.

No objection was made, and the substitute was agreed to, and the bill, as amended, read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON RAILROAD LANDS.

Mr. PHILLIPS. I ask unanimous consent to report from the Committee on Public Lands, with amendments, House bill No. 2502, for the relief of settlers on land within railroad limits, and that the same be passed at this time.

The SPEAKER. The bill as proposed to be amended will be read.

The amended bill provides that where any actual settler shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases; provided, that when such location is upon double minimum lands, one-half the amount only shall be taken.

Mr. TOWNSEND. This bill has received the unanimous approval of the Committee on Public Lands. It is a fair and just bill to the settlers who may have been deprived of the benefits of a railroad by the abandonment of the line of road, and the land has reverted back to the United States.

There being no objection, the bill, as amended, was passed.

Mr. PHILLIPS moved to reconsider the vote by which the bill was passed; and also moved that the motion reconsider be laid on the table.

The latter motion was agreed to.

JAMES A. HILE.

Mr. GLOVER. I ask unanimous consent to introduce and have passed at this time a bill to relieve James A. Hile, of Lewis County, Missouri, late a soldier of Company F, Twenty-seventh Regiment Missouri Volunteer Infantry, from the charge of desertion.

The SPEAKER. The bill will be read.

The bill directs the Secretary of War to issue to James A. Hile, of Lewis County, Missouri, late a soldier of Company F, Twenty-seventh Regiment Missouri Infantry Volunteers, an honorable discharge from the service, and to so amend the records and muster-rolls of the War Department as to show that he is no deserter, and that said Hile be entitled to pay and bounty as other soldiers of his rank and arm of service, deducting the time of his absence.

There being no objection, the bill (H. R. No. 4843) was received, read three times, and passed.

Mr. GLOVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. Why cannot gentlemen take their seats and ask from their seats for unanimous consent? The Speaker, by starting from one side of the House and going around the Hall, can give all a fair chance. Let it be understood that there will be opportunity given for having all things considered that do not take much time.

Mr. CONGER. The gentleman is right here in front where he can get the Speaker's eye at any moment.

Mr. BUTLER, of Massachusetts. I can; but I want the rest to have a chance.

Mr. CONGER. The rest of us here on the back seats cannot do as well.

Mr. BUTLER, of Massachusetts. I am in favor of the back seats now.

M'CRARY'S LAW OF ELECTIONS.

Mr. HAZELTON, of Wisconsin. I ask unanimous consent to report from the Committee on Elections a resolution to which I think there will be no objection.

The Clerk read as follows:

Resolved, That the Clerk of this House be, and he is hereby, authorized and instructed to procure from the publisher thereof five hundred copies of the Law of Elections, by Hon. G. W. McCRARY, for the use of the House, to be kept for that purpose, at a cost not to exceed five dollars per volume, to be paid out of the contingent fund of the House.

Mr. STORM. I object.

PAY OF MEMBERS DURING THE RECESS OF CONGRESS.

Mr. CESSNA. I ask unanimous consent to report back from the Committee on the Judiciary a bill (H. R. No. 4556) to amend an act to remove a restriction upon the right of Representatives-elect to receive their pay during the recess of Congress.

The bill, which was read, provides that so much of section 38 of the Revised Statutes as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elect to Congress those holders of proper certificates whose election he may be notified will be contested be, and the same is hereby, repealed.

Mr. COX. I object to that bill.

Mr. CESSNA. I ask the gentleman from New York to hear a single word before he insists upon his objection. This restriction accomplishes no good purpose, while it is a serious annoyance not only to the Representatives themselves, but to the Clerk of the House.

Mr. McNULTA. I object to debate.

Mr. COX. I have objected to that bill before. How do we know who is elected to Congress? Why should we act upon a simple certificate of the Clerk?

Mr. CESSNA. Members take their seats upon a certificate sent to the Clerk.

Mr. COX. But suppose members should afterward be turned out of Congress?

Mr. CESSNA. This restriction does not save a single cent to the contingent fund of the House. The member who comes with a certificate and takes his seat and on that certificate is sworn in, and immediately afterward goes to the Sergeant-at-Arms and draws his pay. It is only a source of embarrassment to the Clerk. While to pass this bill will be the means of affording accommodation to a great many people, at the same time it will do no harm to the Government. To allow the restriction to remain upon the statute-book only induces a great many who have warm contests to serve notice upon their opponents who have been more successful.

Mr. COX. Suppose it should be determined that the member was not elected?

Mr. CESSNA. That would not matter, because under the present law as soon as Congress meets the holder of the certificate would be sworn in, and as I have already said will draw his pay immediately from the Sergeant-at-Arms.

Mr. McNULTA. I must object to debate.

Mr. CESSNA. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair is only hearing unanimous consents.

Mr. COX. I withdraw my objection, as I have misapprehended the bill.

Mr. G. F. HOAR and Mr. CALDWELL objected.

JICARILLA APACHES.

Mr. McNULTA. I ask unanimous consent to report from the Committee on Indian Affairs and put on its passage a bill for the ratification of an agreement with the Jicarilla Apache Indians.

The Clerk proceeded to read the bill.

Mr. BUTLER, of Massachusetts. In order to save time I object to the bill. There is therefore no necessity to read it further.

Mr. HEREFORD. I ask unanimous consent.

Mr. McNULTA. I object to everything out of the regular order.

Mr. BUTLER, of Massachusetts. I ask to report various bills to have them printed.

Mr. McNULTA. I object.

ARMY APPROPRIATION BILL.

Mr. GARFIELD. I move, by unanimous consent, that the amendments of the Senate to the Army appropriation bill be taken from the Speaker's table and ordered to be printed.

There was no objection, and it was ordered accordingly.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union to proceed with the consideration of the sundry civil appropriation bill. Pending that motion I move that by unanimous consent all debate in Committee of the Whole on the state of the Union be closed on the pending paragraph when its consideration shall be resumed.

Mr. COX. I hope not. The gentleman from California [Mr. LUTTRELL] has an amendment to offer and he wants some time to explain it.

Mr. GARFIELD. I will make it five minutes; that all debate shall be closed in five minutes on the pending paragraph.

There was no objection, and it was ordered accordingly.

PERSONAL EXPLANATION.

Mr. KASSON. I ask unanimous consent to make a personal explanation.

Mr. GARFIELD. I rise to demand the enforcement of the rule in reference to admission on the floor of the House.

The SPEAKER. The Doorkeeper will enforce the rule.

Mr. KASSON. I regret to take even one minute of the time of the House and shall hardly take more than one, to say that on the 23d of February the Chicago Tribune, as I learned for the first time this morning, published me as having voted ay to take up the Southern Pacific Railroad subsidy bill, so called. On the 24th the editor of that paper justly expressed great surprise that "KASSON, of Iowa, should be found voting in that way." I am equally surprised that the editor of the paper should have supposed it possible that "KASSON of Iowa" ever did vote that way, although the columns of his own paper indicate it; but while he was justified by the report sent from Washington, still on an examination of the CONGRESSIONAL RECORD his error would have been made apparent and he would have found me recorded, then as always on such subjects, in the negative, and as one of three gentlemen who demanded the yeas and nays promptly in order that the sense of the House might be fully taken.

Mr. MAYNARD. I must object to statements of this sort being made in the House, because many of us who have been misrepresented in that way when we do not rise to correct the misrepresentations will be held responsible for not doing it.

Mr. KASSON. I have only to say, thanking the House for its courtesy and regretting that the gentleman from Tennessee does not see the importance of these matters being set right—I have only to say that it is an entire error, and hope the reporters of that paper, who are usually very accurate, will have it corrected.

ORDER OF BUSINESS.

The question being put on the motion that the House resolve itself into Committee of the Whole, to resume the consideration of the sundry civil appropriation bill. It was agreed to.

Mr. COBURN. Before the House goes into Committee of the Whole I ask unanimous consent to have an hour assigned to-morrow evening for reports from the Committee on Military Affairs, which has quite a large number of reports to make. Last night was assigned to that committee, but it was deprived of it in consequence of the adjournment.

Mr. SOUTHARD. I object.

SUNDRY CIVIL APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By order of the House, debate on the pending amendment is limited to five minutes. The Clerk will read the paragraph which was pending when the committee rose.

The Clerk read as follows:

For collection of mining and mineral statistics, under charge of Professor Rossiter W. Raymond, the amount to be immediately available, to be expended and to be for the completion of the work, $15,000.

The CHAIRMAN. The Clerk will now read the pending amendment offered by the gentleman from New York, [Mr. COX.]

The Clerk read as follows:

Strike out "$15,000" and insert "$10,000."

Mr. COX. The amendment had been voted down and a division was called for, when the committee rose.

Mr. MAYNARD. I move to amend the amendment by striking out "$10,000" and inserting "$11,000."

I do so for the purpose of obtaining information upon a question which it seems to me is worthy of a little thought. I understood from the remarks of the chairman of the Committee on Appropriations the other day that this was the close of Professor Raymond's work in regard to the collection of mining statistics. It seems to me, with a very slight and imperfect knowledge of the subject I admit, that the mining statistics of the country are of very great importance; that we should have a current series of them published for the information of the country. We ought not to depend, it seems to me, on an appropriation to some individual, however accomplished and distinguished he may be; but the collection of them should appertain properly to some Department of the Government. I would suggest that it might very properly come in under the direction of the Bureau of coinage, under the direction of Dr. Linderman, the Director of the Mint. At any rate let it be placed in the charge of some man whose duty it should be to keep up the current series of statistics and publish them as a part of his official conduct, so as not to leave the matter to be provided for by an occasional appropriation by Congress. I merely throw out the suggestion in order to hear what may be said

Mr. HALE, of Maine. Will the gentleman from Tennessee allow me a moment of his time?

Mr. MAYNARD. Certainly.

Mr. HALE, of Maine. The remarks of the gentleman from Tennessee are all in the direction of encouraging the gathering of these statistics; only he wants to go further than the Committee on Appropriations felt justified in going in building up a new division or Bureau. I would have no objection to that being done after due deliberation and examination, and I believe with the gentleman that this is of importance enough to make it a permanent feature. But this appropriation the gentleman will see is in the line of completing a begun work. So far as Professor Raymond is concerned he does not ask to be quartered upon the Government as a permanent official, only that this work in which he has been so enthusiastic and to which he has given much labor, and I believe genius, shall be completed; so that when it is finished he may feel that his work is done.

If Congress should see fit to establish a division under the Bureau of the Mint for this purpose, I believe it would be a good endeavor; and I hope that the House will not on any suggestion of that kind cut down this appropriation. I may remark also that I understood that on the last day when we were considering this bill the committee had voted and had negatived the amendment. Perhaps I am wrong.

Mr. MAYNARD. I suggest to the gentleman that $15,000 would furnish us with a great deal of official work; it would pay the salaries of a great number of officers.

Mr. COX. The five minutes allowed for debate when we went into committee were intended for my friend from California, [Mr. LUTTRELL,] who wishes to move to cut down the appropriation to $7,000. I would be willing to vote for the proposition of the gentleman from Tennessee, and if it were adopted, to place the appropriation in the hands of some Department or officer of the Government.

Mr. MAYNARD. I do not insist on my amendment. I withdraw it.

Mr. LUTTRELL. I move to amend the amendment by striking out "$10,000" and inserting "$7,000."

I desire to say, Mr. Chairman——

Mr. GARFIELD. I rise to a question of order. The time allowed for debate has expired.

The CHAIRMAN. By order of the House debate on the pending paragraph was limited to five minutes, and that time has now expired.

Mr. LUTTRELL. I do not wish to detain the committee more than one moment. In the early part of the session the Director of the Mint, one of the best officers in our Government, offered to do this work for $7,000 per annum. I believe he is one of the best qualified officers in the Government, and he is willing to do the work for half the amount that Professor Raymond does it for.

The CHAIRMAN. Debate on the pending paragraph is exhausted.

The question being taken on Mr. LUTTRELL'S amendment to the amendment there were ayes 33, noes not counted.

So the amendment to the amendment was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from New York [Mr. COX] to strike out "$15,000" and insert "$10,000."

Mr. McCORMICK. Is that debatable?

The CHAIRMAN. It is not. The time allowed for debate has been exhausted.

Mr. McCORMICK. Gentlemen should understand that if they strike at this appropriation they strike at the only appropriation for gathering statistics of the value and development of our great mineral resources, and prevent the completion, at a comparatively trifling outlay, of a very important work by a very competent and faithful man.

The question being taken on the amendment there were ayes 43, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For completion of the jail in the District of Columbia, in accordance with the plans and specifications therefor, to be expended under the direction of the Secretary of the Interior, $140,057.93.

Mr. MERRIAM. I move to strike out from line 215 to line 226 inclusive. There is no other expenditure of the people's money to be made in this District less likely to be complained of by tax-payers, perhaps, than this provision to finish a jail here with $29,900 for heating-apparatus. But the District of Columbia has already one jail, which has never been filled as perhaps it ought to have been.

Mr. RANDALL. If the gentleman wants to discuss that, he must wait until the paragraph is reached.

Mr. MERRIAM. I want at least to inquire why the Government of the United States is expending here $185,548.93 for the completion of a new jail. I would like to ask the chairman of the committee for an explanation why so much money is now to be expended on a jail for this city when every other city in the Union provides for its own jail. It is true that this Congress has rented two cells during the sitting of the Ways and Means for Pacific mail witnesses, but what the country has gained from their incarceration does not seem to warrant a full-fledged, highly ornamented and fiercely heated residence for fancy convicts.

Mr. GARFIELD. I desire to say, Mr. Chairman, that it will be utterly impossible to get through with this bill until two things happen: a reasonably fair attention to business on the part of the committee, and unless gentlemen vote, so that we can make a quorum and not be driven to the constant necessity of expending many minutes in getting a quorum present.

In regard to this question, Congress authorized some years ago the building of a jail for this District. Many persons convicted in this District under the United States laws are now sent to Albany and to other distant points, and it seemed that a jail large enough to keep all the persons convicted here ought to be made. There was a special act passed authorizing the building of a jail. The estimate for that jail was made on the 4th of June, 1874, at $490,057.93, together with an estimate of $10,000 for fencing and inclosures. There has already been expended $350,000. The amount asked for in this appropriation was given in full in the estimates sent by the Secretary of the Interior, whose letter on the subject is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 2, 1875.

SIR: I have the honor to transmit herewith a copy of a letter, dated November 12, 1874, from Mr. A. B. Mullett, late Supervising Architect of the Treasury, submitting estimates of appropriations required for the completion of the new jail in the District of Columbia, in accordance with the plans and specifications therefor, amounting in all to the sum of $185,548.93.

It will be perceived from Mr. Mullett's letter that the total estimated cost to complete jail, according to his former report of June 4, 1874, will be $490,057.93; that there will be required for fencing and inclosures the sum of $9,900; for heating-apparatus, $29,900; and for kitchen-utensils, washing-apparatus, and driving-engine, $5,690; in all, a total estimated cost of $535,548.93; deducting from which amount the appropriation of $300,000 made by the act approved June 1, 1872, and that of $50,000 made for continuing the work on the jail by the sundry civil appropriation act approved June 23, 1874, in all $350,000, leaves the sum of $185,548.93 to be appropriated. A copy of the report of the architect of June 4 last, referred to, is herewith, and I also have the honor to submit, for consideration by Congress, separate estimates for the several sums named in his letter of November 12 last.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

I think it is important that we should complete this building during the coming fiscal year, and therefore that we should appropriate the whole amount now necessary for its completion, and therefore the committee propose to appropriate the whole amount now necessary for its completion. When the bill was passed authorizing the building of this jail on the estimates then presented was the proper time to oppose the bill and say that it ought not to be passed. That estimate was made on the 4th of June, 1874, a year ago next June.

Mr. WILSON, of Indiana. When was the law passed authorizing the erection of this jail?

Mr. GARFIELD. The act was passed on the 23d of June, 1874, and nineteen days after an estimate was sent into Congress upon which the act was passed. The Committee on Appropriations had nothing to do with the passage of the act, but only with the carrying out of the provisions of the law.

Mr. RANDALL. I reserved points of order on this bill, and I make the point of order that this paragraph changes the existing law in that it permits this money to be expended under the direction of the Secretary of the Interior. The law required that it should be expended under the direction of the Chief Justice of the Supreme Court of this District and the Secretary of the Interior, but I suggest to the gentleman that the point of order will be waived by striking out the words "to be expended under the direction of the Secretary of the Interior."

Mr. GARFIELD. I have no objection to striking out those words.

The CHAIRMAN. The Chair must request the committee to come to order. It is impossible for the Chair to preserve order without the individual assistance of the members of the committee. It is impossible for the reporters even to hear the remarks of gentlemen. The Chair appeals to members of the committee to aid the Chairman in preserving order, so that business can proceed intelligently. The Chair understands that the chairman of the Committee on Appropriations desires unanimous consent to amend the pending paragraph so as to strike out the words upon which the gentleman from Pennsylvania raises the point of order.

Mr. HALE, of Maine. Is it not too late for the gentleman from Pennsylvania to raise that question of order?

The CHAIRMAN. The gentleman from Pennsylvania reserved the right to raise the point of order. Is there objection to modifying the pending paragraph by striking out the words "to be expended under the direction of the Secretary of the Interior?" The Chair hears none and the modification will be made.

Mr. WILSON, of Indiana. Before the question is taken on striking out the paragraph I move to further amend it by adding the following:

Provided, That no part of this appropriation shall be available until the present Supervising Architect of the Treasury shall have examined and approved the plan upon which said jail is being constructed, and such modifications may be made by him as he may deem necessary for the prudent and economical completion of said jail.

I wish merely to say this: I am informed that the construction of the new jail is being carried on in a very extravagant manner. According to the plan which has been adopted they are putting most elaborate marble and stone cornices on the building with all sorts of flum-a-diddle, and a great deal of expense would be avoided and a great deal of money saved to the people in the completion of that

work if it can be constructed in accordance with the uses to which it is to be applied. I may be misinformed about this, and if I am my amendment will do no harm; if I am not misinformed about it, we may be able to save some money by it. I will modify my amendment by striking out the word "present" before "Supervising Architect."

Mr. MAYNARD. I hope this amendment will not be insisted upon by the gentleman from Indiana, [Mr. WILSON.] Ever since I have been in Congress, and for years before, the debtors' jail of this District was an utter disgrace to the civilization of our country. Any number of attempts have been made and failed to improve it. We are now in the neighborhood of success; that is, we can see a way to it. The amendment of the gentleman will simply bring another element of difficulty in the way. The present plan, of which I know nothing, for I have never examined it, has received the approbation, as the law requires, of the heads of the several Departments that are called upon by law to examine and approve both the plan and the work. I submit that we had better let this go on and be completed, as it will be under the present appropriation as I am informed. Just as sure as we again open the question we shall have another scheme or plan of building, another set of bills to pay, even if we do not have the whole building pulled down and another one built. I trust after the experience we have had during the last twenty years that we shall be allowed to go on with this work and have a jail which our people will not be ashamed of when the representatives of foreign countries come here and see it.

Mr. WILSON, of Indiana. What is the use of a lion's head and all that sort of thing on the cornice of a jail away out where nobody can see it, and I presume nobody wants to see it?

Mr. TYNER. I move to strike out $40,000 and insert $50,000, for the purpose of inquiring of my colleague [Mr. WILSON, of Indiana] if he has had any conversation with the present Supervising Architect that induces him to propose the amendment he has proposed?

Mr. WILSON, of Indiana. Not a word. I never saw the present Supervising Architect in my life.

Mr. TYNER. Having learned that fact, I beg leave to say to my colleague that the appropriation proposed by this bill for the purposes of the new jail was inserted at the suggestion of the present Supervising Architect, who appeared in person before the Committee on Appropriations and made the statement to the committee that the amounts named in this bill would be sufficient to entirely complete the work.

Mr. WILSON, of Indiana. Now let me ask my colleague [Mr. TYNER] a question. Did the present Supervising Architect say that this appropriation was necessary for the proper completion of the building or did he say that it was necessary to carry out the plan of his predecessor?

Mr. TYNER. I reply to that by saying that I do not know of any member of the committee putting a question to him or making any suggestion to him that would require any response of that kind. But I do know that the Supervising Architect came before the committee and suggested that this amount was necessary to complete the jail.

Mr. WILSON, of Indiana. I have no doubt of that.

Mr. TYNER. Another thing; the jail is so nearly completed, that a change of the plans and specification instead of saving money would in all probability make it necessary to spend more money.

Mr. WILSON, of Indiana. Has the cornice been put on this jail?

Mr. TYNER. It has not.

Mr. WILSON, of Indiana. Has it been prepared to be put on?

Mr. TYNER. I understand that a portion of the work for that purpose has been done. Whether it is an elaborate cornice with lions' heads and dragons and all that sort of thing on it, as my colleague suggests, I am unable to say. I will say, however, that it is a very respectable building, as my colleague will discover by going down on the classic banks of the Eastern Branch of the Potomac and looking at the building itself.

Mr. WILSON, of Indiana. If this thing is all right, the adoption of my amendment will not hurt it a particle. But if there is any opportunity there to save money without impairing the usefulness of this structure, my amendment will give the opportunity and will not interfere with the proper completion of the building at all.

Mr. TYNER. I respond to that by saying that the stone out of which this cornice is in part to be constructed is already on the ground, or at least a portion of it. I will remark also that there is no sense whatever in coming into this House and suggesting that because the late Supervising Architect of the Treasury had something to do with a piece of the work therefore, and without further proof it is necessary to change it.

Mr. WILSON, of Indiana. I made no such suggestion.

Mr. TYNER. But my colleague's amendment seems to indicate that much. I say that in the absence of anything in the shape of information possessed by my colleague or any other gentleman in the House that this work has been done extravagantly or in any other respect as it should not have been, it is useless for this Committee of the Whole to append to this bill a proviso of the kind proposed, especially as the identical officer suggested in the proposition is the one who came before the Committee on Appropriations and said that the amount named therein was necessary to complete the work.

Mr. MERRIAM. I withdraw the amendment.

Mr. RANDALL. I desire to add an amendment providing that the material shall be furnished by the lowest responsible bidder, after advertisement.

Mr. GARFIELD. I think we ought not to do that. If we were now passing the original act for the construction of the jail, such a provision might be proper.

Mr. WILSON, of Indiana. There is plenty of material there now.

Mr. RANDALL. I withdraw the amendment.

The Clerk read as follows:

For fencing and inclosures around said jail, $9,900.

Mr. DUNNELL. I move to amend by striking out the clause just read. The appropriations in this bill would seem to indicate a very full Treasury. There are many appropriations here which, in my judgment, ought either to be struck out or reduced. The bill appropriates a large amount of money. The indications are, Mr. Chairman, that the tax bill which has been passed by the House will fail to become a law; and during the coming year we shall find our Treasury in a very straightened condition. I believe, therefore, that it is the duty of the House, in acting upon this bill, to strike out and to cut down wherever it is possible.

Here is an appropriation for fencing. Now, if this jail be built during the coming year, it will not run away; it will not be lost. There is no call for an appropriation of $10,000 at the present time for fencing around this jail. The appropriation made for the jail itself will secure its erection; but this fencing is merely a matter of ornament, merely a matter of taste. The jail will not be completed until the end of the year; and there is no necessity for expending money at the present time for fencing. I hope, therefore, there will be no objection to striking out these two lines.

I insist that the passage of this bill will be facilitated by striking out these evidently unnecessary items and confining our appropriations to such objects as are absolutely necessary. The bill contains items for appropriations of very large amounts in and around the city of Washington. I never belonged to the number of those who have found fault with Washington City. But wherever we may reduce these current expenses, for which provision has been made somewhat, as the gentleman from New York has suggested, because of custom, let the appropriations be struck out. When we have more money in the Treasury, it will be time enough to incur these expenses, if it should be necessary to do so. I hope there will be no objection to striking out this paragraph.

Mr. GARFIELD. There is no use of mincing matters. If we are going to finish this jail, which has been authorized by law, with its fencing and inclosure, so as to dismiss the subject, and not have a long series of dribbling appropriations coming in hereafter, let us take the Secretary of the Interior and the Supervising Architect at their word when they say that just these sums in dollars and cents will complete it. It is far more economical to make the whole appropriation now in this way than to give at this time a part and let other appropriations dribble in hereafter.

The amendment of Mr. DUNNELL was not agreed to; there being ayes 19, noes not counted.

The Clerk read as follows:

For heating-apparatus, $29,900.

Mr. RANDALL. I move to amend by adding to this clause the words "to be furnished by the lowest responsible bidder, after advertisement."

Mr. GARFIELD. I do not know but the apparatus may have been already obtained or at least contracted for.

Mr. RANDALL. If that should prove to be so, the amendment can be struck out hereafter.

Mr. GARFIELD. I suggest to the gentleman from Pennsylvania not to insist on this amendment, as the work is now so nearly done.

Mr. RANDALL. I have not the slightest concealment about this matter, and I will say that my object is this: that all persons in this city who can furnish heating-apparatus shall have an opportunity to bid for this work, and that the work shall be given to the lowest possible bidder. By this we reach two results: In the first place, we throw the matter open to competition; and in addition to that we secure for the Government the doing of the work at the lowest price.

Mr. TYNER. I suggest to the gentleman from Pennsylvania that he add to his amendment these words:

Provided, That it does not interfere with existing contracts.

I do not know that there is any contract.

Mr. RANDALL. Certainly; I agree to that as a modification.

Mr. GARFIELD. In that form there is no objection to the amendment.

The amendment, as modified, was agreed to.

The Clerk read as follows:

For kitchen utensils, wash-room apparatus, and driving engine, $5,691.

Mr. RANDALL. I move to amend this clause by adding the same amendment which has been added to the clause last under consideration.

Mr. GARFIELD. We had better not do that in so small a matter.

Mr. RANDALL. Well, it is a matter of more than $5,000.

The CHAIRMAN. If there be no objection, this clause will be amended by adding to it the same provision that was appended to the previous clause.

There was no objection.

The Clerk read as follows:

For continuing the inquiry into the causes of the decrease of food-fishes of the coast and of the lakes of the United States, $5,000.

Mr. POTTER. I move to strike out that paragraph; and I do so to hear from the chairman of the Committee on Appropriations some reason for the appropriations in this and in the next two paragraphs by which something over $50,000 are appropriated for continuing the inquiry into the causes of the decrease of food-fishes on the coast and in the lakes of the United States, and for the propagation of food-fishes in the waters of the Pacific, the Gulf States, and of the Mississippi Valley. It seems to me a very extraordinary proceeding for the United States to go into the business of stocking the rivers and lakes throughout the country with the various kinds of food-fishes.

A gentleman on my right says the Government of the United States should do it. I know there are some gentlemen who hold to the opinion that the Government of the United States should do everything, manage everything, and supply everything, and leave nobody to take care of himself. I am inclined to believe, however, that it would be best to leave the people of the States to regulate their own affairs in this as well as other matters. As at present advised I shall vote to strike out these paragraphs.

Mr. GARFIELD. I will not take up the time of the committee with discussing this question of the introduction of food-fishes along the coast and in the rivers and lakes of the United States. It has been fully discussed before. The gentleman from New York will see, I think, that his constitutional scruples about the United States Government taking care of things not legitimately belonging to it have no application in this case at all. The control of the States stops at tide-water and the regulation in reference to the introduction of food-fishes along the coasts of the United States and in the rivers running through whole tiers of States is a question which we have the right to handle. This appropriation has been made for a series of years, and I believe by the general consent of all who have examined into the matter it is an appropriation which has given more valuable returns both in the way of knowledge to the people on this subject and in the increase of our stock of food-fishes than perhaps anything appropriated in this bill.

Mr. MAYNARD. Before the vote is taken on the motion to strike out I desire to move as an amendment in the way of perfecting the section to insert after the word "coast," in line 246, the words "of the rivers;" so it will read: "for continuing the inquiry into the causes of the decrease of food-fishes of the coast, of the rivers, and of the lakes of the United States, $5,000." I hope the gentleman having charge of the bill will accept my amendment. If so I will not stop to debate the question.

Mr. GARFIELD. I see no objection to the gentleman's amendment.

The amendment was agreed to.

Mr. SMITH, of Ohio. I move to strike out the last word.

Mr. Chairman, this whole fish business is a very singular one for the United States to engage in. My understanding is that it is the accepted theory about these food-fishes that when planted in a stream they always go back to the place from which they started. That being so, there is no difficulty in any locality or upon any stream of the United States for the people living there to establish a system of fish propagation for themselves. A good many States have already established a system for the introduction of food-fishes. We have such a system in Ohio. It therefore strikes me to be better to leave this matter to the States than to establish fish commissioners for the United States. I see no necessity for this being done by the General Government when people anywhere throughout the United States, in any portion of the country, can introduce into their streams exactly the fish they desire.

Mr. MAYNARD. But take such rivers as the Mississippi, running through several States, no one State government can make regulations covering the whole of them.

Mr. SMITH, of Ohio. If you plant shad in any little stream within the confines of any State, take for instance the Tennessee River, and the theory is if you plant shad there they will come back to that stream every year.

Mr. MAYNARD. But there are other kinds of food-fishes the introduction of which is desired in the great rivers of the country.

Mr. SMITH, of Ohio. If you plant shad in the Tennessee River they will always be found in that river. They will pass out into the Mississippi, and so on down into the Gulf, and they will be caught all along on their way back. So it is with other fishes.

Mr. FRYE. Mr. Chairman, I do not think members fully understand the importance of the measure now under discussion. Take for instance the paragraph which the gentleman from New York [Mr. POTTER] moves to strike out. You have the advantage during the whole warm season of the labors of over twenty scientists for this small amount of $5,000. Not one of that corps of scientific gentlemen receives a single dollar for the services which he renders. The whole $5,000 dollars is paid for an artist and a secretary and other necessary expenses. Not one dollar does any man of those twenty scientists get. Their services are given gratuitously in behalf of the cause of science.

In regard to the next paragraph, I do not believe gentlemen in this House know what has been effected. In 1867 the great Connecticut River ran dry of shad; none could be had, and none were in the river. Seth Green (and he will be always remembered by the people there) in 1867 planted 2,500,000 young shad in that river, and in 1870 the river was stocked with that fish. It takes three years for them to grow. In 1873 you could buy shad on the Connecticut River (and they are the best in the country) for three dollars a hundred. Seth Green did this alone and unaided for the Connecticut River. Now, sir, this commission has scattered the young fry of shad all over the country. It has stocked all the rivers of the country with shad, and in less than three years from to-day there will not be a single river in the country, not even the great Mississippi River running into the ocean, which will not furnish the people all up and down its banks with this nice fish, the shad. They have gone out all over the country scattering these young fish.

Now, take salmon; why they have gone last year to the Colorado, to the rivers of California, and have gathered up seven millions of eggs, hatched those eggs and scattered those salmon all over the southern portion of the country. Those rivers being warmer, these salmon grow large, to a weight of from twenty to fifty pounds. They grow quick in the southern waters. Five years ago we paid forty dollars a thousand for salmon eggs, and you have got over eight millions last year, which have been hatched and put into the various waters. I believe, as the chairman of the committee has said, that no appropriation you make has the superabundant returns this appropriation has. It has been a pet of mine, the only pet I have had since I have been in Congress. Ever since I have been here I have nursed it. I love it, and I trust the gentleman from Ohio, [Mr. SMITH,] who is so fierce a free-trader, does not really oppose this because he thinks protection for fishes has something to do with the tariff.

The question being taken on the amendment, it was not agreed to.

The question recurred on the motion to strike out the paragraph, and was not agreed to.

The Clerk read the following paragraph:

For the introduction of shad into the waters of the Pacific States, the Gulf States, and of the Mississippi Valley, and of salmon, white fish, and other useful food-fishes, into the waters of the United States to which they are best adapted, $47,500, to be expended under the direction of the United States Commissioner of Fish and Fisheries.

Mr. RANDALL. I offer the following amendment:

Strike out "$47,500" and insert "$17,500."

We appropriated last year $17,500 for this purpose. I am not myself against a proper expenditure of money in this direction, but I want to have only the same amount this year as was appropriated last year. By this we would save $30,000.

Mr. MERRIAM. I rise to oppose the amendment. My colleague [Mr. POTTER] took exceptions to my remark, "that the restocking of our rivers—exhausted of fish by man's improvidence and lack of consideration for those who came after us—would be productive of vast blessings to mankind." A government that watches over the economies of life will be applauded by generous men everywhere. Through the intelligent labors of a few patriotic men, our depleted rivers teem again with new life, thousands of our race are thereby furnished with the cheapest and best of food, whole families through it are saved the humiliation of beggary, and we the support of paupers The moral influence upon mankind produced when following rivers leading through the varied and beautiful scenery of our land, is so marked and it so elevates and purifies the minds and hearts of men, that any reasonable expenditure of money in that direction is both economy and wisdom.

The names of Roosevelt, Green, Professor Baird and others, to whom the country is indebted for their unselfish work, will be a pleasant memory.

I hope the amendment will not prevail.

Mr. RANDALL. I withdraw the amendment.

The Clerk read the following paragraph:

For engraving and printing certificates of centennial stock for the international exhibition to be held in the city of Philadelphia in the year 1876, $30,750: *Provided*, That this appropriation shall not be construed as in any manner committing the Government of the United States to any other payment whatever to meet the expenses of said exhibition.

Mr. SMITH, of Ohio. I move to strike out that paragraph.

The motion to strike out the paragraph was not agreed to.

The Clerk read the following:

To enable the Clerk of the House of Representatives to pay the fourteen crippled and disabled soldiers now in the employment of the Doorkeeper of the House, from April 1, 1875, to December 6, 1875, the sum of $12,549.60; which is hereby appropriated.

Mr. MAYNARD. I offer the following amendment to come in after the paragraph just read.

The Clerk read as follows:

After line 272 insert as follows:

To enable the Clerk of the House of Representatives to pay Isaac Strohm for the time employed in making out the warrants for bringing, by order of the House, persons before its bar, and other papers requiring the seal of the House of Representatives, $150 per annum; and a sum sufficient for that purpose is hereby appropriated and added to the contingent fund of the House of Representatives.

Mr. MAYNARD. I believe there is no objection to this appropriation for the payment of a very worthy official of the House.

Mr. RANDALL. There can be no objection to that.

The amendment was agreed to.

The Clerk read the following paragraph:

To enable the Clerk of the House of Representatives to cause to be erected, in the Congressional Cemetery, monuments in memory of those Representatives who have died since the erection of those last authorized; said monuments to be of uni-

form size and style with those previously erected, and to be contracted for by him with the lowest responsible bidder therefor, after due public notice, $1,500, or so much thereof as may be necessary.

Mr. MAYNARD. I offer the following amendment:

After the word "be," in line 282, insert "of marble."

Most of those monuments, according to my recollection, are of a very indifferent kind of sandstone, which will disintegrate and perish in a short time. I think the monument ought to be of some more durable material.

Mr. MERRIAM. I would suggest the addition of the words "of granite."

Mr. MAYNARD. I accept that, and modify my amendment accordingly.

The amendment, as modified, was agreed to.

Mr. SCUDDER, of New Jersey. I offer the following amendment:

The Clerk read as follows:

After line 286, insert as follows:

That the secretary of the Smithsonian Institution is authorized to purchase for the use of the United States the Catlin collection of paintings and museum of curiosities at such price as can be agreed upon, not to exceed, however, the sum of $50,000.

Mr. GARFIELD. I ask the gentleman to postpone moving that until we reach the miscellaneous items.

Mr. SCUDDER, of New Jersey. Very well.

The Clerk read the following paragraph.

For the purchase of a noiseless steam-pump for the heating and ventilating department of the House of Representatives, $1,000, or so much thereof as may be necessary.

Mr. HAWLEY, of Connecticut. I move to strike out that paragraph, and I do it for the purpose of making an inquiry. I have an indistinct recollection that toward the close of the last session a resolution was adopted directing certain inquiries to be made concerning the lighting and ventilating of this Hall. I desire to know if that resolution passed. I certainly hope some action may be taken in that direction. I venture to say, deliberately, that this Hall is the most conspicuous failure in the United States; and so far as my limited observation extends, in any country, as to ventilation, lighting, comfort, and health. I invite gentlemen to go into any manufacturing establishment in my State where a large number of men are employed, and I affirm that they can find no room containing so many workmen, confined so long a time, which is not better lighted and better ventilated than this Hall. Through the registers, running just behind the feet of every member, come streams of air whose temperature is sometimes as low as fifty, or sixty, or certainly from five to fifteen degrees lower than the average temperature in which our heads move, which the various thermometers show to range from 72 to 80, especially when the fierce heat of the gas-lights beats down on our heads. The rapid change of the volume makes even hot air feel cold. All the light we get in the day-time comes perpendicularly through ground-glass skylights, throwing strong lights and the deepest shadows, that strain all the nerves of the eye in the attempt to distinguish faces at a short distance. We get no direct supplies of light or air. Every principle of wholesome lighting and heating is defied, and so we go on year after year. I have no doubt that the untimely deaths of many honorable members have been due to our defiance here of all the laws of health.

Mr. MAYNARD. I oppose the amendment for the purpose of saying that I have been in this Hall from the time when the House first moved into it from the other Hall, and my experience is the reverse of that of the gentleman from Connecticut. It is to my mind the most successful room ever occupied for legislative purposes as regards heat or light or air, making it suitable for public business. I have never been conscious while occupying this room of either heat or cold, light or darkness, excess or absence of ventilation; and I take this opportunity to have on record my estimate of the character of this room, in reply to general criticisms that from time to time have been made upon it.

Mr. BUTLER, of Massachusetts. I desire to move to strike out the last word, and I desire to do it because my experience has been so exactly the reverse of that of the gentleman from Tennessee.

The CHAIRMAN. There is an amendment pending.

Mr. HAWLEY, of Connecticut. I withdraw the amendment.

Mr. BUTLER, of Massachusetts. I renew it. I desire to say that my experience has been precisely opposite to that of the gentleman from Tennessee. The construction of this Hall is the worst fitted for the purposes for which it is used, in my judgment, of any place on the face of the earth. It is said that the court of Areopagus sat in darkness in order that they might not be influenced by the gestures of the speaker. We have improved on that. We have built a place where we can see the orator and his gesture, but as a rule cannot hear a word he says.

Mr. GARFIELD. That was the theory of Roscius.

Mr. BUTLER, of Massachusetts. Now, I have as reasonably strong lungs as anybody in this Hall, and I cannot be heard this minute distinctly by more than one third in it, and this fact gives this body an unfair and unjust reputation. We are called a very disorderly body, and it is said that we do not attend to the current business; that members will not attend to what is going on. These cross-bars here above us catch the waves of sound and prevent the voice from being heard, and then these immense galleries, with their stairways, tend in the very same direction.

Then we get none of the air of heaven in here unless it is pumped up through tubes that are not kept clean, but are reeking with all the filth that falls into them. We get none of the light of heaven except as it comes to us through the glass above.

Mr. MAYNARD. At least there is no reverberation in this Hall; no echo.

Mr. BUTLER, of Massachusetts. Pardon me; I know there is no reverberation in the Hall, because you cannot get any sound through it; that is what I am complaining of. You cannot get a reverberation until you get sound to traverse space and come back.

Sir, reverberation helps the voice. I know of no place like this in the world excepting one. I undertook to make a speech in the court-house of a town in Indiana, a room say eighty feet by sixty, and although I may say I have voice enough to reach five thousand people in the open air, yet I could not be heard in that court-house for the reason that the architect had run large pine-board arches of the Gothic pattern clear across it, which stopped the voice and prevented it being heard.

Sir, this Hall will never be fit for legislative purposes, in my judgment, until it is carried back upon each side so as to allow the light and air of heaven to enter into it.

Mr. MAYNARD. Did the gentleman ever listen to speaking in the old Hall?

Mr. BUTLER, of Massachusetts. I never did; but because that was bad, that is no reason why this should be made worse. I call the attention of every man here to this matter. It is of no consequence to me in the future and has not been very much in the past. Men who have been accustomed to the noisome air of crowded court-houses all their lives may be able to live here; but men who have not been so accustomed cannot live here. A larger percentage of the members of this House of Representatives die than of any other body of men.

[Here the hammer fell.]

Mr. PLATT, of Virginia. I differ with the gentleman.

Mr. GARFIELD. I hope we will have a vote now.

Mr. PLATT, of Virginia. I hope the gentleman, who has occupied as much time as anybody in this House, will not object to my occupying a little, when it is so seldom I take any time for speaking here.

Mr. GARFIELD. Very well; I will give the gentleman my time.

Mr. PLATT, of Virginia. I know it is very much the fashion of gentlemen occupying this Hall to decry its capacity for the purpose for which it was designed. I do not agree with the estimation held of it by the gentleman who has just addressed us. On the contrary, every gentleman who occupies a seat here can satisfy himself that so far from this Hall being defective as a place to be heard in, there is no better hall anywhere, no place in the Union, I undertake to say, where if the people occupying the Hall will maintain silence the speaker can be better heard.

Mr. CLEMENTS. I ask the gentleman to speak a little louder so that I can hear him.

Mr. PLATT, of Virginia. I will explain why the gentleman cannot hear me and why there is difficulty in hearing other gentlemen here. It is because there are two hundred men on this floor talking among themselves at the same time the Speaker is addressing the House. We all know that in their conversation members are in the habit of speaking in their ordinary tones of voice and take very little pains to lower it. Then we have the lobbies here filled with gentlemen who are also talking in their ordinary tones of voice; and the galleries are filled with ladies and gentlemen talking in their ordinary tones of voice. There is not a church or public hall in the United States where, if while the clergyman or orator was attempting to address the audience the audience should do precisely what is being done every moment in this House, he would be heard any better than members are heard here. It is very easy to ascertain the correctness of what I say. I undertake to say that at this moment there is no gentleman entitled to a seat on this floor who cannot be heard in every portion of this Hall and in the galleries besides if those here will maintain the silence that is maintained in churches and lecture-rooms.

Mr. BUTLER, of Massachusetts. Allow me to make a single observation.

Mr. PLATT, of Virginia. I have no time to be interrupted, particularly by the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. We are very still now.

Mr. PLATT, of Virginia. I want to ask every gentleman within the sound of my voice if we have any difficulty in hearing the Chaplain in the morning when he opens the exercises here?

Mr. MERRIAM. Because few members are in their seats so early, and because even Congressmen bend their heads in silence when reminded that they are in the presence of their Maker.

Mr. PLATT, of Virginia. We hear him in every part of the Hall. Why? Because we show him the respect of maintaining silence and not indulging in conversation on the floor of the House. I am unwilling that these complaints against this Hall shall be made here, as they have been made, without having the real difficulty called to the attention of the House.

In regard to the pending paragraph which it is proposed to strike out, I hope it will be stricken out, and that not one dollar will be

expended by Congress for that purpose until some correct plan for heating and ventilating this Hall as it should be heated and ventilated shall be devised. I wish I had time to tell members about the defective construction of the heating and ventilating contrivances which are under our feet, and how almost impossible it is that any effective system can be adopted by following their present plan of construction. My objection to this paragraph is that this subject has not been considered by the Committee on Public Buildings and Grounds nor by any other committee that I know of.

[Here the hammer fell.]

Mr. COBURN. I move an amendment to the amendment for the purpose of saying a word or two about this Hall. It has been extolled to-day lavishly by some gentlemen, and I cannot agree with them in any particular. To me it is the most objectionable place I ever saw for a body of men to assemble in. The air comes in at the wrong place and in the wrong direction. When the weather is warm the sun shines down through the top of the Hall on the heads of members, and it is a source of sickness and annoyance from the beginning to the end of the heated term. This Hall should have been constructed with the doors and windows opening to the outer air, and the light should come in, as in ordinary rooms, from the sides of the building. I can imagine nothing more similar to the plan of this Hall, so far as heating and lighting are concerned, than hot-houses which are used for sprouting cabbage-plants, &c. The glass top of this Hall has about the same effect on the heads of several gentlemen that the glass tops of hot-houses have upon the plants in them. I would vote to-day for an appropriation to erect a "wigwam" or some other inclosure in which Congressmen might assemble and where they would have an ordinarily decent place to do the public business. If anything could reconcile me to the continuance of this Hall with its present arrangements as the place of meeting of the House of Representatives, it is the fact that it will be occupied in the next Congress by a large democratic majority. If I could be so malicious as to desire the sickness or possible death of my political opponents, that might be a reason for voting against an appropriation to provide some other place for the meeting of the House of Representatives or some improvement of this Hall. But I do say that much as I am opposed politically to my democratic antagonists and unwilling as I am that they should continue in power, I will vote the very largest possible appropriation to build a new hall or to remodel the present one or to erect a "wigwam," so that our democratic friends may live in some comfort during the short time that they will be in power.

[Here the hammer fell.]

Mr. ELDREDGE. I rise to oppose the amendment. As I am about to retire from Congress, I want to bear my testimony against this Hall as a very unsuitable place for occupancy by the House of Representatives. I agree with every one of the gentlemen who have criticised it as an unfit place for the assemblage of a public body. I can account in no way for the remarks of the gentleman from Tennessee [Mr. MAYNARD] except by taking his words literally, as I understood them—that he is insensible to heat and insensible to cold, insensible to light and insensible to darkness. Only a reason of that kind can account for the fact that he has not found out before this time that this Hall is an unfit place for the use of the House of Representatives.

Why, sir, go around this Hall to-day and you will find nine out of ten of the members suffering with colds, sore throats—threatened perhaps with pneumonia or inflammation of the lungs. There is scarcely a well man with whom I have spoken for the last ten or twenty days on this floor. During the time when we were here the whole of two nights "filibustering," as it was called, upon the civil-rights bill, almost every man in this Hall became more or less sick. I at one time sent for the Doorkeeper, telling him that everybody in this part of the Hall was in a chill. He went to the thermometer and came back telling me that it indicated seventy-five degrees. I replied, "I am suffering with a chill; this Hall is cold." He then examined some of the flues or other arrangements under the seats here, and found that cold air from out of doors was actually blowing in upon the feet of all of us here.

Mr. MAYNARD. Will the gentleman allow me to call his attention to the fact how seldom it is that we hear a cough in this House as compared with other congregations of people?

Mr. ELDREDGE. Why it is very seldom that a voice is heard. The best voice in this House cannot be heard from one end of the Hall to the other, even when the Hall is perfectly still. I undertake to say that there is not a man here who can be heard throughout the entire length and breadth of this Hall even when profound stillness otherwise prevails; for then the reverberation tends to drown the voice. If any one can be heard throughout this Hall I can be, when my voice is in good condition; and having inquired how far my voice could be heard, I have learned that unless the persons listening are facing you, they cannot hear at all what is said in this Hall.

There is but one word further I want to say. The sunlight of heaven does not shine here; and that is not a fit place for human beings where God's sunlight cannot shine upon them.

The CHAIRMAN. Debate upon the amendment to the amendment is exhausted.

Both amendments were withdrawn.

The Clerk read as follows:

For compensation in lieu of moieties in certain cases under customs-revenue laws, $200,000.

Mr. BUTLER, of Massachusetts. I move to amend the clause just read by striking out the last word. I take leave now to call the attention of the House to the necessity which now for the first time arises for such an appropriation as this in our regular appropriation bill. It results from the change of the law agreed to at the last session by this Congress in the interest, as it was claimed, of the revenue. Upon that subject I desire to say one or two words.

Heretofore all the expenses of collecting sums due from those who had defrauded the revenue were deducted from the shares assigned to the informers. Although that system had obtained in the practice of the Government for ninety years; although after being attacked in 1846 by one of these chronic reformers and in some respects changed, it had to be restored two or three years later; yet in spite of all that experience a newspaper howl was gotten up by fraudulent, cheating merchants. Now let nobody get up and say that I have charged all merchants with defrauding and cheating. I say "fraudulent, cheating merchants." On one page of the newspaper you will see half a column of howling, and on another three columns of advertisements of the very merchants who have suffered under the law. That is kept up to-day. And when I ventured at the request of the Attorney-General to bring to the attention of the House the necessity that he should have some money to obtain evidence, the New York Tribune of yesterday comes to us with the statement that I had secured the passage of a provision in favor of Sanborn; that he was to be employed to get this evidence. This charge is made without any reason, without any knowledge, without any foundation except in the imagination of lying newspaper hacks or correspondents.

The man who got that evidence lives in Kentucky and is known to the gentleman from Kentucky. It is not Mr. Sanborn at all.

Mr. BECK. What is that?

Mr. BUTLER, of Massachusetts. I am speaking of a piece of evidence in existence about a fraudulent claim against the United States in the hands of a Kentucky man and not Mr. Sanborn, of Massachusetts, at all. Yet the newspapers insisted, when I moved that might be procured among others, it was done in the interest of Mr. Sanborn.

Let me say one other word. You made an excellent collection last year of withheld taxes since you repealed what is called the Sanborn contracts. How do you suppose we did it? Because your Commissioner of Internal Revenue has employed Mr. Sanborn under contract to aid him.

Mr. PAGE. The revenues have fallen off more than $12,000,000.

Mr. BUTLER, of Massachusetts. Another point. It is the judgment of every revenue officer, the judgment of the Secretary of the Treasury, that in consequence of this law the customs revenue has fallen off from fifteen to twelve million dollars.

Mr. MERRIAM. Have we not the same men collecting then as before?

Mr. BUTLER, of Massachusetts. No.

Mr. MERRIAM. The natural logic would be, having the same men there, that they did not attend to their business before or are not attending to it now.

Mr. BUTLER, of Massachusetts. I will explain all that.

Mr. DAWES. Will you let me interrupt you?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. DAWES. State whether there is any evidence on record in any quarter which justifies your statement now.

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. DAWES. Point out where it is.

Mr. BUTLER, of Massachusetts. I will tell you. Go to your Commissioner's report, where he tells you how many millions you have lost by the importation of silks and other things in the way of baggage this very year. The Commissioner of Customs tells you that more millions have been lost than you will get on your whisky tax if your new bill pass.

Mr. DAWES. Excuse me; what I wish to know is whether there is anything on record which justifies the statement of the gentleman that it is the opinion of the Secretary of the Treasury that more than $12,000,000 have been lost by the repeal of that law.

The CHAIRMAN. The gentleman's time has expired.

Mr. BUTLER, of Massachusetts. That was put into the Secretary's report.

Mr. PARKER, of Missouri. I will take the floor and yield my five minutes to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. Now, then, I desire to say you will find that when the Secretary did not like the report of one of his subordinates, as for instance the Treasurer of the United States, as to the necessity of greenback currency and 3.65 bonds, he had it very properly struck out of that report, but in the Commissioner of Customs's report you will find a statement of a much larger sum in that single item.

I will now send up to the Clerk's desk to be read, if I have it here, and I think I have, a statement of the evidence of one of the partners of A. T. Stewart & Co., which is published in all the papers. Here it is, and I ask the Clerk to read it.

The Clerk read as follows:

THE SILK SMUGGLERS.

Mr. H. B. Claflin, the dry-goods man, talked with Collector Arthur for two hours yesterday about the silk-smuggling frauds. The collector denies that Mr. Claflin told him of the existence of the frauds. The information which led to their dis-

covery was furnished, it is said, by Mr. N. P. Rice, a custom-house bond clerk. He received a bond from Charles S. Lawrence, the runaway broker and lawyer, in which he detected several irregularities. He communicated his discovery to Mr. Balch, the chief clerk of the ninth division, and they made a joint examination of all the bonds filed by Lawrence on previous entries of goods. They found evidence of forgery and fraud in every one. The names of the importers of the goods proved fictitious.

The facts were laid before Deputy Collector Phelps, Collector Arthur, and Surveyor Sharpe, and an investigation was begun under their supervision. The false invoices of silk, eleven in number, showed that the deputy collector of the warehouse division, Colonel Des Anges, had designated the "dummy" cases of cotton hosiery for appraisement in every instance. He was summoned before General Arthur and General Sharpe and asked for an explanation. After they had heard his story they looked on him as the victim of circumstances, knowing the many ways corrupt merchants and cunning brokers had of tampering with papers that had passed through the custom-house all right. They warned Colonel Des Anges to guard against signing any more of Lawrence's invoices without the closest scrutiny, and to report to them any that he presented. Collector Arthur was so assured of his innocence that he consulted with him daily about the steps he was taking to fathom the fraud. There was no suspicion against him until after the seizure of the eight cases of silk and one case of cotton hosiery at the Hoboken stores by Deputy Surveyor Klinck. The invoice showed that he had marked case 109, containing the hosiery, as the one to be sent to the public stores for appraisement, and that he had done this subsequent to the warning of the collector.

While he was chief clerk of the warehouse division, Colonel Des Anges bought a house in Plainfield, New Jersey, and has been living there since. It is said that his father gave him $100,000 in North Carolina bonds when he left England, and that he gets a large sum of money from home every year.

The magnitude of Lawrence's operations is greater than the revenue authorities supposed. His handiwork is seen in many old cases of fraud. There is evidence of the existence of a "pool" to defraud the Government and make a market for smuggled silks in this city. The "pool" had its headquarters in London, and Lawrence acted as agent here. The investigating officers know of twenty invoices that he has undervalued, and think that twice as many remain undiscovered.

There is a black-list in the custom-house of brokers and others who are not accepted on bonds because they have no property. Lawrence's name was not on this, and consequently his bonds were regarded as good. It seems that all of his property is out of the reach of the law. His wealth is estimated at $250,000. Part of it is in money and part in real estate in his wife's name. He generally carried $10,000 worth of diamonds on his person. Shortly before his flight he invoiced seventeen cases of silk as cotton goods. He got warning from his allies in the custom-house that they were to be confiscated, and to save them he exported them in bond to Montreal, beyond the reach of the officers. The twelve cases of silverware seized by special agent Thomas Brown at 6 Park place, in H. G. Levey's store, are said to have been imported through Lawrence's agency. They were entered as shells, in the name of J. C. Parkin. The latter is a myth. Shells are on the free list, and to keep up the deception of the invoice two cases of shells accompanied the silverware. These went to the appraiser. They were sent there by Deputy Collector Des Anges.

SILK SMUGGLING—INTERVIEW WITH MR. LIBBY, OF A. T. STEWART & CO.

Question. Of course, Mr. Libby, you are aware of the events now being exposed with respect to smuggling silks, &c. We want to know how these silks are put upon the market and by whom.

Answer. That I suppose to be well known. A prominent auction-house have for a year past sold periodically, sometimes twice a week, large lines of these silks, and at prices far below what it costs to legitimately import the article. There are, besides these auction sales, some large and prominent houses dealing heavily in silk goods at prices below cost of importation, but who really import very little on their own account. Indeed, I believe they publicly state that they can purchase smuggled silks cheaper than they can import them. Applications are frequently made to us to purchase silks cheap, but we do not think it proper to deal with keepers of small liquor-shops and small fur dealers who have such things for sale, nor will we permit any of our buyers to purchase at these auction sales to which I have alluded.

Q. Why is it that this smuggling has seemed to have increased so much lately? *Has the repeal of the moiety system had anything to do with it?*

A. *Undoubtedly.* The Government never did a more unwise thing than its repeal of the moiety system, which has been in existence almost from the formation of the Republic, and in my opinion is inseparable from any system of high tariffs on imports. Every Government has so considered it.

Q. How in your business do you meet the competition which must arise from this state of things?

A. By ceasing to import or deal in certain classes of goods. We have been obliged to do this for some time, and the number of articles affected by smuggling is daily increasing. We are in hopes that as it leads to a palpable diminution in the revenues of the Government from imports some action must speedily be taken by the customs officials on the subject, and thus enable us to do a legitimate business in importing. Until then we must confine ourselves to such goods as do not compete with this kind of fraud.

Q. What would you recommend to be done under the circumstances?

A. From the facts as stated any one can answer that. We can only hope for aid from the press, assisted by the Government officials and Congress. Upon the latter the lever of "diminished and insufficient revenue" must sooner or later have its effect.—*Graphic.*

Mr. BUTLER, of Massachusetts. This is the testimony of Mr. Libby, the partner of A. T. Stewart & Co.

The partner of Mr. H. B. Claflin, the great dry-goods man, went before the Commissioner and swore they were obliged to buy their silk goods of those men who imported them without the payment of duty, as they could buy silk goods 40 per cent. cheaper in New York than they could import them for; that they were either to stop the selling of silk goods or to buy them of those men who imported them free of duty. That is the testimony and such is the fact.

Now we are called upon to pay $200,000 out of the Treasury for the detection of frauds.

Mr. HAZELTON. Let me ask whether the gentleman refers to Claflin, one of the leading merchants of New York City?

Mr. BUTLER, of Massachusetts. I do.

Mr. MAYNARD. I move to amend the amendment by striking out the last four words, and I do so for the purpose of giving the gentleman from Massachusetts [Mr. BUTLER] an opportunity further to discuss this matter. I yield him my time.

Mr. BUTLER, of Massachusetts. I observe that my colleague [Mr. DAWES] has risen. I yield the floor to hear what my colleague has to say.

Mr. DAWES. I came in since this debate commenced, so that I scarcely know what course it has been taking. But I understood my colleague to say that it was the opinion of the Secretary of the Treasury that a very large amount, an increased amount of smuggling—defrauding the revenue—has been caused by the repeal of the moiety laws, amounting to more than $12,000,000. I do not find any such thing upon record from the Secretary of the Treasury nor from any official of the Government.

My colleague has read from the testimony given somewhere, I do not know where, of a member of the firm of A. T. Stewart & Co., who expresses the opinion that the repeal of the moiety law last winter largely increased smuggling the present year; and says that a partner of the firm of H. B. Claflin & Co. said they were obliged to stop importing goods, and trade with smugglers, all because of that law.

Now let my colleague state to the committee that the law of last year, so far as smuggling is concerned, has left the moiety system exactly as it was before—more stringent, if anything, and more efficient; that it has only taken away from three officers of the Government—the collector, the naval officer, and the surveyor of the port—these moieties and given them to the officers who make the detection. That is the way the law of last session has left it. These three officers came before the committee and Jayne himself, all of them testifying that the collector, the surveyor of the port, and the naval officer did not know anything about these frauds at all; they depended upon detectives; they knew nothing about them. And when we took the long list and asked Jayne and these officers what does the naval officer, the collector, and the surveyor of the port know about these cases of fraud, each one of them said, "Nothing at all." We left the moiety, so far as smuggling is concerned, to be given as a stimulus to the officers who are engaged in the detection of the smuggling.

The frauds which are committed are not through smuggling, but underappraisal and false entries—frauds in the custom-house; not frauds by dodging the custom-house, which is the definition of smuggling. And no Secretary of the Treasury, not even any one of the custom-house officers who have rolled in the wealth of moities heretofore, has so asserted—has been willing to put himself on record as saying that taking one-half of the enormous sums from these three individuals—the surveyor of the port, the collector, and the naval officer—has increased the frauds upon the revenue.

There are persons who try to get up a public sentiment of that kind, but they are the men who have felt the operation of the law, and no others.

Mr. BUTLER, of Massachusetts. I desire my colleague to answer me a question; for if I did not know him to be an honest man I should certainly conceive he was not from this speech of his. But I cannot conceive how he can have so misled himself. Does he mean to say the informer can now have a quarter of all the pains and penalties adjudged?

Mr. DAWES. I did not say any such thing. I said so far as smuggling is concerned the informer had one-half of all the smuggled goods, and we made the law more efficient and more certain when it was provided that the man who detected the smuggling should have it. Now my colleague wants to know if I stated the informer was to have one-quarter of all the penalties for frauds upon the revenue. My colleague says that smuggling has increased to the amount of $12,000,000 through the change in the law. I stated that was not the case.

Mr. BUTLER, of Massachusetts. There is precisely what I complain of; that the small matter which is called smuggling is what they bring in. Somebody brings in a package, and that is called smuggling. But where great frauds have been committed they are not included in that term. I use "smuggling" as a general term, to mean all the frauds upon the customs revenue. They say they have made the law more efficient. O, yes; if a man is caught with a box of cigars, the informer gets half that box; but if a merchant imports in a steamboat three-quarters of a million of dollars of cargo, and sends, as he has done and as he has been detected in doing, but one out of ten of the boxes to the appraising office and gets those appraised as cotton hose—as a cargo of cotton hose—when they are silk goods worth almost a million of dollars, there is then a fraud of almost a million at a time. That is the trouble, and why I said I could not conceive how so honest a man as I believe my colleague to be could undertake so to mislead the House on such a question.

The question is, is our revenue increasing or decreasing from these frauds, and there is nobody that doubts that it is decreasing from these frauds.

Mr. MERRIAM. The gentleman says that nobody doubts it.

Mr. BUTLER, of Massachusetts. No, no; I do not want to hear you any more; do not interrupt me again. I understand at once what the gentleman wants, and I did not make much of a mistake when I said that nobody doubted whether the revenue was increased or decreased by the repeal of this law. Pardon me; I myself on the first day of the session introduced a bill to take away a quarter of what was given to these three officers, so that there is not really an issue between us. It was referred to the Committee on Ways and Means, and they have been sitting upon it ever since just as they have been sitting upon the Pacific Mail matter and have not hatched anything yet. There is no issue between us. Gentlemen insisted that inasmuch as there was a large temptation given to the merchants to commit frauds there should be a large reward given to the

informer as to those frauds. Gentlemen insisted that we should not allow these frauds to be disclosed because there was a large temptation to those employed by merchants to let frauds be known. And now let me ask you, on looking to your record, how much money has been collected this year in consequence of the commission of these frauds?

[Here the hammer fell.]

Mr. DAWES. If the gentleman will withdraw his amendment I will renew it.

Mr. BUTLER, of Massachusetts. I withdraw the amendment.

Mr. DAWES. I renew it. I desire to show whether I was accurate or not; I will not say anything about my honesty.

Mr. BUTLER, of Massachusetts. No; we agree about that.

Mr. DAWES. I want to show whether I was accurate or not, and I go back to what I heard my colleague say, and that is that smuggling had been carried on to such an increased extent since the repeal of moieties that in the opinion of the Secretary of the Treasury more than $12,000,000 has been lost by that repeal and that the efficiency of the law so far as the suppression of smuggling is concerned had been impaired by depriving the informers of one-half of the proceeds. Now I will read the law as we left it:

> That whenever any officer of the customs or other persons shall detect and seize goods, wares, or merchandise, in the act of being smuggled or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure after deducting all duties, costs, and charges connected therewith.

So that if it is the opinion of the Secretary of the Treasury that smuggling has been increased because he has not paid the detective enough, he is authorized to pay him one-half of all these proceeds and it is his fault if he has not compensated him enough, up to the point of his conscientious and faithful discharge of his duty. If the detective's conscience and sense of fidelity must be quickened up to one-half of the proceeds, here is the power of the Secretary of the Treasury to stimulate him to fidelity that shall be exactly measured by one-half of the proceeds. That is what I entered into this debate to show. It was not to show anything about the appraisals or false entries in the custom-houses. When I enter into debate and answer a gentleman and he raises another issue, I let him fight out that issue to his heart's content.

Mr. GARFIELD. I rise to ask unanimous consent that debate upon the pending paragraph be closed at some time. How many minutes do gentlemen desire to have for debate on this paragraph?

Mr. BUTLER, of Massachusetts. I want five minutes more myself.

Mr. GARFIELD. I ask unanimous consent that debate on this paragraph be closed in ten minutes.

Mr. BUTLER, of Massachusetts. Say fifteen minutes, and we will agree to it.

Mr. GARFIELD. Very well; I will ask then that all debate on the pending paragraph be closed in fifteen minutes.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Ohio that all debate be closed on the pending paragraph in fifteen minutes. The Chair hears none, and the order is made.

Mr. MERRIAM. I am not surprised at the gentleman from Massachusetts who introduced a bill in relation to the Sanborn contracts.

The CHAIRMAN. The Chair will state to gentlemen upon the floor that if they occupy each a full five minutes but three gentlemen can speak; but if gentlemen desire to divide the time up so as speak a shorter time, they can do so.

Mr. MERRIAM. I am not surprised that the gentleman from Massachusetts, [Mr. BUTLER,] who was the father of the law under which the Sanborn contracts were made and which has so scandalized the republican party, should rise on this floor and denounce the merchants of the city of New York as rascals, as "fraudulent and cheating merchants." The spectacle exhibited last year in the New York custom-house before we repealed the moiety law was such as brought the blush of shame to the cheek of every pure American citizen. The country was shocked that any one officer could receive from fifty to seventy-five thousand dollars in a single year from moieties wrung from the pockets of some of the purest merchants on this continent, in one instance by threats of the penitentiary and shaking the cold steel of handcuffs in his face; that one naval officer should receive more money for his own use than the salaries of the President of the United States and all the members of his Cabinet, or the Chief Justice and all the associate judges of the Supreme Court of the United States—that one man whose work did not compare in responsibility or personal labor with that of the Secretary of the Treasury, who receives not one-tenth as much as he.

And a portion of this money, so wrung from the merchants of New York, was used as a political corruption fund. My authority for this assertion is the naval officer of the port of New York, who told me that he had used a portion of what he had so received to aid in carrying the elections in different States.

It was my fortune, I may say, to introduce into this House, one year ago the 4th of March coming, a bill providing that no officer of the Government should receive any pay, directly on indirectly, except a salary fixed by law. Within forty-eight hours from the introduction of that bill the naval officer of the port of New York was on the floor of this House endeavoring to learn what was meant by that bill; and when he learned that we meant business, that we meant to keep from his clutch from fifty to seventy-five thousand dollars a year, he returned to New York full of malice and disgust.

Mr. WILSON, of Indiana. Did he ever make any complaint about it?

Mr. MERRIAM. Yes; I heard that he was in my district within ten days thereafter intriguing to defeat my nomination. I called upon him on my way home and asked him upon what basis a naval officer of the port of New York could justify himself for an attempt to run the politics of the rural districts. He replied that he liked me personally very well, but that my standard of political morality was on too high a plane of virtue to run our party on. I am aware that it is of little importance what his utterance might be, save as it reflects the malice of the New York custom-house ring whenever a representative of the people dare stand manfully up and work for reform.

It must be evident to the country that the moiety system as it formerly existed not only filled the air with scandal, but corrupted the men who were made rich in a single year under its operation—a system so wicked and cruel toward honorable merchants of life-long unimpeachable character that it would be a crime in any Congress to restore it. I know there are men on this floor who are desirous to convey the idea to this House that it is important to restore the moiety system, as it existed before we abolished it. The argument of the honorable gentleman from Massachusetts [Mr. BUTLER] is in that direction. I want to warn the House that whenever that is done the same corruption will exist and the same outrages be repeated as before.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS. What is known as the anti-moiety law was passed at the last session of Congress in response to petitions from all parts of the country and a popular demand which was so strong that there was not upon this floor a single voice or vote in opposition to the measure when it was put upon its passage. Has there come from any quarter one single petition for the repeal of that law? I do not know of one word from any quarter, from merchants, from officers, from citizens, for any change in it. I say that until a petition comes from some quarter we have a right to assume that the law is satisfactory.

More than that, the frauds to which the gentleman from Massachusetts [Mr. BUTLER] refers particularly, the frauds in the silk importations, have been discovered during the current fiscal year, since the repeal of the moiety system. Those frauds extend back for many years, for nine or ten years; and some of the very cases brought into court run back beyond the period when these moieties were repealed, whereas the detection of them occurred during the current fiscal year, after the moieties were repealed.

Now, if our revenue had fallen off from the repeal of the moiety law, then the falling off in commerce ought to have been only in imports. The record of importations alone should have shown a falling off, whereas our commerce in other respects ought to have been healthful. The fact is that in the six months next succeeding the repeal of the moieties, as compared with the same six months of the preceding year, our imports fell off but $5,000,000 or thereabouts, whereas our exports fell off during the same six months by more than $20,000,000. Now, the gentleman from Massachusetts, with all his ingenuity, will not claim that our exports have fallen off because the moieties were repealed. Neither have our imports fallen off nor the revenues from our imports fallen off from any such cause as that.

If the gentleman from Massachusetts will read the report of the Secretary of the Treasury, sent to this House at the commencement of this session, he will find a statement showing, from the condition of this country, why our imports have fallen off, and why, therefore, our revenues from imports have fallen off. Why is it that only with reference to our customs duties it is necessary to pay to our officers large moieties? Long ago we repealed moieties with reference to our internal-revenue system, and by universal consent that change has worked well. The system, as it now stands upon our statute-books, has worked well in Great Britain for generations.

Why is it that our officers need to be tempted with higher rewards, need to have fees, to have moieties which would make their salaries twice and threefold the salary of the Secretary of the Treasury? I hold that it is not necessary. The officers in the New York custom-house, where the most of the moieties were received in past years, have during the current fiscal year detected quite as many offenses against the revenue as they ever did when they received the large moieties, and that proves that they did not need such an incentive to perform their duty.

Mr. BUTLER, of Massachusetts. In the first place, in regard to the gentleman from New York, [Mr. MERRIAM,] I did not understand what the trouble with him was. But he has told us now. It seems that one of his constituents, the naval officer of the port of New York, came up into his district and beat him, on the ground that he was running the party, as he said, on too high a grade of morality. And it seems the rest of his constituents thought so too, and concluded to keep him at home.

Mr. MERRIAM. I do not care to spread the facts over the RECORD, but that is not the case.

Mr. BUTLER, of Massachusetts. I hope that the gentleman will not let his private griefs interfere with his public acts.

Mr. MERRIAM. I have no private griefs.

Mr. BUTLER, of Massachusetts. Now I am going to deal with the

fairness of my colleague, the chairman of the Committee on Ways and Means. In the first place, section 2 of the act of last session provides—

That all provisions of law under which moieties of any fines, penalties, or forfeitures under the customs-revenue laws, or any share therein or commission thereon, are paid to informers, or officers of customs, or other officers of the United States, are hereby repealed.

That provision repeals all moieties. My colleague said it does not repeal them except as to three officers. Then section 4 provides—

That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all duties, costs, and charges connected therewith.

This provision my colleague called attention to; but he forgot to read the proviso:

Provided, That for the purposes of this act, smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or with like intent attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom-house or submitting them to the officers of the revenue for examination.

Mr. DAWES. Is not that a pretty good definition of smuggling?

Mr. BUTLER, of Massachusetts. It may be a good definition of smuggling; but everybody knows that great frauds on the revenue are effected by passing goods through the custom-house without paying the proper duty.

Mr. DAWES. That is a separate kind of fraud.

Mr. BUTLER, of Massachusetts. That is all there is of the provision. It was expressly, carefully, and I think intentionally guarded so as not to touch the large merchants; only the poor fellow with his pack on his back.

The section provides further "that whenever any person not an officer of the United States shall furnish any information to the district attorney, there shall be paid him a reasonable compensation, not exceeding $5,000;" that is, you will get the information if it can be obtained for that sum; but there is nothing certain to the man who gives the information.

Now, there has been a large falling off in the revenue and an immense amount of fraud in the matter of baggage alone. I ask the Clerk to read an extract from the last report of the Commissioner of Customs.

The Clerk read as follows:

It is estimated by many that the American tourists returning from Europe during the year ending June 30, 1873, numbered 36,830, and that each person brought, on an average, seven trunks filled with dutiable goods claimed to be personal baggage not dutiable. We have thus an aggregate of 257,810 trunks filled with articles claimed as duty free, representing, on a valuation of $500 for each trunk, the enormous sum of $128,905,000.

Mr. BUTLER, of Massachusetts. Now, sir, those figures as to the number of tourists and trunks are obtained from the Bureau of Statistics. The average number of trunks is found to be seven. A man leaves the country with a carpet-bag and comes back with seven trunks! The consequence is that nearly $129,000,000 worth of goods have been passed through the custom-house without paying 50 per cent. duty, which would legally be due upon the contents of average trunks.

The law of last year declares that smuggling shall consist in passing goods around the custom-house, and thus all inducement to stop goods passing through the custom-house is taken away. There results in this way a loss (if the estimate of the Commissioner of Customs is correct) of $60,000,000 in the annual revenue of the Government.

[Here the hammer fell.]

Mr. DAWES. Mr. Chairman——

The CHAIRMAN. Debate on the pending paragraph was by unanimous consent limited to fifteen minutes, which time has expired.

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

To enable the Secretary of the Treasury to have the rebel archives and records of captured property examined and information furnished therefrom for the use of the Government, $6,000.

Mr. GARFIELD. There is an amendment which was agreed to by the Committee on Appropriations, but by mistake was not printed in the bill. I move therefore to insert after the paragraph just read the following:

To enable the Secretary of the Navy to pay the first installment due under contract made by him in accordance with the joint resolution approved June 22, 1874, with Miss Vinnie Ream for the statue of the late Admiral Farragut, $5,000.

The amendment was agreed to.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia, due from the United States, to be expended by the commissioners of said District, $1,060,000.

Mr. LOUGHRIDGE. I move to amend the paragraph just read so that it will read as follows:

To pay on behalf of the United States, as a portion of the general expense of the District of Columbia, to be expended by the commissioners of the District, $1,060,000.

Mr. GARFIELD. There is no objection to that change of language.

The amendment was agreed to.

Mr. RANDALL. I move to amend this paragraph by adding the following:

Only to be drawn successively; no salary to be changed from the standard fixed under the law of June 20, 1874.

Mr. GARFIELD. I have no objection to that amendment.

The amendment was agreed to.

Mr. FORT. I move to reduce the appropriation $60,000, and I desire to inquire of the chairman of the Committee on Appropriations whether they have deducted $182,000 advanced as a portion of the money to be appropriated by Congress toward the support of the government in this District?

Mr. GARFIELD. This appropriation is for the next fiscal year and what the gentleman refers to was for the past year. As he well knows, this bill does not take effect until the 1st of July next.

Mr. FORT. I understand that, but the gentleman from Ohio will remember that the language of that law to which I have referred was that it should be so much advanced to be deducted from whatever should be appropriated toward paying the expenses of this District. Now I wish to know whether they require $1,060,000 besides that, or whether the $182,000 ought to be deducted out of this sum.

Mr. GARFIELD. I will say in answer to the gentleman from Illinois that the estimate of the commissioners was $1,210,000. We are not appropriating anything for the current year, but making appropriation only for the next fiscal year. In the present current year there are some deficiencies. The committee reckoned if the tax to be levied on this District is one cent and a half we would have to put in a million and a half of dollars more. We came to the conclusion that we would proceed on the supposition that there would be a tax levied equal to about 2 per cent., the highest figure in the report of the commissioners. That would have required us to have appropriated $1,210,000 as the balance; but when we looked through the various items of appropriation it seemed as if the tax on personal property in connection with the 2 per cent. on realty would make our proportion smaller. We also thought that the amount of work estimated for this District might reasonably be cut down. We therefore concluded to make this appropriation $200,000 less than the estimate, believing it was safe to do it.

Mr. RANDALL. One word. We advanced last session a large sum of money toward carrying on the government of this District. We advanced the other day $185,000. This was done with the understanding that it was to be returned to us. I wish to know, therefore, whether in making up this amount deductions have been made by the execution of that agreement under which we were to get our money back?

Mr. GARFIELD. The gentleman will see that we cannot do that. We must have some law fixing our proportion, and we have been waiting some law laying down some rule on this question. We have been waiting for the establishment of some government in this District. In the absence of any such law we have been compelled to use our best judgment in making appropriations for the next fiscal year.

Mr. RANDALL. We have made some advances toward this District. We advanced for the board of health $94,000. Last year we advanced $1,300,000 which was to be returned to us. The other day we loaned this District $185,000 to enable it to pay the interest on the 3.65 bonds. I wish to know whether these advances were not in effect appropriations toward the government of this District?

Mr. FORT. That is exactly my point.

Mr. GARFIELD. The committee of investigation into the affairs of this District found there is a large unadjusted balance due from the Government to the District for work done. We do not know about that. The Committee on Appropriations were not able to go into that subject. We have left it an open question to be settled by Congress hereafter.

Mr. RANDALL. I do not see, then, how we can ever get it back. I am inclined to think, therefore, that all the money we have loaned to the District we may as well at once set down as that much appropriated to it and give ourselves no further trouble about it.

Mr. THOMPSON. I move to strike out the last word. Now, Mr. Chairman, I do not know that I have ever been able to ascertain upon what authority the Government of the United States is bound to pay these expenses. I ask the chairman of the Committee on Appropriations to explain it.

Mr. GARFIELD. The Government of the United States has property to the extent of about 40 per cent. at least of all the property here.

Mr. THOMPSON. The relative value of property held by the Government and individuals has never been settled. The gentleman says these are appropriations made to pay the expenses for the improvement of streets and so on in this city. How is the Government liable for that?

Mr. GARFIELD. I did not say that.

Mr. THOMPSON. This is the explanation which is made. I do not understand that the Government is directly liable for one dollar of expenses of this District. We are liable precisely as any other property-holder in the District is, but not otherwise.

Mr. GARFIELD. The gentleman is mistaken as to one fact. This is the only city in the world I know anything about where the actual fee-simple of the streets is in the United States. That is not so in any other city in the world. There cannot be a stroke of work on any of the streets here without the consent of Congress. Many

of the large avenues were made large, not for the benefit of the people living here, but for the glory and dignity of the Government. And everybody must recognize that it would be a gross injustice to take one of these broad avenues and compel the property-holders to pave it when the Government made it so for its own benefit.

Mr. THOMPSON. The true principle I think is this: Let the Government pay a due proportion of the taxes assessed upon the property it owns, and let the men who own property in the city and have the benefits of owning property in the city, derived from the location of the Government here, pay their just proportion and no more. But until that is ascertained, I object to any statement being made, either verbally or written in the bill, that this is a portion of the money due by the Government to the District of Columbia. The Government owes no proportion to the contractors. It owes no proportion to those who hold the debt against the District. But indirectly it will be liable to make up a proportion by assessments on its property or by a contribution based on some ascertained proportion which it ought to pay. That is different from saying to the lot-owners and the property-owners of this city, "We own the fee of the streets, of the alleys, and of the squares, and therefore we are bound to pay all the expenses of the city, for fire, for water, &c., and then we will assess you hereafter a small proportion of that."

I wish therefore that this whole section were stricken out, and that an appropriation bill to be brought in hereafter shall provide for this. This paragraph ought to be stricken ought. The Government is establishing here a dangerous precedent which will trouble and plague them hereafter. And until the relative positions occupied by the Government and the District are fixed, and upon that basis some adjustment is made of their comparative duties, there will be trouble.

The question being taken on the amendment, it was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Pennsylvania [Mr. THOMPSON] to strike out the entire paragraph.

Mr. THOMPSON. I did not make that motion. The only amendment I offered was to strike out the last word.

Mr. LOUGHRIDGE. I offer the following amendment:

The Clerk read as follows:

At the end of line 339 add these words:

Provided, That from this appropriation the Treasury of the United States shall be reimbursed in the following sum for amounts paid by the United States for the District, $97,740.50, paid by act of April, 18, 1874, for school-teachers of the District.

Mr. LOUGHRIDGE. I send to the Clerk's desk the statute, and ask that it may be read.

Mr. CHIPMAN. If I understand correctly the amendment offered by the gentleman from Iowa, that sum has already been paid, having been provided for by the act of June, 1874.

Mr. LOUGHRIDGE. I ask the Clerk to read the statute.

The Clerk read as follows:

An act making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $97,740.50 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of teachers in the public schools in the District of Columbia from the 1st day of September, 1873, to the 1st day of March, 1874; and that the government of the District of Columbia is hereby authorized and directed to levy and collect a tax, to an amount equal to the amount appropriated in this act, upon personal property including banks and other corporations in the said District, and pay the same into the Treasury of the United States. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Education.

Approved, April 18, 1874.

Mr. LOUGHRIDGE. The officers of the District came in and told us they could not pay their school-teachers; that the teachers were poor and needing the money; that the money should be advanced; and if we advanced the money it should be reimbursed by the District through the collection of taxes. That has never been done. The Government gave the District government $97,000 to pay their teachers for which we were not liable; and I see no reason why that should not be deducted from the amount now to be appropriated.

Mr. GARFIELD. I understand, from gentlemen familiar with this, that this sum has been paid back. It ought not, at any rate, to be taken out of this appropriation. I hope the gentleman will withdraw his amendment.

Mr. CHIPMAN. I have not the commissioners' report before me, but I am strongly under the impression that this has been paid; and if it is taken out of the school fund it will create a deficiency to that extent. If the gentleman will withdraw his amendment for a few moments I will get the report of the commissioners and ascertain precisely how it is.

Mr. LOUGHRIDGE. If the gentleman states that this amount has been refunded to the United States by the District, I withdraw the amendment. Does he make that statement?

Mr. CHIPMAN. I have stated that that is my impression. I ask the gentleman to give me a moment that I may have time to consult the commissioners' report.

Mr. LOUGHRIDGE. I will withdraw the amendment for the present if I can have the right reserved to return to this paragraph.

The CHAIRMAN. This paragraph will be passed over for the present if there be no objection, the right being reserved to return to it.

There was no objection.

The Clerk read the following paragraph:

To defray the expense of conducting the sanitary service of the District of Columbia, $26,117.50: *Provided*, That the commissioners of the District shall pay for such service to the board of health a like amount out of the treasury of the District of Columbia, which they are hereby authorized and required to do.

Mr. RANDALL. I offer the following amendment:

In line 343, after the words "shall pay," insert "concurrently."

I will explain the object of this. In other instances where there is joint payment by the Government of the United States and the government of the District, it is provided that dollar for dollar should come in from the District concurrently with the payment from the Government of the United States. In this case they have heretofore been taking all from the Government of the United States.

Mr. GARFIELD. I accept that amendment.

The amendment was agreed to.

Mr. WILLARD, of Vermont. I move to strike out that entire section, and I do it for the purpose of asking the chairman of the Committee on Appropriations whether this amount is the same as the appropriation last year?

Mr. GARFIELD. We paid $90,000 last year and in addition to that $20,000.

Mr. WILLARD, of Vermont. I have made no examination as to whether it was necessary to appropriate as much as this. I have heard it stated that the expenditures for this purpose are much too large.

Mr. GARFIELD. The Committee on Appropriations had the board of health before them and inquired as to this matter and had a full hearing. The gentleman will find on pages 16 and 17 of the printed report accompanying this bill the amount and charges of the total expenditure.

Mr. RANDALL. I saw by the papers that the members of the board of health were before the Committee on Appropriations for the purpose of obtaining an increase of salary. Is anything of that kind included in this?

Mr. GARFIELD. That was not adopted.

Mr. MAYNARD. Is the gentleman informed as to the sanitary results of this board and as to whether those results are in any way adequate to the expenditure upon them?

Mr. GARFIELD. The Committee on Appropriations is satisfied that the board of health of this city is doing its work as well as the board of health of any other city. We know nothing about the results of their labor, but they claim that the mortuary record shows a healthier condition in this city than in any other city.

Mr. MAYNARD. I was aware of that claim, and the object of my question was to ascertain whether it was a just and well-founded claim?

Mr. GARFIELD. I can do no more than give a statement of the facts as they appeared before the committee.

The Clerk read as follows:

For the payment of the salaries of the inspector of gas and meters and assistant inspector for the District of Columbia, $3,000.

Mr. RANDALL. I find that that is a new appropriation.

Mr. GARFIELD. It is in accordance with an act of Congress. The Government has to pay so large an amount for gas that an act was passed last session which created this officer for the protection of the Government.

The Clerk read as follows:

To enable the Secretary of the Treasury to pay Jacob Parmenter, of Plattsburgh, New York, the amount paid by him in satisfaction of a judgment rendered against him for an official act as collector of customs for the district of Champlain, $684.10.

Mr. WILLARD, of Vermont. I desire to make a point of order upon that clause. Is it in pursuance of any law calling for this appropriation. I believe it is not.

Mr. GARFIELD. I think the gentleman is mistaken; but this matter was referred to the gentleman from New York [Mr. WHEELER] as a sub-committee to examine, and he found that this officer had a judgment rendered against him for some act he performed which he believed to be legal, but the judgment went against him, and he believed that he had a claim against the Government for the amount of that judgment. It is simply an appropriation to carry on the Government. We are always bound to stand behind an officer in the discharge of his duties.

Mr. WILLARD, of Vermont. This is a very simple question. If the appropriation is in pursuance of law the Secretary of the Treasury can pay it. If there is no law requiring him to pay it and the district court has rendered a judgment against this officer and it has been collected and this is to refund the amount so collected, I do not know of any law requiring that we should make an appropriation for it.

Mr. GARFIELD. Why we are constantly making appropriations to pay the judgments of the courts against officers of the United States.

Mr. WILLARD, of Vermont. I insist upon the point of order.

Mr. WILSON, of Indiana. It seems to me that a provision of this kind is entirely out of place in an appropriation bill, and is a mode of giving this party relief which is exceedingly unusual.

The CHAIRMAN. Can the gentleman from Ohio exhibit any law covering this case? If he can, the Chair will be glad to hear it.

Mr. GARFIELD. I have not the law before me.

Mr. WILSON, of Indiana. I want to refer the Chair to the fact——

Mr. GARFIELD. I will ask that the paragraph be passed over for the present until the gentleman from New York [Mr. WHEELER] who had the subject under consideration shall be present.

No objection was made, and the paragraph was passed over informally.

Mr. TREMAIN. I move to insert after the paragraph just passed over the following:

To enable the Secretary of the Treasury to pay Charles Morgan for general average on the ship Alabama, $3,000.

Mr. WILLARD, of Vermont. I make the point of order on that amendment. But as I understand the gentleman proposes to yield, I will wait until it comes up again.

Mr. TREMAIN. I yield to the Delegate from the District of Columbia for a moment.

Mr. CHIPMAN. I promised the committee that I would inform myself as to the payment into the Treasury of the amount proposed to be taken from the District fund by the gentleman from Iowa, [Mr. LOUGHRIDGE.] I find that I was mistaken as to the fund. We have reimbursed another school fund, but the one to which the gentleman alludes was a fund to be reimbursed by the levy of a tax. That tax was not levied, because the District government, which by the act of April 18, 1874, was directed to impose it was legislated out of office by the act of the 20th of June following, and in that act there was no provision made for enforcing this act of Congress. I will wait until the gentleman renews the amendment, if he does renew it, and then I will make a statement in regard to the matter.

Mr TREMAIN. I now ask for a vote on my amendment.

Mr. WILLARD, of Vermont. I have raised a point of order on the amendment.

Mr. TREMAIN. The Chair will find by looking at the minutes that there was an order of the House made allowing this amendment to be offered to this bill.

Mr. WILLARD, of Vermont. If the rules were suspended for the purpose, that obviates my point of order.

Mr. TREMAIN. The rules were suspended to allow it to be offered, and it comes reported unanimously from the Committee on the Judiciary. There cannot be the slightest objection to it.

The amendment was agreed to.

The Clerk read the following:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, $15,000.

Mr. KELLOGG. I move to insert after the paragraph just read that which I send to the Clerk's desk.

The Clerk read the following:

That to equalize the salaries in the Library of Congress there shall be appropriated for two assistant librarians, at $1,600, the additional sum of $250 each per annum on their present salaries; and for two assistant librarians at $1,440, two assistant librarians at $1,200, and two assistant librarians at $1,000, there shall be appropriated the sum of $300 each per annum on their present salaries.

Mr. LAWRENCE. I raise the point of order that there is no law for that.

Mr. KELLOGG. No law for it?

Mr. LAWRENCE. No.

Mr. KELLOGG. It is right; and I hope the gentleman will withdraw his point of order.

Mr. WILSON, of Indiana. I make the point of order that it changes existing law.

Mr. FRYE. I hope the gentleman will not insist upon his point of order. The amendment is pre-eminently right.

Mr. WILSON, of Indiana. I shall insist upon it.

Mr. KELLOGG. Then, if necessary, I shall ask as soon as I can for a suspension of the rules to make the amendment in order. I would say that the point of order is not well taken, for there is no law to prevent our increasing the salaries of these persons.

Mr. GARFIELD. Their salaries are fixed by law.

The CHAIRMAN. The Chair has not ruled upon the point of order, and will hear the gentleman from Connecticut [Mr. KELLOGG] if he wishes to say anything upon it.

Mr. KELLOGG. All I wish to say is to repeat what I have just said, that I know of no law which prevents the increase of these salaries; and if I am correctly informed there is no such law.

Mr. GARFIELD. It is not germane at this point in the bill.

Mr. CLYMER. I would ask the gentleman from Connecticut if this amendment has been suggested to him by the Librarian?

Mr. KELLOGG. It did not come from the Librarian at all. The subject was referred to us of equalizing the salaries of all the employés in this Capitol, the Senate and the House employés and also those in the Library. Upon examination we found that we could not get through the whole subject; but upon examining this matter personally I became satisfied that the duties of these assistant librarians were far out of proportion to their salaries as we pay other employés.

Mr. LAWRENCE. Then we had better revise the whole list by general law.

Mr. KELLOGG. It is impossible to have a general law. It is simply to do justice in this place that I offer this amendment.

Mr. G. F. HOAR. I would refer the Chair to page 16 of Barclay's Digest, and especially to the latter clause of the first paragraph on that page.

Mr. LAWRENCE. This amendment is not germane to this paragraph, at any rate.

The CHAIRMAN. The Clerk will read the paragraph of Barclay's Digest relating to this subject.

The Clerk read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.—*Rule* 120. It has been decided that under this rule it is not in order to propose an amendment to the general appropriation bill which changes an existing law.—*Journal*, 1, 38, pages 598, 599. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

The CHAIRMAN. The Chair understands that this amendment does not reduce the salary of any person, but proposes to increase it.

Mr. GARFIELD. Is it germane to a clause relating to the Joint Committee on the Library?

The CHAIRMAN. The Chair will inquire if the officers named in the amendment have any connection with the expenditure of the money appropriated by the pending paragraph?

Mr. GARFIELD. The officers named in the clause are members of this House and the Senate—a Committee on the Library, as they are called, just as another committee is called the Committee on the Judiciary. But if we had before us an appropriation for the Committee on the Judiciary, it would hardly be in order, I take it, to increase the salaries of the judges as germane to such a clause.

Mr. KELLOGG. I have offered the amendment at this time because we have here a distinct provision in reference to the Library. Of course if the point of order is well taken, I withdraw the amendment.

The CHAIRMAN. The Chair is of opinion that upon the ground that the amendment is not germane to the subject, the point of order will lie. But whether a proposition to increase the compensation of these officers would be in order upon another part of the bill is another question.

Mr. KELLOGG. I understand the point of order to be withdrawn.

The CHAIRMAN. Is the point of order withdrawn?

Mr. RANDALL. No, sir.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COX. I move to amend by adding to the pending paragraph the following:

Provided, That there be constituted a council upon matters of art, to be named by the Joint Committee on the Library, consisting of five persons accomplished in such matters, to whom shall be submitted, in connection with said committee, all designs and proposals for paintings or statues ordered by Congress, a majority of whom, in connection with said committee, shall decide as well upon the artist to be selected as upon the subject-matter of such designs or proposals, except when otherwise expressed in the law authorizing the same; and that no compensation be attached to such service, except the ordinary expenses of going to and from Washington, to be allowed by the Committee on the Library, according to such rules as they may prescribe.

Mr. MAYNARD. I must make a point of order on this amendment.

Mr. FRYE. It is new legislation.

Mr. MAYNARD. I think that Congress is perfectly competent to manage affairs in this Capitol.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COX. I move then to amend the pending paragraph by striking out $15,000 and inserting $10,000. I will say that the amendment which I just offered was not intended of course as any reproach upon the distinguished gentlemen of the Committee on the Library, who have charge of the decoration of the Capitol. That amendment is substantially the same as a bill which I introduced last session when we were voting large amounts of money for statuary, &c. The principal difference is that my bill named five artists; and there, perhaps, was my mistake; otherwise the measure might have carried. It was criticised everywhere on the ground mainly that I named artists for this commission. If I had named perhaps such men as Mr. Perkins, of Boston, men of leisure and taste, men not engaged practically as painters or sculptors, I think it very likely that my bill would have received more favorable consideration.

But, Mr. Chairman, no one can visit this Capitol without seeing the need of some improvement in respect to its decoration. Unless you want to have here some day a bonfire of all the elements of art which are incongruously heaped together in this Capitol, we had better provide, and that soon, a commission to determine these matters according to the best canons of artistic criticism. All true friends of art, all men of good taste, ought to welcome a measure of the kind I have proposed. My bill of last session was received with approval by the newspapers in Boston, in Cincinnati, in New York, by various art journals—by almost everybody except members of Congress.

Now, sir, I do not know exactly where we can find our best artists; but I will send to the Clerk's desk to be read an extract from a western paper. There may be lying in abeyance somewhere in the West some artist like the one described in this paragraph, who may be selected some day to do honor to this Capitol by such a piece of work as is suggested. The article which I ask the Clerk to read is the only commentary I have to make on the decoration of this Capitol.

The Clerk read as follows:

A father procured an outfit of oil-paints and brushes for his eight-year-old son the other day, the lad having developed a talent for drawing. Little was seen of the boy for two or three days, and then he took his father and mother by the hand and

led them into the parlor, and triumphantly pointed to the proof of his artistic skill. The gilt paper on the walls formed a fine groundwork for him, and he had painted a horse over one door, a lion over another, a bird over the third, and at intervals along the wall he had brought out fighting-dogs, ships, fire-engines, Indians in full dress, and bears chasing boys. He had put a new border on the bay-window curtains, striped the legs of the piano, and had proceeded to touch up and improve certain chromos and oil-paintings hanging on the walls. Father and mother gazed around, and the young artist anxiously waited for them to pat him on the head and say they were proud of such a son. The father placed the son's ear between his thumb and finger, and led him through several rooms to the woodshed, and what followed may be inferred from a remark by the boy, and overheard by a pedestrian: "O, father, let up on me, and I'll never be an artist any more, unless I am selected by Congress to paint the father of my country for the Capitol."

Mr. COX. I withdraw my amendment.

The Clerk read as follows:

For purchasing Miss Ransom's painting of Major-General George H. Thomas on the Battle-Field of Chickamauga, $10,000.

Mr. CLYMER. I make the point of order that this is an appropriation for an expenditure not previously authorized by law, and should therefore be ruled out.

Mr. GARFIELD. I call the attention of the Chair to the rule which was read a few minutes ago, providing that an appropriation for carrying on any Department, or any work begun in any Department of the Government, is in order.

Mr. THOMPSON. Is this a work for "carrying on any Department of the Government?"

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLYMER] makes the point of order that this paragraph contemplates an appropriation not authorized by law. The Chair inquires of the gentleman having charge of the bill whether he can refer to any law authorizing an appropriation to be made for this particular purpose?

Mr. GARFIELD. There is no special law providing for this or any other particular piece of art; but, under the general rule the Chair had read a few moments ago, any purchase for the decoration of the Capitol or any one of the Departments of the Government, like the paintings on the right and left of the Speaker, the picture of Washington or Lafayette——

Mr. WILSON, of Indiana. Who selects these paintings?

Mr. GARFIELD. All these decorations and paintings now here have required appropriations made precisely as in this instance.

Mr. CLEMENTS. This certainly ought to be obnoxious to the point of order, as it is obnoxious to everything else.

Mr. GARFIELD. This subject was referred to the Committee on Appropriations.

The CHAIRMAN. The Chair is clear in his own mind what his ruling ought to be.

Mr. CLYMER. If the Chair has any doubt upon the subject, I should like to be heard.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLYMER] raises the point of order that the appropriation in this paragraph is not contemplated by any law, and therefore out of order in this bill. The Chair considers the point of order well taken, and therefore rules the appropriation out.

Mr. GARFIELD. I desire to say that I have never heard any ruling like that in this House on any question before it.

Mr. THOMPSON. In my judgment the ruling could not be otherwise, and the Chair has maintained his own dignity and the credit of the House by making it.

Mr. GARFIELD. It is contrary to every precedent, as every one who knows anything about the business of the House must confess.

The CHAIRMAN. The Chair has made his ruling and there is only one thing left, and that is to take an appeal.

The Clerk read as follows:

To purchase Carpenter's picture of the Reading of the Emancipation Proclamation, $25,000.

Mr. FRYE. I raise the same point of order on that.

The CHAIRMAN. The Chair thinks this also contemplates an appropriation not required by any law, and he therefore sustains the point of order and rules out the paragraph from the bill.

The Clerk read as follows:

For rent of rooms on the second and third floors of house numbered 1930, at the corner of Pennsylvania avenue and Twentieth street, from November 1, 1874, to June 30, 1876, at the rate of $1,000 per annum, $1,666.66, to be paid from the unexpended balance of the appropriation for the northern boundary commission, in which service the rooms are occupied. And the remaining balance of said appropriation, namely, the appropriation made by act of June 11, 1874, with the portion aforesaid, is hereby continued and rendered available for the purpose for which it was originally intended, to complete the office-work.

Mr. RANDALL. I make the point of order on that, and especially in regard to the last sentence, that it is not in contemplation of any existing law.

The CHAIRMAN. The Chair everrules the point of order.

Mr. GARFIELD. I move to insert after the word "intended" in line 380, in the last of that paragraph, the word "and."

The amendment was agreed to.

Mr. LOUGHRIDGE. I now move to go back to line 339.

The CHAIRMAN. The gentleman has the right to return to that paragraph.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia, due from the United States, to be expended by the commissioners of said District, $1,060,000.

Mr. LOUGHRIDGE. Now I move to add the following proviso:

Provided, That from this appropriation the Treasury of the United States shall be reimbursed in the following sum for amounts paid by the United States for the District, $97,740.50 paid by act of April 18, 1874, for school-teachers of the District.

The Delegate admits the government of the District is bound to reimburse the Government for whatever advances it has made, and I see no good reason why that reimbursement should not be provided for in this paragraph.

Mr. CHIPMAN. If the gentleman will allow me I will finish my statement.

Mr. LOUGHRIDGE. Certainly.

Mr. CHIPMAN. The reimbursement here referred to the law provided should be made by a tax levy, and the gentleman can accomplish his purpose by providing for that levy without disturbing the fund which is necessary to keep our schools in motion for the next fiscal year, beginning on the 1st of July next. If the gentleman's amendment prevails there will only be the number of children kept out of the public schools which that amount would keep in. I do not believe, however, that he desires to accomplish any such result.

And now that I have the ear of the committee I wish to repeat what I have heretofore said to the House, that while Congress at its various sessions since the Government was founded has given to the public schools in other States and Territories throughout the country over a hundred million acres of the public lands, and over thirty million dollars, it has not yet given to the District of Columbia one dollar until this appropriation was made, and then on the condition a tax should be levied to reimburse the Government. While these munificent grants have been made in support of schools all over the country, not one has been made to this District——

Mr. LOUGHRIDGE. I must resume the floor.

Mr. CHIPMAN. Let me finish.

Mr. LOUGHRIDGE. You will consume all of my time. I wish to say that the simple question presented here is whether this amount shall be donated to this District or not.

Mr. CHIPMAN. That is not the question at all. Let the gentleman make provision by levying a tax as the law contemplated. You have destroyed the local government here and have not established any other to take its place.

Mr. CONGER. I rise to the point of order that the amendment proposed by the gentleman from Iowa is new legislation. The money to which this amendment refers as having been advanced to this District by the Government was advanced on this condition: that it should be reimbursed by a tax levied for that purpose. This amendment does not provide for any such tax in this District, but an entirely different mode of reimbursement. It is therefore a change of the law.

Mr. LOUGHRIDGE. It does not change the law. The law provides for reimbursement to the Government, and in contemplation of the law this sum was to be deducted out of any appropriation made toward carrying on government in this District.

Mr. GARFIELD. The gentleman's amendment is clearly in contravention of existing law as far as reimbursement is concerned.

The CHAIRMAN. The Chair is informed that the law provides for the reimbursement of this money by a levy of tax for that purpose upon this District, while the gentleman from Iowa moves to deduct this amount from an appropriation toward the expenses of the District. The point of order is made that the amendment changes existing law. The Chair, as at present advised in reference to the law by the chairman of the committee and by other gentlemen, sustains the point of order and rules the amendment out.

Mr. LOUGHRIDGE. I presume it would be in order to move to reduce the appropriation that amount.

Mr. GARFIELD. I think we cannot go back to the paragraph except for the amendment which has just been ruled out.

The CHAIRMAN. The Chair is of the opinion that the paragraph was passed unconditionally, and if the gentleman from Iowa desires to offer another amendment he may do so.

Mr. LOUGHRIDGE. I move to reduce this amount, "$1,060,000," by this amount of $97,740.50.

Mr. G. F. HOAR. I desire to inquire of the Chair if he referred to the existing law before making his decision? The law was passed at my instance, and as it passed the House, unless I am greatly mistaken, it provided that the reimbursement should be made in the way the amendment proposed; that is, that it should be deducted from the appropriation made by Congress. That certainly was as it was originally proposed.

The CHAIRMAN. The Chair was informed upon the point of order, by the chairman of the Committee on Appropriations and by other gentlemen, that the law of last year contemplated that the reimbursement should be made by assessment, and not by deducting from appropriations, and on that statement he made his ruling. If that is not the fact, his ruling would of course be withdrawn.

Mr. CHIPMAN. The Chair was entirely right. I have placed the statute in the hands of the gentleman from Massachusetts [Mr. G. F. HOAR] who can state how it is.

Mr. G. F. HOAR. I find that the Chair was correctly informed.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. LOUGHRIDGE] to reduce the appropriation by the sum of $97,740.50.

Mr. CHIPMAN. I desire to complete what I was saying a little while ago. I have stated to the committee that this Government had expended for public schools elsewhere than in the District large amounts of money, and had contributed large amounts of public land. In addition to that, I wish to say to the committee, while we are doing all we can to support a system of public schools in this District, paying about $400,000 a year for that purpose, but two-thirds of the pupils who attend these schools are the children of people who belong to the District and pay taxes in the District.

A report of the board of trustees, which I believe has become a public document, having been transferred to the House by the President, says that one-third of the pupils in our public schools are the children of Government employés whose local domicile is out of the District, and who reside here simply as servants of the Government. And another third of these pupils are the children of colored people who have been compelled to seek shelter at various periods of the war and since the war in the District, where they received from the laws of the country such protection as was not given them by the States from which they came.

Now I claim that it is not right that we should be compelled to bear the entire burden of expense for this system of school education here at the capital. The proposition of the gentleman from Iowa [Mr. LOUGHRIDGE] is practically to throw that entire burden upon us. We do not seek to exclude any class of children, whether they are children of employés of the Government or children of the colored people or of any other class who do not contribute to our taxes. The public schools should be as free as air. We are making extraordinary exertions to sustain a public-school system here by expending on it $400,000 a year. Yet there are now in this District to-day over twelve thousand children of school age who cannot get into the public schools because we have not money to pay the teachers and have not money to provide shelter for the children. These are some of the reasons why I think the gentleman's amendment should not prevail.

Mr. LOUGHRIDGE. I move to strike out the last word.

I desire to say to the gentleman from the District that I am sick and tired of their getting money out of the Treasury indirectly. I would rather they would come and ask the Government to give them the money at once instead of asking Congress to give them so much money, promising to repay it by a tax. In this instance they came and told us they could not pay these teachers; but that if we would make an appropriation they would collect by taxes and repay us the amount.

Mr. CHIPMAN. We made no such pledge.

Mr. LOUGHRIDGE. That is the condition embodied in the law.

Mr. CHIPMAN. It was the proposition of the gentleman from Massachusetts, [Mr. G. F. HOAR,] not ours.

Mr. LOUGHRIDGE. We gave them to pay their teachers that money which comes from the people of the country elsewhere, who educate their own children and pay their own teachers. I do not desire to do injustice to the people of this District. I am willing that the Government of the United States should do its full share in the way of paying the expenses of the District. But when they come here and get from Congress the entire amount necessary to pay their teachers for the whole winter, $97,000, and then refuse or neglect to pay that back to the Treasury as required by law, I do not see that they show any desire to act justly by the United States.

Mr. CHIPMAN. The trouble is that the government of the District was destroyed.

Mr. LOUGHRIDGE. I do not understand the gentleman from the District to deny that the Government of the United States by the act of last winter paid the whole cost of the school-teachers of the District for the entire winter.

Mr. CHIPMAN. It was to supply a deficiency and not to pay for any particular period of time. It was to pay a number of salaries then due, and not the expenses of last winter. That was practically to pay them salaries then due, and not the expenses of this last winter.

Mr. LOUGHRIDGE. A fund was appropriated for the payment of the teachers.

Mr. CHIPMAN. That went to the payment of the teachers' salaries already due, which by reason of the distresses of the government of the District had not been paid, and it has not been paid back because the government which was directed to collect the tax was destroyed.

Mr. LOUGHRIDGE. No, the government was not destroyed; it had a successor.

Mr. CONGER. I am very sorry that economy is proposed in regard to the matter of the public schools, and I desire that the gentleman from Iowa, who is generally in favor of keeping public faith, should not favor this proposition to pay the school-teachers of the District.

Now, Mr. Chairman, there is no State in all the Northwest, not one of those States, that has received such magnificent donations for its public schools as has the State of Iowa. I believe there was not a single section of the one hundred thousand sections given to the State of Iowa for educational purposes that was not good and valuable land. One section out of every thirty-six sections in that State was given to the government of that State for school purposes, and the gentleman from Iowa knows what is the condition of affairs here. At the last session we were informed on reliable authority that all the teachers of this District, male and female, who had been serving for months in educating the white and colored children of this District had been laboring for nothing; that they were poor and needy and had rendered services for which they had not been paid, and the appeal was made to Congress to advance for the District money that would pay them and keep them from starvation; and Congress very properly advanced the money to pay those teachers' salaries, provided that they should hereafter be paid by a tax on the property of the District.

Now, sir, in the multiform changes which Congress has made in the government of this District in the exercise of its sole power to legislate over the District, so far that the tax has not been raised and paid, and now the gentleman rises and asks that the appropriation shall be whittled down to the lowest possible sum in keeping the faith of the government of the District, and that this particular item of $87,000 for the teachers shall be deducted from the appropriation. The result of that would be that that portion of the appropriation of $1,000,000 which goes to pay the teachers' salaries must necessarily fall short, and the white and colored children of the District will be deprived of teachers. Let economy, in God's name, in this District fall somewhere else than on the children of the District so as to leave them to grow up in ignorance and crime because the means of education are not furnished to them.

The question was taken on the amendment of Mr. LOUGHRIDGE; and on a division there were ayes 12, noes not counted.

So the amendment was not agreed to.

The CHAIRMAN. The Chair will call the attention of the committee to the paragraph beginning on line 350, on which a point of order was raised by the gentleman from Vermont, [Mr. WILLARD.] The gentleman from New York, [Mr. WHEELER,] who had charge of that paragraph, is now present.

The Clerk read the paragraph, as follows:

To enable the Secretary of the Treasury to repay Jacob Parmenter, of Plattsburgh, New York, the amount paid by him in satisfaction of a judgment rendered against him for an official act as collector of customs for the district of Champlain, $684.10.

Mr. WHEELER. I wish to state that a bill was passed making an appropriation which was intended to cover the costs and expenses of the judgment recovered against the collector of the district of Champlain, New York, in an action brought against him for his action in the performance of a duty. By inadvertence only an appropriation was made for the costs and not the expenses. This appropriation is recommended by the Secretary of the Treasury.

The CHAIRMAN. Under the explanation of the gentleman from New York the Chair rules that the point of order is not well taken and does not lie against the paragraph.

The Clerk resumed the reading of the bill, and read as follows:

For rent of fire-proof building (except the portion used for standard weights and measures) for the safe-keeping and preservation of the original astronomical, magnetic, hydrographic, and other records; the original topographical and hydrographic maps and charts; the engraved plates, instruments, and other valuable articles of the Coast Survey, $5,000.

Mr. RANDALL. I would like to have some explanation of that clause, and I move *pro forma* to strike it out for the purpose of making a statement. By the previous paragraph we have appropriated for the rent of the building that was constructed three or four years ago, and constructed properly, for the benefit of the Coast Survey, and that building was then deemed to be fully large enough for the purposes of the Coast Survey. Since that there have been erected three houses on Capitol Hill, one of which I presume cost from forty-five to fifty thousand dollars. That house is convenient to the Coast Survey, and the Coast Survey, notwithstanding the fact that a building was erected sufficient to accommodate the service as they thought at the time for all time or certainly for a large period of time, asks here provision for the rent of another building, as this paragraph shows, although it does not state what it is for definitely, and if I had not made some inquiries I should never have found out what this building was for. But there is another clause a little further on in the bill to which I want to direct the attention of the chairman of the Committee on Appropriations. Having found the fact out that this is $5,000 for this building, I find a further appropriation a few paragraphs ahead as follows:

And for workshops in building 205 South New Jersey avenue—

Mark you, that is the same building—

four hundred dollars; and for rent of fire-proof rooms in the same building, $1,000.

So that actually we have this house rented at about $6,400 a year. I do not know that that is a high rent. I take it that the building cost—the gentleman is present here who owns it and he can tell us—I suppose the building cost from forty-five to fifty thousand dollars at the outside.

Mr. PARKER, of New Hampshire. How much?

Mr. RANDALL. From forty-five to fifty thousand dollars, so that the rent is about 12 per cent. on the cost. I do not want to attack that, because every man gets as much rent as he can for his own houses. But I want to make this point against the necessity for renting this building at all: The Coast Survey had a building constructed which was supposed to be adequate for all their purposes, and I believe it is adequate for all their purposes. If it was not out of order, perhaps I might suggest that I do not believe this building ever

would have been rented if it had not been owned by some man of power and influence.

Mr. BUTLER, of Massachusetts. I am obliged to the gentleman from Pennsylvania [Mr. RANDALL] for calling the attention of the Committee of the Whole to this paragraph. I should expect with confidence to have his vote in favor of it after he has heard the exact facts. It is quite true, as he says, that there was a building erected some years since for the Coast Survey; it also is true that it was amply large enough for the workshops and officers of that branch of the public service.

About two and a half years ago the then superintendent of the Coast Survey came to me—I had bought the land at auction—next north of the Coast Survey building, at a sale ordered by the court; and he asked me if I would be willing to sell a portion of the land, which I had bought, for the use of the Coast Survey, if Congress would buy it. I told him that I preferred not to sell it, as I had bought it for the purpose of erecting a block of buildings on it. He said that a part of the Coast Survey building had been on fire; that he did not deem it fire-proof.

Mr. RANDALL. Allow me to correct you right there. The main building is all fire-proof; the rear of it is not.

Mr. BUTLER, of Massachusetts. I still think I am correct. The superintendent said to me, "I am greatly troubled; I have two and a half million dollars' worth of copper-plates and drawings, all that have been made since the foundation of the Government, all our notes of measurement, and all there is of our original surveys. If I lose them by fire, they cannot be replaced; insurance will do no good even if we receive the value of them. Now, if you are going to erect a building on this land next to us will you let somebody construct a portion of the building entirely fire-proof for the purpose of storing the immensely valuable property beyond the reach of fire." The application was afterward put in writing. I said, "If it is desired, I will permit a portion of the building to be made fire-proof for that purpose." He inquired what the rent would be, and I said: "As it is a special erection, to be made wholly of brick, stone, and iron, the doors, window-shutters, and everything else to be absolutely fire-proof, and in case the Government does not keep it in their use—and they can only be bound during the pleasure of Congress—nobody else will be likely to want such a building in such a place. I think there should be paid about 12 per cent. on the actual cost in the way of rental." He said that I must limit the cost not to exceed $50,000, including the land. I replied, "Very well; the architect says it can be erected for that sum." And the bargain was concluded by the correspondence on these terms.

It was agreed to be a three-story building, so as to give room to work on the plates and papers in the same building in which they were stored, so they might not be injured by carrying them about. When I came to erect the rest of the block buildings, I concluded to make it a four-story building; so I said to the Superintendent of the Coast Survey, "I suppose if I make that a four-story building in order to secure harmony in the whole structure, and make it just as fire-proof as I was to make the three-story building and let you have it all, you will have no objection?" He said, "No; if we do not have to pay rent or a cost over $50,000." Relying on this contract, the building was then erected and the bills and vouchers for it were all to be submitted to the Architect of the Treasury Department, and it was to be made fire-proof to his satisfaction, that being a part of the agreement. It cost, with the upper story and a fire-proof arched roof of iron, $58,000 besides the land; the whole cost, including the land, at a fair valuation, was about $65,000. An agreement was made that it should be an entirely fire-proof structure. It is certified to be the best fire-proof structure that has ever been erected in this city, or I think in any other. Such is the exact history of the transaction. What can be alleged against its propriety, advantage to the Government, economy, or fairness?

Another object of making the building was to have kept in safety and to be an insurance on the standard weights and measures, on all the copper-plates of the original surveys of the Government, amounting in commercial value to $2,500,000. It is much better than any policy. It is an absolute insurance. All the walls were built hollow, twenty-two inches thick, and built so as to be absolutely fire-proof. It is let for $6,000; the $400 is for a part of another building, perhaps for a small building that somebody else has.

Mr. RANDALL. On the same lot?

Mr. BUTLER, of Massachusetts. No; not on the lot of the fire-proof building at all. If it is for the rent of the other building it is for another below that, a little building like a safe down below. I have now given the reason why this fire-proof building was erected.

Being fully aware that there was a law against any member of Congress making any contract with the Government, and knowing that this would probably be the subject of criticism, therefore I took care not to make one. That is exactly what has been done. I do not own that portion of the building. I wish I did. I went into the matter simply at the request of the Coast Survey to aid the public service. The party who owns the fire-proof building, out of the 12 per cent. rent must pay 3 per cent. taxes and will not make much of a gain by the transaction, especially when we consider the uncertainty of the lease.

Mr. RANDALL. I do not know of any difference between a man owning the property and giving the money for its erection.

Mr. BUTLER, of Massachusetts. Pardon me, sir; I did not do that. If such had been the case there would have been no difference at all. The only thing I shall have given toward the construction of the building is the attention necessary to see that it conforms to the rest of the block, and that the structure conforms to the contract by being absolutely fire-proof.

Now, for that $6,000 the Government gets absolute insurance of property worth over $2,500,000, besides saving all the original cost of the structure. How small a percentage of insurance that is any one can see—a little over 2 mills per cent. The papers connected with the matter are all spread upon the records of the Treasury Department. It being foreseen that the transaction would be attacked, it was intended to be a matter that would stand every test of economy and propriety.

Mr. RANDALL. I do not attack so much the gentleman from Massachusetts as the Coast Survey, that hunt up people with whom to make contracts to erect buildings to be rented at the extravagant rate of 12 per cent. interest upon the cost of erection.

Mr. BUTLER, of Massachusetts. As to whether the rate is extravagant, I will ask the gentleman whether he or anybody else would erect a building of a special character, adapted to the wants of but a single customer, (so that if that customer should not occupy it, it would be of no special value to anybody else,) and would rent it on a lease of ten years for less than 12 per cent. and pay 3 per cent. taxes out of that.

Mr. RANDALL. If I had the money, I should be glad to erect any sort of buildings whatever and rent them at a very less rate of interest than 12 per cent. I do not believe there is any property in the center of any city which, unless under very rare and peculiar circumstances, will bring as rent 12 per cent. interest upon the amount invested in the building.

Mr. BUTLER, of Massachusetts. To that I answer that no man would for a moment think of erecting a building of a given character, suited to the wants of but one person, a building which would cost many thousands of dollars to alter for the occupancy of others, and rent that building for a less rate upon the amount of the investment for a short term, as in this case. I certainly would not; and it would not have been done by the person who owns it except to have the money invested in a perfectly safe investment.

Mr. RANDALL. Only the other night I showed that property in this District, by reason of taxation, was bringing but 1½ per cent. return upon its value. The gentleman will mark the great difference between 1½ and 12 per cent.

Mr. PLATT, of Virginia. I would suggest that the taxes have to be deducted from the rent.

Mr. G. F. HOAR. I desire to ask my colleague a question in connection with this matter, because it is one the history of which has been discussed a great deal. I dare say my colleague may be able to explain it satisfactorily. I wish to inquire whether, before this lease had been executed between him and the Coast Survey, there was pending the provision prohibiting the making of any contract of this kind by any Department of the Government. I have no personal knowledge about this matter; but I have heard a story about it. My colleague has removed half of the objection; and I call his attention to this point with great frankness, that he may remove the other half.

Mr. BUTLER, of Massachusetts. I am very much obliged to my colleague for the question. The contract for erecting this building was made more than a year—I think a year and a half—before that provision was considered in Congress. The building was already up. The lease was made in pursuance of the contract when the building was supposed to be ready to be occupied. It was expected to be ready in the summer; but unfortunately the parties who had charge of making the fire-proof shutters and some of the iron work were unable to carry out their contracts for ninety days; so that the actual occupation did not take place until some three months after it was expected to be ready for occupancy and after the lease was expected to take effect. The contract under which the building was erected was made a year and a half before.

Mr. G. F. HOAR. That answers the point.

Mr. BUTLER, of Massachusetts. Now, it is an unfair criticism of my friend from Pennsylvania [Mr. RANDALL]—I know he would not do anything unfair if he knew it—it is an unfair criticism to say that the Coast Survey went about to "hunt up" somebody to make such a building. There was no other land vacant on which such a building could be built, adjacent to the Coast Survey building, save this, where its occupation would not be very inconvenient and troublesome.

Mr. RANDALL. I make that criticism because of the fact that this same Coast Survey, after contracting with another person for the erection of a Government building which should be for a series of years entirely adequate to the expected requirements of the Coast Survey, and when a part of the building thus erected for the use of the Government is occupied as a private residence for persons connected with the Coast Survey, goes to work and hunts up some one else from whom to rent other property for the use of the Coast Survey. Now, I maintain that instead of appropriating a portion of the Coast Survey building as the private residence of one of the officers, such use of any part of that building should have been discontinued, so that it would not have been necessary to rent any other building for the business of the Coast Survey.

Mr. BUTLER, of Massachusetts. Now, there are two mistakes under which the gentleman is laboring. First, he assumes that a part of the Coast Survey building is used as a private residence. That is not so.

Mr. RANDALL. Has it not been so used? It may not be now.

Mr. BUTLER, of Massachusetts. Allow me to finish my statement. It has not been so used under the present head of the Coast Survey.

Mr. RANDALL. It was under Professor Pierce.

Mr. BUTLER, of Massachusetts. The former Superintendent of the Coast Survey and all previous Superintendents, as I am advised, have had quarters furnished by the Government.

Mr. RANDALL. Allow me right here to ask this question: Was not a part of the Coast Survey building occupied as a private residence when the contract with the gentleman from Massachusetts was made?

Mr. BUTLER, of Massachusetts. Yes, sir; but the difference (which my friend will appreciate) is this: What the Coast Survey seeks to secure by renting this building is, not more room to live in or to work in, but to obtain, as it does in this way, an absolutely fire-proof structure in which to preserve the public property; the other building is joined right on to a very inflammable structure; and attention had been called to the matter by the fact that there had been a fire in some part of the building.

The CHAIRMAN. This proceeding is all irregular.

Mr. GARFIELD. I hope we will now have a vote on this.

Mr. RANDALL. I withdraw my amendment. If we have rented this building, we ought to pay for it; but I hope some one else will see to the necessity of looking into that feature of the contract which binds this Government for ten years.

Mr. BUTLER, of Massachusetts. There is no contract which binds the Government for ten years. On the contrary, there was put into the contract by the Coast Survey a limitation that it applied only for one year, unless Congress chooses to protect further the public property from fire.

The Clerk read as follows:

Vessels for the Coast Survey: For construction, equipment, and outfit of one schooner, of about seventy-two feet in length, for the observation of currents along and off the Atlantic and Gulf coasts, $16,000.

Mr. MAYNARD. I move to strike that out in order that the gentleman from Ohio, chairman of the Committee on Appropriations, may tell us what this appropriation is for, and what necessity there is for this work. This provides for the construction, equipment, and outfit of one schooner about seventy-two feet in length for the observation of currents along and off the Atlantic and Gulf coasts. That is entirely new, it seems to me, to this Coast Survey. I should be glad if the gentleman would tell us what reason there is for incorporating this appropriation in the bill?

Mr. GARFIELD. It is for carrying on the ordinary work of the Coast Survey.

Mr. MAYNARD. I submit that this does not belong to the ordinary work of the Coast Survey. It is for the observation of the currents off and along the Atlantic and Gulf coasts, and that certainly has nothing to do with the Coast Survey. Why, too, is it necessary to construct and fit out a new vessel for this purpose? It seems to me that this is a work aggrandizing the Coast Survey; it is striking out in a new direction, altogether in another line of work.

Now, I have been of the opinion for many years, and I will take this opportunity to repeat that opinion in the presence of the present head of the Navy Department, that this Coast Survey should be under the direction of the Navy Department. It properly belongs to it, and especially this work. The observation of currents off and along the Atlantic and Gulf coasts belongs to the Navy Department if it belongs anywhere. It does not belong certainly to the Treasury Department. It is wholly disconnected with commerce. Unless there is something which I do not appreciate just now, I should be unwilling to launch out into a broader and wider range of labor anywhere.

Mr. GARFIELD. This is exactly in the line of appropriations made for years past. It is simply to replace a vessel wearing out and almost worn out which has been for a long time in the same service. If the gentleman from Tennessee will refer to the book of estimates, page 173, covering some eighteen pages, he will find a very full account of the work of the Coast Survey of the United States and especially in regard to the vessels engaged in that service. The superintendent stated that in 1858 all the vessels were comparatively new, none being then over nine years old, while in 1874 there were twelve from eighteen to twenty-five years old, rotten, worn out, worthless, and utterly valueless for any use, thus reducing the available number to nineteen, compared with the number of thirty-four in 1858. He then goes on to state the special need he has for new vessels, and asks us to give a great many more than we have provided. We have only given one-third of the number he asks for.

We have not enlarged the scope of the Coast Survey, but on the contrary have reduced it. We limited the appropriation asked for this year, and we have last year limited it by not allowing the work of the Coast Survey to be extended into Alaska. The observation of currents along and off the coast has been almost from the beginning a part of the Coast Survey.

Mr. MAYNARD. I move to amend by striking out the last word. I should be glad if the chairman of the Committee on Appropriations or somebody else had been prepared to have spoken more specifically on this subject than he has done. The Coast Survey has been running now for sixty years. We had assurance years and years ago it should be soon brought to a conclusion; that is to say, that the coasts of the United States were to be surveyed and we were to have charts which would be supplied to navigators who sailed along our coasts or entered our harbors. We have made appropriations from year to year, but as far as my observation has gone we are to-day as far from the end as when we begun. So far from having charts with which to navigate our own coasts, I have myself sailed (and not much of my life has been spent on the water) along our own coast upon a steamer navigated by a chart from the English admiralty, and to my recollection there was not a Coast Survey chart on board. I should like to know, as those interested in maritime affairs I have no doubt would like to know, when this great work is to be completed, or whether it is one of those things never to be accomplished, "to be still beginning, never ending; still pursuing, never finding."

Mr. GARFIELD. Last year when the appropriations for the Coast Survey were before the committee, I put the same question to the superintendent, and he said it would take twenty years at the present rate to complete the coast survey. I am surprised that a gentleman like the gentleman from Tennessee, who is so much in favor of this class of work, should speak as if the work accomplished there by the Coast Survey has been of but little value.

I believe we have no work of a scientific character connected with this Government of which we have so much right to be proud as the work of the Coast Survey. They have completed already their share of the northern lakes.

Mr. MAYNARD. I thought the Army had charge of the northern lakes.

Mr. GARFIELD. No; they have charge of Lake Champlain. They have completed the survey of the northern part of the Atlantic coast mainly. They have extended the survey largely on the southern Atlantic coast, where they could do nothing during the war, and on the Gulf coast, and the Pacific coast. They have been engaged on the latter only a little while, but they are going on connecting the geodetic points of the interior of the various States so that we can have the two coasts connected by points observed and calculated. They now tell us that about twenty years will finish the whole work, and I believe they are doing it about as thoroughly and substantially as it can be done. It is not a thing to be rushed through in a year or in several years; but whenever it is done it should be done once for all, so that it may remain fixed.

Mr. MAYNARD. I move to amend by striking out "$16,000" and inserting "$15,000." I do so for the purpose of saying that I do not underestimate the importance of surveying our coast. What I complain of is that after three-quarters of a century we have so little done. The very same assurances that are given now by the gentleman from Ohio were given still more emphatically forty years ago by the then head of the Coast Survey, and yet we are still just as far apparently from results now as we were then.

What we complain of in regard to this Coast Survey is that it is seeking to install itself as a barnacle upon this Government, as something to go on from year to year, from generation to generation, as a permanent thing that is always to be done and never to be finished. I am reminded by my friend from Pennsylvania [Mr. RANDALL] that there is here something like $150,000 for new work—I believe $144,000. Therefore I think that instead of being a separate establishment, which is practically dependent on nobody, with nobody to oversee it, or even to see that they make the annual reports which the law calls upon and requires them to make, it should be attached to the Navy Department and made directly amenable to its supervision.

I had occasion some three or four years ago to examine a report which the law requires to be made by the Coast Survey. I could find it nowhere in our document-room. I sent to the Secretary of the Treasury, and he knowing nothing about it, sent to the Coast Survey, and I had a manuscript copy sent me with a statement I believe that the matter had been entirely overlooked. This thing is being run without any supervision, without anybody practically to look after it, and as it goes on it swells up year after year growing larger and larger, with results that do not in my judgment compare with the cost the Government is at. I withdraw my amendment.

The Clerk read the following paragraph.

For construction, equipment, and outfit of two schooners, of about eighty-five feet in length, for inshore work of all kinds along the Atlantic and Gulf coasts, to replace old and worthless vessels, each at $20,000, $40,000.

Mr. RANDALL. I offer the following amendment:

In line 456 strike out "two schooners" and insert "one schooner;" and in lines 459 and 460, strike out "each at" and "$40,000."

As has been stated by the gentleman from Tennessee, there is here a large amount of new work provided for. I do not believe that this is the time for the Government to enter upon new work; and if the committee think that it is, I suggest as a compromise here to build one vessel instead of two.

Mr. MAYNARD. There are six new vessels provided for in these appropiations.

Mr. GARFIELD. They asked for thirteen vessels, and we have cut the number down.

The amendment was not agreed to.

The Clerk read the following paragraph:

For construction, equipment, and outfit of two small steamers, of about eighty feet in length, for inshore work of all kinds on the coast of Louisiana and other parts of the Gulf coast, each at $17,000, $34,000.

Mr. MAYNARD. I move to amend by striking out "two" and inserting "one," and by striking out "$34,000."

It is not pretended that this is for replacing old vessels. It is for the construction of absolutely new vessels. We have already provided for three, and I think one small steamer for the work on the coast of Louisiana and other parts on the Gulf coast will be sufficient. I hope the appropriation for one of these steamers will be stricken out.

The amendment was not agreed to.

The Clerk read the following paragraph:

For construction, equipment, and outfit of one small steamer for inshore coast hydrography on the Pacific coast, $55,000.

Mr. RANDALL. Will the chairman of the Appropriation Committee explain the reason of the cost varying so much? Two vessels at $17,000 are provided for inshore work on the coast of Louisiana, and one small steamer for inshore work on the Pacific coast is to cost $55,000.

Mr. GARFIELD. Of course for in-shore work on the Gulf of Mexico there is not required so large a steamer as is required in the open sea on the Pacific coast.

The Clerk read as follows:

For salaries of nine hundred and seventy-five light-house keepers and light-beacon keepers and their assistants, $585,000.

Mr. RANDALL. I move to strike out the last word. I want to direct the attention of the gentleman who has charge of this bill to the various items of the light-house establishment. In the first item there is an increase of $20,000, and in the various paragraphs relating to that service an increase of $110,000.

Mr. HALE, of Maine. Yes, that is so; and it arises from the fact that every year, Mr. Chairman, we build new light-houses and put in new keepers and new assistants and thereby extend the establishments, and the whole cost in reference to the salaries and expenses of the light-house establishment is increased. This increase to which the gentleman refers, I will state to him, relates to what we did last year and the year before in putting on additional service; but I will state to him that that portion of the bill which relates to the structure of new light-houses is much smaller than last year, and, with the exception of a few exposed points on the Atlantic coast and on the great lakes, the committee have not proposed the construction of new light-houses, because they believe that this is a year in which work of that sort can wait.

Mr. RANDALL. Let me just give you the figures. The amount is $316,440.

Mr. HALE, of Maine. The gentleman's figures are correct, but the reason I have already given why these items are increased.

The Clerk resumed the reading of the bill.

Mr. MAYNARD. I suggest that by unanimous consent we pass over all these clauses in relation to light-houses and the light-house establishment and pass on to the appropriations in relation to the public lands, for few of us understand anything about this light-house establishment.

Mr. HALE, of Maine. I have no objection of course to that being done, but there are one or two amendments which I am instructed by the committee to offer to that portion of the bill.

The CHAIRMAN. The suggestion of the gentleman from Tennessee can only be accepted by unanimous consent.

Mr. WOOD. I think we had better proceed with the bill in the regular way.

The Clerk resumed the reading of the bill, and read as follows:

Steam-tender for seventh district: For building a small steamer for use in construction and repairs in the seventh light-house district, $50,000.

Mr. YOUNG, of Georgia. I move to strike out that clause. I am told by one of the ablest officers in the Light-House Board that they have as many vessels now engaged in the service of that Board as they need. These vessels are of the most expensive description, and they cannot be sold when put up at public sale for half what they cost. I hope the gentleman from Maine [Mr. HALE] will explain why they are necessary. There are but six hundred light-houses on the coast of the United States, and four hundred of these are upon the inland waters and can be just as well attended to by a steamer costing $10,000 as by one costing $50,000. They tell me at the office of the Light-House Board they have now plenty of steamers. I wish the gentleman would tell us how many steamers the Light-House Board has now in service.

Mr. HALE, of Maine. The Light-House Board has a steamer for every district.

Mr. YOUNG, of Georgia. How many in all?

Mr. HALE, of Maine. I do not know the whole number.

Mr. GARFIELD. I think there are thirteen in all.

Mr. YOUNG, of Georgia. Then there are two for each district. I am safe in saying that there are over twenty steamers now employed by that board, and I will warrant that any board of officers, either of the Engineer Corps or of the Light-House Board, would say that that number is quite sufficient. I have been told by officers of the Light-House board that they have plenty now.

Mr. HALE, of Maine. The Light-House Board has been in operation for many years; it unfortunately is the fact the materials in that service, as in all others, will wear out. For some years I have known something about the light-house appropriation. We have often made appropriation for new tenders and light-house ships, for of course they grow old and have to be replaced.

Now, as to this particular appropriation, I would state that the testimony given by members of the board before the committee and the statements that were made and the papers given to us showed that they need these ships in order to do their work faithfully. Light-houses have to be visited frequently; stores have to be carried and inspections made; there are a thousand and one things which are required to be done. A light-house vessel is as much needed as a light-house, and if you strike out the one you should strike out the other. You cannot keep up the one without the other.

Mr. YOUNG, of Georgia. How are they kept now? There are appropriations here for three tenders, and they are scattered all along through the bill; they do not come together. There is one here on this page, one on the next page, and one on the page after.

Mr. HALE, of Maine. For the reason that they are for different districts. The Light-House Board in making up their estimates begin on the Atlantic coast, and come down along it and along the Gulf coast, and then cross over and go along up the Pacific coast. The items are given in the natural geographical order. When they come to a district which requires an appropriation, they put in the estimate. When they come to another district, if it has any wants, they are cared for. When they come to a district on the Pacific coast, its wants are cared for. It is not because, as the gentleman seems to think, they do not want us to see the items all together, but it is because the lines of the coast and the districts in their order are estimated for.

The CHAIRMAN. Debate upon the amendment is exhausted.

Mr. MAYNARD. I move to strike out the last word. In the last few days the papers inform us that one of our light-houses in distress hailed a naval vessel passing by, and upon the vessel going there it was found that it was blocked up by ice, &c., so that ever since some time in December the keeper had been reduced to great distress. Assuming that statement to be correct—and the narrative seems to be well founded and entitled to credence—I would ask you how such a thing could happen, and the light-house not be visited by such vessels as we are proposing here to provide; how the keeper of this light-house and his wife could be left there so long without receiving the assistance they needed?

Mr. HALE, of Maine. Just as it happens now and then that a man, woman, or child will be caught out in inclement weather and frozen to health. It is not a common occurrence, but such may be the condition of the elements, of the sea, the wind, and the tide, that it will sometimes happen that no communication can be obtained. I know of an instance that happened not long ago on the coast of my own State. There was a light-house on a rock some twenty or twenty-five miles from the main land, a very important light to a large part of the commercial traffic from Europe. The light-keeper was there without communication with the main land for five weeks, having no communication from the shore or from any light-ship, because it so happened that it was impossible to make a landing there. The light-house was built away out at sea on a rock, and it was only possible to land there with certain conditions of wind and water. The poor man was there without communication with the main land for five or six weeks. I presume the case referred to by the gentleman from Tennessee [Mr. MAYNARD] was something like that case.

Mr. YOUNG, of Georgia. I want to say, as I have said before, that out of the six hundred light-houses in the United States, four hundred of them are on the rivers and lakes and can be supplied and fitted by steamers which will cost not over $10,000 each.

Mr. HALE, of Maine. What is the statement of the gentleman?

Mr. YOUNG, of Georgia. It is that only about two hundred light-houses in the United States are on the sea-coast; four hundred of them are on the lakes and rivers.

Mr. HALE, of Maine. The gentleman does not mean to say that upon the lakes and rivers there are four hundred of what would be strictly called light-house structures?

Mr. YOUNG, of Georgia. That is exactly what I say; they are not; they are nothing but beacon-lights; but they tell you that there are six hundred light-houses in the United States.

Mr. HALE, of Maine. The lights for the western rivers, as the gentleman very well knows, are not elaborate structures costing very much money. But navigation there is obstructed, and needs assistance, and it is helped by these little beacon-lights, that need watchers or keepers. They reckon up in the list, but they are not expensive structures. I may say that the work that has been done has not been expensive; that the lights on the rivers are of great value, but they are not expensive structures as they are elsewhere.

Mr. YOUNG, of Georgia. That is true; but you make it cost the same for a steamer to go and supply them.

Mr. HALE, of Maine. I can see how a steamer visiting the small lights might for a year have no occasion to visit very many of the expensive structures.

Mr. YOUNG, of Georgia. That is what I object to. I say these little light-houses can be supplied by building small inland steamers cheaper far than these extra ocean steamers that cost $50,000. I hope this paragraph will be stricken out.

Mr. HALE, of Maine. Let us have a vote.

The question was taken upon the motion of Mr. YOUNG, of Georgia, and it was not agreed to.

The Clerk read as follows:

For re-establishing range-lights at Eagle Harbor, Lake Superior, $8,000.

Mr. HALE, of Maine. I rise to offer several amendments which come from the Committee on Commerce. Their presentation has been delayed, and they have been omitted from the bill because they were in the hands of Mr. Hooper, of Massachusetts, lately deceased.

The Clerk read the amendments, as follows:

Insert after the paragraph last read the following:

For the construction of a light-house on Ottawa Point, or for range-lights to guide into Tawas Bay on the northwest shore of Saginaw Bay, in the State of Michigan, to be known as Tawas Light, $30,000.

For erection of range-lights to guide into the cut through the outer bar at the mouth of Saginaw River, in the State of Michigan, and for the construction of a new dwelling-house for the light-house keeper's use, $23,000. And the jurisdiction of the Light-House Board is hereby extended, so that it shall be lawful for said board to lease the necessary ground for the erection and maintenance of said lights.

The amendment was agreed to.

Mr. HALE, of Maine. I move also the following amendment, to come in at the end of the printed paragraph last read:

That the portion of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875," approved June 30, 1874, which makes appropriation for the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan, be so amended that the proviso thereto attached shall read as follows:

Provided, That when the light-house is completed, from that time and thereafter further collections of tolls from vessels and their cargoes entering or clearing from said river are hereby prohibited.

The amendment was adopted.

The Clerk read as follows:

For a light-house on Passage Island, Lake Superior, $18,000: *Provided*, That this appropriation shall not be available until the government of the Dominion of Canada shall build a light-house on Cholchester Reef, at the mouth of Detroit River.

Mr. HUBBELL. I move to amend the paragraph just read by striking out the word "at" in the last line and inserting "to the eastward of."

Mr. GARFIELD. I desire to suggest that the various other clauses in the bill pertaining to light-houses be not read, but that any gentleman shall be at liberty to offer amendments to them.

Mr. RANDALL. O, no; let them all be read.

Mr. MAYNARD. By way of amendment to the amendment of the gentleman from Michigan, [Mr. HUBBELL,] I move to strike out the proviso of the pending clause. I make this motion for the purpose of ascertaining from the gentleman who has charge of the bill the exact meaning of this proviso. Does it mean that we shall wait until the Canadian government has finished its light-house before we erect ours?

Mr. GARFIELD. This is in the way of persuasion to the Canadian government to erect its light-house.

Mr. HUBBELL. I will explain the matter. The Canadian government has been anxious to obtain Passage Island for the sake of establishing a light house, benefiting to a great extent their own commerce. The Light-House Board has for several years favored the erection of a light-house at the mouth of Detroit River; but the only place where it can be erected belongs to the Canadian government. At present a light-ship is kept there at the expense of our own commerce. Now, we are in favor of building the light-house at Passage Island, provided the Canadian goverment will construct a light-house on Cholchester Reef, at the mouth of Detroit River.

Mr. MAYNARD. My inquiry is whether it is contemplated that we shall delay the erection of our light-house until the Canadian government has built its light-house?

Mr. HUBBELL. Certainly; we do not care to have it built before.

Mr. MAYNARD. I withdraw my amendment.

The amendment of Mr. HUBBELL was agreed to.

Mr. HUBBELL. I move to amend by inserting the following:

For light-house on Stannard's Rock, Lake Superior, $200,000.

I have a communication on this subject which I ask to have read.

Mr. GARFIELD. I make the point that this amendment is out of order.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] makes the point that this amendment involves an appropriation not already authorized by law, and is therefore out of order.

Mr. CONGER. I wish to make a remark on the point of order. It seems to me that the point is not good upon this amendment any more than upon any other provision for a light-house that is contained in this bill.

The CHAIRMAN. Before the gentleman from Michigan proceeds, the Chair would like to have the gentleman from Ohio [Mr. GARFIELD] state upon what he predicates his point of order.

Mr. GARFIELD. I raise the point that there is no law requiring a light-house to be built at that place.

The CHAIRMAN. The Chair would inquire of the gentleman whether any law requires light-houses to be built at all the several places named in the bill?

Mr. GARFIELD. I suppose so.

Mr. FIELD. The bill contains appropriations for new light-houses at various places.

Mr. GARFIELD. The ruling of the Chair upon a similar point awhile ago would seem to me to require that this amendment be ruled out. If the Government owns any piece of property at the place named in the amendment—if there is any site already purchased or any law requiring the purchase of a site or the building of a light-house here—if any gentleman will affirm that such is the fact, of course I do not insist upon my point.

Mr. CONGER. Mr. Chairman, there is no law and never has been any authorizing appropriations for any light-house. The only way in which they come properly before us has been where they have been presented in bills referred to the Committee on Commerce providing for appropriations, by the Committee on Commerce examined, and, if thought worthy of being recommended, sent to the Light-House Board for their recommendation, then returned, and, with the indorsement of the Committee on Commerce, sent to the Committee on Appropriations, with estimates, and on that appropriations have been inserted in general appropriation bills. That has been the uniform course pursued heretofore. Added to that is the report of the engineer in charge of the light-house district and the recommendation of the Light-House Board, independent of the action of the committee, being placed in the Book of Estimates, if they have been prepared before that was made out, or recommended separately afterward. That has been the foundation and always has been the foundation of all this class of appropriations. All these recommendations have been made in the same way. This recommendation comes from the Committee on Commerce, with the recommendation of the Light-House Board, an estimate being made for it in the same way in which others have always been made; and therefore the point of order would lie to all the other appropriations in this bill as well as to this.

Mr. HALE, of Maine. My observation is in the same direction.

The CHAIRMAN. The Chair thinks from the statement made by the gentleman from Michigan the point of order does not lie.

Mr. GARFIELD. I think ordinarily this is not liable to the point of order; but the ruling of the Chair a while ago would absolutely rule out this and all similar appropriations.

The CHAIRMAN. To what particular ruling does the gentleman refer?

Mr. GARFIELD. The ruling, for instance, in reference to a certain appropriation for the purchase of a work of art. There is no law authorizing this any more than there was authorizing that, yet the Chair rules this in and that out of order.

The CHAIRMAN. The only reply the Chair has to make to that is that he begs to differ from the gentleman from Ohio.

Mr. GARFIELD. Certainly; but I say that both amendments stand upon the same principle, and if one be ruled out both should be ruled out also.

Mr. HUBBELL. Now that the amendment has been declared to be in order, I ask to say a few words on this subject. In the first place I ask the Clerk to read a letter from the Light-House Board.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 6, 1875.

SIR: I have the honor to acknowledge the receipt of a letter of December 23, 1874, from Hon. W. A. WHEELER, M. C., chairman of the Committee on Commerce of the House of Representatives, transmitting H. R. bill No. 4096, "to provide for the construction of a light-house at Stannard Rock, Lake Superior," and asking to be furnished with such information as will enable the committee to determine the necessity of making the appropriation proposed in the bill.

In reply thereto I have to say that the Light-House Board has recommended that a light be established on this rock in its reports for each of the years 1871, 1872, and 1873, and that it has reiterated its former recommendations in its report for 1874, and urged that immediate steps be taken in the matter, as the cost of the structure will be materially lessened if the expensive plant gathered for the erection of the light-house on Spectacle Reef can be used in the construction of this light-house.

Very respectfully,

JOSEPH HENRY,
Chairman.

The honorable the SECRETARY OF THE TREASURY.

Mr. HUBBELL. Mr. Chairman, I wish to say that this Stannard Rock is a bold rock coming up in the center of Lake Superior on the line of traffic of steamers passing through the Lake, and especially steamers going to the head of the Lake. It can only be seen in fair weather, coming up as it does but a few feet above the surface of the water; and in the summer season, owing to the coldness of the water, there are but few days when fogs do not occur, and the only wonder is accidents have not happened long ago.

The reason why so large an appropriation is asked as $200,000 is because this rock is out some distance in the lake and there is no use of attempting this work at all unless Congress would give such a sum as will warrant the Light-House Board in going on efficiently. By appropriating $200,000 for doing this work at this time a large amount will in the end be saved to the Government. The work has to be done sooner or later, and it can be done now more cheaply than at any other time. A few years ago Spectacle Reef, in the Straits of Mackinac, a light-house was constructed out in the open water, and in order to build that work we had to construct heavy floating machinery. That machinery is on hand now but is going to decay, and unless we make this appropriation in time so as to avail ourselves of that machinery we will have to provide for the construction of new machinery for building this light-house, which will cost over $50,000. That is the reason why I urge upon the House now, while we have this floating machinery on hand, in the interest of economy, to make

this appropriation, because we must have a light-house there and appropriation must be made for it. We cannot afford to have that bold rock standing up in the track of commerce without marking its position to mariners. It must come sooner or later, and it is economy to construct the work now.

Mr. RUSK. Why not blow the rock up?

Mr. HUBBELL. I will tell the gentleman from Wisconsin that if we attempt to blow that rock up with powder it would cost over a million of dollars. It is a very large rock, abrupt on one side and shelving off on the other, making shoal water for quite a considerable distance. It is impossible ever to get rid of it, and we must put a light-house there, and this appropriation for that purpose is necessary.

[Here the hammer fell.]

Mr. HALE, of Maine. I wish for one that we had money enough to build all the light-houses that are asked for, but the committee must remember that we have to cut our garment according to our cloth. Now, Stannard Rock is in precisely the same position as forty or fifty other places where within the last few years the Treasury Department has recommended that light-houses be built. The case is exactly as stated in what has been read at the request of the gentleman from Michigan. The Treasury Department and the Light-House Board have recommended it in years past. It has been time and again before the Committee on Appropriations. The Committee on Appropriations have made up their bill on consultation with the Light-House Board, but have not been able to put everything in. They have asked the Light-House Board to select those sites where lights are most necessary and put those in. The Stannard Rock has never been selected by the Light-House Board as belonging to the class of sites where lights are most urgently needed.

Mr. HUBBELL. Is the gentleman aware that this is one of the points that the Secretary of the Treasury has recommended?

Mr. HALE, of Maine. I understand that every point that goes into the Book of Estimates is the recommendation both of the Light-House Board and the Secretary of the Treasury.

Mr. HUBBELL. This is not in the Book of Estimates.

Mr. HALE, of Maine. That is my point and not the point of the gentleman from Michigan. This year in making up the Book of Estimates the Secretary of the Treasury, endeavoring to keep down expenditures, did not include this matter of a light-house on Stannard Rock at all. If gentlemen will look into the Book of Estimates they will find that this is the case. I have just offered two amendments providing for light-houses on these lakes at the instance of another gentleman from Michigan, and the committee have put them in. Perhaps if the amendment in this case had been smaller my good nature might have induced me to give way and I might have consented to it. But this is a claim for $200,000. If, however, after the exertions of the Committee on Appropriations to keep the bill down, the committee here put on $200,000 for a light-house at that point, that is the end of it, and I have no objection to make. I do not think, however, although the gentleman from Michigan wants it and some of his constituents want it and it may be a good thing to them—I do not think the case is so urgent as to require this appropriation to be made now.

Mr. CONGER. I move to strike out the last word.

This matter has been urged for the last thirty years, and memorial after memorial has come to Congress from people engaged in navigating those lakes asking for a light-house at that point. In the last Congress a small appropriation of $10,000 was voted, but it was entirely insufficient for putting up any light-house whatever there that would be durable, so that it was not used and was covered back into the Treasury.

The necessity of a light on such a reef of rocks, lying in the very passage-way of all the commerce of lake Superior, which has become very large and is increasing more and more—the necessity of a light there or of some alarm signal has caused various experiments to be made of having surf-bells or wind-whistles or something of that kind placed on the rock, and temporary expedients have been resorted to. It is well known that this rock lies in the mid-channel between the head of Lake Superior and the canal at its mouth, and at any time there is a liability for vessels, of the hundreds and thousands that pass over those waters, to run on it or be driven on it by storms.

Last year it would have been attempted to have an appropriation for this light-house if it had not been that all appropriations for new works were refused; and it was for that reason that an appropriation for this was not urged by the Light-House Board, and it has been passed over this year for the same reason. Whether the whole amount stated in the amendment be voted for this year may be immaterial; but that the work should be authorized and commenced and that this rock should have some signal upon it is apparent to every one who has been on that lake. If gentlemen wish to reduce the appropriation, let them make that amendment. My friend from Maine [Mr. HALE] has never failed to put into this bill and every bill a light-house for every point on the coast of Maine where one was requested by his constituents.

Mr. HALE, of Maine. I have not to expend so much of my strength on the river and harbor bill as my friend from Michigan, but I desire to say that there is nothing in this bill for Maine.

Mr. CONGER. Because there is not a point which has not its light-house all along the coast of Maine.

Mr. HUBBELL. I ask leave to amend my amendment by substituting $100,000 for $200,000.

There was no objection, and the amendment was modified accordingly.

The question being put on the amendment, there were ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. BASS. I offer the following amendment, to insert after the paragraph last read, as follows:

For maintaining a light-ship off the mouth of the Detroit River, $30,000.

I desire to say in support of this amendment that probably there is no point in the world over which more commerce passes annually than over the point indicated by the proposed amendment. Those gentlemen on this floor who are at all familiar with the navigation of the lakes know that our seamen find it very difficult during the season of navigation to find with safety the entrance to the Detroit River. During the season a year ago at the mouth of this river, and by reason of bowlders in the bed of the lake off the mouth of the river, more than $170,000 worth of property was destroyed. No immediate permanent relief can be afforded until the governments of the United States and Canada shall enter upon the construction and maintenance of a light-house at or near this point. The only available point for the construction of a light-house is situated on the Canadian shore, but the importance of this light-house is so great that for many years past those gentlemen who are the owners of shipping on the lakes have been compelled, out of their own pockets, to pay for a light-ship off the mouth of the Detroit River during the last season of navigation. During the last ten years they have contributed from ten to twenty thousand dollars for the purpose of maintaining a light-ship at this point. It is not a fair tax. It is a tax that they charge against the shippers. A person transferring his commerce by vessel over the lakes is required to pay, as the consumer is, in this regard the expenses of maintaining this light-ship. I ask now as a temporary expedient that the House put this appropriation in the bill, and that the United States Government shall assume the burden of maintaining a light-ship at this point until the State Department can enter into such negotiations with Canada as will provide for the maintenance of a permanent light-house.

Mr. HALE, of Maine. Has the gentleman any recommendation or estimate from the Department in reference to this matter?

Mr. BASS. I have not personally, but the Department has frequently recommended this; and in conversation with officers of the Department I have been told that the importance of a light-ship at this point cannot be overstated.

Mr. HALE, of Maine. Is there anything before the House in the shape of estimate or request for this appropriation?

Mr. BASS. Requests for this appropriation have been sent heretofore to the Committee on Appropriations, although they have not been this year to my own personal knowledge.

Mr. HALE, of Maine. There is nothing on the subject in the estimates of this year.

Mr. BASS. I presume not; but these facts are within the knowledge of gentlemen on the Committee on Appropriations. They are certainly within the knowledge of various members of the House and of those gentlemen whose interests are on the lakes and whose constituents reside there. It is within my own knowledge that a fund has been maintained on the lakes for years to keep up a light-ship in this vicinity. I ask, therefore, that these merchants and shippers of the West be relieved of the burden of maintaining this light-ship out of their own private means, and that this small amount be paid by the United States for the purpose of relieving the necessities of commerce.

The question was put on the amendment offered by Mr. BASS; and on a division there were ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. CONGER. I move that $20,000 be appropriated for this purpose.

I do not understand exactly why it is that on appropriation for the improvement at this one particular point, our friends over the way agree to vote it down, and are urging their friends to vote against it, when the same gentlemen have urged me to provide appropriations for the improvement of their commerce in the river and harbor bill; and unless there is some particular objection to this improvement, I regret to see this party feeling against this measure.

Now, I desire to say that by careful count of vessels that average five hundred tons burden, that pass in the seven or eight months of the season at this point, there are forty thousand passages of vessels in each season of navigation, ranging from seven to eight months. The whole navigation of the great lakes passes this point. I say that there is no place in the known world where a like amount of tonnage passes a given point. There is not one-third of that amount that passes Sandy Hook in the whole year. There is no point on the whole coast where such a number of vessels with such an amount of tonnage pass. Losses that have occurred there have amounted to from one hundred thousand to half a million dollars a year; and, as the gentleman from New York [Mr. BASS] has said, the shipping men themselves have been compelled to do what Congress has refused to do at their own expense. An appropriation of $20,000 a year would keep up a light-ship at the mouth of that river; and you need a light-ship, because the only point where a proper light-house can be built

is on the Canada shore where we cannot build it; but Congress has repeatedly passed resolutions asking the Government to enter into treaty with Canada for permission to build a light-house there, and as yet they have been unsuccessful, and the Canadian government has thus far refused us permission to build it, and we tax our commerce for the purpose of maintaining a light-ship which the Government ought to keep there. It is not the commerce of any one State that is taxed; it is the commerce of the great West pouring down through them; it is the commerce of the East pouring up through them; it is the commerce of two-thirds of the States that demands this light-ship, and I hope the House will grant this trifling appropriation of $20,000 to relieve the commerce of the lakes from a burden which the Government should have assumed long, long ago. I append to my remarks a statement of the number of vessels which passed the Fort Gratiot light-house, Lake Huron, during the season of navigation in the year 1873:

Statement of vessels which passed Fort Gratiot light-house, Lake Huron, during the season of navigation of the year 1873.

Date.	Barges.	Barks.	Brigs.	Schooners.	Scows.	Steamers.	Total.	Remarks.
April 1	.....	....	....	.....	....	.....	.....	
2	.....	....	....	.....	....	.....	.....	
3	.....	....	....	.....	....	.....	.....	
4	.....	....	....	.....	....	.....	.....	
5	.....	....	....	.....	....	.....	.....	
6	.....	....	....	.....	....	.....	.....	
7	.....	....	....	.....	....	.....	.....	
8	.....	....	....	.....	....	.....	.....	
9	.....	....	....	.....	....	.....	.....	
10	.....	...	....	.....	....	2	2	
11	.....	....	....	.....	....	.....	.....	
12	.....	....	....	.....	....	.....	.....	
13	.....	....	....	.....	....	2	2	
14	.....	....	....	.....	....	2	2	
15	.....	....	....	.....	...	4	4	
16	.....	....	....	.....	....	2	2	
17	.....	....	....	.....	....	2	2	
18	.....	....	....	.....	....	6	6	
19	.....	....	....	.....	....	6	6	
20	.....	....	....	.....	....	2	2	
21	8	....	....	.....	....	4	12	
22	.....	....	....	.....	....	4	4	
23	.....	....	....	.....	....	2	2	
24	.....	....	....	.....	....	.....	.....	
25	.....	....	....	.....	....	1	1	
26	.....	....	....	.....	...	2	2	
27	6	....	....	.....	2	10	18	
28	5	....	....	3	....	9	17	
29	1	....	....	.....	....	5	6	
30	2	....	....	4	....	13	19	
	22	....	....	7	2	78	109	
May 1	36	15	3	61	1	85	201	
2	9	2	....	27	....	35	73	
3	.....	....	....	....	....	7	7	
4	23	3	2	41	1	63	133	
5	13	7	3	31	...	41	95	
6	14	3	1	21	2	47	88	
7	11	15	3	53	5	71	158	
8	15	7	1	33	3	67	126	
9	13	4	2	31	4	65	119	
10	19	11	...	34	11	67	142	
11	15	10	2	43	....	45	115	
12	27	25	1	61	5	59	178	
13	22	11	2	37	5	57	134	
14	34	13	1	57	14	53	172	
15	15	5	1	47	3	59	130	
16	37	7	....	47	7	74	172	
17	17	7	1	37	7	64	133	
18	34	11	3	53	11	69	181	
19	25	11	1	49	6	59	151	
20	17	7	....	44	11	53	132	
21	26	11	2	59	12	74	184	
22	29	23	1	79	24	87	243	
23	39	18	1	63	31	91	241	
24	45	11	3	57	17	67	200	
25	43	17	2	48	11	71	192	
26	34	11	3	43	9	75	175	
27	14	12	1	47	11	64	149	
28	24	7	1	37	14	63	146	
29	28	11	1	43	27	73	183	
30	37	10	2	38	7	67	161	
31	47	17	4	88	17	87	260	
	760	322	48	1,409	276	1,959	4,774	Average per day 154. One vessel every 9¼ minutes.
June 1	21	14	1	54	18	73	181	
2	24	11	....	25	11	55	126	
3	43	13	1	37	15	63	172	
4	11	18	1	54	29	67	180	
5	28	11	1	34	14	73	161	
6	44	17	2	63	24	77	227	
7	31	9	1	57	11	75	184	
8	37	15	2	67	12	77	210	
9	32	14	....	61	41	81	229	
10	27	15	2	57	7	87	195	
11	36	17	1	47	11	67	179	
12	37	11	3	54	4	73	182	
13	37	8	4	57	21	77	204	
14	24	5	4	28	12	57	130	
15	41	18	3	71	17	83	233	
16	59	11	2	18	67	89	246	
17	37	13	1	79	11	78	219	
18	37	14	1	55	21	69	197	
19	18	11	3	45	15	70	162	
20	23	9	1	39	17	61	150	
21	43	15	2	40	21	83	204	
22	29	11	4	49	23	77	193	
23	34	9	3	47	11	53	157	
24	37	7	2	37	4	61	148	
25	11	4	3	34	7	57	116	
June 26	18	11	2	47	9	67	154	
27	49	17	4	83	13	97	263	
28	24	18	....	67	17	75	201	
29	28	11	2	63	21	77	202	
30	24	14	1	57	17	71	184	
	944	371	57	1,526	521	2,170	5,589	Average per day 186. One vessel every 7¾ minutes.
July 1	33	7	....	43	21	61	165	
2	37	7	1	38	19	59	161	
3	34	15	1	59	23	73	205	
4	45	11	2	57	14	87	216	
5	57	15	3	85	34	95	289	
6	47	17	3	97	11	96	271	
7	43	11	....	43	17	77	191	
8	14	4	1	33	8	53	113	
9	49	5	2	47	11	59	173	
10	22	17	1	89	15	115	259	
11	27	6	1	23	2	47	106	
12	57	14	1	79	21	99	271	
13	55	11	2	65	15	87	235	
14	27	7	3	34	3	77	151	
15	17	11	4	33	7	63	135	
16	15	7	1	38	15	75	151	
17	32	7	4	79	23	84	239	
18	35	8	2	54	11	83	193	
19	27	11	2	55	15	69	179	
20	51	9	1	54	14	95	224	
21	34	11	3	45	15	74	182	
22	18	15	1	53	17	73	177	
23	45	17	2	67	27	95	253	
24	49	16	1	69	18	77	230	
25	24	7	1	57	24	71	184	
26	21	11	1	34	15	67	149	
27	26	9	1	56	12	73	177	
28	38	17	2	78	15	87	237	
29	49	14	3	47	11	79	203	
30	35	11	1	67	17	85	216	
31	27	13	2	59	16	67	184	
	1,090	351	53	1,737	486	2,402	6,119	Average per day 197. One vessel every 7½ minutes.
Aug. 1	27	7	1	37	17	75	164	
2	51	11	....	67	21	77	227	
3	17	10	2	56	11	67	163	
4	16	7	1	67	7	79	177	
5	21	14	1	59	18	83	196	
6	29	9	1	67	25	77	208	
7	47	7	1	37	17	69	178	
8	39	29	7	97	27	99	298	
9	37	21	3	49	11	75	196	
10	42	8	2	47	14	88	201	
11	47	11	2	67	24	83	234	
12	54	17	2	67	11	77	228	
13	24	15	4	72	14	80	209	
14	27	14	2	97	21	89	250	
15	24	15	1	95	18	107	260	
16	57	21	2	73	14	85	252	
17	41	8	1	43	9	69	171	
18	34	11	1	77	15	93	231	
19	5	7	....	24	28	47	111	
20	24	4	1	47	17	74	167	
21	28	14	2	65	13	81	203	
22	35	11	3	69	31	83	232	
23	31	19	5	103	11	89	258	
24	33	10	1	69	25	78	216	
25	24	11	2	51	15	77	180	
26	24	18	1	77	14	83	227	
27	35	5	....	35	3	67	145	
28	29	8	1	65	12	70	185	
29	54	11	2	55	23	74	199	
30	45	8	2	73	10	80	216	
31	39	12	3	61	17	79	211	
	1,028	373	57	1,968	513	2,454	6,393	Average per day 206. One vessel in 7 minutes.
Sept. 1	37	11	2	59	8	87	204	
2	14	13	2	77	7	79	192	
3	21	10	2	37	14	63	147	
4	20	8	1	56	17	88	199	
5	17	17	2	76	28	89	229	
6	33	9	2	55	10	73	182	
7	17	11	1	46	11	67	153	
8	57	15	2	86	17	95	272	
9	33	14	1	67	11	77	203	
10	27	10	....	54	17	72	180	
11	29	19	5	73	21	80	227	
12	39	16	2	98	24	94	273	
13	28	11	1	78	14	61	193	
14	33	10	4	59	7	73	186	
15	53	13	2	59	20	89	274	
16	37	14	1	97	17	83	225	

Statement of vessels which passed Fort Gratiot light-house, Lake Huron, &c.—Continued.

Date.	Barges.	Barks.	Brigs.	Schooners.	Scows.	Steamers.	Total.	Remarks.
Sept. 17	31	11	3	73	10	65	177	
18	17	9	....	57	17	77	177	
19	19	21	4	82	18	103	247	
20	33	19	1	68	9	86	216	
21	35	8	1	39	27	79	189	
22	17	7	....	47	7	64	142	
23	35	11	1	57	28	79	211	
24	24	12	2	64	11	77	190	
25	27	9	....	67	13	85	201	
26	15	7	1	34	14	67	138	
27	29	13	3	69	25	87	226	
28	37	9	1	59	29	78	213	
29	47	13	3	47	24	83	217	
30	21	8	2	69	13	77	190	
	891	358	52	1,907	488	2,377	6,073	Average per day 202. One vessel in 7⅛ minutes.
Oct. 1	33	7	1	55	4	71	171	
2	19	6	1	57	13	53	149	
3	15	5	2	29	10	68	129	
4	11	4	3	35	1	64	118	
5	21	11	4	63	15	79	193	
6	34	14	1	69	7	77	202	
7	49	17	3	89	27	115	300	Largest number passed in one day. Average one vessel every 4.8 minutes.
8	45	15	2	59	15	93	229	
9	43	11	2	53	33	107	249	
10	37	9	4	57	24	93	224	
11	41	16	3	103	30	97	290	
12	37	18	3	95	15	113	281	
13	26	9	2	45	13	75	170	
14	14	8	1	36	7	69	135	
15	13	7	1	31	15	55	122	
16	17	13	1	41	21	53	146	
17	27	19	3	97	23	113	282	
18	33	13	1	45	25	77	194	
19	43	17	3	97	27	103	290	
20	21	9	1	53	....	75	159	
21	17	....	....	23	11	65	116	
22	29	7	1	67	11	95	210	
23	45	3	1	57	7	79	192	
24	17	7	....	27	19	53	123	
25	13	5	....	75	9	49	151	
26	24	3	1	39	20	58	145	
27	27	5	1	43	11	67	144	
28	18	9	1	35	5	62	130	
29	11	2	....	23	3	54	93	
30	7	3	....	26	2	47	85	
31	19	2	1	19	9	43	93	
	806	274	48	1,643	432	2,322	5,525	Average per day 178. One vessel every 8.1 minutes.
Nov. 1	17	11	1	57	10	94	190	
2	11	3	....	39	5	53	111	
3	15	4	3	33	9	57	121	
4	13	3	....	35	11	51	113	
5	15	3	1	69	6	73	167	
6	21	3	....	37	9	58	128	
7	14	7	1	34	4	67	127	
8	9	4	1	59	11	77	161	
9	11	9	2	49	7	35	113	
10	15	7	2	45	2	57	128	
11	5	2	....	32	7	53	99	
12	.....	5	1	14	....	21	41	
13	7	3	....	32	....	64	106	
14	17	7	....	37	15	73	149	
Nov. 15	10	3	....	23	5	53	94	
16	6	3	....	15	3	29	56	
17	15	1	....	9	1	41	67	
18	7	3	....	21	....	35	66	
19	5	2	1	7	....	47	62	
20	1	2	1	21	5	28	58	
21	2	1	1	15	5	25	49	
22	2	2	....	9	7	32	52	
23	23	3	1	32	11	27	97	
24	.....	1	....	15	....	42	58	
25	1	....	....	5	1	31	38	
26	.....	....	....	7	....	23	30	
27	.....	....	....	.....	1	17	18	
28	.....	1	....	3	....	21	25	
29	.....	....	...	4	....	14	18	
30	1	....	....	2	1	13	17	
	243	93	16	760	136	1,311	2,559	Average per day 85. One vessel in 17 minutes.
Dec. 1	.....	....	....	1	....	5	6	
2	2	....	....	.....	....	4	6	
3	.....	....	....	.....	....	5	5	
4	.....	....	...	.....	1	4	5	
5	.....	....	....	.....	....	1	1	
6	.....	....	....	.....	....	8	8	
7	.....	....	....	.....	1	1	2	
8	1	....	...	1	....	5	7	
9	.....	....	....	1	....	2	3	
10	.....	....	...	.....	....	2	2	
11	.....	....	....	.....	1	.....	1	
12	.....	....	....	.....	1	.....	1	
13	.....	....	....	.....	....	.....	.....	
	3			3	4	37	47	

RECAPITULATION.

Date.	Barges.	Barks.	Brigs.	Schooners.	Scows.	Steamers.	Total.
April	22	.....	....	7	2	78	109
May*	760	322	48	1,409	276	1,959	4,774
June*	944	371	57	1,526	521	2,170	5,589
July*	1,090	351	53	1,737	486	2,402	6,119
August*	1,028	373	57	1,968	513	2,454	6,393
September*	891	358	52	1,907	488	2,377	6,073
October*	806	274	48	1,643	432	2,322	5,525
November	243	93	16	760	136	1,311	2,559
December	3	.....	....	3	4	37	47
Total†	5,787	2,142	331	10,960	2,858	15,110	37,188

*Average of 184 days. 1 vessel in 7.5 minutes.

†Average of 247 days, 1 vessel in 9.6 minutes. Eight months average 4,648 vessels per month; largest number passed in twenty-four hours 300 vessels; average 1 vessel in 4.8 minutes.

I hereby certify that the above is a correct copy of the records kept at Fort Gratiot light during the season of 1873.

JNO. P. SANBORN,
Collector of Customs.

Mr. GLOVER. I desire to make a remark or two only in answer to the allegation of the gentleman from Michigan [Mr. CONGER] against this side of the House for their opposition to this proposition. I do not think there is any disposition on our side of the House to antagonize any proper appropriation for any section of the country; but I desire to state here that I have heard two amendments offered to this bill from the State of Michigan amounting to a quarter of a million of dollars, and I think that those amendments, if proper, should have been ingrafted on the bill on the recommendation of the Light-House Board and of the Secretary of the Treasury.

And it is possible that the gentlemen interested in these matters have had ingrafted on the bill everything that under existing circumstances should have gone in the bill; and we on this side of the House think it is not exactly fair for them to come here now and seek to amend the bill to an extent that we cannot now tell how far it will go. Propositions have been made, as I have already remarked, amounting to a quarter of a million of dollars in two successive amendments. That was the reason I have voted against the bill, and from no partisan or sectional feeling whatever.

[Here the hammer fell.]

Mr. BASS. I wish to say a single word in relation to the amendment offered by the gentleman from Michigan, [Mr. CONGER.] The gentleman last upon the floor [Mr. GLOVER] made the suggestion that gentlemen on this side of the House, or "certain gentlemen from Michigan," as he phrased it, who probably did not get all they thought they were justly entitled to at the hands of the Committee on Appropriations, had offered amendments to appropriate a quarter of a million of dollars in addition to the recommendations made by the committee.

Now, so far as I am concerned, I am not from the State of Michigan and I have not been before the Committee on Appropriations in relation to this matter to ask for a single appropriation in this bill. The constituency I have the honor to represent are largely interested in the commerce of the lakes. They are interested as carriers, though living at the very foot of the lakes, in the State of New York. But they are no more interested than are the people on the frontiers or on the sea-coast who consume the cereals of the West. Neither are they more interested than the constituents of gentlemen from the West who ship their cereals to the sea-coast by way of the lakes, and who come here session after session demanding of Congress cheaper transportation.

And yet when by a little bagatelle of an appropriation of $20,000, to be expended right within the pathway of this commerce, you can take from the shoulders of the men engaged in this carrying trade a burden of at least $20,000 annually, which they are now compelled to pay from their own pockets, and which is now made a personal charge on them in the interest of commerce, but which by all the rules and precedents of the United States should be borne by the General Government, then we ourselves are said to be influenced by sectional considerations, and to ask for appropriations at the hands of Congress to which we are not entitled.

Now I submit, not alone for myself, for I speak equally for other gentlemen who are interested in this question and who live upon the shores of the lakes, that we have no sectional pride and no sectional

wish in this matter; that we ask for nothing which we would not extend to every other portion of our country.

And so far as this question is concerned let me remind the gentlemen who live on the sea-board that the commerce upon our lakes is more than fourfold greater than all the coastwise commerce upon the Atlantic sea-board. Let me remind gentlemen that the tonnage of the lakes is millions of tons greater than the tonnage which tracks the ocean along the Atlantic coast of the United States. Yet when a bagatelle of $20,000 is asked, we are told that it was not recommended by the Department.

It has already been said, and if it can make it any stronger I will repeat it, that every Department which has had charge of or anything to do with this class of appropriations has recommended the establishment of a light-house off Detroit River, the establishment of some light or system of lighting that shall guard and protect our commerce which is compelled to track those waters. But by reason of the fact that the most available location of such a light is in Canadian waters, the United States has hitherto been prevented from making the requisite appropriation. And even when last year this House passed an appropriation of $25,000 to clear out the bowlders in the mouth of the Detroit River, the officer of the United States, when he went there to perform the work, was met by Canadian officials and warned that he was trespassing upon Canadian waters, and could not expend the appropriation in the interest of commerce.

What shall we do? With millions of tons of commerce passing over these waters from year to year, leaving the expenses of protecting that commerce charged against the men engaged in shipping the produce of the West, are we to put our hands in our pockets and say that we will make no appropriation, but leave the merchants, the carriers, the shippers engaged in this class of commerce to pay all the expense from their own pockets; or will we, as we ought, make a small appropriation to at least temporarily relieve them from this burden, until proper negotiations can be concluded between the United States and Canada?

I hope this amendment will be adopted. It is one of importance and one which should pass, and I trust it may receive the approbation of gentlemen on that as well as on this side of the House.

Mr. GARFIELD. I ask unanimous consent that debate on this amendment be closed. I call attention to the fact that we have but thirty minutes left of to-day's session for this bill, and we have made but little progress in it so far. I hope we now may have a vote.

The question was then taken on the amendment; and it was agreed to.

The Clerk read as follows:

Steam-tender for Pacific coast: For building a steam-tender for light-house service on the Pacific coast, $100,000.

Mr. YOUNG, of Georgia. I move to amend by striking out "$100,000" and inserting "$50,000." I wish to learn why this appropriation for a steam-tender should be fixed at so high an amount. These vessels generally cost from forty to sixty thousand dollars. I do not think that there is one now in the light-house service that has cost anything near $100,000. The steam-tender now in use in the light-house district embracing New York City—a vessel which in the roughest sea goes outside of the bar at Sandy Hook—cost only $60,000. That is a vessel sufficient for all purposes—one that could cross the ocean with safety.

The amendment was not agreed to; there being ayes 23, noes not counted.

The Clerk read as follows:

For the maintenance of lights on the Mississippi, Ohio, and Missouri Rivers, and such buoys as may be necessary, $75,000.

Mr. HALE, of Maine. I move to amend by making this appropriation $100,000 instead of $75,000 and by adding after the word "necessary" these words:

Including salaries of keepers.

The amendment was agreed to.

The Clerk read as follows:

Piedras Blancas light-station, California: For completing station and establishing fog-signal at Piedras Blancas, California, $15,000.

Mr. FIELD. I move to amend by inserting after the clause just read the following:

And for rebuilding light-house at Windmill Point, Michigan, entrance to Lake Saint Clair, $18,000.

The light-house now standing at the point named in my amendment was constructed about forty years ago, when Chicago, Milwaukee, and all those other great cities were mere villages. At that time the tonnage navigating this great river did not exceed the present tonnage of one of our small rivers in the West. The Light-House Board have for several years past recommended that a new light-house be erected at this point. It is well known to you, Mr. Chairman, and to the whole House, that all the commerce of the Northwest passes through this channel. The light-house now standing at that point is reported by the Light-House Board to be in a dangerous condition. On account of its age and weakness it is liable to fall down at any time. I ask the Clerk to read an extract from the report of the Light-House Board.

The Clerk read as follows:

Windmill Point, Michigan, entrance to Lake Saint Clair.—This station was built in 1838 and refitted in 1867. It is a very important station, as it is a guide for the whole commerce of the lakes, to Lake Saint Clair, and the Detroit River. An entirely new station is imperatively demanded here. Both tower and house are old and in poor condition and not worth repairing, and it is therefore again recommended that this station be rebuilt at a cost of $18,000.

The amendment was not agreed to.

Mr. ARCHER. I move to amend by inserting after the clause last read the following:

That upon vessels of all nations charging light dues upon American shipping shall be imposed charges and dues equal in amount to those levied, exacted, and charged upon American vessels by such nation or nations.

Mr. HALE, of Maine. I make a point of order upon that amendment.

Mr. ARCHER. I hope the gentleman will reserve the point for a few moments.

Mr. HALE, of Maine. I will do so to hear the gentleman's statement.

Mr. GARFIELD. The gentleman from Maryland [Mr. ARCHER] will allow me to say that the seventh act ever placed on the statute-book of the United States declared that no charge for lights should ever be levied upon our coast on any vessel, foreign or domestic. This amendment proposes to change the law in that regard, and to reverse what has been our policy from the beginning of the Government.

Mr. ARCHER. The point of order being reserved by the gentleman from Maine, I wish to say that Great Britain now levies tribute upon all American tonnage going into her ports. This amendment proposes only that upon English tonnage coming into our ports exactly the same charges shall be levied. If the amendment be enacted into a law, it will yield to our Government from English tonnage alone $1,000,000 annually—one-third of all the expenses of our whole light-house system. I only ask that this Government shall do toward other nations exactly as they do toward us.

The CHAIRMAN. Does the gentleman from Maine insist on his point of order?

Mr. HALE, of Maine. The proposition of the gentleman from Maryland would no doubt be good under the *lex talionis;* but it is a movement in the wrong direction. I must insist on my point of order; for instead of following the narrow policy of Great Britain, we ought to insist on her removing the restrictions of this kind which she imposes.

Mr. ARCHER. Americans are now paying the expense of keeping up British light-houses.

Mr. NEGLEY. They may as well do that as keep up British commerce.

The CHAIRMAN. The gentleman from Maine insists on his point of order, and the Chair sustains it.

The Clerk read as follows:

For rent of office of surveyor-general of Arizona Territory, fuel, books, stationery, and other incidental expenses, $2,500.

Mr. RANDALL. As we have now reached a new division of the bill—that with regard to surveying the public lands—I suggest that the committee rise.

Mr. GARFIELD. Let us go on till five o'clock.

Mr. BUTLER, of Massachusetts. I desire to offer an amendment to the clause last read. I move to amend by adding the following:

For expenses of the suit to be instituted by the Commissioner of the General Land Office to recover certain lands, and the rents and profits thereof, known as the Rancho Panoche Grande, in California, as provided in the resolution No. 142 passed by the House of Representatives on the 26th of January, 1875, $5,000.

Mr. GARFIELD. I make the point of order that that resolution is not a law of the land, and therefore does not make in order an amendment to the appropriation bill which otherwise would not be in order.

Mr. BUTLER, of Massachusetts. I agree with the gentleman from Ohio that it is only a resolution of the House, but this is a part of the care of the public lands for which we have the right to make appropriations.

Mr. GARFIELD. We have gone past that part of the bill.

Mr. BUTLER, of Massachusetts. This is providing one means for taking care of the public lands. There is no law which says that the surveyor-general of Arizona shall rent an office, but that is one of the incidents of his taking care of the public lands. The House has resolved that for the care of a portion of the public lands suit shall be brought, and this provides for the prosecution of that suit.

Mr. GARFIELD. I answer that there is no law requiring any such suit; only a resolution of the House recommending that such a suit shall be brought.

Mr. BUTLER, of Massachusetts. Even if there were no resolution of the House still it would be in order, as it is one of the means for taking care of the public lands. I do not place it on the resolution of the House at all. There is no law for the surveyor-general of Arizona renting an office, but being an incident that he shall have an office for the care of the public lands, an appropriation for that purpose in this bill is in order.

Mr. GARFIELD. I admit that.

Mr. BUTLER, of Massachusetts. We appropriate money for it. Now, being an incident to the care of the public lands that this suit shall be prosecuted, necessarily an appropriation is in order to this bill.

Mr. PAGE. I call for the reading of the resolution.

Mr. RANDALL. Let me ask the gentleman from Massachusetts a question; and that is whether he does not seek to reach the enforcement in some way of the judgment of the House as declared in the resolution to which reference has been made and which the Secretary of the Interior, as he apprehends, will not execute?

Mr. BUTLER, of Massachusetts. Exactly; and because the Attorney-General cannot act because he has been of counsel in the case.

Mr. RANDALL. Therefore the only way the Government can secure its rightful ownership of this property as against the New Idria Company, which has been appropriating to itself the large rentals of this property without any title whatever, is to carry out the plan provided for in the resolution of the House.

Mr. PAGE. I demand the reading of the amendment.

The amendment was again read.

Mr. RANDALL. Has the Chair decided the point of order?

The CHAIRMAN. The Chair has not yet decided it.

Mr. RANDALL. I express the hope that there may be some way in which the Government can act for its own protection in this matter.

Mr. HALE, of Maine. That clearly instructs them to commence suit.

Mr. GARFIELD. There is no law authorizing a suit to be begun.

Mr. KELLOGG. I wish to make an inquiry whether there has not been a suit already in regard to this land and whether decision has not been made against McGarrahan?

Mr. PAGE. It has been decided by the supreme court of California against McGarrahan?

Mr. RANDALL. But that does not give the title to the New Idria Company, and this suit has to be prosecuted in behalf of the Government against this company, which has no right or title to this property, but from which it has received enormous incomes.

Mr. PAGE. There has been a decision in this case by the supreme court of California.

Mr. BUTLER, of Massachusetts. Undoubtedly; but how much was paid for that decision?

Mr. RANDALL. Those who do not want the New Idria Company deprived of this property will of course vote against this appropriation, and those who wish to have justice done to the Government will vote for it.

Mr. MAYNARD. Gentlemen will see by the debate that this brings in some outside things.

Mr. RANDALL. Of course; it is a direct provision for the interest of the Government, so that justice may be done to all parties.

Mr. GARFIELD. I make the point that it is not germane.

Mr. WILSON, of Indiana. I now move that the committee rise.

The CHAIRMAN. The Chair has recognized the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. I wish to say a word on the point of order, because we have suspended the rules, and it makes no difference what is the point of order, for it entirely vanishes when the House by a two-thirds vote have suspended the rules for this very thing.

Mr. GARFIELD. If that were true, the Chair could rule anything out.

Mr. BUTLER, of Massachusetts. It is getting near five o'clock, and perhaps we had better rise.

Mr. GARFIELD. I hope the committee will stand by us on this bill.

Mr. BUTLER, of Massachusetts. Why, we have agreed to rise at five o'clock.

Mr. GARFIELD. Yes; but it is not five o'clock.

Mr. BUTLER, of Massachusetts. It is very near it, and the motion to rise is always in order.

The CHAIRMAN. From such examination as the Chair has been able to give the amendment, he rules it in order.

Mr. PAGE. The resolution passed by the House some time since under a suspension of the rules, when the House had no opportunity to discuss it, provides that the Secretary of the Interior shall refuse patents for this grant until further order. It is not contended the parties upon this ground deny the right of the Government to these lands.

Now, what is the object of commencing suit? You ask the Government to commence suit against these parties who are there lawfully and legally, who have been working these mines under the mining laws of the United States. You ask the Government to commence suit against them. For what purpose? They do not have the Government title in these lands. It is for no other purpose in the world but to allow McGarrahan to come in that he may get the lands in place of the men who have been there lawfully under the mining laws of Congress. That is the whole object; and it is to use the Government as a cat's-paw to help Mr. McGarrahan to obtain title to property to which it has been decided time and again he has no valid title.

Mr. CESSNA. I want to ask the gentleman a question.

Mr. PAGE. Wait until I get through. I hold in my hand a decision of the supreme court of the State of California, delivered in December last, in which they decided that the title of McGarrahan to this rancho Panoche Grande was illegal and void. Now, what is the object of appropriating the money of the Government? For what purpose? No one claims the title to these lands.

Mr. RANDALL. The New Idria Company does.

Mr. PAGE. They never did.

Mr. RANDALL. They claim rentals.

ORDER OF BUSINESS.

At five o'clock the committee informally rose.

The SPEAKER. The Chair directs to be read the order adopted this morning.

The Clerk read as follows:

By unanimous consent,

Ordered, That the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five p. m. for the consideration of the sundry civil bill, and a recess to be taken from five to half past seven, at which last hour House bill No. 4745 shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. WILLARD, of Vermont. Will that order exclude any other business?

The SPEAKER. The Chair thinks the order plainly means that no other business can be entertained and that there shall be nothing on the bill except debate for the evening session.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 844) to authorize the promulgation of the general regulations for the government of the Army;

An act (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections; and

An act (H. R. No. 2765) granting a pension to John W. Darby.

The SPEAKER. In accordance with the order of the House, the House now takes a recess until half past seven o'clock. The House meets then for debate only on the bill reported by the committee of which the gentleman from Indiana [Mr. COBURN] is chairman.

The House accordingly took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven p. m., Mr. TYNER in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. By order of the House, the House meets this evening for debate only on the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. HURLBUT. If in order, I ask consent of the House to submit for printing and recommittal the report of the Committee on Affairs in Mississippi.

The SPEAKER *pro tempore*. The Chair would be very glad, if he could, to recognize the gentleman, but under the order of the House he cannot. Debate only is in order on the bill reported by the gentleman from Indiana, [Mr. COBURN.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance;" and

A bill (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 2073) restricting the refunding of customs duties, and prescribing certain regulations of the Treasury Department.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 1156) for the relief of Joseph H. Colton;

A bill (S. No. 1185) for the relief of F. V. Hayden;

A bill (S. No. 1237) to amend section numbered 3342 of the Revised Statutes of the United States, in relation to affixing stamps on brewers' casks;

A bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board; and

A bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

SECURITY OF ELECTIONS, ETC.

Mr. COBURN rose.

Mr. CALDWELL. I desire to ask the gentleman from Indiana, [Mr. COBURN,] the chairman of the committee which reports this bill, whether the bill in the report of the committee was drawn prior to the report agreed upon by the committee, or whether it was drawn subsequently?

Mr. COBURN. It was drawn prior.

Mr. BROMBERG. That is, the report was made to fit the bill, and not the bill to fit the report.

Mr. O'BRIEN. I desire to ask the gentleman——

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield further?

Mr. COBURN. I do not yield. These gentlemen are making their remarks altogether voluntarily.

Mr. CALDWELL. I desire to say to the gentleman——

The SPEAKER *pro tempore*. The gentleman from Indiana declines to yield.

Mr. COBURN. From the unusual opposition to this bill it would seem that there was something in it that possibly might work great harm to the nation; that there were some principles or some propositions advanced that were contrary to precedent and totally unusual in any part of former legislation. Why this opposition has arisen I cannot conceive. Why is it that every artifice and trick of filibustering has been resorted to at this time to defeat it? But it may yet be developed in debate why it is that the democratic party are taking such unusual interest in opposing a measure which, to my mind, seems a just and wise and proper one in all respects. They have gone beyond all precedent in the history of minorities in their present course. Occasionally we have seen, too, that some members of the republican party are tardy in their support of this bill or some portion of it, and I am a little at a loss to know why they should lag.

What is there in the bill that is objectionable? What is there in the protection of a portion of the States from invasion that should be opposed—from invasion by hostile forces, from invasion by law-breakers, from invasion by the enemies of peace and order and good society? What objection can there be to that part of the bill which provides that the power and sovereignty of the States shall not be usurped; that the authorities of the officers of the State shall not be by force taken away from them; that the citizens of the State shall not enter into conspiracy for the purpose of overturning the power of the State? There can, to my mind, no objection arise why the National Government should not stand up firmly, strongly, and promptly against efforts of this kind. What objection can there be against the protection of citizens at the polls from violence and death? Why should any man say that armed men ought to be allowed to go to the polls and use those arms for the purpose of intimidating voters and driving them away from the free exercise of their rights, destroying perhaps their lives? Why any objection should be made to a bill to meet these circumstances and provide against them I cannot conceive.

Again, why should it be improper or wrong to protect the evidence of the people's will as expressed at the polls in any way? And yet one of the main provisions of this bill is that there shall be a fair registry and a fair record kept of whatever is done by the people at the elections, to be preserved in case of contest in the future, pure and true as it came from the hands of the voters themselves. What is there in this bill which provides for the protection of the people from local rebellion which is objectionable and to that part of the bill which provides for the suspension of the writ of *habeas corpus* in case of local rebellion? When it becomes overbearing, so powerful, so prevalent that the local authorities cannot stand up and take care of the interests of the people, then it is that by this bill the President of the United States is authorized to suspend the writ of *habeas corpus*, and only then.

Now these are the questions that arise in the discussion of this bill and no others of any importance that I know of. In the first place the object of the bill is the protection of the States from invasion, invasion not alone from foreign countries, but invasion from neighboring States; and the bill provides that when two or more persons shall invade a State they shall suffer the penalties provided in the section of the bill relating thereto.

At the time of the Brooks-Baxter war in Arkansas last April and May the State was invaded from Tennessee. White-League men are said to have gone there from as far east as Chattanooga. A squad of men also come from Texas to Baxter's aid with two pieces of artillery. During the last summer it was rumored that a negro insurrection was taking place at Austin, in the State of Mississippi; whereupon a force of four hundred men under the command of the rebel General Chalmers was publicly organized at Memphis, in Tennessee. They proceeded by steamboat to Austin, with ammunition and arms, landed, formed in military order and in line of battle before that town under the impression that the negroes were there in force. Chalmers, acting upon the belief that he had not men enough, sent back to Memphis and Arkansas for re-enforcements, whereupon about four hundred more men were raised in Memphis, and some additional men at Helena, in Arkansas. But in the mean time it was ascertained that there were no negroes in force at Austin, and the invaders departed and dispersed.

At the time of the terrible massacre at Coushatta, in Louisiana, that State was invaded by armed men from the State of Arkansas, who marched upon the route leading to the place of the massacre; but failing to make connection before the catastrophe returned to their homes. The White-League papers of Louisiana at the time stated that a regiment of armed men crossed the border from Texas to assist in the massacre; and it was alleged by some that these men and not the citizens of Louisiana committed the murders. When the slaughter of colored republicans took place recently at Vicksburgh large numbers of armed men came from Louisiana to aid in the work.

E. D. Richardson, a witness before the Mississippi Committee, testified as follows:

Question. Do you know of any white persons coming into the city from the outside of the county of Warren on these days, Monday and Tuesday?
Answer. Yes, sir.
Q. About how many?
A. I cannot say; probably fifty, maybe seventy-five, came here from across the river.
Q. From what place?
A. From Monroe, in Louisiana.
Q. Were they armed when they came?
A. Yes, sir.
Q. What time did they reach here and how did they come?
A. I think about two o'clock Monday night or Tuesday morning.
Q. What did they come on?
A. I am satisfied they came on the North Louisiana and Texas Railroad.
Q. Where does that terminate?
A. At Delta, Louisiana, opposite here.
Q. At whose instance did they come?
A. I understand they came here to help protect the city from the violence of the colored people.
Q. Did you hear from anybody at whose request they came?
A. I heard that there were bodies of men at different points ready to come here to assist the city of Vicksburgh against the violence of the colored population.
Q. Was it a militia company?
A. It seemed to be a promiscuous gathering.
Q. How were they armed?
A. They had different kinds of arms; some had Winchester rifles, some shotguns, and guns of various patterns.
Q. When they came where did they report? Where were they placed on active duty?
A. Here about the court-house, as a sort of guard.
Q. How long did they remain here?
A. My impression is they went away Wednesday morning.
Q. Do you not know that there were very many men who offered their services even as far north as Cairo, Illinois, and from different northern cities and places along the river?
A. I know from hearsay that there was a large number ready to come at a moment's warning from Cairo, Memphis, Louisiana, and different points—Port Gibson and other points along the river; all of whom were ready to come if their services were needed to defend the city.
Q. Did not the Knights Templars on their way North from New Orleans offer to come over and assist in the defense?
A. Well, sir, I heard it said they would.

GEORGE W. WALTON sworn:

Question. Are you president of the board of supervisors?
Answer. Yes.
Q. Look at that dispatch and tell me when you received it?

[Copy of dispatch.]

TRINITY, TEXAS, *December* 12, 1874.

To the President of the Board of Supervisors:

Do you want any men? Can raise good crowd within twenty-four hours to kill out your negroes.

J. G. GATES.
A. H. MASON.

Q. Did you receive that dispatch from the telegraph office?
A. Yes, sir; I received it from the carrier.
Q. At what time?
A. It was received Sunday morning about eight or nine o'clock.

During the month of August, 1874, a disturbance was created at Ridge Spring, in Edgefield County, South Carolina, arising out of a quarrel between a white man and a negro about a small business transaction. The white man started the report that the negroes were going to murder the whites, and the latter, several hundred in number, assembled well armed and threatened the negroes, creating intense excitement. They sent word to Augusta, in Georgia, and a company of twenty-five or thirty men went at once, well armed, to Ridge Spring. They called themselves "Georgia Tigers," and declared they went there to help their brethren in South Carolina. They were received with cheers for Georgia. The trains carrying the mails were stopped, persons were taken off and held as prisoners. At this time there was not an armed negro in many miles of the place, all of them having left upon hearing a rumor of the disturbance, and no opportunity was afforded for the perpetration of murders. The Augusta papers published these facts and boasted of the conduct of the Tigers, who went to the aid of their white friends in South Carolina, and also said that there were hundreds more ready to start from Augusta on the same errand if necessary. Arms were shipped publicly to Ridge Spring from Augusta.

In Western Alabama a rumor was circulated that there was to be a negro insurrection at Belmont, in Marengo County, Alabama, during last summer. The sheriff collected a posse to suppress it; he took men from an adjoining county and from the State of Mississippi as part of his posse. The testimony shows that two car-loads came over from Meridian, in Mississippi, a telegram having been sent for them. They were all armed and turned out promptly. On arriving at Belmont the rumor of the negro uprising proved to be false and they returned to Mississippi. I quote from the testimony of William D. Battle, a democrat, and marshal of Livingston, Alabama:

Question. Where did the posse from Gainesville meet you?
Answer. I do not know.
Q. You knew there was a posse from Gainesville?
A. No, sir; it was a posse from Demopolis or Belmont.
Q. Demopolis is in another county?
A. Yes, sir.
Q. How did the sheriff summon a posse from another county?
A. I do not know.
Q. Where did the Mississippi party meet you from Meridian?
A. At McDowell's, at Belmont.
Q. How did the sheriff summon a portion of his posse from another State?
A. I do not know.

Q. He incorporated the Mississippi party and the Demopolis party? Demopolis is in Greene County?
A. No, sir; it is in Marengo County, on the bank of the river.
Q. He incorporated those parties in the posse of Sumter County?
A. I do not know whether he did or not.
Q. Did they not go with him?
A. Yes, sir; he took charge of them.
Q. About how many were from Demopolis?
A. I have no idea.
Q. Nor any idea how many were from Meridian, Mississippi?
A. No, sir.
Q. You have no idea how many were from either place?
A. No, sir.
Q. How large was the posse when it was consolidated?
A. I suppose that there was between one hundred and sixty and two hundred men.
Q. All armed?
A. I suppose not; some of them were armed—most of them were.
Q. How long did that posse remain together?
A. Two days. I do not mean to say that the whole crowd staid there; more or less they were there—off and on; some of them.

I also quote from the testimony of Captain William Mills, who was in command at Livingston:

Question. On the day that they arranged the barbecue and the tournament in town, were many of the people armed?
Answer. I saw a good many about that day with guns; I believe a great many had revolvers, but I did not see them. That was particularly the case, I think, in the evening, because about five o'clock I heard that the sheriff was around getting up a posse to go to Belmont, and I saw a great many with guns. I however saw a good many in the morning with shot-guns. It was a common thing to see shot-guns there. When I first went there I observed that. I understood that seventy-five men came from Meridian, and I had a conversation in Demopolis with a gentleman who was with a party who came up from there to go to Belmont, and he told me that there were two car loads of them, which came from Meridian. That would make about eighty people. I saw it stated in the papers afterward that there were seventy-five from Meridian.

In view of such facts it is deemed advisable to enact a law preventing them under severe penalties. The policy and propriety of this can hardly be questioned, and it is believed that it will not be seriously contended that such an enactment could work any wrong.

Not only are States subject to violent and armed invasions, but likewise to the no less hostile and dangerous inroads of fraudulent voters, who cross the border to destroy the political rights of their neighbors. I will give some instances.

At the recent election Georgians invaded the State of Alabama at Brownsville, which is opposite Columbus, and at other points. The testimony of Lyman E. Brooks, a farmer, and a native of Columbus, and a resident for fifteen years of Browsnville, shows this:

Question. How close is that place to the State of Georgia?
Answer. The high-water mark of the Chattahoochee River is the Georgia line, and I think this box is located about three or four hundred yards from the line.
Q. Is it in the town of Brownsville?
A. Yes, sir.
Q. State whether there were any illegal votes cast at that election.
A. There were.
Q. Give your reasons for saying that, and state how many there were, you being the supervisor, and your business being to watch the box.
A. My reasons for making the statement that there was illegal voting are that I saw several repeat.
Q. Had you no means of stopping that?
A. No, sir.
Q. Is that the only reason for saying there were illegal votes cast? Did you see any person from Georgia vote?
A. I saw one man from Georgia vote there that I know.
Q. Were there other persons from Georgia there?
A. I saw other persons there that I have every reason to believe lived in Georgia.
Q. Did they vote?
A. They did.
Q. How many illegal votes did you estimate, from your position as supervisor, were cast there that day?
A. I did not keep any account.
Q. In your own mind you must have formed some estimate from the former number of votes and from what you know of that community, having lived there for fifteen years.
The WITNESS. Do you mean repeated votes, including illegal votes?
The CHAIRMAN. Yes; all kinds.
A. I should think there were as much as two hundred. There was all of that.
Q. State whether many colored men voted at that poll.
A. Yes, sir; there were some voted there.
Q. How many do you suppose?
A. I should judge there were some seventy-five.
Q. State whether the bulk of the colored men of that county voted here or there?
A. They did not vote there.
Q. Do you know where they did vote?
A. No, sir.
Q. What is the reason they did not vote there, if you know?
A. The only reason that I heard was that they thought they could not get a fair vote there; that they would not be allowed to vote the ticket they wanted to vote.
Q. Why could they not vote there?
A. On account of intimidation, and they thought they would be prevented by the democratic party.
Q. Where do the colored voters in this county usually vote?
A. I think the bulk of them vote in this place.
Q. Do you think that is the reason they vote here?
A. That is the reason they say. That is generally given out as the reason.
Q. How many miles is it to where you live?
A. About twenty-five miles.

Dallas B. Smith, a merchant of Opelika, also testifies to railroad trains bringing in Georgians to vote.

Question. Do you know of the railroad being used on the day of the election to run voters without charge?
Answer. I do from report.
Q. Where were the voters run from or to?
A. From Columbus and West Point, and other points in Georgia.
Q. What kind of voters?
A. I understood to vote the democratic ticket.
Q. Where were they run to?
A. To Salem, this point, Loachapoka, and other points.

By Mr. LUTTRELL:
Q. How do you know it?
A. I know it from hearsay, from reliable parties.
By Mr. BUCKNER:
Q. They may have heard it by report, too?
A. No, sir; the party who reported it to me was on board the train himself.
Q. Who is he?
A. His name is John R. McGovern, and he is clerking for me at this time.
Q. Is he the only person from whom you have this information?
A. No, sir; I had information from Squire Crawford, of Salem. There was a car-load of voters brought up from Brownsville and the car switched off at Salem, and the train came up here and went back, and the car was carried back to Brownsville.
Q. Did they take the same voters back?
A. He said so. The car was full.
Q. Were they white or black voters?
A. They were white.
Q. What ticket did they vote?
A. The democratic ticket. There was no republican vote polled there.
Q. Is that in this county?
A. Yes, sir.

Charles Smith, of Union Springs, testifies to the inroads of Georgians to vote. He is a member of the Legislature, and said:

Two weeks ago while my colleague and myself were going to Columbus, Mr. Price, on the Mobile and Girard Railroad, said that he was glad that the elections were over, and said, "You republicans were not fairly defeated. I know myself that, on the train on which I was conductor, on the day of the election, a great number of white men went from Georgia into your State and voted at three or four different places three or four different times on that day."

Addison G. Smith, a resident and native of Livingston, in Western Alabama, testifies to the fact that he was in a sheriff's posse, which was armed and mounted to arrest negroes, and that some ten or twelve men came over from Mississippi and joined the posse, a dispatch being sent them that the negroes were rising to murder them.

Hon. CHARLES PELHAM, a member of Congress from Alabama, testifies to inroad of Georgians to vote in large numbers.

Question. Where were you on election day?
Answer. I was at a place called Girard, in Russell County. I live in Talladega County; but in Russell County we had lost the election four years ago by the destruction of all the ballots. All the ballots were destroyed in that county. There were only one or two active white republicans in that county, and a very large republican majority and our friends thought it best for me to go there on that day of the election. It is just opposite Columbus, Georgia.
Q. Is it on the railroad?
A. Yes, sir; there is a road running from Girard by Seal's Station.
Q. State what came under your own notice during election day at Girard, and what subsequently happened as connected with that election?
A. I went over into Girard about eight o'clock on the day of the election; but to understand it, I will say that I went over to Columbus—it is separated from Girard by a bridge—a day or two before the election, with the Sixth Auditor here, Mr. Martin. I went over from Tuskegee on Sunday. I ascertained over there that they were raising money in Columbus to send a gang of repeaters over to Montgomery, Alabama, on the day of the election, and vote them at the various depots from Montgomery back to the Georgia line. I got that information very accurately, and knew they were raising the money for it; and I ascertained in the evening that the squad would leave that night. I hired a man to go along with them from Columbus to Montgomery and come back with them. I wrote a letter to the chairman of the executive committee of the republican party, and to the district attorney and district marshal, to send along with this squad of repeaters, who were organized in Georgia, with a view to try to prevent them from repeating. Mr. Martin, the Sixth Auditor, went over to the depot with my messenger, and he became so much alarmed that he would not go. He was to go to Tuskegee and come back and stay until the next day, saying that he would not go with such a crowd. They went out on a freight-train at nine o'clock. Martin was frightened. They were foreigners, and drinking a good deal. They, however, went to Montgomery that night, with that man whom I sent with them.
Q. What tickets did those repeaters vote?
A. They voted the democratic ticket, so far as I could see, every time.
Q. What do you know of parties coming from Columbus, Georgia, to vote, if anything?
A. They came in great squads, came in express wagons in great droves. I noticed one man voting. I thought I had seen him before. I looked at him and asked him if he was not from Clay County. He told me yes. I asked him what he was voting here in Girard for. He said he was over in Columbus with a drove of beeves; they were all voting, "so I can vote, and I am going to do it." His name is Scarborough, a Baptist minister in good standing in Clay County, Alabama, and in charge of two churches there. He voted the democratic ticket, and the men with him driving beeves, from the same county, did so. He said that he was over in Columbus selling the beef. I saw men with their hands full of new half dollars, fractional currency, offering it publicly, in violation of the statutes, to negroes to vote.
Q. Were they white men?
A. Yes, sir; and prominent democratic politicians. I saw them offering that to voters; saw men take it, and saw them vote.

That portion of the bill intending to make the invasion of States a crime, it is believed, finds ample warrant in that clause of the Constitution which provides that the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion. The Federalist upon this subject says:

A protection against invasion is due from every society to the parts composing it. The latitude of the expression here used seems to secure each State not only against foreign hostility, but against ambitious or vindictive enterprises of its more powerful neighbors. The history of both ancient and modern confederacies proves that the weaker members of the Union ought not to be insensible to the policy of this article.

One State may overrun another, may send in hordes of its lawless citizens and usurp the rights of its weaker neighbor, may dictate its policy, may control its legislative and executive power by this means, and no redress be directly afforded. The General Government should stand as ready to defend against such inroads as against the irruptions of a foreign power. They may be equally as destructive and dangerous, and fasten upon a free people contrary to their will institutions as odious and galling as those dictated by foreign armies.

The construction that the operation of this guarantee is confined to foreign invasion would rob it of half its beneficial power. It may be well to add that the bill contemplates only invasions with violence.

Now these occurences take place occasionally in different parts of the South, and as they occur one after another, being in distant places, not much notice is taken of them, and the worst part of it is the local authorities take no notice of them whatever. Whose business, then, is it to take cognizance of these crimes? Who has authority and strength to protect the States, and who can protect the citizens when the States cannot from invasion and outrages of this kind?

If it is possible that the citizens of one State may go across its borders and deprive their neighbors of their political rights, if they can make majorities, if they can intimidate voters, if they can cross the borders of their States for the purpose of aiding outlaws in their outrages upon peaceable citizens, and the State authorities will take no notice of it, what have we to do? If the General Government cannot step in, what have we but an organized anarchy, protecting criminals of the deepest dye in our midst? I can imagine nothing more shameful and disgraceful to a great, free, and powerful republic than to allow in its borders outrages of this kind.

The second branch of this bill relates to usurpations and conspiracies to overthrow the authority of the State. Has there been anything of that kind? Has anything happened within the last year or two that would justify the action of Congress in relation to that matter? When we look at the State of Arkansas we see a memorable instance of this kind, one that is acknowledged, one in which a party of men have usurped and overthrown, without authority of law and contrary to the established constitution, the permanent institutions of the State.

In that State in the month of May last a series of events began which have resulted in the complete revolution of the State government. The contest for governor was at that time decided in court and Brooks declared to be the legal incumbent of the office. Baxter, the previous governor, in defiance of the judgment thus rendered, and making no appeal, assembled a military force to eject the new governor, and Brooks surrounded himself by troops also. Bloodshed followed, but the results were not so serious in that direction as were feared. Baxter was reinstated by the proclamation of the President, took possession of his office, and then followed a series of acts of fraud, terror, violence, usurpation, tyranny, and anarchy which have overwhelmed every branch of the State and county governments and scattered all existing laws with the fury of a tornado. In order to eradicate completely the power of the republican party a State convention was called to amend the constitution contrary to the legal provisions for that purpose.

The Legislature which passed the law for submitting the question for a constitutional convention met under the following circumstances, as detailed by the majority of the Committee on the Condition of Affairs in Arkansas:

On the 11th of May, 1874, when the Legislature assembled at this called session, the city of Little Rock, the capital of the State, was divided into two military camps. Baxter and Brooks had then each a considerable force of armed men in the field to support their respective pretensions to gubernatorial authority, and each had himself surrounded with regular military lines.

The State-house was in possession of Brooks, and was surrounded by his forces; and in the immediate vicinity were the headquarters of Baxter, surrounded by his troops. Martial law had also been declared by Baxter in the county of Pulaski, in which the capital is situated. When the Legislature assembled on the 11th of May, as Brooks was in possession of the State-house, they met in a hall within the military lines of Baxter, and at that time, and up to the 15th of May, when the President's proclamation recognizing Baxter was promulgated, no persons were admitted within the lines except on passes given by Baxter's military authorities.

On the 16th, the day the act was passed for a constitutional convention, there were present in the house fifty members—twenty-four old members and twenty-six elected at a special election, and it did not appear there had been any more present up to that time.

In the senate on the 16th there were fifteen senators present and voting—nine old members and six chosen at special election—and no greater number had been present before that time. The new members in both houses were admitted on the certificate of the secretary of state to a list furnished by him to each house, which appeared to be the *prima facie* evidence to a right to a seat by the law of the State. The new members were admitted to seats and sworn without question, and no other persons appeared to claim the seats occupied by them.

The following facts appeared in relation to the certificates upon which these new members took their seats; Johnson, the secretary of state was not in the State. His office was in the State-house, which was occupied by Brooks and surrounded by his military force. The returns of the election of members at the special election were in the office. A. H. Garland was deputy secretary of state, and if the returns were accessible to him he did not call for them, but made up the certified list of new members from information and newspaper reports, and not from the returns in the office. There was no evidence that any one on the list was not duly elected, except the objections before stated.

Under the constitution of 1868 it was the duty of the Legislature to provide by law for the registration of voters, and the laws referred to were passed in pursuance of this authority some years previously to this time. But for this election a new rule was adopted. The committee say:

The Legislature provided in this act for the appointment by the Legislature itself of a State board of supervisors, to consist of three persons; this State board to appoint a county board of three in each county; the county board to appoint election judges in each precinct, and the judges to appoint election clerks.

It also provides that "as the electors present themselves at the polls to vote, the judges of election shall pass upon their qualifications, whereupon the clerks of election shall register their names on the poll-books, if qualified, and such registration by said clerks shall be sufficient registration in conformity to the constitution of this State, and then their votes shall be taken.

It is not questioned but that the Legislature may change the provisions regulating registration as well as other laws, but it is insisted that this is really a provision that there shall be no registration for this election; that it only provides for keeping a check or tally list of voters; a wholly different thing from registration.

It is plainly an evasion of the requirement of registration at this particular election.

The constitution of 1868 provided that "in all elections by the people the electors shall vote by ballot. The secrecy of the ballot shall be preserved inviolate, and the General Assembly shall provide suitable laws for that purpose."

The act calling this convention provided as follows: "The electors shall be numbered and the number of each elector marked on his ballot by one of the judges when deposited."

By this provision a certain means of evidence was provided and perpetuated, by which it could be shown how, or for whom, every elector voted. The committee think it very clear that this was not preserving the secrecy of the ballot inviolate, and that this provision was a clear violation of this constitutional provision, and if this question was raised before a judicial tribunal to determine the validity of the act in a suit between private parties, it would necessarily have to be decided unconstitutional.

The election under this law was held on the 30th day of June, 1874. The vote, as returned to and declared by the State board of supervisors was, for convention, 80,259; against convention, 8,607; majority for convention, 71,652. At the same election delegates to the convention were chosen. The convention met on the 14th of July, and proceeded to form a new constitution, a copy of which will be found in the evidence submitted.

The act calling the convention did not in terms direct that it should be submitted to the people for ratification. The convention was called "for the purpose of framing a new constitution, and for providing for putting the same in force." The convention, however, made provision for the submission of the constitution for ratification.

Attached to the constitution was a *schedule*, containing some provisions evidently designed as a part of the permanent fundamental law, but mainly made up of provisions and details in regard to the vote upon the question of ratifying the constitution.

They provided for substantially the same machinery to conduct the election as the Legislature had provided for the election calling the convention: State and county boards of registration, with the same provisions for registration, and the same provision as to numbering the voters and their ballots. To these provisions, of course, any objection would lie that would be available against the act of the Legislature.

But the objection against this action of the convention goes much deeper than to the action of the Legislature. The Legislature were clothed with legislative power and had the right to pass laws within the constitutional limit. But this convention had no legislative power whatever. Although there has been great diversity of opinion and practice by such conventions formerly, we think it must now be regarded as settled that no legislative power is inherent in such conventions, and none can be delegated to them by the Legislature. (Jameson on Constitutional Conventions, 387; Wells *et al. vs.* Election Commissioners, Penn. case.)

The convention might doubtless have fixed a time for the election, and made any other mere regulations in regard to it, but if they submitted it to the people for ratification they should have done it under the existing law, and to be conducted by the existing officers of the law.

There was an existing registration, there were existing officers of registration and election, and the convention had no power to displace them and provide others.

The way being thus paved for the State convention, the next step was to annihilate the courts and thus remove the only power that could suspend or set aside their schemes of usurpation. To do this effectually articles of impeachment were preferred against the judges of the supreme court and other State officers. Some to escape impeachment resigned; those who did not resign were by a law hastily passed suspended from doing any official duties while impeachment proceedings were pending. All of their places were filled *ad interim* by appointment by Governor Baxter. The judges thus appointed had their hands tied at once by another act of the Legislature, as follows:

SECTION 1. That all judges of this State are prohibited from issuing any writ or process whatever, or taking any action, or assuming any jurisdiction in or about or in connection with the election provided for in the act to which this is supplementary and amendatory, except in so far as may be necessary for the preservation of peace and order and to secure the holding such election: *Provided, however*, That the provisions of this section shall not be construed so as to amend or in anywise impair the criminal jurisdiction of criminal and circuit courts as specified in the act to which this is supplementary and amendatory.

Here, then, we see the State executive officers removed, the judiciary paralyzed, and the Legislature packed with fraudulent members, all for the purpose of changing the State constitution in a manner utterly at war with law, precedents, and the first principles of free government, the ultimate object of all these outrages being the overthrow of the republican party. To surround a legislative hall by military force and require passes from the soldiers for the members before admission to their seats, as such, is an abomination to every lover of liberty; to make up the roll of the Legislature by a corrupt bargain, is revolting; to recognize such men as members of a legislative body is abhorrent to every fair-minded man; to approve of their acts in subverting the constitution they had sworn to support, is the very essence of despotism. And when this is coupled with the impeachment and arrest of one set of judges, and the legislative suspension of the powers of their successors, it would seem that oppression could go no further until all these acts are made but the initial step to the erection of a new constitution in sublime mockery of all human rights. Such is the present constitution of Arkansas. Begun, carried through, completed in fraud, in violence, in usurpation, stained by ten thousand crimes, covered with the gloom of robbery, imprisonment, exile, and murder.

To illustrate the method of getting possession of offices, I will quote some of the testimony of James F. Vaughn, of Pine Bluff, sheriff of Jefferson County. He said that martial law was declared on the 25th April, 1874, and he was forcibly ejected from his office:

Question. Who issued the declaration of martial law?

Answer. H. King White.

Q. Go on and state what interference was made with you in your office?

A. My office was forcibly taken possession of by General White and the soldiers who were with him. They took possession of the public buildings and of the tax-books and records of the county. He had two companies there.

Q. Your office was in one of the public buildings?

A. By virtue of my office I am custodian of the public buildings. They were all taken possession of, including the jail and prisoners.
Q. What did you say in reference to the tax-books and records, &c.?
A. I said they were taken possession of.
Q. How much revenue was there on hand when they took possession of it?
A. I am not able to say.
Q. What was done with you?
A. That evening about eleven o'clock I was in town, and I met General White. He had been out looking for me. I met him on the sidewalk, and a conversation took place. He made some inquiry in regard to the revenue and the books. I told him that the books and the revenue were in the office when they took possession of it. There was nothing further done until the 23d of May. On that day I was arrested.

* * * * * * *

General White came rushing out to the back of the store, and said, "Mr. Williams, have you executed the warrant on Mr. Vaughn yet?" Williams answered no; that the warrant was in the hands of the deputy yet, but that I had acknowledged service of the warrant. White then asked him what he was going to do with me. Williams answered, "Mr. Vaughn is my prisoner, and I am responsible for his appearance on Monday morning." General White said, "By God, if that is the way you execute warrants for treason, I will get somebody who will execute them." Williams said, "General White, if you want my commission, by God, you can have it. Mr. Vaughn is my prisoner, and I am responsible for him." I told Mr. Williams there was no necessity for him to get in any trouble with General White on my account; that I was willing to go to jail, especially to avoid his getting into trouble.
Q. By whom did he say he was so ordered?
A. He said that General White ordered him to take us to jail. We said, "All right," and they took us down to jail and put us there.
Q. How long were you kept in jail?
A. They kept us in the county jail three days. They kept us in confinement fourteen days.
Q. The jail had been in your custody previous to your capture?
A. Yes.
Q. Who had the custody of the jail while you were a prisoner?
A. Colonel Franklin, who was quartermaster of Baxter's army in Jefferson County.
Q. Who was King White?
A. He claimed, I believe, to be major-general in Baxter's forces.
Q. Did you have any trial during any of this time?
A. I had a trial the last day I was in jail.
Q. Did you make any attempt to have any trial before?
A. We did.
Q. Before the magistrate?
A. Yes; we made an attempt the evening of our arrest.
Q. What became of your effort to get a trial?
A. We could not get one.
Q. Who was your attorney?
A. John A. Williams.
Q. What did they do with him?
A. About three days afterward they arrested him and put him in jail with us.
Q. How long did they keep him in custody?
A. About nine or ten days.
Q. This warrant charged you with treason, did it?
A. Yes.
Q. Have you a copy of the warrant?
A. I have not.
Q. Did you read it?
A. I did.
Q. What was the treason charged against you?
A. It just used the word treason. The warrant was written by General White in his own handwriting, and was signed by Eugene Nordmann.
Q. During the time you were held in custody, were any propositions made to you in reference to your resigning as sheriff?
A. There were.
Q. Who made them?
A. Dr. James M. Holcomb, and directly by Joseph W. Bocage.
Q. What was the substance of their talk?
A. On the evening of the 20th, the Sunday evening after my arrest, Doctor Holcomb arrived in Pine Bluff from Little Rock. He had been here figuring some time. He was a very prominent Baxter man. *His proposition was that if myself and Mr. Kenyon, who was county treasurer, and Mr. J. L. Murphy, one of the board of supervisors of Jefferson County, being the only three* officials in confinement, would resign our offices, and give *our resignation to him*, Doctor Holcomb, to use, as he stated, to his own advantage, for some other purpose which he would explain to us, and if we would sign a proposition to that effect, and would sign an agreement that we would support the parties whom he would name as delegates to the constitutional convention, (he did not name any of them except himself,) and would agree to work in favor of the constitutional convention, he would have all of us out of jail in two hours.
Q. What response did you make to that proposition?
A. As Judge McClure said yesterday, we coquetted with him for an hour or two and desired to consult with our attorney, Mr. Williams. We made an appointment with him to meet us at half past eleven o'clock and in the mean time we would send for Mr. Williams, as we did. He came down. Of course we had made up our minds what to do. We did not propose to accept any proposition of the kind. Mr. Williams came, and he advised the same thing. At half past eleven Doctor Holcomb came and we told him that Mr. Williams had been there and had waited for him for some time and that he had better go out and look for him. We put him off in that way until morning. Next morning he took me to the east room of the jail and talked to me for a little while there in reference to the matter. I told him that, so far as I myself was concerned, (the others might do as they had a mind to,) I was elected by 2,200 majority of the citizens of Jefferson County; and that before I would compromise those citizens I would remain and rot in that jail; and I would not accept this proposition.
Q. What was your majority when you were elected sheriff?
A. Something over 2,200.
Q. Is John A. Williams a member of the constitutional convention?
A. He is.
Q. What was his majority?
A. Twenty-one hundred and sixty-five.
Q. He was elected since his arrest?
A. Yes.
Q. What was Williams arrested for?
A. I know no reason in the world, any further than that he was our attorney.
Q. State whether the town of Pine Bluff was held by the soldiers and property taken; give us a description of the condition of things there.
A. The town was held from the night of the 25th of April up to about the 5th or 6th of June.
Q. Were property and supplies taken?
A. Yes; property and supplies, and stock, and arms, and ammunition were taken promiscuously from the citizens by the military.
Q. Your county is largely against Baxter, as shown in the last election?
A. Yes, sir.
Q. Were there Baxter candidates running for the constitutional convention?
A. There were.
Q. How many votes did they get?
A. One thousand and eight votes out of 3,400 or 3,500. We had a little over 3 to 1.

This is a specimen of the manner in which county officers were disposed of. The following testimony of Edgar A. Nichols, late sheriff of Hot Springs County, is a further illustration of this method of dealing with civil officers; ropes and artillery were the mild antidotes applied to his case, with a little seasonable banishment:

Question. State your residence and occupation.
Answer. I reside in Hot Springs County; I was sheriff of that county before the Brooks war. I was elected in 1872. I am not acting as sheriff now.
Q. Go on and state how your office was taken.
A. During the troubles I was captured at Benton. I was taken off the train and was confined in the hotel at Benton about three days. While I was absent from home, Colonel Bull and a party of ten men came to my house looking for me. *They had ropes*, and he said that they had orders to hang me. He had *some artillery on the train*, and he notified my wife to move the women and children out of my house, as he was going to open on the house with grape and canister. My house is situated near the railroad track. It is a large hotel at Malvern. The whole party went through the house and searched it, and took what they wanted out of the bar. They waited there until the accommodation train arrived, thinking I might come upon it. But I was in confinement at Benton, and was not released until two days after that, when I came home. My life had been threatened by parties in the county as well as by this command of Bull's, and when I came home my wife begged me to go to Saint Louis, or go somewhere out of the State until the troubles were over. I went to Saint Louis, and staid there for two weeks, when I saw in the papers that everybody had been pardoned; then I started to come home. When I got to Malvern, the place where I lived, there were two detectives of Baxter's there, waiting to arrest me for treason, so my clerk informed me. I locked myself up in the sleeping-car and went through to Texas. Then I saw in the papers a few days after that that I had been impeached, and I came back to Little Rock as soon as I saw it. My successor was confirmed by the senate. I went and talked to Governor Baxter. I told him that I intended to leave the State, and asked him if he would allow me to settle up my business. He said that he would, if I would resign; and I then resigned. Since that time I have staid at home, and have kept five or six shot-guns in the house ready for any emergency.

The sheriff of Conway County, on examination, says that he is satisfied if he returns there the people will kill him. The community is infested with a set of cut-throats and murderers and with men for whom rewards have been offered, who are outlaws now, but who are running at large through the country under the protection of a militia company which is supported by the State government. Prominent democrats advised him not to return lest he be killed.

The auditor of state, the treasurer, and other officers shared a like fate. Two of the judges of the supreme court were arrested by the military officers of Baxter while going to the seat of government to hold court and held as prisoners for days; another escaped by sudden flight. The court was broken up, the judges impeached in their absence, and all this done as a part of the plan to destroy the State government for political purposes.

In the face of such infernal outlawry who would hesitate to give the President the power to suspend the writ of *habeas corpus?* What is it worth when judges are thus impeached, captured, driven off by terror, held by force of arms, their courts closed, their voices silent, their orders a nullity, their offices a plaything for usurpers?

In Louisiana affairs are in as bad a condition. Anarchy has reigned there in many districts for months. Justice is denied in the courts. The murder of colored men is treated as nothing; the warring factions have used every expedient of fraud and force to obtain and hold political power. I quote from the President's message and Judge Woods's charge to show the actual facts in a more succinct form than I can give them. Judge Woods says in a recent case:

"In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a conceded fact any matter that is disputed they can correct me."

After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting, in which quite a number of negroes were killed, the judge states:

"Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the court-house. They were all captured. About thirty-seven men were taken prisoners. The number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and by pretending to be dead were afterward, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment.

"The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse all shot in the head, but one or two which were shot in the breast.

"The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed.

"There is no evidence that any one in the crowd of whites bore any lawful warrant for the arrest of any of the blacks. There is no evidence that either Nash or Cazabat, after the affair, ever demanded their offices, to which they had set up claim, but Register continued to act as parish judge and Shaw as sheriff.

"These are facts in this case as I understand them to be admitted."

The President says:

To hold the people of Louisiana generally responsible for these atrocities would not be just; but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers, and the so-called conservative papers of the State not only justified the massacre, but denounced as Federal tyranny and despotism the attempt of the United States officers to bring them to justice. Fierce denunciations ring through the country about office-holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and

no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

Not unlike this was the massacre in August last. Several northern young men of capital and enterprise had started the little and flourishing town of Coushatta. Some of them were republicans and office-holders under Kellogg. They were therefore doomed to death. Six of them were seized and carried away from their homes and murdered in cold blood. No one has been punished; and the conservative press of the State denounced all efforts to that end, and boldly justified the crime.

Many murders of a like character have been committed in individual cases which cannot here be detailed. For example, T. S. Crawford, judge, and P. H. Harris, district attorney of the twelfth judicial district of the State, on their way to court, were shot from their horses by men in ambush, on the 8th of October, 1873, and the widow of the former, in a communication to the Department of Justice, tells a piteous tale of the persecutions of her husband because he was a Union man, and of the efforts made to screen those who had committed a crime, which, to use her own language, "left two widows and nine orphans desolate."

To summarize: In September last an armed, organized body of men, in the support of candidates who had been put in nomination for the offices of governor and lieutenant-governor, at the November election, in 1872, and who had been declared not elected by the board of canvassers, recognized by all the courts to which the question had been submitted, undertook to subvert and overthrow the State government that had been recognized by me, in accordance with previous precedents. The recognized governor was driven from the State-house, and, but for his finding shelter in the United States custom-house, in the capital of the State of which he was governor, it is scarcely to be doubted that he would have been killed.

From the State-house, before he had been driven to the custom-house, a call was made in accordance with the fourth section, fourth article of the Constitution of the United States, for the aid of the General Government to suppress domestic violence. Under those circumstances, and in accordance with my sworn duties, my proclamation of the 15th of September, 1874, was issued. This served to reinstate Governor Kellogg to his position nominally; but it cannot be claimed that the insurgents have, to this day, surrendered to the State authorities the arms belonging to the State, or that they have in any sense disarmed. On the contrary, it is known that the same armed organizations that existed on the 14th of September, 1874, in opposition to the recognized State government, still retain their organization, equipments, and commanders, and can be called out at any hour to resist the State government. Under these circumstances, the same military force has been continued in Louisiana as was sent there under the first call, and under the same general instructions.

This simple statement of a portion only of the facts pleads with greater power than any reasoning I can use to convince every fair man of the necessity of national intervention in the affairs of this unfortunate State. It is powerless in the hands of outlaws and conspirators; it is the prey of robbers and murderers; it is in a worse condition than the absolute monarchies of the Old World, where at least order and peace can be found under the shadow of despotism.

The testimony as to political affairs in Mississippi shows a fearful state of society there, but time will not suffice me to relate the circumstances detailed. There the colored republicans have been grievously persecuted, horsewhipped, driven into canebrakes, or murdered. Judges have been spirited away; courts broken up; ballot-boxes destroyed; witnesses, struck dumb by danger, murdered; men of color mangled in death by their malignant enemies. The republicans of Mississippi look out to-day from the gloom of conspiracy, cruel oppression, and pitiless hatred.

Now, if the authority of one State can be overthrown, can be usurped, can be destroyed by a set of conspirators, why may not the authority of other States be overthrown? The wave of disaffection and anarchy, spreading wider and wider and becoming more and more powerful, may soon override the entire Union; and the national Constitution itself may be subverted and set aside by these conventions that may meet in various States and send delegates to a national convention totally in contravention of the Constitution of the United States. If we can stand by the usurpation in Arkansas, if we can indorse that, if we can say that these institutions shall stand, why may not Mississippi, why may not Louisiana, why may not Indiana and Vermont likewise overthrow their governments, contrary to the provisions of their organic law and the very foundation of society, and re-establish governments to suit the whim of a political party that may by fraud and violence obtain the mastery of States?

Now, it is time that this thing was stopped. I am not arguing as to what ought to be done in the Arkansas case; but I stand ready to say that even if we decline to interfere in the case of Arkansas we ought to prevent such action taking place in the future in any other State.

It has been found that the use of fire-arms at elections has become in many places frequent, and has led to the most serious consequences. Peaceable citizens have been driven from the polls in large numbers and deprived of the right of suffrage. The ballot-boxes have been forcibly violated by armed and lawless men. The election papers have been destroyed; unoffending citizens present at the polls have been killed by their political opponents, and the will of the people as expressed by their votes suppressed or subverted. The election precinct has been in many instances thus transformed, from a scene where order and peace and the kindest intercourse among citizens should reign, to one of terror, danger, and death. This condition of affairs has recently been proven to have taken place in various localities. The evidence taken by the committee appointed to investigate political affairs in Alabama shows that at many points in that State, on the election day in November last, the citizens in large numbers went armed to the polls; that the white men did so almost universally, and in a few instances colored men were also armed. At Spring Hill arms were provided by the white men in advance, and in the latter part of the day an attack was made upon the polls. A large number of fire-arms were discharged, and a young man killed and a peaceable citizen wounded within the room where the election officers had been doing their duties. The ballot-box and election papers were destroyed and all evidence of the will of the people annihilated by armed democrats. I quote the testimony of Judge John M. Keils, of Eufaula, upon this point. He was one of the supervisors of the election:

By the CHAIRMAN:

Question. State whether there were any deeds of violence perpetrated within your sight or hearing on the day of the election. If so, by whom and by what party? State in what the deeds consisted.

Answer. I was at Spring Hill as United States supervisor on the day of the election, the 3d of November. That is eighteen miles from Eufaula, in the same county. Everything went along here quietly until about eleven o'clock that day, when a disturbance commenced outside. I was in the room; I did not see that, but I heard the reports of the guns; there were several guns fired; when these guns were fired the democrats present—I suppose seventy-five or one hundred—can to a house near by, Cody's store, where it was understood before that there were guns stored. They got those guns and paraded the streets there from that time until night. Some of them had two guns.

Q. What did they do with the arms?

A. They threatened to shoot anybody that did not do exactly to suit them. That was pretty generally the talk.

Q. What was the nature of their threats; were they personal, political, or how?

A. Political threats; but they would talk in this way: "We are going to make these damned negroes behave themselves. If they don't, we will kill out the last one of them." That was about the amount of it.

Q. What sort of arms were those?

A. Some of them were new double-barreled guns, and some not new. Some were rifles; but they were mostly shot-guns. There were a great many new double-barreled guns among them.

Q. Did Cody have those guns there for sale?

A. No, sir; this store was vacant.

Q. How did those guns get there?

A. I was informed that they were deposited there.

Q. When and by whom?

A. I was at Spring Hill and made a speech on Tuesday before the election, and I was notified then that those guns were in that house. I got to Spring Hill on the morning of the election, and the republican challenger, a colored man, told me that the guns were still in that house, and that he asked Cody the day before why they were there, and Cody told him they were to keep the peace on the day of the election. That colored man's name is Green Burch. He lives in Spring Hill precinct. Perhaps Cody's remark was to make the negroes behave themselves. It was something of that sort. His full name is Michael Cody. He resides at Spring Hill.

Q. Were there any United States troops there at that time?

A. There was a lieutenant and ten soldiers there.

By Mr. BUCKNER:

Q. Was that on the day of the election?

A. Yes, sir; he went up from Eufaula a day or two before the election.

By the CHAIRMAN:

Q. Where was he with his men during the election?

A. He was about three hundred yards from the polling place, and refused to go there when notified that there was going to be a disturbance, because, as he said, the captain at Eufaula had telegraphed him that morning not to go about the polling place.

By Mr. BUCKNER

Q. What was the lieutenant's name?

A. Turner.

By the CHAIRMAN:

Q. What did his men do that day?

A. I never saw them until after the ballot-box was destroyed. One or two of them came in then.

Q. State what was done at the time the ballot-box was destroyed, and how it was destroyed.

A. The polls were closed at five o'clock, as the law requires. One of the clerks got ready to go to counting out the votes in ten or fifteen minutes. The other clerk did not get his poll-sheets ready until just at dark. The managers were hurrying, but failed to get them ready. The clerk's name was Thomas Swanson. When he got them ready he got up, without saying a word to anybody, went to the door, and opened it. That door had been barred several times to keep the crowd out, and the last time, when the crowd was very boisterous, I went and barred it myself, good and strong. It took him some time to open it. As soon as he started to that door the crowd of democrats moved to it, as though they understood what he was going there for. As soon as he got the bar from the door they ran against it and came in, and then they commenced a promiscuous firing. A portion of them ran for the light and knocked that out. The instant before the light was put out several of the crowd commenced firing, as I could see, at me, and balls did go in the wall just above my head; but that was only for an instant until the light was out, and then it was a promiscuous shooting all around that room. The managers had run away, as I found afterward, and there was no one in there but myself and my son. They did not touch me, but murdered my son.

Q. How old was your son?

A. If he had lived, he would have been seventeen years of age on the third day of this month.

Q. How was he murdered?

A. He was shot; three balls entered his thigh and one his bowels; that was the shot that killed him.

Q. Was he near you when he was hit?

A. He had his hand on my shoulder when he was hit.

Q. How soon did he die?

A. That occurred on Tuesday night, and he lived until Thursday at half past three.

Q. Where was the ballot-box destroyed?

A. It was destroyed at that time. I never saw any more after the light went out.

Q. How long after this firing did you remain in the house?

A. I can hardly tell; I could not keep much time just then, because there were twenty-five guns firing every second, or even more; I was there two or three minutes, perhaps.

Q. Did you take your son out with you?

A. During the firing, when I thought it had slacked a little, some man, whom I thought I recognized by his voice as Comer, who lives at Spring Hill Depot, called me. I asked him what he wanted. He says, "I have come here to protect you." I said, "That is all right." He came right up to me, and then, for the first time, I missed my son's hand off my shoulder, but he had told me before that he was shot. He told me that he was shot to pieces. When Comer came up I missed his hand, and felt around and could not feel him. I told Comer that I wanted to find my son; that he was shot. He said, "Wait a minute; you can't find him now." His brother and two or three others came up, and they ordered a light. One of these men went out to the door and found my son there. Three or four colored men took him and carried him up to Dr. Davis's, about three hundred yards off, and in a few

minutes, the crowd around me preventing my being shot any more, guarded me up there. I went back to the polling place next morning with the lieutenant and some soldiers, and looked at the place. The contents of the ballot-box seemed to have been emptied on the floor and burned. I could see scraps of the poll-lists and ballots there. The place was riddled all around with bullets.

Q. What was said, if anything, within your hearing, about the time of the firing and of the destruction of the ballot-box?

A. The remark I heard, may be a hundred times, was: "Kill him, damn him, kill him." That was me, of course; because I was the United States supervisor in the room. I supposed that was the reason they said it.

By Mr. BUCKNER:

Q. You were appointed by the district court as supervisor?
A. I was appointed by the United States circuit court.

By the CHAIRMAN:

Q. Was there a democratic supervisor?
A. Yes, sir.

By Mr. BUCKNER:

Q. Where was he?
A. He had not been there for an hour before that.
Q. What was his name?
A. Dr. J. M. BATT.
Q. Were there only two supervisors for that precinct?
A. Yes, sir.

By the CHAIRMAN:

Q. How many ballots were put into the box that day?
A. Seven hundred and thirty-two.
Q. How do you know that?
A. I saw them go in.
Q. Did you keep a tally to know that that was the correct number?
A. I stood by that table all day and saw one of the inspectors number them as they came in.
Q. You saw the figures on the papers?
A. Yes, sir; and I saw the poll-lists where they were numbered.

By Mr. ALBRIGHT:

Q. What was the relative strength of the parties at your poll on this day; what proportion of the seven hundred and thirty-two was republican and democratic?
A. I am satisfied that at least five-sixths were republicans.
Q. What proportion of the vote was white and colored?
A. The republicans were nearly all colored. The only white republicans that I know that voted there were one from another precinct and one who lives there.

By Mr. BUCKNER:

Q. Did none of the colored men vote the democratic ticket?
A. Yes, sir; some of them.
Q. What number?
A. I do not think more than thirty voted the democratic ticket. I can tell that for this reason: Senator SPENCER had our ticket printed in Philadelphia, on strips of paper about two and a half inches wide and about eight inches long. They were perforated on each side, like postage-stamps are, so that you could tear them apart. The democratic tickets were smooth. That is the way I could tell a republican from a democratic ticket. And besides that, I knew that crowd. I knew the colored men were nearly unanimously going to vote the republican ticket.
Q. What is the proportion of the colored and white vote in Barbour County?
A. There are about 4,100 or 4,200 republican voters in the county, and not more than 2,000 democrats.
Q. What proportion of that 2,000 democratic vote is colored, do you think? I am speaking now of the last election.
A. I do not think there are more than 1,800 white democratic voters in the county. There may have been 300 colored men in the county who voted the democratic ticket; but I do not think there were more than 200.

By Mr. BUCKNER:

Q. Where were those troops? You say there was a lieutenant and ten privates sent up to Spring Hill from Eufaula a few days before the election.
A. Yes, sir.
Q. I understand you to say they were some distance from the polls?
A. Yes, sir; about three hundred yards.
Q. Where were they about the time this disturbance took place?
A. They were at that same place.
Q. How long did that disturbance keep up? How long were you there while the firing was going on?
A. At such a time as that I could not keep time very well. It was a few minutes.
Q. Those troops still remained there and did not come up?
A. They never moved. Half or three-quarters of an hour before this disturbance commenced my son and I heard them saying out in the crowd that the Spring Hill ballot-box would control the election in the county. He said, "Now you see very plainly that that there is going to be a disturbance here. They will come in here and destroy this ballot-box, and of course they will kill you, because you are the United States supervisor here." He said, "You had better let me go after Lieutenant Turner and his men to come up here." I said, "You can go after him." I let him out of the door, and he went as far as he could walk, and came back and said that Lieutenant Turner told him that he was ordered by Captain Daggett at Eufaula not to go about the place there at all. That is something I had never suspected before. When he came back and told me that, if I could have gotten out of that door and got away I should have gone; but it would have been certain death to have undertaken to have gone. I knew that, and therefore thought the safest way would be to stay in there, which I did. The next morning I asked Turner why he did not bring his men there. I wanted to see if he would tell me what he told my son, and he showed me a dispatch that he had from Daggett that came over the wires that morning, forbidding him to go about the polling place at all, or allow his men to go there for any purpose.

By the CHAIRMAN:

Q. Did he say that he was within hearing of the sound of the guns?
A. O, yes; he was within hearing.
Q. Did he say that he understood he was not to go there, even in the case of a fight or disturbance?
A. He said that that was his order from Daggett.
Q. Where is Turner now?
A. I understand that he is at Mobile. Daggett and his men left Eufaula, and Turner went with him. Next morning, after I had brought my son home—it was Friday morning—Captain Daggett came down to express sympathy, &c. I told him that it was the dispatch that he sent to Spring Hill that day to Turner that caused the destruction of the ballot-box and the murder of my son; and I told him that I considered him guilty of the murder of my son. I could not help telling him that. He explained that by saying that he had his orders from General McDowell, and showed me General Order No. 75, which McDowell gave him, which I thought never was intended to be understood as he understood it. I know, in fact, that it was not.

The result of these and other like crimes was a democratic majority in Barbour County, where the republicans number two to one of their opponents. At this time three democrats represent that county in the Legislature.

At Eufaula, a little after noon, while the citizens were voting, a difficulty occurred in the midst of a crowd of about a thousand men near the polls. Arms were drawn, firing commenced, and seven or eight men were killed on the spot and about a hundred wounded. The white men were armed almost universally, and when the firing commenced rallied toward the polls, stood their ground, cheered over the flight of the colored men, and gathered around the democratic candidate for judge, who at once mounted a box and delivered a boisterous harangue to them. A company of white democrats, who had their armory in a building above and near the polls, took arms, formed in line on the street, and remained there. The colored men in large numbers fled precipitately in all directions, and the most of them never returned to the polls. Many were so terrified as to lose their votes, which after this time could only be cast in the presence of the murderers who stood around the polls. I produce the testimony of

ALEXANDER HAMILTON (colored) sworn and examined.

By the CHAIRMAN:

Question. Were you here on election day and during the political campaign which has just passed?
Answer. Yes, sir. I have been here all the time.
Q. Were you engaged in the campaign?
A. I was. I am a republican.
Q. State whether you had any reason to apprehend violence on election day from what you saw.
A. I had some reason from what I could hear and from the feeling that existed among the people. I thought probably there would be something of that sort on election day.
Q. Did you or not hear any threats of violence on election day?
A. No, sir. I was at a meeting in the street here when some gentlemen were speaking, who said that there would be no danger; that the soldiers were here, and there would be no danger of anything like a riot; that the sight of a blue jacket would keep down all such as that; and I heard this remark in the crowd behind: "We'll show you on election day." I could not tell who that remark came from.
Q. Was that a republican or democrat who said there would be no trouble on election day?
A. It was Judge Keils. He was a republican.
Q. State whether or not the colored men came here armed on election day or were advised to do so?
A. No, sir. I advised them, and all of us did, not to come with any arms, telling them the soldiers were sufficient to protect them.
Q. Did they come armed?
A. I do not know that they did. I did not see any arms at all. I never saw but one pistol in a colored man's hands the whole day.

By Mr. CANNON:

Q. Were you a challenger on that day?
A. Yes, sir; at box No. 2.
Q. Were you present when the shooting commenced?
A. Yes, sir.
Q. What did you notice about that?
A. The crowd rushed opposite me into a little alley, and the trouble seemed to have quelled down, and then again diagonally from me they crowded up again. Some little hallooing was done about that time, and the people all rushed away from the polls where I was stationed. I had, consequently, no need to watch the polls, and was looking toward the crowd, when I heard one pistol fire. I suppose it had been fired probably three seconds before another shot was fired, and about that time I heard police-whistles giving signals, and the firing then commenced. The very moment that it commenced I saw guns shooting out of the windows all along up-stairs in the building above.
Q. From which side of the street?
A. I did not see any from the east side, but I saw from the west side there were guns pointing out of the windows that were firing.
Q. Where were they pointed?
A. Down in the crowd.
Q. Who was in the crowd below?
A. They were all colored people.
Q. Democrats or republicans, generally?
A. The colored people here are generally republicans. There are very few democrats. When the firing commenced they stampeded in every direction down the street, east, south, and west. I do not think very many went north, because the whites were on that side of them.
Q. Who did you see shoot, so far as you saw, whites or colored?
A. I saw whites.
Q. How many whites did you see shoot?
A. I could not number them. The statement in the papers next morning was that about fifteen hundred shots were fired.
Q. As the negroes ran what did the whites do?
A. They just fired on them.
Q. Did you notice whether they fired on anybody who was running?
A. Yes, sir. Those were the men they fired on. A man who ran out of the crowd was shot dead by my side. And as they went the black men would fall to prevent being shot. They were followed a little by the whites.
Q. Immediately after the shooting was over, if anything took place about your poll, or if the whites said anything about it, state what occurred.
A. As I say, I was challenger, and was standing at the box all this time. It was nearly a hundred yards from me where the trouble had commenced. A great crowd rushed afterward to me. One of the managers rushed out and caught me by the shoulder, saying, "Come inside." That was Mr. William Braid. I went inside. Some remarks were made as to the reason the soldiers did not come. I could not say who made them. There were a great many in there. About this time one of the managers remarked that all who were in there and who did not belong must go out. The firing had then just about ceased. I stepped outside, and they were making a terrible hallooing. Hats were going up in the air, and the white men were crying, "Hurrah for the white man's party," and that was, I suppose, about a minute and a half or two minutes after the last firing that I heard.
Q. Did they cheer?
A. Yes, sir; they hallooed as I told you. About that time they said, "White men, fall in on the sidewalk;" and some said, "No, fall into a line of battle;" and they fell into a line east and west.
Q. What took place then?
A. There they stopped.
Q. What did they say about that time about the Yankees coming, or soldiers coming?

A. The cry was made, "Where are the soldiers? Why don't they come? God damn them, why don't they come? Where are your blue-jackets?"

Q. Who were making those remarks?

A. The whites. The colored people were stampeded and gone in every direction, laying behind boxes, &c.

Q. Was the impression made upon you that they wanted the soldiers to come?

A. I do not know about that.

Q. What did they say they would do in case the Yankees did come?

A. That was a general remark which they had made, saying, "Where are the blue-coats, God damn them;" and I do not suppose any gentleman said it. I always considered that a few wild-brained young fellows were making those remarks.

Q. You say that the negroes immediately ran when the firing commenced?

A. Yes, sir.

Q. Did you see any colored men with arms in their hands?

A. I never saw but one colored man have a pistol the whole day. In fact, they were advised that morning to leave their pistols home that day. I heard that they were.

Q. Were you watching the riot pretty closely?

A. Yes, sir.

Q. What is your business here?

A. I am a carpenter and a sort of contractor, and have lived here since the war. I came here as a soldier.

AARON HUNTER (colored) sworn and examined.

By Mr. CANNON:

Question. Have you lived in this town?

Answer. I have been raised here.

Q. Were you here on election day last November?

A. Yes, sir.

Q. Did you see the riot?

A. Yes, sir. A colored man came in to vote. He was not old enough. His brother told him that he was not old enough and not to vote. The republican party wanted him first, and his brother told him that he was not old enough. They did not think so. The democratic party came in and took him off, and carried him and voted him anyhow. His brother said he was not old enough. They said he was. Mr. Charlie Goodwin said they had not anything to do with it. Any God damned man that had anything to do with it let him come to him, that he voted him. Milas Lawrence, a colored fellow, said: "By God, they had no right to do it!" When he said that Charlie Goodwin walked up to him and asked him what he got to do with it. He said, "I have got a heap to do with it. You would not let the republican party vote him, and you all took him and voted him." Clayton, a white man, said, "Shoot him"—that is, shoot Milas Lawrence. When he said that Milas Lawrence turned his back to run from Goodwin, and Goodwin stabbed him in the back with a knife, and by the time he got ten or fifteen steps from him Goodwin shot at him with his pistol, and he shot, and Clayton shot, and the whole town got shooting.

Q. Did Lawrence shoot?

A. No, sir; Goodwin and Clayton shot, and then the whole concern shot.

Q. Did you see them shoot from up-stairs?

A. Yes, sir; I saw the whole crowd. I saw the guns and shooting up there, and I was trying to get out of the way, but I could not see who was up-stairs.

Q. Did the negroes do any shooting?

A. No, sir; I saw no colored man have a gun or pistol that day.

Q. They were not armed, so far as you could see?

A. No, sir. I live out on the corporation, and the crowd that came in from the country I came in with. The negroes all broke and run.

By the CHAIRMAN:

Q. Did the negroes turn to fight at all?

A. No, sir; no colored man tried to fight at all.

Q. Did you see any armed men come down from up-stairs, and were ranged on the pavement?

A. Yes, sir; some of them ran out on the street and threw up a white handkerchief of peace, and then they came down.

Q. Then the men came down from up-stairs with the guns?

A. Yes, sir.

By Mr. CANNON:

Q. What did they say after the shooting was over?

A. They jumped out in the street and hurrahed. Bill Dowdy said, "Go and bring your Yankees down here and we will do them the same way."

Q. Who was he referring to then?

A. I do not know; he was making that remark in the street.

Q. Did this riot keep the negroes from voting after that?

A. Yes, sir; I think it did; for I heard a great many say they would never vote, and were not going to vote.

By the CHAIRMAN:

Q. Had you voted?

A. Yes, sir. I got shot myself; and I heard a great many more colored folks say they were not going to vote in this country any more if they did not have better laws. I was shot in the finger and calf of the leg; I was standing out in front of the polls; I could not see who hit me; I went off then, ran to get out of the way, and as I was running Ben. Hendricks shot after me once and threw his pistol at me as I was running by him. Then Jim Cranee, a policeman of the city, shot after me two or three times as I was making down the street; as I turned to go in an alley he shot at me.

Q. Were you armed that day?

A. No, sir; I heard many a colored man say that they were not going to vote any more without there were better laws made in the country. The word had always been, advising them to come without arms at all, and when they came they were run off from the polls and never allowed to vote, and shot at.

Q. Do you think it is safe for colored men to vote here now?

A. No, sir. Reub. Cobb asked me if I was shot; I told him "Yes;" he said, "Well, God damn you, you ought to have been killed." I went to Mr. Solomon to get change for a five-dollar bill; he said, "I want you to leave and go away from here; I do not want to have anything to do with you at all; I have got nothing for you to do, and do not want you to come about me."

Q. Suppose you voted the democratic ticket, could you have peace here?

A. Yes, sir; I reckon we would. They would have everything in their hands, and we would have to remain in peace and take the abuse they gave us; the colored men do not stand any more show here than a white man's dog; if I could get away from here I would go in two minutes.

By Mr. LUTTRELL:

Q. Did you see the shooting?

A. I am certain of it.

Q. Did you see any colored men with pistols that day?

A. No, sir; not one.

Q. Did you see any sticks?

A. Yes, sir.

Q. Did you hear them cursing and swearing that day?

A. No, sir; only Milas Lawrence. He only said, "God damn;" that "they had no right to vote this colored man."

Q. Do not almost all the colored men have pistols?

A. No, sir; they did not that day.

The election disturbances at Mobile were of the most serious character and involved the loss of many votes, together with bloodshed and the loss of life.

The mayor of Mobile, Mr. Moulton, was present on election day at all points in the city, and did what he could to quell riots. He discribes the situation of affairs as dangerous in the extreme to the colored men; that the whites were armed, active, aggressive, violent, and guilty of attacks with fire-arms upon the colored republicans. He is a gentleman of the highest respectability, and seemed to be free from any party bias or prejudice. He saw some two hundred mounted and armed democrats upon the street that day, and testifies that they did the shooting without provocation. His testimony is of the greatest weight, since he communicated only with democrats on election day, and he says:

All the information I derived inducing me to use the battalion of militia came from democrats.

He it was who called out the battalion clothed in the confederate uniform and filled many points with these armed and dangerous men, whose very presence inspired the colored men with terror. I quote from his testimony on pages 450 and 451:

Question. State whether or not the democrats of this city interfered with the free exercise of the right of the republican citizens to vote in any manner, and created any disturbances on that day?

Answer. There was a good deal of disturbance and bloodshed. I doubt exceedingly if there would have been any disturbance had it not been for a company of gentlemen who were on horseback on that day.

Q. Describe that company, what they did, who they were, &c.

A. I should call them a company of cavalrymen. They were not in uniform, but were armed, and paraded the streets constantly from morning until the difficulty at the court-house.

Q. How many of them were there?

A. I should judge that there were thirty or forty in that squad. They remained together all the time, and I believe there would have been no disturbance had it not been for their rashness.

Q. What was their conduct generally? What did they do to create a disturbance?

A. The shooting was done by them, although I did not see it.

Q. To what party did they belong?

A. The democratic party.

Q. What were their acts, and what was their appearance and conduct generally?

A. They were constantly riding through the streets.

Q. You say they did the shooting. Whom did they shoot, and where?

A. I did not see them shoot, although at the time of the difficulty at the court-house I was very near them. I was within ten or fifteen feet of the corner of Government and Royal streets. The shooting was done while I was there. I was running, leading a squad of my police for the purpose of arresting Allen Alexander.

Q. Whom did they shoot, as far as you could observe?

A. A colored man was killed there; I do not know his name.

Q. What did you understand to be the cause of that shooting, as to whether it was provoked or unprovoked?

A. I think it was unprovoked, unless the demonstrations of Alexander could be considered a provocation.

Q. What was your opinion as to that demonstration then and there, you being in the crowd?

A. I saw Alexander; he had left the seventh ward polling place and marched down to Government street at the head of, I should judge, forty or fifty men. The boys following him might have swelled the number perhaps to a hundred; they were unarmed, so far as I could observe. I started from the post-office building, having come down to that building for the purpose of having an interview with the Federal commander to persuade him, if possible, to co-operate in the preservation of the peace after dark, in view of my interview with Senator Hamilton. While at the corner of the building these cavalrymen rode past and shouted to me that Alexander was at the head of a mob, and was going down Government street,

Q. Where did the cavalrymen come from?

A. They came down Dauphin street. There were several polls above, and I do not know what poll they came from. I immediately ran to the central station guard-house and summoned every man to follow me. That was on Conti street, half-way through the square which led into Royal street. I ran to head Alexander off; the cavalrymen had gone in advance of me; they turned the corner of Government street and fired before I could get there; they fired one volley and then turned and came rapidly up Royal street, and I saw no more of them on that day. I saw one man lying dead on the street, and then ran from there to the armory, which was about a square off, to call out the entire force there and put them on active duty.

Q. What occurred when you got around the corner at the court-house?

A. Alexander was arrested and taken into the court-house. One man, as I say, was lying dead on the ground, and, perhaps, there were one or two wounded; one, I know, was shot through the thigh. I then went to the armory and found a squad of thirty or forty of the militia there; placed them under orders to preserve the peace.

Q. State whether you saw any one colored man make demonstrations of violence or hostility toward anybody.

A. Not the slightest on that day.

Q. State whether, at any point in the city on that day, you saw colored men making violent demonstrations toward any white men or making an attack upon any white men.

A. Not with the exception of this: About ten o'clock in the morning I was going the rounds, having traveled all day in a buggy, for the purpose of visiting the different places. There was abundance of evidence to convince me that there might at any moment be a difficulty, and I was very active, scarcely leaving my buggy on that day. While I was at the little market, opposite the jail, my attention was directed to a crowd at the jail, and I was informed that firing was going on up there, and that my presence was needed. I had about a half company of men stationed at the little market under my command, and immediately gave orders to the officer (Captain Underhill) to follow me at a double-quick. They did so, and reached the jail with me, where I found a great deal of confusion and excitement. One or two men had been shot and killed. From the jail toward the post-office building, for several squares, there were a large number of colored people, who had gone there from the seventh ward polling place. I begged them to go home, as I saw that they were in imminent danger; told them to let the election alone. Some went and others refused to go, giving as a reason that they had a right to be upon the street, and that they would not stand and see their people murdered in the way they were being. I saw they were in danger, and that the peace of the community was very seriously threatened; very few of them obeyed me.

Q. State whether the white men were in danger?

A. They were not.

Q. State whether there was any apprehension of any injury to any white men.

A. There could not possibly have been.

The testimony of George Holly, who was a challenger, shows that many citizens were overrun and intimidated on election day by violence. He demonstrates the fact that there was a complete organization, largely under the control of one Price Williams, a virulent partisan, and chairman of the democratic central committee, and that in obedience to his orders democrats went with arms in their hands to the fourth-ward polls to intercept colored voters, and that this resulted in bloodshed and murder. I quote from pages 460 and 461:

Question. State your name and residence.
Answer. My name is George Holly; I reside in Mobile.
Q. State whether you were here on election day.
A. I was.
Q. What occurred within your sight or hearing?
A. I was challenger on the day of the election at the first-ward polls in this city. On that day I saw men come up to vote who to my own knowledge had not voted. They were arrested and taken into a little house and told by parties that they would pay them so much, for instance a dollar, if they would go and vote the democratic ticket, and that if they did not they would send them to jail. I saw horsemen riding from poll to poll spotting men, to my own knowledge, who had not voted, and they were frightened away from the polls by intimidation and threats; they were driven off and did not vote at all. I saw men who were shot for attempting to vote, who were accused of inciting riots, and they were as peaceable as any men could be; all they wanted being to put in a vote and retire to their homes. Men were standing at the polls for the purpose of keeping those persons back, and they were crowded back and could not get in their vote. They were threatened to be turned off, and in fact were turned off, because they attempted to vote according to the dictates of their conscience.
Q. State how many men you know of being intimidated from voting on that day by threats of violence.
A. I am satisfied there was not less than from three to five hundred votes lost. At the second-ward polls I saw Mr. Price Williams come out of his office. He was informed that some men were coming from the seventh-ward polls who could not vote there on account of intimidation, and a man by the name of Alexander was bringing them down to vote. He came out and said, "Gentlemen, all you who desire to carry this election and are determined to carry it, go straight to the fourth-ward polls; there are some men coming there from the seventh ward who are going to vote there. Go down and see to it that they do not do so."
Q. Where was Price Williams when he said that?
A. Out on Royal and Saint Michael streets.
Q. To whom did he speak?
A. He was speaking generally. There was a large crowd, and they were there for the business of keeping men from intimidating the people.
Q. Where were these men whom Price Williams spoke to, and what was the occasion of the assembly?
A. They were on Royal street, close to the second-ward polls: they were there for that business, and were appointed for that business. When he spoke to them they all repaired to the fourth-ward polls. Not five minutes after that the shooting took place, and a man who lives near my house was killed and others were wounded. I think there were two wounded on that day.
Q. What were those men doing that were killed and wounded?
A. They were killed and wounded at the fourth-ward polls, where they went to vote.

The testimony of George Turner, on page 465, shows that there were a large number of armed white men at the polls in Mobile on election day, bent on the most fatal purposes. He says he saw more pistols in the hands of the white men that day in the crowd than he ever saw in his life. He "did not see a single colored man with arms."

Question. Were you supervisor at the fourth ward on the day of election?
Answer. I was.
Q. Do you know of a riot in that ward about four o'clock?
A. I did not see it.
Q. What did you hear about it?
A. I was on duty there, acting as supervisor. Shortly before the firing occurred a courier came up and announced that Allen Alexander was coming down to the ward with a crowd to vote.
Q. What do you mean by a courier?
A. A man on horseback.
Q. Not a deputy sheriff?
A. I don't remember who he was. That announcement created a great excitement in the crowd. There were four or five hundred white men around the polls. Soon after somebody ran around the corner and said they were coming. Then some man in the crowd cried, "Boys, let us go and meet them," and the polls were instantly deserted. Four or five hundred white men were there, at a rough guess, although there might not have been so many. They immediately rushed around the court-house toward where Alexander was coming.
Q. Did you see any arms drawn at that time, or hear any expressions used?
A. I saw more pistols in the hands of that crowd who were rushing around there than I ever saw before in my life. When they rushed around they drew their arms, a great portion of them, and started to the corner to meet the negroes.
Q. State whether they kept two or three or four hundred white men there all day at the polls?
A. They did, constantly.
Q. Were those white men who drew their arms and rushed around the corner to meet Alexander democrats?
A. Yes, sir; they were.
Q. Did you see anything that occurred around there?
A. I was supervisor, and did not think that I ought to leave the boxes out of my sight, and consequently I did not follow them around, but heard firing almost immediately after they got around there.
Q. Did you see that they had arms in their hands?
A. There was only one man whom I could identify, and I do not know his name. I did not see a single colored man with arms in his hands, although I saw an immense number of white men with arms in their hands.
Q. What became of the colored men? Did they remain on the ground?
A. The white men all came back; but after that hardly ten colored men came to the polls. I do not think that over fifteen or twenty colored men voted after that. To the best of my knowledge that was between three and four o'clock. I did not hear any cause assigned why those men should not be permitted to go there and vote.
Q. Did you see the dead man lying on the street?
A. No, sir.

By Mr. LUTTRELL:

Q. What are your politics?
A. I am a republican.
Q. What is your business?
A. Practicing law.
Q. All you know is that the men rushed off? Did the negroes rush off with them?
A. There were only a few negroes there; they disappeared in that direction.
Q. The crowd all went together, black and white?
A. Yes, sir. The bulk of the crowd was white men, and they disappeared around the corner toward where Alexander was coming.

The testimony further shows that the white men, who are almost unanimously democrats, were well armed with pistols and other deadly weapons; that during the day several military companies of the city, both infantry and artillery, were brought under arms and marched through the streets and in the neighborhood of the polls. These companies were composed of white democrats, and were called out as the mayor says to keep the peace, then threatened by armed and lawless men in various parts of the city. During the day armed and mounted men patrolled the streets, threatening colored voters and heading them off from the polls; armed couriers were riding in all directions from poll to poll, and white citizens on foot at all points were prepared for a deadly conflict. In the forenoon arrests of colored men were made and they were being taken to the jail, a large crowd followed, firing began, one colored man was killed, others were wounded, and the white armed democrats drove in precipitate haste their colored fellow-citizens from the streets.

At or very near the fourth ward polls a large number of colored men, numbering from two to three hundred, coming there from the seventh ward polls, was met by armed democrats, mounted and on on foot, were intercepted and attacked by men with fire-arms; one man was instantly killed, others were wounded; the white men rallied near the court-house and the polls, while the colored men fled in the wildest dismay and confusion. Many were so intimidated by these occurrences, the news of which spread rapidly over the entire city, that they did not approach the voting places; others remained at home, and others on the way turned back to avoid the dangers that beset their exercise of the right of suffrage. These facts are attested by the oaths of a large number of witnesses, not one of whom of either party stated that the white citizens of Mobile who attended the election were unarmed; while those who had the most knowledge of the facts concurred in saying that the white citizens were thoroughly organized and completely armed. I refer to the testimony of some of the eye-witnesses of the facts as they occurred on that day so disgraceful in the annals of Mobile. Mr. M. C. Osborne, who was the chief deputy marshal on election day, and who was during the whole time riding over the city, testifies as follows:

By the CHAIRMAN:

Question. State your name and what position you occupied during the recent election.
Answer. My name is M. C. Osborne. I was appointed by General Healy as his chief special deputy marshal on the day of the election.
Q. State where you were during election day.
A. I was riding over the city from poll to poll, and was at all the polling places several different times.
Q. State what occurrences of an unusual nature happened in your presence on that day in connection with the election, if any.
A. I saw a great deal of activity among the democratic party, and those particularly who were on horseback. I think there were one or two hundred of them riding around from poll to poll in a very excited manner all day long, giving orders. What the object of it was I cannot say, but the effect of it was to intimidate the colored voters, and a great many of them left the polls.
Q. How many mounted men were there?
A. I should think, to state it within bounds, that there were over two hundred.
Q. Who were those mounted men; were they soldiers, citizens, sheriffs, or marshals?
A. All whom I knew were citizens; some of them were deputy sheriffs.
Q. Were there some who were mere democratic partisans?
A. Yes, sir; I should think one-half of them were of that character.
Q. State what they did, so far as you could see.
A. One or two of them I knew by name. I do not know whether they were deputy sheriffs or not. Captain Dannar was in command of one squad of men, and he was in at the first killing, as they call it here. A colored man was killed near the jail. The report was that they were fighting in the seventh ward, and I went there and found that the difficulty had occurred several blocks beyond, over at the jail. I saw the man who was shot, and met Captain Dannar at the head of his squad, riding away from there.
Q. Did he say anything?
A. Not to me.
Q. Were those men armed?
A. I did not see them have any arms. I do not know whether they were armed or not.
Q. Did you ever hear that they were armed?
A. I heard of their shooting.
Q. State whether you know anything else as to the effect of their operations on that day.
A. I noticed a great many of them at the fight at the court-house, and while I did not reach there in time to see any of the shooting, yet these very men I noticed were there and seemed to be more excited than anybody else, and were giving orders, and appeared to be the leaders of the trouble.
Q. What were they doing when you came in sight of the court-house?
A. They were standing on Government street. Every man seemed to be talking and boasting and laughing over the riot, which had just ceased as I came up.
Q. What was the nature of their conversation? Did you say that they were boasting and laughing?
A. Yes, sir; they said that they had cleaned out one negro crowd, and now they were ready for the carpet-baggers and scalawags; that it was time to go into them now. The dead man was lying right there.
Q. Did these men make any attempt to help him or treat him with any degree of humanity?
A. No, sir.
Q. How long did he lay there?
A. He was lying while I was there about ten minutes. I went to the custom-house and back again, and when I returned he had been taken away.
Q. State what you or the republicans did, if anything, to preserve order and peace during that day in this city?
A. I did all that was in my power to do as the chief marshal. Before the elec

tion, in consequence of talk and threats that were made here, I went to Montgomery on purpose to see General Healy; told him that I thought the force of one hundred marshals would be powerless here, as several men had told me that they had two or three thousand old soldiers, and had determined to carry the election that day or wade through blood.

Q. How many deputy marshals had you?
A. I think I had a hundred and four.
Q. State whether they were able to prevent disorder and riot that day.
A. No, sir; they were powerless.
Q. Why so?
A. They were powerless in the face of so many determined men; they just carried the marshals away. I believe they picked up the marshals in the eighth ward and carried them off. I know that from their statements.
Q. State whether those deputy sheriffs interfered with your marshals or not.
A. I do not think they did.
Q. Who was it that interfered?
A. The citizens at the eighth-ward polls.
Q. And at other places?
A. Yes, sir.

The testimony of Gustavus Horton, an old white citizen, who was probate judge, discloses facts of a startling character:

By the CHAIRMAN:

Question. What is your name, age, and residence?
Answer. My name is Gustavus Horton; age, sixty-six; I reside in Mobile, and have lived here thirty-seven years.
Q. State whether you were present in this county during the last political campaign and during the recent election.
A. I was.
Q. State the condition of the public mind during that time between the two parties, and particularly whether either side intimidated the other or used any unlawful means to prevent the free exercise of the right of suffrage.
A. The feeling, I think, on the part of the democratic party was as intense and bitter as it was in 1861.
Q. What was the nature of their conduct; how was that feeling manifested?
A. In their organization. Almost every house was visited, the names of the voters were taken down in a registration, and intimation made that they must vote in a certain way.
Q. State whether any persons were intimidated by threats of violence.
A. On the day previous to the election, or within a day or two, the business men were requested—and it amounted to an order—to close their stores that they might attend to the election, which is a thing I have never seen before in this city.
Q. State what occurred immediately previous to the election and on election day within your observation.
A. Heavy contributions were levied upon the merchants to carry on the election. On the day of the election I at intervals went to three or four of the polls, although being in office I could not spend a great deal of time on the street. I was judge of probate. A large part of the young men of the city were on horseback and, to a considerable extent, surrounded the polls, and that had the effect of intimidating voters, particularly in certain localities.
Q. What class of voters were intimidated?
A. I think the colored men were intimidated.
Q. How many do you suppose were prevented from exercising the right of suffrage?
A. My own idea is that, with a free, unbiased election there would have been a thousand more votes polled in the country than were polled.
Q. What was the conduct of these armed and mounted men?
A. They surrounded the polls and crowded up.
Q. How close did they get to the polls on their horses?
A. They would be within twelve to fifteen or twenty feet of them.
Q. Did they display their arms?
A. I could not see their arms, except as they were used during the day, but they were on horseback, which is a very unusual thing; I never saw it before in this city.
Q. Were they standing in the midst of the crowd around the polls on their horses?
A. Yes, sir; and then they would ride off and communicate from one ward to the other; that had the effect, I am satisfied, of intimidating the colored people and preventing them from voting. They are a timid race and dread anything that has the appearance of danger.

The testimony of Reuben Selas is to the effect that a large number of colored men approaching the polls near the court-house after three o'clock p. m. were met and cut off by a body of armed democrats, who killed two of them and wounded others, scattering and driving them off; that they then laughed and cheered over their victory, exulting over the corpse of a dead colored man who laid near them in the street, saying that "They had killed one damned son of a bitch, and he was out of the way." They then threw up their hats and waved them over the victory they had won. I quote a part of his testimony in further confirmation of what I say:

REUBEN SELAS sworn and examined:

Question. Were you here before the election, and were you present during the election in this city?
Answer. Yes, sir.
Q. Do you know anything about any riots which occurred on election day, or any trouble? And if so, state what it was.
A. I was down on Government street the day of the election, about half past three o'clock. Allen Alexander came walking down from the seventh ward. I suppose there were about two hundred men in the street following him, and about twenty-five or thirty young fellows walking behind him. They came walking, laughing, and talking, along, and said they supposed that there was about 500 majority in the seventh ward from what they had learned. I asked them where they were going, and they said down to the fourth ward to vote, saying that they were afraid of being killed if they undertook to go to the seventh ward. Those were colored republicans.
Q. How many were there?
A. I suppose about two hundred of them.
Q. Were they moving along with Alexander?
A. Yes, sir; there were twenty-five or thirty close to him. They said they were afraid of being killed, as men had been killed there already at the jail. They said Allen Alexander told them he thought it was better for them to go around there. When Allen Alexander got in front of the court-house, a company of men, with A. C. Doman and Mr. McGill, and another gentleman named James Manette, came around from the poll and cried out to arrest him; some also cried, "Kill him." Manette got down off his horse and grabbed one man in the collar and cried, "Kill the damned son of a bitch," and shot the man, who was a colored man; he was a republican.
Q. What was the man doing?
A. He was not doing anything at all. It seems when they had hold of Allen Alexander, this man came up to see what was being done. James Manette also took hold of Allen Alexander.
Q. How far was the man who was shot away from Allen Alexander?
A. The man was standing about five feet in front of him.
Q. How did he come to shoot him?
A. I do not know about that. Somebody or another commened shooting before that. I saw James Manette shoot four times.
Q. Who did he shoot at?
A. He shot at a colored man.
Q. Who else did he shoot at?
A. He ran across the street after that and shot at a man, or two men. One man he shot through the arm. I suppose it was him.
Q. Did anybody else do any firing?
A. Yes, sir; there might have been a dozen shots fired. It scared me so that I jumped in a hall-way. The man that Manette shot at and hit through the arm is now dead.
Q. What was said about that time?
A. I could not say. They were all swearing and saying, "Kill the damned sons of bitches."
Q. Was that said by democrats or republicans?
A. It was said by democrats, because the republicans there were afraid to say anything.
Q. Were the republicans armed?
A. No, sir.
Q. Did you see any of the republicans do any shooting?
A. No, sir.
Q. How long did this firing keep up?
A. I think it must have lasted five or six minutes.
Q. What became of the colored people after the firing?
A. Nearly all of them ran.
Q. How many white men were there left there?
A. When I got outside of the hall door there was a crowd of white men standing on the sidewalk.
Q. Were the white men all left standing there after the colored men ran off?
A. The bigger part of them were.
Q. Did the white men run?
A. I don't think they did. Twelve of the white men I know had these big long pistols.
Q. Had they their arms exposed?
A. They had them out. I saw that. That was the same time they came up to take Alexander.
Q. When you came out of your hiding-place did you hear the white men say anything?
A. They were laughing and talking about the men they had killed. They threw up their hats and waved them about the victory they had won.
Q. Where was the dead man then?
A. He was lying between the railroad track and the sidewalk.
Q. How far was that from the white men?
A. I suppose about ten feet.
Q. Did they come and pick up this dead man?
A. Some went there after the colored people ran. The crowd of white men came up to his body after I came out of the hall.
Q. Did the white men cheer while the dead man was lying there?
A. Yes, sir; they were right on the sidewalk in front of him, between him and the court-house.
Q. How long did he lay there before anybody came to pick him up?
A. I could not tell exactly how long. Mr. Osborne had time to go away and get a few soldiers from the custom-house yard and go back before that man was taken up.
Q. Did the soldiers pick this man up or did his friends pick him up?
A. I don't know exactly who did it. I went away. He was laying on the ground when I went away.
Q. Was anything said about the election when they were hurrahing and cheering there?
A. There was so much said that I cannot recollect it. They said they had killed that damned son of a bitch, and he was one out of the way. Somebody asked what they had done with Allen Alexander; whether they had killed him. They said no; and then somebody said, "Damn him, he is one that ought to be killed."
Q. Did they say why?
A. He is a man of judgment, and he instructs the people. He is more intelligent than the common run of people.
Q. Is he a leading man among the republicans?
A. Yes, sir.
Q. Does he make speeches?
A. Sometimes.
Q. What does he do here?
A. He has been working in the custom-house, I think.
Q. Did they say why Alexander ought to have been killed?
A. Not that I know of.

By Mr. CANNON:

Q. How many men were killed or shot at that same time?
A. On Government street, to my knowledge, there were two. Other witnesses state there were three.
Q. Did you see any of the colored men fire?
A. No, sir.
Q. Did the colored men make an attack on anybody?
A. No, sir.
Q. What was the effect of that shooting on the two hundred colored men going to vote; did they go on and vote, or did they scatter and leave?
A. They scattered and left. They were afraid to go and vote.
Q. Were there many colored men in the city who did not vote on account of that difficulty?
A. Yes, sir; I believe that there were over five hundred who did not vote, from what they told me.
Q. Do you mean five hundred republicans?
A. Yes, sir; they did not vote on account of those riots.
Q. Did they say they were afraid to vote?
A. Yes, sir; and they were afraid on account of those cadets who were brought out. The colored people here are afraid of them.
Q. Who are those cadets?
A. They wear gray suits, and they are called the State militia, I think.
Q. They do not belong to the United States Army?
A. No, sir; after they brought them out I saw no colored people hardly that voted afterward; they said they were afraid of those men; these men threatened what they were going to do to the negroes.
Q. Were you there at the time Alexander started with his men?
A. I was not at the seventh ward when he started.
Q. You spoke about the two or three hundred white men going about from poll to poll to vote. How do you know about that?
A. I followed the crowd that day, and I saw them do it; they do it boldly here, and there is no protection against it. If a colored man says anything about it he is apt to be shot. I am here now as a witness, and I am afraid of being killed after I go out of this room.

By Mr. LUTTRELL:

Q. Who do you think will kill you?

A. Those same men against whom I have come here as a witness will be more than apt to do it. There are crowds of colored men in this city to-day who are araid.

Q. Do not these colored men have arms?

A. Some few of them have pistols, but they are afraid to show them.

Q. Why don't they fight back, and arm themselves?

A. They have arms and pistols, but in this town and in the country they are afraid to let it be known. If a colored man who has been out hunting comes into town with a gun, a crowd of men are looking after him and saying that if he don't mind he will be killed, or that he ought to be killed. There are nearly sixty witnesses here now who will tell you it is the same way in the country, and worse, if anything. If a man owes us a debt, and we ask him for it once and he refuses to pay, we dare not go to him again.

By the CHAIRMAN:

Q. Do you mean to say that you do not dare in this country to collect debts which the white man owes you?

A. I mean to say that if a white man refuses to pay you the first time and you go back to him again, you will be either locked up in prison or knocked over the head with a club or may be killed at night.

Q. Is there not justice for the colored man here?

A. No, sir; I don't think there is. I have been voting the republican ticket since the surrender, and now if an election occurred to-morrow I would be afraid to go to the polls. The colored men here are afraid of the democrats.

I will now quote from the testimony of Allen Alexander, a prominent colored man, who during a part of the day took a leading part among his colored republican friends. He saw the difficulties in the way of republicans voting at the seventh ward, and induced a large number who had not yet voted to follow him to the fourth ward to vote. He was met, arrested, and carried off to jail, while the crowd with him was fired into by armed democrats. Two colored men were killed, others were wounded; the voters fled away. Neither he nor those with him had committed any crime nor even breach of the peace, and yet he was indicted in the State court, and not one of the white men who assailed him and his friends has been arrested or indicted in the State courts. This testimony is uncontradicted. The testimony of some democrats is to the effect that he and his friends went along the street rapidly and in a boisterous and threatening manner, but no attack was made, no violence was shown to any one, not even a threat was heard. This unoffending company of voters was met by a troop of armed and mounted ruffians and ruthlessly attacked with deadly weapons, not one of whom has been prosecuted for his crimes in the State courts. He also testifies to the fact that the members of the city battalion took by stealth their arms at night from the armory just before the election to be ready for their use on that day. I quote from his testimony:

ALLEN ALEXANDER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your name, age, and residence?

Answer. My name is Allen Alexander; I am thirty-three years of age; and I reside in Mobile.

Q. State whether you were in this town during the last political campaign and at the election?

A. I was.

Q. State what occurred here on election day within your sight and hearing which was calculated to disturb the peace and prevent the free exercise of the right of suffrage?

A. I was on the street all day from day-break until I was put in jail. At the seventh ward particularly the democrats were crowding and challenging the colored men. They commenced that early in the morning, at the opening of the polls, arresting the colored men and taking them to jail. For instance, if a colored man came up to vote some democrat would say he has voted, or he don't live here, or something of that sort; and the democrats had stationed at each polling place a justice of the peace, who had established an office near by. At the court-house there was an office inside. At the seventh ward there was one within twenty steps of the voting place. Upon complaint of any democrats, the deputy sheriffs would arrest the man and carry him before this justice of the peace, who would commit the man to jail. And that, as I say, started early in the morning, and was continued at every ward during the day. At the seventh ward two colored men were arrested in that manner on the charge of having voted twice, and the deputy sheriffs were taking them to jail, and the men were shot on the way.

By Mr. LUTTRELL:

Q. Do you say they shot the two colored men who were arrested, while on their way to jail?

A. Yes, sir.

By the CHAIRMAN:

Q. Who shot them?

A. They were shot by the men who arrested them. I didn't see that.

Q. State what occurred within your sight and hearing?

A. In the evening, after going around to the other wards, I went back to the seventh ward, and several colored men informed me that they were afraid to vote; that if they attempted to do so they were taken to jail, and that two men had already been shot in going to jail. They asked me what to do. I was in a buggy and stood up and spoke to them, saying, "If you cannot vote here without interruption, go to the Fourth ward, where you have some white friends; you can vote there. All who have not voted go to the fourth ward. You who have voted go home; for if you stay here you will get into trouble." I started off, two or three hundred following me. From what they said, I supposed they had not voted. As soon as we started off a lot of white democrats started on horses. There were between twenty and thirty on horses.

Q. Were they armed or unarmed?

A. They were armed.

Q. Who were they? What was the company called?

A. They were called deputy sheriffs. They rode to the fourth ward, where I proceeded. Some of them, however, went to all of the wards and as I understood notified a certain number of men to go to the fourth ward to meet me and the men with me. When we arrived on Government street we found that they had formed a regular line of battle across the street between us and the voting place.

Q. How far did you have to go from the seventh to the fourth ward?

A. Seven or eight blocks.

Q. How far did you get on the way?

A. We had gone about a quarter of a mile and had got within one block of the voting place.

Q. Describe that line of battle?

A. They formed a line of democrats across Government street, the most of them dismounting.

Q. Had they arms or not?

A. Yes, sir.

Q. Could you see their arms?

A. I saw some of them. Their line reached across the street. I went on and got half way of the block, between Saint Emanuel street and Government street, when I stopped and told the colored men to remain and let me go ahead. They did so, and I then went across Government street toward the sheriff, whom I saw standing there. Before I got to him, being within two or three steps of him, a man named James Manette jumped off his horse. He led the crowd on horseback. After jumping off he grabbed me, and a number of them jumped around me. Some said, "Shoot him; kill him; the damned son of a bitch; the damned nigger," &c. The sheriff said, "No; let us take him to jail and arrest him." The sheriff then put me into a buggy, and as soon as I was put in shooting commenced. Manette shot at a colored man who came up close to me. He struck him with a stick first, and afterward shot him; and shooting commenced then generally from the democrats on the colored men. There was not a shot fired from the republicans or colored men.

Q. Were you in the buggy and able to see over the crowd at that time?

A. Yes, sir.

Q. What was said, if anything, by the democrats at that time?

A. They said, "Shoot him; kill him."

Q. Did you see anybody fall?

A. The one that was nearest to me was killed. I saw him lying four or five feet from me dead in the street. I heard the report of pistols, and looked around, thinking they had shot me, when I saw him fall.

Q. Were you acquainted with the man personally?

A. Yes, sir; I knew him when I saw him.

Q. What was his name?

A. I think it was Kinney. I was not particularly acquainted with him.

Q. State whether the democrats let him lie there or whether they picked him up.

A. He was lying there when they took me away.

Q. Did you hear any cheering over their victory, or any shouts?

A. Yes, sir.

Q. What did they do?

A. They hallooed and yelled, and drove all the colored men off except myself.

Q. Which way did they go? Did they come back or did they go toward the fourth ward poll?

A. They went back in the street.

Q. Did the colored men fire and shoot?

A. No, sir.

Q. Did they throw anything, or resist?

A. Not at all.

Q. Were they armed?

A. No, sir; that is, I saw no arms.

Q. How long did they keep you in jail?

A. Until the next evening.

Q. Had they a writ for your arrest?

A. No, sir; they took me without a writ. Some of the democrats wanted to kill me, and some wanted to protect me.

Q. Are the cadets republicans or democrats?

A. They are all democrats. You might, perhaps, pick out half a dozen republicans among them.

Q. Were they armed?

A. Yes, sir; with breech-loading guns.

Q. How many are there?

A. I do not know how many companies there are. There is a battalion commanded by a man named Higley.

Q. These mounted men were called deputy sheriffs?

A. Yes, sir.

Q. Was Manette one of them?

A. Yes, sir.

Q. Where is Manette now?

A. He is in the city.

Q. What has ever been done with those men who seized you and shot at the colored men?

A. I think nothing. I think Manette, McGill, and Danner were arrested by the United States commissioner. The judge elected on that day, whose name was Semmes, impaneled a special grand jury a few days afterward, which investigated the matter, and they only indicted me. I was indicted for inciting a riot.

Q. Was that in the State court?

A. Yes, sir.

Q. They did not indict any white democrats?

A. No, sir.

Q. Why did they not take the regular grand jury?

A. I do not know. They have one at each term.

Q. Who was this judge?

A. O. J. Semmes, the son of the rebel admiral, Semmes.

Q. Is Semmes a democrat?

A. O, Lord, yes.

Q. Then you were the only person who was indicted for the trouble which occurred on the streets that day?

A. Yes, sir.

Q. Have you been tried?

A. No, sir.

Q. Is the indictment now pending?

A. Yes, sir. It is pending in the city court.

Q. Did anything else occur during the campaign calculated to inspire republicans with terror in the exercise of their political rights?

A. Nothing except the speaking. They would boldly threaten, every time they spoke, that they intended to have the election or blood.

Q. Was anything of that kind said in the newspapers, or was it said in speeches?

A. It was said in speeches. They were very bitter. You could hear them every night.

Q. Did that have an effect upon the colored people here to keep them from the polls and to intimidate them?

A. Yes, sir; these threats, together with the acts of violence a few days before the election, had an effect. The members of the different companies of that battalion took all of the guns at night out of the armory.

Q. Where did they take them to?

A. I do not know. They were stolen out. They have an armory here in the city building.

Q. Do they usually keep the arms there?

A. Yes, sir; and near the time of the election they were all taken out. When they go to drill they go there and get them. They were carried off at night, at different times.

Q. How was that found out?

A. It slipped out that the guns were missing.

Q. Was the taking done publicly? Did they march there and take them away?

A. O, no; it was done at night. That was found out, as I say, and had the effect of inspiring the colored people with terror.

I now quote from the testimony of S. H. Davis, janitor at the mayor's office. He shows that the firing was begun by the democrats and not returned by the republicans. He himself was shot.

By the CHAIRMAN:

Question. State your name, age, residence, and occupation.
Answer. My name is S. H. Davis. I was born in 1848, and have been living here since my childhood.
Q. State whether you were here during the last campaign and election.
A. I was.
Q. Are you a republican?
A. Yes, sir.
Q. State what you saw on the day of election in this city.
A. I saw a great deal of excitement, shooting, and carrying to jail; in fact, I got shot myself.
Q. Where were you when you were shot?
A. I was shot on Government street, between Saint Emanuel and Royal streets. I was shot through the right thigh.
Q. State who shot you and how it occurred.
A. That I cannot say. I was janitor at the mayor's office, in the municipal building. I went out on the street and saw a great crowd. I saw men on horses with pistols in their hands, and as I got down half way of the block these men on horseback commenced firing. I turned back to go up into the building, and as I did so I received a shot. I do not know from whom it came, nor who shot me. I was going down town at the time to obtain some money to pay my house-rent.
Q. Had you any arms in your hand?
A. I had none.
Q. Were you attacking or assaulting anybody?
A. No, sir.
Q. What did you do after you were shot?
A. I came to the guard-house. It was shut up, and I then got a hack and went home.
Q. State whether anybody else was shot or not, or whether any other shots were fired at that time.
A. A man named William Kinney was killed.
Q. How close were you to him?
A. I did not see him. They told me he was killed.
Q. Did you see these men, with Allen Alexander at their head, coming up the street?
A. No, sir.
Q. Were you shot after he was arrested, or before?
A. Before.
Q. Did you see a line of armed men across the street anywhere?
A. No, sir.
Q. Do you know whether any colored people were kept from the polls through fear?
A. There were several of them. If a man went up to vote the white people would say that he voted twice, and would carry him to jail, and they became afraid and would not vote. In fact, I came near not voting myself on that account.
Q. Did you see any of them chased away from the polls?
A. My brother-in-law and uncle became afraid and did not vote.
Q. Were any of the negro men armed that you saw when you came around by the government building?
A. No, sir; the cadets were the only armed men that I saw.

These facts lead to the conclusion that the presence of fire-arms at the polls is dangerous in the extreme, and that a stringent law should be enacted forbidding their use. Voters are deprived of their rights, the will of the people is thwarted, the peace is broken, life is sacrificed, and anarchy inaugurated. The bill proposed is intended to apply a proper remedy. What occurred at the places named gives warrant for the belief that the white people of Alabama are in a great measure armed, and that they stand ready on election day to use their arms to enforce their political faith, regardless of the peace of society and the lives of their neighbors. And what is true of Alabama may reasonably be supposed to be so of the adjoining States, since the population is homogeneous.

The right to bear arms is, in many instances, a valuable one; but in the exciting occurrences of elections they become dangerous auxiliaries to bad men, and afford temptations to violence which cannot be resisted. Every view of the facts leads irresistibly to the conclusion that their use should be peremptorily forbidden under severe penalties. By the bill their possession openly or secretly on election day is made presumptive evidence of the felonious intent of the bearer to use them in violation of law.

It is time, if the State authorities will not intervene in this matter, that the authorities of the General Government should intervene. If we do not do it many parts of the country will be surrendered to the disgrace, the ignominy, the infamy, and the outrages that prevail in all the Spanish-American republics that border upon us and in that country which adjoins us on the southwest. If there is any place within our country that should be peaceable and quiet it is the polls on election day. They should be as sacred as even the churches, the place of worship of the living God, themselves are; and if we cannot have peace and honor on election day and freedom for our citizens, we had as well surrender our Republic at once.

Now the next part of the bill provides for protecting the people from frauds on election day and provides for the preservation of the ballots. It provides for all those guards which can be thrown around the ballot-box; it provides that the supervisors of the country districts shall have the same authority that the supervisors have in cities. It gives the best plan for inspecting the votes and guarding against fraud and seeing what is done at the ballot-box and to see what is going on that is wrong or illegal. Now has any democrat any objection to that? Has any republican? Why should not two men, one of each party, stand by the sacred ballot-box from the first moment the ballot is cast until the last ballot is taken out, and fairly and fully see that everything is done fairly and that recorded evidence in reference to it is safely preserved? Why should any man say that unusual power is given to prevent frauds of that kind? And why should not men be endowed with authority from the United States for this purpose? Why should they not stand around the polls to see that the laws are not violated? Who fears a United States marshal unless it be the offender? Who fears the searching eye of the supervisor unless it be some fraudulent voter that wants to stuff the ballot-box or change the evidence of the people's will? No honest man fears it, no man who wants the will of the people carried out fears the eye of the supervisor or the arm of the United States marshal. These gentlemen who talk about the odium that is to be thrown upon the people of the country by having the officers and marshals of the United States Government surrounding the polls on the day of the election are not in favor of a free and fair election, but are willing to see the rights of the electors snatched from them by fraud and violence. I can interpret their conduct in no other way.

Another difficulty that besets the voter is the possibility of a refusal of the registration officers to make the proper registry, and the deprivation of the right of suffrage by this means. A recent occurrence of this kind took place at Mobile, at the municipal election which was held under a law passed in December last by the Legislature which is now in session. The time for registration was fixed at six days, and the officers in the ward in which there was a heavy preponderance of negro votes decided to register white and colored men by turns. This created delays; the whites, being few, registered slowly, and hundreds of negroes were worn out and left without registry. This is a cheap method of carrying an election, and done under the forms of law furnishes an admirable illustration of the spirit of a party that has resolved through law or over law to obtain and hold the mastery. I quote from the testimony of Mayor Moulton, of Mobile, on page 454:

Q. The question was whether the colored people have been treated fairly in elections, and otherwise, by the white democrats. Have they had a fair registration or not in this city recently?
A. There was a great deal of complaint with reference to that. The law upon its face was a fair law, I think, but in its operations perhaps there were several hundred colored men who were not afforded an opportunity to register. That was at the municipal election a few days ago. I cannot explain that.
Q. Did they give them time to register?
A. It was owing to the want of time.
Q. How much time had they to register?
A. One week.
Q. How was this registration conducted?
A. I know very little about it; I was called at one time to accompany Sheriff Parker to the seventh ward where there was a great deal of dissatisfaction as to the manner in which the registration was progressing. That is a ward where the colored element largely predominates; this occurred on Friday, then the fifth day of the registration. I think they had not reached a thousand, and there were about eighteen hundred or two thousand colored voters in the ward, which was one of the heavy negro wards. It was the seventh ward; the heaviest negro wards in the city being the first, sixth, and seventh.
Q. State whether or not the white men were fully registered in this city at the recent election?
A. I heard no complaint about that.
Q. What was the complaint about?
A. There was some complaining at the seventh ward about tardiness.
Q. How many colored men were excluded from registration, as you understand?
A. I suppose at the seventh ward, judging from former elections, that six or eight hundred were excluded.
Q. The question came up whether the colored men have been treated fairly or not recently in this State. Within your knowledge, has a white man ever been convicted for the murder of a colored man in the State of Alabama?
A. I never heard of such a case since their freedom.

I also quote from the testimony of George Holly, on page 461:

Question. Did your men all get an opportunity to register at the first ward at the last city election?
Answer. No, sir.
Q. Were they excluded from doing so?
A. They were threatened and were afraid to go up and register. They were intimidated and scared at the last election; were afraid to venture up even to register. At the seventh ward, where I frequently was, men crowded there to register, and were prohibited from so doing. They had a rule, so they said, at the registering place that one democrat should be registered and then one republican. Sometimes there would be fifty republicans, and perhaps not one democrat.
Q. Would they not then register until a democrat came?
A. They would not. They would delay by asking questions, as to where a man lived, on what street, who lived next to him, what was his employment or business, how old he was, what day he was born, &c.
Q. By that means they filled the time up and kept them from registering?
A. Yes, sir.
Q. How many colored men were kept from registering?
A. I had a note of eighty-odd men. It is not with me, but from recollection I can state that there were at least three hundred, from that to five hundred, prevented.

The fourth section of the bill is intended to provide against this despicable trickery under the forms of law and to open the way to every voter who is entitled to registry to have it without danger from the malice or the villainy of his political foes.

The fifth section of the bill provides against the fraudulent or forcible destruction of the ballot-boxes, ballots, and election papers, looking to their preservation as evidence of the election.

The sixth section makes the killing of any one in the commission of any one of the foregoing crimes murder—a provision certainly salutary and founded upon just principles.

The seventh section provides for jurisdiction of these offenses in the United States courts. The testimony shows that the State courts take no cognizance of these political crimes against colored men, and there is but one instance known in the State of Alabama in which a white man has been punished by a State court since the war for killing a colored man.

The eighth and ninth sections provide for supervisors, with the same powers and duties as they now have in cities having over twenty thousand inhabitants. These are necessary and important provisions

and a part of the machinery requisite to insure fairness at elections. The tenth section provides for the counting of the votes before adjournment of the election board, and a public declaration of the result. The eleventh section provides that no additional expense shall be put upon the Government by reason of the creation of additional supervisors and marshals. Section 12 provides for the preservation of all the papers and ballots until after the first session of Congress after the election.

The thirteenth section provides for the suspension of the writ of *habeas corpus*, as provided in section 4 of the act of April, 1871, with the additional causes contemplated in the first and second sections of the bill; and is as follows:

SEC. 13. That whenever in any State or part of a State the unlawful combinations named in section 5299 of the Revised Statutes, and in the first and second sections of this act, shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of said State, and of the United States within said State, or when the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when, in his judgment, the public safety shall require it, to suspend the privilege of the writ of *habeas corpus* to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of the act entitled "An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *And provided further*, That the President shall first have made proclamation, as provided by law, commanding such insurgents to disperse.

This section contemplates combinations of men with unlawful purposes organized, numerous, powerful, able to defy the law—able to meet and overthrow either the State or national authority; or the other more dreadful alternative, and that is that the local authorities are in complicity with or connive at the crimes of these organized outlaws; or what is more shocking, that the courts of justice, the very fountains of fair dealing in society, are so poisoned that the violaters of law, the unhung desperadoes who scoff at human rights, cannot be tried and punished for their crimes. When these things shall have happened, then the writ of *habeas corpus* may be suspended, and not until then. Then the President, in his discretion, may declare that a rebellion exists there and use military power to put it down. When civil authority in all branches is cast down, then military authority is to step in; not till then. If such a contingency has arisen or shall arise, who can say that the action of all branches of the Government should not be prompt, firm, and thorough? Has it happened anywhere during the past year that men have banded together contrary to law, in armed combinations, for unlawful purposes? Has it happened that they are in such numbers and are so strong as to be able forcibly to subvert or defy the State and United States authorities within any State? Has it happened anywhere that the State or local authorities have winked at the misdeeds of these combinations or aided and abetted their outlawry? Has it happened that by reason of these causes the courts of justice cannot convict such criminals and the safety of the people is endangered? Or is there valid reason to believe from what has transpired that these crimes will be committed and the perpetrators go unpunished to such an extent as to require this authority to be placed in the President's hands to secure the public safety? Or, in other words, are we justified by past occurrences in placing this power in the hands of the President?

We have already seen that the armed, organized, lawless, murderous combinations of men in Alabama on election day at various points and previously have utterly destroyed the rights of peaceable citizens, and uprooted all authority; that before them personal safety, personal liberty, property, and life have all perished. At Girard, Spring Hill, Eufaula, Mobile, and other places, on election day human rights were as little regarded as they are among savage tribes, whose only law is brute force, and whose chief delight is the blood of their victims. It was no accident that these armed democrats met by the hundred at divers places both before and on election day and intimidated, scattered, drove away, or wounded or slew their political opponents. It was no accident that these outlaws defied the authorities in some places and were in complicity with them in others. It was no accident that the courts of justice took no cognizance of these multitudinous crimes, and held safety, peace, and human life as mere baubles and playthings for political partisans. It was no accident that in the aggregate thousands of voters in Alabama were kept from the polls by fear and the majority given to the men who surrounded the ballot-boxes by troops of armed ruffians and added to frauds of a glaring nature the violence of barbarians. These dreadful scenes were the result of design, of preparation, of organization, of a far-reaching and sagacious purpose to obtain political mastery.

There is but one authority that can now intervene to save human rights there, and that is the authority of the whole nation. The Army, the United States courts, the Congress, the President, they alone can be respected, they alone can compel order and restore peace.

The question has arisen whether the operation of this section should be general or confined to certain States expressly. It is believed that the terms of the bill furnish in themselves a sufficient limit to the authority of the President, and that a legislative discrimination making the law local in its application is founded on no basis that justifies such an extraordinary course. The facts of rebellion are what at all events ought to determine the suspension of the writ, and can never be mistaken. They must be as apparent and indisputable as the existence of the nation, and no chief executive officer could for one moment manufacture an excuse to mistake them and be sustained by the people. It would be a usurpation as bold and as little calculated for success as the assumption of royal powers and a declaration of hereditary succession to the throne—a usurpation as improbable as a seizure by the President of the public Treasury by armed force and a declaration that the Republic had ceased to exist.

Passing by all these facts, what shall I say of the future if the action in Louisiana and Arkansas is to be repeated in other States? Where will violence, usurpation, despotism, crime, and calamities end if the examples there set are followed? State after State may by the lawless action of public assemblages of the people be carried away, and party spirit will overthrow and trample down whatever there is that is sacred in human institutions. One after another they will go down under the deluge of anarchy and at last the nation itself be swallowed up in the gulf of revolution. If there be no restraint, no system of amendment, no regulation that can bind the restless and ambitious leaders in political strife, then our days as a nation are numbered, and the sun of republican government is sinking already beneath the horizon. The twilight and the swift-following darkness of national death are rapidly approaching.

Such, then, is the condition of these States; and the question arises, what shall be done? Shall they be left to the dissensions, the disorders, the outlawry that now prevail, or shall a remedy be applied? If there was any hope for reformation within and by the States, the whole subject might be left to them. But years of experiment have proven that such a hope is vain. Whatever there is in patient waiting has been exhausted, the people have grown sick and weary to death of these outrages upon their rights. If their government cannot protect them, what resource is left but to begin a course of reprisal upon their enemies, to seek redress or revenge as the savage does, to resort to the weapons which God and nature have put in their hands for the protection of their property and the preservation of their lives? Upon them they must fall back, and upon them alone they must rely, if the General Government will not step in for their defense.

The measure presented forbids nothing that is right, puts no obstacles in the way of the free and proper action of the citizen, infringes in no respect upon his liberties, interferes in no manner with whatever he may have, or claim, or hope as a free American. It protects him, it guarantees his enjoyment of the benefits of his Government, it proposes to shield him from wrong and harm. The polls have been the constant scene of wrongs and crimes which the States in many instances disregard and overlook. They must be stopped, the criminals must be punished, the law must be maintained. Congress has the power to do so, the Constitution contemplates such action, and the emergency has arisen for it. This measure creates offenses and brings them within the jurisdiction of the United States courts, for the reason that that is the only tribunal left for their adjudication; for the reason that the State courts take no recognizance of them.

What dangerous exercise of power is to be found here? Can we not trust the courts of the nation? What is there about Federal jurisdiction that is odious? What lack of legal skill or wisdom is found there? What stain of dishonor or bad faith or treachery attaches there? What lack of fealty to the Constitution resides there? So far our Federal courts have maintained an honorable and proud position in the administration of justice, in splendid contrast with many of the State courts.

No one has just cause to fear our Federal courts but the violators of law, the perpetrators of crime, their aiders and abettors, their sympathizers, those who expect to gain advantages from their villainy and arrogate power by their usurpations and outlawries. Let them be afraid, let them tremble before the stern authority of the nation that commands peace, that forbids wrong, that protects the weak, that establishes justice.

What dangerous power is intrusted to the President? When rebellion overmasters the civil authorities, he is to be authorized to suspend the writ of *habeas corpus*. When the facts are so obvious, so glaring, so overwhelming in their enormity as to amount to a prostration of civil law, then he is to use the military power to make arrests and hold for trial the persons who have offended. Then, and not till then, is the local court to be denied the power to inquire into the cause of detention, and to release the prisoner at discretion. Of what value is the writ of *habeas corpus* in Arkansas or Louisiana to the citizen when other more important and vital rights are utterly disregarded and unprotected? Had we better trust the governors of States to preserve peace and order, had we better rely upon the broken reeds that have so signally failed us, than upon that strong arm that never in war or peace has weakened or faltered or trembled under responsibility or in the face of danger? Is it better to trust to the leaders of parties and to rival governors, or to the responsible, unbiased, the cooler head of the National Government? Has the present Executive not shown the most signal forbearance and modera-

tion under the circumstances, going so far as to wring from his bitterest foes, during last summer, their hearty commendation and applause? And only till recently, when further forbearance was impossible, has he by his decided action brought upon his head their unqualified and bitter condemnation. No one but a transgressor need dread him. No party need apprehend his interference unless it proposes by crime to gain supremacy; no State need tremble for its sovereignty that abides by the Constitution and upholds the sacred rights of humanity.

Can we not trust the President in the hour of danger, of disaster, of rebellion, be it great or small, as we have trusted him heretofore? Somebody in great emergencies must be trusted, somebody must be clothed with power, somebody must act, somebody must take the responsibility, or the nation will die. Civil wars do not originate always by a general uprising; they may have small beginnings, and like the fires of disastrous conflagrations, spread and magnify themselves until earth and heaven is wrapped in flames. When the eventful day shall come, the President must put his foot down; he is made for that, and a hundred years of liberty tells us that the Executive of our nation is none the less the representative of its might, because it is the most tremendous that mortal man can wield in a just cause.

Mr. BUCKNER. Mr. Speaker, it is not my purpose, in the few minutes that I have allotted myself this evening, to discuss the merits of this extraordinary, revolutionary, and anti-republican measure proposed by the majority of the committee of which I have the honor to be a member. As a member of that committee, I desire only to satisfy this House and the country that, so far as the result of the investigation made by the committee is concerned, there were no facts developed that justify the harsh and extraordinary measures which are brought to the consideration of this House by that committee.

I should be very glad to believe that there was any motive other than the interests of party at the bottom of the recommendation of our committee. I would be very glad to believe that the great interests of our country were to be consulted, and not the interests of party. But I cannot resist the conviction that what I see this morning in the National Republican, the presidential organ, in this city, is true. I find in a long and labored editorial in that paper of this morning, in speaking of this bill, this remarkable statement in small capitals:

> We repeat here what we have said very often, the passage of the bill is required to preserve to the republican party the electoral vote of the Southern States.

That, I fear, is the motive that operates here with too many to force the passage of this measure in this time of peace. I regret that I have not time to travel over this testimony as it was disclosed before us, but I call the attention of the House, and in reference to this I speak of Alabama alone, that in the instructions under which we went to Alabama to obtain evidence in reference to matters that have been brought to our attention we had but three matters that we had to look into. First, the assassinations, murders, and outrages that had occurred in Alabama at the election and prior thereto in the canvass; second, whether the military had interfered in that election; and lastly, the question of disturbance at the polls. Those were the only questions that were submitted to us. But it will be found upon examination of this testimony that almost every other question than those were brought in evidence before us.

Why, sir, we had to go back to 1870, and I will call your attention to the remarkable testimony of a witness known as Primus Magee to prove a state of facts that had occurred in 1870 at or near a place where the Ku-Klux committee sat, in order to show what? Not that there was any intimidation, or any interference with the election of last year; not that there was any disturbance or outrage, but for the purpose of firing anew the northern heart and fanning the slumbering embers of sectional hate in this country.

Furthermore, I offered evidence to prove that that witness had testified falsely; and that was rejected. I have affidavits to that effect now.

I say, then, that in this large volume of testimony there is evidence bearing upon every conceivable question—ostracism, scalawaggery, carpet-baggery, mismanagement of the public schools, frauds in elections, and various other subjects which if you will refer to the resolution under which the committee was organized will be seen to be entirely beyond the scope of our authority.

But, sir, when we came to examine a question that affected the freedom of election—the question whether there was corruption in the election, whether voters had been influenced by the use of the generous bounty of the Government in giving rations for the overflowed sections of the State, on the Alabama, Black Warrior, and the Tombigbee Rivers—this testimony was excluded; we were not allowed to go into that, upon a specious pretext. But upon that point enough was shown to demonstrate, together with the evidence presented from the War Department, that the generous donation of the Government of the United States to that unfortunate people was used as an agency of corruption in the election. It was sent to places fifty or one hundred miles from any overflow. Before the investigation had proceeded three days it was proved beyond all question that three casks of this meat were used at Opelika for the purpose of giving a grand barbecue to the colored voters congregated there on the day before the election. A gentleman near me asks by whom? I answer by leaders of the republican party. More than that, these provisions were sent to Decatur, one hundred miles from any overflow. There were five counties in the fourth district of Alabama where, although the Army officer sent to look after it says that the meat was not authorized to be sent there, yet he was able to reclaim only a portion of it, which was afterward seized by the officers of the Army because of the unlawful and improper diversion.

The gentleman from Alabama [Mr. HAYS] who sits near me says "Not in the fourth district." Yes, sir, it was in the fourth district. I have no time to read from the evidence; but I state what is proved by Executive Document No. 110, that there are five counties in the fourth district which Captain Gentry reports were not entitled to this bacon and yet it was distributed there.

Mr. HAYS. The gentleman makes a mistake.

Mr. BUCKNER. I cannot be mistaken in that point. One of the counties is Autauga; another is Bibb. They as I understand are in the gentleman's district.

Mr. HAYS. Will the gentleman allow me to say——

Mr. HAMILTON. The gentleman from Indiana [Mr. COBURN] would not allow himself to be interrupted even for a question. I ask that the gentleman from Missouri [Mr. BUCKNER] be protected from interruption.

The SPEAKER *pro tempore*, (Mr. TYNER in the chair.) If the gentleman from Missouri [Mr. BUCKNER] so desires, the Chair will recognize no other gentleman in his time.

Mr. BUCKNER. I only state the evidence which I obtain from the records here. I refer gentlemen to document 110, accessible to anybody. In this evidence it appears that Captain Gentry, who was sent down there by the War Department to report as to what had become of this meat, reports that five counties of the district represented by the honorable gentleman [Mr. HAYS]—counties that were not entitled to the bacon or any portion of it—did get their share. That is what I state. Whether they are in the gentleman's district or not, they are so set down in this report.

I say, Mr. Speaker, that after we had taken this testimony for three days and proved these facts at Opelika—that the meat was thus improperly used—the investigation upon that point was closed. Why? Because gentlemen said it had been investigated by somebody else—by some other committee. We all know there is no truth in that. It is true that the matter had been referred to the War Department, and it is from the report of the War Department that I get the facts to which I have called the attention of the House. That bacon was subdivided here by an agreement among the republican members of Congress from that State—the gentleman from the fourth district [Mr. HAYS] among the number. It was divided out in proportion to their relative strength. I go further, and say that according to this report, document No. 110, this meat was used during September and October and some of it as late as November. To Demopolis forty-five hogsheads were sent, weighing fifty-three thousand pounds. Here is a statement signed by John W. Dereen, one of the distributors. He says that this meat was given to counties not on the rivers; to counties not entitled to it; to Baker, Bibb, Fayette, Perry, and Shelby—"in accordance with instructions from Hon. CHARLES HAYS."

While the governor of the State was authorized to receive this meat, the republican members from Alabama were, by an agreement among them, to appoint the men who were to distribute it. A portion of it was sent to Decatur, away up on the Tennessee River, one hundred miles off any overflow.

Now, Mr. Speaker, I do not pretend that these matters were within the purview of our instructions as a committee; but I do say that they were as much within the terms of our authority under the order of the House as the question whether there was any fraud in the election or whether the public schools were taught by blacks or whites, or what proportion of money the blacks got, or hundreds of other questions that were examined into with so much gusto and delight by a majority of the committee, and the evidence upon which constitutes the great bulk of this volume. What did we go there to inquire into? The objects of the investigation are defined in the preamble of the resolution under which the committee were appointed:

> Whereas at the recent election for Representatives to Congress in the State of Alabama, and during the canvass which preceded said election, Federal soldiers were stationed in several counties in said State by order of the President of the United States; and whereas information had been received by the President that intimidation and threats, violence, murder, and assassination had been resorted to in said State for the purpose of preventing electors from voting; and whereas these allegations have been denied by a portion of the press of Alabama and correspondents of northern newspapers; and it has been stated by them that there was no intimidation, or threat, or violence of any kind for the purpose of deterring or influencing voters at such election, and it has been charged by them that said troops were sent to Alabama to intimidate and overawe electors and prevent the free exercise of suffrage by such at said election.

The resolution then goes on and directs us to inquire into the truth of these allegations.

Now what is the evidence on this subject to prove murder and violence? Let me here call attention to what was generally circulated throughout the country prior to the election. This resolution you will recollect was introduced by the gentleman from Alabama [Mr. HAYS] who sits by me. It was he who moved for this investigation. The evidence shows that it was through his instrumentality the troops were sent there. The evidence also shows that he claimed credit for sending them there. In his letter he justifies and gives facts and particulars upon which the President and Attorney-Gen-

eral were to be justified for sending troops into Alabama. The House therefore has to look to the allegations that Mr. HAYS made as to the condition of the State of Alabama prior to and at the time the troops were sent there.

Mr. HAYS. I deny that; I never said it.

Mr. BUCKNER. The gentleman is correcting what one of the witnesses said. He does not deny the witness said it; and the witness, according to the testimony, is his intimate personal friend and business agent. Whether he said it or not I do not pretend to say; I am only looking at the facts as they appear in the printed volume.

Now, Mr. HAYS wrote to General HAWLEY under date of September 7, 1875. What does he say in that letter after being called upon by Mr. HAWLEY to write a letter justifying the action of the President and Attorney-General in sending troops into Alabama? What does he say? I will read from his letter:

The bare recital of proven facts shall be my only appeal. That will cause the heart to shudder, the cheek to blanch, and the mind to wonder how such dastardly outrages, such unprovoked murders, and such fiend-like conduct can be tolerated for an hour. I shall be particular to narrate no rumors, to color no atrocity, to "set down naught in malice," but simply to give you well-authenticated facts, with dates, names, and localities, so that every man in the land may himself verify the accuracy of my statements, if he deems it necessary. These, then, I proceed to give you, with the deliberate opinion on my part, that the half cannot be told, and that to-day many victims of hellish murder are sleeping in unknown spots and secluded places from which they will never be wakened until the final judgment-day.

He then draws up an indictment against the whole white people of Alabama, with counts one after another, stating where these outrages were committed, by whom they were committed, naming the guilty parties and the circumstances of the different offenses. Any one who is curious and desires to examine the letter of General HAWLEY and the letter which Mr. HAYS wrote in reply will find them on pages 1254 and 1255.

This letter was the operating cause in the formation of this committee. But in the report of the majority of the committee there are only three lines about it. Let me read them:

In this connection, and as an act of justice to a gentleman who has been bitterly denounced, we find that Mr. HAYS had reasonable grounds upon which to base his letter to Mr. HAWLEY at the time it was written, and that in the main the same is substantially corroborated by the testimony.

Now, Mr. Speaker, I undertake to say that there is no corroboration in this testimony for this indictment against the white people of Alabama. There are eight murders charged to have been committed in Sumter county, including Billings and Ivey. There is not a particle of truth there were any political assassinations in that county, not a particle of truth that any negro or white man was killed in that county last year except Billings and Ivey. And I wish to say now, for fear I may not have time to go into it, that while they may have been committed for political reasons, there is not a particle of proof going to show they were so committed except the simple fact that one was a white man and a republican and the other a colored man and a republican. There is not the first particle of testimony besides that simple fact to show there was any political consideration involved in the matter at all. Yet there are eight murders charged to have been committed—eight political assassinations in this county of Sumter.

Let us come to Pickens County. A terrible picture is given of the condition of things there. What is it?

Outrages in this county are the rule; yet from the terrorism existing in that locality only an occasional murder leaks out. I cite two cases. In Carrollton, Pickens County, four colored men, who were supposed to be "emissaries" sent to post the negroes on their rights, were taken the third week in August from their cabins and hung by the road-side. This deed was perpetrated in open daylight by a body of unmasked white men.

On the 20th of August, 1874, the bodies of three men, two colored and one white, were discovered floating down the Tombigbee River, lashed to some logs. When found the bodies were badly decomposed and their personal identity to this day remains undiscovered. The white man had a placard pinned to his neck saying, "This is the way we treat Dutch niggers," evidently alluding to the nativity of the man, who seemed to be a German. The other two were placarded, "To Mobile, with the compliments of Pickens County."

I undertake to say, and I challenge denial, there is not a scintilla of evidence of any such thing, not a word in this testimony. What do we find in Hale County, from which James Bliss, it is charged, was run out. Bliss never was run out of Hale; and he was a member of the convention held at Montgomery.

In Choctaw County it was charged that a company of whites ambushed a party of negroes returning from church, killed ten and wounded thirteen.

Mark you, this occurred prior to the 1st or at least the 15th of August. The convention met on the 20th of August, at Montgomery. These men, Jack Turner and Jack Finley, who were charged with being concerned in these murders, were there, and the evidence shows that they called upon Mr. Hays and told Mr. H. that there was no truth in the story; and yet September 7 he writes this letter to the distinguished gentleman from Connecticut.

So it is in Coffee County, where two were killed and six badly wounded. There is not a word of truth in it; that is, so far as evidence before this committee is concerned. It is charged that William A. Lipscomb, a republican, was killed on the public road in Marengo, and the evidence is that that man is living to-day. Mr. Hays was at the meeting of the republican convention where all the leaders of the republican party in the State were, and where this question of disturbances and outrage was canvassed and discussed and referred to a special committee.

By the way, they did not ask the President to interfere. They appointed a committee to request the governor to examine into these things. The President, or the Attorney-General, at the suggestion as is proved here of Mr. WHITE, Mr. HAYS, and Senator SPENCER, without ever consulting the governor, sent the troops there under the miserable pretext that it was necessary to serve the process of the courts. That is the pretext that is used here, that it was necessary not to preserve the peace, but to serve the process of the courts. Nor is there any proof before this committee but what a posse could have been had at any time from the people of Alabama in order to serve the process of the United States courts.

Now I say beyond all sort of controversy that with the exception of the burning of two school-houses away off in the eastern portion of the State and the murder of Billings and Ivey, up to the time that this letter was written Alabama was as peaceful a State as any State in this Union so far as outrages and violence are concerned. I say that the evidence proves that, and it cannot be contradicted. There were disturbances there as well as elsewhere. There were fights and disturbances among the negroes, and a great many of them, in various localities. But I say the only case on which you can predicate that they grew out of political considerations was the case of Billings and Ivey.

Mr. BROMBERG. You say it cannot be contradicted. You mean to say that it cannot be truthfully contradicted.

Mr. BUCKNER. I mean to say that the evidence went to show the contrary. That is what I mean to say.

I do not mean to go further into the testimony. But let me say that these facts here introduced, which were the cause for and the justification of the conduct of the President and Attorney-General and form the foundation of this indictment of Mr. HAYS against his own people, nine out of ten of them have their locality in his own immediate neighborhood, in his own district nearly; and I say if he had desired to find out whether they really occurred or not he had the opportunity. He was there up to about the 20th or 22d of August, when he came on to Washington for the purpose of getting troops sent to the State, and this letter is written here at Washington after the President or after the Attorney-General had, on the 3d of September, ordered the troops to go South to take care of Alabama and in effect to carry the elections for the republicans.

But, Mr. Speaker, I agreed to divide a portion of my time with some gentlemen here. As I said before, I only occupy any portion of my time for the purpose of disabusing the minds of members of this House of the idea that there was anything in the condition of Alabama to justify this harsh and extraordinary legislation which is proposed by our committee. It never was discussed in that committee, and I say that the object of this is not the benefit of the country, is not to give quiet to the South, but it is to draw the colored line more thoroughly, to antagonize the two races in hostile ranks forever, and to consign that region which ought to be one of the most happy and prosperous sections of the country to race conflicts and to eternal animosity. That will be the effect of all such legislation as this.

There are many other points to which I might have adverted, especially on this question of riots at the polls. I will make just one single observation in reference to those riots. It is a miracle, Mr. Speaker, that there were not more riots and more frauds in the election. There is no law in Alabama which provides for an honest ballot—no law whatever. There is no law, that amounts to anything, to prevent false registration; for there is no connection between the registration and the ballot-box. And the act of the Alabama Legislature, the republican Legislature, according to the testimony of Mr. BROMBERG, opened the door to fraud upon the ballot knowingly and willfully. It enabled the large black counties, the counties of the black belt, to mass their voters together by the thousand, as they did under the authority and direction of their leaders, and to repeat, to double vote as often as they pleased, and when a man was caught in the act of repeating, if he were taken up and brought before a justice of the peace or other judicial officer, he could be discharged on his simple recognizance; and that is the last of the offender and the offense. The wonder is that there was not five times as much fraud and that there was not three times as much crime as there was on the day of the election.

I now yield to the gentleman from Michigan, [Mr. WILLARD.]

The SPEAKER *pro tempore*. How long does the gentleman yield?

Mr. BUCKNER. For twenty minutes.

Mr. WILLARD, of Michigan. I yield for a moment to the gentleman from Indiana, [Mr. CASON.]

Mr. CASON. I ask unanimous consent to print some remarks.

There was no objection, and the leave was granted. (See Appendix.)

Mr. WILLARD, of Michigan. Mr. Speaker, it is not so much with a view to discuss the details of the bill now before the House that I have at this time sought the floor, as it is to deprecate any and all legislative action which shall result in still further inflaming the public mind. It is my wish to record a protest against any policy which does not tend to restrain the present irritation by which the whole country with its priceless institutions is made the prey of opposing extremists and the helpless victim of contending partisans. In this hour of jarring opinion and political bitterness, when too many seem ready to renew the disastrous conflicts of the past and to again let loose the waters of turbulence and hate, I would if possible speak a

word in the interest of peace and conciliation, and of allaying, so far as the limited measure of my influence may serve, the spirit of disturbance and discord already prevalent not alone in this Capitol but in various portions of the Republic. So far as my feeble efforts may avail, I would counsel and earnestly insist that the present destructive and ruinous contentions of partisanship might be immediately and altogether displaced by policies and exertions prompted by the broadest and most unselfish statesmanship. Could my voice reach not merely through the spaces and recesses of this Hall, but to the remotest community where poli-tical strife engenders public apprehension and endangers the public safety, I would invoke the utmost prudence and moderation and the adoption of wiser and more fraternal methods of policy by each of the two great parties which now seek the one to keep and the other to obtain the political supremacy of the nation.

Within less than two months the first decade since the war will have reached its close. During that time the formerly hostile sections of the Republic have made mutual professions of pacific sentiments. They have announced to each other and before the world that they were associated in perfectly pacific relations; and yet after all these professions of mutual fealty to a common Constitution which has broadened its guarantees of liberty and citizenship so as to comprehend men of every race, after all these pledges of union and concord, given under the most solemn and binding obligations that can hold mankind together in political society, after all this impartial extension of the sanctions and guarantees of equality and freedom, what are we forced to behold? We find cities and States influenced with the frenzy of partisan discord and ready upon the least provocation to burst out into the blaze of armed hostility; while other cities and other States partake of the excitement and enlist with divided sympathies in behalf of one or the other of the contending factions, thus keeping the entire country in a feverish condition equally injurious to its business prosperity and its political welfare, undermining the faith of the citizen in the stability of our institutions and destroying the very foundations upon which the hopes of liberty, either individual or national, must finally rest.

THE EVILS OF PARTY.

The two political organizations which respectively attract and aggregate the mass of electors throughout the land, under the inspiration of party feeling and the natural and almost inevitable pressure of extreme opinion to which they are subject, are flung against each other at every election with repeated shocks of violence, and are kept in constant collision chiefly for the purpose of distributing the offices of the country to their respective adherents or of promoting other personal schemes either political or financial. In the Southern States this evil is greatly aggravated by the fact that the two parties are separated by the discrimination of race, thereby adding to the rancor of the struggle for patronage and preferment the still more bitter strife that comes from arraying men against each other on the line of color; a line, too, which in this instance generally marks the distinction between capital and labor, between those who possess the greater share of the wealth and intelligence of the community and those who, however desirable it may be that they should soon acquire these qualifications, are nevertheless in great measure without them.

To the ordinary mischief arising from a partisan contest for office and the extraordinary mischief of having this contest involve the prejudice of race we must still add a third mischief, which is that every onset between the parties is apt to be marked with sharp crimination and recrimination in regard to events of the past, with the bandying of taunts and accusations which serve to revive and perpetuate resentments which our common interest and the interest of posterity require us as soon as possible to bury. For while we may gratefully cherish the memory of that patriotism which saved the Union for the sake of liberty and may honor the martyrs who died for the national preservation, yet no truth is more evident than that the general welfare imperatively demands that in this Hall, in the deliberations of the Chamber at the other end of the Capitol, and in every portion of the broad domain embraced under a Constitution conferring equality of rights to each and every State as well as equality of civil and political privileges to each and every individual, every enmity, every hostile thought, and every unfriendly memory associated with the war should be placed at once and forever in the tomb of everlasting forgetfulness, beyond every effort or even attempt at resurrection.

SAD RESULT OF THESE EVILS.

In the clash and collision incident to the efforts of these parties to secure the supremacy and to control the offices, both State and national, great communities are made to suffer, to have their business prostrated, their laws overborne by violent dissension, their resources squandered, their taxes swelled to an extent that renders property well-nigh valueless, and their people arrayed against each other with an acerbity of feeling which unless allayed will spread like a plague-spot and extend its deadly influence to communities now quiet and peaceable. Who shall deny therefore, in this condition of our affairs that the most pressing demand of our statesmanship is not menace but mediation? Who that rises above party and takes his stand upon the elevated ground of true patriotism does not see that the remedy for the evils here noted is not to be sought in measures that intensify the spirit of alienation, but in measures that deepen and broaden the affection of all citizens for each other and for the government under which they live.

THE STRIFE SHOULD CEASE.

Indeed, I believe, Mr. Speaker, that there has never been a time in our history when there has been so great a requirement, and I may add so great an opportunity, for an interposition to put an end to a causeless strife as at this moment. In calling this strife causeless I wish it to be distinctly understood that I do not speak of the incidents and consequences of the agitation, but of the real facts that originally justify it. There is really nothing to warrant the conflict now waging and apparently assuming a more threatening aspect by the very disturbance to which it gives rise. A year ago the nation was comparatively undisturbed by these questions growing out of the work of reconstruction. Congress divided upon measures relating to finance and the development of plans for promoting the material welfare of the entire people. Party lines were apparently obliterated in the attempted settlement of the leading questions of public policy. But now from the conjunction of sundry political puzzles presented by the partisan maneuvers in two of the Southwestern States of the Union, by the utterly reprehensible conduct of certain unlawful combinations in these and other neighboring States, and still more perhaps by the anxiety naturally excited by the preparation for the presidential contest of 1876, there is a state of alarm which a twelvemonth since no man would have dared to predict or even suspect. To successfully repress and stay this tide of popular agitation is to confer a boon in which the forty millions of American people, whether white or black, whether native or foreign born, shall derive an immeasurable benefit. Had we a Washington to counsel harmony and to hush the rising tempest by saying to the winds and waves of conflicting opinions, "Peace, be still;" had we a Clay to sound the trumpet of pacification, and thus awaken an enthusiastic response and glad acclaim throughout the nation; had we a Lincoln to proclaim with patriotic inspiration and with a great and gentle spirit, "Charity to all and malice toward none," we should have in one like these the statesman which the crisis requires, one who would meet the real aspirations of the great body of the people North and South, East and West, and be recognized as the nation's benefactor and the champion of its highest interests.

OPPOSITION TO FURTHER COERCIVE LEGISLATION.

Indulging this view, Mr. Speaker, in regard to the policy of conciliation, I need scarcely add that I am opposed to the measures embraced in the various political bills and resolutions recently reported, which imply a further extension and more rigid enforcement of Federal power in the South. This series of measures involve, among other purposes, the interference of the Federal authority in sundry ways in a sphere of legislation hitherto left to the several States; in conferring upon the President the power to suspend the writ of *habeas corpus*, in subverting the present State government of Arkansas, and in authorizing the maintenance against the popular will of the present fraudulent government of Louisiana by the military force of the nation. Let me briefly state the reasons of my opposition to all legislation of this character.

THE CONSTITUTIONAL OBJECTION.

In the first place, I object to all these measures because they are in the main based upon inferential and not upon the clearly expressed sanctions of the Constitution. The arguments which justify this conclusion have been and will be fully presented by other gentlemen of the House who confine themselves to that branch of the discussion, but I cannot refrain from insisting that arguments of this nature should receive the most serious and careful attention. If the nation's safety is the supreme law, that law consists in the unequivocal recognition of the absolute supremacy of the Constitution. Our escape alike from anarchy and despotism depends upon the maintenance of this doctrine. Never to any people on the face of the earth has the old Roman maxim that "all must be slaves of the law if all would be free" come with greater emphasis. Our government neither owns nor imposes upon any human being any master but the law; and in taking our seats, Mr. Speaker, as members of this House, no oath was registered by us in heaven to bow to any dictation save that imposed by the Constitution of the United States. Unswerving loyalty to this instrument is the exclusive motto inscribed upon the escutcheon of the national legislator. Scrupulous fidelity to this trust is just now of intensified obligation from the comparative relaxation of its sanctions in our recent history. The war, which resulted in the extension of the guarantees of personal freedom by the additional amendments to the Constitution, tended at the same time to impair its hold upon the popular reverence. It was subjected to a severe strain in the great contest by which its avowed supporters were sometimes forced to a doubtful construction of its meaning, and even to place themselves on the wrong side of the doubt by the nation's imperative necessity; while those, on the other hand, who by the force of arms sought a release from its authority could scarcely fail to come out of the conflict with a diminished veneration for that which they had fought for four years to destroy. To rehabilitate and accustom the entire nation to the sole use of constitutional methods; to reduce rather than to enlarge the redundancy and overflow of national legislation, and to cause it to again run in clearly defined constitutional channels; to strengthen and amplify the means and agencies for keeping both government and people within the limits of constitutional law—this is the highest work, and, I might add, is the fundamental condition of patriotism. To those who would warp the Constitution to meet a temporary expedient for the protection of

personal liberty I would say beware how you touch the shrine in which is deposited the only security of freedom to every citizen. In the rash and desperate effort to do even a seeming good, by a resort to measures which may establish unconstitutional precedents, do not demolish the very sanctuary of American liberty and leave us all to the mercy of faction or the fickle whim of power.

THE CONSTITUTION SHOULD BE PRESERVED FOR THE EMANCIPATED RACE.

To every class of persons a jealous regard for the constitutional limits of Federal power is a matter of deep concern; but to none so much as to those who have no other security. The weak and defenseless are they who most need the safeguards of the Constitution. The black man is in the minority. He is comparatively lacking in wealth and education. Upon him rests the traditional burden of a previous inferior condition. For him the Constitution, especially by its last three amendments, has been made a bulwark and extends over him the broad shield of its protection. To him, therefore, the least infraction of the instrument or the least deviation from the strict letter of its provisions is a proceeding of immense moment, since its preservation is his only sure defense against the prejudice and encroachments of the more fortunate race. Any measure of national legislation, any act of executive interference which obtrudes beyond that sacred boundary of power delegated to the General Government and invades the rights reserved to the States or the individual, is one which the colored man of all others in this nation should be the last to invoke and the first to resist by every lawful means at his command. For the black man the Constitution spans the heavens as the bow of grand promise and of sublime hope. It is his safety for the present and his encouragement for the future. He should religiously remonstrate against every act of Federal power which shall tend to dissipate that guarantee of his welfare, that only security of his continued liberty. With him, cursed should be the hand which under any pretext profanes the ark which bears the sole human covenant of his freedom and equal citizenship. Indeed, so far as all are concerned, if we would preserve the jewel of impartial liberty that sparkles in the coronet of the Republic, we must prevent the least infraction of the setting in which it is retained.

NO EXTENSION OF MILITARY RULE.

The policy proposed in these measures is also liable to the objection that it encourages further military interference by the General Government and implies in certain localities the prolonged subjection of the civil to the military power. This neither accords with the spirit of our institutions nor with the prevailing sentiment of the people. The termination of the period of the silence of the laws under arms in any section has been anxiously awaited. "*Cedant arma togæ*"—let the bayonet yield to the ermine—is the popular aspiration as well as the essential condition of national safety. No race has clung to this principle through so long and severe struggles, or has come to the inheritance of its fruits by such immense sacrifices, as our own; and the price of ten centuries of Anglo-Saxon exertion and endurance is not to be heedlessly thrown away by acts of impolicy which some are so ready to urge. History, both English and American, has given its lessons in vain if it has not taught us that we can have no supremacy of law so long as the law is not left to its normal and constitutional methods of enforcement. Courts and juries furnish the methods by which justice is secured, and to suppress these by external force is to palsy the very arm of the law and to make it more and more powerless for the security of right. The law is ever jealous of its prerogative. It endures no rival and shuns companionship with every other form of jurisdiction. To be efficient it must be trusted. For this reason the Constitution throws every possible guard around its administration, and only permits its interruption under the two circumstances of rebellion and invasion. Such interruption is a last resort, being justified by an actual and not an anticipated necessity. Nothing can be more clear than that extraordinary provisions for the permission of executive power to suppress a prospective rebellion would inevitably inflame the communities suspected and invite them to further discontent and even open hostility. The Constitution evidently contemplates the use of such a measure as a remedy for an actually existing rebellion, not as a precaution against an imaginary one. Therefore to clothe the President with the power to suspend the writ of *habeas corpus* at his discretion is to assume that the nation is already convulsed with internal revolution or that an armed foreign foe is threatening its borders. That either of these contingencies exists no man will pretend.

NO SECTIONAL LEGISLATION.

Again, the measures embraced in this policy are to be disapproved, because they are intended for application to only one section of the country and propose an interposition of Federal authority in the South, which would not find endurance in the North. The Federal interference in elections; the filling the land with marshals and deputy marshals; the superseding of State authority to suppress and punish conspiracy and treason against itself; the multiplication of machinery for affording pretexts for displacing the local authorities by the National Government, are provisions which the people of my State do not want for themselves so long as their necessity can be avoided. They are not longing for the day to be hastened when soldiers shall be their reliance for peace and order and then United States officials shall constitute their police; and what they do not want for themselves, they do not wish to force upon others. They desire no unequal legislation. Indeed, Mr. Speaker, I do not see how it is possible, under the Constitution, to frame a Federal law that shall not apply alike to all the States. The tenth amendment declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." The rights reserved to the States are reserved equally to each and every State. Each of the thirty-seven Commonwealths in this Union, so far as regards the possession of these rights, stands upon the footing of perfect equality with each of the others. Under the Constitution there can be no interference in the internal administration of a State which would not in similar circumstances be justified in Massachusetts as well as Arkansas. There can be no United States statute to which Michigan shall not be subject as well as Louisiana. Laws of intentional local application, imposed for partial and sectional enforcement, are impolitic and unjust, and can find no support either from statesmanship or patriotism.

HOME RULE SHOULD BE ESPECIALLY ENCOURAGED IN THE SOUTH.

There is another reason, Mr. Speaker, which should have due importance in the consideration of this question, and that is the wide departure implied in this whole policy from the theory and practice of local self-government. In this departure there is the greater evil, because of all sections of the Union, the South most imperatively requires the encouragement of the principle of home rule. We hear much said of imperialism, but with all deference to the State-rights sentiment so stoutly and conspicuously advocated in the South, let me say that if ever imperialism shall become a cherished idea and a practical result in this country, that idea and that result will find their first and readiest welcome, not in the Northern or the Western, but in the Southern States. The dangers of a movement for an empire lie on the lower side of the parallel of latitude that traverses this Capitol. There is a cause for such an apprehension from a defective feature in the constitution of southern political society which has no existence in the North and West, and which contributes to create in that section a centralizing tendency. For, according to my view, sir, the real unit of every free and truly republican political organization is the municipality. The attainment or the want of this, as also the perfection of its development, are conditions which determine the nature of the entire political fabric. The possession of a well organized municipal system affords that kind of home or local government which serves as the indispensable basis of republican liberty. In no portion of the globe is this system for the administration of those political affairs which have the most intimate concern with personal rights and the public interest so thoroughly established and so completely furnished for its designed service as in the New England States, where it originated, and in that belt of States which in this regard copied the New England example. In all the northern portions of the Union the republican form of government can no more be shaken from its foundation than the everlasting hills can be swept from their granite base. The doctrine of home rule, that kind of rule which for the most part settles disputes, quiets disturbances, distributes justice between man and man by agencies created by the people right at home in their own township, is imbedded in the popular heart and forms the essential feature of their political compact. Here imperialism has no encouragement and receives no sympathy. Society must be torn from the root out of which it springs; it must even be reorganized by a change of its constituent elements, before that spirit of centralization which tends toward an empire could become prevalent among the people.

But imperialism, let me tell gentlemen, if it shall ever overspread this country, if it shall rise like a dark cloud and overwhelm our political sky, will come from the South. There the strife of race if permitted to go on, the habit of the emancipated portion of the population to rely upon external aid, the impulsiveness even of Saxon blood under a warmer sun, and, more than all, the lack of a perfect municipal system fully enshrined in the popular heart and directing the popular will—these things may well suggest to statesmen of the South the fear of an empire, since in their own midst they see its causes and realize its perils. In that section of the Union home rule is not so much a possession as a want. It is enhanced in its worth and importance for the very reason that it is a matter of greater need. By every means, then, in our power, by every incentive we can offer, by every support and encouragement we can hold forth, in our action here or elsewhere, should the principles and habits of home government, of local self-government, be fostered in the South. By this means we of the North not alone give aid and sympathy in a great undertaking for others' advantage, but avert from ourselves a common danger.

Popular opinion in this country is generally correct opinion, and it justly condemns the misgovernment that appeals to external force for its support. The example of Louisiana has not increased the public confidence in the benefits to be derived from outside interference. And, sir, when I recall the terrible condition of that State, I do not forget that the first European occupation of Michigan and Louisiana was, in each instance, due to that remarkable spirit of enterprise which animated the French people under the illustrious reign of Louis XIV. The first years of the last century witnessed the founding of Detroit and New Orleans, each the respective commercial metropolis of its State, and each settled by the same buoyant and enterprising people. The prosperity of the leading city

which stands as one of the gateways of the commerce of the Northwest is in striking contrast with the misgovernment and adversity of the civic community which sprang into existence from the same origin and almost at the same time near the mouth of the Mississippi; and I am sure I speak the sentiments of the people of Detroit and the people of Michigan when I say that they are anxious that the people, of their once sister colony in the far southwest should be speedily made the participants in the same high privileges and blessings which they, themselves, enjoy under the self-imposed restraints of constitutional government.

THE LEGISLATION REQUIRED.

The policy, Mr. Speaker, of further coercive Federal legislation for the South is also wanting in the wisdom of practical statesmanship, because it is not alone destructive of the material prosperity of that section, but tends to the continued stagnation of business and the depression of industrial and commercial activity throughout the entire country. If there be any duty which the citizens of this great Republic owe to each other, surely that is to be ranked as such which binds them under the obligation of an endeavor to secure a common and diffusive prosperity. The Union was formed, among other reasons declared in the preamble to the Constitution, "to promote the common welfare." One of the high purposes of our national existence is displayed in the opportunity which it secures for an efficient co-operation in measures for developing and advancing its material interests. The application of our energies to this purpose has a twofold advantage; it secures an object of high importance in itself, and what is of far greater value, it withdraws attention from those issues which the nation should immediately lay aside. In the presentation of a new and attractive object the petulant child will often forget its testy peevishness; and it is well worth our consideration whether in like manner the nation should not be led to forsake its bickerings by these common efforts for a development of our mighty national resources, and in thus conferring permanent and substantial benefits upon a united people, benefits which shall obliterate sectional feeling as well in their procurement as in their enjoyment.

Closely allied with this question of the revival of business prosperity is the undeniable maxim that no community can prosper where capital and labor are kept at variance and are made the mutual victims of a ruinous antagonism. They should be reconciled; and the partisan policy which foments and keeps alive a constant discord between them in the Southern States is as senseless as it is fatal to the revival of business prosperity. At the present time, when all the industries of the nation are paralyzed; when the spindles in our factories are silent; when the busy hum of our varied machinery has ceased, and that cessation has thrown our artisans out of employment; when those of our citizens suspended from their toil in the mines, in the workshop, in the field, or at the desk, and now rendered destitute by enforced idleness, are to be counted by myriads—when such is the condition of the people all over the land, it seems certainly to be no time for superfluous agitation or for the needless increase of difficulties which fasten a weightier burden upon an already suffering population. Let us address ourselves to the work of creating that spirit of unity and concord and of giving that impulse to business activity and enterprise which will go far toward the restoration of the bright augury of that financial prosperity which is alike our aspiration and our rightful claim. Sir, I do not speak without due reflection nor without the amplest evidence of the truth of my assertion when I say that the great body of the practical business men of this nation, in the North as well as in the South, demand an immediate cessation of these intestine troubles. They realize what we in this Hall ought to appreciate, that an increase of 25 per cent would be made to the business of nearly every northern or western city, and 50 per cent. to the production of every southern community, were there to-day a complete restoration of perfect confidence in the permanent stability of our internal affairs and a complete quiet of all that sectional alarm for which political agitation is chiefly responsible.

CONCLUSION.

Sir, I have frankly expressed my views in regard to the policy of which the bill before us forms an important part; for I believe that true political wisdom points to the adoption of a different course, and I shall record my vote on this and other measures in accordance with the conviction that by the cultivation of concord, by strict allegiance to the Constitution, by intrusting the cure of abuses to the exclusive remedies of law, by the further restriction instead of the extension of military power, by equal and impartial Federal legislation, by the encouragement of home rule where its development is most required, by directing the national energies to an improvement of the industrial condition of the whole people, we of this Congress shall most wisely discharge our duty and most faithfully represent the will of our constituents.

During the remarks of Mr. WILLARD, of Vermont,

Mr. BUCKNER said: I yield to the gentleman from Virginia [Mr. SENER] fifteen minutes.

Mr. SENER. I yield five minutes of my time to the gentleman from Michigan to conclude his speech.

Mr. SENER. Mr. Speaker, I shall oppose the bill now before the House, and I regret to thrust myself so uninvitingly upon their attention at this time. My reasons briefly are these: I oppose the first and second sections of this bill, as I recollect them, because I do not conceive that either by warrant of the Constitution or because of anything that has happened there is either any legal or moral requirement that we should pass any such legislation. It is within the power of the Executive of this nation, whenever there is a contest, to say what is the legally constituted government in any State; and when once that has been decided the decision of the Executive has always been, within the period of the last ten years, acquiesced in by the people of the South.

A MEMBER. How about Louisiana?

Mr. SENER. That is exactly what occurred in the case of Louisiana, to which my attention is called right here. Within the last six months an attempt was made to upset and overturn the Kellogg government; and although this revolution was apparently a peaceable one, as soon as the President of the United States issued his proclamation Kellogg went back into the gubernatorial office and is there to this day.

In the case of Arkansas there was a contention as to whether Brooks or Baxter was *de facto* and *de jure* the governor; the President had only to say who was the legal governor, and his proclamation was instantly obeyed.

Now, I oppose the thirteenth section of the bill for this reason: It is here in this land of freedom an attempt in a time of profound peace to set aside the grand writ of *habeas corpus* which for six centuries in England has been constantly growing more and more sacred to that people, and there this writ of right has received such sanction and approbation, it is so strong to-day that neither king nor Parliament dare to trifle with it. And in our own land, be it remembered, it stands as one of the strongest safeguards in this written Constitution of American rights for the protection of American liberty. Now, so strongly is the love of it ingrained into the affections of our people, and with such devotion do they cling to it, that the State of Massachusetts has within its constitution, if I mistake not, a provision which declares that it shall never be suspended for more than twelve months at a time; and the State of New Hampshire has a provision in its constitution that it shall never be suspended for longer than three months.

In the time of the treasonable schemes of Aaron Burr against the authority of the United States, the then President of the United States, Mr. Jefferson, sent a message to Congress asking it to pass a law authorizing him to suspend the writ of *habeas corpus*. The Senate in hot haste passed a bill to that effect and sent it over to the House. But although at that time it was supposed the Government was menaced, the House on a motion rejected the bill by yeas 127 while the nays were but 3. And a motion to reject is regarded as an indignity to the other House.

The war of 1812 came, but no suspension of the writ of *habeas corpus* occurred. Though foreign foes were upon our soil and the guns of foreign armies were thundering against the Capitol, the writ of *habeas corpus* was not suspended. And shall Congress now in a time of peace, upon a condition of things not in existence but yet to occur, declare a state of facts that shall constitute a rebellion? There are but two contingencies in which the writ of *habeas corpus* can ever be constitutionally suspended; in the case of rebellion and in the case of invasion. Invasion means foreign war, and rebellion means civil war; and I deny that there is any civil war in the South or that there is any likelihood of such a calamity. Every State of the South is represented on this floor. Every one of them has its full complement of State and municipal offices, duly filled and exercising all the attributes of official life. The courts, State and Federal, are alike open, and misdemeanors and crimes may be tried and punished.

Not until two years of the war of the great rebellion (as it was called) had been waged did Congress pass an act declaring that the writ of *habeas corpus* should be suspended. It is true President Lincoln acted upon that idea two years before, as did General Jackson in the war of 1812. Once during the war of 1812 General Jackson took the responsibility of suspending the writ of *habeas corpus* and he was fined for doing so, and many years after, in 1842, Congress, not as a matter of right but as a matter of grace and favor, refunded the money with interest that he paid as a fine.

What is the condition and state of facts put forward before the country to justify this character of legislation? It is gravely alleged that the people of the South cannot be trusted at the ballot-box. Yet that is stated in the face of the fact that upon the floor of this House to-day there sit forty-three republicans from constituencies in the Southern States. It is said there was a change last fall. Yes, there was a change all over the country. If there was a change in the South, so there was in the North; if there was a change in one State there was in all. But is there a man north of the Potomac who believes that there is a necessity for the suspension of the writs of *habeas corpus* in his section?

It is said there are proscription and intolerance in the South. To some extent that is so. But are you going to punish States and indict a whole people because some are intolerant? Do you suppose legislation can reach them? When Grant proclaimed amnesty at Appomattox, and followed it out through the years of his generalship and the first years of his term as President, peace came, republican successes came. Suddenly there was a turn in the tide. I do not say it was due to the acts of the President. I believe he has made a good

President. Unfortunately, however, all the officers in the South are not good men.

It is said that the Federal courts are closed in some of the States of the South. If so, it is for want of judges. There is no Federal judge in Alabama. There was one there, but he was so corrupt he was forced out of office, by resignation, to escape impeachment. There is no court in New Orleans, because the Federal judge there was so corrupt that your Committee on the Judiciary brought into this House articles of impeachment against him. There was another judge in Arkansas, but he was likewise so corrupt that one committee of this House recommended the abolition of his district, and another committee was ready to recommend his impeachment. These things have something to do with the condition of affairs in the South. And because these things are true, they ought to be weighed along with and against the intolerance of disposition manifested in the South.

[Here the hammer fell.]

Mr. ALBRIGHT. Mr. Speaker, it would be a pleasant thing to be able to say that the war had left no bitter fruits behind it; that the situation produced by it was accepted in good faith in every section of the country, and that there was no necessity for any further legislation to carry out and make effective the thirteenth, fourteenth and fifteenth amendments to the Constitution and the fundamental conditions upon which the rebel States were rehabilitated with State sovereignty and allowed representation in the Congress of the United States. But to say or think that all is well in the South would be to shut out truth from observation and to stultify yourself to the current history of the day. It is idle to ignore facts. From whatever standpoint you look at the situation you find that society is disturbed and that life and property are insecure. The democrats say that all this is caused by republican misrule, and on the other hand the republicans charge that it is attributable to the fact that democrats resist the execution of United States laws and attempt to nullify the constitutional amendments and the laws which have been enacted to enforce them. Upon this point, then, there is no dispute, that many of the Southern States are in a disordered and revolutionary condition, that business and enterprise are paralyzed, and that the value of property is daily depreciating and life becoming more insecure.

The immediate and direct cause for all this may justly be attributed to the fact that the negro has been enfranchised. If he were disfranchised and not a prize at the ballot-box, order and quiet would reign in Warsaw, or if he would follow the domination of his whilom master and owner and vote with him there would be no trouble; but because he seeks to assert his manhood at the ballot-box and insists upon a recognition of his political rights he is persecuted, maltreated, and outraged, and violence and bloodshed prevail. Deprive the negro of suffrage—make him a serf—and you settle the question in one way and to the satisfaction of the democratic party and white-leaguers. Because the negro is free and a citizen, the hatreds that the war engendered are kept alive and burning in the South to an extent that is fearful and almost incredible, while in the North they are pretty much forgotten except as they are reflected from the South. However much men may deny or disguise it, the color line in the South is drawn and kept up by the white democrats—certainly not by the negroes; and the white man who allies himself with the republican party is counted vile and disreputable. The tendency therefore is to drive white republicans either out of the South or away from their party, and thus practically deprive the negroes of leaders and thereby make them powerless and unable to cope with their political adversaries. The negroes are republicans, and it would be a surprise if they were not. They are grateful to the republican party for freeing and enfranchising them, and they feel that they cannot better pay this debt than by voting with the great party that freed them. Whether this is right or not, does not change the fact; it is so, and everybody understands it; but this very circumstance has operated unfavorably against the negro in the enjoyment of his political rights and affected him unjustly in many other respects. The great mass of the whites of the South are democrats and hate the republican party bitterly and intensely, and especially the negro because they cannot control him politically.

For the purpose of showing this matter more clearly I introduce here and elsewhere testimony taken before the Alabama Committee.

Robert Reed, a colored member of the Alabama Legislature, testifies as follows:

By Mr. ALBRIGHT:

Question. Is it safe for you to live in Sumter County and express the political sentiments which you have?

Answer. No, sir; it is not safe for me to go back there. They say they will kill me if I ever come back.

Q. And the only crime that they bring against you is that you are a republican?

A. Yes, sir. The very worst democrats will tell you that is all they have against me. Men have come and told me that there is not a white man in the State that can beat me farming, and if I kept out of politics I would be the richest man in the country. Every two years, ever since 1868, they have robbed me from $500 up to a thousand or two thousand, as the election comes along. My wife died about four months ago. I have three children.

Q. Where are your children?

A. They are there. I am going back to see about them. If they kill me I would just as soon die there, as for my children to be down there and me up here.

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Q. It has been represented that leading colored republicans have been visited at night in their houses, and from fear and threats that were made they went to the woods and laid out there for weeks sometimes.

A. That is all so, sir. While they were looking for me they came across several colored men in the woods, with guns. They had left their homes from fear of violence. They were arrested and carried to Belmont, and certain men told Mr. Hester to take them out and kill them. Nelson Doyle also saw the men killing Mr. Billings.

By Mr. CANNON:

Q. How long has this intimidation and terrorism, of which you speak, existed in Sumter County or in Alabama?

A. Ever since 1868. Instead of getting better, it gets worse every year.

Q. What acts of violence, if any, are committed toward white republicans?

A. White republicans are treated in the same way. Old Judge Abrahams, of Livingston, has to lay in his house and keep well armed. Mr. Billy Wayne is the same way.

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By Mr. ALBRIGHT:

Q. If those colored people were let alone in that section of the country would they prosper and have comfortable and secure homes?

A. They would.

Q. And make good citizens?

A. Yes, sir. No man can go back upon their record there; but if the Government will not give them some protection they are bound to emigrate and go to some other country.

ROBERT WHITTAKER, (colored,) called by the minority, sworn and examined.

By Mr. LUTTRELL:

Question. What is your name, age, residence, and occupation?

Answer. My name is Robert Whittaker. I am twenty-seven years old. I live in Montgomery.

Q. As a general thing do not the democrats treat you and your people very well in this country?

A. In 1871 I was a drayman—a public carrier—of this town, and owned a great many stock. I had sixteen mules of my own, and ran eight drays. I did business for a great many of the largest merchants in the place. At that time I did not take an active part in politics, and I went to the polls, voted, and went about my business. In the fall of 1871 I made political speeches around town for the municipal election. They took my patronage away from me, and warned all the merchants in town not to give me anything to do, and did everything to break up my business, and did finally break it up, and to-day would not give me a nickel's worth of work if I was perishing.

Q. You say that in consequence of the notices which were put into the papers, giving the number of your drays, &c., you lost the patronage of the democratic merchants here, and that your business is broken up?

A. Yes, sir.

Q. What has become of your business? What have you done with your drays and mules?

A. They have all come to naught.

Q. Has it compelled you to submit to pecuniary loss and sacrifice?

A. Yes, sir; I tried to keep up my business and spent all the cash I had on hand trying to keep it up, but they finally broke me down and boasted of it, saying that they intended to break me down.

Q. Have you any of the papers that contained the notices of the number of your drays, &c.?

A. No, sir; but I have witnesses that such notices were given.

EDGAR R. KELLOGG, captain Nineteenth Infantry, United States Army.

By Mr. BUCKNER:

Question. State whether, in your opinion, a great d eal of this bitterness that you speak of—that the democrats have as against the republicans—has not been owing to the character of officials that the Government has placed here, in so far as the United States Government is concerned.

Answer. I think that in many cases a part of the hostility is to be attributed to that. I think that the most of it is to be attributed simply and only to hatred of the Government and everything that pertains to it, and every man who supports it—hatred, and nothing else.

By Mr. CANNON:

Q. Hatred upon the part of whom?

A. The men who sought to overthrow the Government, in my opinion, would do it again if they had an opportunity; but they never will have it, I think.

Whatever may be said of the negro in other respects, in his politics he is not only honest but a hero; he votes according to his convictions. The pressure to vote the democratic ticket for reasons of gain, pecuniary profit, and immediate personal improvement and advantage, is much stronger than to vote the republican ticket. More democrats make promises of reward to negroes for their votes than republicans, and certainly more threaten to intimidate.

Testimony of G. R. WILLIAMS.

By the CHAIRMAN:

Question. State your name and residence.

Answer. My name is G. R. Williams. I reside in Huntsville, Alabama.

Q. Were you in Alabama during the last political campaign and election?

A. I was in Madison County and in Limestone County.

Q. State whether the election was entirely peaceable or whether there were any acts of violence or intimidation.

A. The election was not peaceable.

Q. In what regard was it not peaceable?

A. The white-leaguers were there armed and drilling at night and interfering with colored men, making threats to them, and telling them that if they voted the republican ticket they could not stay on their land; numbers of them were driven from their plantations because they had voted the republican ticket.

* * * * * * *

Q. Do you know of any one who was prevented from voting?

A. Yes, sir. Colored men were coming to the polls to vote at Maysville from Mr. Gurley's place and from other places around there. When they reached Maysville the polls were opened, and the white men asked them what tickets they were going to vote; they said they were going to vote the republican ticket, and the white men told them they could not vote there. They said, "No niggers can vote the republican ticket in this place. Death or life if you vote that ticket or the other." They commenced fighting there on the day of the election; the men were driven from the polls, and the train was kept back to keep them from coming to Huntsville.

By Mr. BUCKNER:

Q. You were there at Maysville, were you?

A. I was not at Maysville. I was in Huntsville when the party came to town. The colored men walked eighteen miles, and some of them wore their shoes out in going to Huntsville to vote. Some of them voted in Huntsville, and the democrats took some and put them in jail, saying that they had voted twice, both at Maysville and there. The colored men denied that, and some were driven from the polls and some others were shot at. Nick Gurley was shot so badly that they had to carry him home. Henry Moore, a colored man, went to some white men and told them

they would have to have peace that day; that the colored men had all come there to vote the republican ticket of their own free will, and if peace was not had, bad times would occur. A great many colored men had to leave without voting.

* * * * * * *

Q. You didn't hear of any of them being kept from voting except at this place?
A. Men were bought off from the polls by the democrats.
Q. Do you know anything about any being bought off?
A. I saw them giving boots to men with my own eyes.
Q. Where was that?
A. That was in Huntsville.
Q. Do you know what they gave them the boots for?
A. To vote the democratic ticket, I suppose.

Also Robert Ford, witness at Montgomery, Alabama:

Question. In your dealings here, would you not rather work with your old masters or those with whom you lived in early days; and would you not rather trust them than any other class of people; and do they not treat you kindly?
Answer. No, sir.
Q. What have they done to mistreat you?
A. The white people held me in slavery.
Q. I mean since that time.
A. Since that time it has been almost the same.
Q. Did you not within the last year find the white people treat you kindly?
A. No, sir; they have not treated me as they ought to, because I have done considerable for them, and they don't respect me any more than if I were a dog, in a great many things, and in a great many things they do.
Q. Do you expect to associate with them, and move with them in society?
A. All I want them to do is to pay me for my lab or and whatsoever I earn, whether it be little or much.
Q. Do you want them to pay you for the work you performed while you were a slave?
A. No, sir; but for work that I now do.

ALLEN ALEXANDER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your name, age, and residence.
Answer. My name is Allen Alexander. I am thirty-three years of age, and I reside in Mobile.
Q. State whether you were in this town during the last political campaign, and at the election.
A. I was.
Q. State what occurred here on election day within your sight and hearing which was calculated to disturb the peace, and prevent the free exercise of the right of suffrage.
A. I was on the street all day, from day-break until I was put in jail. At the seventh ward particularly, the democrats were crowding and challenging the colored men. They commenced that early in the morning, at the opening of the polls, arresting the colored men and taking them to jail. For instance, if a colored man came up to vote, some democrat would say he has voted, or he don't live here, or something of that sort; and the democrats had stationed at each polling place a justice of the peace, who had established an office near by. At the court-house there was an office inside. At the seventh ward there was one within twenty steps of the voting place. Upon complaint of any democrats, the deputy sheriffs would arrest the man and carry him before this justice of the peace, who would commit the man to jail. And that, as I say, started early in the morning, and was continued at every ward during the day. At the seventh ward two colored men were arrested in that manner on the charge of having voted twice, and the deputy sheriffs were taking them to jail, and the men were shot on the way.

* * * * * * *

Q. Did anything else occur during the campaign calculated to inspire republicans with terror in the exercise of their political rights?
A. Nothing except the speaking. They would boldly threaten, every time they spoke, that they intended to have the election or blood.
Q. Was anything of that kind said in the newspapers, or was it said in speeches?
A. It was said in speeches. They were very bitter. You could hear them every night.
Q. Did that have an effect upon the colored people here to keep them from the polls and to intimidate them?
A. Yes, sir; these threats, together with the acts of violence a few days before the election, had an effect. The members of the different companies of that battalion took all of the guns at night out of the armory.
Q. Where did they take them to?
A. I do not know. They were stolen out. They have an armory here in the city building.
Q. Do they usually keep the arms there?
A. Yes, sir; and near the time of the election they were all taken out. When they go to drill they go there and get them. They were carried off at night at different times.
Q. How was that found out?
A. It slipped out that the guns were missing.
Q. Was the taking done publicly? Did they march there and take them away?
A. O, no, it was done at night. That was found out, as I say, and had the effect of inspiring the colored people with terror.
Q. How many men were kept from voting on election day by these riots and the terror that existed?
A. I do not know. I know that there were between four and five hundred at the seventh ward, which is a large ward. There are some 2,800 votes there.

Notwithstanding these things, the negroes vote the republican ticket and because they do this the hatred against them increases; but they have learned that unless they vote the republican ticket they might as well not vote at all, because for them to vote the democratic ticket in the South at this time would be equivalent to an abandonment of the franchise. It is the boast of democrats in Georgia that negro suffrage there virtually amounts to nothing; that out of 108,000 voters 75,000 of them failed to vote at the late election, and that the remaining 33,000 will be practically disfranchised by poll-taxes before long. Other States no doubt expect to follow the lead of Georgia. The negroes believe that in order to maintain their freedom and political equality and manhood it is their duty to vote with the republicans; and although they may be hated for it; they may be outraged in their legal rights; they may be defrauded in their contracts; they may see the doors of justice practically closed to them; they may feel and realize that their children have not equal chances in the schools with white children; they may experience poverty, hunger, and nakedness, yet amid all these discouragements and drawbacks they patiently wait in earnest hope that the things which are guaranteed to them in the Constitution will be their heritage and legacy at last.

Peyton Finley, receiver of public moneys of the United States at Montgomery, Alabama:

Question. The employment of negroes is largely through contracts, on the plantation?
Answer. Yes, sir; in the majority of cases.
Q. From your knowledge of them do they receive the fruit of their labor in money, or in supplies which are purchased by their employers?
A. By supplies.
Q. They do not get the handling of much money?
A. No, sir. They never did.
Q. In that way very largely the mercantile business of the country is controlled by the land-owners?
A. I think it is.

* * * * * * *

Q. As a rule, are colored schools taught by white democrats or republicans?
A. All that are taught are by republicans; that is, all that I know anything about.

By Mr. BUCKNER:

Q. Are they not generally colored republicans?
A. Yes, sir; colored and white.

By Mr. ALBRIGHT:

Q. State whether the white teachers teaching colored children are republican or democrat.
A. The whites are republicans.
Q. Is there not among the democratic portion of the community a strong feeling against the white persons who teach colored schools?
A. From report there is, but I cannot say of my own knowledge.
Q. Do you know what terms are applied to these white teachers?
A. They are called scalawags or carpet-baggers, as the case may be. If he is a northern man, he is called a carpet-bagger.
Q. Is it not a fact that there are a great many colored children to be educated, and that the democratic whites are unwilling to serve in the capacity of teachers, or refuse to teach; that there are not many colored people capable of teaching; and as a necessity white people from other sections of the country are induced to come for the purpose of teaching the blacks?
A. Really, I cannot say that they did refuse to teach; I do not know that; but I know one thing, that I have never seen any of them teaching; the cause I know not.
Q. If a white man taught colored children, did not that affect him politically?
A. I think it did.

R. T. SMITH, State auditor.

Question. Give your reasons for that opinion, if you have any.
Answer. From the fact that the negroes are a very timid people. The issues here were nearly all on the color line. There were very few white people that were republicans the last campaign. I think there was more excitement here than there had ever been before. They started up the white issue, and the negroes were worse alarmed than I ever saw them, I think. I saw some from that neighborhood, and they said they could not vote unless they were protected. They said they were afraid to vote. They gave it as their opinion that they were treated in that way in order to prevent them from voting—that was their impression.

To show how justice may be administered I introduce the following:

WILLIAMSON A. GLOVER, a witness on the part of the minority, sworn.

By Mr. ALBRIGHT:

Question. State your age, residence, and occupation.
Answer. I will be seventy-one the 10th day of next March. I reside at Forkland, Greene County. I am merchandising at present. I am notary public and *ex officio* justice of the peace.
Q. Was there a judicial investigation into the disturbance that occurred between the colored men and the whites when Robinson was killed?
A. The preliminary examination with regard to the killing of Robinson was before me; and I committed the ten negroes to jail and those that were captured at the affray that morning.
Q. You committed all that had any connection with the killing of Robinson, or that were present?
A. All that we had.
Q. And you committed all that you captured that morning?
A. There were ten altogether.
Q. Was there any investigation to ascertain who killed the negroes?
A. Yes, sir.
Q. Who did it?
A. There was an investigation before the grand jury afterward, and these men were put in jail as the parties, not centering the thing upon one; but then the evidence will crop out very clearly who killed Robinson.
Q. You are talking now about your side of the case. I ask you whether there has ever been a judicial inquiry before you or any other magistrate to fin out who killed the negroes?
A. I told you there was not anything; an inquiry was made, but we could not find out.
Q. Did you subpœna any witnesses?
A. My dear sir, I was there and I was a witness myself.
Q. My dear sir, you did not hold the court there?
A. I would if they were brought up to me.
Q. But if you were one of the parties, you did not hold the court on the spot?
A. I held the court at Forkland.
Q. Will you please answer my question?
A. Yes, sir.
Q. Has there been a judicial investigation before you or any other competent authority to ascertain who killed the negroes?
A. No, sir; how could it be possible when there was twenty-five men in pursuit after negroes that had fired a volley at those twenty-five men and all of them shot—how was it possible to ascertain who killed him?
Q. You were in the party that fired?
A. I was; I didn't fire my gun until I got to the brier thicket.
Q. You were in the party when the negro was killed?
A. I was with the party that killed the negro.

This officer of justice committed the negroes, but was careful that no whites were committed. That a clear idea may be had of this affair I introduce the testimony of another witness, a democrat.

F. M. KIRKSEY, a witness on the part of the minority, sworn.

By Mr. ALBRIGHT:

Question. State your age, residence, and occupation.
Answer. My residence is in Eutaw, Greene County; I am in business here in Mobile in winter; I am fifty-seven years old; I am a planter; I have three plantations in Greene county; I am also a commission merchant.

Q. You talked about Forkland; you have no personal knowledge at all of what transpired there?
A. None in the world.
Q. Who were your informants?
A. I talked with Sheriff Steele, of Greene County, with Cole, and I suppose I talked with a dozen men, first and last. I talked with Mr. GLOVER, too.
Q. That meeting at Forkland was not a political meeting?
A. No, sir; the first I heard of it was that it grew out of this bacon affair.

By Mr. ALBRIGHT:

Q. Did the three men who went up there have any warrants to arrest anybody?
A. Yes, sir; I understood so.
Q. Warrants for what?
A. Some depredation; stealing, or something of the kind.
Q. You are speaking from information now?
A. Nothing but information.
Q. I am trying to ascertain some facts; did you hear that there were warrants to arrest anybody in particular?
A. Yes, sir; but I am not familiar with the names of the negroes down there.
Q. Do you know what the warrant was for?
A. No, sir; I won't be positive what it was for.
Q. Do you know who got out the warrant?
A. Mr. Glover, I understood.
Q. Do you know upon whose complaint it was issued?
A. I do not know.
Q. Then these colored people gathered there and resisted this man who came there with his warrant?
A. No, sir; it is all mere rumor as you hear of it. But this is the information I got. They started down there to arrest that negro, not knowing that these parties had reassembled, and went in the night so as to catch them at home. In going down they came in this crowd. They had out their guards, and they hailed them and stopped them, and one of them, Robinson, spoke, and some fellow back gave the order to fire, and as the white men broke and run they shot Robinson in the back of the head.
Q. You do not know whether they showed their warrant?
A. I don't think they had time to show it, as I heard. They did not know who they were.
Q. Was there any firing upon the negroes?
A. No, sir.
Q. *On the next morning when they went back there was a larger crowd of white folks?*
A. *Between thirteen and seventeen, I heard.*
Q. Had they any trouble in dispersing the crowd?
A. They had a skirmish.
Q. Did they fire upon them?
A. Both parties were fired upon.
Q. Was anybody injured?
A. One of the negroes was killed, I heard.
Q. You do not know that any others were injured?
A. I heard that two white men were wounded.
Q. Do you know of any negroes being wounded?
A. I don't know.
Q. Was the crowd that came out the next day the posse of the sheriff?
A. No, sir; they came out before the sheriff's posse got there. They were summoned by the justice of the peace.
Q. When the sheriff came out they had dispersed?
A. No, sir; they had a little skirmish. I don't think anybody was hurt.
Q. How many were with the sheriff?
A. Twenty-five or thirty, or maybe forty.
Q. And they drew each other's fire?
A. Yes, sir; both parties fired at a distance of two or three hundred yards. I don't think any damage was done. The colored people broke and took to the swamps.
Q. Was there any arrest there?
A. No, sir.
Q. That meeting was not held for the purpose of intimidating democrats, or to destroy the property of democrats or anybody else, as you heard?
A. No, sir.

It will be observed that Robinson was not shot at the same time the negroes were. The negroes were driven into some swamp, fired upon, one killed, but no investigation.

In the face of this state of society in Alabama, Ex-Governor Thomas H. Watts gives the following remarkable testimony:

By Mr. LUTTRELL:

Question. Are not the people willing and anxious to conduct the affairs of Alabama in a quiet and orderly and peaceful manner?
Answer. I have not the least doubt of it.
Q. Guaranteeing to every man, black or white, equal rights in every sense of the word so far as the rights of *franchise* are concerned?
A. This is my opinion, and I have so advised.

He was not sure of that, and hence he spoke cautiously. However, he is a good witness, and his democratic interrogator proceeds:

Q. Guaranteeing the right to sue and to be sued and have equal rights in our courts of justice?
A. I have no doubt of it.

No doubt of what? Equal rights or equal justice. The governor did not explain.

But, again:

Q. Is not that the sentiment of the white democrats of Alabama?
A. It is, so far as I know.

That question is a little too broad, and the willing ex-governor does not feel free quite yet to commit his party entirely, and therefore he qualifies. But now comes the main question:

Q. Are not the white democrats of Alabama pledged to promote, advance, and advocate free government and a government which will guarantee equal rights to all men, irrespective of color?
A. There is no doubt of it. The platform of the party contains almost identically that language.

It was well for the ex-governor to say that the party was only pledged. He was careful to say nothing about performance.

The democratic party were pledged to the same thing in 1872, but the democrats have done nothing toward guaranteeing equal rights to all men irrespective of color. No, indeed; not they.

The ex-governor stated in his testimony that he had prepared the address of the democratic executive committee on the 26th of August last. It is to be presumed that this address reflected his political sentiments as well as of his party.

For the purpose of contrasting the testimony of this witness with his address I introduce the following from the address:

4. The question of white or black supremacy in this State towers up giant-like in this canvass, despite all the efforts of a portion of the republican party to disguise, deny, or ignore it. The odious civil-rights bill, with its Pandora box of ills, insults, and injuries to the people of the South is a vital issue in the campaign and cannot be blinked or put aside.

Contrast this with the following from the national democratic platform of 1872:

Whereas it is essential that to just government we recognize the equality of men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the proper object of legislation to enact great fundamental principles into laws: Therefore.

And the following resolutions of the democratic convention of Lee County, Alabama, June 28, 1874:

Whereas the radical party, with a devilish purpose in its unnatural and infamous teachings, has persistently urged and pressed upon the white people of the South social equality with the blacks; and whereas these infamous and diabolical teachings of the radical party are culminating in legislation, as exhibited in the passage of the so-called civil-rights bill by the said party in the Senate of the United States and the unqualified indorsement of the same by the radical members of the House of Representatives, attempting by the strong arm of law to enforce upon the white people of the South social and moral infamy and degradation, whose gift of God is intelligence, purity, and virtue, and whose heritage is the bright sunny South:
Resolved, That all persons, whether white or black, who are the least in sympathy with the so-called civil-rights bill, or who shall in anywise lend aid to those who indorse or countenance said bill, shall be regarded by the white men of Lee as the political and social enemies of the white race.
Resolved, That nothing is left to the white man's party but social ostracism of all those who act, sympathize, or side with the negro party, or who support or advocate the odious, unjust, and unreasonable measure known as the civil-rights bill; and that from henceforth we will hold all such persons as the enemies of our race, and will not in the future have intercourse with them in any of the social relations of life.
These are the sentiments of the democrats and conservatives of Pike County, with their fifteen hundred white majority.

Now, see how well democratic negroes were treated and rewarded. It makes all the difference in the world whether a negro is a democrat or republican, so far as his civil rights are concerned. H. A. Campbell, a colored democrat, and now an office-holder under Governor Houston, testifies:

By Mr. ALBRIGHT:

Question. You addressed white democratic meetings and traveled with white democratic speakers?
Answer. Yes, sir; on some occasions, not on all.
Q. Did you eat at the same table with white democratic speakers at the hotel?
A. Yes, sir.
Q. Were the hotels kept by democrats?
A. Yes, sir; you might term them hotels. But in the country they had houses where they had something to eat, saloons and private houses.
* * * * * * *
Q. You said private houses a moment ago?
A. At Wilson's Station I ate with Colonel Blakie. Wilson's is one house fifteen miles from Montgomery.
Q. Is Wilson a white democrat?
Q. I couldn't tell his politics. I was with democrats there, and Mr. Blakie is a democrat, and Colonel Titcomb is a democrat.
Q. Did you ride in carriages with them?
A. Yes, sir; in buggies.
Q. Did you travel in any cars when you were traveling?
A. I went to Fitzpatrick's in the car that I wanted to go in, and nobody disturbed me.
* * * * * * *
Q. You were permitted to travel in a first-class car when traveling about?
A. I paid my fare and nobody bothered me.
DENNIS CROSS, (colored,) a witness on the part of the minority, sworn.

By Mr. BUCKNER:

Question. State your age, residence, and occupation.
Answer. I am twenty-nine years old. I have lived in Montgomery five years. I was raised in this county. I am now a servant at the capitol.
* * * * * *

By Mr. ALBRIGHT:

Q. You were one of the democratic speakers, were you?
A. I was, in the county.
Q. Did they let you speak at white meetings?
A. Yes, sir; of course.
* * * * * * *
Q. What other colored men were democratic canvassers?
A. Here was Cæsar Shorter; he addressed meetings; and Pike Walker, and John Kirkland, and Jack Sprivey.
Q. The white democrats said that your speeches were good?
A. Yes, sir.
Q. And they were very much edified by them?
A. Yes, sir.
Q. How much did they pay you?
WITNESS. What for; to speak?
Q. How much did they pay you for going about the county?
A. They supported us and our families while we were out.
* * * * * * *
Q. You have got an office now?
A. Yes, sir.
Q. Do they call you a carpet-bagger?
A. They better not.
Q. Or a scalawag?
A. I aint either one.
Q. While you were instructing the democrats, did they allow the colored children to be instructed? Did they furnish teachers?
A. They did not do anything of the kind.
Q. Do you know of any democrat, white man, that is teaching a colored school?
A. No, sir.

That this man was a sound democrat the following must be convincing:

Question. Do you like these people that kept your race in slavery?
Answer. Yes, sir.
Q. You like the men that kept your race in slavery?
A. Yes, sir; I was my master's property; he paid money for me, and he didn't bring me down here; other nations brought me down here and made money out of me, and I would have bought, too, if I had been white.
Q. You prefer to be in slavery and have your race there?
A. If I had been my boss I would have preferred to own them.
Q. Do you like the people who kept your race in slavery better than those who freed you?
A. Yes, sir.
Q. The Government, then, that freed you you think made a mistake?
A. I don't know.

Jacob Stringer, colored democratic witness:

By Mr. ALBRIGHT:

Question. You do not ride in first-class cars and sit at first-class tables?
Answer. No, sir; not unless it is a black man's table.
Q. Do you not think your money is as good as mine?
A. Yes; but I want to sit with my color.
Q. Suppose there were no people of your color on the cars, would you then want to ride on first-class cars if you paid as much money as I do?
A. Yes, sir.
Q. If you paid for a dinner and there was no colored man to eat with, would you eat with a white man?
A. Yes, sir.
Q. Do you not think a colored man's money is as good as a white man's?
A. Yes, sir.
Q. And ought he not to get as good a ride for it?
A. Yes, sir.
Q. And eat at as good a table?
A. Yes, sir.
Q. That is what they say about the civil-rights bill?
A. Yes; but I do not believe in mixing them together.
Q. There has been a great deal of mixing here, has there not?
A. Yes, sir.

LEWIS NEIL, (colored,) a witness on the part of the minority, sworn.

By Mr. LUTTRELL:

Question. What is your age?
Answer. Twenty-four years.
Q. You have an idea that when the democratic party comes into power the colored man will get into office?
A. Yes, sir; I believe if the democrats get into power and black men are capable of holding office, I believe they will let him have it, if he gets elected?
Q. You believe that the democratic white people will vote for the colored people?
A. Yes, sir.
Q. Have not the democrats promised that they would vote for him and put him in office?
A. Yes, sir.
Q. Do you know of this being done?
A. No, sir; none that have run have carried the county this fall; the democrats say there aint any democratic black men capable of running.
Q. For any office?
A. No, sir.
Q. You think in that way the colored people will be better, the democrats will give them office?
A. Yes, sir; I believe if they are capable of keeping an office they will give it to them as much so as a white man.

By the CHAIRMAN:

Q. You say that one of the reasons why you left the radical party is on account of the civil-rights bill?
A. Yes; it is. I do not want that bill passed.
Q. It is not passed yet; don't you know?
A. They said they were going to pass it if they got elected. If I go and get on a first-class car you would not like to see me sit by the side of your daughter.
Q. They do it up North; they sit in the cars with a colored man, and ride with him.
A. I sit by the side of your daughter? No, sir. You can't make me believe that.
Q. Ought not you to ride in as good a car?
A. Yes, sir; that is all so. But that is not the thing; me sit by the side of your daughter! May be some young gentleman who was courting your daughter would come along and see a big, black nigger like me sitting there—he would knock me over.
Q. That is your idea of the civil-rights bill?
A. That is what they said?
Q. And that is the reason you opposed the republican ticket, because they said that was to be the effect of the civil-rights bill?
A. That is what they said; that is one of the reasons. There is a lot of reasons. I cannot tell you all the reasons. I don't like the party. They said that I would have to go to a hotel and sit up before you. I could not sit at that table and eat before you; but let them all be blacks, I might eat. But I could not eat if you were to put me alongside of a white lady. A heap of them would get killed.
Q. You think a colored man is as good as a white man?
A. Yes, sir; I think he is as good as any white man.
Q. You think that a colored man ought to have just as much right?
A. Yes, sir; every man to his own notion.
Q. Does that change the color, if you have as much right as I have?
A. I have just as much right as you have, in law or anywhere else, but you must let me sit by the side of my color.
Q. If the civil-rights bill passes, they do not compel you to sit by anybody but your color.
A. They said so. I don't know. I don't like that.

By the CHAIRMAN:

Q. You are not aware that in the capital of this nation, at Washington, colored men ride in the same cars with white ladies, and sit alongside of them?
A. No, sir; I have heard them speak of that.
Q. Do you believe it?
A. No, sir; I do not believe it.

By Mr. LUTTRELL:

Q. You are a little doubtful, are you no
A. Yes, sir; I am doubtful.

By Mr. CANNON:

Q. The idea of the colored people down South, as they get it from the South, from both sides in politics, as to the effects of the civil-rights bill, is that it is to make the blacks and whites socially equal, is it not?
A. I do not know, sir, how it would be.
Q. I asked you what the idea is among the people here?
A. The way the people here said, is that the civil-rights bill makes me sit up at the table by the side of white ladies and in the cars. I asked a heap of them, and they told me.
Q. To make the negroes equal with the whites, socially as well as every other way?
A. That is what they said.

It is clear that there is no such thing as meeting out equal justice to all classes of society in the South under the existence of the present state of feeling. Declarations and promises of equal rights and justice are mere glittering generalities. It is idle to say that the negro can freely and without molestation enjoy his constitutional right; and until he can there will be no peace in the South unless we give up the contest for human rights there.

It is impossible for the negro to be secure in his political rights or to have a fair chance in the courts when leading men, democrats like Judge Brooks, of Selma, entertain sentiments like the following:

WILLIAM M. BROOKS, of Selma, Alabama.

By Mr. ALBRIGHT:

Question. You state that the jury that tried Thomas was a corrupt jury?
Answer. Yes, sir.
Q. Who was on that jury?
A. Twelve negroes.
Q. Is the fact that they were negroes evidence that they were corrupt?
A. *Prima facie* it is. I could not mention their names now.
Q. That is your deliberate judgment, that a negro being a juror is *prima facie* evidence of his being corrupt?
A. His being a negro, whether juror or not, is *prima facie* evidence that he is corrupt.
Q. The fact that he is a black man is the evidence that makes him corrupt, in your judgment?
A. Let me show you. We look, as a general thing—I should say I—I look upon all negroes as *prima facie* corrupt.
Q. Hereditarily so; a race weakness, is it?
A. They commence at a very early age, I suppose. Such is the fact here. I was born in a slave country and have owned slaves. *Prima facie* they are corrupt. Honesty is the exception.

The following testimony of Isaac Heymon shows the practical working of courts as applied to negroes:

By Mr. ALBRIGHT:

Question. Is it not a fact that the unsupported oath of a negro against one of a white man, as a rule, defeats the negro's claim?
Answer. O, certainly. If a negro had a case in court, and the witness against him was a white man, the chances would be entirely in favor of the white man.
Q. That results from the color line?
A. Of course; nothing else in the world.

By Mr. LUTTRELL:

Q. Have you ever known of such cases in this county? If so, please state an instance.
A. I cannot name an instance, because I never go to a justice's court to hear any testimony given.
Q. You then give your opinion that a court will not do justice to a colored man, simply because he is a colored man?
A. I state that the testimony of a white man outweighs that of a colored man before a justice's court in Alabama.

By Mr. BUCKNER:

Q. Is that an invariable rule, simply because a man is white?
A. I think it is, unless he was less respectable, perhaps, than the negro; was known as a reprobate.
Q. Does it not depend on the respectability of the man as to whom you would believe?
A. There is not much respectability attached to a negro, as the courts and juries claim.

Captain E. R. KELLOGG, Eighteenth Infantry, United States Army.

By Mr. ALBRIGHT:

Question. If there had been a breach of the peace—a riot or disturbance—here on the day of the election, who would have been the sufferers from it mostly; the whites or colored people?
Answer. In my opinion, judging from all past experience and my knowledge in regard to the character of the whites, the negroes would have suffered, and not the whites.

By the CHAIRMAN:

Q. You mean to say in a case of a collison?
A. Yes, sir; I think the white man is much the better fighter.
Q. He is also much better prepared, is he not?
A. Yes, sir; all the whites in this country are always prepared for a fight.

By Mr. ALBRIGHT:

Q. As a general thing the whites are prepared and the negroes are not?
A. The whites are, almost without exception, always armed; the negroes are not, as a rule. A great many of them, however, of late years, have got into the habit of carrying arms.
Q. Do you mean concealed arms?
A. Yes, sir; pistols, generally.
Q. That results from the sense of insecurity which the state of society has produced?
A. Yes, sir; to a great extent. I think that the negro is gradually learning from the whites to commit deeds of violence.
Q. What is the character of the contract system with the negroes?
A. I have had no experience in that respect since 1870. In 1870 I was on a kind of service where I had occasion to investigate a great many questions of contracts—disputes between negroes and their employers, or those with whom they had contracts—and, judging from my experience that year and from hearsay of other officers, I am inclined to think that at that time and previously there had been great injustice done to the negroes in the South by their employers. I do not mean all of them, but in a great many cases. Practically, I think there was no redress for the negroes in the courts; and I think, from observation since, without having any real experience in investigating the matters, that that is still the case in a great many sections of the country—that the negro, if there is any controversy between him and his employer, is practically without redress.

By Mr. ALBRIGHT:

Q. Taking into consideration the fact that the negro has not the fair play which he ought to have, is not his condition remarkable for observance of law and order?

A. It would be if the negro were a Caucasian; but the negro is more docile and more easily led or controlled. I am not surprised really that the negro has submitted to injuries as quietly as he has, because he was educated to submission when he was a slave, and that education he has not forgotten yet.

I am fully persuaded that if there were no obstacles in the way of negro suffrage, and if white republicans were not ostracised and proscribed in business, there would be no trouble and no violence. I am equally well satisfied that the war which is made upon republicans by democrats retards the development of the Southern States and keeps immigration, capital, mechanical skill, and enterprise away. People will not immigrate and settle in communities where they can have and express but one kind of political sentiments. Such a bigoted policy is making barren the fertile fields and depopulates the cities and towns of the South. No country can long flourish where wrongs and outrages are perpetrated with impunity and where the privileges and immunities of citizens are abridged on account of race, color, or difference of political opinions. That I am not misstating facts, I select from a mass of testimony bearing upon these points taken by the Alabama Committee:

GEORGE H. PATRICK sworn and examined.

By the CHAIRMAN:

Question. State whether or not there is a class of republicans in this State called carpet-baggers and another class called scalawags.
Answer. They are so called by general custom.
Q. State whether those are terms of opprobrium applied to certain republicans.
A. I think they are so intended.
Q. Have you ever had your attention directed to the number of carpet-baggers in this State in any way.
A. Yes, sir.
Q. Please state to the committee how carefully you have directed your attention in that direction and what facts you have ascertained?
A. I shall have to state now entirely from memory the number of carpet-baggers or northern men who are residents in the State, and that I think is not over one hundred and fifty.
Q. Have you had means of ascertaining that fact?
A. Yes, sir.
Q. How recently did you make a calculation of that kind?
A. During the last two or three years I have had constantly in my office the list of nearly, if not quite, every northern man in the State who has been in the Federal Army.
Q. State, if you know, how many of those men have occupied official positions as State officers since reconstruction.
A. There have been three northern men who have held State offices since reconstruction.
Q. How many northern men have held county offices, so far as you know, since reconstruction?
A. Some twenty-five and perhaps thirty.
Q. State how many of those have been official defaulters.
A. To my knowledge, not one. I mean to say that I have heard of no such default.
Q. Have you had means of knowing the facts in relation to that matter, and have you directed your attention to that matter?
A. I think I have.
Q. What is your business?
A. I am a practicing lawyer, and reside in Montgomery.
Q. Have you heard the charges made against carpet-baggers that they were a set of robbers and thieves and plunderers, and men imposing on the people of the South?
A. I have heard such general charges.

By Mr. CANNON:

Q. How many other than carpet-baggers have held office in this same length of time in your State?
A. There are some fifteen hundred or more county officers in the State elected by the people every two years.
Q. That would make, since reconstruction, eight years ago, between five thousand and six thousand other than carpet-baggers who have held office?
A. At least that. I am the commander of the Grand Army of the Republic, and know who the republicans are here.

WILLIAM M. BROOKS, president of secession convention of Alabama, in 1861 sworn.

Question. How many of these are scalawags, as you call them? I understand you to say that southern men who espouse the republican cause are called scalawags.
Answer. That is the common term.
Q. Whether they hold office or not?
A. Whether they hold office or not.
Q. No; I did not ask that. I simply asked whether the southern republicans were not denominated scalawags. That is a term of opprobrium and reproach?
A. Yes, sir.
Q. And so understood?
A. So understood and so intended.

* * * * * * *

A. I think those among us who are called scalawags are generally men of very low character. Of course there are exceptions, and this term of reproach is applied to distinguish them, I presume. Of course it may occasionally have some influence upon them, but whether it prevents any man from the free exercise of his judgment or not is what I cannot say. When a man joins the republican party in our midst it has an effect upon his social position. And when he joins that he must feel or realize the fact that he is giving up his social position in a great measure, not altogether so; he feels that the cold shoulder will be turned to him.
Q. How is it in his domestic relations?
A. He is not treated with the same cordiality; the cold shoulder is turned toward him; that is a fact.
Q. Is Judge White denominated one of the scalawags at Selma?
A. Yes, sir.
Q. He is a southern man?
A. He is a southern man.
Q. And a man who has given the best portion of his years to this State?
A. O, yes; he has been living here a long time. I have known him myself upward of thirty years.
Q. Northern men who come into this section of country where you are acquainted are denominated carpet-baggers, irrespective of the fact whether they hold office or not?
A. Yes, sir; if they come in they are usually denominated carpet-baggers. Sometimes when they come and buy land and settle among us they cease to have that term applied to them; it is applied to men who have no local reputation, enter into no business, and who come and go. You know how we talk together; I do not want to use offensive language.
Q. There is a feeling of prejudice against the southern men who are republicans, and against northern men who are republicans, is there not, in the democratic party?
A. Some little feeling and prejudice; not enough, of course, to treat any man impolitely, you know.

ELIAS M. KIELS sworn.

By Mr. CANNON:

Question. State whether men, either colored or white, are ostracized on account of their political opinions.
Answer. O, yes, that is almost universally the case. The white republicans and their families are ostracized.
Q. By whom?
A. By democrats. That is done in the churches and in the schools; children, even, are ostracized in the schools.
Q. On account of what?
A. On account of the political views of their parents. A man's wife, for instance, is ostracized in her church on account of the politics of her husband. If a republican undertakes to do business of any sort he is proscribed; that is very generally the case.
Q. Are there any other matters that you are aware of, of your own knowledge, touching affairs in your State?
A. I think I have about covered the whole ground.

By Mr. BUCKNER:

Q. Is that ostracism the result of politics or rather the result of a man's being a politician? Suppose a republican comes down into Eufaula, and is a merchant, and attends to his business without interfering specially in politics, is there any ostracism toward him?
A. I have no idea that a republican merchant in Eufaula could do any business.

GEORGE SHARP (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your name, age, residence, and occupation?
Answer. I am twenty-six years of age. I live now in Troup County, a mile and a quarter out of the city of La Grange, Georgia.
Q. How long have you lived there?
A. I left Alabama the last day of August last.
Q. What did you leave the State for?
A. Because the white men were trying to kill me. They shot at me on Saturday evening, the 31st of August. I lay in the woods that night, and Sunday I left, staid at Mr. Cape's house, and Monday morning I went to La Grange. On the Monday before this last I came down and got my family and moved them away.
Q. Are you afraid to go back and live at your old home?
A. Yes, sir. Since I have come back my employer told me there was no danger. Some have told me there was danger. Mrs. Blackmar told me not to stay here, however.
Q. What happened the week or two before you left—what occurred that made you go away?
A. The week before I left we had political meetings. There was a convention at Opelika. I think the democrats had a convention. They said we had a right to have our political meetings and send delegates up here to this convention. We did so. We had our meetings in the night, and they wanted to know what we meant by having them at night. We stated that we did not mean any harm at all, but we hated to meet and lose a day. They told us to have our meetings in the day, and we would have the privilege of running for any office we wanted. We had our meetings then in the day. One Thursday we had a meeting at three o'clock, at Pleasant Hill church. Several white folks were there. Pope Mangum and Mr. Piper were there at the time I was speaking.
Q. Were those democrats or republicans?
A. They were democrats. After I got done speaking the chairman of our meeting asked them if there was any insult spoken on either side, and they said no, that there was nothing said to hurt anybody, and they said that was a very nice speech for a colored man. This occurred on Thursday evening. Our large spiritual meeting was going on at the same time, and my wife's sister got ahead of me to carry her children down. I went, although I did not want to. I did not know that the white folks were making up a meeting to run on us at the valley. After I got down there I found them approaching. Bryant McCullough came to our church and called me out. He asked me what we were up to. I told him, nothing. I asked him why he asked me such a question as that. He said he heard that there was going to be a riot up there that night, and that we were going to kill the white folks. I told him that there was not a gun or pistol on the land. I told him I had one in my pocket, that my life had been threatened, and I had a right to carry it. I told him that there were not thirty men there. He saw that there was not, and said he would go back and tell the men to go home. He told us to have our meeting, and break up in peace and go home. We did so. That was still on Thursday night. When we broke up our meeting, some of the boys at our meeting went down in the valley, and they said there were about five hundred men whose guns were stacked up in the street.
Q. How far is the valley from the church?
A. About three hundred yards, as near as I can get at it. They came back, as I said, and told us that there was a club of white men going to do some harm that night.
Q. Describe the white men; were they armed or mounted?
A. Yes, sir; they were all armed; they were all riding.
Q. Were they disguised, or were they just with their common clothing on?
A. They had their common clothing on. They were drinking whisky, I was told. I did not see that. Our colored people all said they were going home, for the reason that we did not want to have a riot with the white folks. I staid out in the old field with Nathan Griffin and another, to see what devilment they were going to do. They ran down in the valley and began shooting, and then came back and set the church on fire. After it got burning well they came back, and ran up the road crying fire. The church blazed up so that we got out of the field. They were riding in the field to see who of us they could see; that was the reason we left it, the light was so bright. They said if they could run all the radicals out of that country they could live.
Q. Did they say anything else about the radicals?
A. No, sir.
Q. Did they ever make any threats to injure them or kill them?
A. Yes, sir; Wilbur Crawford and Pooch Collins came down to Mr. Terry Collins's grocery, which is in Alabama, near Chambers. It was a country store. I was sitting by the door. He came on and kicked me on the right thigh, and said, "What are you doing here?" I said I came to get Mr. Collins to shoe my horse, and he said, "Yes, God damn you, I am going to kill you for your big talking and speaking." I told him I had not done anything wrong. He then went out in the grocery room to get his whisky, and Charles Ellis came out and told me to get away, that the white men were going to kill me. Pooch Collins had a great big hickory club. Charles Ellis was a black man. I left there, asking him to bring my horse back. I had to leave my horse there and go home. They were going to kill me because Nathan Griffin and myself were delegates to this convention. They did not like that.
Q. How long before the convention was that?

A. That was the week before the convention.
Q. Did you go up to the convention?
A. Yes, sir; I was one of the delegates; this was a county convention; we were to nominate delegates, I think, to go to Montgomery.
Q. Do you know of any other church being burned on the night of the church-burning?
A. Yes, sir; I saw the Ebenezer Valley church set on fire.
Q. Who set that on fire?
A. Wilbur Crawford and Bob Tanksley.

By the CHAIRMAN:

Q. How many men? Was there a crowd?
A. Yes, sir.

By Mr. ALBRIGHT:

Q. Were they armed?
A. Yes, sir; they had their guns. They were on horseback.

By the CHAIRMAN:

Q. Were there any other churches burned that day?
A. Yes, sir.
Q. How far off were they?
A. There was another church about a mile and a half from Wacoochee Valley, beyond the Wacoochee Valley Creek. I saw the light of it, but I did not see it set on fire.
Q. Was there another one burned?
A. Yes, sir; these two that were burned were colored Methodist churches. The third one was a mile and a half beyond the valley.

By Mr. ALBRIGHT:

Q. Were those churches used for school-houses?
A. Yes, sir; this that was burned at Mechanicsville was a school-house.
Q. Did you ever use these churches for any other meetings besides religious meetings?
A. Yes, sir; we used them for political meetings. They burned them because they wanted to break us up from having our political meetings. They tried to run us off before the election came off; we had no other place to hold our political meetings, and we held them in the churches. They were our own churches; the white folks said it was our privilege to have our meetings, and we held them in our own churches.
Q. Were those frame or log churches?
A. Two of them were frame, and the Wachoochee Valley church was a log church.

When the war ended the people of the North, and especially the republicans, were desirous for peace and for the establishment of harmonious relations between the different sections of the country. They were anxious that southern plantations should bloom with prosperity, and that plenty and abundance should cover the plains and valleys desolated by the rude tread of war; and the republican party stands acquitted before the world of having done aught but acts of generous kindness toward the people who raised their fratricidal and disloyal hands to destroy and dismember the American Republic.

The legislative enactments for the Southern States by republican Congresses fully attest this, and challenge the history of civilization for a more favorable record of clemency and forgiveness. And yet for all this the leading statesmen of the republican party are held up as tyrants and pronounced craven-hearted and cowardly.

Gentlemen on the other side of the Chamber forget that many of them hold seats that they had forfeited in their efforts to destroy the Government which to-day lives and has existence among the nations of the earth by virtue of the prowess and valor of republican soldiers and through the wisdom of republican legislators, and that they are living and drawing their pay and subsistence from this "hated Government."

They forget that the republican party had the power to have confiscated the lands of the men who made war upon the Government, and could have compelled them to pay the debts contracted and occasioned by the war. Germany compelled France to pay her war debt before she withdrew all her armed legions from French soil, and the laws of war and of nations justify Germany in this.

The republican party could have disfranchised the men who bore arms against the United States and who aided and abetted them; it could through the military power have organized drum-head court-martials and tried the men who held commissions in the Army and who deserted the flag of their country and took positions in the rebel army the moment war commenced. But none of these things were done, no man was punished for treason; but all were pardoned and freed from disability with but few exceptions, and many of them since have held offices of trust and responsibility under republican forbearance and clemency. The chapter of kindness might be continued, but it is not necessary; the world knows it all and the future historian will be compelled to make faithful record of it. He will say that hundreds of thousands of men were traitors, but not one was punished for treason; that though the land was made crimson with the blood of loyal and true men, that suffering and penury and orphanage and widowhood were forced into thousands of once happy homes, but after the war was ended nobody was punished for bringing this woe, sadness, and desolation upon the land.

The historian will further say that billions and billions of treasure were expended to save the nation of our fathers, yet the taxes for the payment of the war expenses and debts fall as heavily upon the States that were loyal as on those that were disloyal, and that in proportion to the population much the greater portion of the war debt and expenses for maintaining the Government *per capita* is being levied from the loyal States.

Gentlemen forget, or seek to forget, all this, and arraign the republican party before the bar of public opinion as the great criminal of the age.

Many of the men who fought against the United States, or who were afraid to fight on either side, clamor to-day and cry out, "Away with the republican party; crucify it, crucify it!"

Well, sir; you may drive the republican party out of power; you may turn the government and control of this nation, saved by the republican party, over to the men who sought to destroy it or who sympathized with those who did, but you cannot efface the history of the last fifteen years.

You may dam up Niagara or level the Rocky Mountains, but you cannot make the soldier's widow forget her tears, you cannot make the soldier's orphan forget his father or make him believe that his father did not wear the Union blue and die in a noble cause.

You may forget to be grateful to the defenders of our free institutions, but generations to come, if this nation shall have a future, will not forget Gettysburgh, the great and historic battle of the war. It will become a Mecca for the lovers of liberty from all lands. Depend upon it, time at last sets all things even. The people will and do remember Appomattox Court-House and General Grant. Men may try to defame General Grant and call him tyrant and butcher, but when the prejudice and passion of the day shall be dissipated he will be remembered as General Ulysses S. Grant, the great soldier of the rebellion. His name will be honored in verse and in song, in bronze and marble, and will go down the stream of time as one of the great men of his age. U. S. Grant, the General of the United States Army, and U. S. Grant, President of the United States, will find his right place in history, and his name will be honored and revered when his traducers and calumniators will be unknown and the world will have forgotten they ever lived. Gentlemen need not be alarmed either about the fame of Phil. Sheridan or where he will rank among the great soldiers of his country. I doubt not the time will come when it will be universally recognized that he rendered good service in New Orleans, and that he was and is fit to breathe the air of a freeman.

Sheridan is roundly abused for using the word "banditti" in his New Orleans dispatch. Perhaps it was wrong for him to use this word in speaking of men who were and had been defying the United States laws and authority even to the shedding of blood and the destruction of life; but then he had ancient precedents, and he had a right to suppose that Washington's example would not be reprobated. In this, however, he was mistaken. Some men are losing their reverence for Washington and all respect for him as military authority.

President Washington's proclamation, dated August 7, 1794, in regard to the whisky insurrection in Pennsylvania, uses the following language:

> By circulating vindictive measures against all who should otherwise, directly or indirectly, aid in the execution of the said laws, or who, yielding to the dictates of conscience and to a sense of obligation, should themselves comply therewith by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel, humiliating punishments upon private citizens for no other cause than that of appearing to be the friends of the law; by interrupting the public officers on the highways, abusing, assaulting, and otherwise ill-treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages, employing for these unwarrantable purposes the agency of armed *banditti* disguised in such a manner as for the most part to escape discovery.

Men call Sheridan hard names who would be ashamed to have him suspect them of having done so if they were to meet him face to face. The opposition may hold their carnival now and for the moment put down the soldiers of the Republic; but they mistake the people if they think that all the reminiscences of the war shall be remembered no more. You cannot get up oblivion enough to have Libby prison and Andersonville find no place in the annals of the rebellion. The power of this Government may be used to oppress negroes and to make their condition even worse and more intolerable than it was in slavery times, and to make null and void the amendments to the Constitution which were intended to secure to them absolutely the rights of free-born American citizens; the power of the Government may be employed (and in many places State authorities sanction it now) to drive negroes out of courts and outrage justice, equity, and mercy; but think not that God in heaven will hide such iniquities and will not avenge them. The blood of negroes which the plantations and swamps have swallowed up will yet become the seed of retribution. As no sparrow falleth to the ground without the notice of the heavenly Father and as the very hairs of our heads even are numbered, so surely will God treasure up the wrongs inflicted and imposed upon the negroes for their vindication and justification.

The negro was a slave; he was and is poor, illiterate, docile, and subservient. The issues of the war made him free. He became the owner of his own manhood, the lawful custodian of his own wife and children, and entitled to the fruits of his own labor. The war did not make him a citizen however, did not panoply him with the dignity, power, and glory of an American citizen; but the republican party did do it in the face of unremitting, fierce, and terrible opposition from the democratic party and from weak and doubtful republicans. It is a historic fact that the democratic party at no time yielded its opposition to the complete enfranchisement of the negro, and to-day it is a matter of no concealment with this party that it is not reconciled to his political equality. The democratic party accepted the situation on the subject from necessity and not choice. Would the citizenship of the negro be secure with the democratic party if it had the power to take it away? This is a serious question. To us on this side of the House—to the republicans belong the responsibility and honor of elevating a chattel to a freeman—a slave to citizenship.

It was an achievement that won the admiration of the civilized world, and marked one of the greatest epochs in the world's history. It was the greatest and sublimest stride that has ever been taken by a nation. When the war was over, we proudly pointed to this as next to the greatest trophy of all. The salvation of the nation was the *first*, and grateful hearts breathed thanks to God that the Union was saved, one and inseparable, and that a slave no longer trod the American continent; and on the background of the great picture, amid the carnage and battle scenes that the war had made, were four millions of Africa's sons and daughters, and we said to them, "You are slaves no longer; the year of jubilee has come, and with it your ransom. Abraham Lincoln, the man whom Providence has raised up to be your deliverer, has sanctified his devotion to your freedom with his blood."

I have said the republicans made the negro a citizen, and to protect him in the enjoyment of his rights we enlarged the *Magna Charta* of liberty by adding thereto the thirteenth, fourteenth, and fifteenth amendments. The negro in theory is a citizen, but practically in many places he is not; he is hindered and obstructed in the full and free exercise of the enjoyment of the franchise.

Let the following testimony go into history as some of the means used to intimidate republican voters:

PRIMUS MCGEE (colored) sworn.

By Mr. ALBRIGHT:

Question. State your age and residence.
Answer. I am thirty-one years old. I live in Sumter County, three miles from Carrollton; was bred and born there.
Q. You used to be pretty active in politics?
A. Yes, sir; I used to distribute out tickets.
Q. You were one of the leading men down there?
A. Yes, sir.
Q. Were you this year?
A. No, sir.
Q. Were you there this year?
A. Yes, sir; I did not take any part, because they worked on me because I took a part before, and I was afraid to take part in it this year. They said they would take my seeds from me.
Q. Did they take one stone from you?
A. Yes, sir.
Q. You would rather hold on to that than to take part in politics?
A. Yes, sir; without more protection than I have had.
Q. You have not taken an active part in politics since then?
A. No, sir; only voting.

By Mr. BUCKNER:

Q. You have distributed no tickets?
A. No, sir.
Q. They castrated you because you distributed tickets?
A. Yes, sir.
Q. Did you go before a United States commissioner to complain against them?
A. No, sir.
Q. What was done with them?
A. Nothing was done against them.
Q. Did you ever inform on them?
A. No, sir; I did not know how to start about it; our people had such a poor way.
Q. Was the judge of probate a republican?
A. The judge is republican, but he was just as much a democrat as he was a republican, and the black man had no show at all.

By Mr. ALBRIGHT:

Q. Did not somebody come to you about a year ago and ask if you remembered what they told you?
A. Yes, sir; they were talking to me about a year ago, and asked how my Ku-Klux was getting along.
Q. Was this done in the presence of your wife?
A. In the presence of my wife and my mother; it was done at night, between midnight and day.
Q. Did they take you out of bed?
A. Four of them stood with pistols right at my head; I do not know who they were; they were all disguised. I knew four of them; I could see under the false faces they had on; there was about thirty of them.
Q. About what time was it?
A. It was in August; I do not remember what year; it was four years ago last August.
Q. Did you suffer much?
A. Yes, sir; I suffered about three months.

By Mr. BUCKNER:

Question. Why did you not leave the country?
Answer. I bought land there, me and my father-in-law together, and he is old.
Q. How much land have you?
A. Two hundred and forty acres.

JAMES SAMMONS, colored, sworn.

By Mr. ALBRIGHT:

Question. State your age, residence, and occupation.
Answer. I will be twenty-seven the 15th of next July. I live in Pickens County. I am a regular farm hand.
Q. The colored republicans voted at Carrollton?
A. Yes, sir; and there was a heap of them didn't vote at all. They wouldn't feel safe, and they were afraid to go out. If the troops hadn't been at Carrollton, there wouldn't have been a colored vote in that county.
Q. Did they get some of the colored people to vote the democratic ticket?
A. Yes, sir; they paid some of them to do it, and gave them a big dinner.
Q. State what they did.
A. They gave some of them fine suits of clothes, and some meat, tobacco, and whisky, and one thing or another to get them to vote.
Q. Did they give any of them money?
A. Yes, sir; they paid some of them money, four and five dollars to vote; that is just the way they carried it out; and then they voted in Bridgeville the way they wanted them to vote; there was no fuss there.
Q. State what the condition of these men is, whether it is safe for them in that neighborhood who voted the republican ticket since the troops have been withdrawn.
[Mr. BUCKNER objects to the question.]
A. I know myself, and I can prove it, that I haven't slept in my house three night since the election, and it is pretty much that way all through that country; and these that do sleep in the house have got fall doors.
Q. Where do you and other colored men sleep at nights?
A. We dodge about and sleep in the fields and cotton-houses and one place and another; and when we do sleep in the house nearly every man in that section has got a plank sawed off somewhere, so that when they come to the door they can raise that up and slip outside.
Q. Is the reason why you are in this state of fear because you voted the republican ticket?
A. Yes, sir.
Q. Have any of the men that you know of been abused at their houses since the election?
A. Not right exactly where I live at.
Q. Do you know of any in the neighborhood, or of any reports of any in the neighborhood?
A. It isn't right exactly in that neighborhood. I couldn't state more than I have heard some men say who have been right there; they ran in there, I think, about two weeks ago, some twenty of them, up there at Spring Hill.

Mr. Speaker, have we come to this point in the history of this matter, that although we had the power to free the slave and endow him with citizenship, yet we are powerless or unwilling to protect him in the free exercise of his constitutional rights; and that in consequence of his ignorance and inexperience he may be intimidated and defrauded of his vote and we have no power to protect him, notwithstanding the fact that the Constitution expressly declares with regard to the amendments that "the Congress shall have power to enforce by appropriate legislation the provision of this article."

Do we confess that we recognize the truth of the wrong which prevails and is practiced toward the negro, and also the white unionist of the South, but that we are powerless to help him, and that we are willing therefore to consign him to his fate; or do we confess our unwillingness to move further in the defense and protection of the rights of outraged citizenship, and that we yield up the contest when the victory is scarcely half won?

Is this the proposition of American statesmen? Then, sir, what are your constitutional amendments worth? Of what use is a constitution that makes the promise to the ear and breaks it to the hope? Is it possible that you can find power in the Constitution to declare war, levy taxes, lay duties on imports, coin money, provide a national currency, and pass laws upon all conceivable subjects and find means to enforce them, but can find no power to protect American citizens upon American soil in the enjoyment and exercise of their constitutional rights in all sections of the country, without regard to "race, color, or previous condition of servitude?" If the reply to this is that we have the power but do not care to exercise it, then we acknowledge that we abandon the constitutional amendments in the interest of human freedom, and we acknowledge further that we consent to sacrifice the very principles we gained on the field of battle and in this legislative hall.

I warn my friends that this is not the occasion nor the hour when we should falter or hesitate in the great struggle for the common rights of man. The greatest victories and fairest fields have often been lost by cowardly retreats or faltering and hesitating counsel in moments of great and sublime emergency. To do right is always proper; to do wrong, never. Is it right to maintain constitutional liberty upon every inch of American soil whenever violated? Then let us see to it that the humblest citizen, be he white or black, may feel that back of him are a million of armed men with ready muskets and gleaming swords, if need be, to protect him, if in his person the Constitution is assailed.

Citizenship is the greatest privilege and most sacred right of the political man, and has been from the time of imperial Rome until the dawning of this Republic, and the highest function of a free government is to protect the citizen in the rights guaranteed to him in the Constitution, and if it fails in this, it fails in its highest office and proudest mission.

As a government we have assumed in the most solemn manner to guarantee to each citizen the fullest enjoyment of his rights, and we cannot long maintain the nation in its integrity and entirety if we fall short here.

Some men talk and argue as if the recent amendments were mere sentiments rather than fundamental principles of right and justice, and they are disposed to treat them more as abstractions than as representing living and vital issues. If these men are right, then the amendments are dead letters and bitter fruit in the Constitution, and they stand forth boldly as monuments of legislative folly instead of legislative wisdom, and they are but the symbols of mockery. Well may the negro say that Lincoln had better never have dipped his pen in ink to write his name to the emancipation proclamation; better the attempt had never been made to clothe him with citizenship and refuse to protect him in the free exercise of this prerogative. Well may he say, after all his sufferings and pantings for the exercise of a great right pertaining to his manhood, that as he is now enabled to enjoy it, it is after all but a snare and delusion.

Mr. Speaker, I believe we have the power under the Constitution to absolutely secure to every citizen the full and free exercise of the franchise and the equal protection of the law in every State, county, city, or hamlet of this country by "appropriate legislation." It is only a question as to how much force is necessary. Having the power, the correlative of this proposition is true, that we ought to employ it until American citizenship becomes the synonym the world over for equality under and before the law, and until the name, as did that of "Roman citizen," carries with it its own vindication when

outraged upon American soil or where the American flag has a right to float.

What is "appropriate legislation?" It is fit, peculiar, suitable legislation, adapted to the case, to provide a remedy for the evil or means to secure the ends.

The bill before the House is "appropriate legislation" under the Constitution as well as necessary, and is intended to secure to the people of the South, without regard to race, color, or previous condition of servitude, all the rights which any citizen may enjoy in Maine or in any other section of the country. Most of the provisions of the bill may be enforced in all parts of the country, and the application of the law can be made whenever necessary.

The first section of the fourteenth amendment to the Constitution is in these words:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This section is intended to hold a State in check; and if a State by its laws should infringe upon or violate this provision of the Constitution, such State would cease to be republican in form, and the power of Congress would be plain and the duty clear to interpose the majesty and force of the General Government in behalf of the citizen whose constitutional rights were invaded by the State government.

Nobody questions the authority of the General Government over the State when laws are made or enforced which abridge the privileges or immunities of citizens of the United States. Take the opposite of this proposition. Suppose there are laws upon the statute-books of the State for the purpose of enforcing the privileges and immunities of citizens of the United States and for the purpose of preventing any person from being deprived of life, liberty, and property without due process of law, and to secure to every person within its jurisdiction the equal protection of the law; but suppose the State does not enforce these provisions or suffers them to be violated in many or few instances, here the State government would be republican in form, but the guarantee of the fourteenth amendment would be violated. Now, is it contended that Congress could not by "appropriate legislation" meet this case or cases like it? If so, then you admit the right of nullification and the doctrine of State rights, and the General Government is barred from enforcing its own Constitution and laws.

Again, how stands the case if the privileges and immunities of citizens of the United States without any State legislation are abridged by the action of some of the citizens thereof? Do you answer that you have power to punish the State for hostile legislation, but not the individuals who violate the Constitution of the United States without the legal sanction of the State for their acts? In other words, is it contended that the General Government has power over the State when she passes or enforces laws in violation of the constitutional amendments or laws of the United States, but not over citizens when they violate the provisions of the same? The corollary must be clear, then, that the authority of the United States is supreme over the State in case of hostile legislation against the United States and also over the individuals of a State for the infraction by them of the Constitution or laws of the United States. The only safe ground to hold and occupy upon this question is, that whenever the rights of a citizen of the United States are invaded in any State by the State or individuals thereof, it is the duty of the General Government by appropriate legislation to secure to him such rights, and to use and employ the military and naval power of the Government to enforce them when necessary. A government becomes contemptible that does not exercise all the power necessary to enforce its own laws. Force is the only weapon that a government can use against those who violate its laws, and it is time that this great question should be determined to the terror of evil-doers. Let it be understood that the laws will be enforced in all sections of the country at all hazards and without regard to cost, and that the whole power of the Government will be employed to accomplish this, and you will have peace, security, and fair elections. If, however, it is understood that the Constitution of the United States is an expanding and adjusting sort of an instrument, and that, when set at defiance in any State by formidable combinations or otherwise, and citizens are shorn, stripped, and deprived of their high prerogatives, no power or force is interposed to right the wrongs of the downtrodden or to protect them in their proper privileges, then this boasted Constitution will not always be the bond of union between States. When the rights of a citizen of the United States are assailed the United States itself is assaulted.

Let it be known that a citizen has rights under the Constitution which are guaranteed and which the Government is bound to enforce, and our institutions are safe from within at least.

The safety and perpetuity of our institutions depend more upon free and fair elections than on anything else, and in no other direction ought the strong arm of the Government to be more firmly employed and exercised. Without this the guarantee that no State "shall deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," amounts to but little. To deprive a citizen of the free exercise of the franchise is to take away from him "the equal protection of the laws," because if he is not permitted to enjoy this the greatest boon of citizenship he does *not* enjoy the equal protection of the law. If this guarantee is not sacredly maintained our free institutions cannot be continued, because "the consent of the governed," when thus outraged, will be wanting. The solution of our southern troubles resolves itself into a single question, Can they be, and are the constitutional rights of the colored people secured practically, without aid from the General Government? Has the obligation of the Government ceased simply by incorporating certain amendments in the Constitution, and is there no responsibility beyond the letter of the law; or do we not, by virtue of the constitutional amendments, assume and say to the colored people, "We will see to it that you shall without violence, fear, or intimidation enjoy these rights?" There is little that you can do for the colored people of the South except as it is accompanied by force; laws upon the statute-books, unless you provide the means to execute them, afford no relief, and the only force that I know of that can be made effective is the military arm of the Government. There is often need of the military to aid the civil officers in many places to execute their process, and it is not so shocking a proposition as some imagine. This was done in Brooklyn and Philadelphia in connection with illicit distilleries a few years ago.

It may be unpleasant and undesirable to employ the military, but how else will you give effect to the constitutional amendments or enforce the laws when resisted? The Government assumed to guarantee to the negro certain great privileges when it forced citizenship upon him, and to desert him now would be worse than Punic faith. The negro would be better as a slave than to be abandoned now; and if you give up at this point, what becomes of the boasted fruits and victories of the war? Ah, yes, you can point out your national cemeteries where are arranged in military lines the graves of the dead patriots of the war. You can say when you strew flowers on their graves that after all they have died in vain. You can point to your long pension lists that swallow up $30,000,000 annually, and say that you remember the dead soldiers. The purposes of this bill are to secure fair elections, to preserve State governments from overthrow or subversion, and to enforce the guarantees of the Constitution. The principal objection is against the last section, because it authorizes the suspension of the writ of *habeas corpus* and this is charged as an invasion of civil liberty. Perhaps there are men who have a higher appreciation of personal liberty than I, but there are none who will go further to maintain it.

A careful reading of this bill will show that the safeguards around the provisions of this section are ample. The suspension of the writ is to be in the interest of liberty and human rights. I am told that it may be abused by the President. I admit this, and reply that the same is true of the Constitution and the laws passed under it. But are you justified in refusing to do a necessary thing because there may be an abuse in the exercise of the discretion vested in the President? The Constitution, which gives great power to the President, and which he may violate and abuse, also authorizes his impeachment; and I verily believe that any President who would oppressively use this discretion in the suspension of the writ of *habeas corpus* could and would be more speedily and successfully impeached than for any other high crime or misdemeanor. The very fact that such power is lodged in the President would to a great extent obviate any necessity for its use, and make the President all the more prudent and careful before taking so important a step or exercising so great a responsibility. Clothe the President with that power, and I believe you at the same time remove the exigency for its use. The fact that the power is liable to be employed at any time will exercise a conservative, restraining, and wholesome influence upon persons who might otherwise be disposed to set at defiance the laws and authorities of the United States. You have it in the Constitution that the President shall "take care that the laws be faithfully executed," and in the oath of office as prescribed in the Constitution the President is required, "to the best of his ability, to preserve, protect, and defend the Constitution of the United States." This oath embraces all laws, treaties, and statutes.

Let me inquire whether it is just to legislate upon the presumption that the laws passed by Congress will not be fairly executed by President Grant or any subsequent President? It is an unjust aspersion upon any present or prospective official to oppose the passage of a law because there may be abuse in the execution of it at some time. If that were a sound excuse, it would be the best reason I have heard of yet for not passing any law, and I wonder this objection is not constantly interposed and heeded. Why did not the chairman of the Committee on Ways and Means apply this argument to his tax bill and tell the House that there is no use in putting a tax on whisky or tobacco because somebody will abuse the law and cheat the Government? Why does the chairman of the Appropriation Committee not take his stand on this ground and sound a halt on appropriations for the reason that there may be abuse in the use of public money?

Who denies but good may come from a suspension of the writ of *habeas corpus*? It saved South Carolina a few years ago. Human life and liberty may be preserved thereby and the peace and good order of communities maintained. But, say some, the President may violate his oath and suspend this great writ at a time and place and under circumstances not demanded by the exigencies of the case, and therefore the power ought not to be granted to the President. That

is the point and strength of the whole argument; but it is not the argument of the statesman, but rather of the special pleader begging the question. You might as well argue that a man ought not to travel on railroads because the cars may run off the track and hurt somebody. But there are two other objections; not to the principle of the section itself, but to the time and extent of its operation.

First, it is urged that there ought to be a limit as to the time in which the President should exercise this power. The difficulty about fixing a limit as to time is that you do not know when the necessity for it will cease; I would not limit it to the present Executive, because I have confidence that the successor to the present Chief Executive will not abuse the powers granted in this section. I am willing to trust the next President, be he republican or democrat; besides, if experience demonstrates that the use of this power works oppression, wrong, and injustice, Congress can repeal or alter it. I would not by a limit of time seem to reflect upon the President to be inaugurated in March, 1877. I would not limit the operation of the law to one or two States, because the powers that are intrusted to the discretion of the President it may be necessary to use in a State or Territory not thought of now. The true thing to do is to make the law general. I do not want to say that it is to be used in one section of the country alone, because to name the States would be almost directory as to those States. I want the President to have power to use it in any State or part of a State in this Union when necessary, and I hope that the time may never come when it will be necessary for the President to exercise the power conferred upon him by this section.

It ought to be borne in mind that since the war we are legislating under altered circumstances, which compelled changes in the Constitution and which require new and appropriate legislation that could scarcely be anticipated before. By the constitutional amendments four millions of human beings were guaranteed liberty to themselves and posterity forever. It should not be forgotten that the fourteenth amendment did not receive a single democratic vote in either House of Congress, and that in consequence our own obligations are multiplied. The constitutional amendments became party measures and now it becomes the most serious question of the day whether this Congress will follow up by appropriate legislation the work commenced and inaugurated by the Fortieth Congress, even to a suspension of the writ of *habeas corpus*. It may be necessary to do this very thing to secure liberty in the South. Is this a time to hesitate and forget a just duty?

The changes which have been and are still being made in our social and political affairs demand corresponding changes in the laws of the land.

That Congress has the power to pass this bill I believe is conceded. The real question is as to the necessity; and with a view of throwing some light upon this point as to Alabama I introduce the following testimony:

First Lieutenant Thomas McDougall, Seventh Cavalry United States Army, stationed at Greensborough on election day:

Question. From what you learned of the condition of the community, in your judgment was the presence of the soldiers there calculated to prevent difficulties between the people?

Answer. I think so.

Q. Is it your opinion that if you had not been there with your troops there would have been trouble about politics and the election?

A. Yes, sir; there would have been a difficulty if the troops had not been there, from what I could understand of the condition of the parties.

Q. If anything was said to you by democratic politicians in regard to their purpose about the negroes voting, please state it.

A. I can only state casual conversations with different parties, whose names I cannot give. They said the least word from those negroes would bring on a difficulty on both sides, and that they were tired of being subjected to a rule of that kind.

Q. What was said to you, if anything, by democrats after the election, as to what would have occurred if you had not been here?

A. If I had not been here, that the crack of a whip would have brought on a serious difficulty among the negroes and themselves on the day of election.

Q. During your stay in that community, what was the conduct of the negroes?

A. They appeared to be very quiet, and there was no trouble at all.

By Mr. LUTTRELL:

Q. What was the conduct of the whites during your stay there?

A. Very quiet also, except they were quite bitter in that town against northern people generally.

G. B. RANDOLPH sworn and examined:

By the CHAIRMAN:

Question. State what was the tone of the democratic press, including the Mobile Register and other papers in the State, toward you for making these arrests under the process of the United States courts, as you were bound to do?

Answer. It was as abusive as it could be. They have abused me; called me deputy handcuffer, and everything.

Q. These abuses and these epithets have been heaped upon you before even an examination of the prisoner?

A. Yes, sir.

Q. As I understand, you were an officer executing the process of the courts?

A. Yes, sir. I had warrants for the arrest of these parties three or four weeks before I arrested them.

Q. Have you ever been in Pickens County?

A. I was there last week.

Q. What state of feeling did you find there?

A. I found the negroes, as a class, were intimidated, and were in as bad a condition as they possibly could be. I think they are in a worse condition, and they say so themselves, than they were in slavery.

Q. Is this intimidation on account of politics?

A. Yes, sir. They begged of me, thinking I had some influence, to get the Government to buy land and locate them somewhere, saying they would be willing to work for the Government for their victuals and clothing, and give up all the profits of their earnings.

Q. What is the truth as to the negroes in these counties of which you have knowledge and of which you have spoken as to their chances for justice in the State courts?

A. There is no justice in the State courts for the negro in those counties, and no relief or protection for them, in my opinion.

Q. Why is this so?

A. It is on account of the prejudice of the democrats against the colored man's politics. I made a trip lately through Tuscaloosa County after some illicit distillers, and met negroes there in as bad a condition as they were in Pickens County. I had one old man as a guide. He told me that he had bought a tract of land and made part payment on it, asking my advice about taking it all. He said he had paid a thousand dollars, and then said to me, "I have understood that we are going to have democratic rulers and that the democrats are to be in power." He wanted to know if it would be safe for him to stay. I told him yes. He seemed to be afraid of being taken into slavery again. I asked him if he had voted. He said no. I asked him why. He said that a committee of white men waited on him and all the other negroes around his section and told them that they could not vote if they did not vote the democratic ticket.

Q. Then, from your knowledge of these counties of which you have spoken, you are satisfied that there is no protection either to life or property for this class of men?

A. Yes, sir; I am satisfied that no republican can obtain justice in any of those counties of which I have spoken, unless, perhaps, it is Marengo County.

JAMES BROWN, sworn and examined.

By Mr. ALBRIGHT:

Question. Judge Buckner has asked you what you heard about reports. Did you not hear that colored people were whipped and driven from their homes, so that they had to go out in the swamps and woods because they were republicans?

Answer. Yes, sir.

Q. What people did you hear that went into the swamps?

A. There is old Jim Tweedy. He lived on our place. He was carried out from his house one night and tied up to a tree and whipped.

Q. Who did he say did it?

A. He said the white people in his neighborhood did it.

Q. What was he whipped for?

A. I do not know.

Q. Do you know of anybody else?

A. There is John Lee.

Q. What was done to John Lee?

A. He was shot all to pieces.

Q. Do you know of people going out in the woods and swamps about the time they rode around there after Bob Reed?

A. There is Bob Johnson, a colored man, had to leave his own place and lay out in the woods.

Q. The white people say that they will kill the colored people?

A. Yes, sir; they say so, and they say it big, too.

Q. Are the black people whipped and driven from their homes or shot, that you know of?

A. There is a heap about through the country that I don't know the names of.

Q. Do the white people whip and drive into the woods the black democrats?

A. No, sir; they don't whip them. I never heard tell of one of them being whipped.

Q. All these men you know of who have been whipped and punished are colored republicans?

A. Yes, sir.

ARTHUR BINGHAM, late treasurer of Alabama, and editor of State Journal, sworn and examined.

By the CHAIRMAN:

Question. Have you any knowledge, direct or indirect, of an organization called the White League?

Answer. None whatever except what I have seen published. I published their constitution, which was furnished to me by one man who said that he had once belonged to them.

Q. Has that man made his name public?

A. I did have his name, but what I have done with the memorandum I do not know.

Q. How long since did you publish it?

A. I think in August. I believe it was immediately after the killing of Mr. Billings, which occurred on the 2d day of August.

Q. Have you any reason to believe that there is such an organization in existence now?

A. I have.

Q. Can you give us an idea of the numbers and purposes of their organization as set forth in the constitution as published?

A. As published, they are sworn, where any of them get into trouble, not to regard their obligation in courts; to clear one another by all means; and are sworn against the black race.

* * * * * * *

Q. The governor's guards of Talladega were organized under the laws of the State?

A. Yes, sir.

Q. How do you know that republicans in that organization were asked to leave?

A. I know because one of my own family was a member?

Q. Did he leave?

A. He did.

Q. Were there not white republicans enough in that part of the State to form an organization?

A. No, sir.

M. C. OSBORNE, a prominent citizen of Mobile.

By the CHAIRMAN:

Question. How long have you lived here?

Answer. I am a native of Ohio, and I have lived here since 1865.

Q. How long do you expect you will have to live here before you will cease to be called a carpet-bagger?

A. I do not know. I have been here nine years, and they still call me a carpet-bagger.

Q. Do you not think you will be called a carpet-bagger by them as long as you vote the republican ticket?

A. I do, indeed.

Q. State whether it is possible in this State to have a free and fair election without the presence of United States troops.

A. It is not.

Q. State whether it is possible to maintain republican government in this State without the presence of the United States Army.

A. I think not.

Q. What are your reasons?

A. Just such work as was done here on the day of election, and such as I know has been done through the country.

JAMES GILLETTE sworn and examined.

By the CHAIRMAN:

Question. State your name.
Answer. My name is James Gillette.
Q. What official position did you occupy during the election?
A. I was United States commissioner and chief supervisor, under the act of Congress of 1871. I acted in that capacity.

* * * * * * *

Q. You are satisfied that no State government can be maintained here without the aid of the United States Government?
A. I do not say that.
Q. Do you mean to say that a State government can be maintained?
A. Yes, sir.
Q. Do I understand you to say that you are satisfied no fair election can be held in the State without the aid of United States troops?
A. No, sir; not without the intervention of United States authorities.
Q. Do you not know that the very fact that the United States authorities interfere with the local elections in the State of Alabama has been the means of creating excitement and prejudice in the minds of Alabamians?
A. I think that the prejudice and excitement would be much greater without the protection given by the General Government.
Q. Do you mean to say that the people are not qualified to govern themselves?
A. I mean to say that at this particular juncture of affairs the protection of the United States authorities is necessary for good government in this country.
Q. Do you mean to say that the people of the State of Alabama are not qualified to govern and regulate their own affairs without the interference of United States authority either civil or military?
A. At the present juncture I should say that they were not.
Q. You mean to say, then, that Alabama is not possessed of intelligence sufficient to manage her own internal affairs without the intervention of the United States civil and military authorities?
A. I do not wish to say that the people of Alabama are not intelligent enough; but the Government has passed certain laws conferring the elective franchise upon a certain class of citizens, and there is a prejudice against those laws. If the Government intends that they shall be enforced, although the people are intelligent enough if they desired to enforce them, it is necessary under the present circumstances that the United States authorities should remain in the State in order that those laws shall be carried into effect.

* * * * * * *

Q. State whether a peaceable and orderly State government can be preserved in the State of Alabama, in your judgment, without the presence of United States troops, with protection to men of all ranks and classes of society.
A. In my judgment the presence of the United States authorities is necessary in order to secure good government in this country, and will be necessary for some time to come under the recent legislation of Congress increasing the number of citizens and conferring the elective franchise on the colored people. My opinion is that it is necessary that the Government should protect them in their rights until such times as those rights are generally acknowledged by all classes of people.

C. F. MOULTON, ex-mayor of Mobile, sworn and examined.

By the CHAIRMAN:

Question. How many colored men were excluded from registration, as you understand?
Answer. I suppose at the seventh ward, judging from former elections, that six or eight hundred were excluded.
Q. The question came up whether the colored men have been treated fairly or not recently in this State. Within your knowledge, has a white man ever been convicted for the murder of a colored man in the State of Alabama?
A. I never heard of such a case since their freedom.
Q. Can white men carry concealed weapons and colored men carry concealed weapons upon the same terms in this country?
A. Yes, sir; it is illegal in both cases.
Q. Have there been resolutions passed by democrats to employ colored men who vote the democratic ticket in preference to republicans?
A. Yes, sir.
Q. And state whether the conduct and action of the democrats and of the democratic party is not toward the protection and employment of colored men who vote their ticket.
A. Yes, sir.
Q. State whether men who vote the republican ticket are not proscribed by democrats in their employment.
A. Yes, sir; that is a notorious fact.

By Mr. LUTTRELL:

Q. Do you know of any person having exercised such proscription?
A. Hundreds in this city.
Q. Can you give the names?
A. I do not remember names, but it is so public a matter that I could go to the newspapers and get resolutions. It is a fact that never would be denied by an intelligent gentleman of Mobile.
Q. Can you find a single white gentleman in this city who has discharged republican negroes for voting the republican ticket and employed negroes for voting the democratic ticket?
A. I have known them often to discharge men for voting the republican ticket. I do not know that they employed others in their places.

D. C. RUGG, of Mobile, sworn and examined.

By the CHAIRMAN:

Question. State whether or not the tone of the democratic newspapers here looked toward personal violence and intimidation.
Answer. The tone of the newspapers has been very violent; it has been so constantly, in fact, since reconstruction. For instance, I recollect one leader in the Mobile Register which particularly struck my attention. It appeared in the paper of April 25, 1874. In that article assassination was openly defended and advocated as a means of getting rid of the element in the community which was antagonistic to the democratic party.
Q. State whether the presence of soldiers in the community or anywhere in the State where you are acquainted intimidated democrats from voting according to their sentiments?
A. Not in the slightest degree.
Q. In this town did they have any effect whatever?
A. Not the slightest in either direction.
Q. State whether or not it is possible to have fair and free elections in the State of Alabama without the presence of soldiers in the State hereafter or at the present time.
A. I do not think it is possible; and I hardly think it is possible even with Federal soldiers here to-day. Certainly not.

JAMES D. WELLIFORD, sworn and examined.

By Mr. ALBRIGHT:

Question. In your judgment, can the laws be executed in Sumter, Pickens, and Butler Counties without the aid of troops?

[Mr. BUCKNER objected to the question.]

Answer. They cannot.
Q. To attempt to do so would be dangerous to life?
A. I think so. I know it. I think I will take as much risk as any one, and I would not like to do it without assistance.

By Mr. BUCKNER:

Q. What counties do you say the laws cannot be executed in?
A. The laws cannot be executed in Sumter, Pickens, Greene, and Covington. These are the counties I have had experience in, and I know all about them.

By Mr. ALBRIGHT:

Q. What did Mr. Lindsay, a democratic member, tell you on that subject?
A. I was up there in Tallapoosa County for the purpose of serving some papers, and I met Mr. Joseph Lindsay, an ex-member of the Legislature. He says, "Are you not afraid to ride up here by yourself?" I said, "No; I am not. I don't think there is one man in a thousand would shoot another man from behind the bushes, and that is the only way I am afraid of them." He says, "You are in great danger." I said, "Why do you think so?" He said, "I heard a man say you could not live long in this community if you came up here to serve papers." But I have been back there since and have not been killed. I was resisted, though, the last time I was there to serve papers.
Q. Will you state what effect your political course has had on you socially?
[Mr. BUCKNER objects to the question for the reason that it is not within the purview of the resolution under which the committee is acting.]
A. I am ostracized without any other reason than my political opinions, because I serve the United States Government. Recently at my boarding-house I noticed one of the boarders did not speak to me after making these arrests in Eufaula; on leaving the boarding-house I remarked that Mr. Barker did not speak to me.
Q. Is Mr. Barker a democrat?
A. Yes, sir; a rabid democrat. The landlord said, "We hate to tell you, but they are all down on you for arresting white men, and I wanted to let you know it, but I hated to tell you. We consider you the most of a gentleman of anybody that ever boarded at our house, and I hate to lose you." I then went to another boarding-house, and nothing was said or done there. I have never had a direct personal insult offered me, but I could see the cold shoulder at that other house, and left it.
Q. Have you had any conversation with John Ardis, a democrat?
A. Yes, sir; while in Sumter County making arrests I had a subpœna for John Ardis and called on him between midnight and day; the old man was very much agitated. He is an old negro. I told him not to be alarmed. "Why is it you are a democrat? That is singular for a negro to be a democrat." He says, "I see the blue-coats now, and I will get protection. I have been obliged to be a democrat to save my own life."

Let us learn that progress is stamped upon everything; and that for a party in this age to halt in the march of great events is to go backward, or like an army withdrawing from the field just at the moment when victory is about lighting upon its banners. Let it be remembered that, as the hand printing-press has given way to the steam-power, the post-boy to the electric current that encircles the globe, the flint-lock musket to the breech-loading repeating rifle, the hand-loom to the mighty power-loom whose shuttles never cease, the rush and tallow candle to the brilliant gas, so old laws in the interest of human rights must yield and give place to newer and better ones and that prejudices in favor of the old must give way to the new.

This bill, however, is objected to by some one because it is to be a declaration in favor of a third term. Well, sir, the man who sees a third term in this bill has a prescience that is not often found in a human being, and certainly not in a Congressman; but certainly the man who can by any possible reasoning or construction see such a thing in this bill is justified in voting against it.

The reports of the various southern investigating committees abound with the evidences of outrage, violence, intimidation, murder, destruction of business, property, churches, and school-houses on account of men being republicans. It shows that men and families are ostracized and proscribed and driven out of business all over the South for being republicans. That many of the State governments are unstable and insecure, and would have been overthrown but for the presence of United States troops, and that some are only now maintained because of fear of the United States authorities, cannot be denied. Take from the South the few troops that are there, and you invite revolution, destruction of State governments, anarchy, usurpation, and bloodshed. I am not sounding a false alarm, nor am I unfriendly to the South. No unkind feeling pulsates in my heart toward the southern people, but I want a just and fair government for southern States that will protect all classes of citizens in their constitutional rights, and to secure them I would use the entire power of the General Government to suspension of the writ of *habeas corpus* when necessary.

Republicans should remember that when the party was bold and aggressive in its policy of right and justice the people trusted and sustained it; but when it commenced to apologize for wrong and hesitated in doing right, decomposition and dissolution set in; and unless we come up squarely to the protection of outraged citizens and the defense of the Constitution we cannot stop the work of disintegration that is going on, and it will be written of the party "Weighed in the balance and found wanting."

I am anxious to save the great republican party that has done so much to advance civilization and to elevate the standard of liberty. There are men to-day who think they stand at the doors of power and greatness and expect to enter in, but the hinges of those doors will never turn for them if they fail in their allegiance to the principles that have made glorious the history of the republican party. Tantalus-like they will see the fruit before them, but when they stretch out their hands for it, it will turn to ashes. Mr. Speaker, let us stand up for the principles of equality before the law, be true to the early mission of our party, and not give up the struggle until the rights of American citizens are protected and secured everywhere in this broad land, and God will be with us.

Mr. WILSON, of Maryland, asked and obtained leave to have printed in the RECORD as a portion of the debates of the House some remarks which he had prepared upon the pending bill. (See Appendix.)

The SPEAKER *pro tempore*. The gentleman from California, [Mr. LUTTRELL,] a member of the committee reporting the bill, is entitled to the floor for one hour.

Mr. SPEER. With the permission of the gentleman from California [Mr. LUTTRELL] I will move that the House now take a recess until to-morrow morning at ten o'clock.

Mr. HARRIS, of Virginia. We had better adjourn.

Mr. HAWLEY, of Connecticut. I have another suggestion differing slightly from either that has been made, and I would like to make it now if the gentleman from California will permit me.

Mr. LUTTRELL. I am willing to yield for any suggestion, provided it does not come out of my time.

The SPEAKER *pro tempore*. It will not come out of the gentleman's time.

Mr. HAWLEY, of Connecticut. The gentleman from California as one of the committee reporting the bill is by usage of course entitled to an hour. I understand that he has awarded some of his time to gentlemen who are too ill to be present and speak now. He does not wish to lose his right to the floor. Suppose that instead of now adjourning until to-morrow, or taking a recess until ten o'clock, the gentleman yields the floor now so as to permit other gentlemen who desire to speak, and who would not get an opportunity to do so to-morrow, to have an opportunity to address the House to-night. I understand that the other committee-men who will be entitled by usage to be recognized have awarded a portion of their time to their friends.

Mr. SPEER. If that can be done, I will withdraw my motion for a recess.

Mr. LUTTRELL. With the understanding I suppose that on to-morrow I shall be entitled to the floor, and then the gentleman from Illinois [Mr. CANNON] a member of the committee will follow me. I have awarded a portion of my time to members not on the committee, and I presume I will be first entitled to the floor to-morrow.

The SPEAKER *pro tempore*. The present occupant of the chair responds by saying that in all probability he will not be in the chair to-morrow and cannot recognize any attempt to make an arrangement for the order of debate to-morrow?

Mr. HAYS. How much time will the gentleman from California have to-morrow?

The SPEAKER *pro tempore*. The gentleman will be entitled to an hour.

Mr. HAYS. How much time will be given to the other side?

Mr. LUTTRELL. The gentleman from Illinois [Mr. CANNON] will be entitled to an hour, and after that it will be for the House to determine how much more time will be allowed for debate.

The SPEAKER *pro tempore*. No limit has yet been assigned by the House for this debate. The Chair thinks he can safely say that the gentleman from California will be recognized to-morrow as entitled to the floor.

Mr. CESSNA. In order that silence may not be construed as giving consent to any arrangement which gentlemen may desire to make, I wish to say on my own behalf at least, and I think on behalf of many others, that there will be an earnest effort made to-morrow to call the previous question on this bill at twelve o'clock, or at the latest at one o'clock.

Mr. RANDALL. The notice distinctly given was one o'clock.

Mr. CESSNA. I know that one o'clock was named, but gentlemen on the other side refused to agree to it.

Mr. HAWLEY, of Connecticut. If there is to be any disposition on the part of any one to object to the proposed arrangement, I beg the House to remain longer to-night for debate. I want to say something, and so do other gentlemen.

Mr. CESSNA. That is just what I want, precisely.

The SPEAKER *pro tempore*. The gentleman from California, as a member of the committee, will not in all probability lose his rights. The present occupant of the chair cannot say so positively of his own knowledge; but he thinks he is safe in giving the gentleman that assurance.

Mr. LUTTRELL. Then if I shall not lose my rights to-morrow, I will give way now and yield the floor to other gentlemen who desire to speak.

Mr. CONGER. I object to any arrangement by consent to-night.

The SPEAKER *pro tempore*. The Chair has not recognized any attempt at making an arrangement. The Chair has the right, however, to respond to the inquiries of gentlemen on the floor.

Mr. CONGER. In the present arrangement of the business here, contrary to the expectation, those who had arranged the plan of discussion are precluded from either any control of the bill or any opportunity to speak upon the subject; and I am authorized by several gentlemen to object to any arrangement being made to-night which shall bind us to-morrow.

The SPEAKER, (Mr. BLAINE having resumed the chair.) The Speaker has been in the House while the present discussion has been going on, and he has not heard any proposition for an arrangement. The only point is whether the gentleman from California, as a member of the committee, shall be recognized to-morrow. Does the gentleman from Michigan object to that?

Mr. CONGER. I do not propose to express any opinion in regard to the manner in which the right to take part in the debate has all been given to certain gentlemen here to-night. At the proper time I propose to do so. I have only to say to-night that I object to any arrangement which shall bind me and some others as an agreement in regard to the order of debate to-morrow.

Mr. TYNER. I cannot let this occasion pass without saying that the only gentlemen who have been recognized here to-night are gentlemen of the committee; that each gentleman has been recognized for the period of one hour only; and if the gentleman from Michigan has any objection to that, he may, if he can, find some precedent in the past upon which to base his objection.

Mr. CONGER. The manner in which this bill was prepared and the manner in which it was by chance reported—differently from almost any other bill ever presented in the House—is known to most gentlemen on our side of the House. Unexpectedly, without any arrangement at all in regard to the speaking and contrary to the arrangements which had been made, an hour each was assigned to members of the one committee who presented the joint report of several committees.

The SPEAKER. The gentleman from Michigan will please observe that only the committee that reported the bill can receive parliamentary recognition. Any outside understanding that there may have been in the preparation of the bill cannot be recognized in the House.

Mr. SPEER. That was a mere caucus arrangement.

The SPEAKER. The members of the committee reporting the bill are entitled to precedence in discussing it. Any outside arrangement that there may have been cannot of course obtrude itself on this floor.

Mr. CONGER. I have never before known an occasion when the whole of the time of a limited debate (and from the near termination of this Congress the present debate must necessarily be limited) was assigned so that no other persons than members of one committee could get the floor to be heard at all.

The SPEAKER. The present occupant of the chair does not know at all what has transpired during his absence to-night. The gentleman from Indiana [Mr. TYNER] was requested to preside, without the slightest limitation. But to the rule that members of the committee reporting a bill are entitled to precedence in the debate the Chair has never known an exception, unless in this respect only: that while members of the committee are in general entitled to the floor alternately, one on each side, yet if the committee unite unanimously in a report the members of that committee are not permitted to speak consecutively all on one side. If, however, there be a difference of opinion in a committee the parliamentary right, as well as the right of propriety, suggests that in the debate they shall alternate on the different sides of the question.

Mr. TYNER. And that rule has been followed to-night.

The SPEAKER. If that has been followed to-night, the proceeding has been consistent with parliamentary law and the instinctive law of justice.

Mr. CONGER. That may be "the instinctive law of justice;" but some gentlemen here have thought that in the five hours given to this debate it might be possible for others to be heard than the five gentlemen of the committee.

The SPEAKER. If the House limits the debate to five hours, it limits it to the five gentlemen who prepared the report.

Mr. CONGER. The then occupant of the chair informed me, on my inquiring whether there would be opportunity for anybody else to speak, that the list was handed to him and that the order as there given would be followed.

The SPEAKER. No list was handed to the gentleman whatever.

Mr. TYNER. The "then occupant of the chair" did not make any such statement to the gentleman from Michigan.

Mr. CONGER. What does the gentleman mean by that?

Mr. TYNER. The gentleman means just what he says. The "then occupant of the chair" simply said this to the gentleman from Michigan: that the Speaker had indicated to him that members of the committee should be first recognized.

The SPEAKER. Of course; nothing else could be done.

Mr. TYNER. But the Chair did not hand me a list.

The SPEAKER. Of course not.

Mr. TYNER. Nor did I say to the gentleman from Michigan that he did hand me a list, nor did I make any statement out of which he could draw such an inference.

Mr. CONGER. Nor did I say so, but that the gentleman showed me a list and I read it.

The SPEAKER. The gentleman stated that the list was handed to the gentleman from Indiana.

Mr. CONGER. But not by the Speaker.

Mr. TYNER. I said to the gentleman I had made that list out myself, recognizing the members of the committee first in favor of the bill and then against it.

The SPEAKER. There need not be the slightest secrecy or mistification about it. When the Chair called the gentleman from Indiana to preside he asked what was the order of debate, and the Chair replied the first recognition was of the members of the committee, and he presumed he himself would be in the Hall before the committee was exhausted, and the Chair is here.

Mr. CONGER. That is an important fact, and I recognize it to be such.

The SPEAKER. Then what is the point of the gentleman?

Mr. CONGER. But it is not a more important fact than that a dozen or fifteen or twenty or perhaps one hundred gentlemen in the five hours which is proposed for discussion cannot have a few minutes' opportunity to express their views.

The SPEAKER. That is for the House to decide whether the debate shall continue.

Mr. HAYS. The only thing I ask is that the list may be preserved and I may have an opportunity of having some time to speak.

The SPEAKER. There is no list for the gentleman from Alabama or anybody else.

Mr. CESSNA. I think in justice to myself I ought to make a suggestion in addition. I do not desire to make any reflection upon any arrangement to be made.

The SPEAKER. The Chair does not understand how there can be any room for reflection, whether the gentleman has any desire to do so or not.

Mr. CESSNA. He has the right.

The SPEAKER. He has no right to make any reflection.

Mr. CESSNA. I do not make any.

The SPEAKER. He will please observe not to make any.

Mr. CESSNA. But I wish to give the notice for which I was assailed for not giving, and that is this: We spent twenty-eight hours of time in the last hours of the session, which I thought was crucifying us, to prevent the consideration of this bill, and now to save from destruction the appropriation and other important measures, I will not give further time for debate.

The SPEAKER. What parliamentary connection has the gentleman from Pennsylvania with the bill?

Mr. CESSNA. None in the world.

The SPEAKER. Then the Chair will take direction from the gentleman who has charge of it.

Mr. CESSNA. The gentleman from Pennsylvania has the right to give his opinion.

The SPEAKER. As his opinion individually; but the Chair will hear the gentleman from Indiana, [Mr. COBURN.]

Mr. HAWLEY, of Connecticut. Let me rise to a point of order.

Mr. HAYS. I only desire to say that I requested the gentleman who was in the Chair to put my name on the list to speak after the members of the committee had been gone through with, and he promised to do it. If there is no list, then I have nothing to say. If I cannot be recognized, then I will humbly submit.

The SPEAKER. The Chair finds here, which he had not observed before, a list of gentlemen who are to speak, taken by the gentleman who temporarily occupied the Chair.

Mr. HAYS. I wish to have an opportunity to speak on this question.

The SPEAKER. It will be the duty as well as the pleasure——

Mr. HAYS. To answer charges made against me.

The SPEAKER. It will be the duty as well as the pleasure of the Chair, if debate is continued, to recognize the gentleman from Alabama.

Mr. HAWLEY, of Connecticut. I suggest, for the gratification of gentlemen who desire to speak, that if there are two hundred men who do not desire to speak, let the one hundred, if there be a hundred, or fifty, if there be only fifty, make speeches in the time which is left.

Several MEMBERS. Go on.

Mr. TYNER. Lest there should be some misunderstanding, I desire to say that a number of gentlemen came to the Chair to-night asking their names might be put down on the list to give them an opportunity to speak. I distinctly said I had no right to make any arrangement in connection with it, but that I would put their names down.

The SPEAKER. Lest there might be the slightest misapprehension in regard to the way the gentleman from Indiana has discharged his duties, the Chair begs to say that he would have done precisely as that gentleman has done.

Mr. HYNES. In order that somebody may have the right to speak, I call for the regular order.

The SPEAKER. The gentleman from Alabama [Mr. HAYS] is recognized.

Mr. HAYS. Mr. Speaker, in view of the fact that the minority of the committee appointed to investigate affairs in the State of Alabama has seen fit to rehash a number of the falsehoods, which the democratic press of the South published concerning my letter on "outrages" to General HAWLEY, of Connecticut, I deem it proper on this occasion to claim a few minutes' attention from the House to vindicate myself for the course I saw proper to pursue in order to protect the republicans of my State from personal violence and intimidation at the late election.

By reference to the report of the majority of the committee, page 44, it will be seen that those gentlemen vindicate the truthfulness of my letter in the following paragraph:

> In this connection, and as an act of justice to a gentleman who has been bitterly denounced, we find that Mr. HAYS had reasonable grounds upon which to base his letter to Mr. HAWLEY at the time it was written, and that in the main the same is corroborated by the testimony.

Had not a minority of the committee, instead of addressing themselves to a refutation of the facts as contained in the printed testimony taken by the committee, if this was possible, seen fit to devote the greater portion of their report to personal abuse of myself I should have remained silent; but, sir, knowing as I do the condition of affairs in that State, feeling that every general charge which I have made has been sustained by the evidence, I feel constrained to point the attention of the country to the fact that this minority intend to divert the notice of the people from the terrible and atrocious crimes against the freedom of the ballot-box and liberty of the people which have been committed in Alabama by making a personal attack upon me.

The minority of that committee say:

> That, with the exception of the murder of Billings and Ives in Sumter County and the burning of the two school-houses in Russell County, every specification made in the letter of Mr. HAYS was without the shadow of foundation, or so grossly exaggerated as to lose almost all resemblance of facts presented to that committee.

It could not have been supposed, Mr. Speaker, by any sane man, that I had visited every portion of the territory of the State covered by the specifications in my HAWLEY letter to glean the facts. In the very nature of things I was compelled to rely upon the truth of statements made to me by parties in whose veracity I had reason to repose confidence; and while I am free to admit that as to some minor facts I was misled, I publicly declare here to-day that the general charge of lawlessness and murder which I made against a portion of the people of Alabama has been sustained beyond the question of a doubt. Indeed, sir, the truth of the enormity of these crimes has never been and perhaps never will be told.

What men have suffered and endured for political opinion's sake in many portions of that State has been only partially developed by the labors of your investigating committee.

I desire specifically to mention some of the circumstances surrounding a few of the charges which I made in that letter. First, as to the Choctaw County affair. The reports of that affair were given to me by William B. Jones, United States commissioner, and a gentleman who is at present in full accord with the democratic party of the State. Had I mistrusted that Mr. Jones would so soon become a convert to the principles of democracy, it is probable that I should not have attached much importance to the statements made to me; but believing then that these statements were true, I published them to the country, and did not learn until after the publication of my letter that I had been misled as to the *number* of murders committed in that county.

Now, sir, while it may be true that I was mistaken as to the exactness of locality, yet I fully believe that no one will deny the general allegation that there does exist in that county and section of the State an organized system of lawlessness which is a blot upon the fair name and fame of the people.

Again, the minority of the committee say that I falsely "alleged that eight murders had taken place in Sumter County."

Now, sir, by reference to page 1191 of the printed testimony it will be noted that *perhaps I was mistaken* in my enumeration of the murders committed in Sumter County; but it is there in evidence that Major Bolton—a leading democrat—had acknowledged that some "seventeen or twenty or thirty negroes were killed," and he said: "We do not want it to go out that but three were killed; we do not want the world to know that but three were killed." So if I erred in this matter, it seems from democratic testimony that I placed the number of murders at a much less figure than a knowing democrat did.

It is the democrats and their allies that wish to conceal these murders in the South. It is the democrats and their allies that have driven out of my county and out of my district every single northern man who went there and carried the flag of the Union except Luther R. Smith. I represent upon this floor fourteen counties in the State of Alabama, and I desire to say here that in those counties numbers of men who followed that old flag that floats to-day over our country settled in my district; they carried their money there; they bought land there; they did not say what political party they belonged to, or what purpose they had in view; but they said they had done so for the purpose of working out an existence in the State of Alabama as citizens there. After they did that, and after Alabama had refused to support the fifteenth amendment and the negroes had the franchise conferred upon them, they chose to vote; and the very moment that they chose to vote the republican ticket ostracism, persecution, vilification, and murder reigned supreme around their domiciles. They were driven from their adopted homes, and to-day the only *living* man remaining who carried that flag or who followed the Union Army in that country is Luther R. Smith, the judge of the circuit court in my district, and he would not be there to-day if he had not "toadied" to the democratic party, which, so help me God, I never attempted to do and never will if I can help it.

But not to digress further. As to the charge that I had falsely reported that W. P. Lipscomb, a prominent republican, was "publicly shot to death on the public road," I have to say that I gathered that information from a telegraphic dispatch published and republished in a number of the democratic papers of the State. They vouched for its authenticity, and if it was a democratic lie, I can only remark that it was nothing unusual on their part.

It is very easy, Mr. Speaker, for the minority of this committee who have gone to Alabama to come back with a whitewashed report of the doings of their Ku-Klux political brothers in that crime-ridden country.

They tell us Alabama has the same peace and quiet within her borders that Georgia has, that Mississippi has. I am free to admit it, sir; and that peace is the peace that the wolf gives to the lamb, or the assassin to his victim. It is, sir, as the gentleman from Michigan [Mr. CONGER] is wont to remark, "the peace of the grave."

The colored men, who compose the body of the republican party, have been made "peaceful" by the shot-gun of the raiding white-leaguer, the bowie-knife of the southern desperado, or the whip-lash of an ex-slave master.

Sir, it is in evidence in the testimony taken before your Alabama investigating committee that witnesses were afraid to be examined before that committee for fear that they too might be made "peaceful" after they had retired from the investigating room.

I do not desire to claim the attention of this House in arguing as to the truth or falsity of the charges of intimidation, violence, and murder in Alabama.

The book of testimony that is at the command of every member on this floor most fully sustains every specification made, and the committee say in substance that the atrocities committed in Alabama are such as have only been "witnessed heretofore in savage warfare."

It remains to be seen if in America, this boasted land of liberty and freedom, an American citizen has the right to utter such sentiments as he may see fit not in derogation of the Constitution of our country.

If the republican party allows this session of Congress to end without throwing some protecting ægis over the shoulders of republicans in Southern States, our doom is sealed; liberty of speech will be throttled, and maintenance of liberty in that country will be "among the things that were." If you have no helping hand to offer the republicans of the South in their struggle against the desperate and reckless attempts of the White League democracy to destroy the Government, you may as well sound the funeral knell of liberty and independence in that country. We do not want to suspend the *habeas corpus* writ to intimidate voters; we do not want soldiers to overawe white men; but what we do want is a fair chance to express ourselves at the ballot-box for the men of our choice.

Mr. Speaker, I want to say one other thing to you and the members of this House. No man understands so well or knows so well the dangers of the seas as those that have been upon them. I have been "there," and I know whereof I speak.

Sir, the very moment that a man goes into the southern country, especially into my district, he is watched. Let him be a northern man and set himself down quietly and peacefully and orderly; let him be a democrat or a republican, and he is recognized there as one of the best "fellows" in the world if he carries capital with him. But the moment he votes the republican ticket, capital or not, then he is obnoxious to every man in that country. The very moment he votes the democratic ticket he is one of the "winers and diners" of that hospitable land. So far as I am individually concerned, Mr. Speaker, I have nothing to ask of them. I went into the confederate army and I tried to do my duty there to the best of my ability. When the war ended I proposed to recognize this Government "as the Government of the people, for the people, and by the people," and to submit to its authority quietly and orderly.

I was a Douglas democrat, opposed to secession, and was one of those who went to the Charleston convention. Sir, I think my record is clear; and I am sorry to see such men as those men on this floor who voted supplies to the armies of the North, who voted supplies to the Government to go down there and conquer the southern people, come up here to-day to arraign me for doing that which they had imposed upon me. I do not know what position that gentleman took who occupied the floor to-day, [Mr. BUCKNER;] where he was during the war; whether he was in the Federal Army or in the confederate army; and I care not. But, sir, when a man comes to me and says that I propose to malign my own people he says that which is not true. I do not propose to malign my own people. I do not propose to say anything on God's earth that would pluck one laurel from the wreath of Alabama's fame. No, sir; I had rather be banished in oblivion. The bones of my father are there, and my children are there, and the dearest ties that I have got on earth. All of my people are there to-day, and the last tie that I have got upon earth is to Alabama and her sacred soil; "polluted never, so help me God." I am here to-night to declare that I would never malign her people or do aught to bring upon them injustice or oppression.

But, Mr. Speaker, there is a duty that impels me which, in my judgment, is paramount to any local feeling. There is a national duty. It is a duty I owe to that flag which floats above your head. It is a duty that I owe to the country and to the Government of my fathers. It is a duty that I owe to myself and to my children and to my children's children that may come after me. That duty bids me protect the helpless and defend the right. The oppressed people of my State look to me to tell you of their condition and to plead with you in their behalf. They have stood to me in all the dark and dreary hours of the past; they have toiled for me and mine (some of them) when the yoke of slavery was upon them; and now in the hour of their need, come weal or woe, I will be true to them.

Mr. Speaker, some people arraign me for being a republican, and point at me as one of those who followed the confederate flag until it was furled in disaster and defeat. I have no apology to make to such men. I did follow it and wanted it to succeed. But it did not succeed, and when it failed I was one of those who proposed to remain quietly and peaceably at home upon my plantation and vote for whatever I thought best for the people of my State and my country.

Sir, I was forced into the position that I have taken here to-night. I was forced into the position I occupy upon this floor. The very moment that I said to the people of my country that I proposed to be a republican and that I proposed to obey the honorable edicts of those who had fought and carried the flag of the Union through the land I was denounced, (and let me say just here that they freed as many slaves of mine as they did of any other man in my country or upon this floor.) I have followed the fortunes of the republican party because I believed it was right, and because I believed that such a course would bring us peace, happiness, and prosperity. Upon those who charge me with being the maligner of my people I hurl back the imputation, and trust to posterity for that vindication which should be dear to every honorable man in the land.

Now, sir, the question has come to this: whether we shall have another revolution or whether we shall abide by the decision of the majority of the people of this nation! The question has resolved itself into this: Is this a "government of the people, for the people, and by the people," or is it a government of a country which proposes to control all votes of the people by intimidation and violence? The "bacon" affair alluded to by the gentleman from Missouri [Mr. BUCKNER] is a matter of small consideration to me. I had nothing to do with it. I was asked by the governor of my State to appoint gentlemen to distribute it, and I appointed the very best men I knew of to distribute those supplies. I was engaged at the time in a canvass in the State of Alabama, in fourteen counties. I did not know what was going on, and I never saw a hogshead or a pound of the bacon referred to in my life, and there is not a man upon the floor that believes that I ever did. My democratic colleagues on the floor know that when men assail me about a matter of that kind they are "reckoning without their host." They do not know the position I have occupied heretofore in my own country, but there are democrats on this floor who followed me in the confederate army through Kentucky, and who were with me in the retreat from that State, who know me well. I appeal to them to vindicate me on this floor; and I know they will do it.

Mr. Speaker, the time has come that we should cast about to see where we stand. It is a question how the Federal Government stands in the South; how the people of Alabama stand to-day, governed as they are by a governor elected on a platform of proscription and by a Legislature proscriptive in every single instance against the party that they have succeeded.

I do not know that I shall make, Mr. Speaker, any more remarks on this subject. I only wish to pay a parting call to my colleague from the Mobile district, [Mr. BROMBERG,] who rose in his place "to explain," and with the pompous zeal and officious tone of all new converts assailed me. He is one of the men that "captured" me. He deserted his country when the war came upon us in the South and fled—shall I say northward—westward, yes, "westward the course of empire takes its way." Yet, sir; he claimed no "place in the picture nearest the flash of the guns;" he "struck" for the "green graves of his sires;" he "skedaddled," "standing not upon the order of his going;" he "went" North and he remained there in "non-combative" seclusion, curbing the martial southern spirit that he evinces now, until "white-winged peace" had fanned his warlike brow. And what did he do then? Why, his very first act was to return to his sunny southern home and "catch" all the "fellows" he could in the State of Alabama to join his radical party, and I am one of the "fellows" my colleague from the Mobile district [Mr. BROMBERG] captured.

The gentleman tells us that the story of the falsity of outrages cannot be "*truthfully* contradicted." Such an expression, coming from one who not long since was wont to touch the chords of the negro *lyre*, and suck with near-sighted energy the teat of the public Treasury, is peculiarly refreshing. Doubtless the gentleman has forgotten the time of the riot in Mobile, when Mr. KELLEY, of Pennsylvania, (why is it not Mr. KELLEY here,) was driven from the rostrum. Somewhere about that time his present White League brethren fired into his private residence, and doubtless would have been delighted to take the scalp of my erratic neighbor that night. Is not that so, Mr. BROMBERG?

Mr. BROMBERG. That was two years later.

Mr. HAYS. Ah, Mr. Speaker, they fired into it anyhow. There is "method in the madness" of my erratic colleague. If he was still the "radical" postmaster of the city of Mobile, perhaps he might now be singing peans of praise to the "radical party." Yes, sir, strange as it may seem, my zealous friend, now so eager to repel any "imputation" upon "southern honor," has an "official and private history." Ben: Perley Poore does not give it in our "record" of statesmen, but yet he has it. Once upon a time he was called the leader of the "nigger party" in Mobile, and "nightly" presided over hosts almost equal to those hurled with Lucifer from the battlements of heaven. True these hosts were "black," yet the democratic papers *then* said my friend was the "blackest sheep in the flock." Yes, sir, he was "grand chief scalawag" among us all; he raised the hymns in our "midnight gatherings," and in good old Methodist style shook us by the hand when we "jined the little German band." Oftentimes when I

have gazed upon his melancholy face in "secret leagues," "radical caucuses," and "black and tan" conventions, Homer's touching picture of the last sad scene between the noble Hector and his disconsolate family rose before my sympathetic imagination. We were all wont to say, "Brother BROMBERG feels what he says."

But, one from "the noble army of martyrs" had to be dropped That public pap which once he took with astonishing regularity had to be taken away from him. He clutched the "bitter cup" with patriotic firmness, but at length it passed away. I had the honor of helping the gentleman into the "walks of private life." He was chagrined, and in the desperation of his heart he joined the democracy, who have just run him the second time for Congress, and got him beaten by one of our "colored brethren" by a small majority of from twenty-five hundred to three thousand. He now sees his chance to traduce his old party associates, and make himself a fame among his new ones. Take him, gentlemen, and "may God have mercy on your souls." He proved false to us; may he not prove so to you!

But, Mr. Speaker, I will say no more on this; but before I conclude let me say to my friends that the time for action has arrived—the supreme test has come. It is a battle between law and lawlessness, between law-abiders and law-breakers.

It may seem idle to tell you, but unless something is done to avert the coming storm the waves of a new revolution, terrible in its magnitude, bitter in its hatred, and disastrous in its results, will be upon you.

In conclusion, as for the maledictions which the democratic leaders and party press deem proper to bestow upon me for my faithful discharge of duty to my country and my State, I shall endure them in silence and peace, and trust to that spirit of justice which sooner or later must come to vindicate my record from the aspersions which have been so foully cast upon it.

Mr. HAWLEY, of Connecticut Mr. Speaker, I had not desired to speak upon this bill or on this subject, and my urgency to-night in seeking that the floor might be left open was for the sake of others who I supposed did desire to occupy the time of the House and who would not be likely to obtain the floor otherwise. I hoped that before this debate closed some Representative would express substantially the views which I hold upon this question, but I fear that that may not be the case, and therefore I propose in a very imperfect and irregular way to indicate my opinions. It may not be improper to make a personal remark to begin with. I have been a radical abolitionist from my earliest days. I began on reaching my majority as a member of the free-soil party. I fought in it with all my might until the republican party was formed, and I joined that party. I went into the service of the Union the first day of the war, and I staid in it until I was honorably discharged after the close. I have worked with the republican party for its most radical measures, the thirteenth fourteenth, and fifteenth amendments included. So my record on that subject is tolerably clear and radical.

But I am coming to a time now when I must seriously consider whether I shall go on with some of my radical associates. I am compelled in a measure to part company with them, but I dislike to do it. A very few minutes will suffice to tell why I must take another path this once. I cannot agree to put any further or greater powers into the hands of any President of the United States. I think the existing laws upon the statute-book are strong enough for the preservation of all the rights guaranteed by the Federal Government, full and strong enough for the fulfillment and discharge of all the obligations resting upon that Government.

Now, I acknowledge the unhappy condition of affairs in the South. I am compelled to believe in the substantial correctness of that admirably-drawn report presented by Messrs. HOAR, FRYE, and WHEELER. I think the conclusions they have stated commend themselves to all impartial men as sustained by the evidence and the general course of affairs in the South.

But gentlemen say, if that be so, if that terrible arraignment be just, "are you not ready then to put into the hands of the President the power to suspend the writ of *habeas corpus* over any portion of the Union and for an indefinite time?" No; I am not. "Are you not ready to go on? Are you not ready that still further and further and further terms shall be imposed to make that people good, and to control the elections there?" No; I am not.

"Then you acknowledge yourself to be without power to remedy these evils?" To a large extent I do acknowledge it. There are wrongs there that we can never reach in this Hall until we have changed the Constitution of the United States. There is a social, and educational, and moral reconstruction of the South needed that will never come from any legislative halls, State or national; it must be the growth of time, of education, and of Christianity. We cannot perfect that reconstruction through statutes, if we had all the powers of the State Legislature and of Congress combined. We cannot put justice, liberty, and equality into the hearts of a people by statutes alone. "But," say you, "if that be true, then this Government is imperfect." I say it is; you all acknowledge it. We all know that this Federal Government which we are administering here is an imperfect government. It does not reach into all the relations of life. It does not directly protect all the rights of humanity, it does not profess to. Theft and robbery and murder may be common in a State, may be said to prevail all over a State, and if those crimes are not committed in accordance with the plans of any wide-spread conspiracy, if they do not come under the head of insurrection, or invasion, or rebellion, and do not touch the mails, or the Federal laws, powers, and duties, how are you to interfere with them? Your brother living in Alabama may be most foully murdered before your very eyes and the eyes of your fellow-citizens, and the authorities of the neighborhood may see and know it, and may utterly refuse to take any notice of it whatever; and we sitting in this Hall may be and are absolutely powerless to interfere, if it be not done as a part of a rebellion or an invasion or in disobedience to some Federal law. And murders like that may be repeated in the next town, and the next, and the next, and there may be five thousand of such murders in that State in five years, and this Federal Government is absolutely powerless. We all see that, and all know and accept it. So this is an imperfect government, and was constituted as an imperfect one; perfect within the lines it has laid down for itself, but outside of those lines absolutely powerless.

Mr. CLEMENTS. Will the gentleman allow me to ask him a question on a point about which I wish to hear from him? Why is this Government less powerful to protect an American citizen in Florida than one in Cuba?

Mr. HAWLEY, of Connecticut. That is a fair question. I was coming to that very point. Take the case of an American citizen going into France, Austria, or England. Let his family or himself be there outraged or robbed, or let some of his family be murdered. Should there be any hesitation on the part of the authorities of the place and country to give him full and ample justice, the entire power of forty millions of people is at the back of the President to vindicate his rights as an American citizen, and the President would be impeached and hurled headlong from the White House who did not protect that man to the extent of the nation's power. Every lawyer knows that that precise occurrence might be duplicated in any State and the President be absolutely without a particle of power to interfere to prevent or punish. Is not that constitutional law? No lawyer will deny it for a moment. This serves to illustrate the proposition (I might prolong my illustrations by the hour) that this is a Government of certain defined and limited powers. It was constituted upon the belief that, taking an enlarged view and running through a long series of years, the personal rights of the citizen would be best protected by this limited local State sovereignty around him; that on the whole these twenty, thirty, forty, or fifty State sovereignties would protect in general the personal rights of the citizen, while this Federal Government, constituted in whatever way you please, (whether by the people at large or by a confederation of the States does not for my present purpose make any difference,) would protect a certain wider range of rights—would protect the national existence, and would also in certain other well understood cases protect the citizen against great wrongs within his own State; that is, would interfere in cases of domestic violence or insurrection or invasion, while the State as a little republic within itself would take care of him in all the other respects not provided for in the national Constitution. That was the theory.

Mr. CONGER. Will the gentleman state to the House why the President under the law or Constitution has any more right or authority to bring the power of forty millions of people to protect a citizen abroad than at home?

Mr. HAWLEY, of Connecticut. Well, I sincerely think, with due respect for my able friend from Michigan, that it can hardly be necessary for me to restate my position on that question. Did I not say, and does not every lawyer know, that in Hartford my neighbor next door on my right hand may murder my neighbor next door to me on the left hand; the grand juror to whom I complain as soon as I can reach him may say, "I do not care; it was a justifiable homicide;" or "I do not care anyhow." He may refuse on whatever ground to interfere. The State's attorney may give me no attention when I go to him. The proper authorities may refuse to take notice of the criminal neglect of the prosecuting officers. Even the governor may refuse to hear me. Yet if I go to the President he will simply say, "This is a matter legitimately belonging to your own State authorities only; it does not involve any crime against the United States. I see in it no violation of United States laws. It is a gross, an awfully wicked and criminal neglect on the part of your people to protect themselves. But I do not see how I can send my Army there or my United States attorneys there to interfere in the matter." Now, is not that a correct statement?

Mr. CONGER. Where does the gentleman find the authority of the President to interfere, with the power of forty millions of people, to protect a citizen of the United States in a foreign country?

Mr. HAWLEY, of Connecticut. Well, I find it in every book on international law that was ever written; I find it in the fact that when we enter the family of nations, it is not for any member of that family to make distinctions between State and Federal sovereignties. It is not the State of Connecticut, nor the State of Alabama, nor the State of Ohio, nor the State of Pennsylvania, that appears in England to protect the American citizen. It is a nation known as the United States—one of the family of nations—which goes there clothed with all the powers belonging to any national entity, to vindicate the American citizen. Of course, when I speak of the President, I speak of him as typifying the United States Government with all its powers.

Mr. CONGER. Did the gentleman then mean simply to say that

Congress could make such laws in the way of declaring war, &c., as would secure the vindication of an American citizen suffering injustice abroad? Or did he mean to say that the power was vested in the President?

Mr. HAWLEY, of Connecticut. O, no; I think the gentleman ought not to have understood me in that way. When I said "the President," I meant the whole Federal power; I meant the nation—Congress united with the President.

Mr. CONGER. Does the gentleman mean anything more than that the citizen when injured abroad is protected by the "instinctive sense of justice" of "forty millions of people," and that the President is required to execute that?

Mr. HAWLEY, of Connecticut. I mean that he is protected by all national obligations—by justice and humanity and common sense. Of course we all know that the President cannot declare war. I meant to speak of him as representing the Federal power.

Mr. SMITH, of Ohio. I wish to put a question to the gentleman. I understand him to say that when a citizen of the United States suffers wrong in a foreign country, the President of the United States, wielding the power of "forty millions of people," has a right to correct the wrong.

Mr. HAWLEY, of Connecticut. The President representing the Federal Government.

Mr. SMITH, of Ohio. Now, if a citizen of the United States is murdered in England, I want to know from the gentleman on what ground the President of the United States can interfere for the punishment of that murder, any more than he can interfere in the State of Connecticut in a similar case? If that foreign government does not by its laws provide for the protection of the citizen of the United States, have we any right to attempt it?

Mr. HAWLEY, of Connecticut. O, Mr. Speaker, I thought I was talking to lawyers mainly.

A MEMBER. You are mistaken.

Mr. HAWLEY, of Connecticut. Why, of course in such a case as that the President, through the Secretary of State and the American minister near the Court of Saint James, would make application in due form to the British government; he would receive a communication in reply stating that due justice would be done in the case; that the criminal would be promptly arrested and prosecuted; that proper reparation would be made; that indemnity would be allowed to the widow and orphans of the murdered man; or that government would say "We do not care anything about your miserable Yankee;" in which case the President would lay the facts before Congress. There would then probably be a declaration of war and a great fight on land and sea. That is what I meant.

It does not follow that because a thing would be good if it were done, therefore Congress ought to do it. There are a good many things I should like to see done in every Southern State—yes, in Northern States too; yet the attempt to have Congress do them I would resist to the uttermost. I think that is obvious. Now I have not the time to enlarge upon these points. I do scarcely more than state them as legal propositions.

I have a few words more. We hear a good deal said about centralization and the tendency to put or take too much power into the hands of the Federal Government, the Executive and Congress as well. I want to say this now in the spirit of fraternity and friendship for my southern friends here. Who are the centralizers? You say we are, because our hearts are warmed up whenever we hear of great wrongs in the lately rebellious States. We begin to draught Federal statutes and then we stop for a while to look at the law-books and think what our fathers tried to make of this Government, and we hesitate. I am one of those who hesitate. But you say we are the centralizers, that we are the men who seek to usurp power.

I am quite sure that if we pass the bills now before us, and follow them on and on in that direction and begin to creep over, to *march* over the proper lines of State sovereignty and grasp more and more power for the sake—and that is the motive in our hearts—for the sake of securing liberty, justice, equallty, and peace for the people down there, it will not be our fault altogether. Reflect, my friends of the South! When we were plunged into that great war we went on and on with it, and finally became sure there was no other way to root out, to absolutely clean out, the whole great wrong but to abolish slavery; and we made four millions of people free. Then, thinking there was no other way to secure liberty, to secure the freedom we gave them, we gave also to this poor people the right of suffrage. We knew how you would feel in regard to them, but we felt obliged to take this course. We felt that we had come under solemn obligations as the friends and in a peculiar way the guardians of those people, bound to see fair play given them. That is what troubles many of us. It is an obligation of honor as well as of constitutional law, and we cannot endure to see the wrongs which we must believe exist there. I do not want to believe it; but there are wrongs grievous and terrible there, some of them owing to circumstances, to peculiarities of society and civilization existing before the war as well as now, some of them owing to that spirit of resistance to Government and its measures which naturally enough remains a residuum of the rebellion. But if you want to check these tendencies to centralization you can do it. You my former enemies in the field, you officers of the confederate army, you the former slaveholders, you can do it; you can quiet this movement in a week by giving us the solemn assurance here from men who I know will keep their word that you will put an end to Ku-Kluxism and put an end to the White League; that you will see fair play by any being that walks on two legs and received a soul from God. Do that, my friends, and there will be no longer any desire to go down and interfere with you; no longer any desire, creditable I say to our honor and our manhood, to strain the Federal power to establish justice there and everywhere.

That is an appeal I should like to make in the face of every white-leaguer in the South. Remember what obligations we are under to these men, the white Unionists and the black Unionists. Think how you would yourselves feel in regard to suffering and appealing friends in another section if the case were reversed. I know you; I was born among you; came away early, to be sure; but I have kept up the traditions of the South and many associations and friendships. I want you to see the beauty there is in the doctrine of universal liberty, equality, and fraternity—the glorious beauty there is in it. Love it and adopt it in dealing with your former slaves. I would rather trust them with many of you to-day than with a great many northern men. Treat them as your own friends and neighbors, your full equals in all rights under the law, treat them with patience and full, unswerving justice, allowing full liberty of political creed and action, and you will have struck an effectual, final death blow to what you dread as centralism.

But, my good friends, let me give you a warning. If these wrongs continue, if we hear of Ku-Klux living and flourishing, if the white-leaguers go on, if murders and outrages and ostracism for political opinion go on, and thereby nourish a spirit of hostility and rebellion to the Government and establish caste and a relation between so-called dominant and subject races by a spirit that may keep out of the statutes but be more effectual than statute-books; if you and others, the real gentlemen of the South, do not put these things down, you will give an additional heat and strength from day to day and from week to week to the desire to do justice there, and by and by the fire will burst and blaze out as once before; and if it does come, if the slow and sluggish North shall at length arise in the hot blood of war, I shall dread the future of my country, for State lines will vanish like tow in the fire and right will be rendered at whatever cost. We will have a centralized government, reaching down with abundant power, with all power, to the lowest citizen. But it will be over the ruins of the original theory of the Republic, and it will be in the end, I fear, the destruction, the final failure of this great experiment of free government.

I have spoken without reserve. I know some of you of the South can adopt some of these ideas. I shall go home to my people now on a campaign and make very much this sort of a speech over and over again. That is the way I am going to talk there. You can help those of us who believe in the proper theory of government, or you can strengthen those of our friends whose motive is an honorable one and who are working in the direction of centralization.

I shall watch the pending bill carefully. I cannot vote, in time of peace, without the most powerful evidence of great and immediate necessity, to put this tremendous power of suspending the writ of *habeas corpus* in the hands of a President of the United States; any President, George Washington, Abraham Lincoln, or Ulysses S. Grant. I doubt not that as time passes Ulysses S. Grant will be vindicated from the charges that now rest upon him—charges so reiterated that many have come to believe them. I believe he desires justice, equality, obedience, and peace, and only that, in the South. But I would tell him, if he were my own father and I believed he had the wisdom of Solomon, that I could not vote to give him this power; for I do not believe it is for the good of the nation, and I will not do it.

I trust to see the ideas of the republican party triumph in this nation. To a very large extent they are now incorporated, crystallized in the Constitution of the United States. I want to see them prevail not only in the letter of the Constitution and the law, but in the hearts of the people. I understand those gentlemen who believe that the welfare and even the existence of the country are to a large extent dependent upon a perpetuation of our party. But we must be very careful how we permit that consideration to govern us in discussing constitutional questions. Why, sir, see how the honest and candid man who wrote that article in this morning's Washington Republican regards the question. He closed as follows:

THE PASSAGE OF THE BILL IS REQUIRED TO PRESERVE TO THE REPUBLICAN PARTY THE ELECTORAL VOTES OF THE SOUTHERN STATES.

REMEMBER THAT IF THE DEMOCRATS CARRY ALL THE SOUTHERN STATES, AS THEY WILL IF THE WHITE LEAGUE USURPATION IN SOME OF THEM IS NOT SUPPRESSED, IT WILL REQUIRE ONLY FIFTY DEMOCRATIC ELECTORAL VOTES FROM THE NORTHERN STATES TO ELECT A DEMOCRATIC PRESIDENT. THIS IS A LIBERAL ESTIMATE.

All this in large capitals. Well, now, the writer honestly thinks that liberty, that justice, equality, and fraternity will be trampled in the dust if the republican party does not succeed. He thinks it will be a wise policy to go to the very verge of constitutional power—even under his own acknowledgment—to perpetuate that party in power. I cannot say that. I prefer to adhere to the doctrines that I think will wear best for fifty years to come, and if need be to go into a minority. If the democratic party should carry this country in 1876 and should fail to live up to the ideas that we have im-

pressed upon this Constitution and these laws, if it should fail to carry them into its Federal and State legislation in a true spirit and without hesitation or evasion, it will go out of power. Do not let any of those men who devotedly believe in the lost cause flatter themselves that there is to be a reaction of that kind. The North desires simply to guard the Constitution. If there be a reaction, it has come because of some abuses that have crept into the republican party, and not because that party's great ideas are not forever enshrined in the hearts of our people; not because they do not stand ready by ballot or by sword to vindicate the truth. The ideas will live. Those I work for and pray for. The organization may go into the dust, but our doctrines will arise and rule this land.

Mr. BROMBERG. Will the gentleman from Connecticut answer me one question? I know he is a fair gentleman. What does he mean by the White League and white-leaguers?

Mr. HAWLEY, of Connecticut. I hope the gentleman will excuse me for not entering into that part of the subject. An organization, good or bad, take your own view of it—an organization exists called the White League.

Mr. BROMBERG. In what States does it exist?

Mr HAWLEY, of Connecticut. I do not know how many.

Mr. BROMBERG. I desire to say that it does not exist in the State of Alabama, for one.

Mr. HAWLEY, of Connecticut. Alabama has not reached the millennium yet, no more than has Louisiana.

Mr. BIERY. When I came here to-night I did not intend to speak. I desire, however, to say a few words on this question. I have heard a few remarks that pained me as a citizen of this great Republic.

When I read the Constitution of my country I find in the preamble this:

> We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I find that that instrument was adopted for great and noble purposes. The question arises here to-day, in the face of all the facts we have in connection with the southern country, whether that preamble is being carried out to-day. If it be, then truly are we safe; if any of these principles are being trodden under foot, if any of them are being disregarded anywhere in this country, then in my judgment whatever wrong is perpetrated ought to be righted and protection afforded against the future perpetration of such wrongs. Unless all the evidence that has been taken by the committees that have been sent into the Southern States to investigate affairs and facts there are untrue, unless the men who have come here and when they took their seats on this floor swore that they would defend the Constitution of their country and perform their duties as legislators are committing perjury and are submitting as facts what are not facts according to sworn testimony, then we have great reason to believe that some of the great principles that are laid down in the very preamble of the Constitution are being disregarded, are being outraged in the southern part of the country. If that testimony be true, then we find that State governments are being subverted by what may be termed mobs. I allude particularly to the State of Arkansas. As I understand the facts in that case, there can be no pretense at all, under the evidence taken by the committee sent down to investigate, that the present government of Garland & Co. has any validity whatever. If we go to Louisiana, what do we find? We find such a state of facts as will characterize some of the lower governments on the face of the globe, but no republican government.

But, sir, if we want to find a subversion of the rights of the people and non-protection of life and property, it is not necessary to travel over the whole southern country. I do not intend to refer to any great extent to the facts, because they are patent to every one that listens to me; but the question is, What shall be done with the country? Shall we suffer right to be trampled under foot when the State courts refuse or neglect to punish crime in the shape of murder; when men ride at night and take their fellow citizens from their beds and take them out and hang them; when they shoot them down on the street; when trains are flagged and United States officers in the shape of mail carriers are shot on the train and not as much as an investigation is had upon the subject to ascertain who perpetrated the outrage? These men apologize for these crimes, and say, "Do you not have crimes in the Northern States and cities? Have you no murders there; no assassinations?" We have none of that kind. There is a difference in crime in this country. There is one kind of crime which is perpetrated in all civilized communities; but there is another sort of crime committed in certain parts of this country. When a man thinks that because men advocate political principles which they believe in they ought therefore to be persecuted, the government of that part of the country is not republican in form. As I understand republican government, it is a government where the people rule through their chosen representatives. Shall it be said that America, which boasts of its freedom, has certain States in which a man cannot go and carry with him the sentiments of a free man? Shall it be said that America has any part within its borders where a man is not safe in person and property because of the political principles which he avows?

Sir, we boast of our freedom. We tell foreign monarchs that their institutions of government are not those of freemen, are not fitted for the highest type of liberty. What do we do ourselves? When a man goes into a Southern State—take Louisiana, for instance, or take Alabama—and we find that murders and outrages are committed there because of the political sentiments of the person murdered or outraged, are you going to tell foreign monarchs that this is the freedom which is superior to their institutions?

Sir, the blush of shame mantles on my cheek when I hear gentlemen apologizing for the President and when I hear men talk as I heard a member on this floor not long ago who said that he would let hell reign in the South for a time until the North was aroused.

Mr. HAWLEY, of Connecticut. If the gentleman refers to me, he must not misrepresent me. He refers to what was said in caucus, which he has no right to mention and misquotes it. I said that wrongs existed in the South, and great wrongs; but that the North did not want to believe it, and would not. I said that I did not know that they would believe it at all until things were let to run there, and hell was allowed to reign.

Mr. CESSNA. I do not see the difference between the quotation and the explanation.

Mr. BIERY. I ask the gentleman if he did not use substantially that language in that connection.

Mr. HAWLEY, of Connecticut. I did not say that; I do not pretend to quote my words to the letter. I was misquoted in the papers by somebody who had no business to report what was said in caucus, but I did not notice it. But now that I am misquoted in the House I must correct it. I said that there were wrongs in the South, great wrongs, but the North did not believe it, and I did not think there was any way in which they could be convinced until things were let to run there to such an extent that hell would reign in the South.

Mr. BIERY. I have no desire to misrepresent the gentlemen; I would not misrepresent any one. I only want to ask him whether he did not use that language in that connection.

Mr. HAWLEY, of Connecticut. I have made my explanation, and the gentleman can now state it in any way he pleases and make the best of it.

Mr. BIERY. I will simply say this in reference to that question, that it did not seem to me to be just that any innocent man should suffer in this country in order to raise a spirit of antagonism in any other part of the country. As I understand it, it is the duty of this Government to protect the humblest citizen in every part of its domain. And when it fails to do that, then your Government is a mockery. When my Government refuses to lend me its aid when I am in danger anywhere because of political sentiments or because of any principles that I hold and advocate fearlessly in the face of anybody, then I say that the government fails in its duty to me. This Government is not a sham, and ought not to be made a sham. Governments are set up for the good of the people that are governed by them.

What further do we find in the South? As I understand it, we find not only that the State courts of justice do not apprehend, convict, and punish criminals, but we find that the cause of education is being interfered with, and that for certain classes of its citizens the means of education are becoming extinct in the South. I refer to the colored citizens, when I refer to the number of republicans who live there. The schools are being fast closed to every child of color down there. Wherever there are no schools established for them specifically, they are shut out from all opportunity of acquiring knowledge. It is so in regard to the churches in which to worship God.

We find that in some of the States where it is claimed there is peace and quiet, it is the peace of death and the quiet of the grave so far as certain of its citizens are concerned. We are told that the State of Georgia is quiet; that it is peaceable there; that there are no outrages there. Why is it peaceable there? Because certain people see fit to keep their mouths shut rather than die. To-day seventy-five thousand of the colored citizens of Georgia see proper to remain away from the polls and not exercise the high privilege of an American citizen to cast his ballot for the man he wants to put into office. Therefore Georgia has no assassinations and is quiet. And you can have that kind of peace all over the South, and that is the only kind of peace you will get in the South when the white men who are leagued together to accomplish their purposes shall have succeeded.

Now do you want that kind of peace there? Having declared that the colored man is a citizen of this country, it is your duty to protect him in every right that you and I exercise. When you fail to do that by means of every power this Government has, then in my judgment you fail in a very vital part of your duty.

The bill that is now before this House for consideration is a long one and has many provisions. But the principal clause that is antagonized here is that which proposes to suspend the writ of *habeas corpus*. The Constitution puts that power into the hands of the President. In the first place, it defines what shall be the occasion on which it may be suspended, and then it leaves to his judgment to determine whether circumstances have arisen when he may suspend that great right.

For one I would not make the people of this country familiar with the suspension of the writ of *habeas corpus* on ordinary occasions. I would not lead the American mind to think that it was a light thing to suspend that great writ, or that it could be suspended except on very extraordinary occasions. But when occasions are pre-

sented such as I believe now exist in the southern country, when circumstances arise such as I understand are now in the South, I think it is high time for Congress, for the Government of the United States to take into serious consideration the question whether it will permit that state of things to continue, or whether it will make an honest and earnest effort to check it.

I am as reluctant as any man can be to give my vote to a measure which may be regarded as doing injury to any man in this country. But, sir, believing as I do that there is not only great danger in the subversion of the rights of individuals but that the principle of subversion may be extended from State to State, that unlawful bodies of men may overthrow State governments, and that the same destructive principle may perhaps be applied finally to the central government, I tremble to withhold my vote from a measure which I believe in the discretion of a well-balanced mind (such as the present occupant of the presidential chair has) would enable him to arrest and bring to condign punishment the perpetrators of outrageous crimes.

Has the President to-day any power to interfere with lawless men in any part of the country? Can he arrest a band of men who are riding out at night to take men from their homes and inflict outrages upon them? Why, sir, your blue-coated soldier may stand upon the very spot where murders are perpetrated and he will not dare to fire a shot. What does your Army amount to in the South, except for arrest? When criminals or alleged criminals are turned over to the courts, what happens to them? Why, sir, we were told the other day that out of quite a number of persons apprehended for crime only six were convicted and punished! When this was stated to be the fact in a United States court I inquired what kind of men composed the juries, and I received no answer.

Mr. COOK. I did not hear the gentleman's question; I can answer him now.

Mr. BIERY. I should be very glad to have an answer.

Mr. COOK. Three-fourths of the Federal juries in Georgia are colored men. Upon the last Federal jury in my county there were four colored men and one Jew.

Mr. BIERY. Is that the general character of the juries in the gentleman's State?

Mr. COOK. Yes, sir; that indicates the character of the juries in the State of Georgia.

Mr. BIERY. Is that the character of the jury that acquitted those men?

Mr. COOK. I do not know, sir.

Mr. BIERY. That is a very pertinent question, as the gentleman must see.

Mr. COOK. I know that colored men are on the Federal juries there.

Mr. BIERY. Does the gentleman allude to the juries that convicted those six men?

Mr. COOK. No, sir; I cannot state the composition of the juries that convicted or acquitted. I know that there have been seven hundred and two discontinuances by Federal judges in the South. In my State the white men are excluded from the Federal juries, and the negroes are put upon those juries. In my own county it is not the good substantial white citizens who are put upon the juries. On the last Federal jury in my county, as I have stated, there were four negroes, one white man, (the Federal postmaster,) and a Jew.

Mr. BIERY. I understand, then, that the gentleman cannot tell what kind of men composed the juries that acquitted the men referred to?

Mr. COOK. I speak of the grand juries and the traverse juries—the juries that try the cases. The last time we had a Federal court at Atlanta, negroes sat around the room by the dozen waiting to be summoned upon the juries.

Mr. BIERY. I would like to ask the gentleman another question. In his State are any colored men ever put on juries in the State courts?

Mr. COOK. Yes, sir.

Mr. BIERY. In about what proportion?

Mr. COOK. I do not know in what proportion. But a very large proportion of the white men are not on the juries. Our jury system is organized under a constitution which a republican Congress adopted for us. It has not been changed. Most of our judges who administer the law are republicans. Our whole jury system as now existing was organized under the constitution of 1868, made by a republican convention and ratified by the Congress of the United States. In the county in which I reside there are more than three hundred white men whose names never go into the jury-box, and the case is the same in a large number of counties. On the other hand, in a large number of counties there are negroes whose names are regularly placed in the jury-box, and who are constantly drawn to serve as jurors in the State courts.

Mr. BIERY. As I did not intend to occupy the floor but a few minutes——

Mr. COOK. I merely wanted to answer the gentleman's question. I did not hear it the other day or I would have been very glad to answer.

Mr. BIERY. I am very glad to have had the gentleman's answer. If what he says now in regard to the State courts is true——

Mr. COOK. Well, sir, it is true.

Mr. BIERY. I have no doubt it is true. I do not mean to question the gentleman's veracity, but putting my statement in that form, I repeat that if what the gentleman now says is true in reference to the juries and the courts of his State and the juries in the United States courts there, and if the testimony taken by the men we have sent down there to investigate be also true, then, Mr. Speaker, I think it is high time for the central Government to take hold of this matter. If there is no court down there that will afford proper protection to citizens; if when criminals are placed upon trial juries in so many cases bring in verdicts of acquittal, while murders continue to be committed day by day all over that country, then it is high time I think that we should do something to protect human life in that portion of the Union.

Not wishing to occupy further time, I simply say in conclusion that as an American citizen I am pained to see that men who have not only stood with the republican party but who have fought in defense of the flag of the country are willing to pander to what I believe a spirit of outrage in one part of this country—are ready to sit down folding their hands meekly while the destruction of life and property goes on unopposed.

Mr. COBURN. I now move that the House take a recess until half past nine o'clock to-morrow morning.

Mr. RANDALL. I object to that for two reasons. In the first place, it is contrary to the agreement that no business should be done this evening. If the gentleman from Indiana [Mr. COBURN] has the right to make such a motion, I might move that the House adjourn until Monday. The Digest declares that—

> Where less than a quorum is present the motion to take a recess is not in order, and no motion is in order except for a call of the House or to adjourn.

Now, Mr. Speaker, I submit there is no quorum present.

Mr. CESSNA. Why not take a recess?

Mr. RANDALL. I object, because it is contrary to the understanding and agreement.

Mr. COBURN. It is not contrary to the understanding or spirit of it.

Mr. RANDALL. It is; as the understanding was that no business whatever was to be done. Now, a recess is in the nature of business. However, the rule is so explicit that there are only two paths for the Chair to travel. There must either be a call of the House or an adjournment.

Mr. CESSNA. I desire to say a word on the point, and that is this: The only way to decide—and the question has often been determined—whether a quorum is present or not is upon some vote to be taken, and that vote cannot be had under the agreement. Therefore there is nothing in that part of the gentleman's point.

As to the remaining part of his point of order, that it is against the agreement to take a recess, that in my judgment is a mistake as a matter of fact. When the House agreed unanimously to meet here to-night for debate only, it put into the hands of the House, or those gentlemen of the House who chose to attend, to hold the House until eleven o'clock to-morrow morning. These members, if only three, may stay and hold the House during the parliamentary day until eleven o'clock to-morrow morning. They have the power to stay and hold the House, and they do nothing more and nothing less by taking a recess during part of that time, continuing the discussion until eleven o'clock, the hour of meeting to-morrow. It is therefore strictly within the line of the agreement—within the letter and spirit of the agreement.

Mr. COBURN. I should like to have the Chair state exactly what is the proposition.

Mr. CESSNA. The proposition is to take a recess until nine and a half o'clock to-morrow morning.

Mr. HAWLEY, of Connecticut. Why not say ten o'clock? That was spoken of a while ago when the House was fuller than it is now as the time to which we should take a recess. I really cannot see why we should not fix ten o'clock instead of nine and a half. To be sure I cannot see precisely from the gentleman's point of view. I cannot see why there should be any objection to taking a recess, as it will give one hour longer for this debate.

Mr. YOUNG, of Georgia. What objection can there be to an adjournment?

Mr. HAWLEY, of Connecticut. The advantage I see in taking a recess is that there is one hour longer of debate.

Mr. RANDALL. I am willing to stay here as long as gentlemen may wish to continue the debate, but I rise to the point of order that there is no quorum present, and that brings it within the rule.

The SPEAKER *pro tempore*, (Mr. POLAND in the chair.) The gentleman is right in saying a recess is business requiring a quorum of the House if he insists on having a count. There is no quorum present.

Then all that can be done is to have a call of the House or an adjournment. It is manifest, however, that if we should take a recess to ten o'clock to-morrow morning it will afford an additional hour for debate which an adjournment will cut off.

Mr. RANDALL. Take the additional hour for debate from one to two o'clock. They have the power and they can do as they please. We have been here all night during one night and now it is twelve o'clock midnight.

Mr. COBURN. I do not see what you are going to lose if the House shall take a recess until ten o'clock to-morrow morning.

Mr. RANDALL. Let me say to the gentleman from Indiana that I frankly acquiesced in his proposition made this morning.

The SPEAKER *pro tempore*. The Chair is of the opinion that if the gentleman from Pennsylvania insists on having a count on the mo-

tion for a recess, and it should turn out there is no quorum, then all we can do is to adjourn or have a call of the House.

Mr. GLOVER. Then let us adjourn.

Mr. CESSNA. The gentleman's objection, then, is to prevent further debate.

Mr. RANDALL. No, sir; I am willing to debate this from now to the 4th of March next.

Mr. CESSNA. But that is to prevent the transaction of any other business. Now as one member of the House I desire to say if debate is not allowed from ten to eleven o'clock to-morrow morning there is one hour to talk less to be allowed.

Mr. RANDALL. I understand perfectly well that the gentleman is prepared to do anything he can which will secure behind him a majority.

The SPEAKER *pro tempore*. The hour from ten o'clock to-morrow of course will be considered as part of this day's legislative session, and will be devoted to debate only.

Mr. RANDALL. I insist on my point of order.

The SPEAKER *pro tempore*. What is the gentleman's motion?

Mr. COBURN. If the gentleman insists on a count, as it is apparent no quorum is present, we had better adjourn, and I make the motion.

The motion was agreed to; and accordingly (at twelve o'clock and twenty minutes a. m. Saturday, February 27, 1875) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BIERY: The petition of 112 workers in iron and coal at Allentown, Pennsylvania, for Government aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. BLAINE: Memorial of the Legislature of Wisconsin, praying passage of an act to authorize the States of Wisconsin, Iowa, and Minnesota to cede to each other, mutually, concurrent criminal jurisdiction over the islands in the Mississippi River lying between them, to the Committee on the Judiciary.

By Mr. COX: Numerous petitions of manufacturers and workers in steel, for specific duty of one cent per pound on steel, to the Committee on Ways and Means.

By Mr. HUBBELL: The petition of William W. Curtice and 100 others, of Newaygo County, Michigan, for a bounty of one hundred and sixty acres of land to every Union soldier, to the Committee on Military Affairs.

By Mr. LUTTRELL: Statement of Henry George, of San Francisco, California, relative to the Western Union Telegraph Company, to the Committee on the Judiciary.

By Mr. PACKER: Resolutions of the General Assembly of the State of Pennsylvania, in relation to an appropriation for the improvement of the harbor of Erie, Pennsylvania, to the Committee on Commerce.

Also, resolutions of the General Assembly of the State of Pennsylvania, relative to equalization of bounties, to the Committee on Military Affairs.

Also, the petition of citizens of Philadelphia and Baldwin, Pennsylvania, artisans and manufacturers of iron, for Government aid to complete a great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

By Mr. PERRY: Memorial of the Board of Trade of Albany, New York, relative to appropriations for the Signal Service Bureau, to the Committee on Appropriations.

By Mr. ROBBINS: Resolutions of the Legislature of North Carolina, asking an appropriation to build light-houses on Albemarle Sound, to the same committee.

Also, resolutions of the Legislature of North Carolina, asking repeal of the tax on State banks, to the Committee on Ways and Means.

Also, the petition of citizens of North Carolina, for a post-route from Yadkinville to East Bend, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. SMART: The petition of L. C. Land, of Hoosick, New York, for relief, to the Committee on Claims.

IN SENATE.

SATURDAY, *February* 27, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

REORGANIZATION OF THE DEPARTMENTS.

The VICE-PRESIDENT. The Chair will announce the committee that was authorized to be appointed to examine and thoroughly investigate the several branches of the civil service, with a view to the reorganization of the several Departments and the reduction of expenditures. The Chair appoints the Senator from Iowa, [Mr. WRIGHT,] the Senator from Massachusetts, [Mr. BOUTWELL,] the Senator from New York, [Mr. CONKLING,] the Senator from North Carolina, [Mr. MERRIMON,] and the Senator from Connecticut, [Mr. EATON.]

Mr. WRIGHT. Mr. President, I believe it has never occurred during my short service in the Senate that I have declined the discharge of any duty assigned me in connection with any work here. I wish to state with reference to that committee, however, that my engagements during this coming summer will be such as that it will be next to impossible for me to serve, and my distance from the capital also is such that it will be exceedingly inconvenient for me to come here and return to my home. I therefore trust the Senate will excuse me from service upon this committee.

Mr. MORRILL, of Vermont. I ask if the Senator from Iowa does not think it would be just as well to rescind the resolution authorizing the committee to sit during the recess?

Mr. WRIGHT. Not at all, Mr. President. The select committee was raised upon the recommendation of the Committee on Civil Service and Retrenchment, and after very careful consideration. The select committee ought to be continued, but I trust I shall be excused from service upon it.

The VICE-PRESIDENT. Is there objection to excusing the Senator from serving upon the committee? The Chair hears none. The Chair will appoint the other Senator from Iowa [Mr. ALLISON] to fill the vacancy.

CREDENTIALS.

Mr. MORRILL, of Vermont, presented the credentials of Hon. GEORGE F. EDMUNDS, chosen by the Legislature of Vermont a Senator from that State for the term beginning March 4, 1875; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the Legislature of Wisconsin, in favor of the States of Wisconsin, Iowa, and Minnesota being authorized to cede to each other mutually criminal jurisdiction over the island in the Mississippi River lying between them; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WINDOM. I present a petition of 344 farmers of Minnesota, residing in various parts of the State, asking for appropriations for the improvement of the Fox and Wisconsin Rivers; a petition of 518 farmers of the State of Iowa asking for the same appropriation; a petition of 326 farmers of the State of Wisconsin, urging the appropriation for that improvement; and a petition of 86 farmers of the State of Nebraska; a petition of 82 farmers of Dakota Territory; making in all 1,356 farmers of those States and that Territory, which, added to the 48,853 presented the other day, make 50,209 petitioners specifically asking for that thing, or sixteen times as many as were ever presented in any one petition on any subject before, as I am informed.

I move the reference of these petitions to the Committee on Commerce.

The motion was agreed to.

Mr. SCHURZ presented a resolution of a meeting of citizens of Saint Louis, Missouri, soldiers in the late war, in favor of the enactment of a law for the equalization of bounties; which was ordered to lie on the table.

Mr. HAMLIN presented the petition of Lucy Jane Thomas, widow of Josiah Thomas, praying indemnity for the loss of property belonging to her husband captured by the rebel cruiser Florida on the high seas in 1863; which was referred to the Committee on Claims.

Mr. PEASE. I present a joint resolution passed by the Legislature of Mississippi, instructing her Senators and Representatives to support the Texas Pacific Railroad. I ask that the resolution be read and laid on the table.

The Secretary read as follows:

Joint resolution in regard to the Texas Pacific Railroad.

Whereas the early construction of the Texas Pacific Railroad, traversing, as it will, a semi-tropical region of great fertility, extensive, varied, and inexhaustible agricultural and mineral resources, and on a route free from the ice and snows which annually obstruct trade and travel on the Union Pacific road, is an unquestionable and vital national necessity; and whereas the early completion of said Texas Pacific Railroad, with its eastern terminus at a point in Louisiana opposite the city of Vicksburgh, will add immensely to the prosperity and the population of Mississippi, increase its productive capital, and enhance its assessable values, thus increasing the revenue of the State, and reducing the rate of taxation imposed upon the citizens, and advancing the State once more on the high road to the happiness and prosperity of all its people: Therefore,

Resolved by the Legislature of the State of Mississippi, That our Senators and Representatives in Congress be, and they are hereby, requested to give an earnest, cordial, and zealous support to the bill now pending in Congress authorizing the indorsement by the Government of the United States of the bonds of the Texas Pacific Railroad Company to the amount asked for by said company to insure its early completion.

Resolved further, That these resolutions be signed by the governor, and it shall be the duty of the president of the senate to forward to each of our Senators and Representatives in Congress a certified copy of this preamble and the resolutions accompanying it.

ADELBERT AMES,
Governor.

The resolutions were laid on the table, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3727) granting a pension to John M. Allen, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry, reported it without amendment.

Mr. FRELINGHUYSEN. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States, to report it back to the Senate with the recommendation that it do pass. I do not know whether it is in order, but the Committee on Foreign Relations would like the Senate to pass this bill at the present time. I believe that committee have had no morning hour.

Mr. EDMUNDS. They had yesterday.

Mr. FRELINGHUYSEN. The Secretary of State has sent us a communication in which he says that it is of a good deal of importance. I therefore trust it will be passed now.

Mr. MORRILL, of Vermont. The chairman of the Committee on Foreign Relations was not in his seat yesterday morning when that committee was called, and but one bill from that committee was passed.

Mr. CAMERON. The chairman was not well yesterday.

Mr. CHANDLER. I must object to any business out of order. The Committee on Commerce has this morning.

Mr. FRELINGHUYSEN. Then I ask that the bill be placed on the Calendar together with the letter of the Secretary of State, which we adopt as the report of the committee.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2069) for the relief of the sureties of John L. Robinson, late United States marshal for the district of Indiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 937) repealing a portion of the act entitled "An act making appropriations to supply deficiencies," approved March 3, 1873, and disapproving and annulling a portion of the act of the Legislative Assembly of the District of Columbia of the date of August 23, 1871, reported it without amendment.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the petition of Fleet Surgeon J. A. Lockwood, praying to be placed on the retired list of the Navy with his former rank and grade of surgeon, from December 23, 1873, asked to be discharged from its further consideration; which was agreed to.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was recommitted the bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain, reported it without amendment.

Mr. FLANAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1264) referring the claim of the heirs of Chauncy M. Lockwood to the Court of Claims, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4790) granting a pension to David Salsbury, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Dickson Williams, praying to be allowed a pension on account of services rendered by his sons in the late war, reported a bill (S. No. 1358) granting a pension to Dickson Williams; which was read and passed to the second reading.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom were referred various memorials of merchants, bankers, and others, citizens of New York, Philadelphia, Baltimore, and other cities, remonstrating against canceling the contract with the Pacific Mail Steamship Company for the transportation of the mail between the United States and China and Japan, asked to be discharged from their further consideration; which was agreed to.

BILL RECOMMITTED.

On motion of Mr. PATTERSON it was

Ordered, That the bill (H. R. No. 3692) granting a pension to Harriet W. Wilkinson, which was reported adversely on February 25, 1875, be recommitted to the Committee on Pensions.

MISSISSIPPI ALLUVIAL BASIN.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution to print ten thousand extra copies of the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, asked to be discharged from its further consideration; which was agreed to.

SMITHSONIAN REPORT FOR 1874.

Mr. ANTHONY. I am also instructed by the Committee on Printing, to whom was referred a resolution to print ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1874, to report the same back without amendment and to recommend its passage. I ask for its present consideration.

The following concurrent resolution of the House of Representatives was considered:

Resolved by the House of Representatives, (the Senate concurring,) That ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1874 be printed; two thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and seventy-five hundred for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The resolution was concurred in.

FIRST AND NINTH CENSUSES.

Mr. ANTHONY. The same committee, to whom was referred the joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses, have instructed me to report the same back without amendment and recommend its passage; and I ask for its present consideration. It is merely for binding the manuscript returns.

There being no objection, the joint resolution was considered as in Committee of the Whole. It authorizes and directs the Congressional Printer to bind, in suitable form for ready reference and for their better preservation, the manuscript returns of the first and ninth censuses of the United States.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

HAYDEN'S GEOLOGICAL AND GEOGRAPHICAL REPORTS.

Mr. ANTHONY. I am also instructed by the Committee on Printing, to whom was referred a resolution of the House for printing fifty-five hundred copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873, to report the same back with amendments. We have reduced the number the same as in the case of Professor Raymond's report, to four thousand copies. If these surveys are to be made, I suppose the results of them ought to be printed. I do not know any other way. I ask for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed fifty-five hundred copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873; three thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and fifteen hundred copies for the use of the Smithsonian Institution.

The Committee on Printing proposed to strike out "5,500" and insert "4,000," and to strike out "3,000" and insert "2,500," and to strike out "1,500" and insert "500;" so that the resolution will read:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed four thousand copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873; twenty-five hundred copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and five hundred copies for the use of the Smithsonian Institution.

The amendments were agreed to.

The resolution, as amended, was concurred in.

Mr. ANTHONY. I am also instructed by the Committee on Printing, to whom was referred the resolution of the House of Representatives for printing four thousand copies of the annual report of the geological and geographical survey of the Territories for the year 1874, to report it with amendments, and I ask for its present consideration.

The amendments of the Committee on Printing were in line 5, after the words "two thousand" to insert the words "five hundred," and strike out "one thousand" and insert "five hundred;" so that when amended it would read:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed four thousand copies of the annual report of the geological and geographical survey of the Territories for the year 1874; one thousand copies for the use of the Senate, twenty-five hundred copies for the use of the House of Representatives, and five hundred copies for distribution by the Smithsonian Institution.

The amendments were agreed to.

The resolution, as amended, was concurred in.

REPORT OF THE COMMISSIONER OF EDUCATION.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print five thousand copies of the report of the Commissioner of Education for the year 1874, have instructed me to report the same to the Senate. A similar resolution to this was offered last year and there was a very long debate in the Senate upon it. It was discussed for four or five days at different times, and finally the Senate decided to print a very large number of the report. Considering themselves instructed by the action at that time the committee report back the resolution.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there shall be printed twenty thousand copies of the report of the Commissioner of Education for the year 1874; five thousand for the use of the Commissioner, five thousand for the use of the Senate, and ten thousand for the use of the House of Representatives.

Mr. SHERMAN. I would rather that should go over. I am opposed to all these motions to print.

The VICE PRESIDENT. Objection being made, the resolution will lie over.

BILLS INTRODUCED.

Mr. CONOVER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1359) for the relief of Jonathan W. Childs; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

GENERAL SAMUEL W. CRAWFORD—RETIRED OFFICERS.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, having met, after full and free conference have agreed to recommend, and do recommend to their respective House, as follows:

That the House recede from their disagreement to the first amendment of the Senate and agree to the same, with amendments as follows:

In the fourteenth line after the word "action," add the words "and every such officer now borne on the retired list shall be continued thereon, notwithstanding the provisions of section 2, chapter 38, act of March 30, 1868;" and the Senate agree to the same.

Also, in the seventeenth line, after the words "arm or leg," add the words "or has an arm or leg permanently disabled by reason of resection on account of wounds;" and the Senate agree to the same.

Also, in the eighteenth line, after the word "battle," add the words "*And be it also provided*, That no retired officer shall be affected by this act who has been retired or may hereafter be retired on the rank held by him at the time of his retirement;" and the Senate agree to the same.

That the House recede from their disagreement to the second amendment of the Senate by which the title was amended, and agree to the same.

JOHN A. LOGAN,
GEO. E. SPENCER,
Managers on the part of the Senate.

CHAS. ALBRIGHT,
C. D. MACDOUGALL,
P. M. B. YOUNG,
Managers on the part of the House

The report was concurred in.

REPORT ON MINING STATISTICS.

Mr. ANTHONY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution providing for the publication of the report of R. W. Raymond on mining statistics, having met, after a full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its amendment; that all of the concurrent resolution after the word "printed" be stricken out; and that the following be inserted: "of the report for 1873 twenty-five hundred copies for the use of the House, one thousand copies for the use of the Senate, and five hundred copies for the use of the Secretary of the Treasury and of Commissioner Raymond; and of the report for 1874 twenty-five hundred copies for the use of the House, one thousand copies for the use of the Senate, and five hundred copies for the use of the Secretary of the Treasury and of Commissioner Raymond."

And the House agree to the same.

H. B. ANTHONY,
TIM. O. HOWE,
ELI SAULSBURY,
Managers on the part of the Senate.

W. G. DONNAN,
CHAS. CLAYTON,
A. M. WADDELL,
Managers on the part of the House.

Mr. ANTHONY. This is Raymond's report on mining statistics. The House sent over a resolution to print seven thousand copies and a similar resolution to print seven thousand copies of the report of next year—covering two years. The report is one year behind. The Senate have reduced the number to four thousand for each, giving to the Senate in each case a thousand copies.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

ORDER OF BUSINESS.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes.

The motion was agreed to.

Mr. MORRILL, of Maine. I ask what is the regular order of business this morning?

The VICE-PRESIDENT. The morning business is in order, and the Senator from Michigan, from the Committee on Commerce, is entitled to the rest of the morning hour, and has moved to take up a bill, and the bill has been taken up.

Mr. MORRILL, of Maine. I was under the impression that the morning belonged to the Committee on Appropriations.

The VICE-PRESIDENT. The Chair was informed by the Secretary that it belonged to the Committee on Commerce, and the Senator from Michigan claimed the floor. The Chair now learns that he was misinformed, and that the Committee on Appropriations is entitled to the floor.

Mr. MORRILL, of Maine. The Senator from Michigan is so enterprising that he needs watching. [Laughter.]

The VICE-PRESIDENT. The Committee on Appropriations is entitled to the morning hour.

Mr. MORRILL, of Maine. Monday will be a very proper day for my friend from Michigan.

Mr. CHANDLER. I believe Senate bill No. 1339 is now before the Senate.

The VICE-PRESIDENT. The bill is before the Senate on a motion to take it up made under a misunderstanding as to the committee entitled to the floor.

Mr. MORRILL, of Maine. I have no objection to yield to this one bill if it takes no time.

Mr. LEWIS. I object myself. Let the committees take their order.

The VICE-PRESIDENT. Objection is made, and the Chair must say that the Committee on Appropriations has the rest of the morning hour.

Mr. MORRILL, of Maine. I will not object to passing this bill if it takes no time.

Mr. CHANDLER. Does the Committee on Appropriations desire to occupy this morning hour?

Mr. LEWIS. If that bill is to be taken up and to exclude all others and we are to go on with the business of the Committee on Appropriations, I object.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill, and the Chair will suggest to the Senator from Michigan that the Committee on Appropriations claim the rest of this morning hour and the Committee on Commerce will have the next morning.

Mr. CHANDLER. I was informed that the Committee on Appropriations did not desire this morning hour, and therefore I supposed, the Committee on Commerce being next, the hour would fall to me.

Mr. SARGENT. There are several bills which the Committee on Appropriations desire to present for the consideration of the Senate.

The VICE-PRESIDENT. The Committee on Appropriations has the floor.

BRANCH MINT AT THE WEST.

Mr. MORRILL, of Vermont. I ask the chairman of the Committee on Appropriations if he will allow a resolution which is intended to procure information merely to be considered. I think it will only take one minute to read it. It is reported from the Committee on Finance.

There being no objection, the following resolution was considered and agreed to:

Resolved, That, as it appears expedient to establish a branch mint for the coinage of silver, the President of the United States be requested to institute inquiries as to the proper place for the establishment of a branch mint at some point in the Western States, or in the Mississippi Valley, taking into account all questions of economy and facilities of distribution, and report upon the same at the commencement of the next session of Congress.

EMIGRATION TO LIBERIA.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the petition of John James Flournoy, a citizen of Georgia, praying for an appropriation of money to aid such colored persons as may desire to emigrate to Liberia, have had the same under consideration and ask to be discharged from its futher consideration. The committee is a little in doubt as to what committee the matter would properly belong. It has been suggested that it belongs to the Committee on Finance or the Committee on Post-Offices and Post-Roads, and it may be that it should go to the Committee on Privileges and Elections. We are uncertain about it. At any rate we ask to be discharged.

Mr. LOGAN. Perhaps it ought to go to another committee.

Mr. MORRILL, of Maine. Perhaps the Committee on Military Affairs, I would suggest to my friend from Illinois.

The committee was discharged from the further consideration of the petition.

PAYMENT OF HOUSE EMPLOYÉS.

Mr. MORRILL, of Maine. I am instructed by the Committee on Appropriations, to whom was referred a bill providing for the payment of certain employés of the House of Representatives, to report it back with amendments and ask its passage.

There being no objection, the bill (H. R. No. 4730) providing for the payment of certain employés of the House of Representatives was considered as in Committee of the Whole.

The first amendment of the Committee on Appropriations was in line 15 to strike out the word "six" and insert "seven;" so as to read:

For the pay of seven folders from July 1, 1874, &c.

The amendment was agreed to.

The next amendment was in line 17, to strike out "$3,400" and to insert in lieu thereof "$3,966.66."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSULATE CERTIFICATES.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 3907) repealing section 3 of the act making appropriations for the consular and diplomatic service of the Government, and for other purposes, approved February 22, 1873, have had the same under consideration, and have instructed me to report it back with an amendment and recommend its passage.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Appropriations was to insert at the end of the bill the following proviso:

Provided, That it shall be the duty of the consular officers of the United States hereafter to inspect goods, wares, and merchandise offered for certificate.

The amendment was agreed to.

Mr. SARGENT. I desire to understand that bill. I could not concur with the committee in recommending the passage of the bill, and I should like to ask from the chairman of the committee an explanation of the bill as he understands it. I must say, after consulting the chairman of the Committee on Finance and the chairman of the Committee on Commerce, that neither of those Senators seem to desire the passage of the bill or in fact to understand its rather incomprehensible provisions. If the effect of this bill is to lop off the present restraints upon smuggling across the frontier, then by all means it ought not to pass.

It is very well known that by recent legislation of Congress we have provided for imports in bond being sent across railroad-routes and steamship-routes and made interior points ports of entry, so to speak, by which, without the greatest precautions on the part of the Government, frauds are committed on the revenue. In some investigations which were made by the Committee on Appropriations early in this session, or rather before the session commenced, under a special order of the Senate, incidentally the question came up as to the amount of revenue which the Government could rely upon to pay its current expenses, and we were somewhat surprised by the statement that the revenues were falling off largely, not merely on account of a reduction of duties or on account of the still continuing effects of the panic, but because recent legislation had taken down guards before that time existing by which smuggling was prevented, and one thing that was instanced among others was that there was such facility for getting goods with the duties unpaid across the frontier that from a million to two million dollars was lost to the Treasury by means of that legislation.

If the effect of this bill, which I must say nobody seems to understand and which I have not yet heard satisfactorily explained by the Committee on Appropriations, is to still further relax these guards, I am decidedly opposed to the bill. But if it is to have the effect, which I cannot see, of more stringent guards to the Treasury, I am in favor of it. I believe a great mistake was made in our legislation on moieties last year. I believe it has cost the Treasury $23,000,000 this year, and will cost that amount or a greater amount year by year until the experience of mankind and the experience of this Government for a great many years is allowed to prevail and we revert to some system by which we can use detectives to protect the revenues. I had some forebodings at the time that bill passed. I expressed them upon the floor of the Senate. I did not believe that the merchants, although honorable in their business, who pay the duties are right advisers of the Government as to the means which should be used for the detection of fraud, because under the honorable name of merchant there may be concealed many a knave and unquestionably is concealed many a man whose principal profit is in plundering the Treasury and defrauding it of its just dues. I believe that the whole legislation was passed through in haste and was ill conceived. But the provision which is now proposed to be repealed was put upon an appropriation bill, probably some Senator rising in his place and urging it at the moment, and others yielding and it passing, and we come in now with late repentance to take off that provision from the appropriation bill.

I find that the sundry civil bill this year is in danger of being loaded down with all kinds of miscellaneous amendments reforming or deforming nearly all the laws on the statute-book; that it is to be made in fact a system of revision of the laws of the United States, statutes which we submitted to a commission that sat for several years and then passed through two committees of Congress and both Houses only to find it burdened with errata. Now, to attempt the same thing even in a limited degree on the sundry civil bill, and it is attempted there, is most dangerous legislation, and I desire most strenuously to oppose it at this time, before the Committee on Appropriations have passed upon the multiform amendments sent to them. I most earnestly protest against the system, and I state now that I am ready, unless a most serious exigency is shown, to resist these amendments to the end.

Recurring again to my question to the chairman of the committee, I desire to know what is the meaning of repealing that clause. Is it to take off the guards which we have against smuggling across the frontiers, or will it have that tendency, or is it in the other direction? I must confess I cannot see.

Mr. MORRILL, of Maine. In reply to the Senator from California, who asks me something about this provision, I have to say that I know but very little except what I learn from the transactions that come to us from the other House. I agree with the Senator that it is not good practice to make these radical amendments touching the general service of the country upon appropriation bills, and every session of Congress we have more or less to do with rectifying the errors obviously committed by hasty legislation and immature legislation adopted in that way, legislation which has not come from any committee and which sometimes the Committee on Appropriations are ill-prepared to resist. This may be one of those cases, but I have been rather persuaded that it is not one of those cases where the legislation was hasty. I will read the statute which is repealed by this bill; it is an independent section upon the diplomatic and consular bill of 1873:

SEC. 3. That no consular officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment.

Mr. SARGENT. Now I should like to inquire whether that does not mean that if a consulate in Canada or some other consulate shall have passed the goods, when they arrive at the frontier, it does not take away all power of our consul, stationed at the point where they are to pass over into the United States, to re-examine the invoice or ascertain what the packages contain?

Mr. MORRILL, of Maine. Now I will show my understanding of the true condition of things. In the consular and diplomatic appropriation bill which passed in 1873 was the provision which I have read. I find this explanation of the matter:

The object of the provision at the time of its adoption was, as I understand it, to compel the purchases made of goods or animals in Canada for shipment to the United States to be entered at the first consulate which they might reach.

The bill was passed undoubtedly for the purpose of increasing consular fees at interior consulates in Canada, and at the instance of those consuls, especially at the instance of the consul at Toronto. It has proved in practice very inconvenient to persons shipping goods from Canada, especially persons going into Canada to purchase animals to bring into the United States, as it might require them to enter for certificate any animals they might purchase at the first consulate they might reach. And as they might buy some at one place and others at another, they might be obliged to obtain half a dozen certificates for what was really one purchase.

This matter was brought to the attention of the Committee on Foreign Affairs by a petition signed largely by shipping merchants of Buffalo; and the attention of the committee was also called to it further by the gentleman who represented the Buffalo district [Mr. BASS] as a matter of great inconvenience to shippers, and as resulting in no advantage to the Government. The committee were unable to see how the Government could possibly derive any advantage, although the provision might give some little local advantage to consuls. Therefore they have recommended the repeal of that provision.

That was the statement in the House of Representatives. I think therefore the Senator will see that it does create a very great embarrassment.

Mr. MORRILL, of Vermont. I will call the attention of the chairman of the Committee on Appropriations to what I understand to have been the reason of the passage of the law which it is now proposed to repeal. Under the former law purchasers of lumber or cattle or any article in the Canadas, instead of taking out a consular certifiate at the place of purchase or at the consulate nearest to the place of purchase, would wait until they reached the border line, where it was impossible for the consular agents to know anything about the articles, about the price paid for them, or their value. This law was passed two years ago to remedy that evil. I do not know but that in the practical operation of the law there may have a greater evil sprung up, but I doubt it. I think, therefore, this is a bill that requires further and more special investigation before it shall be allowed to pass. It will be obvious to any one that an article might be purchased at Montreal where the value of it was well known, and yet when it reached Rouse's Point the consular agent might not know anything about the real value of the article, and so in at least a dozen other instances all along the line of the border. The precise object was under the old law to get at the real value at the place nearest to the first shipment of the article, and not wait for a mere boy or some consular agent at the line to give a certificate of the value of articles they do not know anything at all about.

Mr. SCOTT. The remarks of the Senator from Vermont prompt me to make an inquiry as to the practical operation of this bill. As I understand it, the act of 1873 requires the consular certificate to be given at the first consulate where the purchased goods arrive. If that be repealed, the effect will be that goods purchased in Canada, for instance, at the Suspension Bridge, may travel all through Canada on the railroad and take a consular certificate when they get opposite Detroit, hundreds of miles away. I should like to have from the chairman of the Committee on Appropriations, who is asking the passage of this bill, an explanation of what effect that is to have on the revenues, what facilities it will give for undervaluation, &c.

Mr. MORRILL, of Maine. Of course I am unable to say how that might be, but that it operates as a practical inconvenience to trade is most obvious. It requires people going into the interior of Canada and purchasing, as I have already read, to get certificates at all these places.

The VICE-PRESIDENT. The morning hour has expired, and the Chair calls up the bill to protect all citizens in their civil and legal rights, on which the Senator from Maryland [Mr. HAMILTON] is entitled to the floor.

Mr. MORRILL, of Maine. I hope we shall be allowed to have a vote on this bill.

Mr. MORRILL, of Vermont. I do not think there can be.

Mr. SHERMAN. I suggest to the Senator to let it go to the Committee on Commerce. I have some doubt about the operation of the bill.

Mr. MORRILL, of Maine. Very well; let it take that reference.

The VICE-PRESIDENT. It is moved that the bill be referred to the Committee on Commerce.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 134) for the relief of Daniel S. Mershon, jr.

The message also announced that the House had passed a joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain, in which it requested the concurrence of the Senate.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WINDOM, from the Select Committee on Transportation Routes to the Sea-board, submitted an amendment intended to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HAMILTON of Texas, Mr. MERRIMOM, Mr. SCHURZ, Mr. RAMSEY, and Mr. STEWART submitted amendments intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. THURMAN, from the Committee on Private Land Claims, submitted an amendment intended to be proposed to the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. L. P. LUCKY, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 769) for the relief of Major J. W. Nichols, paymaster United States Army; and

An act (S. No. 1055) for the relief of J. W. Drew, late additional paymaster in the United States Army.

CIVIL RIGHTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights, the question being on the motion of the Senator from Ohio [Mr. THURMAN] to strike out of the fourth section of the bill the words "or of any State."

Mr. CARPENTER. I understand the Senator from Maryland is willing to yield for a few minutes that I may speak on this bill.

Mr. HAMILTON, of Maryland. Very well.

Mr. CARPENTER. Mr. President, at the last session of Congress I voted against a bill similar to the civil-rights bill now under consideration. After thoroughly reconsidering the subject I am compelled to vote against this bill also; and, considering its importance, politically and otherwise, I am not willing at this time, just as I am to leave the Senate, to record my vote against a bill which is supported by so many of my political associates, without also putting upon the record the reasons that compel me to give that vote. I shall do this very briefly and rather in the form of an opinion than an argument. I shall make no attempt to inflame passions or antagonize anybody's arguments beyond a statement, as clear and brief as I can make it, of the reasons which compel me to vote against this bill.

I entertain, as strongly as any Senator, the sentiments which have inspired this bill; and in the present unhappy condition of the South, I would go to the extreme limit of our constitutional power to support any bill calculated to protect the colored people of the South or to restore order in that distracted section. But I cannot go beyond the limits of the Constitution.

Four millions of human beings, who were held in slavery at the commencement of the late civil war, have been emancipated and made citizens of the United States, and of the States in which they reside. This great and sudden change in the social condition of the States where slavery existed has created discontent, and inflamed the prejudice of those who belonged to the dominant race against their former slaves lately raised to legal and political equality. This bill is intended to repress all manifestations of this prejudice, and to secure to the colored man the rights he ought to enjoy. If it could go upon the statute-book and accomplish a complete eradication of the deep and long-existing prejudice of the white race against social contact with the race in whose favor it is proposed, it would be a signal triumph of humanity. And in the history of the colored race since the beginning of the war there is abundant reason for the desire to create, in lieu of this prejudice, a feeling of fraternity between the two races.

During the war these people guarded the property, the homes, the wives and children, of those who were away battling for southern independence—an independence sought to perpetuate the unjust system of which the colored people were for more than two centuries the subjects. Such loyalty has no parallel in history. And since the termination of those four years of bloody strife, under the various disadvantages consequent upon long-continued bondage, and their sudden deliverance from it and advancement to the dignity of absolute freedom, these people have manifested a degree of moderation and amiability, a thirst for knowledge, a desire for moral improvement, and a respect for law and order, which have excited the wonder, and gained for them the respect, of all reflecting and candid persons.

But haste is not always speed; and especially is this true of attempts to coerce sentiment or suppress prejudice. This can only be accomplished by time, kindly entreaty, reason, and argument. And all experience demonstrates that every unavailing attempt to force men into compliance with social, religious, or political dogmas has the effect to postpone the end desired. If this bill, when passed through the forms of enactment, should be declared unconstitutional and void, it would delay, not accelerate, the end desired. And there is no class of citizens who have so great an interest as colored citizens in preserving in full force every provision of the Constitution. Their rights are secured by that instrument, and against any infringement of its provisions they should be the first to protest.

The pervading philosophy of our institutions is that liberty can only be protected against the tendency of Government to encroach upon the rights of the people by a distribution of powers. Therefore certain powers are conferred upon the United States, and all others are reserved to the States; and the powers of the Union and of the States are subdivided and distributed among the several departments of which the respective governments are composed. A citizen of the Union residing in a State owes a double allegiance and is entitled to the protection of both governments. As a citizen of the United States he owes them certain duties, and is entitled to claim from them protection of the rights and privileges which pertain to him in his character as a citizen of the Union. He also owes duties to the State, and is entitled to its protection as regards the rights and privileges which pertain to him as a citizen of the State. For instance, a citizen of the United States engaged in foreign commerce, or in commerce among the several States, or with the Indian tribes, is entitled, as respects that business, to the protection and subject to the control of the United States; while a citizen engaged in commerce between two places in a State is in that behalf entirely beyond the power of Congress, but is subject to the power of the State and entitled to its protection.

One provision of this bill declares that certain persons shall be entitled to equal accommodations and facilities of public conveyance on land or water. This might be sustained as a regulation of commerce if confined to that commerce over which Congress possesses the power of regulation—commerce with foreign nations, among the several States, or with the Indian tribes. But the bill does not purport to be a regulation of the particular branches of commerce over which Congress has control. It applies to every person or corporation engaged in transportation from point to point within a State as well as to those engaged in transportation among the several States.

It is well settled that no act of Congress can be valid under the Constitution unless it can fairly be referred to some head of Federal jurisdiction. For instance, in regulating commerce among the States, Congress might provide that every person engaged in such commerce should be entitled to the accommodation of inns in the several States through which he might pass in the prosecution of his business; and perhaps, upon the theory that a cheerful mind is favorable to enterprise, might provide that he should be admitted to theaters and other places of public amusement in the States wherein he might be temporarily sojourning during the transaction of his business. Such provision in regard to theaters would be somewhat fantastic as a regulation of commerce; and yet, if Congress saw fit so to provide, such provision might be sustained as relating to a subject over which Congress has jurisdiction. But the bill under consideration does not rest upon this ground, because its provisions are not confined to persons engaged in such commerce.

It becomes necessary, therefore, in order to maintain the constitutionality of this bill, to select some other head of Federal jurisdiction to which it may fairly be referred. And I understand that its constitutionality is maintained upon the ground that it is within the powers conferred upon Congress by the fourteenth amendment of the Constitution.

This amendment provides—

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

2. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

3. Nor shall any State deprive any person of life, liberty, or property without due process of law.

4. Nor deny to any person within its jurisdiction the equal protection of the laws.

These are the only provisions of the fourteenth amendment which are claimed by any one to justify this bill.

It is manifest that the fourth clause, that "no State shall deny to any person within its jurisdiction the equal protection of the laws," has no application to this subject, especially to the jury clause of this bill. It is equally evident that the third clause, "nor shall any State deprive any person of life, liberty, or property without due process of law," has no such application.

This is evident from the fact that women and infants are citizens of the United States, and the fact that they are excluded from serving as jurors in every State in the Union, and the fact that no one pretends or claims that, in consequence of such ineligibility, they are deprived of life, liberty, or property, or of the equal protection of the laws. If the ground maintained yesterday by the Senator from Indiana [Mr. MORTON] that these provisions of the fourteenth amendment require that colored persons should be eligible to serve as jurors in State courts is correct, then this bill ought to be so amended as to provide that women and babes at the breast should be

so eligible; because they are *persons* equally with colored citizens entitled under these two clauses of the amendment to everything secured to colored citizens.

If this bill can be maintained at all, it must be under the second clause:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

The phraseology of this section of the amendment merits critical examination. It provides that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States *and of the State wherein they reside.*

The phraseology of the next clause is essentially different:

No State shall make or enforce any law which shall abridge the privileges or immunities of *citizens of the United States.*

It will be seen that this amendment does not, in words, forbid States to abridge the privileges or immunities of citizens of the State. To make the two clauses equally comprehensive, the latter should read thus: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, *or of such State.* But the words "or of such State" are not found in the second clause, and the variation in phraseology is so material that it must be considered intentional. Therefore it has been declared that the privileges and immunities which a State may not abridge are those which pertain to citizens of the United States *as such.*

In 16 Wallace's Reports, page 74, the Supreme Court of the United States declare that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established by this amendment; and that the rights which belong to a citizen of the United States, as such, are protected by this amendment; while the rights of the same person, which pertain to him in virtue of his State citizenship, are not protected by the amendment, but remain under the protection and control of the State government only. The language of the court is:

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment. If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested; for they are not embraced by this paragraph of the amendment.

The court also say that with a few exceptions, such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts, "the *entire domain* of the privileges and immunities of citizens of the States, as above defined, lies within the constitutional and legislative powers of the States, and *without* that of the Federal Government;" and the court hold that the fourteenth amendment makes no alteration in this particular.

Whether the opinion of the Supreme Court construing the Constitution be binding upon the other departments of the Government, is a question which has been much discussed. On one side it has been claimed that the Supreme Court is the authoritative expounder of the Constitution; and that what they hold it to be it is. On the other side it has been said that Congress and the Executive are equally entitled to construe the Constitution in regard to matters falling within their respective jurisdictions; and that the three departments being co-ordinate the court can no more bind Congress or the Executive, than Congress or the Executive can bind the court. But it is admitted on all hands that the Supreme Court, acting upon matters within its jurisdiction, that is, when determining causes, is supreme, and that all inferior courts of the Union are bound to observe its decisions.

I need not remark upon this difference in theory, because, conceding that Congress may pass a law and provide for its execution without the aid of the courts—where it can be so executed—which law the courts would hold to be unconstitutional; as for instance if the Supreme Court should decide that Congress had no power to appropriate money to carry on internal improvements, Congress might appropriate money and appoint the agents for administering the funds; yet this bill looks to the courts for its enforcement, and in the nature of things could provide no other instrumentality for its execution. Therefore this bill, should it pass through all the forms of enactment, would be a dead letter unless the rights it is intended to vindicate pertain to Federal citizenship as distinguished from those which pertain to citizenship of a State.

Let us examine this bill with reference to this principle established by the highest judicial tribunal of the Union.

This bill is entitled—

An act to protect all *citizens* in their civil and legal rights.

But the first section provides, not that all *citizens*, but—

That *all persons within the jurisdiction of the United States* shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

If the phrase "*within* the jurisdiction of the United States" means the same thing as "*subject* to the jurisdiction of the United States," then the bill does not provide for Indians living in tribal relations with the United States, but does provide for stray bands of savages, not living in tribal relations, Chinamen, and all unnaturalized foreigners found within the United States.

Now, if it were admitted that Congress might provide that all citizens of the United States should be entertained at inns and amused at theaters, upon what ground can Congress justify entering within the lines of a State to provide for the entertainment and recreation of persons who are neither citizens of the United States nor of the State? And still more difficult must it be to maintain that the right which this act is intended to protect is a right which pertains to citizenship of the United States, when the person whose right is protected is not a citizen of the United States. But, according to the decision of the Supreme Court, no right can be protected by act of Congress except a right which pertains to a citizen of the United States *as such citizen.* And hence it follows that an attempt on the part of Congress to make such a provision on behalf of stray bands of savages and unnaturalized foreigners, as this bill attempts, is without any constitutional warrant whatever.

But, passing the objection as to the persons intended to be benefited, let the rights which are intended to be secured by this bill be examined with a view to determine whether they are rights belonging to the individual in his character as citizen of the United States as distinguished from his rights as a citizen of a State.

The first provision relates to inns, and includes every case in which any citizen of New York, for instance, shall apply for accommodations at an inn in that State. As before remarked, it may be that under the power to regulate commerce among the several States Congress might provide that a citizen going from one State into another, in the prosecution of commerce, should, while so engaged, be entertained in the inns of the latter State. But suppose a citizen of New York, residing in Albany, goes to New York city to buy goods to be shipped to him at Albany. In doing so he is engaged in commerce wholly within that State. Can it be said that he is so engaged in virtue of his citizenship of the United States? Over such commerce Congress has no control; and in prosecuting such commerce it would seem that such person would be exercising no right other than pertains to citizens of that State.

Take the case of theaters; and suppose a citizen of the State of New York, residing in the city of New York, applies for admission into a theater of that city. In doing so is he exercising a right which pertains to him as a citizen of the United States, as contradistinguished from his rights as a citizen of the State of New York?

As to common carriers, as I have before said, the provisions of this bill might be sustained, if confined to persons engaged in such commerce as is subject to the jurisdiction of Congress. But it is manifest that the provisions of the bill are not so restricted. The bill covers a case of transportation between New York and Albany as well as a case of transportation between New Orleans and New York. And the bill is clearly void as to all interstate transportation of persons and freight.

The fourth section of the bill is as follows:

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, *or of any State*, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the causes aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

There is no doubt of the power of Congress to provide who shall be eligible to serve as jurors in a Federal court, and it has already declared that colored men shall be so eligible. But has Congress power to provide who shall be eligible to serve as jurors in a State court? Let it be borne in mind that it is not the object of this provision to secure to citizens of the United States a right of trial before a jury constituted in a particular way; but to secure to citizens of the United States the right to serve as jurors in a *State* court in the trial of citizens or inhabitants of a State. The Supreme Court of the United States, in 16 Wallace's Reports, page 138, decided that a citizen of the United States, as such, was not entitled to practice as an attorney in courts of a State. And speaking of the fourteenth amendment as affecting this question, the court say:

In regard to that amendment, counsel for the plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such; otherwise it would be nonsense for the fourteenth amendment to prohibit a State from abridging them; and he proceeds to argue that admission to the bar of a State of a person who possesses the requisite learning and character is one of those rights which a State may not deny. In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States in that relation and character, and that it is these and these alone which a State is forbidden to abridge. But the right to admission to practice in *the courts of a State* is not one of these. This right in no sense depends upon citizenship of the United States. * *

But on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that, as to the courts of a State, it would relate to *citizenship of the State*, and as to Federal courts it would relate to citizenship of the United States.

If it be not a right of a citizen of the United States as such to be admitted to practice law in a State court, which is a mere profession and occupation practiced for his own personal profit, involving no official connection with the Government beyond subordination to the orders and discipline of the court, upon what ground can it be maintained that it is the right of a citizen of the United States as such to

sit in a *jury of a State court?* Juries in State courts perform a most important function in the administration of justice by the State government.

It will be seen that the decision to which I have referred goes far beyond what I am claiming here, because this was the case of a person applying merely to practice law, that is, to exercise and practice his vocation and calling. I argued that case for the applicant, and I attempted to establish the proposition that the Constitution of the United States guaranteed to them the right to practice all lawful professions, and therefore an attorney being a citizen of the United States might claim that privilege as a citizen of the United States everywhere; but the court, as courts sometimes do, rejected the argument which I urged upon them.

If the right to serve as juror in the courts of the State of Massachusetts, for instance, were a right which pertained to a citizen of the United States, as such, then it would follow that a citizen of the United States residing in the State of New York or California would have as much right to serve as a juror in the courts of Massachusetts as a citizen of the United States residing in that State.

Whatever right is inherent in the citizen of the United States as such he carries with him, without regard to State lines; he has the same right in California and in New York. Every right which pertains to citizenship of the Union may be exercised throughout the Union; and yet it would not be pretended that a citizen residing in California had any right to serve in a jury in the State of Massachusetts. And the fact that Massachusetts has a right to require that her jurors shall be of her own citizens shows that such service pertains to citizenship of that State, and not to citizenship of the United States. I presume no one will pretend that Congress could pass a law requiring the State of Massachusetts to select her jurymen from the whole body of citizens of the United States. And yet such law would be valid if the right to serve as a juror in Massachusetts were a right pertaining to a citizen of the United States as such.

The Senator from Indiana [Mr. MORTON] maintains that a person would be denied the equal protection of the laws if he were denied the right to serve on a jury. If excluding a person from the administration of justice be a denial to him of the equal protection of the laws, as that Senator claims, would not the same consequence follow from his exclusion from the Legislature which makes the laws and from the bench which construes them? It must be "every person," because the clause which he refers to is not confined to "citizens." It relates to any person. A roaming vagabond Indian, John Chinaman in his wooden shoes, an unnaturalized foreigner just landed on the dock in Boston, is "a person" protected by that provision in the Constitution to which the Senator referred; and the Senator from Ohio [Mr. THURMAN] suggests convicts in the penitentiary are also persons; but they are pretty well protected as a general thing. [Laughter.]

And if the Senator's argument establishes the right of every person in the State to serve as a juror, is it not manifest that it also establishes his right to participate in making and construing the laws? And yet it is well known that in proposing the fifteenth amendment, which secures to every citizen the right to vote, Congress purposely excluded the right to hold office. The Senator from Indiana maintains that no man enjoys the protection of the laws unless he be allowed to serve as a juror.

Mr. MORTON. The Senator will allow me to say I made no such statement——

Mr. CARPENTER. Will the Senator wait until I get through, and then I will answer any question.

Mr. MORTON. Very well.

Mr. CARPENTER. I can conceive of no argument based upon the fourteenth amendment establishing the right to serve as a juror which does not also establish the right to serve in the Legislature and hold any State office. And this, in view of the fifteenth amendment, must be regarded as a perfect *reductio ad absurdum.*

If the States do not possess the power of determining who shall and who shall not participate in the exercise of this important State function, then it must be admitted that the States may be interfered with in an important particular in the exercise of their conceded powers.

No one will deny that to-day, after all the amendments, a State has a right to administer justice, according to her own constitution and laws, in obedience to the Constitution of the United States, in her own courts. This is her prerogative. The States cannot interfere with the exercise of Federal functions, by taxing the instrumentalities or officers of the General Government without its consent or in any other manner; and hence it follows that the United States cannot interfere with the States in the exercise of *their* functions. In accordance with this principle it was decided by the Supreme Court, in 11 Wallace's Reports, page 113, that Congress could not impose a tax upon the salary of a judicial officer of a State.

It seems to be clear from the decision of the Supreme Court in 16 Wallace's Reports, page 138, that the right of any person to serve as a juror in a State court is a right which pertains to him in his character of State citizenship, and does not belong to him as a citizen of the United States.

It results, therefore, that all of the provisions of this bill are in conflict with the Constitution of the United States as expounded by the Supreme Court. It may be said that these decisions are incorrect. If this were conceded, still it must be admitted that the decisions exist, and that they prescribe for the judicial department of the Government a rule which must be applied to this bill, and under which the courts must hold it to be invalid and void. And of what advantage can it be to the colored citizen to declare that he may bring a suit in which it is certain that he cannot recover; a suit which must be attended with vexation and expense, and result in defeat and disappointment?

Several years ago some humorous papers were published in this city, describing among other things the country residence of a gentleman of wealth and leisure. They described his magnificent mansion and floral garden on the banks of the Hudson, and the incident of his neighbor's hogs breaking into his garden and destroying everything. Intending to ridicule the technicalities of an old barrister, the writer relates that he consulted him in regard to this injury. He says:

> I asked him if I could not maintain an action of replevin for the hogs in the circuit court of the United States. He replied, with great solemnity, that under the Constitution of the United States and the practice of the courts such an action could be commenced. I asked him if I could recover. He said I could not.

This bill is framed according to the advice thus given. The colored citizen is authorized to bring a suit in which everybody knows he cannot recover. The Supreme Court of the United States, in two well-considered decisions, have settled principles upon which the validity of this bill must be denied; and every circuit court in which a suit may be commenced under its provisions will be compelled in proper judicial subordination to rule against a recovery. Its only effect, therefore, will be to involve the colored man in litigation in which he is certain to be defeated; "keeping the promise to his ear, and breaking it to his hope."

From the consideration which I have briefly stated, I am compelled to vote against the bill. I can understand how an orator like the Senator from Indiana could inflame the passions of a popular assembly, and rally it to support the provisions of this bill; but I confess my astonishment and my sorrow that he can carry along with him the highest court of the land—the Senate of the United States—and pass this bill through all the forms of enactment. I am consoled, however, by the confidence that, if it shall become a law, the judicial courts will intervene to vindicate the Constitution.

Mr. MORTON. I understood my friend to say that I took the position yesterday that under the fourteenth amendment every man was entitled to sit upon a jury, or, if not, he was denied the equal protection of the laws. I did not say that, nor did I intend to say it. What I said and that which I maintain is, that so far as the fourteenth amendment is concerned the States may prescribe whatever qualifications they choose for the right to sit upon a jury; they may require such qualifications as their constitutions may allow them to do; but they cannot require qualifications of one man which they deny to another; that if they say a man twenty-one years old, a voter, who has been a resident of the State for one year is qualified to sit upon a jury if he is a white man, they cannot deny that to a colored man having those qualifications. In other words, I say that whatever qualifications or restrictions are applicable to the one must be applicable to the other; that to give the exclusive right to white men to sit upon juries and to adjudicate upon the rights of colored men is denying to colored men the equal protection of the laws, because it is placing the adjudication of their rights exclusively in the hands of another race, filled with a prejudice and passion in many States that would prevent them from doing justice. Formerly in England Jews were not allowed to sit upon juries because of their religious faith. Will any one deny, looking back to the history of England and the persecutions inflicted upon the Jews, the great wrongs they suffered in the courts? Will anybody deny that that was denying to the Jews the equal protection of the laws of England?

Mr. CARPENTER. Will my friend allow me to interrupt him in turn? I understand the Senator now to have come back precisely to the ground which I understood him to maintain yesterday, that the Jew was not enjoying the equal protection of the laws because he could not sit upon a jury.

Mr. MORTON. Because having qualifications of other men who were allowed to sit upon juries he was not allowed. That is the point. I do not think——

Mr. CARPENTER. Precisely. Therefore, if my friend will pardon me, he is on the precise ground I supposed he was—that denying to a man or to a class of men the right to serve in the jury-box is denying them the equal protection of the laws. That is the Senator's position.

Mr. MORTON. Having the qualifications required of other men.

Mr. CARPENTER. Exactly; but the denial of the equal protection of the laws results from the fact, and is the consequence of his being denied the right to serve in the jury-box; is that it?

Mr. MORTON. Having the qualification of other men who are allowed to serve.

Mr. CARPENTER. Then I did not misunderstand the Senator's argument, certainly.

Mr. MORTON. I understood my friend to say that I contended that to deny a man the right to sit upon a jury was a violation of the fourteenth amendment. I said no such thing. What I meant was that there must be an equality in that right; that if I was allowed to sit upon a jury, being of age, having lived in the State the requisite

length of time, to deny that also to a colored man of the same age and having lived in the State the same length of time was to make an inequality before the law and was denying to him the equal protection of the laws.

I simply want to make one remark about the history of this question as applied to the Jews in England. The adjudication of their rights was placed exclusively in the hands of the Christians, at that time bitterly prejudiced against the whole Jewish sect and persecuting them upon all occasions. If they had had the right to sit upon juries, then indeed they would have had, so far as that was concerned, the equal protection of the laws. My friend said that my position required babies at the breast to be authorized to sit upon juries. I do not know how to answer an argument of that kind. I do not know how to meet that; but if there is any force in it, I may be allowed to say that if you allow a white baby to be placed upon a jury and do not allow that to the black baby, you are thereby creating an inequality.

But what force is there in such an argument about minors when in all countries there are laws fixing the time when they shall come to their majority and exercise civil and political rights? That results as of necessity from nature. Consequently there is no force in an argument of that kiud. I come back to the simple proposition that in the State of South Carolina, with all the prejudice and passion of the whites against the colored men, to place the administration of the law exclusively in the hands of white men is to deny to colored men an equal protection of the laws. It is a proposition so clear that it seems to me no argument whatever can be made against it.

Mr. CARPENTER. One argument made against it is that the Senator from Indiana, when the proposition is put right to him, denies that he is in favor of any such proposition.

Mr. MORTON. O, no; I do not.

Mr. CARPENTER. Let us see. I have no disposition to get into any collision with the Senator from Indiana on this question; but as I made the remark that he had maintained a certain proposition, I will read from the report of his remarks yesterday what he actually said:

> Mr. MORTON. If the State of North Carolina by law provides that no man but a white man shall sit upon the jury, though it was to try a colored man for his life or to try his rights of property, I mean to say that the whole colored race of North Carolina does not enjoy the equal protection of the laws, and how any man of common sense can deny it I cannot understand.

The Senator was speaking of the fourteenth amendment. He was using the language of the fourteenth amendment which provides that no State shall deny to any person the equal protection of the laws, and he said that equal protection was denied to the colored man because he could not serve in the jury-box. Therefore I said, not meaning certainly to misrepresent him—and I certainly have not misrepresented him for he repeats the same thing to-day while charging me with misrepresenting him——

Mr. MORTON. No, I do not mean that.

Mr. CARPENTER. I said that the Senator maintained that to deny to colored men in North Carolina the right to serve in the jury-box is to deny them the equal protection of the laws—and so he did.

Mr. GORDON. I wish to ask the Senator from Indiana a question. His argument, as I understand him, is based upon the supposition, or at least his argument is calculated to make the impression upon the country, that this discrimination against which he inveighs actually exists by law. I want to ask that Senator or any other Senator what State in the South has passed such laws? Let him point to one law in any southern State which violates any provision of the fourteenth amendment. There is no law—and I say it without fear of successful contradiction—which denies any race the right to sit on juries or any other right that is accorded to any other race. So that even upon the supposition that the Congress could exercise this extraordinary supervision over juries of State courts, the Senator's argument is groundless.

Mr. PATTERSON. Will the Senator from Georgia allow me to ask him a question?

Mr. GORDON. Certainly.

Mr. PATTERSON. I should like to ask the Senator from Georgia if any colored men sit on juries in Georgia?

Mr. GORDON. I will answer the Senator by saying that any colored man can sit upon a jury in Georgia who has the requisite intelligence and is upright. These are the only qualifications requisite for jurors under the laws of Georgia. If the Congress of the United States is to undertake to alter the customs of drawing jurors, then we are to discuss another proposition entirely. I am speaking now of the laws; and if I understand the provisions of the fourteenth amendment, that amendment inhibits any State from passing laws denying to any citizens of the United States the immunities and privileges which belong to other citizens of the United States. Whenever a State passes such laws—laws denying to one class of citizens rights which are guaranteed by the Constitution to any other class of citizens, and I do not now stop to inquire what rights and immunities are granted or guaranteed by the Constitution—then I admit that under the fifth section of the fourteenth amendment Congress may proceed by appropriate legislation to protect that class of citizens so denied against such discrimination. Until that law is passed, however—until by statute a State denies some right which belongs to all citizens of the United States as citizens, not of a State but of the United States—until this is done, I maintain that Congress has no power under the fourteenth amendment to interfere. A State must not only have denied immunities, but such immunities as belong to citizens of the United States as such.

Mr. MORTON. One word. I understood the Senator from Georgia that if a State were to pass a law inhibiting colored men from sitting on juries then we could interfere to enforce the amendment. Now I ask him, that being true, have we not a right in advance to pass a law prohibiting and preventing the making of such a law. I should like to ask him whether as a matter of fact black men do sit on juries in Georgia?

Mr. PATTERSON. That is what I want to get at. I should like the Senator from Georgia to give me his attention for a moment. The Senator from Georgia says that in Georgia they allow no person to sit on a jury unless he is upright. It is a fact that no colored man has ever sat on a jury in Georgia, and who is the judge of his uprightness but the gentlemen who have the right to interpret this law? Why do they do it? Is it so that no colored man in Georgia is upright and honest and fit to sit on a jury? How do they get at this?

Mr. GORDON. Probably the Senator is better informed than I am about Georgia. I say that colored men have sat on juries in Georgia. He says they have not. There I leave it, and wish to reply to the Senator from Indiana.

Mr. PATTERSON. I ask the Senator from Georgia if any colored man has sat on a jury in Georgia under the State laws since the democrats have got control of Georgia?

Mr. HAMILTON, of Maryland. Mr. President——

Mr. GORDON. If my friend from Maryland will allow me, I will answer that question to remove any apprehension which it may have created. I stated before that it had been done. The Senator repeats the question. I give him this fact, as I am informed of it, that in the court of Judge Schley, one of our circuit judges in Georgia, colored jurors were summoned not long since, and I believe sat upon the jury.

Mr. PATTERSON. Is he a republican or a democrat?

Mr. GORDON. He is a democrat of course. [Laughter.]

Mr. EATON. I should like to ask the Senator from Indiana one question. A question has been put to my friend from Georgia by the Senator from South Carolina. Permit me to ask the honorable Senator from Indiana if colored men sit on the juries in Indiana?

Mr. MORTON. Have they the right to sit on juries?

Mr. EATON. I did not ask that question. I ask are they placed upon the jury in Indiana?

Mr. MORTON. I understand they are.

Mr. EATON. Where and when?

Mr. MORTON. I have not been there to practice law for some years; I have not been in a court-house in Indiana for some years; but that is my understanding.

Mr. EATON. The Senator will permit me to say that I think not.

Mr. MORTON. Is the Senator prepared to contradict it?

Mr. EATON. Would the passage of this law give the negro the slightest benefit in an attempt to be placed in a jury-box in Indiana?

Mr. MORTON. I should think it would if he is not allowed that privilege already.

Mr. EATON. How? Permit me, Mr. President—take my own State of Connecticut for illustration. How are jurors drawn there? The civil authority of each town within the limits of the State, composed of its selectmen, its justices of the peace, and its constables, meet to appoint the jurors under the constitution of Connecticut. They select the men, white or black; and the passage of this law and a hundred other laws here would not affect the rights of the constables, selectmen, and justices of the State of Connecticut to select such individuals as they pleased to serve upon the juries. Therefore if your law passes it is utterly useless under the State law and under the State constitution.

Mr. MORTON. May I be allowed to ask the Senator a question? He says it would make no difference, because they would not draw colored jurors.

Mr. EATON. I did not say that.

Mr. MORTON. Probably men of his political faith would not do it; but perhaps men of a different political faith would do it and would be disposed to do equality and justice in that respect. But if the law of the State confines the right to sit upon juries exclusively to white men, the sheriff or the constable has no right to draw colored men although a colored man may be on trial for his life or for his property, and the adjudication of his rights is by the law exclusively in the hands of white men, some of whom perhaps despise him and think he has no rights that they are bound to respect. And yet we are told that is giving to the colored man the equal protection of the laws. Why, Mr. President, I do not know how to argue against such a proposition as that.

Mr. EATON. The Senator from Indiana ought not to misrepresent me. He does not intend to do it. At least I cannot suffer him to do it. He says that I said the proper officers would not draw colored men as jurors. I said no such thing. Far be it from me to say any such thing. I say this: that the passage of this law in itself would afford no power, would give them no benefit; they would still rely upon the good sense, the judgment, the kindness of the constables, the selectmen, and the grand jurors of every town within the limits of my Commonwealth.

Mr. MORTON. Is my friend right about that?

Mr. EATON. Yes; I am.

Mr. MORTON. Suppose that in his Commonwealth a sheriff is disposed to draw a colored man, summon him, and put him on a jury.

Mr. EATON. Allow me to say to the honorable Senator from Indiana that the sheriff has no power. That is not the way jurors are drawn in my State.

Mr. MORTON. That is a mere quibble. The question is as to the officer, whether sheriff, constable, or clerk of the court, being disposed to do it and act fairly, but the law of the State prevents him from doing it. If we pass this law, then that part of the State law which prevents him from doing it is overruled, and if the officer is disposed to act fairly he has the legal power to act fairly. That is the difference.

Mr. EATON. The Senator from Indiana should not use the word "quibble."

Mr. MORTON. Perhaps not; but I thought it was that.

Mr. EATON. It is not a proper word to use here. I first stated the fact to the honorable Senator from Indiana that within the limits of my State, under its constitution and laws, a certain body of men in each town drew or named jurors. The sheriff has no power; the clerk of the court has no power; they are named by the civil authorities of the towns; and, as I said, you may pass a thousand laws here and you give no security at all by your law. The security is under the law of the State of Connecticut.

Mr. LOGAN. I desire the Senator from Connecticut to hear a question that I should like to put to him. As I understand him, in his State there is no law which would inhibit the drawing of jurors of any color.

Mr. EATON. None.

Mr. LOGAN. This law, then, would have no effect in his State at all, because the law of his State already corresponds with this law, as I understand.

Mr. EATON. I do not know that there is such a law in any State.

Mr. LOGAN. That is not the point. If there is no law in his State which inhibits the drawing of jurors of any color, I ask him whether this law would affect the drawing of jurors in his State?

Mr. EATON. I said it would not. I said that a hundred such laws would not.

Mr. LOGAN. Very well. Then the State of the Senator is not affected by this bill in any particular whatever. But suppose there is another State that is different, how then would it be?

Mr. EATON. Let me assure the honorable Senator from Illinois that I did not rise to discuss this question at this time; I simply rose to ask a question of the honorable Senator from Indiana.

Mr. LOGAN. I understood that; but I only wanted to see where that question would lead. So far as my own State is concerned there is no such law; in fact the word "white" does not occur in our constitution.

Mr. EATON. It does in mine.

Mr. LOGAN. Then you have a constitution that inhibits it.

Mr. EATON. The word "white" is in our constitution.

Mr. LOGAN. Then you do inhibit it in that State.

Mr. EATON. We do not regard the word "white" now. [Laughter.]

Mr. LOGAN. You do not regard that word. That is very well.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair will observe to the occupants of the galleries that it is against the rules of the Senate to express applause or give expression of feeling one way or another. The Sergeant-at-Arms will enforce the rules of the Senate and place sufficient force in the galleries to preserve order.

Mr. LOGAN. Now the point is this: if the constitution of the State of Connecticut has the word "white" in it, that constitution does deny the equal protection of the law and is in contravention of the fourteenth article of amendment to the Constitution of the United States. Therefore a law of this kind, under the fourteenth article of the Constitution of the United States, is an absolute necessity for the protection of these people even in the Senator's own State; and under the provision of this fourteenth article, which declares that—

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article—

it remands to Congress the very act that we are now engaged in attempting to pass, because it is contravened by the constitution of the State of Connecticut.

Mr. EATON. I will not argue that any further.

The PRESIDING OFFICER. Senators will please address the Chair. The Senator from Maryland is entitled to the floor.

Mr. DENNIS. Will my colleague yield to me to say a word? I may not have another opportunity on this question.

Mr. HAMILTON, of Maryland. Certainly.

Mr. DENNIS. Mr. President, I do not seek this occasion to make a speech. This matter has been thoroughly discussed. It is now well understood throughout the entire country. We have heard arguments *pro* and *con*, and the minds of all Senators are made up as to how they will vote. I merely rise to say why I am opposed to this bill. I am opposed to it first on account of its unconstitutionality, as will be proved when it is presented, as it will be, before the Supreme Court. I am opposed to it again because it is calculated to injure that class of people which it is intended by its friends to benefit.

I know I speak the sentiment of a vast majority of my people when I say that they unhesitatingly oppose this bill in every mode and manner, and as a representative in part of them I here to-day utter my solemn protest against its adoption, and when the occasion arises I shall ask to record my vote against it.

[Mr. HAMILTON, of Maryland, addressed the Senate. His remarks will appear in the Appendix.]

Mr. PATTERSON. Mr. President, I should like to know from the Senator who has charge of this bill whether the time is to be extended. I wish to address the Senate, but the time has all been occupied by the Senator from Maryland until we are now within five minutes of the time fixed for the close of the general debate.

Mr. EDMUNDS. Nothing would be more agreeable to me, so far as I am concerned; of course I cannot speak for the Senate or for the gentlemen on the other side; but the Senator from Connecticut [Mr. FERRY] has a subject which he very properly feels it to be his duty to bring to the attention of the Senate this afternoon when this bill is concluded, and any suggestion or arrangement that will be agreeable to him, after the notice that he has given, and agreeable to the gentlemen on the other side, will be agreeable to me, so that we do not lose the opportunity to finish this bill.

Mr. PATTERSON. I ask the unanimous consent of the Senate that the time be extended.

Mr. MORTON. The Senator has taken but little of the time of the Senate.

Mr. PATTERSON. It is the first time I have ever asked the Senate to allow me time to speak.

The VICE-PRESIDENT. The Senator from South Carolina asks an extension of the time for one hour.

Mr. FERRY, of Connecticut. I could not hear what took place between the Senator from South Carolina and the Senator from Vermont. I do not know precisely what is the application now made to the Senate. My name was alluded to.

Mr. PATTERSON. I will state that I asked the Senator from Vermont if the time could be extended for debate on this bill. The Senator from Vermont declined to consent to that. I now ask unanimous consent of the Senate that the time may be extended one hour so that I may be permitted to address the Senate.

Mr. FERRY, of Connecticut. In the situation in which I am placed, having charge of proceedings this afternoon in regard to which some eight or ten Senators have notified me that they intend to make some remarks, I am compelled to insist upon proceeding in the order which was arranged yesterday.

The VICE-PRESIDENT. Objection is made.

Mr. SARGENT. I wish to submit a motion that at five o'clock the Senate adjourn until half past seven.

Mr. LOGAN. Take a recess.

Mr. EDMUNDS. No; to adjourn.

Mr. FERRY, of Connecticut. At the close of the proceedings this afternoon to adjourn to half past seven.

Mr. SARGENT. I move that when the Senate adjourns to-day it adjourn to meet at half past seven this evening.

The VICE-PRESIDENT. The question is on the motion of the Senator from California.

Several SENATORS. What does that mean?

Mr. SARGENT. I will explain. We hope to get the sundry civil bill from the House to-night. It is absolutely necessary to get it from the House to-night that it may be printed and submitted to the Senate on Monday; and the tax bill can be taken up to-night or this business be finished. Under that pressing necessity I make the motion.

Mr. STEVENSON. I hope that motion will not prevail. My constituency feel a deep interest in the tax bill. I am on the Committee on Appropriations. I think the Senate had better adjourn in order to allow the Committee on Appropriations to consider the bill referred to by the Senator from California. I cannot take part in the discussion of the tax bill if I am required to be with the Committee on Appropriations.

Mr. SARGENT. It is that very thing that we want to have to-morrow. I want to ask the Senator and the other members of the Committee on Appropriations to meet to-morrow afternoon to consider the sundry civil appropriation bill in order that we may be able to report it on Monday.

Mr. THURMAN. I should like to have some understanding. If the Senator from South Carolina proceeds to address the Senate for an hour——

Mr. SPENCER. That has been objected to.

Mr. THURMAN. Then I have not a word to say on that. What I wish to understand on the subject of adjourning to-night is whether it is the intention of the chairman of the Committee on Finance to move the tax bill and keep us sitting all night and into to-morrow, treating Sunday as part of Saturday, or whether he proposes to adjourn from to-night to Sunday or to adjourn to Monday?

Mr. SHERMAN. The tax bill is under the charge of the Senator from Vermont, [Mr. MORRILL,] and therefore I cannot speak for his management of it. I would not like to say what he may do. He is not here at the moment, but can be sent for. I think his purpose a day

or two since was to call it up to-night; but it is within the power of the Senate. I do not want to say anything about it, because I have not charge of that bill.

Mr. CAMERON. It seems to me this is all irregular. The Senator from South Carolina [Mr. PATTERSON] moved that the time for taking this question should be extended one hour. Before that question is decided, we are discussing whether we shall adjourn now or not.

The VICE-PRESIDENT. That question had been decided. Objection was made to the request. The question now is on the motion of the Senator from California, that when the Senate adjourns to-day it adjourn to meet at half past seven o'clock this evening.

Mr. SARGENT. In order that we may receive the appropriation bill and have it referred or do other business.

Mr. BAYARD. I suggest to the Senator from California to alter his phraseology. If he desires to take a recess, that can be done in the discretion of the Senate, but an adjournment must be from one day to another.

Mr. SARGENT. The Senator understands the sad business that is soon to be brought before the Senate. The usual form is to adjourn. Now, I want to limit the power of adjournment, so that we shall not lose the chance of getting the sundry civil bill to-night.

Mr. BAYARD. I do not object. I only wanted to understand the meaning of the phrase.

The VICE-PRESIDENT. The question is on the motion of the Senator from California.

The motion was agreed to.

Mr. DAVIS. I should like to have the attention of the Senator from California a moment. He speaks of the sundry civil appropriation bill. Has he any assurance whatever that it will come over to-night?

Mr. SARGENT. The chairman of the Committee on Appropriations of the House was just with me on a conference committee, and said he expected to get the bill here by half past eleven o'clock to-night. There is an assurance; and on that basis I made the motion.

Mr. EDMUNDS. We must proceed with the understanding and submit the question on the pending amendment to the civil-rights bill, whatever it may be.

Mr. CAMERON. I move that the pending question be postponed for an hour.

Mr. EDMUNDS. That is contrary to the unanimous understanding.

Mr. CAMERON. It may be so. Now will the Senate listen to me for a moment. It is in order that the Senator from South Carolina may have an opportunity to make his remarks upon this subject. It is important to him that he should do so. It is only fair on our part that we should give him the opportunity. I have never heard such a request objected to before. I will say to the Senator from Connecticut that we have waited for his comfort or convenience ten or twelve days for the motion which he will make when this question is disposed of, and I think he can wait, if it may be for twelve or twenty-four or forty hours yet. That which has been postponed for ten or twelve days cannot be injured by another day or two's postponement. I move that the Senator from South Corolina have the opportunity to make his remarks on the pending bill.

Mr. EDMUNDS. It is impossible to make any motion about it. Of course this unanimous understanding does not bind the Senator. The Senator from South Carolina has a right under the Constitution to stand up and speak now if he wishes to. It does not need any motion. No motion is in order to extend the time for an hour, because there is no rule about it. This bill is under debate; and if the Senator from South Carolina chooses to take the responsibility of speaking now—and I certainly shall not claim the floor against him—he can act for himself.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that——

Mr. TIPTON. In case the Senate extend an hour's privilege to the Senator from South Carolina, I understand then the whole question is open and he can be replied to in three hours; and debate is to be unlimited hereafter.

Mr. FERRY, of Michigan. There is one consideration that should be borne in mind: that as far as my recollection extends the Senator from South Carolina has never asked the Senate to listen to him upon any question at length. I think the Senator from Nebraska, as well as some other Senators, has occupied a fair portion of the time of the Senate, and in courtesy it would seem that the Senate ought to defer to the wishes of the Senator from South Carolina.

The VICE-PRESIDENT. The question before the Senate is on the amendment to the fourth section of the bill proposed by the Senator from Ohio, [Mr. THURMAN.]

Mr. EDMUNDS. Under the understanding as to five minutes, debate on amendments, I wish to say a word about this jury amendment. The effect of the motion of the Senator from Ohio is to strike out that part of the jury clause, as it is called, which relates to jurors in State courts. I suppose he makes that motion on the ground that the bill as it now stands is unconstitutional; for I know, I cannot help knowing from having observed him here so long, that his heart moves out strongly in favor of equal rights and abolishing all distinctions among citizens. It always has. He and his party have shown it by their votes upon the constitutional amendments, although they were always against them; they have shown it by their votes on the civil-rights bill that Judge Trumbull first brought forward in 1866; they have shown it on subsequent bills, on reconstruction and everything; so that the objection must stand upon the Constitution.

Now, what is the matter about the Constitution? If a juryman is an officer of a State and holds a political office in the constitutional sense, there would be a great deal of force in the argument against interfering with jurors in State courts; but if a juror is not an officer in the legal and constitutional sense, but like a witness is a citizen called in on the spur of the moment to perform a particular duty, then that part of the argument which is opposed to this jury clause based upon the idea that it is an office, falls. It is enough to say on that question merely that in all the history of juries from the beginning of the jury trial a thousand years ago down to this day it has been reserved to this present time to discover that a juryman is an officer under the laws and constitution of any country. A juryman is a man; he is called in by the name of a man and not by the name of an official; and he is no more an officer than a witness is, not a bit; and if it be not constitutional to say that there shall be equal rights in respect to the calling of witnesses, then it must follow that there must be equal rights in the same degree in respect of the selection of jurors.

Almost everybody voted for the civil-rights bill of 1866. There were only nine or ten votes against it, perhaps less, and yet that said that every man, without respect of race or religion or whatever, should have a right to be a witness, should have a right to be a suitor, should have various other rights, and they should not be abridged or denied. Now it is said that a man has no right to stand equal with his fellow-citizens in respect of taking the chance under the law that he may be drawn as a juror because he is of a particular race or of a particular color; and the same argument would apply to religion, to nativity, to political opinion. If, therefore, the Constitution of the United States does not protect the equality of rights among citizens as it respects the privilege, if you call it a privilege, or the duty, if you call it a duty, of all citizens to serve upon juries, other things being equal, then every State has the right to say, and Congress has a right to say, notwithstanding the Constitution, that no Roman Catholic shall ever sit on a jury; that no Presbyterian shall ever sit on a jury; that no colored man shall ever bring suit in a State court; that no man of German nativity shall ever be authorized to stand up in a court of justice to defend his rights.

Why, Mr. President, "the thing won't do," to borrow a favorite phrase of the Senator from Ohio. If it can be made out that a juryman is an officer under the Constitution and the laws, then you can say under the fifteenth-amendment principle that the right to hold office is not guaranteed to all citizens alike. But as I say—and no man can question it upon the authority of history—there has never been a time in the history of jury trials when a juror was anything like an officer. He is no more than a witness, and the first jurors, let me say, were witnesses, and they were summoned because they knew about the matter to be tried. So that I have no difficulty in saying that if we have any scope at all upon this bill, which I shall by and by try to show, it covers a juror as well as anything else.

Mr. THURMAN. The Senator from Vermont has with infinite skill dealt in generalities. He points out no clause of the Constitution that authorizes this provision in the bill. He deals simply in generalities, speaks about equality, that the Constitution secures equality before the law, and therefore it must necessarily be that there is a right upon the part of every individual to sit in a jury-box. Now, Mr. President, I should like him or anybody else to point out how it is that States may make discriminations upon one line of distinction, but that when it comes to the question of race no discrimination can be made at all. It is admitted that a State may make a discrimination upon the line of ignorance, of education, and that that is perfectly right. It is admitted that a State may make a line of discrimination of language and that that is perfectly legal. It is admitted that you may make a line of discrimination of property and say that a certain property qualification shall be necessary in order to entitle a person to be a juror, and that is all right. But it is said that when you come to the question of race, then you can make no discrimination at all.

Now, we are not on the question of whether such a discrimination is absurd or not. That is not here at all. We are not upon the question whether such a discrimination is unjust or not. That is not here at all. We are upon the question whether the Constitution forbids that discrimination while it permits all others. That is the question, and no man has been able to point out one word in the Constitution which says you shall make no discrimination on account of race but you may discriminate on any other account you see fit. That is the vice of the whole argument. Those who advocate this bill admit that you may discriminate; you may discriminate against those who are ignorant of the English language, against those who are ignorant of their own language, against those who have not sufficient property, you may discriminate against those who have not resided a particular time, against a particular sect; you may discriminate in regard to all these matters; but the moment you discriminate on the ground of race or color, that moment you transcend the Constitution of the United States and Congress is authorized to interfere. Sir, there is not one word in the Constitution that authorizes any such argument.

I believe I have one or two minutes yet. The Senator from Indiana [Mr. MORTON] yesterday said that this was not a bill to prescribe the qualifications of jurors in a State court. Why, sir, if Congress

can pass such a bill as this, it can prescribe completely the qualifications of jurors in a State court, for if it may forbid one discrimination by a State Legislature it may prohibit another, and thus by prohibition after prohibition it may make every person that it sees fit to say shall be a juror qualified to take a seat in the box; and, therefore, argue it as you may, this is a bill to prescribe the qualifications of jurors. You cannot get rid of it; for, as I said before, if you may eliminate one provision of a State statute on the subject, you may go on and eliminate another and another and another to the end of the chapter. No, sir; there is no concealing the fact that this is a direct invasion of the judicial power of a State, as direct an invasion as if you undertook to interfere with the judges upon the bench.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio.

Mr. THURMAN called for the yeas and nays, and they were ordered.

Mr. FERRY, of Connecticut. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. In section 4, line 4, it is proposed to strike out the words "or of any State;" so that the section, when amended, shall read:

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the causes aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

Mr. HITCHCOCK. On this question I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were present, he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 26, nays 40; as follows:

YEAS—Messrs. Bayard, Bogy, Carpenter, Cooper, Davis, Dennis, Eaton, Ferry of Connecticut, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Kelly, Lewis, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Sprague, Stevenson, Stockton, Thurman, and Tipton—26.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Stewart, Washburn, West, Windom, and Wright—40.

ABSENT—Messrs. Brownlow, Fenton, Gilbert, Hitchcock, Johnston, Morrill of Maine, and Wadleigh—7.

So the amendment was rejected.

Mr. BAYARD. I offer the following amendment to come in at the end of section 4:

That sections 820 and 821 of the Revised Statutes of the United States be, and the same are hereby, repealed.

The Senate have declared by their last vote that the right to sit upon a jury is one of those fundamental rights and privileges of a citizen of the United States that he cannot be deprived of on account of race, color, or persuasion, religious or political; and the bill professes to be "an act to protect all citizens in their civil and legal rights." In 1862, while war was flagrant, the following act was passed, which still stands unrepealed upon our statute-book. Section 820 of the Revised Statutes contains this provision of the law of June 17, 1862:

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

Mr. President, is it not plain that by this statute ninety-nine white men out of every hundred in the Southern States are disqualified from sitting on a jury, should the challenge be made for any one of these causes? There is not a boy who was eleven years old, incapable of arms-bearing, at the surrender of the last armed man of the late southern forces, who carried to his father in arms a cup of water, who did his bidding, who held his horse, who ministered to him in any way, who can serve on a jury. A man thoroughly devoted to the Union, stanchly upholding the claims of his country's government, may yet have performed some ordinary act of kindness to a neighbor who was of different political views and was engaged in armed hostility to the Government of the United States; and here in all this time not the men who were in arms, not the men who were capable of bearing arms at the time the war existed, but all these are to be excluded from the exercise and enjoyment of that which the Senate has declared no colored man whatever shall be excluded from. The Senate has declared that it is a fundamental right. It amounts, then, under the decision of the Senate, while this law stands upon the statute-book, to an absolute disfranchisement of 99 per cent. of the white population of the South. Section 821 provides:

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court in their discretion may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

Now, Mr. President, I wish to say that two years ago the House of Representatives passed a bill to repeal these two disqualifications, which ought long since to have been wiped from our statutes, and I earnestly trust that when the Senate is considering a measure of this kind, with the professions which the language of this bill contains, it will not hesitate at least to put the entire white population of the South on a level with the negroes.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed to insert at the end of section 4 the following words:

That sections 820 and 821 of the Revised Statutes of the United States be, and the same are hereby, repealed.

The VICE-PRESIDENT put the question on the amendment, and declared that the noes appeared to prevail.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN. Mr. President, I would not say a word in reference to this amendment if it was a separate bill. I rise now merely to say that without discussing the propriety of repealing these two sections, whether they remain on the statute-books or not, it seems to me if there had been a very great desire on the part of some Senators to repeal these sections they might have brought the proposition before the Senate before, or at least it might have been brought before the Senate when this measure was considered by the Senate at the last session. It is perfectly obvious to all that if this bill is amended in the Senate that will be its defeat. That is the only thing I desire to say to our friends who support the bill, that in my judgment any amendment to this bill (which has been matured and which is a good bill) will be its defeat. For that reason, as far as I am concerned, I shall vote against all amendments without reference to whether it would be proper to repeal the sections indicated in the amendment or not. I will not say that I would not vote to repeal those two sections if the proposition was brought before the Senate as a separate bill. I think probably I would do so, but on this bill I certainly shall vote for no amendments, because the effect would be to defeat it.

The question being taken by yeas and nays, resulted—yeas 25, nays 36; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Ferry of Connecticut, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Sprague, Stevenson, Stockton, Thurman, and Tipton—25.

NAYS—Messrs. Allison, Anthony, Boutwell, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Sherman, Spencer, Stewart, Washburn, Windom, and Wright—36.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Fenton, Gilbert, Hitchcock, Johnston, Lewis, Sargent, Wadleigh, and West—12.

So the amendment was rejected.

Mr. THURMAN. I have an amendment to offer. I move after the word "pay" in line 7 of section 2 to insert the words "not more than." The provision now is:

That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year.

As this bill stands the penalty for the most trivial violation of this section cannot be less than $500. Now I say it is simply monstrous to enact a criminal code of that sort. The most trivial violation, which does not cause the person aggrieved one single cent of damages or one single moment of suffering, is made necessarily to inflict upon the aggressor the penalty of $500. Then the section itself is so comprehensive and at the same time so vague, that no man can tell how much he may be vexed under this section, to what extent the vexations may go, or what difficulties may be created by it. The language is: "That any person who shall violate the foregoing section by denying to any citizen" these privileges. What is meant by "denying" to him these privileges? It is just about as vague as anything could well be. But it is not only that:

That any person who shall violate the foregoing section by denying to any citizen, * * * or by aiding or inciting such denial, shall, for every such offense, forfeit and pay, &c.

What is meant by "aiding or inciting such denial?" Any person

who shall deny any of these privileges or anybody who shall aid or incite such denial is liable. No man can tell whether he is safe or not safe under the provisions of such a law as this; and to say that in every such case he shall be liable to pay $500 to the person aggrieved, although that person might not lose one single cent in money and not be subjected to any inconvenience whatsoever, or even to the suffering of a moment in his feelings, and also that there shall be a penalty of $500 is to my mind making a code of criminal law, not in the spirit of the enlightened age in which we live, but in the spirit of the cruelest and bloodiest age in which criminal laws ever were enacted.

Mr. EDMUNDS. Mr. President, we have five minutes on a side. I guess the Senator has had his five minutes.

Mr. THURMAN. Five minutes to a speaker.

Mr. EDMUNDS. Five minutes to a side; that is what it means. I will not take up my five minutes, however, in discussing that.

If the Senator from Ohio were before some petit jury in the city of Columbus, if he resides there, defending an American citizen for expelling an Irishman from his hotel because he was an Irishman, then his remarks might have some application as appealing to the sympathies and the prejudices of a jury who did not happen to like, as in know-nothing times, the Irish or any other foreign people; but for the Senator to stand up here and say that fixing $500 as the minimum punishment for a man who has been convicted by a jury, an impartial jury, and if this bill goes into effect a jury which may be composed of Irishmen and of Germans and of Englishmen and of Americans and of Africans—who has been convicted by such a jury of invading one of the fundamental rights of a citizen, that $500 is too much to pay, he must have an extraordinary view of the value of the rights of citizenship, a very extraordinary view indeed.

Now the Senator says this goes back to the cruel times of barbarism, &c. Does not the Senator know that if we look through the Revised Statutes there are a great many instances where the minimum punishment for offenses is fixed as high as $500? I cannot in five minutes take the time to run them over. It is a very simple proposition. The difficulty is that the Senators on the other side seem to fancy that the protection of the fundamental rights of citizenship is a mere joke, a trivial matter; and if a man's dearest rights are invaded upon the ground that he was born in one country or in another, or that he traces his lineage from one race or another, it is pretty hard to make the man who knowingly and willfully and maliciously invades such a right pay $500 for it.

Mr. MORTON. There are no rights but State rights to protect!

Mr. EDMUNDS. There are no rights but State rights that are to be invaded, and what State rights are nobody seems to know.

Mr. THURMAN. I think I have about one minute of my time unexpended.

The VICE-PRESIDENT. The Senator can proceed.

Mr. THURMAN. Now, what a commentary upon the speech just delivered by the Senator from Vermont is the fact that not ten minutes ago he voted to continue on our statute-book a provision that excludes nearly all the intelligence and the education of the South from the jury-box, the very juries that are to try these cases. The Senator says that after a man has been convicted of violating the fundamental principles of the Government by a jury impartially drawn, composed of Irishmen and Germans and Americans and negroes, and all that, certainly he ought to be punished by a fine of $500, and at the very same time the sound is hardly out of the Senate Chamber with which he expressed his negation of the repeal of the provision that ought to be repealed if you are to have any intelligent and upright juries at the South.

Mr. EDMUNDS. Have I any time left, Mr. President?

The VICE-PRESIDENT. The Senator has a minute and a half.

Mr. EDMUNDS. A minute and a half. That is plenty.

The distinction between the case we have and the one to which the Senator so feelingly refers is that the statute which we refused to repeal endeavors to make a jury-box pure and to keep out of it the people who are interested in the question to be decided; that if a man is accused of treason the jury-box shall not be filled up with his fellow-traitors; if a man is accused of being a conspirator, a Ku-Klux, that the jury-box shall not be filled up with his fellow Ku-Klux. On the Senator's argument, the true meaning of a jury would be, if a man is accused of anything, to send around everywhere and find somebody else who committed the same sort of crime to try him.

Mr. THURMAN. I have one word to say. The Senator's imputation is that every man in the South who was engaged in the late rebellion is a Ku-Klux and a traitor now. That is the imputation of the Senator.

Mr. EDMUNDS. That is the Senator's opinion. I have not said anything of the kind.

Mr. TIPTON. Mr. President——

Mr. EDMUNDS. Is not debate exhausted? We have spent five minutes on each side on an amendment.

The VICE-PRESIDENT. The Chair is informed that an order was made by the Senate to limit debate to five minutes on each side. If that be so, the Senator from Nebraska is not in order.

Mr. TIPTON. I move then to strike out the word "theaters" in the sixth line of the first section.

The VICE-PRESIDENT. That would not be in order, as an amendment is now pending. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. THURMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 22, nays 36; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Sprague, Stevenson, Stockton, and Thurman—22.

NAYS—Messrs. Alcorn, Allison, Boutwell, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Sherman, Spencer, Stewart, Washburn, West, and Windom—36.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Cameron, Carpenter, Fenton, Ferry of Connecticut, Gilbert, Hitchcock, Johnston, Lewis, Sargent, Tipton, Wadleigh, and Wright—15.

So the amendment was rejected.

Mr. THURMAN. The amendment just voted down, if adopted, would have had the effect to make the sum of $500 the maximum penalty. As the bill stands the penalty is $500, without any regard to the difference in degree of criminality between different cases. The most trivial offense is punished by a penalty of $500. The most aggravated is punished by precisely the same penalty. If the law is constitutional there might be cases under it where ten times or twenty times $500 would be no greater penalty than ought to be inflicted; but this bill makes an iron rule which provides the same penalty in every possible case.

Now, to obviate that I move to amend by inserting after the word "pay" in the seventh line of the second section the words "not less than" instead of "not more than," as I proposed a moment ago, and then by striking out the word "hundred" in the eighth line; so that it will read, if the amendment be adopted:

For every such offense, forfeit and pay not less than the sum of five dollars, &c.

Leaving a greater sum to be recovered in case a greater penalty ought to be inflicted.

Mr. EDMUNDS. That is in substance the same amendment just voted down, is it not?

Mr. THURMAN. Not at all. If the amendment just voted on had been adopted, it would have been "not more than $500," and therefore you could not have exceeded that sum. I now propose to make five dollars the minimum. The Senator from Vermont can move any maximum he sees fit.

Mr. EDMUNDS. I do not think he will move any.

Mr. THURMAN. Some of my friends say we must have a limit if there is to be a penalty. I move to amend it then so as to read:

Not less than five nor more than one hundred dollars.

Mr. EDMUNDS. This whole suggestion is totally unnecessary. This is substantially the same thing that we have just voted down, and I do not want to violate any understanding myself. But in respect to this recovery for private injuries, the statutes have had them in before; and now here is a favorite law, a favorite to the Senators on the other side, passed in 1850, which I happen to have open before me, which says that anybody who is convicted of being in any way connected with letting a colored man escape from service shall pay, by way of civil damages—"forfeit and pay to the party injured the sum of $1,000," absolutely and arbitrarily fixed. A thousand dollars may perhaps be in the minds of gentlemen a very moderate sum as the price of a slave; but when it comes to protecting the rights of freemen it is altogether too much to have it five dollars.

Mr. THURMAN. It is very easy to retort on the Senator that he has suddenly become in love with the fugitive-slave law.

Mr. EDMUNDS. I have not. I am afraid such legislation as that was is the Senator's example.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio.

Mr. McCREERY. I call for the yeas and nays.

Mr. EDMUNDS. O, do not waste the time.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. TIPTON. In the sixth line of the first section I move to strike out "theaters" and insert "churches."

Mr. President, this bill proceeds upon the assumption that the public will demands this legislation; and will the honorable Senator who has charge of the bill, or any other Senator, say to the country that there is a public opinion demanding that if a man is refused on account of color the accommodations, whatever they may be, that they have at a theater, or the advantages that may result from going to a theater, or the facilities for doing things that they have at a theater, or the privileges of a theater, it is a damage of $500? Do his constituents put such an estimate as that upon the advantages and accommodations that are furnished at theaters that they call upon him to impose a fine of $500 upon any man who deprives another of the privileges and accommodations of a theater? The honorable Senator goes to his constituents and to the country upon the basis that there is a public clamor among the virtuous people of this country that there must be a penalty of $500 imposed in order to secure to the African the accommodations that are said to belong to a theater. That is all the sheerest bosh. No man can vote for that honestly on this floor or anywhere else.

I therefore move that the word "theaters" be stricken out and that the word "churches" be substituted, in order that the penalty of $500 shall fall upon the man who is driven away from a church, where it is supposed that all men stand equal before the divine law; and of course such a body as this of intelligent, devoted Christian legislators will vote out the "theater" and vote in the "church."

Mr. OGLESBY. I ask the Clerk to read the bill as it will stand if it shall be amended as proposed by the Senator from Nebraska.

The VICE-PRESIDENT. The section will be reported as it would stand if amended.

The SECRETARY. It is proposed in line 6 of section 1 to strike out the word "theaters" and insert "churches;" so that when amended that part of the section will read:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, churches, and other places of public amusement. [Laughter.]

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. THURMAN. On that I ask for the yeas and nays.

Mr. EDMUNDS. We shall have the yeas and nays of course.

I avail myself, Mr. President, of this opportunity to say a few words—of course I cannot go into the argument *in extenso*—in support of this measure. It has seemed to me, in listening to the debate upon this and other measures which have become necessary from the course of events since 1860, that a very extraordinary consistency of attitude has been maintained by our friends on the other side of the Chamber and their predecessors. There has been no measure either for repressing rebellion, carrying on the war, securing the fruits of the war, that has found any favor with that party; and so I am not surprised that when we come now in some measure—not a large measure I am sorry to say, not a full measure I am sorry to say—but in some measure to protect the fundamental rights of citizens of the United States under its Constitution, we find the same party occupying its same old attitude.

We have been told in a delusive and false platform, gotten up at Cincinnati and indorsed without recourse at Baltimore or wherever the place was, that that party and its allies and new adherents were really going to accept what had transpired, and that they were in favor of the equal rights of all men before the law. But when you pass beyond that single instance of what I believe the whole country now knows to have been a false and delusive statement, I know of no instance in which that party and its allies have been in favor of taking a step either to preserve the integrity and unity of this people in its direst need or to maintain or observe the rights which the new amendments to the Constitution conferred. Why, look at it, Mr. President. Take the thirteenth amendment to the Constitution abolishing slavery. Whose votes passed it after the war? At the end of the war, when everybody supposed that those who professed to be on the side of the country were opposed to the continuance of that institution, every democrat in this body I believe, on the 11th of April, 1864, voted against submitting to the people of the various States the thirteenth amendment to the Constitution providing for abolishing slavery. Why did they do it? They did it because they believed that slavery ought not to be abolished, and that the country ought to be remitted to the old condition of things; that the Southern States, having gone into rebellion, and being about to be defeated or having been defeated, should come back with everything—slavery and all—that they had fought to maintain and had failed to maintain. And when the thirteenth amendment was submitted to the States for their approval, I find that every democratic State, if I am not mistaken, which then had a democratic Legislature rejected that amendment—the States of Delaware and New Jersey and Kentucky. Why did they do it? They did it because they were determined that this Government should not take a step forward on the side of freedom and equal laws. They were determined that the old institution which had cursed not only those people in which it had lived but all the other people of this country should still stand in spite of all that had occurred.

And then again when we came to the fourteenth amendment, which I have heard no Senator on this floor upon the other side say a word in favor of, even upon their own interpretation of what it may mean, I find that, true to that instinct and that impulse, every member of the democratic party here recorded his vote against it, aided by some of their allies and adherents that for want of offices or something else had gone over; and when that amendment was submitted to the people of the States, again true to the same solid and perpetual policy, every democratic State that I know of voted against it, and some States which when it was submitted to them voted in its favor the moment they became democratic undertook to withdraw the ratification that their State had made, of which the State of New York is one notable instance.

Then when we came to the fifteenth amendment, which provided that the right of an American citizen to vote, other things being equal, should not be abridged on account of his race or his color or the fact that he had previously been in a state of servitude, true again to the un-American and anti-liberal policy, every democratic member in this body voted against it still, and I believe every democratic Legislature voted against it also—California, Delaware, Kentucky, Maryland, Oregon, Tennessee, and two others, Ohio and New Jersey, had rejected it before when they had democratic Legislatures, and another State withdrew its ratification when it became democratic.

Mr. President, what did all that mean? The question then was not upon interpretation whether it invaded State rights, whether the States were to carry it into effect or whether the nation was to carry it into effect; but the question was whether it was right that in those three respects the Government of this country should make progress, and every time, year after year, we have found the party that now opposes this measure resisting not only, as I say, questions of interpretation, but questions of the fundamental propriety of the act itself. They have stood, therefore, with a persistence that would be worthy of a good cause, that slavery should not be abolished. They have said that citizens of the United States should not have the equal protection of the laws. They have said that race and color should still stand in this Republic and be made tests for the exercise of the rights of citizenship. And when you go a little further, sir, you find the same bad policy was still pursued. Every act that was proposed in Congress to maintain the supremacy of the Union, every act that was proposed in Congress to enforce equal rights, to provide for reconstruction, was resisted with the same vigor and with the same persistence. There is not one of the reconstruction acts that had the advantage of a democratic word in its favor or a democratic vote for it. There is not a civil-rights bill securing the simplest and confessedly fundamental rights such as the one proposed in 1866, that received a democratic vote. When we came to 1870 in the second civil-rights bill it was the same thing. And when, after the amendments had been adopted, when measures were proposed to carry them into effect, there still was constant resistance of this party that professes to be in favor of equal rights. Why, Mr. President, even in respect of voting for members of Congress, which under the old Constitution was a subject which Congress had a right to regulate, when it was proposed in order to secure freedom and security to all citizens in elections for members of Congress that there should be in large cities registration laws and securities to the citizens that they should not be cheated out of an election, every democrat in this body voted against it.

Mr. President, this means something. It means, I think, what the people of this country will fully understand and which cannot be concealed by honeyed phrases, that this idea of distinctions still exists in the body of people who claimed that we had no power to resist secession and who, hunting over the Constitution as the Senator from Ohio and his friends have been doing for two or three days, and who now say they cannot find any place in it which says that there shall be no distinction of rights as to juries or as to railways, said through the President of the United States that he could find nowhere anything said about resisting secession, and therefore it could not be resisted. So our friends to-day, animated apparently by the same motive and filled with the same opinions, say "we have hunted through these three new amendments, and we do not find that there is anything in them which enables us to do anything at all; they are dead letters—dry bones."

There is no one thing which has been proposed, or which, I venture to say, can be proposed, to enforce these provisions of the Constitution that the Senators will not, with a solidarity that is absolutely perfect, say "the Constitution gives no warrant for that." There is no law that can be proposed to enforce these provisions in the Congress of the United States, although the Constitution itself says that Congress shall have power to enforce them, that meets with their approval, be it broad or narrow. Let it touch race or religion or sect or whatever, we shall be told when it is proposed, as we have been told when it has been proposed, "We cannot find anything in the Constitution that warrants our doing so, and we are careful not to say that there is any other interpretation or any other measure which Congress can pass to enforce the fundamental rights which have become a part of the Constitution of our country." No, Mr. President, and I say it with pain, the meaning of this, as I believe, is that there is intended to be what a democratic platform not many years ago said it was then designed to be, a period of reaction, and that we are to have, if they can accomplish it, the Union and the Constitution as they were, not as they are; and either by absence of legislation or in some other way there shall be no effectual life in any one of these three amendments. "You say that slavery is abolished, and we accept that now." Very well; what is slavery? Slavery is involuntary servitude, and that is all. Have you not seen, sir, have you not often seen latterly, steps being taken in certain States of this Union to provide for controlling labor, as they call it? Have you not seen it often proposed, and will you not soon see it in law in some of those States, that if a man makes an engagement to labor and breaks that engagement all the damages that his employer is to suffer shall be a lien upon all the future earnings of his life, a mortgage upon that man forevermore, in order that you may pass one more law and say that any man who does not make a labor contract with a planter or somebody else and stay and perform it upon the terms the planter chooses to dictate shall have a mortgage upon the rest of his earnings, or else shall be deemed, as the State laws say, a vagrant, a man having no visible means of support; and a vagrant is a criminal; a criminal

is indicted or convicted before a magistrate and sentenced to labor as a vagrant, turned over to the plantation or to the farm, wherever it may be. Then you have got involuntary servitude, and you have not, as they will say, violated the thirteenth amendment or the fourteenth, or anything else, but those who ought to rule, as the kings of England used to say, will rule. And that leads me to believe that when you study the history of the progress of these affairs the contest from 1860 to 1865 is not ended. I do not mean by that that there is any present disposition on the part of anybody to take up arms for secession; but I mean, as Governor Smith—if that was his name—of Georgia, said in an address to the planters and farmers of that State only a year or two ago, that in some way consistently with the letter of the Constitution the old system of planting or a baronial system may be restored, and that those who own the lands, as in some other countries it is unhappily true, control with a rule that is as real and effectual as any slavery the operations and the liberties of the people who live upon their estates.

Now, what does this bill propose to do. This bill that we have under consideration only proposes that if there are any fundamental rights in this Constitution they shall be secured by that power which the Constitution says shall take the measures to secure them, and that the Congress of the United States by legislation appropriate shall secure to every citizen in this land the rights which the Constitution gives him; and yet Senators say this is invading State rights; this is tryannical! Why, Mr. President, State rights justly considered, the real and the true rights of States can only be secured under and by the Constitution of the United States; and therefore, in my opinion, it is an invasion of State rights instead of an attack upon them to say that you will turn every State adrift and all its citizens be subject to the turmoil and the disturbance and the passion and the prejudice which may happen from time to time to exist in any particular State. There is no security for a State that is not found under this bond of union which the Constitution of the United States secures; there is no security to any citizen or a State, either under the State or under any other provision, that is not found fundamentally and in the first place in the fact that the whole family of these States have a common interest in his protection and in the protection of his State; and it was so in the first Constitution as it is in this.

The Constitution of the United States, as was stated in an opinion of the Supreme Court once by an eminent democratic judge, is a bill of rights for the people of all the States, and no State has a right to say you invade her rights when under this Constitution and according to it you have protected a right of her citizens against class prejudice, against caste prejudice, against sectarian prejudice, against the ten thousand things which in special communities may from time to time arise to disturb the peace and good order of the community. That is all this bill undertakes to do. Now let us see what this bill is.

That first section of it simply provides that all persons shall be entitled to certain common rights in public places, in the streets, if they were in—they are not in, but that illustrates it—that no State shall have a right and no person shall have a right to interrupt the common use by citizens of the United States of the streets of a town or city. Where is the authority for that, Senators ask; where is the authority for saying that a State shall not have a right to pass a law which shall declare that all citizens of the German race shall go upon the right-hand side of the streets and all citizens of French descent shall go upon the left, and so on, and that all people of a particular religion shall only occupy a particular quarter of the town, and all the people of another religion another side? Is it possible, with a national Constitution which creates fundamentally a national citizenship, that anybody can say a State has a right to make laws of that kind? I should be amazed to hear it stated. If that can be stated, then I should be glad to know what there is in being a citizen of the United States that is worth a man's time to devote himself to defend for a single instant.

What is it to be a citizen of the United States if being that the citizen cannot be protected in those fundamental privileges and immunities which inhere in the very nature of citizenship? And there is the fault into which my honorable friends on the other side have fallen in arguing this constitutional question. The question is not whether citizens of a particular character, either as to color or religion or race, shall exercise certain functions; but the question is the other way. It is that no citizen shall be deprived of whatever belongs to him in his character as a citizen; and what belongs to a man in his character as a citizen has been long in a great many respects well understood. There was the old Constitution, the fourth article, you remember, which said that citizens of each State should be entitled to the privileges and immunities of citizens of the several States. What did that mean? That has received judicial interpretation.

By common consent of all parties, before this gravest question arising out of the rebellion and the war has been forced upon us, the courts had held with universal acceptance, I believe, that there did belong to citizens certain inherent rights which could not be denied to them, and that you could not, under the Constitution of the United States, either through State or other authority, set up distinctions which interfered with these fundamental privileges. Perfectly consistent with that, as everybody knows, you may say that in order to fulfill a certain function in the State or to hold a certain office all citizens alike must conform to certain qualifications. Your courts may say—a case which seems to have troubled my honorable friend from Wisconsin [Mr. CARPENTER] very much—your courts may say, be they Federal or be they State, that in order to practice law every citizen must possess certain qualifications of sex, of age, of learning, or experience, or whatever; but what has that to do with the question? Unless you can say that it is a fundamental right of a citizen to be a lawyer, you do not get ahead in the argument at all; but yet every one who is acquainted with constitutional history knows that it never has been contended that a fundamental right of a citizen was to be a lawyer or a schoolmaster or a judge or a Senator. The only thing that the Constitution says is that there shall never be a distinction in respect to the rights which belong to a citizen in his inherent character as such. Now, what are those rights? Common rights as the common lawyers used to say, common rights as the courts of the United States have said under the fourth article. Among those may be enumerated—it may be that you cannot make a precise definition, but you can always tell, when you name an instance, whether it falls within it or without it—the right to go peaceably in the public streets, the right to enjoy the same privileges and immunities, without qualification and distinction upon arbitrary reasons, that exist in favor of all others. That is what it is. Then apply it to this bill, and what have you? You say it shall not be competent for any person, either under the authority of a State or without it, to exclude from modes of public travel persons on the ground that they have come from Germany, like my distinguished friend behind me, [Mr. SCHURZ,] or that they have come from Ireland, as some other Senators here may have come, or that their descent is traced from Ham or Shem or Japhet. And yet Senators seem to be greatly alarmed when this simple proposition of common right inherent in everybody is put into a statute-book, which carries out a constitution which declares that every privilege and every immunity of an American citizen shall be sacred and protected by the power of the nation. That is all there is to it; and those, therefore, who go fishing and talking dialectics about attorneys and about slaughter-house cases and police regulations find themselves entirely wide of the mark. The real thing, Mr. President, is that there lies in this Constitution, just as in *Magna Charta* and as in the bills of rights of all the States, a series of declarations that the rights of citizens shall not be invaded. These bills of rights do not say that A or B or C or any class shall hold an office or be a witness or a juryman or walk the streets. They only say that these common rights, which belong necessarily to all men alike in the reason of things, shall not be invaded on the pretense that a man is of a particular race or a particular religion.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. EDMUNDS. I am sorry, because I had considerable more to say; but I will not take up the time.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. BOGY. Is it in order to reply to the speech made by the Senator from Vermont?

Several SENATORS. No, no.

The VICE-PRESIDENT. The yeas and nays have been asked for on the passage of the bill.

The yeas and nays were ordered and taken.

Mr. HITCHCOCK, (when his name was called.) On this question I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If present he would vote "nay," and I should vote "yea."

Mr. NORWOOD., (when Mr. JOHNSTON's name was called.) I desire to state that the Senator from Virginia [Mr. JOHNSTON] is detained by sickness.

The result was announced—yeas 38, nays 26; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Stewart, Washburn, West, Windom and Wright—38.

NAYS—Messrs. Bayard, Bogy, Carpenter, Cooper, Davis, Dennis, Eaton, Ferry of Connecticut, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Kelly, Lewis, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Sprague, Stevenson, Stockton, Thurman, and Tipton—26.

ABSENT—Messrs. Brownlow, Dorsey, Fenton, Gilbert, Hamlin, Hitchcock, Johnston, Morrill of Maine, and Wadleigh—9.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the State National Bank of North Providence, Rhode Island, to change their names;

A bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company of Omaha, Nebraska; and

A bill (H. R. No. 4846) to remove the political disabilities of Charles W. Phifer, of Texas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the following enrolled bills; which were thereupon signed by the Vice-President:

A bill (S. No. 455) for the relief of William M. Kimball;

A bill (S. No. 459) for the relief of William J. Patton;

A bill (S. No. 674) to relieve C. D. Anderson of his political disabilities;

A bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance;" and

A bill (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California.

TAX AND TARIFF BILL.

Mr. FERRY, of Connecticut. Mr. President——

Mr. MORRILL, of Vermont. Will the Senator from Connecticut yield to me for moment. I ask that House bill 4680 be taken up.

Mr. LEWIS. I object.

Mr. MORRILL, of Vermont. Then I move the postponement of all prior orders in order to take it up. This bill is absolutely necessary to the support of the Government, and I desire to have it taken up in order that it may be acted upon.

The VICE-PRESIDENT. The Senator from Vermont moves to take up House bill No. 4680.

Mr. MORRILL, of Vermont. I desire merely to say to the Senate that I trust every Senator will be in his seat this evening in order that this bill may be disposed of, but if there should not be a quorum present at half past seven, the hour to which we have agreed to adjourn, I shall feel compelled to move an adjournment.

Several SENATORS. No, no.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I beg leave to present the report of a committee of conference.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, report that said committee have been unable to agree.

LOT M. MORRILL,
A. A. SARGENT,
H. G. DAVIS,
Managers on the part of the Senate.
J. A. GARFIELD,
H. H. STARKWEATHER,
STEVENSON ARCHER,
Managers on the part of the House.

Mr. MORRILL, of Maine. It will be seen that the committee have been unable to agree. I move that the Senate further insist on its amendments, and ask for another conference.

The motion was agreed to; and by unanimous consent the Vice-President was authorized to appoint the conferees.

The VICE-PRESIDENT appointed Mr. SARGENT, Mr. EDMUNDS, and Mr. STEVENSON the new committee of conference on the part of the Senate.

TAX AND TARIFF BILL.

Mr. MORRILL, of Vermont. I desire to know whether the tax bill has been taken up.

The VICE-PRESIDENT. The question has not yet been put. The question is on the motion of the Senator from Vermont to take up the bill named by him.

The motion was agreed to.

DEATH OF SENATOR BUCKINGHAM.

Mr. FERRY, of Connecticut. Mr. President, in accordance with precedent on similar occasions I send to the Chair resolutions which I ask may be read.

The Secretary read as follows:

Resolved by the Senate, That as an additional mark of respect to the memory of WILLIAM A. BUCKINGHAM, late a Senator from Connecticut, business be now suspended, that the friend and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

The resolutions were agreed to.

Mr. FERRY, of Connecticut. Mr. President, the Senate again testifies its respect for one whose name has been stricken from its rolls by death.

When the telegraph announced that Mr. BUCKINGHAM was no more, we paused in the work of legislation to do honor to his memory. When a few days later the hour arrived for the great assemblage which had gathered to his funeral at his distant home to go forth bearing his body to its last resting place, we stopped, as it were, for the long procession to pass by and do its solemn office and disperse; and now we pause once more to utter in the hearing of the nation such words of commemoration as seem to us befitting the regard in which we held our associate and our friend. "Eulogies" we are accustomed to call the brief addresses which are spoken on such occasions. I shrink from the application of that word to anything that I can say of him who has so lately gone out from among us forever. He thought so little of himself, he was so unobtrusive of his own personality, so truly simple and modest in everything relating to his fame among men, that it seems as if that kindly face were rising up before me to deprecate words of praise. But in narrating the story of his life the plainest truth is the highest eulogy, and the power of that truth is now one of the gracious influences which are the common property of his countrymen.

WILLIAM A. BUCKINGHAM was of a Puritan family, the memorials of whose members are still preserved in unbroken line from the first of the name who left England in 1637, and after a temporary abode, first in Boston and then in New Haven, settled in Milford, Connecticut. A volume of these memorials has been printed, and its pages furnish a noble illustration of the power of early influences in molding the character of successive generations. For nearly two centuries and a half, through which the record runs, the ancestors of Governor BUCKINGHAM have been men of fervent piety, of superior intellectual powers, of rare sagacity in affairs, and of prominence in the community of which they were members. His father and mother were both remarkable persons. Of the former it is said:

He was an enterprising and thrifty farmer, who lived comfortably and made his house the home of hospitality. His most striking characteristic was his rare good judgment. He was a Christian gentleman. His habits of business were careful and exact. His reverence was great. He was tender-hearted and full of sympathy for the children of misfortune, as well as rigid in his ideas of personal duty.

A former clergyman of the place where they dwelt, in speaking of the latter a few years ago, says:

When I became pastor of the church, I was struck wherever I went with the love and gratitude which all poured out at the mention of one individual. That individual was the mother of our now good governor—a noble son of a noble mother. Beneath every roof her name was most affectionately mentioned, as her memory is now sacredly cherished. I wondered how she had thus endeared herself to the hearts of that people. But when I saw her at the bedside of the sick and dying ministering like an angel from above to their relief; when I saw her gifts scattered wherever they were needed; when I saw how little she spent upon herself, and how cheerfully she gave to others, I understood the secret.

Of such parentage, on the 28th of May, 1804, in the ancient town of Lebanon, Connecticut, WILLIAM A. BUCKINGHAM was born. Here, too, the first eighteen years of his life were passed. He was educated in the public schools of his own and of a neighboring village. He learned to labor with his hands upon his father's farm. But there is an education which is neither of the head nor of the hands, in the influences which fill the heart in the morning of life, and which most frequently form the basis of character in after years. What those influences were under his parental roof I have already told. But the external circumstances of his boyhood and youth were almost equally propitious. There is no spot in the world where the conditions which mold a human life are more auspicious than those which existed in his native town from fifty to seventy years ago. Its natural aspects were simple and peaceful. Its one long, spacious street, with wide grassy borders, between which lay the beaten road, here and there overshadowed by ancient trees; the slopes of arable and pasture and meadow land, broken by primitive woods at varying intervals; the scattered farm-houses, with their outbuildings; the rain-and-sun imbrowned meeting-house, school-house, and academy, are all familiar features of the New England village of that day, and in harmony with the life of the people who beheld them—a plain, earnest, thoughtful people, who believed in God and duty; industrious, because they earned their bread by their daily toil; independent, because each man owned the acres which he tilled; intelligent, because the school-house opened wide its doors to all; brave, because fearing God they feared nothing else; pure, because without a shadow on their belief in the Scripture revelation they lived habitually in as vivid a consciousness of the invisible as of the visible world around them. We can hardly realize the intensity of that faith in the present age. It had perhaps too much of a somber tinge, but it pervaded life with the impregnable sense of duty, and robbed death of its terrors by the assurance of a nobler life beyond. The air of the place was moreover full of patriotic associations. It was the home of many prominent characters of the revolutionary period. Chief among these was the family of the Trumbulls. The plain frame house in which they had lived during two generations of distinguished service, and the old "war-office," as it was called, where the elder Trumbull had transacted his public business during his long administration of state affairs, remained landmarks of the past till a period even now recent. School-boys entering the latter looked with awe upon the marks of spurs still to be seen on the side of the counter, where orderlies and express-riders had sat awaiting the governor's orders during the war of independence. In that house Washington, Franklin, Jefferson, La Fayette, Rochambeau, and many other old-time worthies had been guests. French troops had gone into winter quarters here, and five regiments had been reviewed by Washington himself on the spacious street. More than five hundred men from that little town had been in the revolutionary armies at one time, and every house was full of their reminiscences.

It was in the midst of such associations that the boy BUCKINGHAM grew up from infancy to early manhood. The impression which they made may, I think, be traced through all his subsequent life.

At the age of eighteen he taught school for a single year, and then,

having selected the calling of a merchant as best adapted to his tastes and circumstances, he began with the rudiments of that occupation by entering into the employment of a mercantile firm in Norwich in the capacity of a clerk. Trade now became his study, and after three years of application he felt himself qualified for business upon his own responsibility. At the age of twenty-three he opened a store in Norwich, and success seems to have attended him from the very first. Indeed he was a model of the man of business. Upright, prompt, faithful to all engagements, attentive, careful, courteous, and possessed of that rare sagacity, which, as we have seen, was a family trait, he won the confidence of all with whom he had relations. At the age of twenty-six he made open profession of the faith which had already become the controlling influence in his life, by uniting in the membership of the church of his ancestors. Between that event and the present hour, forty-five years of a stainless life and of earnest, unceasing Christian endeavor, attest the sincerity of his profession.

After a brief space of time he added manufacturing to his mercantile pursuits, and in 1848 abandoned the latter altogether to devote his entire means and energies to the former in new and more expanded methods. In the mean time he had married and built up a cultivated, refined, and Christian home, where unaffected piety and mutual love shed their benign influences upon all the household and upon the community in which he dwelt. Assiduity and sagacity in business, honorable dealing, unspotted integrity, and fidelity to all engagements, had produced their natural results, and prosperity abundantly rewarded his labors. As the years passed on, the circle of his influence grew wider as the knowledge of his character and qualites was spread abroad. Prior to 1856 he had held no public station except that of mayor of Norwich, but his usefulness, even in a private capacity, could hardly be excelled by that which is ordinarily exerted by men in any position in life. No man ever lived who more truly, unaffectedly, and constantly regarded all his possessions, whether of time, talents, property, or influence, as a stewardship for God and humanity.

I love to contemplate that portion of his life when, a simple private citizen, he was doing the work which he found to do, without thought of the greater future which awaited him. No opportunity to do good, great or small, escaped him. He taught little children in the Sunday-school. As deacon of the church, he was its almoner to the poor and the distributor of the sacred emblems to the membership of its communion and to the stranger within its gates. He helped to found academies, build up public libraries, provide for feeble churches, promote temperance reform, endow colleges, and to send the light of Christian civilization to the remotest corners of the globe. And all this so quietly, so naturally as it were, that, proceeding from him, it seemed nothing extraordinary. Moreover, there were ever flowing from him streams of hidden beneficence, gladdening many hearts and drying the tears in many eyes, whose story never will be told till the secrets of all hearts shall be revealed.

A quarter of a century of such ceaseless activity in business and in doing good could not fail to bring even the private citizen to the public knowledge in his own and the neighboring communities; but the time arrived when he was to be called to more conspicuous labor and duties. Mr. BUCKINGHAM, while hitherto not specially prominent in political life, had nevertheless carried into the discharge of his duties as citizen the same conscientious convictions which pervaded his whole character. The great tide-wave of opposition to the further progress of slavery on the national domain swept over the land, disintegrating old parties and preparing the material for new. He had always been a whig, and with most whigs the Missouri compromise was second in sanctity and inviolability only to the Constitution itself. Its repeal and the purpose which that repeal disclosed shocked every feeling not only of his intellectual but of his moral nature. That he should be a republican under such circumstances was a matter of course. And with him, on the questions that now agitated the public mind, political opinions became a part of his deepest and most solemn convictions. It was no longer the mere expediencies of administration that men thought and talked and wrote about and voted upon, but great and sacred questions of right and wrong and duty, and on such questions there was but one course possible to Mr. BUCKINGHAM. Having settled in his own mind whither right and duty pointed, thither he must go, and with all his might.

In the presidential election of 1856, the first in which the new party entered the field as a national organization, it was felt that his name would be a powerful auxiliary in the canvass, and it was placed on the republican electoral ticket, and contributed greatly to its success. Brought thus prominently before the people of the whole State, his qualities of mind and character became more widely known than ever before, and in the spring of 1858 he was elected governor of Connecticut. For eight years, by successive annual re-elections, he remained in that office. The period comprises the most eventful portion of American history since the war of independence.

It is impossible on an occasion like this even to sketch the outline of Governor BUCKINGHAM'S long administration. In its third year the election of Mr. Lincoln became the signal for the bursting of the storm which had so long been gathering. From the foundation of the Government there had been two circumstances especially hostile to the peace of the Republic. The one a political doctrine, the other an economic system—secession and slavery. Was the body-politic called the United States a nation or a confederacy? From the beginning there had been opposing opinions entertained with equal sincerity by the best minds of the Republic. Great lawyers, jurists, and statesmen were to be found on either side. It should have been a question for lawyers to argue and courts to decide. It might possibly have been so but for the contemporaneous existence of slavery. This system, so feeble at the adoption of the Constitution as to seem destined to perish in a single generation, had become in the course of events the most gigantic material interest and the most formidable political power in the nation. Repugnant certainly to the spirit of the Constitution, to the morality of the age, and to the convictions of a majority of the whole people, its security against assault depended upon the constitutional powers and functions of the States, and an exaggerated assertion of those powers and functions on the part of its supporters was the natural result. So secession and slavery, occupying the same territorial area, had become allies and for more than a generation a perpetual menace. The moral question, moreover, involved in the system of bondage had been decided differently in the minds of the people of the two great territorial divisions distinguished by its presence or absence. Its rectitude was as clear to the one as its intrinsic turpitude was to the other. The election of Mr. Lincoln upon the avowed purpose to put a final period to the further progress of slavery upon the national territory brought the opposing forces to an issue which could no longer be averted. For the preservation of slavery the experiment of secession was inevitable.

To Governor BUCKINGHAM secession was rebellion, and an ordinance of secession was a declaration of war. It did not require the echo of artillery from Fort Sumter to awaken him to the duties of the hour. In the winter of 1860–'61 he began with such means as the disjointed militia laws of Connecticut placed in his hands to prepare for the conflict. Upon the first call of President Lincoln for troops at the fall of Sumter he devoted himself, mind and body and estate, to bring that conflict to a successful issue. Henceforth till the final overthrow of the rebellion his history is a prominent part of the history of the nation. The Legislature of the State was to assemble in a few weeks, but it was impossible to await its meeting. The laws of the State were utterly inadequate to the emergency and responsibility must be assumed. The treasury was empty and money could not be raised for months by the regular methods, but money must be raised. The governor anticipated the enactment of laws, assumed responsibility, and pledged his private credit in the purchase of supplies and munitions of war for the troops which from all parts of the State were filling up the rolls of the volunteers. When the Legislature assembled it passed acts of indemnity and literally placed the whole resources of the State at his disposal. And thus it continued substantially during the entire war. Never was a trust more faithfully executed. As call after call for troops proceeded from Washington the governor was indefatigable in securing the promptest response. As regiment after regiment went forth to the front, he devoted his time, his energies, and often his personal resources to the completeness of their equipment and the promotion of their comfort. His care of them was as tender as that of a father. The historian of the State during this period narrates that—

> Governor BUCKINGHAM made it a matter of duty to visit every regiment and address to its officers words of counsel. "I remember their substance well," says an officer. "After telling us what a noble band of men we had the honor to command, he told us that we could do much both to promote their usefulness and to relieve their privations. 'Remember,' said he, 'that the Government makes ample provision for its defenders. Whatever the Government provides, that your men are entitled to receive. See that they are thus provided. If, through the carelessness of officers on the higher staffs, such provision is not made, do not hesitate to make your complaints until the grievance is remedied. If you cannot get redress otherwise, then write me the facts fully and I will apply to the highest power in the land for you.' Then, after an earnest appeal to us to seek divine guidance and protection, he bade us farewell."

One or two incidents which I know to be authentic will further illustrate this tenderness of the governor for the troops. A citizen of Connecticut, whose duties kept him almost constantly at the front, happened to meet Governor BUCKINGHAM at Washington, and in the course of a conversation the latter said to him, "You will see a good many battles and much suffering; don't let any Connecticut man suffer for want of anything that can be done for him; if it costs money, draw on me for it." The same person, on the last day of the fight at Gettysburgh, when victory had declared on the Federal side, and while yet the fields were strewn with the dead and wounded, seized an opportunity to telegraph the governor the great result, and quick as the wires could bear it came back the response, "Take good care of the Connecticut men."

All through the long and varying conflict the courage of Governor BUCKINGHAM never faltered. With citizens in arms against the Government no compromise, no concession was possible; the very word negotiation implied national death. In his message delivered in the darkest days of the war, just after the bloody repulse of Chancellorville, he said:

> The conflict inaugurated at Sumter must go on until the Government shall conquer or be conquered. Let no one be deceived by the artful device of securing peace by a cessation of hostilities. * * * A peace thus attained would cost a nation's birthright. * * * Civil war is cruelty. Its fruits are desolation, sorrow, and death. Fear, hesitation, and a timid use of the forces of war will eventually increase these terrible sufferings. They will be diminished by courage, vigor, and severity. * * * Whatever of trial, suffering, or privation may be in store for us, or however long may be the controversy, firm in the faith that our nation will be preserved in its integrity, let us in adversity as well as in prosperity, in darkness as well as in light, give the Administration our counsel, our confidence, our support.

Kindly and gentle as we have seen him here in these recent years, it is impossible not to feel that in the veins of him who penned such words flowed the blood of the old Ironsides who fought at Naseby, and at Marston Moor, and that in his breast dwelt the spirit which animated the Hebrew king who, contemplating the inextinguishable hostility of the enemies of his people and of the glorious hopes bound up in their national existence, exclaimed: "Blessed be the Lord my strength, which teacheth my hands to war, and my fingers to fight."

The exigencies of the war frequently brought Governor BUCKINGHAM to Washington during its whole continuance. Here he speedily won the respect of all by his capacity, firmness, and devotion to the common cause. He was especially endeared to President Lincoln, who reposed in him the same confidence which Washington had bestowed upon his great predecessor, Jonathan Trumbull. As a gentleman, entering the executive office introduced himself as from Connecticut, the President rose from his chair, and, placing his hand impressively upon the visitor's shoulder, exclaimed: "From Connecticut? Do you know what a good governor you have got?"

So long as the war lasted the people of his State would not permit Governor BUCKINGHAM to leave his post. For many years one or at most two re-elections of the same chief magistrate had been the custom of the little Commonwealth; and the governor, weary with incessant labor and apprehensive that the breach of the established precedent might create unpleasant feeling, more than once signified his wish to retire. But the people would not let him, and not until the victory was completely won and the authority of the Republic permanently re-established would they permit him to seek his much needed repose. And even then they were not content. There was one crown which they could yet fitly place upon his head, the highest gift which the people of Connecticut alone could confer upon him. In May, 1866, his last term of office as governor expired. In May, 1868, they elected him a Senator of the United States. And now for almost six years he has gone in and out among us here, regarded by every one of us with loving reverence and unalloyed respect, the humble Christian, the pure statesman, the sincere patriot, the perfect gentleman, in all a model to us all. Ever assiduous in business, doing his work in committee and in the Senate with the laborious industry of his earlier prime and the matured wisdom of his ripening years, he was the faithful representative of his State and the constant guardian of his country's interests. Of him as a Senator in this hour of the freshness of our recollections I need say no more.

When the present session began our friend was not among us. A sickness like a decay, first lingering, then hastening, had fallen upon him. The mind remained clear and unperturbed, while the bodily powers were failing, until near the close, when he sank into unconsciousness and fell asleep. He had lived his three-score and ten years, and his official life among us was just approaching its end. We had hoped for some more years of a serene and honored old age, but these could have added nothing to the beauty of that life or the value of that example.

An incident which occurred on the day of his funeral may perhaps fitly close these reminiscences. All the morning, in the home where he had so long dwelt, his body lay in its still repose, while friends and acquaintances from his own and adjacent communities passed in long procession through the silent room, taking one last look at the face of the departed. It was an impressive scene; great dignitaries were there, Cabinet officers, Senators, Representatives, Governors, and judges of the land; young and old, rich and poor, men and women, the wise, the brilliant, and the beautiful. Among them all was observed a humble negro couple advanced in years. With bowed faces they paused at the coffin, gazed upon the calm features with tears streaming down their dusky cheeks, and passed on, bursting into irrepressible sobs as they moved from the apartment. No one knew the story of those tears, but from what I know of the dead I am sure that there was a story in them, and I call to mind the words of Him who said, "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

The history of such a man is the best delineation of his character. Posterity will affirm of him that his own age was the better for his life, and his example the best legacy that he could leave to succeeding generations.

Mr. FRELINGHUYSEN. Mr. President, the warm friendship I have for years entertained for Governor BUCKINGHAM and my high estimate of his character forbid that I suffer this occasion to pass away without, as briefly as I may, paying to his memory a parting tribute.

In speaking of him we need not resort to any studied phraseology from the fear that a freedom of expression might unwittingly uncover characteristic faults; and I offend no one who hears me by saying that if his excellence has not been readily recognized, it is because of a moral vision too defective to discern a portraiture of many virtues.

In his death the nation and society have sustained a loss not readily repaired. That combination of integrity and efficiency, of prudence and courage, of kindness and firmness, of patriotism and Christian virtue which formed his character is not often found. As a man of extensive business connections, his opinions on affairs were sought after and respected; and his punctuality in the performance of every obligation was an example. As the war-governor of Connecticut he contributed much to the preservation of the nation, and has shed a luster on the history of his native State. As our companion here, his wisdom and judgment commanded our respect, his virtues won our esteem, and his generous kindness secured our affection. As a member of the Committee on Commerce his extensive practical experience gave weight and authority to his opinions, and as chairman of the Committee on Indian Affairs he was jealous of the rights of the red man, and seemed never to forget the mutations in the sad fortunes of that decaying people—never to forget that we had "extinguished their council-fires and plowed up the bones of their fathers," and that we were the debtors to the little remnant of a once great race and that the debt would never be adjusted.

Sir, the heroes of the Roman republic made their country their god, their idol. To it they so sacrificed the interests of every other nation and welfare of mankind that their so-called patriotism became a vice. Our lamented friend had higher inspirations. He had been taught by Him who prescribed a virtue to the heart out of which naturally grew not only a pure patriotism, but that philanthropy which takes within its kindly care an immortal race. Patriotism itself becomes subordinate to this more comprehensive beneficence. When the sad tidings of the death of our friend passed over the wires, thousands and thousands of the best people of the country were saddened. Those who while we are engaged in making laws to impose on society external restraints are noiselessly and unobtrusively at work in imposing and impressing on society the more potent and more salutary internal restraints of a pure religion, feel that in his death they have lost an efficient co-worker, a wise counselor, and a bright exemplar. He was a bright example; and as he had no moral obliquities to hide, he had no temptation to resort to pretension or to become a prude in virtue.

The faith he professed received from him no prejudice and no damage. His life was the expression of "an honest, earnest, loving heart, taking counsel of its God and of itself."

His many excellencies, however, gave him no exemption from the solemn summons that must come to all; but they did render that summons a message of peace. And we, while lamenting him, may experience a cheerful gratitude that he was permitted to accomplish so much good, and then to leave us the confident assurance that he has met the reward of the just. His object in life was not his own aggrandizement or the gratification of a mere personal ambition. With him the question was not What shall I get? Where shall I go? but the question was, What shall I be? So far as he lived for himself, it was (to borrow the figure of another) "to frame and construct an instrument called character," from which we, in our daily intercourse, were wont to hear notes of sweet harmony, but the full music of which has now just begun.

As in the clammy cave the continual droppings day by day and year by year form the stalagmite—grotesque or beautiful—so are we all, by each act, each thought, each purpose, forming our characters.

Our fortunes, our associations, our reputations, we leave behind us; but this character, thus continuously and imperceptibly being formed, we take with us, and keep with us throughout the endless cycles of eternity.

Mr. BAYARD. Mr. President, the public career of our late friend and associate has been recited by the honorable Senator from Connecticut who was his colleague with an interesting completeness that renders unnecessary an additional word. Yet an expression of sorrow and sympathy from this side of the Senate cannot be unwelcome or inappropriate upon this occasion. I entered this body on the same day as our late friend and brother, having never previously had personal acquaintance with him; and although the committees upon which we were allotted service by the Senate were different, yet relations of a kindly nature soon grew up between us, arising from the contact of general business in this Chamber. I was greatly won by the considerate courtesy which so eminently marked his bearing, and our acquaintance grew closer with the lapse of time, until a sentiment of what I am glad to believe was one of mutual regard established itself between us. Our affiliations in party politics were totally diverse, and upon such questions the sense of duty entertained by each led our voices and our votes usually in opposite directions.

Our habits of life, the schools of thought and action in which we had been reared, had always been of a different character, leading us into the adoption of different theories of social and political government. But the calmness, the serenity, the cheerful, steady, and open advocacy of his conscientious views never suggested condemnation or disrespect of those who opposed him. I well remember on one occasion, when I had combated in debate some opinion he evidently cherished, that, fearing he might have considered himself included in my adverse criticisms, I said to him privately, "I trust you will let me agree with *you* and yet denounce your opinions." And with a smile of graciousness which every one who knew him must remember, he placed his arm around my shoulder and said: "My dear friend, we both mean what is right, and must not condemn each other because we differ in our ways of attaining it."

In the winter of 1871–'72 Mr. BUCKINGHAM was the chairman of a committee of investigation of which I was a member, which sat in the city of New York for nearly two months. Its sessions were long and laborious, by night and by day, involving much that was calculated to arouse contest between the members. And I would here

bear witness to the unfailing industry, the unflagging attention there bestowed upon this public duty by this then aged and venerable man, whose gentle courtesy and good temper never failed upon any occasion. The long life of our friend had been, as we have just been told, one of steady industry and solid, unvarying integrity; and the reward of wealth and the higher reward of public and private regard and respect were his. The people of his native State have attested in many ways and repeatedly their high opinion of his intelligence and worth, and placed him for many successive terms in the chair of their chief magistracy, and sent him into this council Chamber as one of their representatives. Full of years and honors, they now mourn for him.

Let his virtues be written upon marble and remembered and imitated by those of us who survive him. Let such faults and imperfections as are ever attendant upon humanity pass from our minds and find that mercy and forgiveness for which he earnestly and humbly sought and of which we all stand so much in need. Senators, our hearts meet now over this new grave of a departed brother. Shall not this communion of sorrow keep us less far apart in the performance of those daily duties upon which we are in a few hours again to embark?

Mr. ANTHONY. Mr. President:

> The chamber where the good man meets his fate
> Is privileged beyond the common walk
> Of virtuous life; quite in the verge of heaven.

The resolution of the Senator from Connecticut bids us pause in the proceedings of the closing session, that we may render honor to a good man; one who in a long life, crowded with active duties and largely occupied with the responsible control of important public affairs, did not fail in what he owed to himself and to his fellow-men, and who has left on his record nothing that those who love him best and who grieve for him most would wish to efface.

There is nothing certain in life but death.

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set; but all—
> Thou hast all seasons for thine own, O Death!

And when death comes early, when it crushes the budding loveliness of childhood or treads upon the bloom of youth, or even when it tramples on the strength of manhood, the natural grief that we feel is aggravated, because the event is as untimely as it is severe; and we murmur that it contradicts the order of nature.

But when the pale messenger lays his hand upon an accomplished life, a life that has rounded out the years which experience and inspiration assign as the desirable limit of human duration; when these years have been occupied with usefulness, rewarded by success, and crowned with honor; when a good man, having discharged the duties and fulfilled the trusts of life, lies down, calmly and peacefully, to his final repose, we may grieve, but we are not permitted to complain. The tears of affection may not indeed be kept back, but the voice of reason is silenced. To complain at the close of such a life is to complain that the ripened fruit drops from the overloaded bough, that the golden harvest bends to the sickle; it is to complain of the law of our existence, and to accuse the Creator that He did not make man immortal on the earth. For such a life eloquence shall lift her voice and poetry shall string her lyre. For such a man, praise, honor, imitation; but not tears! Tears for him who has failed; tears for him who fainted on the wayside; not for him who finished the journey; tears for him who, through his fault or his misfortune, omitted to employ the opportunities that were given to him for the work that was assigned to him, not for him who died when he had accomplished that for which he lived.

We will lament, therefore, in no complaining spirit, for the man whose memory we celebrate to-day. With our grief that he has died shall be mingled our thankfulness that he has lived. The State that he served so faithfully and so well, in the time of her greatest emergency, proudly lifts his name and inscribes it on the roll of her honored and remembered sons. And the history of that State cannot be fairly written, without honorable mention of his character and his services. The Senate which he informed with wise councils, which he adorned with dignity of manner and with purity of life, bears equal testimony to his abilities and to his virtues, and equal honor to his memory.

Mr. STEVENSON. Mr. President, I rise to add a word to what has been so well and so eloquently said by the Senator from Connecticut and those who followed to the memory of his late colleague and our departed brother.

My acquaintance with Governor BUCKINGHAM commenced upon my entrance into the Senate in 1871. A joint service with him upon the Committee on Indian Affairs brought us closely together, and I soon learned to honor and respect him. I shall not speak of his public service in the Senate; it was known to us all; it was appreciated by all.

Governor BUCKINGHAM was a man of decided character. Without brilliancy, he possessed a strong, clear judgment, was a man of decided opinions and strong convictions, from which he never swerved.

He was eminently industrious and attentive to his official duties, but always gentle and courteous in the discharge of them. But his example, Mr. President, to the Senate and to the world possessed a higher value. Earthly distinction is of "the earth, earthy;" it attracts and dazzles for a brief period and then passes away and perisheth; but a conscience void of offense before God and man is an inheritance for eternity. And such, I believe, was the possession of the late WILLIAM A. BUCKINGHAM. His religious convictions were of the highest and deepest type. No irreverence, no frivolity, no loud professions of his faith ever escaped his lips. He believed that pure religion and undefiled before God and the Father was to visit the fatherless and widows in their afflictions and to keep himself unspotted from the world. This he illustrated in his daily life, this he rejoiced in in his calm and quiet life. He lived in hope; he died in triumph.

Mr. President, as I stood but a few days ago in the still, quiet cemetery of that beautiful city where he lived and which holds now all that is mortal of the dead Senator, I beheld such a demonstration of all classes, such grief as filled me with a just appreciation of how WILLIAM A. BUCKINGHAM had lived and how WILLIAM A. BUCKINGHAM had died. His memory will be cherished so long as the recollection of his virtue, his faith, and his fidelity remain; and these should never perish. Senators, we shall see him no more; but he has given to each and all of us that bright example to be always ready at the summons which we know awaits us all.

Mr. WRIGHT. Mr. President, only heart words, words of truth are of value or to be weighed by speaker or hearer on such an occasion as that now before us. And to me not the least gratifying reflection is that the highest tribute which can be paid our late colleague is that the heart's richest and warmest promptings and utterances may be and are those of entire and simple truthfulness. Still it remains that in this presence, remembering as we do his manly and Christian bearing as a citizen and Senator, we feel how poor are mere words to do even partial justice to his great excellence and many virtues.

I met Governor BUCKINGHAM for the first time when taking my seat in this Chamber nearly four years since. I was then, as always afterward, impressed, as I know all were, with his amiable disposition, sterling worth, his devotion to right and duty, his unobtrusive manner, his ever earnest advocacy of the cause of the weak and oppressed, his Christian faith, and, what was far more, his Christian life.

I but repeat what has been said by others when I say that his work ere was not so much in mere appearance or sho w as in its quiet and ractical value to the Senate and the country. Participating in our ebates but seldom, he nevertheless, in those matters requiring patient ndustry, tireless investigation, watchfulness, the care of the conscientious business man, yea, of pure purpose and clear brain and judgment, was ever at home, had but few equals, was the peer of any. And hence as my acquaintance ripened into warm friendship, and I came to know more and more of his purity of purpose and the thoroughness of his investigations, if in doubt as to my course, I simply asked what has he said or advised, what was his vote, and followed his lead. I knew his path could not and would not probably lead me from the right, could not be other than that of safety. His was always a "straight road," and a traveler in this never gets lost.

The public life of such a man always tells for the welfare of the Republic. The public measure or true greatness is not infrequently greatly at fault. For the nation's upbuilding, for the nation's quiet, for the nation's strength, for the nation's perpetuity, we need industrious, faithful, practical, and not merely brilliant official life, high and practical moral worth and conduct; rather than mere cultivated brain or intellect, indifferent to or unmindful of the only safe or reliable element and basis of true greatness. Goodness is greatness. The good are great. Only the truly good can be truly great. High, true, moral worth and greatness in the individual and the nation are hence of greater value in securing obedience to law, the repression of any and all spirit of violence, guaranteeing justice to every citizen and all rights to all, than written constitutions, all statutes, the whole police power of the Government. To one thus imbued the nation should and always will look as a reliable legislator, a leader to be safely followed, a citizen to be revered and respected; and his life-work is felt not alone while he, though ever so modestly, in person points the way, but in the nation's coming or after years as well.

Such in a pre-eminent degree was the life of our friend. He was a conscientious and just man, just to his political opponents and to his friends. His moral character lifted him above the criminations of party strife, the breath of suspicion itself. There was with him always a wise and a considerate propriety of conduct, a love of truth, the deepest sense of moral and religious obligation, an unaffected modesty, the absence of all selfish feelings, a benevolent and kindly charity, which was both a principle and rule of his life and an innate sentiment of his very heart. "In him there was no glare, nothing to dazzle, but an abundance of that pure, mellow light of declining evening upon which we all love to look." When the sun went down upon such a life, the nation justly and truly mourned. His was a worthy and noble ambition. He filled well and honorably the highest and most sacred trusts. Respected and loved by his State, revered by all, elected to and taking high position in the highest deliberative body of the world, having attained what all men esteem, almost if not quite, the topmost round of fame's ever up-reaching ladder, he, in the language of another, "stepped thence to the skies." Who of us next shall join him?

Mr. HOWE. Mr. President, I put on no sable, none of the trappings of woe, to stand by the bier of BUCKINGHAM. I recall no single trait in his character, no incident in his career, to bow me with a sense of humiliation. On the contrary, the memory of all the years I knew him fills me with exultation. To be sure, as I look to the chair he occupied, I miss the breathing benediction which always seemed to emanate from it while he sat there. As I look into the saddened faces of the Senate, I see clearly "he is not here." But not one angel only, a multitude rather which no man hath numbered, all in shining garments, assure me "he is risen."

And then, sir, I remember with grateful pride that he was an American Senator.

I need not remind you how in these latter years calumny has emptied all its vials upon the heads of public men and upon the endeavors of public life. It has really seemed at times as if the fountains of falsehood's great deeps were broken up, and that society, which can no more be overwhelmed by floods, was to be drowned by detraction. A friend told me that when traveling along a railway in New England two years ago, she heard a fellow-traveler declare with emphasis his settled belief, that there was not an honest man in either House of Congress. But BUCKINGHAM was then here. And who of all who knew him will doubt, that when he left us, as white a soul as ever passed the pearly gates, went from the Senate to his waiting seat among the seraphim!

It is but a modest space which his utterances occupy in the records of our deliberations. But meager as it is, we could illy afford to spare them from that record. What he said he considered well; and he had that rare wisdom which is born of steady judgment, ripe experience, unerring conscience, and patriotic purpose.

Could he have taken a transcript of those utterances with him he would have needed no other evidence upon which to challenge that prize he most coveted—the final award of his Creator of "Well done, good and faithful."

Nay, sir, could those readiest of all writers, who photograph the daily debates of the Senate, have accompanied him constantly and so have furnished a transcript of his daily conversation, he might, I fondly believe, have taken the whole with him as the picture of a life directed to the loftiest aims, guided by a gentle courtesy which lured a world to follow, and inspired by a generous toleration which wholly disarmed the envy, and half consoled the chagrin, of all who failed to keep pace with him.

I do not mean to detain the Senate by the attempt to sketch his characteristics; that would be needless if it were not vain. What rhetoric can do to embalm those characteristics has been fitly done. Posterity may drink new inspiration from the record of the testimony which the Senate this day bears to the worth of a colleague. We are privileged to remember what posterity can only read. Ours is the higher privilege. Speech is not quite adequate to portray a character so simple and so grand as that we commemorate. He was his own best expositor. One who has stood before the broad, open, clear, pure, white corolla of the *Victoria regia* is not apt to be enthused by any description of it, however faithful. We have seen BUCKINGHAM, and lived and worked with him.

One incident in his life I will venture to recall, which not inaptly illustrates his enduring excellence. By command of the Senate I was with others assigned but three years ago to aid the deceased on the investigation of alleged abuses in the customs service in New York. It was an irksome task, yet we prosecuted it for weeks. Daily we were splashed with the foul humors engendered in the glandered politics of a great city. Malice unwound a hideous web before us, shot with a thread of fact to a shuttleful of falsehood.

During the whole trial I did not once hear from him a censorious remark or even a petulant exclamation. It was evident he was human and that he felt. Occasionally, when the manifestations were especially spiteful, his countenance would wear that mingled expression of pain and resignation which art has so long and so vainly toiled to reproduce in some *ecce homo*, that look, half willing and half shrinking, which one fancies the shuddering Saviour wore as there broke from his lips the supplication, "If it be possible, let this cup pass from me." "Nevertheless, not my will, but thine, be done." But the poultice of a night relieved the suffering, and each succeeding day restored him to his work, showing no more trace of scars from the inflictions of the yesterdays than the sun bore which lighted him to his work.

Mr. President, I have long felt to regret that I never heard Jenny Lind sing, that I never saw Rachel act. They must have been marvelous specimens of art. Governor BUCKINGHAM was a grand piece of nature. I shall always regret that I could not have known him in domestic life. I am persuaded that was his masterpiece. I never saw him in the presence of a child. But I partly know what he was as a father. Once he spoke to me of a daughter, and no June morning ever suffused the eastern sky with a more genial radiance than that which broke over the face of the father as he told me how good that daughter was.

Sir, I should wrong the memory of Governor BUCKINGHAM and grieve his truthful spirit, only that his spirit is beyond the reach of grief, if I should neglect to bear testimony to one thing. There is in this unbelieving generation a loud, if not a large element, desperate if not devilish, hoping nothing here and fearing nothing hereafter, which screams with derision of the Christian statesman! Standing by the grave of Governor BUCKINGHAM I must not forget to tell the world that he was what I have never dared pretend to be—a Christian statesman.

Mr. President, do not imagine because I am so filled with boasting of the illustrious dead that I for a moment forget he is dead. These fond memories, bright as they are, cannot delude me into forgetfulness that memories are all we have left of him. Sir, I am not at all insensible to the greatness of our loss.

I have met with a personal loss. He made me feel he was my friend, and I believe still he was my friend. But there was no reason why he should be, except in that broad and liberal sense in which he was the friend of everybody. Still, if I knew the idea of his personal regard was a delusion, it is so sweet a delusion I should cling to it and should still feel that I had lost the society of a cherished friend.

The Senate has lost an associate upon whose counsels it was apt to lean and in whose companionship it did always delight.

The country has lost the services of a statesman upon whose wisdom, whose experience, whose unflinching courage, unfaltering integrity, and unswerving patriotism she had learned to rely.

The State of Connecticut has lost a citizen whom she has delighted to honor. All these losses are very heavy. But have we a right to repine at such losses? He was spared to us so long; he had just filled up his three-score and ten years. Surely we ought to consent to a return of even the richest of God's loans at some time.

And then he was so exactly ripe. The suns of seventy summers had set their seal upon him. All had mellowed, not one had parched him. He stood upon the summit of the long ascent, not travel-worn, not spent with toil, but new-breathed and fresh in spirit, with all the brightest hopes that blossomed on his youth not faded but fruited in that grand but simple faith which sustained and guided his maturer years. He seemed to us rather "as if an angel dropped down from the clouds" than a man climbed up from the valley.

Sir, our losses may be calculated, though not readily. Indeed they may be repaired, though not easily.

There is, however, in that busy Connecticut a family circle broken up by a loss which cannot be calculated or repaired by mere human appliances. I could not forget on this occasion that there are such sufferers, yet I know it does not belong to such as I to speak to them. A friend told me but a few weeks since that it happened to him one day last summer to discover, while at dinner, that himself and his daughter were to start for a distant city over the same highway by different trains, leaving only an hour apart. The family smiled at the coincidence.

We cannot now lift up those who bend over the grave of BUCKINGHAM; but we can comfort ourselves with the assurance that the same great faith, which always sustained him, will in time enable those who mourn him, to lift the curtain which separates two worlds, and then they will see that the departed is but one with whom it is a dear delight to travel, who has taken an earlier train for a common destination.

Mr. THURMAN. Mr. President, I can do no more than express my high appreciation of the character of the deceased as it was manifested during the years he sat among us. My acquaintance with him began when he entered the Senate, and the friendly relations that soon followed were never marred by any difference of opinion, however great. I always found him polite, amiable, and ready to oblige—a noble specimen of a true gentleman. I always found him an industrious and careful legislator, distinguished by an excellent judgment, and naturally inclined, I believe, to moderation. Earnest in the discharge of his duties, he was never obtrusive, never presumptuous, and never said a word calculated to inflict a wound. And hence, when he last walked from this Chamber he left no one within its walls who did not feel for him respect, kindness, and esteem. A Senator of whom after years of service this can truly be said needs little more of eulogy. There is so much to create passion, prejudice, or ill-will in the contests imposed upon us by a discharge of our duties, that he who finishes his senatorial career with the universal good-will and respect of his brethren is most surely a character that merits commemoration and honor.

Mr. PRATT. Mr. President, twice has death entered this Chamber during the Forty-third Congress and taken from our midst associates with whom we held daily counsel. Twice with unerring aim has he struck down those we honored for their wisdom, admired for their virtues, and who commanded our respect by the fidelity with which they performed their public duties here.

When the first one fell it was as when a monarch tree falls, without warning, in the silent forest. Far and wide the vibrations reach. In his case they crossed the ocean and their echoes only ceased when the limit was reached where the language in which he clothed his thoughts is spoken. In him were centered genius, learning, culture, experience, profound conviction, and purity of soul. All the world reached by his fame said a great man had fallen.

Scarcely had we accustomed ourselves to the absence from his well-known seat in this Chamber of Charles Sumner, when the insatiate archer aimed his fatal shaft at another shining mark, and to-day we mourn the death of WILLIAM A. BUCKINGHAM. Putting aside our daily tasks, we have set apart this hour to pay such respect as feeble words will permit to the memory of this honored public servant and

eminently good man whose face we shall see no more. We turn instinctively to that vacant chair he occupied; we recall the white crown, emblem of purity, which he who filled it wore; the benevolent face, the kind manner, the uniform courtesy which were always his. We cannot realize that this familiar presence is forever gone from our midst. With me it is a melancholy pleasure to have the opportunity to speak a few sad words of the deceased which shall testify of the respect in which I held him while living, and the honor in which I hold his memory.

I wish it were in my power, sir, to paint in true colors his portrait and hold up to others who knew him less those rare traits of character and courtesies of manner which made him at once an object of deepest respect and love.

I met him first in this Chamber nearly six years ago, and while many of his associates may lay claim to a greater intimacy than I enjoyed, no one I feel sure more sincerely mourns his loss. With perfect truth I can say that in all the acquaintances I have formed with public men since coming to this Capitol, no one has impressed me more strongly as being thoroughly conscientious and honest in his public and private life than Mr. BUCKINGHAM.

He was a statesman in the best sense of that term. What makes a statesman? Not knowledge alone, however wide, deep, varied, and all-comprehensive; not mere quickness of apprehension to detect the latent fallacy in argument or proposition; not large experience with men and subjects in the legislative forum, nor familiarity with parliamentary rules; it does not consist alone in great powers of debate. All these may coexist and yet something be wanting to complete our *beau ideal* of the statesman. What is the lack? What is still wanting? I reply, perfect integrity, broad philanthropy, and an ardent patriotism, which, discarding selfish aims and local benefits, seek to elevate the whole people; to make them wiser and better and to promote their material welfare.

Such statesmanship in our exterior relations avoids wars and removes all causes of war. It cultivates friendly relations and seeks no unjust advantages; and in our domestic concerns frames equal and just laws, favoring no classes but providing for the well-being and happiness of all.

Statesmanship of this stamp ignores State lines in our national legislation and regards the whole brotherhood of States with equal favor and dispenses equal justice and benefits to all.

I do not mean that it forgets or should forget the past so far as precaution is necessary to prevent the recurrence of disturbances affecting the well-being of the whole; nor that it should omit the most stringent remedies to curb the lawless and repress violence. But statesmanship harbors no malice nor resentments, but seeks to forget the animosities engendered by war and to build up the waste places.

To this highest type of statesmanship he belonged whose memory we honor to-day. He was not a great orator, upon whose utterances men hung with bated breath; he did not mingle frequently in debate; he did not aspire to the honor of leadership, nor was his education as comprehensive as that of many. He made no pretense to superior mental culture. But he possessed that practical knowledge of the affairs of the country; its varied industries and wants; its internal and foreign commerce; its growing manufactures; its vast agricultural and mineral resources, and especially that knowledge of our relations with the various Indian tribes, to which subject he gave so much of his attention as the chairman of the Committee on Indian Affairs, as to eminently qualify him to be a judicious adviser in this body and to frame appropriate laws upon these subjects.

Without making any pretense to the graces of oratory, he possessed the faculty of setting forth his views in a way all could understand. With this was coupled that sincerity of manner that made all men respect if they could not adopt his views.

And while dwelling upon his course in this Chamber let me allude to another matter. Debates sometimes engender heat and hasty speech. But who can forget his unvarying courtesy? Who ever saw him forget for a single moment the propriety of debate? Who ever heard fall from his lips a word calculated to offend or wound? Who ever saw his brow cloud with anger or his face flush with sudden passion? Who ever suspected him of equivocation or double-dealing? No, sir; he was the soul of truth—the embodiment of honor. In him centered the virtues which make up the Christian gentleman.

I do not undertake to enter upon the history of his life before he came here. That work has been done by his colleague. It is enough to know that he was a self-made man, springing from humble life with imperfect early advantages. He was first a farmer, then a merchant, then a manufacturer, before his fellow-citizens called him to a higher sphere of action. They wisely judged that he who with such intelligence and probity managed his private affairs might safely be trusted with the administration of the affairs of the Commonwealth. For eight years we know, by successive elections, he filled the office of chief magistrate of the State of Connecticut. This long term of service covered a period of great trial and responsibility, when the civil war that was raging imposed upon the executives of the States duties of greatest magnitude. He belonged to that noble fraternity of war governors upon whom Mr. Lincoln leaned for support in the darkest hours of the war. How Governor BUCKINGHAM performed these duties, how he pledged his own ample estate to put the military forces of Connecticut into the field, we all know.

When the war was over and peace returned, the gratitude, the confidence, the love of his people sent him here to represent them in the highest legislative forum of the country. With what fidelity he performed this his last and highest trust you, my fellow-Senators, are the witnesses.

Advanced years invited him to repose. He possessed fortune and friends. He could well have claimed that he had done his full share of public duty and earned a good title to be retired, but the habits of a life of active usefulness would not allow him to do this. From the early morning of life, all through its meridian and afternoon, he had been a faithful worker; and he could not lay aside the habits which had grown to be part of his nature when the evening approached, and so, it may be said of him, he died in the harness.

Contact with the world, its jostlings and collisions, had no effect to mar the simplicity of his character or cool the warmth of his heart. That retained a freshness almost boyish. Though he had climbed far up the Alpine heights, so that the glistening peak was near at hand, and winter snows all around him, he looked down upon the valleys below glowing with tropical gorgeousness and sympathized with the joyousness of earth's youth, the laughter of children, the music of birds, the joy and hope and universal gladness, without envy or a sigh that he could not descend but must hold on his way until the bleak summit was reached.

The cold winds which made havoc with his gray hairs and chilled the surface could not reach the warm heart which beat beneath.

Rare old and yet young man! long shall we miss that face radiant with goodness; that courtesy which never varied, that manner void of all pretension, that wisdom and probity which promptly met and solved the problems, many and full of difficulty, which rose here. In his life he was a model to be studied by those who doubt the power of truth, of frankness, and straightforwardness to win the highest prizes which men seek. He has gone to his rest, full of honors and ripe in years, without an enemy and without a blot. From far and near the people of his native State gathered at his funeral to pay the last tribute of respect. Ere long there will rise in yonder Congressional Cemetery, so beautiful in its surroundings, a monument to commemorate that another member of Congress has passed away during his term of service. On it I would have it inscribed, under the name of our departed friend, "He feared God, he loved his fellow-man, he tried to do his duty."

Mr. INGALLS. Mr. President, to the student of our political system, the American Senate is one of the most interesting and significant institutions of our Government. Its members change, vanish, and disappear, but like the king, it never dies. Amid the mutations and vicissitudes of our national affairs, so far as anything human can be immutable, it continues stable and permanent. It has no periods nor epochs. Administration follows administration and Congress succeeds Congress like fast ensuing waves, but the Senate flows onward in an unbroken current through our history like the Gulf Stream, that majestic ocean-river, amid the fluctuations of the sea.

It is the same body to-day that assembled at the adoption of the Constitution. It has no interregnum nor end of days. Its functions never cease. Born with the birth of the nation, it has grown with its growth and will end only with its death. Administrations close, and their history can be written. Congresses adjourn, and the verdict of their labors can be recorded and their influence upon the country measured and estimated, but the history of the Senate is the history of the Republic.

When the "inevitable hour" arrives, which is common to nations as to individuals, and the destiny of America has been accomplished; when the representatives of the people shall finally adjourn and depart from these Halls forever, and the great dome in whose shadow we assemble shall be surrendered to decay, those who for the last time depart from this Chamber will be the lineal successors of those who first took the oath as Senators of the United States.

Removed by these conditions of its existence from the vehement agitation, flame, and passion of popular elections, though not sufficiently remote to be insensible to public opinion, the Senate represents what is most stable and deliberate in the national judgment. Its orbit resists the perturbations and disturbances to which the other members of the system are subject, and marks the definite path of the progress of the nation.

From the nature of its functions, the character of its deliberations is largely determined. The rancor of partisanship is dulled. The wildest excesses of the champions of popular rights are curbed. Courtesy and decorum are the rule of debate, and the purpose of the orator is less to rouse the passions than to convince the judgment.

The dead Senator whose virtues we here recall possessed in an eminent degree the qualities that should pertain to that high office.

As a member of the Committee on Indian Affairs, of which he was chairman, it was my good fortune to be brought for a brief space into friendly and intimate relations with Governor BUCKINGHAM, and the memory of his virtues will always remain among the most valued reminiscences of my life.

Entering the public service at a period past the maturity of his years, without special training or previous legislative experience, he did not aspire to eminence in debate, nor strive for the triumphs of oratory, but was distinguished for practical judgment in affairs of

state, and for a purity of purpose that was never surpassed among the servants of the Republic.

While the powers of his intellect were upon a high plane, yet were I called upon to define the impression that remains strongest with me, I should say it was that of incomparable rectitude and integrity. To do right seemed less a dictate of conscience than an inevitable law of his being. Without disparagement to others, and with no faith in the vulgar imputations upon the morality of public men, there was a conspicuous luster in the soul of Governor BUCKINGHAM that impressed all who were brought within the scope of his influence.

Micat inter omnes
Velut inter ignes Luna minores.

The rewards of gratified ambition and the applause of mankind possess allurements that few who can obtain them are able to resist; but there is an hour which comes to all when they lose their power, and are as valueless as the vanished breath from which they sprang. At the dark portals of the grave, the vestibule of the world to come, it is better to have been good than to have been great. Mr. President, as we reflect upon the strange problem of human life, we are impressed with its incompleteness. Everything is fragmentary. Nothing is perfected. Man dies, leaving the labor of his life unfinished, and his works do follow him. It is an admonition and a warning, but not without prophecy; not without hope that some future career of renewed activity may perfect the destiny interrupted here. To this law of our existence the career of Governor BUCKINGHAM was an apparent exception. The orb of his life was nearly rounded; he had reached the allotted period of existence without abatement of his powers; fortune favored his labors, and the wealth which his industry had accumulated was distributed by benevolence; those to whom he was most endeared had preceded him to the land of shadows; his State recognized his claim to the highest civic honors, and the nation, by the obsequies which we here solemnize, transmits his memory as a priceless heritage, a stimulus, and an example to the latest generation of American citizens.

Mr. MORTON. Mr. President, if I was called upon to state the distinguishing characteristics of Governor BUCKINGHAM, I should agree with the Senator from Kansas that they were his high conscientiousness at all times and under all circumstances and his charity. It seemed to me that Governor BUCKINGHAM always tried to do right, and that that consideration was ever uppermost in his mind. He had charity for all; he attributed good motives to all, and to those who differed from him the most widely in politics he attributed patriotism and integrity. I never heard him say an evil word of any human being. He was a man of strong sense. He discussed questions on this floor not generally from a legal stand-point, for he was not a lawyer, but oftener from a moral point of view, from a common sense and a business point of view. He was industrious, and his purpose was always to do his duty in small things as well as in great.

What more, Mr. President, can I say in addition to what has already been better said by others, unless it be one or two things somewhat of a personal character?

I first met Governor BUCKINGHAM when he took his seat in this body on the 4th of March, 1869. I felt from the first that we were friends, and we were. He always expressed a deep interest in my health; his inquiries were always tender and almost from day to day. Though I had never met Governor BUCKINGHAM until that time, yet we had been in correspondence years before under circumstances of a most solemn character. It was, I think, in the summer of 1862, a few weeks, perhaps a month, before the issue of the proclamation of emancipation by Mr. Lincoln, that I received a lengthy letter from Governor BUCKINGHAM, in which he discussed the general situation of the country. It was at a gloomy period, when victory was not resting upon our arms. Toward the close of the letter he suggested the question whether the Government was doing its duty in regard to the institution of slavery, and whether we could hope for ultimate victory while that institution was protected and preserved; but he expressed himself as uncertain as to whether the time had arrived when any step could be taken toward its destruction. He said that he had had an interview or a letter—I forget which—but recently from Governor Andrew, of Massachusetts, which had led him to write me on the subject. In replying I agreed with him upon the main suggestion of his letter, expressing the same doubt, however, as to whether the time was ripe, whether public opinion was in that condition to authorize the President of the United States to take the decisive step which he afterward took.

During my intercourse with Governor BUCKINGHAM as a member of this body he often talked to me about his experience as governor during the war. We often compared notes upon that subject. He evidently regarded his services as governor of Connecticut during the war as the great event of his life, and on several occasions expressed his doubts as to whether it was wise or expedient for him to accept a seat in this body, and whether he ought not to have retired from public life when the war was over.

Just before the close of the last session, and before his departure, he came across to my seat where I am now sitting, and said, "Well, we are about to separate. I hope we will meet next winter in better health." He said, "I am an old man, and feel that my race is nearly run." He said, "There are only three of us left who served as governor of our respective States throughout the entire war," referring to himself, to Governor Curtin, of Pennsylvania, and to myself. He said that Yates and Andrew were gone, and that we, notwithstanding our utmost hopes, must soon follow; and taking me by the hand expressed the hope that we should meet the coming winter in better health. We parted to meet no more.

Mr. EATON. Mr. President, I rise not for the purpose of addressing the Senate but for the purpose of offering an additional resolution. Connecticut, by the voice of my distinguished friend and associate, [Mr. FERRY,] has pronounced a fitting eulogium upon her honored dead. Many Senators have spoken here in fitting terms of his character and of his many virtues. But a word, sir, and I shall be done.

Governor BUCKINGHAM came late into public life, and shortly after entering upon it there arose grave and great questions upon which men antagonized. Though many years younger than he, I had been somewhat in public life. My political convictions differed from the convictions of our deceased friend. I am glad to say here that however much they differed, though we were not intimate, yet our personal relations were always friendly. And, sir, I will say here, and I ask for no higher eulogium upon myself either from political foe or personal friend, that whatever WILLIAM A. BUCKINGHAM did in the line of his duty, he did it in all honor and in all honesty. If there were differences of opinion between him and some of his fellow-citizens, those differences to-day are cast into the great lumber-room of the past and are forgotten. He was a gentleman, a kindly gentleman. Blessed with large wealth, he showered it upon the needy. True to his friends, true to his convictions, true to those great principles which should govern us all, he went down to the grave an honest man. Noble heart, farewell! Pure, gentle spirit, fare thee well! The earth which bears thee dead bears not alive a truer gentleman.

Mr. President, I beg leave to offer this resolution:

Resolved, That as a further mark of respect for the memory of the late Senator BUCKINGHAM the Senate do now adjourn.

The resolution was unanimously agreed to; and (at six o'clock and fifty minutes p. m.) the Senate adjourned.

EVENING SESSION.

The Senate assembled at half past seven o'clock p. m.

POST-ROUTE BILL.

Mr. RAMSEY. With the consent of the honorable Senator from Vermont, [Mr. MORRILL,] who has charge of the bill under consideration to-night, I move that it be passed over informally and that the Senate proceed to the consideration of the post-route bill.

Mr. LEWIS. I object.

Mr. HAMLIN. O, no! let us pass it. There is not a word of legislation in it.

Mr. LEWIS. There is not one word of legislation in a bill which I want to have passed. I have asked the Senate repeatedly, over and over again, to take it up. I am going out within a day or two, and I will not trouble this body much longer. I shall object to anything until you do justice to this man.

Mr. RAMSEY. This is the post-route bill. I hope the Senator will withdraw his objection to it. His constituents and the constituents of every other Senator are interested in it.

Mr. LEWIS. I withdraw my objection.

The VICE-PRESIDENT. The objection is withdrawn.

Mr. MORRILL, of Vermont. I suppose this is the usual post-route bill?

Mr. RAMSEY. The usual post-route bill.

Mr. MORRILL, of Vermont. Without any legislation?

Mr. RAMSEY. Without any legislation.

Mr. MORRILL, of Vermont. If no one objects I will not object to its present consideration, with the right to call for the regular order at any time.

There being no objection, the bill (H. R. No. 4734) to establish certain post-routes was considered as in Committee of the Whole.

The VICE-PRESIDENT. The Secretary will read the bill, unless the reading is dispensed with.

Mr. HAMLIN. Let me say to the Senate that there is not one word in this bill but the simple establishment of routes, and I ask if there is any necessity for reading it? I move to dispense with the reading.

The VICE-PRESIDENT. The Senator from Maine moves to dispense with the reading of the bill.

Mr. BOGY. I object.

Mr. ALLISON. I ask the chairman with regard to this bill if the committee have agreed to the amendments that I offered?

Mr. RAMSEY. Certainly; all your amendments are agreed to.

The VICE-PRESIDENT. The Senator from Maine moves to suspend the reading of the bill. It requires unanimous consent.

Mr. BOGY. I object. I want the bill read if we are going to be forced to come here every night.

Mr. RAMSEY. I appeal to the Senator to withdraw his objection. He has a great many amendments in the bill.

Mr. HAMLIN. Very well, let the bill be read. I think it is very good reading, and the Senator from Missouri wants instruction.

Mr. BOGY. I do. I am very much like the Senator from Maine, I need it. [Laughter.]

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill, and was interrupted by

Mr. BOGY. Mr. President, I withdraw the call for the reading.

The VICE-PRESIDENT. The Senator withdraws his call for the reading, and the question is on the amendments proposed by the Committee on Post-Offices and Post-Roads. They will not be read unless some Senator calls for their reading.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time. The bill was read the third time, and passed.

UNSETTLED ACCOUNTS OF THE DISTRICT OF COLUMBIA.

Mr. LEWIS. Mr. President, now I appeal to the Senator from Vermont to allow me to get a vote upon my bill. There will be no objection. All objection has been withdrawn to the bill, so far as I can learn.

Mr. MORRILL, of Vermont. If no debate arises on it I shall not object.

Mr. LEWIS. I shall not debate it.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4727) explanatory of the act passed June 20, 1874.

Mr. SHERMAN. I did not object to the present consideration of the bill, but I shall insist upon having a communication from the District commissioners read, and then Senators can do as they please about it.

Mr. LEWIS. I have no objection to that.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole and will be read.

Mr. SHERMAN. I think it has not been read through.

The VICE-PRESIDENT. The Secretary will read the bill.

The bill was read.

Mr. SHERMAN. I desire to offer an amendment that this shall not apply except for services rendered after the passage of an act of which my friend from Iowa will give me the date.

Mr. ALLISON. June 20, 1874.

Mr. LEWIS. That is in the bill. It is exactly what the bill says.

Mr. SHERMAN. I do not think it is in the bill. Let us have the bill read again.

Mr. LEWIS. Read the bill and you will find it is there.

Mr. THURMAN. Let us have the bill read through.

The bill was again read.

Mr. LOGAN. That is all right.

Mr. SHERMAN. Now I ask that the letter of the District commissioners be read.

The VICE-PRESIDENT. The letter will be read.

The Secretary read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 19, 1875.

SIR: Our attention has been called to House bill 4727, explanatory of the act passed June 20, 1874, that has passed the House of Representatives and is now before the Senate, intended for the relief of L. P. Wright, Dennis O'Neal & Co., and Brennan & Hutton, which we trust will not become a law.

In explanation of our disapproval of so much of the bill as relates to Wright, we inclose a copy of a communication from the engineer of the District to the commissioners, dated January 25, 1875, which shows that Wright had the privilege of canceling the contract, which he declined to exercise. Having elected to continue the contract, it seems to us too late for him now to ask additional compensation. Other reasons will be found in the communication why relief should not be granted him.

As to the contract of Dennis O'Neal & Co., we know of no reason why this should be put on any different footing from the other contractors whose contracts were pending on the 20th of June, 1874. We beg to say that the full amount of the contract was $29,900 per annum, for which, for the seven months from July 1, 1874, to February 1, 1875, they have received full payment in 3.65 bonds. In addition to this, O'Neal & Co. have been allowed $850 per month for removing ashes, as extra work under this contract, for which they have been paid in full in 3.65 bonds to February 1, instant, leaving due them only to the 15th instant, two weeks, when they have been ordered to discontinue the removal of ashes.

In regard to Messrs. Brennan & Hutton's contract, it has been fully paid in 3.65 bonds, with 15 per cent. additional on account of the following clause in the contract, to wit: "And shall be paid in cash, or the equivalent of cash in bonds or certificates of the board of public works, as said board may elect or determine."

The Senate will understand that all settlements and payments on each of the foregoing contracts were made by the board of audit, consisting of the First and Second Comptrollers of the United States Treasury, the commissioners having no jurisdiction over them.

The commissioners will add, if allowance is made to either of the foregoing-named parties, it will be necessary for Congress to make appropriations therefor not chargeable to any of the current revenues of the District, taxes or otherwise, but to be accounted for in any future adjustment between the Government and the District of Columbia.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District Columbia.

The PRESIDENT OF THE SENATE.

ENGINEER'S OFFICE DISTRICT OF COLUMBIA,
Washington, January 25, 1875.

GENTLEMEN: In reference to contract No. 992 of L. P. Wright, for sweeping the streets and avenues in Washington and Georgetown, I have the honor to submit the following statement of facts: Mr. Wright was awarded this contract on December 4, 1873, as will be seen from a copy of the letter of award herewith transmitted, the contract, however, to date from January 5, 1874.

Mr. Wright's original bid, herewith inclosed, was in response to an advertisement by the board of public works calling for proposals for this class of work, and was twenty-eight dollars per mile of street sprinkled, swept, and cleaned, "in cash or its equivalent." The terms of the contract referring to the mode of payment are the same as in other contracts made by the board, no issue of 3.65 bonds being anticipated in any case. Upon my taking charge of this office, Mr. Wright, in common with other contractors, was furnished with a circular (a copy inclosed) in regard to the payment of all future work in 3.65 bonds, upon the certificate of the board of audit. He afterward called upon me and urged that the work under his contract should be paid for in cash, as being necessary under the current expenses of the District. I told him that there was no authority of law for the payment of the work under his contract in cash, but proposed to him to ask for the cancellation of the contract and the advertising anew for proposals for the work, adding that as he had all the material and machinery on hand he would probably be able to bid lower than any one else. This proposition he declined to act upon, preferring to retain the contract as it stood.

This contract differs in no particular from all others which have been referred for settlement to the board of audit, except in the nature of the work; that I do not consider a sufficient reason for excepting it from the act of June 20, 1874, in regard to the mode of payment. As in every other case, the contract is a special agreement for a limited time.

The contract for cleaning alleys, similar to this, has also been referred to the board of audit for settlement.

The payment of these claims in cash, or even the difference (say 30 per cent.) between bonds and cash, from the revenues of the District, would be a serious inconvenience and loss to the District.

To recapitulate: Mr. Wright's contract differs in no respect from all other contracts of the board of public works intended to be provided for by the issue of 3.65 bonds. He has continued work thereunder with the express understanding that he did so at his own risk in respect to the examination of his accounts by the board of audit and the mode of payment.

I see no reason for making a special exception of this contract.

Very respectfully,

R. L. HOXIE,
Lieut. Engineers, U. S. A., Engineer of District of Columbia.

Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

A true copy.

FRANK T HOWE,
Chief Clerk Engineer's Office District of Columbia.

Mr. LEWIS. I will just say in reply to that document that when it was brought in here about eleven o'clock at night I desisted trying to get the bill through and waited until it was printed. I then took it to each member of the District Committee, and they unanimously ordered me to report the bill again and press it through, because it was a just act and that paper made no change in their opinion. The District Committee are unanimous in their opinion that the bill should pass.

Mr. SHERMAN. I offer the following as an amendment to be added to the bill, and I call the attention of my colleague [Mr. THURMAN] and of the Senator from Iowa [Mr. ALLISON] to it:

This act shall not apply to work done or services rendered under any contract made prior to June 20, 1874, for services rendered prior to that time.

Mr. LOGAN. Does not the act provide for that?

Mr. SHERMAN. I think not.

Mr. LEWIS. Clearly it does. I will say to the Senator that I have seen two of the commissioners. They waited upon me and said they simply did that to set themselves right; that they had no objection and intended to make no further objection to the bill. They simply wished that paper read for the reading of which the Senator called and it has been read. Any amendment would send this bill back to the House and thereby deprive of pay a man who has carried out his contract in good faith, who has performed the work better than it has ever been done in this city before. It is simply ruin to an honest man to have him take seventy cents in the dollar for work which he performed and which the board of public works agreed to pay him one hundred cents on the dollar for. He was compelled by this contract—I have it here—to pay for this work in currency every week, which he has done, and he had to borrow money at very heavy and usurious interest in order to enable him to do it.

Mr. SHERMAN. When the act of June 20, 1874, was passed, there was a large number of contracts outstanding and among them one for cleaning the streets. That act provided a mode of compensating for all services and work done up to that time, and under that section of the act all contracts were to be paid in 3.65 bonds. This was really an advantage to the contractors, because I believe the District would have been utterly insolvent and utterly broken up if it had not been for the passage of that act of relief. It is my deliberate opinion that that act was intended to cover all the services rendered under any contract up to June 20, 1874. I do not see any equitable ground for refusing to pay these gentlemen, who no doubt have been faithful contractors and have rendered this service honorably since that time, but it will not do for us to open up the question of compensation to contractors for work done prior to that time. I assure the Senator that this bill is so worded that it will cover the whole claim entirely for work done since and for work done before.

This act goes on to recite and declare that it shall not be construed to affect claims for services rendered like this or similar to this, and as a matter of course that will cover the whole amount due probably to this time. Now I would call the attention of my colleague to this matter and that of the Senator from Iowa who had charge of this bill, and I consider my responsibility ended. If you once open the door by which either the District or the Government of the United States is made responsible in money for work done under contracts in existence prior to the date of that act, you will involve the Government and District in nameless and innumerable claims for damages.

Mr. LOGAN. I wish to call the Senator's attention to the language in the fifteenth line of the bill:

The amount and value of said work done since the passage of the act, with legal interest, &c.

"Since the passage of the act," referring to the act of June 20, 1874.

Mr. LEWIS. Certainly, that is there.
Mr. SHERMAN. I think not.
Mr. LOGAN. It certainly is.
Mr. THURMAN. If I can have the attention of the Senate a moment I will try and straighten this matter out. This bill very probably, as suggested, is only to pay in cash for work done since the 20th of June, 1874, when the act of Congress passed; but that is not the difficulty. I am a little fearful that this bill is too broad and places an interpretation upon that act which never was intended. The act of June 20, 1874, did not require payment in these 3.65 bonds either for work done previously to the passage of that act or for work which should be thereafter done. On the contrary, it left the contractor his option to take the 3.65 bonds or to get his money from the treasury of the District whenever there should be the money in the treasury of the District. He either took his chances of getting the money when the treasury should be able to pay it, whenever that might be, or took his 3.65 bonds as soon as his account could be audited. There was no coercion about it. To compel them to take the 3.65 bonds would have been the exercise of a power that I should not be willing to claim for Congress, the power to break a contract; but the option was given to them either to take the 3.65 bonds or to wait until there should be funds in the treasury applicable to the discharge of their claims, and then they would get payment in cash or in currency.

This case, however, met the commissioners almost as soon as they entered upon the discharge of their duties. To this I ask the particular attention of the Senate, because herein I think is the danger of this bill. The question immediately came before the commissioners "are we authorized to use 3.65 bonds to pay for an indebtedness that will hereafter be incurred upon contracts that have previously been executed?" There was no question that so far as indebtedness of the District had accrued upon contracts previously to the act and which were to be audited by a board of audit, the 3.65 bonds might be issued to pay for them; but as the act contemplated that certain works of improvement might be completed, as it was seen, for instance, that the work on certain sewers could not be stopped, that it would be ruinous and a great loss to stop that work, the question arose with the commissioners at once, "will this statute bear the interpretation that in respect to work yet to be done upon these contracts we may pay in 3.65 bonds for such future work."

That was resolved upon advice. They took legal advice upon the subject and came to the conclusion, as I understand, that the law would bear that interpretation. It was a question therefore with the contractors whether they would give up their contracts because there were no funds in the District treasury to pay for future work, or whether they would go on and execute their contracts and receive payment in the 3.65 bonds in case there should be no money in the treasury. I do not know whether any of the contractors threw up their contracts or not. I know that divers of them concluded to go on and take pay in these 3.65 bonds, and I know from further information that divers contractors who had never done a stroke of work upon their contracts before the passage of the act of June 20, and never intended to do anything upon them because of the inability of the District to pay them in anything but their yellowbacks and greenbacks, which were down to sixty cents on the dollar, or less, they all at once became very anxious to go on and execute their contracts when they found they could be paid in these 3.65 bonds.

Now what I apprehend is, that if this bill should pass, placing an interpretation upon that law and this man is paid in cash, every one of the sewer contractors, and everybody else who has gone on upon the theory that he was to be paid in 3.65 bonds for work done after June 20, 1874, will make a like claim as this contractor.

Mr. LOGAN. Going upon the theory that the Senator from Ohio states, this man ought not to be deprived of his claim. The Senator from Ohio states that according to the construction given to the act the contractors could take their pay in 3.65 bonds or give up their contracts and get their pay in stock.

Mr. THURMAN. Will my friend allow me to interrupt him?
Mr. LOGAN. Yes, sir.
Mr. THURMAN. The objection to this bill is that it is a bill interpreting a statute; and instead of interpreting it as it was really intended, to give them the option or let them take their pay in cash whenever they could get it, this bill places an arbitrary construction upon it that it was intended to pay them in cash.

Mr. LEWIS. The only objection to paying Mr. Wright, as Governor Dennison told me himself, and so did Mr. Mullett, was that they saw no law by which they could pay him anything else than 3.65 bonds.

Mr. HAMILTON, of Maryland. Yes; that is it.
Mr. THURMAN. That is a mistake.
Mr. LEWIS. Then it is a mistake of Governor Dennison's.
Mr. THURMAN. There is no law that puts them under that obligation.
Mr. LEWIS. That is just what Governor Dennison said.

Mr. LOGAN. Inasmuch as the Senator has suggested his theory about it, it is not a construction of that act at all. If the Senate will give me their attention, I will say that this is not a construction of the act except in one particular, and that is this: that the sweeping and cleaning of the streets belongs to the incidental expenses of a city. If there is any man who knows anything about a city or anything else who can suggest that the sweeping and cleaning of streets is not a part of the incidental expenses of the city, I would like to know what it is. It is so regarded everywhere, and the only construction which is placed on the act is that that class of work—not the throwing or filling up of the streets—is part of the incidental expenses of a city. That is correct; and if the statute did not mean that, it certainly ought to, because that is the fact.

There is another thing that ought to have some weight upon the Senate. This man, Colonel Wright, came here under a contract with the city, to be paid in money. He brought all his apparatus, amounting, I suppose, to $75,000 or $100,000 worth of property, from the city of Chicago, after making the lowest bid in money to sweep and clean the streets of the city of Washington. He has been here. His contract was in existence three months before this statute passed. He has worked at it every day of the time and kept the city clean, and has never received one cent of pay under his contract, not one dime. He has had to pay his men every Saturday night. He has had to mortgage his property and borrow money week after week for that purpose, and still he is carrying out in good faith his contract.

I do think this an outrage, a perfect outrage, upon this man or upon any man to be treated in any such manner as this, for the authorities of this or any city, after making a contract to sweep and clean the streets, to be paid at a certain time, so that his men could be paid, to leave him without a dollar and for nearly one year compel him to borrow money and mortgage his property and everything and put himself in that condition, and then refuse to pay him unless he will take 3.65 bonds. He offered to give up his contract if they would pay him; but they refused to do it. He has time and again been willing to give up the contract if they would pay him his money. They say there is no law to pay him anything but 3.65 bonds.

Mr. MORRILL, of Maine. Let me ask the Senator a question. Does the Senator understand why the commissioners do not pay him?
Mr. LOGAN. I understand——
Mr. CRAGIN. Because they have not money enough.
Mr. LOGAN. Yes; and they claim also that they cannot pay except in 3.65 bonds.

Mr. MORRILL, of Maine. Do they say they can pay? Do they understand they have a right to pay; that he is bound to take the 3.65 bonds? Do they say that this claim fails to come under the act of 1874 requiring him to take 3.65 bonds?

Mr. LOGAN. They say so, but he has tendered his contract. The contract was made three months before, and he has agreed to give it up if they will pay him, but they do not pay him. All he wants is the authority that they shall pay him.

Mr. ALLISON. The real difficulty, if the Senator will allow me, in this bill is that the commissioners, as I understand it, construe the second section of the act of June 20, 1874, as prohibiting them from paying for this service out of the ordinary revenues in their hands.

That section provides that the board—

Shall have power to apply the taxes or other revenues of the District to the payment of the current expenses thereof, to the support of the public schools, fire department, &c.

Mr. LOGAN. That is it. These are current expenses.

Mr. ALLISON. Then the sixth section provides that the contracts made with the board of public works shall be adjusted by this auditing board, and may be paid in 3.65 bonds, as suggested by the Senator from Ohio, not that they shall be paid in 3.65 bonds. The real difficulty with these commissioners, as I understand it, in this case is that they have no authority under the second section of the act conferring upon them the power to pay for current services out of the current revenues of the District, because they held that this expense does not belong properly to the ordinary expenses of the District.

Mr. SHERMAN. Was this a contract with the board of public works?
Mr. ALLISON. It was.
Mr. MORTON. Still this bill could not be regarded as a construction of that act.

Mr. LOGAN. The Senator from Indiana is correct. The commissioners claim it is not part of the incidental expenses of the city. This act only says it is, and every man who knows anything about the expenses of a city knows that it is a part of the incidental expenses.

Mr. SHERMAN. All contracts with the board of public works are constructively the current expenses of the government where made with other parties.

Mr. LOGAN. I know nothing about whom they were made by. I only know that is the contract.

Mr. ALLISON. The object of the second section was to pay the ordinary employés of the District in money. There were large arrearages, amounting to sixty or seventy thousand dollars, for labor on the streets and for laborers in the office of the board of public works under the District government. The object was to pay all that class of services in money. Now the commissioners construe this contract with this gentleman as not being under the provisions of this second section.

Mr. LOGAN. That is the claim, that it is part of the ordinary expenses of the city.

Mr. ALLISON. They claim it is not part of the ordinary expenses. Now they construe or pretend to contrue that law not to include street cleaning.

Mr. LOGAN. It is part of the ordinary expenses of the city. It was intended at the time, but that was not the view of the commissioners.

Mr. MORTON. I want to take this occasion to free my mind in regard to this whole 3.65 bond arrangement. I was not in the Senate when that bill passed, but I regarded it as a very hard measure in the beginning. I have to this day been unable to understand any ground upon which it could be justified. The Senator from Ohio [Mr. THURMAN] says that the creditors of the board of public works were not compelled to take these 3.65 bonds; that there was no coercion; they might take them or they might not; that they might take them or look to the time when they could be paid out of money in the treasury at par on their contracts. But that argument fails in this: that the act of Congress creating these 3.65 bonds had destroyed the government of the District, left no government except the three commissioners, and made no appropriation for paying these contracts out of money in the Treasury at par. The only provision made was to pay them in 3.65 bonds. Now this is the way I look at it: If the local government was under any obligations to pay these contracts out of sewer bonds or in any other way, it was under obligation to pay them at par according to the terms of the contract. How the Government could be under obligation to pay these contracts at all, or only to pay them at seventy cents on the dollar, I have never been able to understand. It always looked to me, amazingly like repudiation. If the Government was under no obligation to do it, then it was a mere gratuity anyhow; they might have offered to pay fifty cents or seventy cents; but assuming that the Government was bound to do it, and the Government taking the whole control of the District into its own hands, with three commissioners, depriving the people of all power and making no provision except the 3.65 bonds, it was simply saying this: "Take this now or take nothing for an infinite period of time;" and of course they would take it.

Now, one word in regard to this other matter. It does seem to me that a contract for sweeping the streets from day to day and from week to week and removing the filth and accumulations in the streets and alleys is a part of the current and ordinary expenses of the District of Columbia, whether it is to be paid for by the District government proper, by the board of public works, or by these three commissioners. The law abolished the board of public works, abolished the District government, and left only three commissioners. Therefore the payment had to be made through them, and this thing in its nature is part of the current expenses. I had supposed when a 3.65 bond was presented that that was to pay the debt growing out of the improvement of the streets, the making of those streets and pavements, and the ordinary current and running expenses. Whether those expenses were caused by a contract with the board or by a contract with the governor or the city authorities outside of the board while that government still existed, can make no difference in their nature. They are current running expenses of the District and do not belong to what a railroad company would call a construction account. A railroad company has an account of current expenses, and then it has what it calls a construction account, a very different thing; and the same analogy would hold here.

Mr. HAMILTON, of Texas. The Senator from Indiana has touched the very point that I wanted to inquire about; and that was to ask the Senator from Iowa or the Senator from Ohio who were on the committee that brought in the bill last summer whether it was the intention to class this character of work, the cleaning of the streets, as part of the indebtedness of the District government for which 3.65 bonds were to be issued. I do not so understand it. This is a current expense. You might as well charge the whole government expenses to the Government of the United States and settle it in 3.65 bonds. I should like to ask whether this contract is going on to-day, whether it is still a subsisting contract and to be paid for in 3.65 bonds until the contract is terminated and then perhaps they will let out another contract to run three years longer.

There seems to be no end to these 3.65 bonds; they go on indefinitely. Certainly cleaning the streets cannot be called the improvement of streets or the construction of anything. It is the every-day business of the city government to clean the streets and light the lamps and to carry on the business affairs of the city. The reason I apprehend why contracts were paid in 3.65 bonds was because it relieved the treasury of the District. I recollect when the commissioners entered upon their duties a large number of responsible citizens, property-owners of the city, petitioned the commissioners to abrogate the contracts for the improvement of streets, the pavement of streets, &c., that were not completed; but the commissioners said to them, "Gentlemen, you are standing in your own light in asking for that, because under the contracts as they stand the parties can go on and finish the work and we can pay in 3.65 bonds; if these contracts are abrogated to-day and new contracts are made for improving the streets, we shall have to levy a tax on the property-holders of the District to pay these expenses, whereas as it stands now you can throw it on the United States Government." I appeal to the Senator from Iowa if that is not so.

Now I want to know how it comes that the commissioners felt themselves authorized to class this contract for cleaning the streets along with the contracts for improving and paving the streets.

Mr. ALLISON. In answer to what is said by the Senator from Texas, I would reply that I do not believe it was understood at the time this law was passed whether this particular contract should be included within the second section or within the sixth section of the act. The object the committee had in reporting that bill and that Congress had in passing it was to provide that the current expenses of this District should be paid in money, and that the contracts should be made for cash prices. I did not know what particular contracts there were. The object was to provide for the current expenses, and it occurs to me that after the passage of that act street cleaning and this character of work ought to be fairly considered as the ordinary current expenses of the District.

Mr. LOGAN. That is all this bill asks.

Mr. ALLISON. But I wish to relieve my mind a moment now as I am up in reference to the 3.65 bonds alluded to by the Senator from Indiana. The Senator from Indiana says he never could understand why such a provision was made. I can tell the Senator why it was made. We found in our investigations a debt against this District of a very large amount with no means provided for its payment. We found the ordinary current expenses of this District requiring an expenditure of $3,000,000 per annum. We levied a tax upon the property of the District of 3 per cent., which the Senator from Indiana doubtless and many other Senators regarded as an exorbitant tax on the property of this District. It was a high tax. In addition to that we made an appropriation accompanying the bill of $1,300,000 out of the Treasury of the United States for the payment of the current expenditures of this District.

Now, what were we to do with the eight or ten million dollars of debt that had been made by this board of public works unprovided for? We could not levy a tax to pay this debt. The people of this District could not bear such a burden in addition to the 3 per cent. that we levied upon them for the ordinary current expenses. Then what was to be done? There was but one of two things to be done. One was to appropriate $10,000,000 out of the United States Treasury and pay the debt; the other was to provide that the claims might be funded into some proper bond. The testimony before the committee was that many of these contracts were obtained at exorbitant rates. In many instances there was a specific arrangement made for the adding of 15 per cent. to the contract-price to cover deficiencies in the value of the District securities, and many of the contracts were exorbitant even before that 15 per cent. was added. The committee believed that the fairest arrangement which could be made would be to allow these people to convert their debts into 3.65 bonds at their own option, and many of them have done so. There was no compulsory provision about it.

This bond, it is true, bears a low rate of interest, but it runs fifty years; it is free from all taxation; it has the guarantee behind it of the Government of the United States for the payment of the interest and for providing a sinking fund for the ultimate redemption of the principal of the bonds. I think it was a fair and honest adjustment for the people of this District and for the Government of the United States, and that it in no sense savors of repudiation either on the part of anybody in the District or on the part of the Government of the United States.

Mr. LEWIS. I hope the vote will be taken. I promised the Senator from Vermont that there should be no discussion. I think the bill has been discussed enough. Let us have a vote.

Mr. ALLISON. I offer the following amendment——

Mr. LOGAN. O, do not offer any amendment.

Mr. ALLISON. I wish to offer an amendment.

Mr. HAMILTON, of Texas. I want to ask the chairman of the Committee on the District of Columbia what he proposes to do with the 3.65 bonds? If you appropriate money out of the Treasury now to take up the bonds paid to these contractors, what are you going to do with the bonds?

Mr. LEWIS. I will answer the Senator that no bonds have been given to this contractor. He refused to receive them. I insist upon the vote.

Mr. SHERMAN. I withdraw my amendment on the opinion expressed by my colleague that the provision is in the bill already.

Mr. ALLISON. I notice in reading some of the papers that some of these people have already received 3.65 bonds. I think where they have received them and accepted them they ought to keep them. I move to add:

Provided, That this act shall not apply in cases where the bonds provided for in the act of June 20, 1874, have been received in full or partial payment for work done.

Mr. FERRY, of Michigan. I do not understand that Colonel Wright has received any bonds. He has refused to receive them.

Mr. LEWIS. He has not received a dollar.

Mr. ALLISON. I supposed this bill would apply to another case.

Mr. LOGAN. Not at all.

Mr. ALLISON. If it does not, I withdraw the amendment.

Mr. MORRILL, of Maine. That amendment would be eminently unjust to this claimant if the state of facts it refers to does not apply to this case.

The VICE-PRESIDENT. The Chair understands the amendment to be withdrawn.

Mr. ALLISON. Yes, sir.

Mr. WEST. I do not wish to say anything in regard to this bill, but I want the Senator from Iowa to explain a statement which he

made, which perhaps I did not exactly understand, that we had levied a tax of 3 per cent. and appropriated $1,300,000 for the support of the District government and then funded its debt into 3.65 bonds.

Mr. ALLISON. Yes, sir.

Mr. WEST. I should like to ask the Senator how much it costs to run the District government a year?

Mr. ALLISON. I would say to the Senator that there was a tax of 3 per cent. levied; there was an appropriation of $1,300,000 in money; and there was a provision by which a large portion of this debt could be funded in 3.65 bonds and nearly $8,000,000 have been so funded. I suppose all these different provisions have been carried out in good faith.

Mr. WEST. That is not answering my question.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. ISAAC C. PARKER of Missouri, and Mr. R. MILTON SPEER of Pennsylvania, managers of the same on its part.

The message also announced that the House concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870.

The message further announced that the House had passed the bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4848) for the payment of Edward Hubbard for mail service; and

A bill (H. R. No. 4847) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 134) for the relief of Daniel S. Mershon, jr.; and

A bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting a copy of the report of Major C. R. Suter, Corps of Engineers, upon the improvement of the navigation of the Mississippi River between the mouth of the Ohio River and New Orleans; which was, on motion of Mr. WINDOM, ordered to be printed, and lie on the table.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislature of Nevada, in favor of increased accommodations in the mint at Carson City, and in favor of the removal of the charge for coinage of silver and for a reduction of the charge for melting, refining, and toughening of the same; which was ordered to lie on the table and be printed.

BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1360) to remove the political disabilities of Philip Stockton, of the State of Texas; which was read twice by its title, and, together with the accompanying petition, referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL, Mr. DENNIS, and Mr. DORSEY submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the State National Bank of North Providence, Rhode Island, to change their names—to the Committee on Finance.

The bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company of Omaha, Nebraska—to the Committee on Finance.

The bill (H. R. No. 4846) to remove the political disabilities of Charles W. Phifer, of Texas—to the Committee on the Judiciary.

The joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain—to the Committee on Military Affairs.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army, having met, after full and free conference they agree to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the bill of the House, and agree to the same.

JOHN A. LOGAN,
GEORGE E. SPENCER,
MATT W. RANSOM,
Managers on the part of the Senate.
CLINTON D. MACDOUGALL,
WILLIAM G. DONNAN,
JAMES W. NESMITH,
Managers on the part of the House.

The report was concurred in.

EXECUTIVE SESSION.

Mr. HAMLIN. Mr. President, there are some matters of an executive character which I think require the action of the Senate. I do not think there can be a better period of time to devote to them. It will require but a short time to dispose of them. I move that the Senate now proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator to waive that motion until I pass a little local bill. It will take but a moment, I assure the Senator.

Mr. HAMLIN. Gentlemen all around me make the same request. I should be very happy to oblige every gentleman; but it is impossible. I must insist on my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. SCHURZ. While the galleries are being cleared we might pass a little bill. I ask consent to put on its passage the bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. WEST. Let us hear it read.

Mr. WRIGHT. Has that bill been reported from a committee?

Mr. LOGAN. It has been. It is all right.

The bill was read.

Mr. SHERMAN. I object to its present consideration.

The VICE-PRESIDENT. The doors will be closed under the order of the Senate.

The Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at eight o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 27, 1875.

The House met at eleven o'clock a. m. Prayer by Rev. F. M. GREEN, of Kent, Ohio.

The Clerk commenced to read the Journal of yesterday.

Mr. THOMPSON, (interrupting.) I have no doubt that many gentlemen on both sides of the House desire to occupy the time in discussion of the important bill reported by the gentleman from Indiana, [Mr. COBURN.] I suggest that the reading of the Journal be dispensed with.

Mr. RANDALL. I object.

The Clerk resumed and finished the reading of the Journal.

EXPENSES OF ELECTION CONTESTANTS.

Mr. SMITH, of New York. I ask consent to offer the following resolution.

The Clerk read as follows:

Resolved, That the rules of the House be so far suspended that it may be in order at the time the sundry civil appropriation bill or the deficiency appropriation bill is under consideration in Committee of the Whole, to move an amendment thereto to pay the expenditures, in whole or part, of such parties to contested-election cases in the Forty-third Congress as the Committee on Elections may recommend.

Mr. WILLARD, of Vermont. I object.

Mr. SMITH, of New York. I move to suspend the rules and pass the resolution.

The SPEAKER. The Chair cannot now entertain the motion to suspend the rules.

COMMITTEE ON AFFAIRS IN MISSISSIPPI.

Mr. HURLBUT, from the Select Committee on Affairs in Mississippi, presented a report in writing, and moved that the report and the accompanying testimony be printed and recommitted, not to come back on a motion to reconsider.

The motion was agreed to.

Mr. O'BRIEN. I submit a report presenting the views of the minority of the committee, and ask that the same order for printing and recommittal be made.

There was no objection, and it was so ordered.

CHANGE OF NAMES OF NATIONAL BANKS.

Mr. MERRIAM, from the Committee on Banking and Currency, reported back, with the recommendation that it do pass with amendments the bill, (H. R. No. 4746) authorizing the Second National Bank of Watkins to change its name.

The bill was read. It authorizes, under the usual conditions, the Second National Bank of Watkins to assume the name of the Watkins National Bank.

The amendments were agreed to.

Mr. MAYNARD. My colleague on the committee, the gentleman from Mississippi, [Mr. NILES,] was directed to report an amendment to add two sections to the bill authorizing the name of the Slater National Bank of North Providence, Rhode Island, to be changed to the Slater National Bank of Pawtucket, Rhode Island.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MERRIAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD. I ask that the title be changed so as to include both banks.

The SPEAKER. The title will be changed to correspond with the amendments to the bill.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported from the Committee on the Judiciary a bill (H. R. No. 4844) to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under the award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

E. W. METCALF.

Mr. BUTLER, of Massachusetts, also, from the Committee on the Judiciary, reported a bill (H. R. No. 4845) to authorize E. W. Metcalf to present his claim for the loss of the ship Delphine before the court of commissioners of Alabama claims; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Judiciary.

E. R. SINGLETON.

Mr. BUTLER, of Massachusetts. I desire also to report a bill to remove the political disabilities of E. R. Singleton, of Mississippi.

The SPEAKER. That has already been passed.

Mr. BUTLER, of Massachusetts. I am glad to hear it. I desire to present another bill for the removal of disabilities.

CHARLES W. PHIFER.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4846) to remove the political disabilities of Charles W. Phifer, of Texas; which was read a first and second time.

Mr. TOWNSEND. Does the usual petition accompany that bill?

Mr. BUTLER, of Massachusetts. The bill has been considered by the Committee on the Judiciary, and there is a petition on file.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds voting in favor thereof.

DISTRICT SPECIAL IMPROVEMENTS.

Mr. HARMER, by unanimous consent, presented a memorial relating to the amount equitably chargeable to the street-railway companies for special improvements in the city of Washington, District of Columbia, and the recommendation of the board of audit to tax said companies; and the same was ordered to be printed, and referred to the Committee on the District of Columbia.

WILLOW SPRINGS DISTILLING COMPANY.

Mr. NIBLACK, by unanimous consent, from the Committee on Ways and Means, reported back, with the recommendation that it do pass, the bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company of Omaha, Nebraska.

The bill was read. It directs the Secretary of the Treasury to credit the Willow Springs Distilling Company of Omaha, Nebraska, with such amounts as he shall find, on investigation, to be assessed against them, and still remaining payable as taxes upon grain used in excess of the surveyed capacity of their distillery during the months of September, October, November, and December, 1873, and January, February, March, and April, 1874; provided that the said Willow Springs Distilling Company shall prove, to the satisfaction of said Secretary, that the average production of spirits from each and every bushel of grain used and consumed in the production of spirits by them during the time above specified was at least three and one-quarter gallons, and that they have paid the legal tax upon all spirits produced.

Mr. WILLARD, of Vermont. I reserve my right to object until I hear an explanation of this bill.

Mr. NIBLACK. There is a letter from the Secretary of the Treasury recommending that relief be granted.

Mr. WILLARD, of Vermont. I ask that the letter may be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 18, 1875.

SIR: I herewith transmit a copy of a letter from the Commissioner of Internal Revenue, relative to an application of the Willow Springs Distilling Company for an abatement of taxes assessed against them from September, 1873, to March, 1874, inclusive, amounting to $10,105.93.

It will be seen that the Commissioner expresses the opinion that no relief can be granted by the Internal Revenue Office in such a case, but that he also believes that if the facts are such as they would appear to be from the evidence submitted, the claim is entitled to the favorable consideration of any tribunal that has power to afford relief.

I concur in these views, and likewise in the Commissioner's opinion that the parties can only be relieved by a special act of Congress.

I am, very respectfully,

B. H. BRISTOW,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

Mr. NIBLACK. I think there can be no possible objection to the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NIBLACK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. YOUNG, of Georgia. On behalf of the Committee on Military Affairs, I ask unanimous consent that an evening session may be held this evening for the business of that committee.

Mr. COBURN. I would prefer Monday evening next.

Mr. YOUNG, of Georgia. I would add the condition that the debate which commences to-day does not run into the evening session.

Mr. GARFIELD. I must object until we get the appropriation bills out of the way.

JOHN FLETCHER.

Mr. SMITH, of Ohio. I ask unanimous consent to report back from the Committee on Claims, unanimously, the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to John Fletcher, surviving partner of the firm of Fletcher & Powell, the sum of $1,399.35, for overdeductions made by the Government of the United States for the transportation of military supplies in the year 1865.

Mr. WILLARD, of Vermont. Is this bill unanimously reported from the committee?

The SPEAKER. The gentleman from Ohio [Mr. SMITH] says that it is the unanimous report of the committee.

No objection being made, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SMITH, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I ask unanimous consent that the report of the Committee on Appropriations upon the amendments of the Senate to the Indian appropriation bill may be printed and recommitted to the committee.

Mr. BECK. I object to any business being done until order is restored in the Hall. It is impossible for any one to understand what is going on.

The SPEAKER. That is a very good point.

The motion of Mr. LOUGHRIDGE was agreed to.

TEXAS PACIFIC RAILROAD, ETC.

Mr. HOUGHTON, by unanimous consent, presented a report from the Committee on the Pacific Railroad, to accompany the bill (H. R. No. 4547) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was recommitted to the committee, and ordered to be printed.

BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. YOUNG, of Georgia. The gentleman from Ohio [Mr. GARFIELD] withdraws his objection to assigning Monday evening next to the business of the Committee on Military Affairs, with the understanding that it shall not antagonize the appropriation bills.

Mr. CESSNA. I have no objection if it does not antagonize the reports of the committees in relation to Louisiana and Alabama.

Mr. BECK. I object.

PUBLIC BUILDING AT COVINGTON, KENTUCKY.

Mr. ARTHUR. I ask unanimous consent that the bill (S. No. 1019) to make an appropriation for a public building at Covington, Kentucky, be passed.

Mr. WILLARD, of Vermont. I object.

J. E. D. COUZINS.

Mr. FORT. I ask unanimous consent, on behalf of the Committee on Claims, for the passage of the bill (S. No. 958) for the relief of J. E. D. Couzins.

The bill was read. It directs the Secretary of the Treasury to pay to J. E. D. Couzins the sum of $2,000, in full for services rendered to the Government of the United States in the detection and conviction of counterfeiters of United States Treasury notes.

No objection being made, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FORT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN MONTGOMERY AND THOMAS E. WILLIAMS.

Mr. SPEER. I ask unanimous consent that the bill (S. No. 951) now on the Speaker's table, for the relief of John Montgomery and Thomas E. Williams, be passed.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee of this House?

Mr. SPEER. No; but it has twice passed the Senate.

Mr. WILLARD, of Vermont. Then I object.

CLAIMS FOR QUARTERMASTER AND SUBSISTENCE STORES.

Mr. LAWRENCE. I ask unanimous consent to report from the Committee on War Claims a bill making appropriations for the payment of claims reported to Congress under section 2 of the act of Congress approved June 16, 1874, by the Secretary of the Treasury.

The SPEAKER. The Chair understands that this bill is the same as the one objected to the other day for containing certain legislative provisions at the end of it. The former bill was House bill No. 4731, with the same title as this. This bill does not contain the two sections objected to in the former bill, and there is nothing in it except appropriations for the claims allowed by the Secretary of the Treasury.

Mr. LAWRENCE. The claims embraced in the bill under consideration are reported to Congress under the second section of the act of Congress approved June 16, 1874.

That section is as follows:

SEC. 2. That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence prior to July 1, 1872, which on the 13th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them at the commencement of each session of Congress to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

I present a table showing the State in which the claims originated, with the number of claims in cash and the total amount for each State:

State.	Number of cases.	Amount.
Alabama	1	$250 00
Colorado	1	875 00
District of Columbia	7	4,135 80
Illinois	3	630 00
Indiana	1	125 00
Kansas	7	3,995 65
Kentucky	97	36,354 78
Maryland	35	10,022 20
Missouri	30	10,224 31
Ohio	1	250 00
Pennsylvania	3	393 75
Tennessee	82	40,904 17
West Virginia	11	4,443 90
Miscellaneous	1	125 00
Total	280	112,729 56

These claims will be found in House Executive Document No. 107, being letter of the Secretary of the Treasury transmitting schedule of claims examined and allowed since June 30, 1874. These are claims which originated during the war, for quartermaster and commissary supplies. There are claims for rent arising during the war, which are provided for in one of the general appropriation bills. These will be found referred to in House Executive Document No. 113. The claim reported as from Alabama originated in a loyal State. The claimant now resides in Alabama.

There being no objection, the bill (H. R. No. 4847) was received, read three times, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the blil was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COBURN. I call for the regular order of business.

Mr. HERNDON. I hope the gentleman will not insist upon it at present.

Mr. COBURN. Well, I will yield for five minutes further.

MEDALS FOR MEXICAN SOLDIERS.

Mr. HERNDON. I ask consent to introduce and have considered at this time a joint resolution granting condemned cannon captured in Mexico to the National Association of Veterans of the Mexican War.

The joint resolution directs the Secretary of War to deliver to the first secretary of the National Association of Veterans of the Mexican War four bronze or brass condemned cannon captured by the United States Army during the war with Mexico in order to enable the said association to supply to the honorably discharged soldiers and sailors of that war appropriate medallions commemorating the victories achieved by American arms in that contest.

Objection was made.

LOWELL A. CHAMBERLAIN.

Mr. GOOCH. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House joint resolution No. 102 for the relief of Lowell A. Chamberlain.

The preamble of the resolution states that Lowell A. Chamberlain was induced to tender the resignation of his commission of first lieutenant in the First Regiment of Artillery, United States Army, under the apprehension of being dismissed therefrom by sentence of a general court-martial, which resignation was accepted by the President of the United States, to date November 17, 1873; and that the vacancy created by the acceptance of the said resignation has been filled by promotion in regular course.

The joint resolution authorizes the President to restore the said Lowell A. Chamberlain to his position in the First Regiment of Artillery, United States Army, with the same rank and date of commission, and without forfeiture of pay, as if he had not tendered his resignation; provided that the President shall be convinced, upon an examination of the evidence in the case, that the dismissal of the said Chamberlain by sentence of the general court-martial before which he was tried would have been unjust and not warranted by the facts; and provided, further, that no vacancy which may hereafter occur in the grade of first lieutenant in the First Regiment of Artillery, United States Army, shall be filled until the number of officers in that grade in the said regiment shall be reduced to the number now allowed by law.

No objection being made, the Committee of the Whole was discharged, and the joint resolution read a third time, and passed.

Mr. GOOCH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EQUESTRIAN STATUE TO GENERAL ZACHARY TAYLOR.

Mr. FRYE. I am unanimously instructed by the Joint Committee on the Library to report back for consideration at this time House joint resolution No. 126 for the erection of an equestrian statue in the city of Washington, District of Columbia, in honor of General Zachary Taylor, twelfth President of the United States.

The joint resolution directs the Joint Committee on the Library to contract, at a price not exceeding $25,000, for an equestrian statue in bronze of General Zachary Taylor, twelfth President of the United States, to be placed in the circle at the junction of Massachusetts avenue and Fourteenth street, northwest, in the city of Washington, District of Columbia.

Mr. LOUGHRIDGE. I object.

UNITED STATES COURTS IN UTAH.

Mr. SENER. I ask consent to report from Committee on Expenditures in the Department of Justice House bill No. 4269, providing for the payment of certain expenses of holding the United States courts in the Territory of Utah.

Mr. SPEER. I make the point of order on that bill.

The SPEAKER. It requires unanimous consent, and being objected to, is not before the House.

DANIEL S. MERSHON, JR.

Mr. ARCHER. I ask unanimous consent to report back from the Committee on Naval Affairs, for consideration at this time, Senate bill No. 134, for the relief of Daniel S. Mershon, jr.

The bill provides that there be paid to Daniel S. Mershon, jr., the sum of $46,715.08, in full payment and discharge of the claim of said Mershon for work done and material furnished in the construction of the side-wheel steamer Cimarron.

No objection being made, the bill was received, read the third time, and passed.

Mr. ARCHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICERS REAPPOINTED IN THE NAVY.

Mr. GUNCKEL, from a committee of conference, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their amendments, and agree to the bill of the Senate, with the following amendment:

Add the following as an additional section:

SEC. 2. That hereafter whenever any person who was mustered out as a supernumerary officer of the Army with one year's pay and allowances, in addition to the pay and allowances due him at the date of his discharge, under the provisions of the "act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, shall be reappointed by the President an officer of the Army, such appointment shall be under and with the express condition that 50 per cent. of such officer's pay shall be stopped monthly until the sum total of the extra year's pay and allowances received by him when mustered out as aforesaid shall have been refunded to the United States.

And the Senate agree to the same.

That the House recede from their amendment to the title of the bill, and agree that the title shall be amended so as to read as follows:

An act approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayments of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President.

And the Senate agree to the same.

LEWIS B. GUNCKEL,
EPPA HUNTON,
J. M. THORNBURGH,
Managers on the part of the House.

JOHN A. LOGAN,
M. W. RANSOM,
B. WADLEIGH,
Managers on the part of the Senate.

The report was agreed to.

Mr. GUNCKEL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD HUBBARD.

Mr. DUNNELL. I ask unanimous consent to have passed at this time a bill which is unanimously recommended by the Committee on Claims.

The bill (H. R. No. 4848) for the payment of Edward Hubbard for mail service was read. It appropriates $336.51 to be paid to Edward Hubbard, that sum being due him for the daily transportation of the mails from the post-office in Wiscasset, Maine, to the post-office at Sheepscot Bridge, from December 8, 1871, to February 11, 1873; this sum to be paid as full compensation for that service.

There being no objection, the bill was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISIANA ELECTION CONTEST.

Mr. ROBINSON, of Ohio, from the Committee on Elections, presented a report on the contested-election case of Lawrence *vs.* Sypher, from the first district of Louisiana; which, with the accompanying resolutions, was ordered to be printed and laid on the table.

The resolutions were read as follows:

Resolved, That J. Hale Sypher was not elected a member of the Forty-third Congress from the first district of Louisiana.

Resolved, That Effingham Lawrence was duly elected a member of the Forty-third Congress for the first district of Louisiana, and is entitled to his seat.

Mr. HAZELTON, of Wisconsin. I give notice that I propose to file a minority report in writing upon this subject.

The SPEAKER. It will be understood that permission is granted to file the views of the minority.

PACIFIC MAIL SUBSIDY.

Mr. DAWES. I ask that the gentleman from Iowa [Mr. KASSON] be permitted at this time to present the report of the Committee on Ways and Means in regard to the Pacific Mail subsidy.

Mr. KASSON. The Committee on Ways and Means, who were directed to inquire concerning the alleged "use of money to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company in the nature of a subsidy for the transportation of the mails," have directed me to submit a report in writing, with accompanying resolutions. The gentleman from New York [Mr. ELLIS H. ROBERTS] desires to report on behalf of the committee a bill on this subject.

Mr. ELLIS H. ROBERTS, from the same committee, reported a bill (H. R. No. 4849) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

Mr. RANDALL. I ask for the reading of the resolutions reported by the committee.

Mr. KASSON. I desire that the report be printed and recommitted, and that a motion to reconsider be entered with the view of calling up the matter hereafter.

The SPEAKER. The Chair thinks that the right to report at any time gives the matter a stronger position than the motion to reconsider; but if there be no objection the action proposed by the gentleman from Iowa [Mr. KASSON] will be taken, and the motion to reconsider will be entered.

There being no objection, it was ordered accordingly.

Mr. ELDREDGE. I ask unanimous consent to have considered at this time a Senate bill to which there can be no objection. It authorizes a colored benevolent association to sell a piece of land in order to pay a debt.

The SPEAKER. Several gentlemen request the reading of the resolutions reported from the Committee on Ways and Means in regard to the Pacific Mail subsidy. The resolutions will be read.

Mr. G. F. HOAR. In that connection I desire to make a parliamentary inquiry: whether this motion to reconsider is privileged above the report of another committee that has leave to report at any time?

The SPEAKER. It is not so highly privileged. The Clerk will read the resolutions.

The Clerk read as follows:

Resolved, That a copy of the testimony taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service be delivered to the Clerk of the House of Representatives to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they make further inquiry and take due action upon the questions affecting William S. King and JOHN G. SCHUMAKER, and further proceed therein as they shall deem just.

Resolved, That the Clerk of this House transmit to the United States district attorney for the District of Columbia a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with direction to lay so much of the same as relates to the truth of the testimony given by William S. King and JOHN G. SCHUMAKER before the grand jury of said District for such action as the law seems to require.

Resolved, That any reporter or correspondent, having a seat in the gallery by permission of the Speaker, who has received any fee, bribe, or reward in connection with any legislation pending in either House of Congress, should be deprived of such privilege; and such conduct as disclosed by the evidence taken before the Committee on Ways and Means is severely censured by the House.

Mr. KASSON. It is necessary for me to add that the last three or four pages of the report state the facts upon which the resolutions are based, and are necessary to understand properly the reason of the resolutions. I will state further that the two employés of the House whose connection with the subject is recited in the evidence have already resigned, and that is the reason given in the report for not offering resolutions upon that part of the case.

SECURITY OF ELECTIONS, ETC.

Mr. COBURN. Now, Mr. Speaker, I demand the regular order of business.

The SPEAKER. The gentleman from California [Mr. LUTTRELL] is entitled to the floor on the bill reported from the Special Committee on Affairs in Alabama.

Mr. ELDREDGE. The gentleman from Indiana said he would yield to me to introduce my bill.

The SPEAKER. The gentleman from Indiana has demanded the regular order of business.

Mr. GARFIELD. Has any limitation of debate been agreed to?

Mr. G. F. HOAR. Will the gentleman from Indiana consent to allow me to take an hour at this time for the purpose of disposing of the Louisiana resolutions, and then this matter can go on at the end of the hour?

Mr. COBURN. I should be glad to consent, but cannot do so.

Mr. BECK. The gentleman has no right to consent.

The SPEAKER. He has the same right as any other in giving unanimous consent.

Mr. BECK. But that only; and that unanimous consent cannot be had, for I will object.

Mr. G. F. HOAR. Then I desire to give notice that as soon as the pending question is disposed of I shall endeavor to introduce those resolutions and press them to a vote.

The SPEAKER. The gentleman fram California [Mr. LUTTRELL] is entitled to the floor.

Mr. GARFIELD. The understanding I presume is that the vote is to be taken between one and two o'clock to-day.

Mr. LUTTRELL. I will yield five minutes to the gentleman from Georgia, [Mr. COOK.]

Mr. COOK. Mr. Speaker, representing one of the States of this Union for which special legislation is now sought to be provided by the rules of the House and the organization of its committees, I have been driven from pillar to post, begging for a few minutes from one or the other members entitled to the floor, that I might get a chance to defend my State against charges and accusations which have been made, either in misconception of the facts——

Mr. COX. I call for the preservation of order.

The SPEAKER. Gentlemen will resume their seats and preserve order.

Mr. COOK, (continuing.) Accusations, sir, which have been made in utter ignorance of the facts and of the true condition of affairs in that State, or have been made for a worse purpose, which I do not believe.

It was charged in the discussion last night by several gentlemen that great outrages and multiplied crimes were committed in the State of Georgia, and the attempt was made to hold the whole people of the State responsible for them; that a republican or a colored man was

denied his rights and privileges before the courts and could not get that justice which the law entitled him to. I say—and I have the statutes of Georgia here, and challenge comparison with any other State in this Union for the conservatism of its laws for the protection of electors, for the protection of the ballot-box, and for the security of life and property in that State—to-day peace prevails throughout our State, and men are protected in their lives and property as securely as in any other State in the Union.

One gentleman stated last night there were one hundred and fifteen thousand colored voters in the State of Georgia and that but forty thousand voted. I do not know where he derived his facts. I hold in my hand the return of the comptroller-general of Georgia, made last January, in which he showed there are only eighty-five thousand colored voters in that State and one hundred and fifteen thousand white voters. I wish to state this fact, and I ask the attention, not of violent, hot-headed politicians, but of the business men who desire the peace and quiet and order of the country. I ask attention to a statement made under official oath of the condition of the colored men in my State, and challenge anybody to show the same class of people in any other State of this Union with a greater amount of property than the colored people of Georgia. The colored people in the State of Georgia own 338,709 acres of land—homesteads they have bought since they became free. They own city and town property to the amount of $3,513,809. They own in the aggregate property in the State of Georgia in their own right to the amount of $6,157,798, and they pay a tax upon this six millions of property of $30,798. This people left destitute, without a dollar ten years ago, have in this short period of time accumulated this vast amount of land, 338,709 acres, and other property to the amount of over $5,000,000, and they would have had $333,000 more but for the Freedman's Bank. This is the moral of it: that in my State where they did not feel secure they would not invest their money in property as they do in Georgia.

I will state another fact, that a large number of these people do not want to vote.

In most cases when the colored man becomes a property-holder in the State of Georgia, buying a homestead alongside of white men, he allies himself with the democratic party. He says, "The white man will protect alike his property and mine." Whenever the colored man buys a horse or a mule he does the same, and as they advance in education they do it. It is so throughout our entire State; and this accounts for the amount of property which they have acquired in our State and the homesteads on which they live to-day. I say that no hostile feeling is felt toward the colored man on account of his right to vote.

In 1865, in November, before ever Congress had assembled, I attended the convention called by President Johnson for reconstruction. The thirteenth amendment was adopted by the State of Georgia. In that convention we gave the colored men every right of property and every right of personal protection. We gave them the right to go into the court. We protected the colored man in his marriage rights. To-day by the laws of that State he has every right on the face of the earth that I have.

I was asked last night by a gentleman from Pennsylvania how it was that out of the thirty-four prosecutions in Georgia in the Federal courts under the enforcement acts there were only six convictions. I said it was because the parties were not guilty. I state on my personal knowledge that three-fourths of those juries in the State of Georgia in the last five years have been republicans, and the majority in many instances colored men who could neither read nor write. In my own county, with an intelligent white population of one thousand, four colored men and one Federal officer were summoned to attend as the juries of the Federal courts, and there was not on those juries a white man or a democrat. And yet out of the whole number of prosecutions in the Federal courts you see what was the number of convictions; the accused being brought before the republican judge, prosecuted by a republican district attorney, and tried before a republican jury.

I say that every charge, every accusation, every insinuation, I care not who makes it or where it comes from, that there is hostility between the white and the colored races of the State of Georgia, or that the colored race are denied their equal rights, their equal privileges, is untrue in fact, and such charges only show an utter ignorance of the condition of affairs.

[Here the hammer fell.]

Mr. LUTTRELL. I yield ten minutes to the gentleman from Massachusetts, [Mr. PIERCE.]

Mr. DURHAM. I rise to a privileged question. I call again for the reading of the one hundred and thirty-fourth rule, relating to the privilege of the floor.

The SPEAKER. It is the duty of the Doorkeeper to see that that rule is enforced. The Chair will remark that he thinks it is a very great abuse that gentlemen should come upon the floor by the courtesy of the House to abuse the privilege by making such a noise as to prevent members from hearing the discussion.

Mr. PIERCE. Mr. Speaker, I deplore the introduction of this measure into this House in the last hours of an expiring Congress; for in my judgment it is ill-timed, unnecessary, and worse than useless. Impressed with its injustice and impolicy, I should fall short of my duty did I content myself with giving a silent vote against it. It is a political measure, intended, as its advocates aver, to secure in the country the ascendency of the political party to which they belong. To this end it provides for the increase of the power of the President, and clothes him with additional authority to interfere in the internal affairs of the several States. For one I am opposed to this increase and to this interference. Nothing but an exigency of the gravest character would justify special legislation of this kind at the very close of the session of a House of Representatives that is to be succeeded by one of adverse political opinion.

Are we not at the bottom working simply and solely for the continuance of political party supremacy? Are we not aiming, or do not those who advocate this bill aim, if not exclusively, mainly at party success by this instrumentality? Is not that in fact the motive to the introduction of the bill? Sir, gentlemen know it is. We are told, by high authority, that one hundred and thirty-eight electoral votes of the reconstructed States rightfully belong to the republican party; and that if the bill now pending in the House becomes a law it will secure these votes to that party, and otherwise they will be lost.

The pretense of redressing personal grievances and protecting individual liberty by this bill is not sufficiently plausible to free the action of its supporters from this criticism. I assert, Mr. Speaker, that we have ample legislation already; sufficiently rigorous and effective laws to accomplish all that is necessary in the Southern States. The Revised Statutes not only permit, but by implication enjoin upon the President and subordinate authorities the suppression of insurrectionary manifestations; the protection of the States against domestic violence and the rights of citizens in the exercise of suffrage. Why, then, add to the laws this extreme power, these extreme penalties? Are we mindful that constitutional liberty has meaning or force? Do we consider the States as provinces of the General Government that we may obtrude upon them at our pleasure our officers, civil and military, sending them all through the country with utter disregard for their authorities?

If domestic violence exists in the Southern States, the President is empowered to crush it. He has exercised his powers in Louisiana, Arkansas, and other States; and certainly order and tranquillity reign in Arkansas and in Louisiana. We hear of none but political troubles to-day. And yet in the midst of peace we propose to enact a new force bill, with cruel and unusual penalties, and to suspend the writ of *habeas corpus*, that great writ of personal privilege and personal protection, that sole and simple barrier between liberty and despotism that distinguishes this nation and Great Britain from all other nations of the world.

Sir, it is not in the interest of the republican party that this should be done. The people I more immediately represent and the people of Massachusetts as well ask for no such violent remedy. They do not believe the occasion for it exists; and with all kindness toward those who are managing and urging this measure, I say that I doubt if in their heart of hearts these gentlemen believe that any such occasion exists now or is likely to arise in the future.

Unnecessary legislation is always impolitic and liable to abuse and is to be avoided; but legislation that strikes at personal rights and is also unnecessary demands the severest condemnation and will receive it when the people fully comprehend its character.

If any one dreams he can escape this judgment in the present case, he labors under a delusion that his constituents and the country at large will speedily dissipate.

Sir, I protest against this measure, and especially do I protest against this suspension of the writ of *habeas corpus* either now or in the future upon contingencies which it is assumed may arise. The liberties of the people should not be so trifled with. Better far that we endure a few calamities, a few hardships, than imperil the nation; and I ask if the nation is not put in peril when it is subjected to military authority in time of peace or when only inconsiderable districts of the country are disturbed.

The power to suspend is co-extensive with the country, and is limited only by the discretion of the President. Do gentlemen understand the effect of this suspension? Do they know that when the writ is suspended a person arrested by the military forces of the United States and incarcerated, can obtain no relief except by court-martial or by the order of the President; that every passion, jealously, or caprice of the military power may be exercised without restraint?

Let us not forget the labors, cares, and difficulties that beset us in our struggles for national existence when it was necessary to suspend this writ. Let us not forget that even then many of the most patriotic and loyal citizens denounced the suspension of the writ and that nothing but the dire necessity of the hour sustained it.

Let us not forget that in the early days of the Republic this great writ was regarded as the bulwark of freedom; that down to the opening of the rebellion it had been most jealously guarded; that no discretion was left to the executive or judicial power or to any person but Congress to impair, modify, or abridge its force; and thus by law and tradition, this remedy for all, this protection for all had become surrounded by reverence, affection, and confidence. We are now asked to strike it down in an hour.

In this connection let me commend to the thoughtful consideration of those who are pressing this measure the pregnant words of that eminent jurist, Chancellor Kent, who says:

It requires more than ordinary hardiness and audacity of character to trample down principles which our ancestors cultivated with reverence; which we imbibed

in our early education; which recommend themselves to the judgment of the world by their truth and simplicity; and which are constantly placed before the eyes of the people, accompanied with the imposing force and solemnity of a constitutional sanction.

In opposing this bill I am in strict accordance with all my past political action. Local self-government and the equality of all men before the law are the cardinal principles of my political faith. By these principles I stand or fall. I resisted the fugitive-slave bill because it trampled upon the principles of civil liberty and the rights of human nature. The bill now under consideration is permeated with the spirit which gave life and vigor to that odious measure.

Of the supporters of the fugitive-slave bill the most conspicuous were Jefferson Davis and John C. Breckinridge.

"The whirligig of time" presents to us to-day a most remarkable spectacle. Some of the most blatant and pretentious supporters of Jefferson Davis and John C. Breckinridge in conventions and before the people are here to-day the especial and self-constituted champions of this bill.

I shall be the last man in the world to question their consistency or dispute their motives.

Mr. Speaker, I know Massachusetts, and I have an inward assurance that I have spoken her sentiments here to-day. She has always interposed a firm resistance to the approach of arbitrary power. She resisted unto blood the stamp act, writs of assistance, and all the force bills which were enacted by Parliament to compel her submission to the British crown; she will be true to her traditions and to her history, and will resist by all constitutional means every attempt, by whomsoever made, to impose similar measures upon any portion of the people of our common country.

Mr. LUTTRELL. I now yield ten minutes to the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. Mr. Speaker, in the course of this debate something has been said in reference to the condition of affairs in the State of Arkansas. I do not now propose to say anything in reply to a word that has been said upon that subject. At the proper time both myself and my colleagues on the committee will be prepared to maintain before this House that the conclusions to which we have come and which we have reported are such and such only as can be justified under the Constitution and laws of this country.

In relation to the bill which is now before the House, I desire to state a few legal objections that I have to it; and inasmuch as this is put forth and claimed as a party measure, and there are some things in it to which I cannot give my assent, I have sought the opportunity to state my views without any argument, but to state them as propositions merely; and for the purpose of being short I have reduced them to writing.

First. I oppose the first and second sections of the bill because the offenses therein described are offenses against the State and not against the United States. Among the powers granted to Congress by the Constitution is that of "calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." Invasion in this place doubtless means that of a foreign foe and by an armed military force. The authority to repel it clearly means to oppose by armed force, and to use the militia for that purpose.

In the fourth section of article 4, the "guarantee clause," the duty is devolved upon the National Government "to protect the States against invasion." In this clause probably the term invasion might well include an irruption into one State by an armed military force from another State.

The protection contemplated is by military force to drive away or destroy the invaders, and not by legislation. If it be admitted that the National Government may, under this clause, make the invasion of a State a crime against the United States, it must be an invasion in reality. It will not do to create an artificial, sham invasion by law and punish it by penalties. To make an unlawful intermeddling by two unarmed men against any State officer or State law an invasion within the meaning of the Constitution is a mere sham and farce. Under the first section an ordinary case of resisting an officer becomes an invasion, and so any interference by unlawful means with the due execution of any State law is made an invasion.

There is not in my judgment either constitutional power to get up a sham invasion for the purpose of punishing something else by calling it by that name. Nor do I believe if we had the power that there can be any necessity for Congress to assume jurisdiction over offenses which are clearly within the purview of State power and such as are punished by the laws of every State.

Second. The fourth section of the bill provides for punishing State officers for violating State laws.

I know of no authority in the Constitution which clothes Congress with any such power. I should be glad to have it pointed out. This section imposes no new duty on the State registration officers. The penalties in this section are denounced wholly against violations or neglect of the duties prescribed by the (State) registration law. Whether Congress can impose new duties on a State officer and punish him for not performing them is certainly a matter of very grave doubt ever since the decision of the Supreme Court in Prigg *vs.* Pennsylvania.

Third. I object to the thirteenth section, authorizing the suspension of the writ of *habeas corpus*. It is not claimed but that the courts in all parts of the Union are open and in the free exercise of their full legal power and jurisdiction. Nor is it claimed but that the executive officers of the law can perform their duties, serve process, or make arrests anywhere or everywhere. That the laws are not well administered, that judges are partial, or that grand juries or trial juries neglect or disregard their duties, furnish no ground for the suspension of the writ.

It has never been supposed to be needful or justifiable to suspend the great writ of personal liberty except in times of great danger and violence, when the officers and tribunals of the law were powerless or so obstructed as to be practically unable to enforce laws and afford a protection to person and property.

Though I agree quite that the great changes made by the revolution and the abolition of slavery, do not yet run smoothly, and there yet remain many of the bitter dregs of slavery working wrong and violence, yet I see no remedy for them by the suspension of the writ of *habeas corpus*. There seems to be great confusion in the minds of many gentlemen as to the effect of a suspension of the writ. It confers no power on the President or any other official to arrest anybody, or to try anybody. Its only effect is to prohibit all courts from nqu iring into the legality of arrests and imprisonments made under the authority of the Government.

Is there any need of thus prohibiting judicial inquiry into the legality of arrests and imprisonments? The reasons ought to be urgent. It has been suggested that the State courts and judges hostile to the enforcement of the national laws can by the use of this writ release everybody arrested by Federal officers. But it is now well settled that a State court or judge has no legal jurisdiction to inquire into the validity of arrests made under Federal law by Federal officers. Federal judges only can exercise the jurisdiction. Is there so great danger that the courts and judges of the nation cannot be trusted? I cannot believe there is now or is likely to be any such condition of things as to justify it.

My opposition to this section does not in the slightest degree imply distrust in the prudence or patriotism of the present Executive. I would trust him with the power as readily as any President we have had; but the right of the citizen to have the question of his right to personal liberty examined and decided should only be denied when the national safety is itself in peril. The remainder of the bill is substantially the bill reported by the Judiciary Committee, known as Judge WHITE'S bill, and I shall cheerfully support it; but we never dreamed of such remedies as this bill proposes, and for one I cannot support them.

I will now hear the question of the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I desire to ask the gentleman from Vermont this question: whether, in his judgment, the suspension of the writ of *habeas corpus* would give the effect of trial by court-martial of unoffending citizens?

Mr. POLAND. Not at all.

Mr. BUTLER, of Massachusetts. My colleague on the other side appeared to think it would.

Mr. HERNDON. Would it have that effect on offending citizens.

Mr. POLAND. It makes no difference in the law about trying anybody.

Mr. G. F. HOAR. Will the gentleman from California yield to me one minute?

Mr. LUTTRELL. I cannot yield more of my time.

Mr. G. F. HOAR. I desire only a single minute.

I desire to say that I concur substantially with everything that has been said by the gentleman from Vermont, [Mr. POLAND,] and the clearness and ability of his statement relieve me from making any speech of my own upon this question, with one single exception. I think the policy of the statute of 1871, known as the Ku-Klux act, which the gentleman from Vermont helped to frame, was wise; that it was approved by the entire country; that it suppressed a great evil, menacing alike the personal security and the right of suffrage of citizens. I think there is a portion of the country where a similar danger now exists and has been ascertained.

Mr. LUTTRELL. Is this coming out of my time?

The SPEAKER. Certainly.

Mr. G. F. HOAR. I ask the gentleman merely to allow me to finish my sentence. I was saying that I think there is a portion of the country where a similar danger now exists, as found not merely by the report of the three gentlemen who signed what has been called the minority report on Louisiana, but as found in that portion of their report which two more of their associates have authorized the statement to the country they would gladly concur in.

I should be glad if a bill could be framed so defining and limiting the territory, defining and limiting cautiously the time, defining and limiting also cautiously the occasion, which could give power to meet this contingency, such as proved effective in suppressing the Ku-Klux violence in 1871.

Mr. ELLIS H. ROBERTS. Does this bill do it?

Mr. G. F. HOAR. It does not.

Mr. BUTLER, of Massachusetts. But my amendment does.

Mr. LUTTRELL. Mr. Speaker, it is universally conceded that we have arrived at a great crisis in our national history. A turning-point in politics is at hand. Thousands upon tens of thousands of unprejudiced men of high repute are announcing their emancipation

from party ties which for years have bound them together in the closest political and partisan relationships.

It is a time for retrospect, review, and calm consideration. It is a time when the representatives of the people, above all others, should manifest the most earnest spirit and undoubted patriotism. However humble my position as a member of the democratic party, I ask for myself and my constituents that the true story of our national life shall be told; that the people shall know who are responsible for the good and evil that is now prominent on the record; that the evils may be remedied, and the benefits extended.

To-day peace and prosperity have forsaken one section of our beloved land. The cry of woe and almost of war has sounded in certain States of the South. Business is stagnated and depressed. The whole land feels the curse of misrule. The workshops of the North are closed, the fields of the South uncultivated. In our great cities the skeleton Want stalks with deadly tread through many a household. The great products of our land are carried in foreign vessels. Our shipping industries are dead; our mercantile industries almost suspended; our manufacturers, mechanics, and artisans idle. The whole combined industries of our nation seem paralyzed.

The question comes to us as the Representatives of the people, What are the causes for the existing state of affairs, and is it not our bounden duty to ascertain the same, and, if from error and neglect, to apply the remedy?

It will be beneficial, I think, to recall the fact that at the commencement of our existence as a Republic the burden of the national debt and expenditures was less than one dollar *per capita*, and so it remained for more than a quarter of a century. As property increased in value, and in just accordance with the increasing wealth of the individual, the *per capita* amount of debt and expenditure gradually increased until 1861, when the tax was but two dollars *per capita*. Hence there was no general complaint of the burdens of government and no suspicion of dishonesty founded solely on this advance of outlay for the maintenance of our political institutions.

In 1861 rebellion stalked with giant tread throughout our land. The exigencies of those years of strife are conceded. Far be it from my motives to criticise or censure the conduct of affairs in that trying period. There was a tremendous but necessary draft upon the purses of the people, and expedients for raising money were resorted to by the Administration, which I do not now call in question.

At the close of the war our debt had reached the sum of $2,680,647,689, or about $78 *per capita*.

When civil strife ended, it was the evident duty of those in power to sum up the indebtedness and begin administrative action upon a policy of close economy, and with a purpose to protect the rights and liberties of the conquered. This was the manifestly proper course to pursue, and every assurance was given by the party in power that congressional legislation should conform to such a purpose and plan.

At the commencement of the first term of President Grant taxation averaged sixty dollars *per capita*, and the people were told by most emphatic declarations from the dominant party that year by year the direct and indirect levy upon the tax-payers would be marked on a descending scale.

Has the Administration carried out those promises? To-day we see the revenues of the country insufficient to meet the expenditures, and this Congress has been appealed to to increase the tax-list some $40,000,000 in order to meet the necessary expenditures of the Government.

Without taking up the excuses which have been offered in this House for the present condition of affairs, I shall now proceed to consider the causes of that condition and place the blame where it properly belongs—the republican party.

In spite of the debt created by the war, in spite of the depressing influences it has established, the republican party, instead of seeking economy in public expenditure, has given away to monopolies and private combinations 212,164,846 acres of the public domain, or an area of territory larger than the original thirteen colonies.

It has taken millions of dollars from the hard earnings of the people and paid them to private combinations and wealthy corporations, while millions of poor men and women are walking the streets of our great cities begging for bread, and thousands of maimed soldiers and honest creditors of the Government have waited year after year for the payment of pensions and honest claims.

It maintains a large standing army in the South at an expense of nearly fifty million dollars a year, in order to carry States for the republican party, while daily we hear of outrages upon our frontier on account of but little protection being afforded by our Goverment.

It has usurped by the force of the bayonet the State authority of Southern States, establishing a despotism unheard of in the annals of civilization.

It seats and unseats at will legislators of sovereign States, and exercises a power more despotic than monarchs.

It is responsible for "Black Friday" speculations, Credit Mobilier frauds, Sanborn contracts, and contract finance company's steals, whereby millions of money have been wrung from the business men of the country and the hard earnings of the poor.

It is responsible for the Indian ring frauds and postal ring peculations, whereby the Government and people have been plundered of hundreds of millions of dollars.

It is responsible for the increase of the civil list from forty-four thousand five hundred employés in 1860 to nearly eighty-seven thousand in 1875, at a cost to the Government of millions of dollars.

It has instituted a system of espionage and oppression in the execution of the revenue laws, which robs the people and enriches the official at the expense of the public Treasury.

It maintains direct taxation, and proposes to still further tax the necessaries of life and products of labor, while it upholds and maintains an army of cormorants in high places and official position.

It exempts the rich man's bonds from taxation, while it taxes the poor man's salt and the widow's pension.

Its spies and informers in all parts of the country desolate homes and drag their inmates, cuffed, chained, and beaten, hundreds of miles on mere pretense or the accusation of such spies and informers, (devils incarnate,) who do the bidding of the Attorney-General.

This is the work of that great party of progress; who in their efforts to elevate the black race have degraded and impoverished the white, and blinded by political prejudice have crushed out the liberties of the States of the South.

I appeal to members of this House, irrespective of party, to view this vital and most important question from a citizen stand-point, and give to those States which you have crushed by taxation and iniquitous laws the power to lift themselves up from out the darkness to prosperity, wealth, and future greatness.

As showing the efforts made by leaders of the republican party to still further increase the nation's indebtedness and add to the burdens of the people, I append the following tables, compiled from the statistics of the Government:

Year.	Gross receipts.	Expenditures.
1800	$12,451,184	$11,989,739
1820	20,881,493	21,763,024
1840	25,032,193	28,226,533
1860	83,371,640	77,055,075
1870	696,729,973	703,155,391
1874	744,238,600	724,698,933

Expenditures—Navy, War, and Indian Departments.

Year.	Navy.	War.	Indian.	Total.
1800	$3,448,716	$2,560,878	.....	$6,009,594
1820	4,387,990	2,630,392	$315,750	7,333,952
1840	6,113,896	7,155,204	2,271,857	15,540,957
1860	11,514,649	16,472,202	2,991,121	30,977,972
1870	21,780,229	57,655,675	3,407,938	82,843,842
1874	30,932,587	42,313,927	6,692,462	79,938,976

In four years, from 1870 to 1874, the expenditures of the Navy Department have increased nearly 50 per cent., and of the Indian Department nearly 100 per cent. This needs no comment. It appeals to the pockets of the taxpayers, who will govern their future political action in the selection of men who will administer the affairs of Government on an economical basis. In order that the people may know what it costs to keep an army of Government officials, I append a statement showing the annual salaries paid to maintain the principal Departments in Washington.

Treasury Department	$2,669,424 37
State Department	84,909 42
War Department	627,187 74
Navy Department	123,458 21
Post-Office Department	441,158 09
Agricultural Department	76,924 00
Department of Justice	125,750 03
Court of Claims	29,061 00
Congressional Library	28,287 00
Botanical Gardens	12,145 63
Congressional Printer	13,914 00
Interior Department	93,317 76
Land Department	223,776 00
Indian Department	60,560 00
Pension Department	444,052 00
Patent Department	468,868 12
Education Department	17,561 07
Total	5,540,350 44

While thus adding to the expenditures of the General Government, as shown by the preceding tables, its agents in the South have involved those States in enormous debt, and have collected in the shape of taxes and plunder under carpet-bag and negro rule millions of money. The Government has become the mere tool of adventurers, at whose hands the people of the South expect no mercy.

The indebtedness of the South to-day is over $300,000,000; and the people, not the administration, must pay the debt.

What have the leaders of the republican party to answer for the iniquity they have heaped upon a conquered people?

With political morality dead; with a party made up in the South of parasites, plunderers, and adventuers, is it not time that the people should rise *en masse*, as they virtually have done, and demand a change? Public officials have abused their trust and lowered their political integrity. Peculation is a synonymous term with "carpet-bagism." Men have robbed the Government and shared the spoils with those in power. Pardons have been granted to noted criminals,

and those same criminals have been placed in positions of trust and honor as soon as their release was effected. The Government has sanctioned corruption and encouraged those engaged in robbing the people.

Before the year 1862 the Government had been burdened with ten successive wars, and yet in 1861 our public debt was but $64,000,000 and our expenditures but $54,952,957. To-day our debt is over $2,000,000,000, and our expenditures nearly $800,000,000.

In 1860 our military establishment cost but $16,000,000; to-day it costs nearly $50,000,000.

Our Navy in 1860 cost but a little over $11,000,000; to-day it costs over $30,000,000. In 1861 our expenditures for Indian affairs amounted to but $2,865,481; to-day the expenditures are nearly $7,000,000, not over 20 per cent. of which sum ever reaches the poor Indian.

Our population in 1860 was 31,183,744 and in 1870 38,115,641; an increase of 22 per cent. It is estimated that our increase in expenditures from 1860 to 1870 is nearly 100 per cent.

On the basis of the census of 1860, it has been estimated that the gross value of the annual product of the people amounted to a fraction over $3,000,000,000. In ten years, say, in round numbers, $30,000,000,000. Of that total it appears by the ascertained receipts of the administration party that they have taken from the people in actual cash, two-thirds by taxation, the residue by loans, from 1861 to 1871, the appalling sum of $10,803,307,811, or during the last preceding ten years the equivalent of 33⅓ per cent. or full one-third part of the gross estimated value of the entire annual product of the people on the basis of the census of 1860, and during the six years from 1865 to 1871 the sum of $6,132,880,296. And of that total of treasure they have expended from 1861 to 1871 $10,155,028,917, and from 1865 to 1871 the sum of $5,587,610,202; leaving the people still burdened with a debt the annual gold-bearing interest of which is not less than $125,000,000.

"In the year 1871 the Army of the United States, composed of thirty thousand enlisted men, cost the people $44,080,084, or at the rate of $1,469.33 for each and every soldier, while the royal army of Great Britain, composed of one hundred and thirty-five thousand men, four and a half times greater, cost that government only $64,825,000, or at the rate of $480 for each soldier."

These facts I leave for the digestion of my republican friends, and turn my attention now to Alabama, Louisiana, South Carolina, Arkansas, and other States of the South, and will endeavor to show, as far as I am able, that the necessity for the passage of any such iniquitous caucus measure as now proposed does not exist.

Now as to affairs in Alabama. The majority of the committee have presented a report based on evidence, as I will prove to you, of the worst character.

The witnesses called by the majority were mainly negroes, Federal office-holders, defeated aspirants, and in many instances criminals and men of no character or standing in the community; while the witnesses called by the minority included lawyers, judges, governors, doctors, planters, and men of the highest respectability, without regard to political views.

The minority of the committee at the commencement of the examination protested against receiving hearsay evidence, but their protest was utterly disregarded, and evidence admitted which would have been ruled out of any court of the United States or State jurisdiction.

At Opelika the witnesses all testified to no intimidation on the part of democrats or conservatives. Lieutenant Taylor, United States Army, testified that the whites were peaceably disposed toward the colored men, and that no negroes were prevented from voting except through their own carelessness in not reaching the polls in time, and which were kept open until sundown and after. He also stated that the negroes, instead of voting and going home, stood round the polls, and made it difficult to approach the place of voting. (See Testimony, 128.)

As showing that the only intimidation was on the part of republicans, I call your attention to the testimony of Robert Bennett, colored, page 58, in which he swears that he was turned out of church, his life threatened, his children turned out of the public school and beaten, because he voted the democratic ticket and belonged to a democratic club.

He also testified to bacon being offered him if he would vote the republican ticket, and if he did not, Mr. Isaac Heyman told him he would lose his ears and be thrown back into slavery.

I append a portion of his testimony:

By Mr. LUTTRELL:

Question. Did Mr. Heyman ever tell you if you voted the democratic ticket you would be taken back into slavery?

Answer. Yes, sir; he told me that two or three times.

Q. Did he offer you five dollars to vote the republican ticket last fall?

A. He offered it to me himself; he sent me the money by one of my men.

Q. When?

A. Just before the election last fall.

Q. Are you a property-holder here?

A. Yes, sir.

Q. What reasons have you, in addition to the reasons you have given, for voting the democratic ticket?

A. I wanted to get the taxes down. I knew that I could not hold the property according to wages and taxes; that is one reason why I done it.

Q. Did you notice any disturbance about the polls during the day of voting here?

A. I did not see a bit.

Q. Do you find the whites, as a general thing, kindly disposed toward the colored men?

A. They are.

Q. Do you know of any suits being brought by colored men against white men?

A. No, sir; I don't believe I know of any.

Q. You have not been at law to any extent yourself?

A. No, sir.

Q. You are getting along quietly and peaceably with your white neighbors?

A. Yes, sir.

Q. Do they pay you for your work?

A. They do.

Q. Do they keep their contracts with you?

A. Yes, sir; and I goes along with them just as well as I know how; me and my family.

Q. Your trouble has been with your colored men?

A. It has not been with the worldly people; it has been with my brothers in the church that has caused all my trouble.

Q. You have been trustee of your church eight or nine years?

A. Yes, sir; trustee and steward together; they turned me out the steward's place, and turned me over to a trustee, because the pastor thought the steward had a little more power.

Q. Did any colored republican ever make any threats against your life?

A. They shot holes in my house.

Q. In this town?

A. Yes, sir.

Q. Was it before or after the election?

A. Before the election.

Q. Did they show any cartridges or ammunition?

A. Yes, sir; one of the trustees went and bought cartridges, and me and him went right over there to the calaboose, and showed me a box, and threatened to stick every one of them cartridges into me.

The testimony of Alfred E. Lightfoot, colored school teacher, shows that bacon was used for political purposes, and that because he would not vote the republican ticket he was persecuted, his school locked up, and that he was insulted, and every threat offered him on the streets. To use his own language, he was "hunted like a rabbit before hounds."

Stephen H. Tucker, aged sixty-eight years, a republican, and for seven years clerk of the circuit court at Opelika, testified that the republican sheriff proposed to him to import five hundred colored voters from Georgia to carry the republican ticket.

Adam Kirk, colored, (p. 106,) testified that he was beaten for voting the democratic ticket, and that he and other colored men were informed by McLemore, Hubbard, Betts, the radical candidate for Congress, Heyman, and others, that they would be thrown back into slavery unless they voted with the republican party.

Sam Keller, colored, (pp. 116, 117,) testified that he was driven from the church, his children beaten and driven from school, on account of his voting the democratic ticket, and that wives were induced to leave their husbands for so voting, and that bacon was used for political purposes.

Washington Jones, colored, (p. 135,) testified to voting the republican ticket, and being promised by Mr. Heyman and other republicans bacon, a horse or mule, and forty acres of land the day after election.

Mr. Carpenter, colored, testified that the Colored Women's Association was headed by one John O. D. Smith, a republican white man, and its object was to induce colored women to leave their husbands if they voted the democratic ticket.

Irvin Drake, colored, (p. 195,) testified that he helped to haul the bacon the day before the election; there were three wagons hauling it; it was taken to the church, cooked, and distributed to the colored republicans.

Rev. Philip Allison, colored, presiding elder of the Methodist Episcopal church, testified (p. 202) to charges being preferred by several ministers in his circuit against members of their churches for voting the democratic ticket, and that these members would have been turned out of church, but he as presiding elder put a stop to such work. He also testified that the radical leaders had deceived the colored people, and had done a great deal of injury and occasioned all the strife which now existed between the white and colored people.

Jacob Stringer, colored, (p. 142,) testified to being beaten and turned out of church for belonging to the conservative club, his wife abused, his house fired into, and his family insulted. He was promised all the bacon he wanted if he would vote for Betts, the republican candidate for Congress, and if he did not his ears would be cut off.

Lewis Neil, colored, was offered a horse or mule, forty acres of land, and the civil-rights bill if he would vote the republican ticket; and if the republicans were successful, they would divide the houses, furniture, and bed-quilts of the democrats among the negroes.

In addition to other testimony, Congressman PELHAM testified to being compelled to leave Tuskegee on account of threats made, &c., while Judge Meaders testified that PELHAM had admitted to him that he left voluntarily, not being compelled to do so. I leave the question of veracity to these two gentlemen. So much for the PELHAM outrage.

It was shown by the testimony of many witnesses at Opelika that Heyman had used the name of President Grant as authority for asserting that the negroes would be thrown back into slavery if they voted the democratic ticket; that about twelve thousand pounds of bacon were distributed at Opelika, at least seventy-five miles from any overflowed country, in order to carry Betts's election, and that one of the most important witnesses, Charles Liscomb, the man who had hauled the bacon, was taken out of the country in order to prevent his testimony from being given.

The only ostracism complained of by any white man was by Dun-

bar, the keeper of a low groggery, and who complained that he was not patronized by white men, his only customers being negroes.

Isaac Heyman, who figured so largely at Opelika, was one of the first to join the rebellion, and was engaged during the war in hunting down Union men through the mountains. He is now a leading republican and office-holder under the Administration.

John O. D. Smith, the white leader of the colored woman's club, deserves to rank well among white citizens, and his valuable aid could no doubt be secured in other States to organize women's clubs, especially where the colored element predominates.

The worst testimony taken at Opelika was in regard to the burning of two churches, but as to who were the burners the testimony is very conflicting. The negroes were led and being organized at midnight meetings by a notorious colored outlaw by the name of Sharp, and in consequence of these meetings the white men moved their families for fear of danger. The burning was deplored by all respectable citizens, irrespective of party, and it was shown by the testimony that the democrats proffered material to rebuild the churches the next morning, having furnished the material in the first place with which the churches were built.

To sum up at Opelika: A careful examination of the testimony will show that the only intimidation was by colored republicans against colored democrats, who, under the influence of white men, drove them from the churches, the streets, and the school-houses; that even the sanctity of homes was invaded and the church made subservient to the will of the radical leaders. The testimony of these colored men is fully corroborated by such men as Hon. William H. Barnes, Judge Meadors, Colonel Frank Watkins, Mr. Tucker, and citizens of the highest respectability, irrespective of party.

At Montgomery a large number of witnesses were called, and as sworn to by every witness on the stand, republican and democratic, it was shown that the shooting and killing was participated in by two factions of the republican party, the democrats taking no part in the riot in that city. And yet the majority of the committee, in summing up the evidence, fail entirely to mention the fact that the bloodshed and murder at Montgomery were occasioned by republicans only. Is it not remarkable that Mr. COBURN and Mr. ALBRIGHT should overlook such an important matter, while if the democrats had been engaged in it those two gentlemen would have shed copious tears over the murders perpetrated by democrats.

In the language of the chairman at Eufaula, he wanted "red-hot testimony;" but when his witnesses told tales of murder in the camps and among the members of his own party he did not care to mention it. I believe both of the gentlemen received "red-hot testimony" at the last election that their services were no longer required as congressmen.

The character of the witnesses called by the minority at Montgomery is beyond criticism. Among them were such men as Ex-Governor Watts; the present governor, Houston; Judge Buckle, chief justice of the supreme court; Hon. Judge Rice, a man of national reputation; Messrs. Screws, Jones, and others; all of whom testified to no intimidation, no ostracism, except on the part of republicans, and no occasion for Federal interference. These gentlemen had taken part in the election, with one side or the other, and were not insulted, were allowed to deposit their votes without interruption, and assert as false the general indictment against the citizens of Alabama contained in Mr. HAYS'S letter to General HAWLEY.

My time will not permit my referring specially to the testimony taken at Montgomery, but I desire to call the attention of this House to one fact; that is, that during the last eighteen months some twenty murder trials have taken place in that city, every one of which was the murder of a colored man by one of his own race, and at the time of our visit there one hundred and twenty-five prisoners were in jail, all of whom were colored. The city and county of Montgomery is controlled by republicans, with republican judges on the bench, so that if any democrat had been guilty of crime or misdemeanor of greater or less magnitude, it was in the power of the republican party to have prosecuted him to the full extent of the law.

Turning now to Mobile, we found the same character of witnesses and the same causes leading to the commission of crime—the majority, as usual, confining the testimony to negroes, Federal office-holders, and defeated aspirants, and in no case calling a democratic witness. The minority called General Healy, United States marshal, and ex-Mayor Moulton, both leading republicans; Senator Hamilton, Mr. Brewer, the mayor of the city; and other prominent citizens, irrespective of party. Some seventy to one hundred witnesses, white and colored, testified to no intimidation and ostracism except by republicans, and that every man was protected in the free right of suffrage, so far as the conservatives were concerned. As showing the intimidation by republican negroes, I will call the attention of this House to the testimony of John Barber:

JOHN BARBER, (colored,) a witness for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. State your name, age, and residence.

Anwer. My name is John Barber. I am fifty-three years of age. Reside in Mobile.

Q. How long have you lived here?

A. I was here thirty-six years before the war, and was here at the election and prior to the election last fall.

Q. Did you have any difficulty here prior to the election?

A. I did. I attended a meeting in the support of the democracy. Two or three hundred persons—a crowd of men and boys—came to break it up, crying out, "Break it up! Break it up!" They were black men. I told them we wanted no trouble, and requested them to go away. They did so, but came back again, repeating their cries. I was president of the club. They went off again, and we did not remain long after that for fear of difficulty, but adjourned the meeting, and I returned to my house, about a half mile away. While sitting by my fire, between twelve and one o'clock, I heard a noise outside, and, looking through the windows, saw about twenty-five men, who were whispering together, and who finally asked if I was in. My wife replied that I was, and they then said that Mr. Price wanted me. I did not go, when they broke open my door with axes. I had a long knife, which I took in my hand as I went to the door. Jack Throer, a republican negro, threw a brickbat at my knee. The scars of the blow show yet. After that brickbats whistled by me, and I then made my escape to the back door, but found the house was surrounded. I raised my knife and they gave way, and I made my escape to another house. As I got to the chimney outside Jack Throer flung another brickbat at me, and I then broke into the other house, which belonged to Mr. Page, hallooing, "Murder!" The negroes outside said, "Turn out the damn democrat. God damn him, we are going to kill him this night." I then crept under the mattresses in the bed in the house, when Mr. Page's wife said I must go out; that if I did not they threatened to pull his house down. Jack Throer stood at the door with a spade. My wife came to the door and told them not to kill me. They said, "Yes, they were going to kill the damn son of a bitch." Throer struck at my head with a spade, but struck my wife and cut her fingers and nearly knocked her down. After that I got away. Pete Charleston struck at me with a brickbat on the back of the head. I afterward ran to Mrs. Morris's house, and as I got into the door they threw brickbats and spoiled her door. I was at that time bleeding severely. I remained there half an hour, and in the mean time they pulled down her fence. I finally took out my knife and went out among them, and as they saw me they fired three pistol-shots, one of which hit me, and also struck me with a brickbat. Jack Throer and Matthew Taylor shot at me. I ran then down to Mr. King's house, but fell against the door and could not open it. At that time Jack Throer tried to hit me on the head, and struck me on the scalp. I cried "Murder!" and ran about ten steps, and got into Mr. Magree's house, and at that time they shot at me, and Jack Throer flung an ax over my head. I got into the house, and they asked whether those men were going to kill me. At that time I was bleeding worse than ever. They cried to them to turn me out, saying that if they did not they would pull their house down. The man of the house got his revolver, but his wife and daughter told me to get out. I went out of the back door, crept into a little box, and staid there nearly an hour. In the mean time that crowd remained around there crying, "Where is the damn democratic son of a bitch?" They searched in his door and all around the place, but could not find me. They finally went away, and I got home.

Q. Were you beaten and abused by those republican negroes because you voted the democratic ticket?

A. I was.

Q. Do you know of their beating and abusing other colored men for voting the democratic ticket?

A. They said that I had got to die. They said they had killed York Tunstill that night, and now they were going to kill me.

Q. Do you know of the republican negroes in this city being armed and having secret councils for the purpose of preventing the democratic negroes from voting?

A. I know they had what they called a company which I never would join. It was at the court-house. Those negroes threatened to burn up my wife and children after that, and I had to move them out of the second ward.

Also to the testimony of York Tunstall:

YORK TUNSTALL, a witness for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. Were you here on the day of election in November?

Answer. I was.

Q. Were you here during the compaign before the election?

A. Yes, sir.

Q. Did you have any trouble with the colored men of this city before the election.

A. I did. While attending the club meeting I went across the street to lunch. They came in after me. One man at the door said, "If you don't turn that damned nigger out, we will cut your door down." Another man said, "We will stay here till day." I saw two men hanging on the fence, and others were up the street, and I went out the back way and found the yard full of men. They pitched into me. I recollect Jack Throer and Spencer Davis, although I can't say Spencer Davis struck me.

Q. Who else struck you?

A. A yellow fellow whose name I don't know. I never visit them. They are all gamblers, and I am a working-man.

Q. Did they strike you on that occasion?

A. Yes, sir. There are now scars on my head, and my arm is hurt so that I cannot well move it. One man caught me by the jacket and another one by the neck. I fell from the beating they gave me, and when I recovered, Mr. Armistead, a policeman, and another man took me out of the crowd and told me to go home, as there was a large crowd around there.

Q. Did they beat you severely?

A. Yes, sir.

Q. Were they colored republicans who beat you?

A. Yes, sir; that is what they said.

Q. For what reason did they strike and beat you?

A. All I heard them say was to Mr. Fisher, in whose house they found me. They said, "If he didn't open his door or turn that damned York Tunstall out they would cut the door down."

Q. They whipped you because you were a democratic negro?

A. Yes, sir.

Mrs. Barber, the wife of John Barber, and a large number of white witnesses, corroborate the testimony of these two colored men. ——— ——— testified to the beating and murder of negroes at his mill for voting the democratic ticket.

In regard to the riots at Mobile, it was shown that a negro had been arrested in the morning for crime, and was being conveyed to jail by a deputy sheriff, when the negroes determined to rescue their comrade, and fired upon the deputy sheriff. In the evening, headed by Allen Alexander, one of the most notorious colored outlaws in Alabama, with six indictments for different crimes now hanging over his head, the colored men, numbering at least three hundred, rushed down the street shouting that they would take the polls at all hazards and repeat as often as they wished to. Mayor Moulton, a republican, testified that he as mayor of the city, accompanied by a squad of policemen, attempted to intercept the mob and arrest Alexander, but before he could reach him a sheriff had arrested the outlaw. Immediately upon Alexander's arrest the negroes began firing into the whites and the whites returned the fire.

This testimony is fully corroborated by Hon. John Forsythe and Mr. Rapier, both of whom were standing in a room above the street and saw the whole occurrence. And yet the chairman of the committee in his speech last night stated that the negroes were not armed, while the whole testimony shows that they fired the first shot, and that when arrested, arms were taken from Alexander and other negroes engaged in the riot. I regret, Mr. Speaker, that my duty as a Representative compels me to speak of the character of the testimony taken by the majority—confined in many instances to the most degraded and disreputable people, one of whom, Ben Lane Posey, had been convicted of a nameless crime, and which, by special request, I consented might be stricken out of the testimony. Is it strange that the people of Mobile should protest against being judged by the testimony of men who would have been spurned from any respectable society—of degraded beings, insensible to every principle of honor and justice—of negroes, schooled as to their testimony by unprincipled white men.

I call the attention of every honest Representative and citizen to the appeal of eight hundred business men of Mobile who only ask that they may be examined and tried by respectable evidence, and which I will now read:

MOBILE, *January* 5, 1875.

GENTLEMEN: The undersigned, citizens of Mobile, have learned with pain and surprise the course pursued by the majority of your committee in performing the duty assigned them. The undersigned supposed that such a committee would seek to inform themselves of the very truth by inquiring of the intelligent and impartial members of the community, and would take pains to learn that such sources of information were really open to them. The undersigned learn that, instead of pursuing that course, the majority of the committee have put themselves in communication with the local leaders of the republican party, mainly defeated candidates, and known here to be violently prejudiced against the great mass of our people, and from such source, as might be expected, have been furnished mainly with the crude and inflamed statements of ignorant colored men.

The undersigned protest against being judged in any such manner, and against having the character of this community and this people tried upon the statements of such witnesses. That is not making an impartial investigation into facts, nor is it ascertaining the truth of the matters the committee were appointed to investigate by the best evidence within the reach of the committee.

The citizens of Mobile are not disobedient to the laws. There is no design or intention by them to deprive colored men of their rights under the laws; on the contrary, they have protected colored men and will continue to protect them in their rights. The white citizens of Mobile have done no more and will do no more than, as far as they can, prevent colored men from fraudulently voting when not really entitled, and from casting repeated votes, as they have frequently heretofore done, under the influence of bad men or stimulated by their own bad passions and ignorant prejudice against the whites.

The undersigned deny that colored men are systematically injured or oppressed in their rights. They are protected in their rights; but colored men look upon restraint against the abuse by them of their rights as oppression. If the truth could be presented on its real merits, the undersigned do not hesitate to say that that is the real cause of the complaint so loudly made by them and in their name.

Very respectfully,

WM. D. DUNN,
President Board of Underwriters.
M. WARING,
Citizen of fifty-two years' standing.
E. S. PENNYMAN & CO.,
Grocers.
And others.

Hon. Messrs. A. H. BUCKNER and J. K. LUTTRELL, members of the committee of the Congress of the United States appointed to make investigations in the State of Alabama and now in Mobile.

Need I add more than this petition. Here are a brave, generous, and noble people, from whom have sprung some of the greatest minds that have controlled the affairs of our nation; their property, their homes, everything they possess or care for, is at stake. They ask only that they may be heard, and not hopelessly crushed by the evidence of degraded negroes and white men and unprincipled adventurers.

One more reference, and I am done with the Mobile testimony. The majority called James Gillette, a Federal office-holder and a man of small caliber. He testifies (p. 625) that the people of Alabama are incapable of self-government, and that that State must be governed by congressional legislation. Alabama is cursed with such whilom statesmen, carpet-baggers, and Darwinian adventurers as this man Gillette.

Contrast his testimony with that of General J. M. Withers, a leading citizen, prominent not only in State but national affairs, a gentleman of culture and high moral character:

By Mr. LUTTRELL:

Question. Do you not think the sending of United States troops to this State was calculated to intimidate voters?

Answer. Unquestionably. Everything of that sort intimidates; and that is not all. Do not misunderstand me. These demonstrations intimidate both sides. There are a class of whites who are intimidated and there are a class of negroes who are intimidated. I saw some few negroes who were not intimidated, and who were bold and fearless, and I saw whites who I am satisfied were intimidated. That, however, is simply an opinion.

Q. Do you not think the sending of troops into this State at the last election was an outrage upon the sovereignty of the State?

A. Well, sir, that strikes precisely at an opinion of mine. I have always believed that any interference except to keep down resistance to a State Government in a State was an outrage on a State, and that is now my opinion.

Q. Then it is your opinion that the sending of these troops here was simply an outrage?

A. It was, upon anything like State rights. I do not say there was not need for a strong arm to put down lawlessness.

Q. Is there not lawlessness on the part of colored republicans against colored democrats?

A. That is my opinion, without having seen it. I cannot doubt that.

Q. Do you know anything about what they call carpet-baggers in the State; have they not been a curse to your country?

A. I believe that their influence has been most pernicious, but there have been honorable exceptions, I believe.

Q. Do you not believe that if the people of this State were let alone to manage their own internal affairs, as they have been allowed to do in days gone by, that it would be the best interest of the country and the Government, and particularly to the people of the State?

A. We have either got to go back and throw upon the people of the State the responsibility of law and order and build up a healthful public sentiment at home, or we have got to do away with the mockery of State governments and have a central power to rule the States as provinces.

Q. Then, according to your theory, the best thing we can do is to leave the government and management of the affairs of this State to the intelligence of the *bona fide* residents of the State and the men who have an interest in the welfare and prosperity of the State?

A. That is the only thing we can do, if we are to preserve a republican form of government. We must get rid of all extraneous influences. There are grievous ills to be corrected among ourselves. But I have gone against southern public sentiment upon that subject simply because I saw outrages that I could not as a citizen, without a public sentiment to back me, correct; and the people made a pretext that there was a power over them foreign to themselves interfering, and justified themselves in outrages which if they had been left to themselves would not have been perpetrated.

Q. If you removed these carpet-baggers, allowed the negroes to go along quietly and peaceably, and permitted the intelligence of the State to manage the affairs of the State, you think the condition of the people of the State would be better?

A. I believe that, whatever immediate ills might result, the only way to get back to a healthful public sentiment, doing justice to all, is to throw the responsibility upon the people of the State of maintaining a just and proper and honest government, or else taking the power and concentrating it in one central power to govern them as provinces. I do not wish to be understood as asserting that here among my own people there are not evils which ought to be corrected. I state that I believe they will either have to be permanently corrected by a central power crushing out all pretext of State rights or throw the responsibility upon the State, when I believe a healthful public spirit will spring up.

These are the sentiments of an honest man, and my friend General HAWLEY, of Connecticut, struck the key-note last night when he said leave "the affairs of the States to be governed by the people, who must correct the evils existing therein." These were the sentiments of a statesman and gallant soldier, which I heartily indorse, and which I hope this House will indorse, by refusing to sanction a measure which crushes out the liberty of a portion of our people.

As showing still further that the reports of ostracism and intimidation on the part of democrats are untrue, and as confirming my statements that such intimidation is only with the republican party, I submit one hundred and forty-seven affidavits of colored men, one of which I will read, they all being the same in substance:

STATE OF ALABAMA,
Mobile County:

Personally appeared before me, Alexander W. Roulstein, a notary public in and for said county and State, Sydney Evans, residing at Mobile, Alabama, who being sworn in due form according to law, deposes and says that he was threatened with death and bodily harm by the white and black republicans if he voted the democratic or conservative ticket, and by such threats and intimidation was prevented from voting at the November election, and from exercising the right of suffrage secured by the fifteenth amendment to the Constitution of the United States.

SYDNEY EVANS.

In addition to these one hundred and forty-seven affidavits I had a joint affidavit signed by James L. Cassady and eleven other policemen of Mobile, which I will read:

MOBILE, *January* 14, 1875.

We, the undersigned, citizens of Mobile, do hereby swear that we were in the employment of the officers of the city of Mobile as policemen, and sundry other employments, during the year 1874, the city then being under the rule of the republican party, C. F. Moulton, mayor; that on the 3d day of November, 1874, we did at the State election vote for the candidates on the conservative ticket, for which offense we were ostracized, and the next day discharged from such service.

JAMES L. CASSADY,
And eleven others.

And yet, with all this testimony, the chairman speaks glibly of ostracism and intimidation by democrats, and the discharge of men for voting the republican ticket. I deny, Mr. Speaker, that a scintilla of evidence has been elicited showing the discharge of colored men for so voting, and assert that the only intimidation and ostracism to-day in Alabama is among the republican party toward white and colored men who would not vote to countenance the fraud, depredation, and crimes committed by that party.

As a further evidence that the republican party is a party of ostracism and intimidation, not only in Alabama but all over the country, I exhibit a ticket prepared in the city of Washington and sent to Mare Island in my own district, known in California as the "tape-worm" ticket, which is three inches in length, one-sixteenth of an inch in width, and with the State, county, and township ticket printed upon it in letters so small that it required a microscope to read them, which the workmen of Mare Island were compelled to carry in their hands to the polls or lose their situations. This ticket was gotten up by the party of progress, and is known as the "tape-worm" ticket, more particularly on account of its size, but at the present time indicates the wriggles and agony of the republican party.

One more affidavit and I am done with Alabama.

The deputy United States marshal, a republican, and a candidate for the State Legislature, testifies as follows:

STATE OF ALABAMA,
County and City of Mobile:

Personally appeared before me, Henry S. Skaats, United States commissioner for the southern district of Alabama, James S. Perrin, who is known to me personally, and after being duly sworn according to law, deposes and says: That he was appointed and commissioned deputy United States marshal for the southern district of Alabama on the 12th day of October, 1874, by Robert W. Healy, United States marshal, and at the request of the republican State executive committee;

and on the 27th day of the same month made a requisition on the commander of the military post of Mobile for a detachment of soldiers to enforce writs of the United States courts, but said writs had no existence. This requisition was made at the suggestion of the chairman of the republican State and district executive committees, and with the concurrence of members of said committee.

The real object of these troops was to quarter them in the most central portion of the democratic part of the district, and intimidate democratic voters by causing reports to be circulated that the deponent had warrants for the arrest of a large number of whites for alleged violation of the enforcement act and national election law; also for persons who had failed to pay colored men their full wages. Many persons who had taken an active part in the democratic nominating convention, and some who had had personal difficulties with colored men, were led to believe the report was correct, and rather than be arrested and arraigned before a United States commissioner's court with unscrupulous witnesses to testify against them, and in order to avoid the expense and trouble of a trial, prepared to leave and did leave the county. This action incited and encouraged the more partisan and turbulent negroes to unite the colored row against the whites, and enabled the deponent to vote them as he chose.

There were about three hundred and fifty democratic voters in Monroe County who had been lumbering in the counties of Conecuh, Escambia, and Covington, but had returned on account of the timber panic, and who were prevented from voting by the deputy marshal, who was under the impression at the time that they had forfeited their residences and would be violating the constitution of the State of Alabama, which was construed by the marshal that it required a residence of six months in the State and county before they could legally vote, and any violation of the State laws was a violation of the national election law approved February 28, 1871. The aforesaid persons, being uncertain about their rights in the premises, and not wishing to have any trouble with the national authorities, did not vote in the election held on the 3d day of November, notwithstanding they had resided in the county three months preceding the election.

The affiant further affirms that three and a half hogsheads of Government bacon (more or less) were placed at his disposal, which he issued to the colored people exclusively, with a few exceptions, a small number of whites whose poverty alone excited the sympathy of the deponent. Reports were circulated by some republicans that on a given day the deponent would issue the bacon to colored persons who would vote the republican ticket, and if they received the bacon and afterward neglected to vote as required, they would forfeit all their rights in law, &c. While the deponent did not himself circulate any of the aforesaid reports, he neglected to affirm or deny any of them. After the deponent had issued the bacon he put up the following notice:

"In order to correct the impression that I am using Government bacon to influence the election, no more will be issued until the 3d day of November, 1874.

"J. L. PERRIN."

In conjunction with the above notice, the deponent gave letters to persons authorizing them to list all persons who had been injured by the overflow of the Alabama River or any of its tributaries. These listers would give the needy to understand that it would be expected of them to vote the republican ticket if they got any bacon. Many persons, who expected there would be a large amount of bacon issued after the election, were induced to vote the republican ticket or not vote at all. The deponent caused to be issued in the adjoining counties to Monroe that on the 3d day of November he would give a barbecue at Monroeville, free to all who chose to come.

This caused negroes in large numbers to come, and who voted the republican ticket, (straight.) At least five hundred illegal votes were cast there, and these for Horalson against BROMBERG. Without the influence as cited above, Horalson would not have received more than one hundred votes, as the colored people were getting along so well with the whites in the way of getting cheap rents and supplies to enable them to run their farms; and not wishing to discontinue such relations with their landlords, they would have voted the democratic ticket almost *en masse*. The deponent took possession of the polls at Monroeville on the day of election, and stationed the soldiers in the following manner: One at the door of the room where the balloting was being done, two at the ingress of the circle, and one at the egress. The deponent was a candidate for the Legislature.

JAMES S. PERRIN.

Sworn and subscribed to before me this the 22d day of December, 1874.

HENRY S. SKAATS,
United States Commissioner Southern District Alabama.

Now, gentlemen of the republican party, these are facts that are sworn to by respectable, honest, and intelligent citizens, men who have lived in the community for years. But in addition to these I add a few more evidences of the crimes of the republican party in Alabama. Let honest republicans read the following letter from Isaac Heyman, the hunter-down of Union men through the mountains, and now one of your office-holders in Alabama, to General R. W. Healy, United States marshal.

ROOMS REPUBLICAN EXECUTIVE COMMITTEE,
THIRD CONGRESSIONAL DISTRICT OF ALABAMA,
Opelika, Alabama, October 20, 1870.

MY DEAR GENERAL: When you become disgusted with letters from me, telegraph and I'll cease writing; as it is I shall continue. Another county heard from, and a good, clever, "brave-as-a-lion" fellow recommended to the high and exalted office of United States deputy marshal. The euphonious name of the gentleman is W. G. Mayberry, and I hope you'll send his commission and appoint as many more as we (I) may be able to get to serve. The deputies will all vote right in this district. Twenty thousand blank commissions will carry the State overwhelmingly. Bait is good, and especially for democratic office-hunger. Permit me to call your attention to the note printed at the foot of your deputy's commission. I thought they had a right to arrest violators of the Federal election law on the day of election (*flagrante delicto*) without warrant or other process. The summoning of jurors before election will do much good. Don't send this letter to the Attorney-General. No troops here as yet. Taxing you to answer this, I am yours always,

ISAAC HEYMAN.

Examine also carefully letters from Heyman, Keils, and Maher, in which they recommend proper persons for jurors, and in which they call for blank warrants and commissions, the one to be used for the the same purpose as Perrin had used them, to intimidate white voters, and the other as "bait."

Let me also call your attention to Keils's letter (p. 1274) in which he says "all is quiet, canvass going on, but send us troops."

O, shame! Can it be possible that we have men who are guilty of such atrocious, infamous, and damnable acts! And yet the majority of the committee have failed to see anything but outrages on the part of southern democrats. I will say to that majority, "pluck the beam out of thine own eye," most virtuous legislators!

Knowing these crimes on the part of adventurers, plunderers, and "carpet-baggers," can you expect the people of the South to love them, to associate with such marauders? Is there a people on the face of the earth that would? But, Mr. Speaker, I would not convey the idea that all the republicans of Alabama are of the class I have mentioned. No, sir; General Healy, Ex-Senator Warner, Southworth, Judge Wood, Rice, Smith, Kimball, and hundreds of others are true, honest, gallant men who have settled in Alabama, invested their money, and, acting the part of good citizens, are respected by all and welcomed by the people of the South. It is only your Heymans, your Keils, your Saltieles, and men of that stamp, who do not receive or merit the countenance of honest men.

Leaving Mobile, I now wish to call your attention to Eufaula. At Eufaula a large number of witnesses testified. Hon. H. D. Clayton, judge of the eighth judicial district; Ex-Congressman Shorter, J. M. Macon, and a large number of other witnesses of the highest respectability, irrespective of party, were called by the minority, and testified (p. 837–861) that the riot at Eufaula was incited by colored men. It was shown by testimony taken that the negroes were advised by the notorious Keils to come armed to the polls; and that in accordance therewith some five hundred, preceded by fife and drum, and armed with guns, pistols, clubs, and wagon-spokes, came in the town in one direction, and about eight hundred or one thousand, similarly equipped, entered in another direction. At the request of leading citizens, irrespective of party, some prominent citizens headed by a United States marshal went out and met the negroes and advised them not to come to the polls armed; but, unheeding the advice of men who wanted to prevent bloodshed, they marched into town and took possession of the polls, cursing and yelling. On the attempt of a colored man to vote the democratic ticket he was seized, and when the marshal and democrats endeavored to prevent the killing of the negro they were fired upon, and the fire was returned by the whites and resulted in the killing and wounding of several men on both sides.

I append the testimony of Rev. J. C. Davis, taken at his bedside on account of illness:

Rev. J. C. DAVIS, called for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. What is your profession?

Answer. I am an Episcopal minister.

Q. Were you in this city at the November election?

A. I was.

Q. Were you present or did you see the riot take place during the day of the election in this city?

A. Yes, sir.

Q. Do you know who fired the first shot?

A. I went down to the election about half past nine o'clock, and, as my custom is, up into the office of Colonel Shorter. There are two windows in the building looking to the east. That gave me a view of the crowd all together, because the crowd was almost immediately under the windows, in one of which I was sitting. At about half past ten I saw a movement in the crowd, and watching it I found that the police, or other parties—deputy sheriffs for the day, and others—had a colored man in their possession. Why he was arrested I did not know at that time; but as they were endeavoring to take him to the guard-house, I saw from fifty up to sixty negroes following after him and the officers, with the view, as I supposed, to get him away from them. Nothing serious occurred on the part of that immediate mob. At about half past twelve I was looking over the crowd, and in a southeasterly direction from me the crowd was swaying to and fro. Between that place and myself there was a well, in the center of the street. The crowd moved on the other side of the well up toward the north and in a diagonal direction toward me. As they came out I saw two men clinch. One was a white man, the other was a negro. The white man's back was toward me. The negro's face was toward me. Seemingly, the white man had hold of the negro with both hands, holding him, and as they got out to the edge of the crowd, I saw the negro stoop slightly, throw himself up and around, and by that movement he broke loose from the white man. He ran about five or seven steps from the white man. I saw him turn around and his arm raised. I saw him shoot and heard the report and saw the smoke. He shot while the white man was falling, because in endeavoring, and in actually breaking away from the white man, he threw the white man forward. The white man did not fall to the ground, but nearly so. While the white man was recovering from the fall the negro shot. Even while the white man was falling, or while he was recovering himself, there was a second shot. Who fired the second shot, I do not not know; it came from the direction of the white man who was falling. Upon the firing of these shots almost simultaneous, the negro fell. I supposed that he had been shot, but I saw him immediately rise, fire again, and run. He fell a second time, but before he fell the second time there were at least from five to seven or ten shots fired. I supposed that he was shot again. I saw nothing more of him during the morning. There were, I suppose, one hundred and seventy-five shots fired that morning all within the space of, perhaps, of fifty or sixty seconds. It may have been slightly over that. It was not more than a minute before the trouble was all over. In the general melee, standing as I did in the window, after the ten or fifteen shots, fearing that a shot might perhaps get up into the window, I retired from it. I saw nothing more of the general shooting until it was nearly over. I looked out again and then saw three persons shoot. One, however, was a colored man, who shot up in the air. He did not seem to be aiming at any one. I saw another negro standing north of the well in the center of the street, shoot toward the southeast, and then toward the southwest, and then he threw himself down upon the ground, folded his hands under him as if he had not done anything at all. I saw a white man standing about ten feet from the negro who fell, and who seemed to see the negro shoot in that way. When this white man saw the negro shoot and fall for protection, I saw him pull out his pistol and aim at him, but he put his pistol back without firing. He was not, I suppose, more than ten feet from the negro who had thus fallen for protection. I saw another negro deliberately take aim at a white man. He shot, but at the time his pistol went off four negroes ran between the negro with the pistol in his hand and the white man. One of these negroes fell, and immediately this white man, being an especial friend of mine, and in my church, I went down to see whether he was killed or injured. As I got down upon the sidewalk there was a colored man at my left. Immediately I had taken my step, the colored man threw up his arm saying, "I am shot." The ball passed not more than two inches from my head. Coming down, I found the white man had escaped, and that the negro had been slightly wounded in the shoulder or arm, and fell as he was shot. That is all the shooting that I saw. In the general melee it would have been impossible for me to point out the shooters.

Q. I understand you to say that you are positive that the first shot fired was fired by a negro?

A. Yes, sir.
Q. Did you know his name?
A. I did not know his name at the time.
Q. Have you learned his name since?
A. I have. He is called Milus Long or Lawrence. It is one and the same person.
Q. Did you know the white man whom he shot at?
A. I did not know the white man at the time, but ascertained afterward from a combination of circumstances the white man was Mr. Charles Goodwin. I inquired who the white man was, and I knew that the negro who fired was the negro who broke loose from the white man.
Q. Was there any firing from the buildings on either side of the street in the upper stories?
A. I saw and heard none; there was none so far as I personally know.
Q. The firing all seemed to be in the street below you?
A. Yes, sir.
Q. Did you see many negroes armed with clubs or sticks and pistols?
A. Not with pistols, but any number with large clubs and sticks. There was evidently a nervousness among the negroes that morning, and the white people generally seemed to apprehend a good deal of difficulty.
Q. The white people seemed to entertain fear of the negroes?
A. Very decidedly. I do not think that the white men were so thoroughly armed at the beginning of the day as the shooting would indicate. I think that when they found the negroes to be in such a spirit, and actually threatening, they thought it prudent for them to prepare themselves, and I think that the preparation of the white men that day grew out of the threatening attitude of the negroes coming to the polls with clubs and large and heavy sticks, any number of which could be seen that day.
Q. What is your age?
A. I am forty-nine years of age.

I might also refer to the evidence of Miles Colquet and other colored men who agree with the whites, that the negroes fired the first shot, and were the inciters of the riot. In fact the testimony taken at Eufaula, as in other places, showed that the negroes, incited by unprincipled white men, were clearly the instigators, and that no intimidation or ostracism prevailed except on the part of republican negroes toward democrats of the same color.

I now append a card published by the Hon. Samuel Flintroy, colored, for several years a member of the Legislature, a leading republican of Eufaula, and highly respected by all parties, who became so thoroughly disgusted with the action of Kiels and others that he abandoned his party:

[From the Eufaula Times, (tri-weekly,) January 6, 1875.]

A CARD.

To the good people of Barbour County:

For several months past I have been convinced that the radical party, South, and especially in Barbour County, are a corrupt, false, and dishonest set of men, selfishly aiming at personal gain, utterly regardless of the true interest and legitimate destiny of the country. And I have desired so to declare myself in an address or published card, but have been persuaded not to do so. I now solemnly assert and publish, and hereby pledge myself in future accordingly to act, that there ought to be only one party here for the interest of land, labor, and honesty—for their interests and welfare are kindred and indissoluble; and my knowledge of the past and present assures me that our salvation as a people, white and black, is to be all democrats, determined no longer to listen to or follow the evil counsel of bad men, who have no interest in the country beyond their own personal political elevation.

SAM. FLINTROY.

JANUARY 1, 1875.

In Eufaula the bacon was used, as in other places, to control republican votes; but all testimony bearing on the bacon business was ruled out by the majority.

D. McRea, a leading republican, was appointed agent, as will be seen by the following notice:

NOTICE.

EUFAULA, ALABAMA, *October* 5, 1874.

Notice is hereby given that all persons living upon overflowed lands in the second congressional district of Alabama, who make application for supplies under the late act of Congress, must make the same in writing, setting forth that they are in want, the number and names of persons in family, giving exact location of their residence, having said application approved or certified to by some responsible person who is cognizant of the facts as set forth in the application.

Upon receipt of said application, properly made out and vouched for, supplies will be issued. In case the same is to be shipped, the parties must furnish shipping directions and pay all expenses.

I will commence to receive your applications from October 12 until the day I commence to distribute, on the 4th of November, 1874.

D. McREA, *Agent.*

It will be seen from the notice that twenty-three days would necessarily elapse before any of the bacon would be distributed to applicants; and the fact that the distribution was to take place the day after the election was conclusive evidence that none but those who voted the republican ticket would receive the bacon.

The testimony (pp. 1292–1299) shows that the republican congressmen met in caucus, without consulting their democratic and liberal republican colleagues, and agreed upon the distribution of bacon.

The testimony of Captain Gentry, United States Army, shows that bacon was sent by Hon. CHARLES HAYS away from the overflowed country into the highlands, distributed and used for political purposes, and that Captain Gentry seized what he could get hold of and sold it by order of his superior officers.

When it was ascertained that the bacon sent to Alabama had been used mainly for political purposes, the majority of the committee with true republican virtue, decided that they were not sent to take such evidence, and ruled it out.

The testimony of Mr. Kimball, a northern man connected with the railroad interests of Alabama, and of Mr. White, a gentleman of culture and a republican of high standing, who was sent by the New York Tribune to examine into the facts and present a truthful statement of affairs, shows that no ostracism or intimidation existed in Alabama except that practiced and adhered to by the republicans.

I call your attention to a portion of the testimony of Ho J non.P. Southworth, a life-long republican and an earnest supporter of that party in Alabama:

JOHN P. SOUTHWORTH, a witness for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. State your name, age, residence, and occupation.
Answer. My name is John P. Southworth; age, forty; residence, Mobile, Alabama; my profession is that of a lawyer.
Q. Have you held the office of United States district attorney for that district?
A. Yes, sir; I have held the office of United States attorney for the southern district of Alabama four years, and also held the office for the northern and middle districts for about two years during that time.
Q. Do you know the condition of affairs in Alabama as to social ostracism on the part of the whites against northern men?
A. So far as my own experience goes, I do; and I think I do as to others.
Q. What is that condition?
A. I have never been ostracized.
Q. Are you a republican?
A. I am, and always was since the organization of the party. I studied my politics on the western reserve in Ohio, where I was a law student, and graduated under Owen Lovejoy, in Illinois. I have been an old-time republican, and what might have been termed in those days a free-soiler.
Q. Do you know whether there is any discrimination as against a black man any more than against a white man made by the courts and juries in the trials of cases in Alabama in which blacks and whites are interested?
A. So far as my experience as a prosecuting officer or as a mere practicing lawyer since my term of office expired in May, 1873, I say no. I do not think there is.
Q. Have you prosecuted and defended criminals in that State and prosecuted and defended civil suits of both colored and white?
A. Yes, sir; I might say that I have prosecuted criminals in that State and defended men charged with crimes.
Q. In your official capacity, have you prosecuted any republicans? And, if so, state the case, and whether he was convicted or not.
A. While district attorney I prosecuted a postmaster of Mobile charged with embezzling the public funds. I say prosecuted. I drew the indictment and went out of office before the trial was had. He was tried by a jury which, I think, were nine-tenths his political opponents; and I know his bail were mainly democrats of the city of Mobile, the bail being fifteen or twenty thousand dollars, and he was acquitted. He was probably as active and zealous a republican as there was in that city. His labors were not confined simply to Mobile; they extended to the Legislatures.
Q. Do you see any necessity for the intervention of the Federal authority in Alabama to preserve peace and order in that State, or do you believe that the people of the State are capable of self-government and the mangement of their own internal affairs? I mean the masses of the people.
A. Yes, sir; I think they are. Do not understand me now that I am in favor of abolishing Federal courts. I am in favor of the Federal courts to enforce any of the laws that Congress has or shall pass.
Q. Do you believe that fair elections can be held in that State without the intervention of Federal authority?
A. I do. I mean by that, just as fair as in Illinois. I do not believe that many elections are what is termed in its true sense fair. I think there is shenanigan on all sides.
Q. You think it is just about as it is in many of the other States of the Union?
A. Yes, sir.
Q. Do the negroes, as a general thing, vote one ticket?
A. Yes, sir.
Q. Do you believe that if the negroes were let alone and permitted to vote as they might wish, without the interference of politicians on either side, that it would better the condition of the people of that State?
A. Yes, sir; I should think it would. I think that the State would be better off if the negro vote was divided, because I think that lots of whites would come to our party.
Q. Then I understand from that that certain politicians of the republican party who make politics a business rally the negroes as a mass, and by that means the whites are forced as a mass, almost, to oppose them; whereas if the negroes were let alone to pursue their own course and to form their own conclusions they would divide their vote, and by that means the white vote would be divided and a different state of affairs would ensue.
A. Yes, sir; I think that the rule of political economy, that labor will follow the hand that feeds it, would show itself in Alabama were it not for a large amount of political machinery which keeps labor massed on one side.
Q. Do you know who controls the political machinery to keep the labor massed?
A. I think I do.
Q. Please state?
A. I think it is the leading republicans in each county who control that.
Q. Do you mean by that leading republican politicians—men who make it a business to follow politics?
A. Yes, sir; by the term leading republican I mean politician, who lives on politics and nothing else.
Q. Does not a great deal of this political excitement grow out of the massing of the colored vote, creating an excitement on both sides, then excitable men on both sides create riots, whereas the peaceable and well-disposed part of the community take no part in it?
A. Yes, sir.
Q. It simply grows out of riots, as you have in any election in any other State in the Union?
A. Yes, sir; that is so.
Q. Are not the white people of Alabama, both democrats and republicans—those who are following a legitimate business and including those republicans who go there with a view to better their condition by engaging in business—are they not kindly disposed toward the negro; do they not desire to see him educated, and to give him all the rights which are guaranteed to him by the Constitution?
A. I think that is so; yes, sir.
Q. From your observation, are not the white democrats of Alabama, the property-holders of that State, anxious to educate the negro and fit him for good citizenship, and to see him employed in business pursuits?
A. Yes, sir; I should say that they are. We occasionally come across some blathering, noisy fellow who does a heap of talking, but he is the exception and not the rule, by any manner of means.
Q. You say that you have been for some years in Alabama, and that you have never been ostracized, but have been treated kindly by all parties?
A. Yes, sir.
Q. You are an outspoken and avowed republican?
A. I am, and always have been. I have taken part in every canvass in Alabama, more or less, since I went there in 1868. I do not think there has been a canvass but what I have made one or more speeches. I only made one in the last election; that was at Selma, on my way down from the North, before the election. I have been treated just as kindly in that relation as I ever was in Illinois. I do not think there was a canvass in Illinois for the fifteen years I was there that I did not have a hand in the county where I resided, so far as making speeches was concerned.

Q. Do you anticipate any more trouble in Alabama now, taking into consideration the present state of affairs politically, than you would anticipate in Illinois or any other Western State?

A. I do not.

Q. If the people are let alone, then, do you believe that the State government will be carried on and the peaceful relations existing between the people be just as good there as they are in Illinois or any other State?

A. I do; yes, sir. The change from slavery to freedom of the black men, the poverty that fell upon them by the result of the war, the large debt resting upon the State, the hard times, failure of crops caused by one thing and another, a flood or a drought, as the case may be, all tend to prolong that good time; but, sir, it will come, in my judgment, in the history of that State, as surely as that the State stands as a State.

Q. Do you believe that your opponents, the democratic party of that State, are anxious to bring about these good times in that way by guaranteeing to every man his rights under the Constitution?

A. They say they are, and while the democracy had the State government, under Lindsey, who as an executive was something of a failure in the estimation of everybody, I saw no reason to doubt that. They had it two years. They have it now solidly in most of the principal counties of the State.

Q. Since they have organized the Legislature under the present democratic association, during the last two months, have they passed any act detrimental to the interest of any class of people?

A. No, sir; nor even to the republican party. A great deal was anticipated of redistricting the State, and a new convention, and new constitution; but they have done nothing of that kind, and have been in session two months and more. I do not think they are going to do so, although they may.

Q. To all appearances, have they been laboring for what you believe to be for the best interest and welfare and prosperity of the people of the State?

A. I should think they had. They are trying to cut down salaries and get rid of the officers that are unnecessary and seem to be economizing. I do not know to what extent. I am not in Montgomery. I only watch the morning papers to see what they have done the day before. It is a singular fact that the democratic ticket elected was made up entirely of the anti-secession men of the State, men who were opposed to secession, and fought it until it came on, and then went with their State. That seems to be the spirit in Mobile, for instance. In their city government they have just got possession from the election in December, and seem to have overslaughed all who were known as original secessionists in making up their ticket, and by the taking mainly of young men. There are many young men on that ticket who run that city and county government. All their officers are young men. Their probate, city judge, circuit judge, are all considerably younger than I am. They excluded, or, in other words, they took that class of men who did not labor or could not have labored under any of the disabilities imposed by the fourteenth amendment.

Q. They seemed, then, to take what was known as original anti-secessionists?

A. Yes, sir; whenever they took men of mature years. The present governor, Houston, was known all over the State as a very bitter anti-secessionist.

Q. So that the action of the democrats in that State has been toward amity and good relations with the whole Government?

A. Yes, sir.

By the CHAIRMAN:

Q. Something was said about the laboring men of that State being kept solid on the republican side by the politicians. Do you say that it is done by trickery, and that it is not the genuine sentiment of the colored people of the State to be on the republican side?

A. No, sir; I do not. I think the natural inclination of the colored men is to the republican party, but I think there would be a breach were it not for the leaders.

Q. What are the tricks or the devices of the republican politicians by which negro men are kept, contrary to their will, in the republican party?

A. I have not examined them all, for I do not know them all; but I think I could answer you better by saying by the same usual artifices that the same class of intelligent voters in the city of New York, with its democratic majority of forty thousand, is kept together. First, by getting them a place here and a place there, and sending them this thing and that thing and the other thing. I have every reason to know that a good many of the workers in a canvass will be rewarded when the term of a court comes in. While I was district attorney fifty witnesses were subpœnaed to come down to Mobile. That would be done for a holiday trip to see the show of New Year's, and they would draw seventy, eighty, or a hundred dollars for mileage, per diem, and one thing and another.

Q. Did you have that done?

A. No, sir; but I could not stop it. Since I went out of office the Attorney-General has established a rule that no witness can be got for the United States except on the written application of the district attorney; but then it was not the rule. A, B, or C could get a subpœna in behalf of the United States for Tom, Dick, and Harry to come down as a witness, and the Government would pay them for their trip.

Q. That abuse has been corrected?

A. Yes, sir; nearly a year ago. That was not one of the tricks, but that was one of the means I was satisfied was used simply to fix the fellow up for the work he might do in his beat. He wanted a trip to Mobile; he wanted to come during the holidays. We have had them down there like locusts; we have had the halls, when the grand jury would be in session in holiday weeks, black with them, and would have to sit with the grand jury until eleven or twelve o'clock at night to get rid of them. They would come in and state what they did not know, not what they did know, for they did not know anything at all about the matters which they pretended. I had that to go through with at least two or three terms.

Q. How many terms did this take place?

A. Three terms.

Q. What years?

A. The winter of 1869, 1870, 1871, and 1872.

Q. Did you ever remonstrate against that to anybody?

A. No, sir.

Q. Why did you not?

A. I do not know why I did not. Because there was nobody to remonstate to. I would frequently say, "Where in the name of common sense did these men come from? Who had them come?" But nobody knew? They were regularly subpœnaed, and had their subpœnas with them.

Q. You said there were not a hundred men in Alabama who were not either office-holders or office-seekers who were republicans?

A. I say whom I ever met.

Q. You said you believed they could have a fair election in Alabama without the presence of the Army. Do you mean to say that as applicable to every place in Alabama?

A. Yes, sir. I mean to say that that is my judgment.

Q. Do you think the colored men can, without intimidation or terror, vote freely any ticket they desire in every part of Alabama?

A. I think that they can. I do not say that they can, and do not want you to understand me that way. I do not give it as an opinion of an expert, but I think they can.

I also call your attention to the testimony of Mr. BROMBERG, a liberal republican member, and Mr. CALDWELL, a democratic member from Alabama, both of whom corroborate the testimony of Mr. Southworth.

I will dwell no longer upon the Alabama testimony. It shows conclusively that the riot and bloodshed in that State are not wholly traceable to the democracy, and that the whole scheme of securing Federal interference was gotten up by the leaders of the republican party in manufacturing outrages that did not exist; or where they did exist, it was only in the camps of the republicans. For what purpose this scheme was concocted, is known to every one.

Neither the republican governor nor any State officer had called for troops. The campaign was being conducted in as orderly a manner as campaigns in other States. Political excitement ran high and the prospects were that the republican ticket would be defeated. Mr. HAYS seeing what the result would be, and that his defeat would be accomplished if left to the people of the State, determined upon presenting such a statement as would show to the Administration the necessity for Federal interference. (See testimony of Dew and Abrams.) Without regard to the true facts of the case, with an eye single to the interests of his own party and himself, the letter to General HAWLEY was written, in which the people of Alabama were treated as outlaws, murderers, and guilty of every crime known to humanity. The result was what he asked for. Soldiers were sent to Alabama to carry the State for the republican party.

Why did not the committee call Mr. HAYS? He had preferred his charges; why was he not made to prove them? Simply for the reason that he could not, and simply for the reason that they dared not, knowing that the charges were false and without foundation and that a cross-examination would elicit such falsity. The same page that will hand down the history of the trials, sufferings, and virtues of the gallant sons and daughters of Alabama will also contain the name of CHARLES HAYS; but in what connection? The same page that tells the trials, sufferings, and crucifixion of our blessed Saviour conveys to us also the character of him who betrayed Him.

There are some men who to-day oppose the South and favor its oppression who but a few years ago were the loudest in denouncing every principle emanating from northern people. The only man in the Alabama Legislature who opposed the adoption of the thirteenth and fourteenth amendments to the Constitution is to-day a republican member from that State, and one of the most active supporters of the obnoxious bill now before this House.

In a speech delivered in the Alabama Legislature on the 20th day of September, 1865, in which he evinced the most bitter antagonism to adopting the amendments which gave the right of suffrage to the black race, Hon. ALEXANDER WHITE said:

> The great democratic party is marshaling its hosts for the approaching presidential contest. Democratic victories come to us whenever we hear of a contest in which political issues are presented to the people.
>
> The South needs no eulogy, and when I raise my voice or lift my hand against her may the live thunder rive me where I stand. Though I be false in all else, I will be true to her. Though all others prove faithless, I will be faithful still.

These are the past and prophetic utterances of the gentleman from Alabama as late as 1868; the first to urge a white man's government; the first to advocate a war of races; the only man to oppose a ratification of an amendment which gave the rights of citizenship and suffrage to four million colored people. If these people err to-day, such men as those I have mentioned were the first to sow the seeds of discord and dissension; the first to lead their party, and forgetting the principles they have advocated, seek now to oppress their friends, neighbors, and kinsmen by a measure which takes from the people their liberty and makes them the creatures of an administration bent on accomplishing its own purposes at the expense of a nation's ruin.

Before closing my remarks on Alabama affairs, I have a few words to say of a man who, claiming to be a Christian, and a member of the Methodist Church, needs a passing notice. I allude to "J. G. Hester," a spy, an informer, and a tool of the Attorney-General, "who invokes God's blessing on everything he does, night and morning." Disguised as a tobacco and brandy peddler he went through the State of Alabama deceiving the people, and inciting the whites and blacks to riot in order to make a case for the Government and secure Federal interference in order to carry the State for the republican party.

I append a few extracts from his testimony as showing the character of this professed Christian. On a cross-examination by Mr. BUCKNER, relative to the manner of obtaining testimony, the following was testified to by Hester:

Q. Did you talk to the merchants here about the Ku-Klux, and all that sort of thing?

A. Yes, sir; I carried plugs of tobacco in both pockets, so that they could see I was a peddler. My main object was to talk with them, to get acquainted with them, and find out what they were up to. I did not care whether I sold any tobacco or not.

Q. You spoke to them, saying how you had carried the election in North Carolina by killing negroes?

A. Yes, sir; politics seemed to be the only topic there at the time.

Q. Your object was to deceive them?

A. Yes; for a time.

Q. You told them lies for the express purpose of getting into their confidence, did you not?

A. I told them what I conceive to be deceptions. You can call them lies if you choose. I did not mean them as lies; I meant them for good. Afterward told them, "Now, gentlemen, I take all the deception back. I only did it for the good of the country, of the people, and of your community."

Q. You did evil that good might come?

A. I do not consider that that was evil. I am a member of the Methodist Church.

I do not want to do anything wrong. I try to do right. I invoke God's blessing on everything I do, night and morning.

Q. And yet you lied to them?

A. I lied, if you like to call it a lie.

Q. Do you call it a lie?

A. I do not. It is not such a lie as one would tell to the injury of an innocent person.

Q. You think you were telling the truth, then, when you were telling this?

A. Yes, sir; I think it was the truth in the eyes of God.

Q. Not truth in fact, but truth in the eyes of God?

A. I believe it was truth in the eyes of God, for the purpose of finding out who these murderers were; and I used deception and used the same weapons of deceit they used in order to find out their evil deeds.

Q. You profess to be telling the truth now, do you?

A. I do.

Q. What guarantee or assurance can you give us that you are telling the truth now more than you gave to those people?

A. I feel the higher obligation, now, sir.

Q. In what does that obligation consist?

A. That obligation consists now in the oath I have taken here to tell the truth; that it may go out to the people, that the people may be convinced of crime, murder, and all sorts of outrages being committed in Alabama.

Q. Is the obligation to tell the truth any greater now than it was to tell the truth at all times?

A. Yes, sir; the very highest obligation that could rest upon a man rests upon me now to tell the truth.

Q. Then it did not?

A. Yes, sir; the obligation that I had then was to my Government, to find out the the truth; and in order to do so I had to deceive those people.

Q. By falsehood and deception?

A. By deception.

Q. By falsehood and lies?

A. If you choose to call it lies, I have no objection.

Q. You mean to say, then, that if it was necessary to subserve the ends of Government, you would commit murder, would you not?

A. No, sir.

Q. Why not?

A. Then I would be injuring somebody; but I would not be injuring any one in trying to catch criminals who are murdering the people there. If I went there and told them I was a Government agent, and that I had come to find out who had killed Ivey, I could not have found out anything at all.

Q. You believe that a large majority of those who have negroes employed upon their plantations, and who must look to the negro to cultivate the soil, believe in murdering these negroes?

A. I do not believe they want to murder the negro if the negro will do as they want him to do, and vote their ticket. That seems to be the only conflict.

Q. You were traveling around there as a spy or detective of the Government, or a Government agent—call it what you please—practicing deception and worming yourself in to ascertain the private sentiments of the citizens. Did you at any time advise them to drive these negroes away and to kill them?

A. I encouraged them in their way of talking.

Q. You encouraged them in their evil ways?

A. I encouraged them in their way of talking in order to get at their true sentiments, and to find out which particular individuals were doing these things.

Q. When you were going about doing this thing did you see any particular democrats in either of those counties beating and abusing negroes or driving them away from their premises?

A. I stated in my direct examination that I saw this large armed body of men at Belmont, and they told me they were hunting negroes. I saw them flourishing their guns, some were galloping, and they were hurrahing, "We'll get the damned niggers yet."

Q. Were you in company with white democrats and negroes at the same time?

A. Only at Belmont. They had six negroes there in a carriage-house held as prisoners.

Q. For resisting the sheriff?

A. No, sir.

Q. For what?

A. They did not say. They said they were some whom they had picked up down in the woods. I saw the negroes afterward. They said they were arrested, and compelled before they were released to make an oath, which they knew was false, with guns pointed at their heads. They were compelled to swear that they were hiding in the woods to keep away from Bob Reed, and that Bob Reed wanted to conscript them into his army to fight the whites. They said that that oath was totally false, and that they took it through fear that they would be killed if they didn't do so.

Q. Did you see any of those planters or did you hear of any of those planters beating or maiming negroes or driving them away from their plantations?

A. I did not see them doing it, but I saw the negroes with bruises on them and with the blood running out of their bodies.

Q. And you were going on and encouraging this thing all that time with a view to gain the facts?

A. Yes, sir; but if any one had come to me and said "We are going to kill a negro to-night," that negro would not have been killed.

Q. Still you were encouraging them to do this thing?

A. I did not particularly encourage them to kill negroes. I said "We have carried the election that way," and they said "We are going to carry it that way too."

Q. That was your idea of a Christian spirit?

A. Anything to find out a deep-seated crime against the citizens of the Government.

Q. Did you practice that when you became a captain of a blockade-runner, and also an officer of a rebel cruiser?

A. When I joined the confederate navy I joined it as honestly as I joined the service of the North. I found out my mistake after I had been in the confederate service.

Such is the testimony of a man who admits he prompted the people to do wrong in order to make them do right; that he both lied to and deceived them and urged them to commit crime. This is the testimony of a man professing to be a Christian. There is a place where good Christians never go, full of such men as Hester.

Sir, there is one other witness I should mention, Galtiel, who swears that he was the correspondent of the New York Times. A gentleman near me asks who he is. He was a man who went to Alabama from the State of Missouri, obtaining money under false pretenses, as I have letters here to show. His face would "decorate any rogue's gallery," and his own testimony shows that he lived and associated with the lowest in the land. I will be charitable enough to say that the paper which published his false telegrams and dispatches had never seen its correspondent; for if it had it would never have published them.

The gentleman from Alabama intimated last night that one of the members of the minority of the committee had been in the rebel army. If the gentlemen referred to me, let me tell him that I was not in the rebel army; that at the time referred to I was a member of the Legislature of my State, and that I voted for every dollar that was asked in my State to pay the soldier for services rendered in the maintenance of the Union; that I voted for the ratification of the thirteenth and fourteenth amendments which struck the shackles from four million slaves, and I am proud of that vote. I believe in educating the negro and making him a good citizen; and as long as I can raise my voice or exert any influence, my efforts shall be directed to their elevation, but not at the degradation of the white men.

It may be admissible for me to ask where was the gentleman from Alabama when I was maintaining the cause of the Government and the integrity of the nation? I answer, sir, that he was trying to trample under foot and destroy the best government on the face of God's earth.

I am a democrat, and I am proud of it. To be a democrat is to stand by the Union and the Constitution, to protect all alike, to grind no man or set of men to the dust. That is democracy, and those are the principles under which this Government will be administered under the rule of the democratic party. To the people of Alabama and of the entire South I would say be firm, forbearing, and forgiving. The night of your agony will soon pass away, and the day will bring with it gladness. The people of the North have heard your lamentations. The cry has been taken up all over the land, and millions of hearts sympathize with you. Be just and patient. Cultivate a kindly feeling among you and for your conquerors; bury all animosities, and in time the dark cloud will lift and the glorious sunlight of prosperity and happiness will dawn upon the entire people of the South.

With a few remarks on the condition of affairs in Louisiana, Mississippi, and Arkansas I will close.

LOUISIANA.

From the report on the condition of affairs in the late insurrectionary States I quote the following as showing the debts and liabilities of the State of Louisiana:

Debts and liabilities.

In 1861	$10,099,074 34
In 1868	14,347,051 62
In 1871	41,194,473 91
Excess of expenditures over receipts 1871	9,345,733 00

Percentage of increase, 1868 to 1871, 200.

Tax levy.

In 1860	4,960,780 60
In 1870	6,490,028 00

Percentage of increase in ten years, 50.

Property valuation.

In 1860	435,787,265 00
In 1870	251,296,017 02

Percentage of decrease in ten years, 50.

In connection with the general condition of the South, I quote from the same report:

It will thus be seen that while the assessed valuable of the taxable property in the eleven States of the South has been reduced from $4,333,757,942 in 1860 to $2,026,440,971 in 1870, being a loss of $2,307,306,971, or over $300,000,000 more than now remains, the State taxation on what those people now have was in 1870 $12,813,615, while it was $8,165,486 in 1860, when their affairs were managed by their own people; and the county taxation in 1860, on all the property they then owned, was only $3,115,184, while now, under carpet-bag and negro rule, it is $14,298,630, or $11,183,446 more on the remnant still in existence than it was on the whole property when the war began.

In view of the enormous debt which has been wantonly, corruptly, and fraudulently heaped upon a people as poor as the last census report shows the people of the South to be, with five-eighths of their property gone and the taxation on the remnant nearly fourfold as much as it was on the whole when their affairs were honestly managed, is it to be expected that these States will have either love or respect for the men or the party by whom they have thus been plundered?

I appeal to my republican friends of this House to ponder well before you heap further oppression upon these people, as proposed by the iniquitous bill now under consideration.

The people of the South, in many cases, are without the necessaries of life. Squalid poverty and want greet you on every side. Oppressed by taxation, despoiled by political adventurers, and feeling that no relief is at hand, will you still continue their misery and destitution, by passing a measure which adds to their oppression and degrades them in the eyes of the civilized world?

I appeal to my friends from the great Commonwealth of Massachusetts, whose people struck the first blow against oppression and for civil liberty, to apply the golden rule, and "do unto others as you would have them do unto you."

I appeal to all the Representatives of the States of the North, the East, and the West to abstain from further oppressive acts which grind out the liberty, the manliness, and the energies of the South. Her condition is to-day without parallel in the world's history.

Let us take pattern from the Romans, who, though grasping for dominion, never degraded those whom they conquered, but on the other hand sought to elevate them so that they might in time become good citizens.

We complain of the wrongs of Ireland, suffering under British rule, with British spies and informers scouring the country, hunting down Irish citizens and thrusting them into dungeons on mere suspicion and imaginary offenses. We point to downtrodden Poland. Yet, Mr. Speaker, we have a people suffering greater wrongs within our own borders. We have spies and informers, we have Hester and

Beach and hundreds of others sent by the Attorney-General, urging people to commit offenses, inflaming the people of the South against the Administration, entering houses, seizing respectable citizens without regard to age, marching them off hundreds of miles to be tried on imaginary offenses, and after being kept in prison for weeks without trial, cuffed, beaten, and in every way insulted, turned loose like dogs, without even knowing for what they were arrested.

These are the men who create your outrages which regale the northern mind through the columns of the radical press.

And for what purpose is this done? Simply that riot and bloodshed having been incited by these spies and informers, the Administration may have some excuse for Federal interference.

Contrast the language of the dispatch of Major-General Winfield S. Hancock in 1867 with that of Lieutenant-General Sheridan in 1875 on the condition of the South:

SHERIDAN—HANCOCK.

Lieutenant-General Sheridan to the Secretary of War, dated Headquarters Military Division Missouri, New Orleans, Louisiana, January 5, 1875:

I think the terrorism now existing in Louisiana, Mississippi, and Arkansas, could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a law declaring them banditti, they could be tried by military commission. This banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi should, in justice to law and order, and peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken except that which would devolve upon me.

Major-General Winfield S. Hancock's General Order No. 40, on assuming command of the Fifth Military District, dated New Orleans, Louisiana, November 20, 1867:

The general commanding is gratified to learn that peace and quiet reign in this department. It will be his purpose to preserve this order of things. As a means to this great end, he regards the maintenance of the civil authorities in the faithful execution of the laws as the most efficient under existing circumstances.

In war it is indispensable to repel force by force, and overthrow and destroy opposition to lawful authority. But when insurrectionary force has been overthrown and peace established, and the civil authorities are ready and willing to perform their duties, the military power should cease to lead, and the civil administration resume its natural and rightful dominion. Solemnly impressed with these views, the general announces that the great principles of American liberty are still the lawful inheritance of this people, and ever should be. The right of trial by jury, the *habeas corpus*, the liberty of the press, the freedom of speech, the natural rights of persons, and the rights of property must be preserved.

The one gratified to learn that peace and quiet reign in Louisiana, the other declaring the people "banditti" and advocating a trial by military commission. The one using military force subservient to the civil authorities, the other subserving the civil power and laws of the State to the military.

In addition to these dispatches, I call your attention to the able statement and report of Colonel Morrow, and indorsed by the gallant General Sherman.

I also call your attention to the report of the proceedings of eminent clergymen of Louisiana denying the statements of General Sheridan, and to the people not only of Louisiana, but northern Union men and soldiers, who class his dispatch as infamous.

I also call your attention to the report of the committee of this House, composed of Messrs. PHELPS and FOSTER, republicans, and POTTER, democrat, in which they unite in giving the libel to the report of General Sheridan, and confirm the statements of the white citizens of Louisiana.

To General Sheridan's gallant actions during the war I accord all praise, and gladly would I erase from my memory the act which has stigmatized and disgraced him in the eyes of the civilized world. Backed by Casey, Kellogg, and other men whose names are infamous in the history of Louisiana politics, he directed his soldiers to enter the legislative halls of that State and displace men who were lawfully elected. What is there to prevent the military authority from entering this legislative body and displacing you, Mr. Speaker, or any other member of this House? Nothing whatever.

The policy of the country has been changed. War, with its desolation, rapine, and plunder has hardened the hearts of the conquerors. In former times spies were not a part of our Government. Every man's house was sacred. The Government was composed of statesmen, who studied the wants of the people, and sought not to adopt measures which degraded them. The Army was the instrument in the hands of the people; now the people are the instruments in the hands of the Army. In former times the Army obeyed the commands of its superior officers; now it is commanded by United States marshals. Formerly it was subordinate to the civil power; now "every branch of civil business is subject to the direction and supervision of military laws and military men."

To-day Louisiana is without a republican form of government, and under the tyranny of a usurper, whose name is a synonym of all that is reeking with corruption and crime. "Ignoble villain, fatiguing public indignation, buoyant solely with corruption, he only rises as he rots."

Can we expect good government under such a tyrannical usurper or such a condition of affairs as I have stated? I opine not. The great reform that is sweeping from ocean to ocean brings with it the only remedy. The people are the doctors. They have risen from the hills and the valleys, from the home of the rich and the lowly, from the counter and the workshop, from the factory and the field, and have proclaimed in thunder tones that the war of oppression must cease; that the men who have gone back upon their record must stand aside, and that the North, the South, the East, and the West must be one united country, one people, and one government.

As a further evidence of the fact that the southern people are willing to abide by the laws, I call your attention to the fact that in 1865 President Johnson sent General Grant on a tour of inspection through the Southern States. On the 18th day of December, 1865, General Grant submitted his report, in which he used the following language:

I am satisfied that the mass of thinking men of the South accept the present condition of affairs in good faith. My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government not humiliating to them as citizens, and that if such a course were pointed out they would pursue it in good faith.

These were his conclusions in 1865, after making a thorough tour of the South. These were his conclusions as a gallant soldier and honest man, without partisan influence or prejudice. He was not then deceived or advised by the fourth-rate pettifogger who now occupies what should be the most exalted and dignified position in the land, that of Attorney-General, nor by those whose sole object is to degrade, abuse, and destroy the southern people.

In common with all American citizens I honor General Grant as a brave and gallant soldier, nor would I pluck one laurel from his brow for the service he has rendered; but in his subsequent career as President he seems to have lost that love for one portion of his people which a wise, generous, and prudent ruler should entertain.

Surrounded by men whose sole object is self-aggrandizement, he has listened to their counsels and not heeded the wail of despair that has risen in one mighty throe from the southern people. I appeal to him as President of this great country to heed it now; to listen ere it becomes too late; to study the wants of the southern people; to abstain from his Long Branch pilgrimage and during the coming spring and summer to visit the South, consult with and advise her people, and satisfy himself outside of all party advisers that the people of that section are willing and earnest to restore prosperity and happiness and live once more under the old flag.

I appeal to him in the name of the South, for the sake of her desolated homes, for the sake of her destitute people, for the sake of the Union which he fought to keep together, that he may without pomp or ceremony visit these people and thoroughly examine the condition of affairs now existing, noting on the one hand the general destitution of the whites and blacks in Alabama, South Carolina, Louisiana, and other States under carpet-bag rule, and on the other hand the flourishing, prosperous, and happy condition of Texas, North Carolina, Missouri, Georgia, the Virginias, and other States controlled by their own State governments and home rule.

Let him examine the State of Alabama, with a climate unsurpassed by none in the Union, a soil teeming with richness, with immense water-power, mineral resources, and all that tends to wealth and prosperity, and ask the reason for her destitution.

Then let him turn to Georgia, with no better advantages than her sister State, and ask the reason for her prosperity. The answer is, home rule; the State governed by people conversant with its wants, by people who seek to elevate, not to degrade; a people who, having seen the ill effects of bad government, have determined to destroy all that tends to evil, and substitute all that tends to wealth and prosperity.

Then let him look to South Carolina, and ask the reason of her destitution. Turn then to North Carolina and see her teeming with prosperity, while South Carolina lies prostrate. Let him look to Louisiana, with her every industry paralyzed, and ask the reason for her degradation. Turn then to Texas, with her wealth and industries, with a State debt almost liquidated, with her people rich and prosperous, and ask wherein lies this prosperity. Home rule, and the States governed by their own intelligence, will be the answer.

I will not, as others have done, appeal to the prejudices of the North, but rather to the intelligence and kindly feelings of all good citizens. Let those who doubt that prosperity comes with self-government, not with Federal bayonets, institute visiting committees composed of representatives of the mercantile, mechanical, and agricultural interests to visit the South and ascertain wherein lies the disease. Unbiased by prejudice, with a determination to learn the truth, such committees would return to the North convinced that the southern people were in earnest in the work of reconstruction, and that they only ask what is accorded to the States of the North, that they may be governed by the intelligence of the people and not by men whose sole object is to despoil and degrade them.

I appeal to you, Mr. Speaker, as the leader of this House and as one who has the interests of his country at heart, and to my honored friends Mr. KELLEY and Mr. HAWLEY—three of the great representatives of the people—that you visit the South and learn the true condition of affairs, and having satisfied yourselves of the wrongs under which she suffers, that, unbiased by partisanship, you inform the people of the North that the republican party has wronged a just, brave, and generous people, who are struggling under adverse circumstances to regain a foot-hold in the sisterhood of States. Give to the South a republican form of government as guaranteed by the Constitution, and wealth takes the place of poverty, industry of idleness, virtue

of vice. Once more the southern ports will be crowded with the cotton-boats, and the mill and the loom send forth their cheering sound. Once more the Union will be cemented in solid bands, and the men of the North and the men of the South will rekindle the old friendships and bury forever the animosities and hatreds of the war, which but for bad government would long since have been forgotten.

Turning now from Louisiana, I ask your attention to affairs in another State, now under carpet-bag rule.

SOUTH CAROLINA.

From the proceedings of the tax-payers' association of South Carolina I cite the following facts, as showing the indebtedness and expenditures under carpet-bag rule:

Property valuation.

In 1860	$490,000,000
1870	170,000,000

A decline in thirteen years of 67 per cent.

Tax levy.

In 1860	$500,000
1873	2,700,000

An increase in thirteen years of nearly 500 per cent.

Legislative expenses.

In 1860	$40,000
1873	291,000

An increase in thirteen years of nearly 700 per cent. The public printing for sixty years aggregated $400,000, or an annual average of $6,666.

Now mark the difference under republican rule, as shown by the following table:

Public Printing.

October, 1870, to October, 1871	$134,151 44
October, 1871, to October, 1872	215,129 86
October, 1872, to October, 1873	331,945 66
Undrawn appropriation	118,054 34
Extra session 1874	125,000 00
Total for three years	924,281 30

or an annual average of $308,093.76. In other words, the expense of public printing for three years under the reconstruction acts was $500,000 more than the expense for sixty years under the administration of the citizens of South Carolina before the war.

I need only add, in further evidence of the vandalism and peculation which governs that State, that under the rule of her own citizens from September, 1868, to October 31, 1870, the cost of public printing was but $43,400, or about $21,000 per year.

From October 31, 1872, to November 19, 1873, the date of the act authorizing the issue of certificates to the Republican Printing Company, certificates of indebtedness receivable for taxes were actually paid for public printing to the enormous sum of $575,000, while the total revenues of the State for the same period, according to the State treasurer's report, were but $1,719,728.

Before the war the annual legislative expenses were but $40,000. Now they amount to $300,000, or more than 700 per cent.

The annual stationery bill of the Legislature before the war was but $400; now it amounts to $16,000, over 4,000 per cent. And yet, according to the republican theory, South Carolina, Louisiana, Mississippi, and the other Southern States now under carpet-bag government, are the best governed States in the South; but, thank God, that theory has been dispelled by facts so palpable that even the worst partisan must acknowledge the ruin which the republican party has inflicted upon the South.

Turning to the report of the Joint Committee on the Condition of the South, Forty-second Congress, (*Congressional Globe*, volume 2, page 1239,) I find that while the people of South Carolina are struggling for bread, the rate of taxation has been increased under the new constitution twenty times greater than before the war, and this in spite of the fact that property has decreased in value nearly 100 per cent. and that large tracts of land were sold by the sheriff for less than the amount of taxes resting thereupon.

To show the amount of taxes paid by those who, under carpet-bag rule, originated and carried out the scheme of oppressive taxation, I cite the following:

The State government consisted of seven whites and one colored man, the latter having the paid office of least profit.

The amount of taxes paid by these distinguished gentlemen is not only interesting, but instructive. For instance:

The governor pays	None.
The Secretary of State pays	None.
The comptroller-general pays	None.
The treasurer pays	None.
The attorney-general pays	None.
The superintendent of education pays	None.
The lieutenant-governor pays	$15 99
The adjutant and inspector general pays	1 00
Total	16 99
Thus the 8 members of the State corps pay of taxes on an average	$2 11

Of the State Legislature, composed of 57 whites and 98 colored—

Ninety-eight colored men pay	$143 74
One colored man paying	84 65
Hence 97 colored men pay	60 09
Or less than 70 cents each.	
Fifty-seven white men pay	$491 49
Eleven conservative white men pay	194 43
Hence 46 whites pay	297 06
Or less than $7 each.	

Of these 47 whites 24 pay no taxes, and of the 98 colored 67 pay no taxes; while of the entire Legislature 85 members' names are not to be found upon the tax-book.

Is not this a sad commentary on our boasted form of government. A Legislature composed of men who do not represent a single interest of the State, who create taxes but pay none. The war ceased ten years ago, but oppression did not. To-day the lands of the South are uncultivated, the houses tumbling, the homesteads deserted. The South appeals to you to cease this vandalism, to lift from the hearts of its people the great burden which is placed upon them; and the people of the North and the West have risen and demanded that you shall cease. The handwriting is upon the wall, and yet you heed it not.

In spite of entreaty, in spite of demand, oppression is still the watch-word of the Administration. Power has blinded the vision, corruption has hardened the heart. "Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh!"

One more comparison, and I am done with the affairs of South Carolina. By referring to the Congressional Globe, second session Forty-second Congress, page 435, I find the cost of maintaining certain State governments, and to which I especially call the attention of members of this House, as showing the vandalism and peculation which I have before referred to:

Statement showing the amount appropriated for executive officers, printing, advertising, and contingencies by the following States during the year 1871, and by the District of Columbia for the fiscal year ending June 30, 1872; also population and number of square miles in each.

States.	Population last census.	Square miles.	Salaries of executive officers.	Printing and advertising.	Contingencies.	Total.
New York	$4,387,464	47,000	$139,550	$175,000	$19,200	$323,750
Maine	626,915	31,760	65,133	35,000	17,400	117,533
New Hampshire	318,300	9,280	12,341	9,830	2,099	24,270
Massachusetts	1,457,351	7,800	234,205	98,531	30,300	363,036
Rhode Island	217,353	1,300	16,908	3,500	Included.	20,408
Connecticut	537,454	4,670	59,800	98,875	....do....	156,675
New Jersey	906,096	8,320	46,187	82,625	7,656	136,468
Ohio	2,665,260	39,960	73,275	75,300	13,250	183,925
Wisconsin	1,064,985	53,920	65,963	54,569	17,008	137,540
Iowa	1,192,092	55,040	41,205	49,495	22,433	113,133
Illinois	2,539,891	55,410	26,753	50,000	39,108	115,861
District of Columbia	131,700	60	449,220	143,635	200,000	792,855

Now, taking the legislative expenses of South Carolina for 1873 at $291,000, and public printing at $331,945.66, the two items make $622,945.66, or nearly 100 per cent. more than the entire cost of the State government of New York; while taking the cost of public printing alone for three years in the State of South Carolina, the sum total, $924,281.30, exceeds the annual cost of the entire State government of the three great States of New York, Massachusetts, and Ohio by $117,533.

The nearest approach to a like expenditure, and for the same purpose, is in the District of Columbia under the board of public works, whose acts in many respects resembled those of the South Carolina Legislature.

MISSISSIPPI.

Now, turning from General Sheridan's action in Louisiana, let us follow the military to Vicksburgh, where but a few days since they entered the court-house and displaced the sheriff and seated the contestant, without any other formality than that of the bayonet, even denying to the courts of the land, who have constitutional authority, the power to determine the rights of the contestants in such cases.

Discarding all law and precedent, may we not soon expect the military power to enter our courts of justice and displace our judges? God forbid that I as an American citizen may ever witness the day when the judiciary of our land is made but a creature of the military power and our courts are controlled as our Legislatures, by the bayonets of United States soldiers.

Turn now to Arkansas, at present blessed with a constitutional form of government, and the evils of a bad administration cured by the people. An election was held, and Brooks no doubt legally elected governor. But the President decided in May, 1874, that under the State constitution the Legislature had the sole authority to determine contested elections, and that as it had decided in favor of Baxter, he was the lawful governor; and with the aid of Federal bayonets Mr. Baxter was maintained in power.

The same Legislature that decided on the legality of Mr. Baxter's election passed an act providing for a constitutional convention, which met and drew up a constitution which was adopted by the people by 75,000 majority. The committee appointed by this House, with but one dissenting vote, declared the constitution had been lawfully adopted. Yet, the President, at the bidding of McClure and other carpet-baggers, has issued a proclamation or message to the Senate, in which he doubts the legality of the constitution adopted, denouncing it as a "revolutionary proceeding," and asking Congress

to forcibly interfere and displace Governor Garland and place the State government in the hands of the military power.

The President, in other words, disregards and sets aside his decision of May, 1874, in order to satisfy the greed and ambition of a class of men who have devastated and laid waste the energies of the southern people. And yet, sir, the Administration organs have assumed to read each and every republican who raises his voice against these unholy and unlawful acts of the President out of the party, stigmatizing them as traitors and Judas Iscariots.

Messrs. PHELPS and FOSTER, of this House, who were solemnly sworn to perform their duty as Representatives of the people, and who are known over the nation as two of the most promising and talented young men of the republican party, have been stigmatized as traitors simply because they would not lie.

The great and eminent jurist Mr. Evarts has been read out of the republican party because he would not give his adhesion to the interference of Federal bayonets in seating and unseating State Legislators.

Thousands of eminent republicans—statesmen, lawyers, merchants, judges, and men of all professions and callings—are to-day outside of the republican party because they will not sacrifice their honor and their principles to support an Administration whose efforts are directed to crush out and destroy the liberties of the people.

The great press of the nation—the Tribune, the Times, the Nation, the Sun, the Springfield Republican, the Sacramento Union, the San Francisco Bulletin, the Atlantic Monthly, and hundreds of others, whose influence extends from ocean to ocean—have been read out of the republican party because they will not sanction the acts of the Administration.

But who assumes the power to read the people and the press out of the republican party? The Administration journals who are feasting and fattening upon the patronage of the Government, many of them controlled and owned by men whose political affiliations are with the party that bids the highest price.

But, sir, the people will ere long rise up in their majesty, and, completing the work they inaugurated at the last election, hurl from their heights the men who under the guise of republicanism, have blasted and stigmatized the fair name of our nation. It will not simply be an uprising of the democratic party, but of the people of all parties, who will never be enslaved by a military power, nor recognize its supremacy over the civil and judicial power of the Government.

As republicans, as citizens, as men having the interests of your country at heart, I ask you to ponder well before you take a step which degrades a conquered people and forces upon them a measure which deprives them of all that is dear to an American citizen.

Forget not the great boon signed by John, by the grace of God, at Runnymeade, on the 18th day of June, 1215, and which has been handed down to us through the ages:

> No freeman shall be taken, or imprisoned, or disseized, or outlawed, or banished, or any ways destroyed; nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers or by the law of the land.

Remember, ere you endeavor to carry this measure through the House, that these people are of our own flesh and blood, sprung from the same race, bound together by the same ties, and living together under the same flag, and worshiping the same God.

Is there no sympathy in your hearts, no tear of pity for men who have sinned but suffered; of women and little ones who, crushed by oppression, homeless, and hungry, ask you to spare them the further iniquity which this bill proposes to heap upon them.

It is written that when the almighty God designed and created man, the angels came in their order before Him and spoke of His purpose.

Truth said, create him not, Father; he will deny the right, deny his obligations to Thee, and the sacred, inviolate truth. O, Father, create him not.

Justice said, create him not, Father; he will fill the world with injustice and wrong; he will desecrate Thy holy temple, do deeds of violence and blood, and in the very first generation he will wantonly slay his brother: Therefore, Father, create him not.

But gentle, loving Mercy knelt by the throne and whispered, O, Father! create Thou man. In all his wanderings I will be with him. In his erring and wayward steps I will follow him, and from his own errors I will teach him the lessons of experience and win him back to Thee.

The great and loving God listened to the voice of Mercy, and created man.

Learn, learn, O man! mercy, if thou wouldst win him back to thee and thy country.

Mr. ELDREDGE. I had hoped to have been able to protest at some length against this, in my judgment, most infamous measure. But such is the condition of my health and lungs that I find I must refrain from doing so. I regret this beyond measure. I would that I were able to press home the inquiry to the most thoughtful and statesmanlike men upon the other side of the House, as they draw back tremblingly as though standing upon the brink of an abyss, why it is that this measure—this war measure—is at the present time, in time of profound peace, urged upon the country? I would like to know why you, Mr. Speaker, with the convictions which you are known to entertain, hold your peace on this occasion and in this hour so full of danger—why you refrain from declaring those convictions and placing yourself on the record for your country and the great principles upon which it is founded? Why is it that the statesmen on the other side of this Chamber, the men who can rise above the dictation of mere party, do not come to the rescue—those who are unwilling that the *habeas corpus* shall be suspended and lost in our system in the interest of party only—who feel the danger of placing the power to suspend this great writ of liberty in the hands of one man, however pure, good, great, or patriotic that man may be?

Mr. Speaker, gentlemen cannot escape the responsibility, those at least whose convictions admonish and warn them. It is to you and your manly courage the country now looks for salvation. The minority cannot prevent the passage of this bill, they cannot save *habeas corpus* to the Republic without the aid of the patriotic men of the other side.

But I must yield to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. Mr. Speaker, I represent in part the State in which some of the occurrences took place that have furnished the occasion for this proposed legislation. An investigating committee has been sent to that State and its report has not been submitted to this House until to-day, and I fear that in the closing scenes of this session I shall have no opportunity to discuss and refute the statements of that report. Sir, as the only member from Mississippi chosen by that portion of the people to be affected by this legislation, I respectfully ask the attention of this House to what I have to say in their vindication.

Mr. Speaker, there does exist in some of the Southern States a disquietude in political affairs which has led to outbreaks of a bloody character, which are unusual in the Northern States and in all the other Southern States, and ought to be unknown in the workings of American institutions. I propose to show that these occurrences do not, as has been charged, arise from any purpose to obtain political supremacy in any State, to any antagonism of race, to any lurking discontent with the amendments to the Constitution, or to any hostility to the Union. I propose to show the precise cause of these disturbances and the remedy for them.

Mr. ORTH. Will the gentleman yield to me for a question at that point?

Mr. LAMAR. Yes, sir.

Mr. ORTH. I understand, Mr. Speaker, the gentleman from Mississippi states that the position of his friends in the South is not one of antagonism on account of race or opposition to the legislation of Congress or to the legislation of Congress under the constitutional amendments.

Mr. LAMAR. I mean to say that the position of the native white population of Mississippi is not one of antagonism on account of race nor of opposition to the new constitutional amendments, nor of resistance to the legislation of Congress under those amendments, and my purpose is to show that whatever of disturbance has existed in that State is owing to entirely different causes.

Mr. ORTH. I hold in my hand a copy of what is known as the vagrant law of his own State of Mississippi, placed upon the statute-book by a Legislature which was pre-eminently democratic—not elected by a single colored voter, for then no colored man had the right to vote. Those laws, in my judgment, were calculated to produce a condition of involuntary servitude more severe than slavery itself. If the gentleman will permit I will ask the Clerk to read those laws, and then I would like in all kindness to have the gentleman's opinion in regard to that legislation. I hope, Mr. Speaker, the House will not regard this as coming out of his time.

Mr. LAMAR. Yes, sir; but it will take many minutes to read those laws, and I should have a corresponding time to answer the gentleman's inquiry. I promise to make a perfectly candid statement with regard to those statutes if time will be given me to do so.

Mr. ORTH. I am myself not able to comply with the gentleman's request, but I hope there will be no objection in this House.

Several MEMBERS, (on the democratic side.) Do not allow it to be read; it will consume your time.

Mr. LAMAR. Yes; let us have the whole truth from beginning to end. The gentleman has interrupted me in the outset of my remarks, to which I do not object, as I have the highest respect for the gentleman from Indiana; but I ought to have time to respond.

Mr. W. R. ROBERTS. I hope, Mr. Speaker, the House will grant the gentleman from Mississippi fifteen minutes.

Mr. LAMAR. I cannot get through all my remarks in fifteen minutes.

Mr. W. R. ROBERTS. Then I hope he may have thirty minutes, or whatever time he may desire.

The SPEAKER. Is there objection to giving the gentleman thirty minutes?

Mr. BARRY. I do, unless the same time be accorded to me to reply.

Mr. ATKINS. The same time will be allowed to the other side.

Mr. W. R. ROBERTS. It is only fair the gentleman from Mississippi should be heard on this question so vitally important to the people of his State. He can furnish information necessary for our action on the pending measure, and we ought to have it.

Mr. PELHAM. I object to any arrangement unless the same time is given to a republican.

Mr. W. R. ROBERTS. Certainly.

The SPEAKER. The gentleman from Indiana will have the same time.

Mr. ORTH. I do not desire it. I wish only to have the opinion of

the gentleman from Mississippi in regard to legislation which I consider as creating a condition of servitude worse than slavery itself.

Mr. CONGER. I insist on the rule being followed until all have been heard.

Mr. CANNON, of Illinois, rose.

Mr. ORTH. I desire to say, with the consent of my friend from Illinois, [Mr. CANNON,] that I was not aware that the time of the gentleman from Mississippi was so limited that my interruption would destroy the whole of it. I regret that his courtesy to me has taken him from the floor, and I do hope there will be no objection on this side of the House to giving the gentleman from Mississippi at least fifteen minutes to answer the question I have propounded, or half an hour if he so desires. I have not participated in this debate and have no desire to do so. But I desire to have the gentleman from the State of Mississippi give an explanation of this most extraordinary legislation.

Mr. DAWES. I think the gentleman from Mississippi [Mr. LAMAR] of all others ought to be heard. If there be anything lacking in this debate it is the views of those who represent that part of the nation most to be affected by this legislation; and it appears to me that if anybody can aid us in this matter it is the patriotic and intelligent and honest representatives from that portion of the country most affected by this legislation. I for one desire that the gentleman from Mississippi may have the floor an hour on this question.

Mr. HAWLEY, of Connecticut. Right.

Mr. PAGE. Yes; give him an hour.

Mr. BUTLER, of Massachusetts. If the gentleman from Mississippi says he took no part in the filibustering movement which kept us here twenty-four hours, I would be glad to hear him.

Mr. DAWES. I do not know about that. I did not take any part in that filibustering movement. But I submit that the need of intelligent legislation now rises from the fact that we have heard more from those who have least to do with that section of the country most affected by this legislation and less from those who represent that section. That has been true of all our legislation in that regard; and I for one desire more to hear from those who are affected by this legislation than I do to hear from that section of the country least affected by it, and which must discuss it more from theory than from actual knowledge.

The SPEAKER. The Chair would suggest to the gentleman from Massachusetts that the gentleman from Illinois of the committee being now entitled to proceed, it is within the power of the House at the end of that gentleman's hour to give the gentleman from Mississippi an opportunity to address the House.

Mr. DAWES. I am asked to make a motion to allow the gentleman from Mississippi to be heard. I cannot make such a motion; the rules control that.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] has been properly recognized as a member of the committee. After that gentleman shall have occupied his hour, it will be for the House to say whether debate shall be closed. If the House shall refuse to close debate, the gentleman from Mississippi [Mr. LAMAR] will then be recognized.

Mr. KELLEY. It might be agreeable to the gentleman from Illinois [Mr. CANNON] rather to be able to reply to the gentleman from Mississippi than to precede that gentleman. I hope the gentleman from Mississippi will be permitted to go on now.

Mr. SMITH, of New York. I desire to add a word to the request made by the gentleman from Massachusetts, [Mr. DAWES.] I trust this side of the House will not forget that we are indebted and that the country is indebted to the gentleman from Mississippi for the magnanimous sentiments he uttered on this floor in the last session of Congress, and I trust that this side of the House will not object to his having a hearing on this question.

Mr. SHANKS. I desire the House to remember another fact. There is another gentleman from Mississippi who to-day is carrying his arm in a sling because of patriotic sentiments he has uttered, and he has asked this House to hear him in answer to the other patriotic gentleman.

Mr. DAWES. Has any one objected to his being heard?

Mr. SHANKS. I am not talking to the gentleman from Massachusetts, but to the House. If anybody is to be heard here I want these patriotic gentlemen of both sides from the South to be heard. I want those who have stood up for the Union in its hour of trial to be heard as well as those whose patriotic sentiments uttered on this floor amount to but little following the blood and carnage of the last ten years.

Mr. COBURN. I desire to say a word. This appeal is made on behalf of the gentleman from Mississippi who, as I am informed, engaged in filibustering hour after hour for nearly twenty-four hours, wasting the time which might have been used for discussion. If the gentleman did not engage in that he can say so now.

Mr. LAMAR. May I be allowed a word?

Mr. COBURN. I will allow the gentleman to answer that question, whether he engaged in filibustering the other night, yes or no.

Mr. LAMAR. I distinctly said that I would reply to the question of the gentleman from Indiana [Mr. ORTH] in reference to certain statutes——

Mr. COBURN. If the gentleman will answer my question I will yield him the time; otherwise I call the regular order.

The SPEAKER. What control over the matter has the gentleman from Indiana? How does he get control of the time?

Mr. COBURN. I supposed I had the floor.

The SPEAKER. The Chair has not so recognized.

Mr. BUTLER, of Massachusetts. I call the regular order.

Mr. COBURN. Does the Chair object to my having unanimous consent?

The SPEAKER. Not at all.

Mr. COBURN. I had the floor and yielded it.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] had the floor.

Mr. COBURN. I had unanimous consent to have the floor.

Many MEMBERS. O, no.

The SPEAKER. But the gentleman from Indiana stated that if the gentleman from Mississippi [Mr. LAMAR] would answer the question, he would give him the floor, and the Chair did not see exactly how he could do that.

Mr. COBURN. I said I would give him the floor to answer the question.

The SPEAKER. But the gentleman from Illinois [Mr. CANNON] is entitled under the rules to the floor, and no other gentleman.

Mr. COBURN. I had it by unanimous consent.

Many MEMBERS. No, sir; we deny that.

The SPEAKER. The gentleman from Illinois is upon the floor.

Mr. BUTLER, of Massachusetts. I call for the regular order of business.

The SPEAKER. Then the gentleman from Illinois [Mr. CANNON] must proceed.

Mr. CANNON, of Illinois. Mr. Speaker, I would be glad to yield to the gentleman from Mississippi a portion of my time, but I have already promised to yield to the gentleman from Massachusetts and the gentleman from Wisconsin, all of my time not taken by myself. Mr. Speaker, the object of government is the protection of the life, the liberty, and the property of the citizen; and a government that does not give such protection fails in the object for which it was formed, and cannot endure. The compact, it may be said, that exists between the Government and the citizen is that the citizen shall bear arms in the common defense, contribute to the revenues, and otherwise perform his duties toward the Government, and that the Government in return shall protect him in every right which he has not surrendered for the common good.

Under our form of government the power to protect the citizen in part rests in the United States and in part in the States; but states whenever the Constitution makes it the duty of or gives power to Congress to legislate for the enforcement of rights or the redress of wrongs no cry of centralization should deter us from doing our duty by giving proper legislation in the premises; and I want to say here, without disrespect to any gentleman, that much which has been said in opposition to this bill was mere declamation, consisting of glittering generalities and bitter denunciation; and it shall be my object, briefly as I must on account of the limited time I have to address the House, to inquire whether Congress has the power under the Constitution to enact the bill into law, and whether, having the power, it is necessary to exercise the same for the purpose of securing fair elections for members of Congress, guaranteeing each State a government republican in form, suppressing insurrection, preventing invasion, and enforcing the thirteenth, fourteenth, and fifteenth amendments of the Constitution. And let me here state that while the proposed legislation is general in its nature, applying to all sections of the country alike, yet in fact it is alleged to be necessary on account of the state of society and violations of the Constitution and of the rights of citizens in the States lately in rebellion.

I had the honor to be designated by the House as one of a special committee during the present session to proceed to the State of Alabama for the purpose of taking testimony concerning the condition of alleged outrages in that State and make report in the premises to the House. Prior to that committees had been appointed to make similar inquiries in the States of Mississippi, Louisiana, and Arkansas, all of these committees have performed the duties with which they were charged, and have made reports to the House. It is impossible, however, to fully understand the present status of society in the States lately in rebellion and intelligently legislate for the same without inquiring as to the causes which led to the present deplorable condition in that portion of the country. However, as the history of the country for fifteen years past is fresh in our minds as well as the minds of the people, a bare reference to them will be sufficient.

Prior to the war labor in the Southern States was largely performed by slaves and under the direction of the whites, as will be recollected. To perpetuate the system of slavery it was necessary that the slave should be kept in ignorance; otherwise he might rebel. He was a chattel; and there was no valid marriage relation existing as to him. He was ignorant, and in no case could be a witness in the courts against a white man, nor could he acquire or hold property. The result was that his condition was but little better than that of the inferior animals, and the effect upon the superior race was detrimental in the highest degree. White labor was to a certain extent not considered honorable, because it came in competition with slave labor. Many of those who owned slaves, having almost absolute power over them, became arrogant and aggressive to all who opposed them. There was no true freedom for many years prior to the war

in the slave States for either the white or black race. For the perpetuation of the system both the freedom of speech and of the press were stricken down. The result was that the South was substantially a unit as to certain policies for years before the rebellion; and being a unit, found a party North strong enough to co-operate with in controlling the Government, the South having a majority of that party and dictating its policies.

Under the doctrine of State rights, as enunciated by southern statesmen and acquiesced in by their northern allies, secession was inaugurated, the dominant party declaring that there was no power under the Constitution to coerce a sovereign State. After four years of war, the loss of three hundred thousand men the flower of the population North, and the expenditure of $5,000,000,000, the armies of the confederacy were overthrown, slavery was abolished, and secession by the force of arms failed. The people of the South had spent their substance in supporting their armies while attempting the life of the nation. Reconstruction was had; for by their own acts they were without representation in the Congress of the United States. Two policies were open to the United States; one was to restore the southern people to the rights of citizenship, enable them to reconstruct their State governments, and pardon their treason; the other was to treat the States South as Territories, governing them by the United States the same as other Territories until such time as the Government was satisfied that they could be again restored with safety to their former relations as States.

The first course was agreed upon; the United States, however, insisting that slavery should be forever prohibited by amendment of the Constitution; that the rights of citizenship should be given to the negro; in fine, that the thirteenth, fourteenth, and fifteenth amendments should be adopted. All this was done; but as reconstruction progressed our brethren South attempted by unfriendly legislation, consisting of a system of apprenticeship and ingenious penal codes, to practically establish a condition of servitude upon the part of the negro worse than that of slavery.

Suffice it to say, however, as the years rolled around reconstruction was accomplished, and the race lately in slavery were admitted to citizenship and made equal before the law with other citizens. However, the prejudice against the negro as a freeman and a citizen in the exercise of his rights as such, which was born of slavery, still existed in the minds of a large portion of the people South, especially as the negro, grateful to the party under whose lead he had been made free, refused to vote with the party which had tried to practically re-enslave him after the war. Under the Constitution they were powerless to re-enslave him or abridge his right of suffrage by State law, so they undertook to do by force, murder, and assassination, with the aid of a secret society of armed men known as the Ku-Klux, indirectly that which they could not do directly; in other words, to practically nullify the Constitution of the United States and of the States, and the heart sickens when we read the testimony taken in the Ku-Klux investigation in 1871 by a joint committee of Congress. The States were powerless to protect the freedmen and white republicans, or, having the power, did not choose to exercise it; but Congress, in the enforcement of the Constitution and the amendments, passed what is known as the enforcement and Ku-Klux acts, gave the President power to suspend the writ of *habeas corpus* for a limited time as necessity might require; and, thanks to proper legislation and an efficient Executive, the hand of the murderer and assassin was for a while stayed.

Having briefly glanced at these facts, I will refer to the condition of affairs in Alabama at the present time and during the last campaign, as well as in other Southern States.

The majority of the Alabama committee correctly give the status of society and political parties in that State prior to the late elections, as follows:

> There were two parties in the recent election in the State struggling for supremacy: First, the democratic party, composed, with but very few exceptions, of white men; secondly, the republican party, composed largely of colored men, with the addition of a respectable number of white men. The great body of what is usually termed "society" is found in the democractic party, as well as the men of business and property.
>
> The democratic party entered the contest with a determination to "carry the election at all hazards," and, as the testimony plainly shows, resorted to almost every species of intimidation, violence, and ostracism that would conduce to that result. Both white and black men in it were proscribed for the alleged reason that they were inferior, incapable, and untrustworthy by nature and in essence.
>
> The natural consequences of such a contest were soon developed. One side assumed the attitude of superior wisdom and superior power, and undertook to intimidate and overawe the other. Intolerance of political opinion became apparent, and was soon followed by intolerance of action. When the campaign opened republicans in many places could not hold conventions. They feared to meet for consultation or to hear addresses. Candidates announced their intention not to canvass their districts or counties, and determined not to take the risk of personal safety to be incurred in the presence of men who threatened to overpower their political opponents, to whom they applied the most insulting epithets.
>
> Republicans were denounced as common enemies of the "white race," whose suppression was necessary to the preservation of that race. Long before the assembling of a convention of either party in the State the democratic newspapers were filled with appeals to the white people of the State to stand as a unit against the advance of the republican party. These appeals were founded upon pretended assumptions of republican aggression, as charged by democratic politicians, in order to inflame the white men and arouse the deadliest of human passions. The democratic press of the State (see, for example, pages 475, 478,) teemed with accounts of the negroes arming and drilling in order to intimidate the whites, and of negro military companies being organized for the same unlawful purpose. Careful and pointed inquiry upon this subject totally disproved every assumption of this character, and established the further fact that not a single negro miiitia company existed or exists to-day within the borders of the State, so far as the committee was able to discover. Published in every part of the State, their truthfulness vouched for by seeming good authority, these incendiary appeals produced the desired effect, and the committee is surprised that the result of this teaching did not bring about more disastrous consequences. And the committee believe that but for the timely interference of the Administration in Louisiana affairs revolutionary measures would have been precipitated upon the people of Alabama.
>
> A "race issue" was thus forced upon the people of the State, an issue in which the prejudices of the white people were furiously aroused against the blacks and all those who saw fit to affiliate politically with them.

I have only time to refer to the evidence of a few witnesses and one or two articles from leading papers showing the temper of the people who determined to carry these elections at all hazards, without reference to the will of the majority. In Wacoochee Valley, in the County of Lee, the freedmen had erected three churches which they used for the purpose of worship and for school-houses. The evidence is full and conclusive that designing men circulated false reports that the negroes were about to rise, and used that as a pretext for attacking defenseless negroes and burning their churches, thereby hoping to so intimidate them as to prevent a free exercise of the right of suffrage. I read the testimony of George Sharp:

> GEORGE SHARP (colored) sworn and examined.
>
> By the CHAIRMAN:
>
> Question. What is your name, age, residence, and occupation?
>
> Answer. I am twenty-six years of age. I live now in Troup County, a mile and a quarter out of the city of La Grange, Georgia.
>
> Q. How long have you lived there?
>
> A. I left Alabama the last day of August last.
>
> Q. What did you leave the State for?
>
> A. Because the white men were trying to kill me. They shot at me on Saturday evening, the 31st of August. I lay in the woods that night, and Sunday I left, staid at Mr. Cape's house, and Monday morning I went to La Grange. On the Monday before this last I came down and got my family and moved them away.
>
> Q. Are you afraid to go back and live at your home?
>
> A. Yes, sir. Since I have come back my employer told me there was no danger. Some hav e told me there was danger. Mrs. Blackmar told me not to stay here, however,
>
> Q. Wha t happened the week before you left—what occurred that made you go away?
>
> A. The week before I le ft we had political meetings. There was a convention at Opelika. I think the dem ocrats had a convention. They said we had a right to have our political meetings and send delegates up here to this convention. We did so. We had our meetings in the night, and they wanted to know what we meant by having them at night. We stated that we did not mean any harm at all, but we hated to meet and lose a day. They told us to have our meetings in the day, and we would have the privilege of running for any office we wanted. We had our meetings then in the day. One Thursday we had a meeting at three o'clock, at Pleasant Hill church. Several white folks were there. Pope Mangum and Mr. Piper were there at the time I was speaking.
>
> Q. Were those democrats or republicans?
>
> A. They were democrats. After I got done speaking the chairman of our meeting asked them if there was any insult spoken on either side, and they said no, that there was nothing said to hurt anybody, and they said that was a very nice speech for a colored man. This occurred on Thursday evening. Our large spiritual meeting was going on at the same time, and my wife's sister got ahead of me to carry her children down. I went, although I did not want to. I did not know that the white folks were making up a meeting to run on us at the valley. After I got down there I found them approaching. Bryant and McCullough came to our church and called me out. He asked me what we were up to. I told him nothing. I asked him why he asked me such a question as that. He said he heard that there was going to be a riot up there that night, and that we were going to kill the white folks. I told him that there was not a gun or pistol on the land. I told him I had one in my pocket; that my life had been threatened, and I had a right to carry it. I told him that there were not thirty men there. He saw that there was not, and said he would go back and tell the men to go home. He told us to have our meeting, and break up in peace and go home. We did so. That was still on Thursday night. When we broke up our meeting, some of the boys at our meeting went down in the valley, and they said there were about five hundred men, whose guns were stacked up in the street.
>
> Q. How far is the valley from the church?
>
> A. About three hundred yards, as near as I can get at it. They came back, as I said, and told us that there was a club of white men going to do some harm that night.
>
> Q. Describe the white men. Were they armed or mounted?
>
> A. Yes, sir; they were all armed; they were all riding.
>
> Q. Were they disguised, or were they just with their common clothing on?
>
> A. They had their common clothing on. They were drinking whisky, I was told. I did not see that. Our colored people all said they were going home, for the reason that we did not want to have a riot with the white folks. I staid out in the old field with Nathan Griffin and another to see what devilment they were going to do. They ran down in the valley and began shooting, and then came back and set the church on fire. After it got burning well they came back and ran up the road crying fire. The church blazed up so that we got out of the field. They were riding in the field to see who of us they could see; that was the reason we left it, the light was so bright. They said if they could run all the radicals out of that country they could live.
>
> Q. Did they say anything else about the radicals?
>
> A. No, sir.
>
> Q. Did they ever make any threats to injure them or kill them?
>
> A. Yes, sir. Wilbur Crofford and Pooch Collins came down to Mr. Terry Collin's grocery, which is in Alabama, near Chambers. It was a country store. I was sitting by the door. He came on and kicked me on the right thigh, and said, "What are you doing here?" I said I came to get Mr. Collins to shoe my horse; and he said, "Yes, God damn you, I am going to kill you for your big talking and speaking." I told him I had not done anything wrong. He then went out in the grocery room to get his whisky, and Charles Ellis came out and told me to get away, that the white men were going to kill me. Pooch Collins had a great big hickory club. Charles Ellis was a black man. I left there, asking him to bring my horse back. I had to leave my horse there and go home. They were going to kill me because Nathan Griffin and myself were delegates to this convention. They did not like that.
>
> Q. How long before the convention was that?
>
> A. That was the week before the convention.
>
> Q. Did you go up to the convention?
>
> A. Yes, sir; I was one of the delegates; this was a county convention; we were to nominate delegates, I think, to go to Montgomery.
>
> Q. Do you remember particularly what these men said there the day they run you off from the blacksmith's shop; was there anything more said or any more threats made to you?

A. No, sir; I went right home, leaving my horse; that was about two weeks before I left Alabama.

Q. Do you know of any other church being burned on the night of the church burning?

A. Yes, sir; I saw the Ebenezer Valley church set on fire.

Q. Who set that on fire?

A. Wilbur Crawford and Bob Tanksley.

By Mr. BUCKNER:

Q. Did you see anybody else?

A. There was nobody else that I saw.

Q. They were the only two together?

A. Yes, sir.

Q. Nobody else with them?

A. No, sir; there were men standing down the road.

By the CHAIRMAN:

Q. How many men; was there a crowd?

A. Yes, sir.

By Mr. ALBRIGHT:

Q. Were they armed?

A. Yes, sir; they had their guns. They were on horseback.

By the CHAIRMAN:

Q. Were there any other churches burned that day?

A. Yes, sir.

Q. How far off were they?

A. There was another church about a mile and a half from Wacoochee Valley, beyond the Wacoochee Valley Creek. I saw the light of it, but I did not see it set on fire.

Q. Was there another one burned?

A. Yes, sir; these two that were burned were colored Methodist churches. The third one was a mile and a half beyond the valley.

By Mr. ALBRIGHT:

Q. Were those churches used for school-houses?

A. Yes, sir; this that was burned at Mechanicsville was a school-house.

Q. Did you ever use these churches for any other meetings besides religious meetings?

A. Yes, sir; we used them for political meetings. They burned them because they wanted to break us up from having our political meetings. They tried to run us off before the election came off; we had no other place to hold our political meetings and we held them in the churches. They were our own churches; the white folks said it was our privilege to have our meetings, and we held them in our own churches.

Q. Were those frame or log churches?

A. Two of them were frame, and the Wacoochee Valley church was a log church.

By the CHAIRMAN:

Q. State whether there were any men belonging to the White League in your country.

A. I never heard any talk of that.

Q. State whether the democrats had any meetings down there.

A. No, sir.

Q. Did you ever go to one of their meetings?

A. No, sir; they invited me, but I would not go.

Q. State whether the democrats ever invited you to join their party, and offered you protection.

A. Old Terry Collins sent for me to see me; I asked Mr. Glass about it, and he told me I had better go. I went up; when I arrived at Collins's grocery, there was a large crowd of men there, and they had guns setting up on the counter. Terry said to me, "I am glad to see you; if it had not been for me, last night, you would have been dead and in the river." I was afraid to go in when I saw the guns and the men. He said I should not be hurt; I walked in. Some got in the doorway, and Terry went behind his counter and drew his pen and ink, and what I said he wrote down. He said, "There were fifteen men there last night; they had a grass rope as big as my arm, and guns, and were going to kill you, and I stopped them." He then said, "If you will promise me that you will not have anything more to do with these political meetings and join the democratic club, I will give you as much whisky as you can drink, and come with me and go to Beulah and vote," That was before the election. He said, "Now is your time; you have got to do one or the other, and if you do not go we will go for you; here are the men right here." I told them that I would not have anything to do with either party, and they let me off with that. That is the truth.

By Mr. BUCKNER:

Q. Who was there that heard that?

A. I do not know; there was a house full of men. I did not notice who they were.

By the CHAIRMAN:

Q. Were they republicans or democrats?

A. They were democrats; they tried to get me to join them. They knew I could read and write, and they cut off my papers, and would not let me get them from the post-office. Pooch Collins and Wilbur Crawford were the postmasters. If I went up to get papers, they would get me, and I never got any more papers.

Q. Were you afraid to go to the post-office.

A. Yes, sir; they had attempted to kill me, and I knew they would do it if I had not left.

There is much more testimony bearing upon the same matter, but I have not time to read further.

The evidence also shows that pledge meetings were held by the democracy, in which they bound themselves not to employ negroes who voted the republican ticket. This is a fearful means of intimidation to the ignorant negro lately freed, without property and with nothing standing between him and starvation but the proceeds of his daily labor.

I also read the evidence of E. M. Kiels touching the destruction of the ballot-box at Spring Hill, in Barbour County, and homicide of his son and his evidence is corroborated by an Army officer and others. Indeed, there is no testimony tending to contradict his statement of the facts; nor has there been any prosecution of the persons who committed these outrages in the State courts. The testimony is as follows:

ELIAS M. KIELS sworn and examined.

By the CHAIRMAN:

Question. State whether there were any deeds of violence perpetrated within your sight or hearing on the day of the election. If so, by whom and by what party? State in what the deeds consisted.

Answer. I was at Spring Hill, as United States supervisor, on the day of the election, the 3d of November. That is eighteen miles from Eufaula, in the same county. Everything went along there quietly until about eleven o'clock that day, when a disturbance commenced outside. I was in the room; I did not see that, but I heard the reports of the guns; there were several guns fired; when these guns were fired the democrats present—I suppose seventy-five or one hundred—ran to a house near by, Cody's store, where it was understood before that there were guns stored. They got those guns and paraded the streets there from that time until night. Some of them had two guns.

Q. What did they do with the arms?

A. They threatened to shoot anybody that did not do exactly to suit them. That was pretty generally the talk.

Q. What was the nature of their threats; were they personal, political, or how?

A. Political threats; but they would talk in this way: "We are going to make these damned negroes behave themselves. If they don't, we will kill out the last one of them." That was about the amount of it.

Q. What sort of arms were those?

A. Some of them were new double-barreled guns, and some not new. Some were rifles; but they were mostly shot-guns. There were a great many new double-barreled guns among them.

Q. Did Cody have those guns there for sale?

A. No, sir; this store was vacant.

Q. How did those guns get there?

A. I was informed that they were deposited there.

Q. When and by whom?

A. I was at Spring Hill and made a speech on Tuesday before the election, and I was notified then that those guns were in that house. I got to Spring Hill on the morning of the election, and the republican challenger, a colored man, told me that the guns were still in that house, and that he asked Cody the day before why they were there, and Cody told him they were to keep the peace on the day of the election. That colored man's name is Green Burch. He lives in Spring Hill precinct. Perhaps Cody's remark was to make the negroes behave themselves. It was something of that sort. His full name is Michael Cody. He resides at Spring Hill.

Q. State what was done at the time the ballot-box was destroyed, and how it was destroyed.

A. The polls were closed at five o'clock, as the law requires. One of the clerks got ready to go to counting out the votes in ten or fifteen minutes. The other clerk did not get his poll-sheets ready until just at dark, The managers were hurrying, but failed to get them ready. The clerk's name was Thomas Swanson. When he got them ready he got up without saying a word to anybody, went to the door and opened it. That door had been barred several times to keep the crowd out, and the last time, when the crowd was very boisterous, I went and barred it myself good and strong. It took him some time to open it. As soon as he started to that door the crowd of democrats moved to it, as though they understood what he was going there for. As soon as he got the bar from the door they ran against it and came in, and then they commenced a promiscuous firing. A portion of them ran for the light and knocked that out. The instant before the light was put out several of the crowd commenced firing, as I could see, at me, and balls did go in the wall just above my head; but that was only for an instant, until the light was out, and then it was a promiscuous shooting all around that room. The managers had run away, as I found afterward, and there was no one in there but myself and my son. They did not touch me, but murdered my son.

By the CHAIRMAN:

Q. How old was your son?

A. If he had lived he would have been seventeen years of age on the third day of this month.

Q. How was he murdered?

A. He was shot; three balls entered his thigh and one his bowels; that was the shot that killed him.

Q. Was he near you when he was hit?

A. He had his hand on my shoulder when he was hit.

Q. How soon did he die?

A. That occurred on Tuesday night, and he lived until Thursday at half past three.

Q. Where was the ballot-box destroyed?

A. It was destroyed at that time. I never saw any more after the light went out.

Q. How long after this firing did you remain in the house?

A. I can hardly tell; I could not keep much time just then, because there were twenty-five guns firing every second, or even more; I was there two or three minutes, perhaps.

By the CHAIRMAN:

Q. What was said, if anything, within your hearing about the time of the firing and of the destruction of the ballot-box?

A. The remark I heard, maybe a hundred times, was, "Kill him; damn him, kill him." That was me, of course; because I was the United States supervisor in the room. I supposed that was the reason they said it.

By Mr. BUCKNER:

Q. You were appointed by the district court as supervisor?

A. I was appointed by the United States circuit court.

By the CHAIRMAN:

Q. Was there a democratic supervisor?

A. Yes, sir.

By Mr. BUCKNER:

Q. Where was he?

A. He had not been there for an hour before that.

Q. What was his name?

A. Dr. J. M. Barr.

Q. Were there only two supervisors for that precinct?

A. Yes, sir.

By the CHAIRMAN:

Q. How many ballots were put into the box that day?

A. Seven hundred and thirty-two.

Q. How do you know that?

A. I saw them go in.

Q. Did you keep a tally to know that that was the correct number?

A. I stood by that table all day, and saw one of the inspectors number them as they came in.

Q. You saw the figures on the papers?

A. Yes, sir; and I saw the poll-lists where they were numbered.

Q. State whether more black than white men voted that day?

A. I will tell you the reason why I was more particular about noticing the precise number. In 1872 we had a supervisor who was a colored man, and they refused to let him into the room, and cheated the republicans out of the entire vote at Spring Hill; in other words, the votes went in republican but were counted out democratic. That is one reason why I went there that time as supervisor.

By Mr. ALBRIGHT:

Q. What was the relative strength of the parties at your poll on this day; what proportion of the seven hundred and twenty-three was republican and democratic?

A. I am satisfied that at least five-sixths were republicans.

Q. What proportion of the vote was white and colored?
A. The republicans were nearly all colored. The only white republicans that I know that voted there were one from another precinct and one who lives there.

Mr. Kiels further testifies:

Half or three quarters of an hour before this disturbance commenced my son and I heard them saying out in the crowd that the Spring Hill ballot-box would control the election in the county. He said, "Now you see very plainly that there is going to be a disturbance here. They will come in here and destroy this ballot-box, and of course they will kill you, because you are a United States supervisor here." He said, "You had better let me go after Lieutenant Turner and his men to come up here." I said, "You can go after him." I let him out of the door, and he went as far as he could walk, and came back and said that Lieutenant Turner told him that he was ordered by Captain Daggett, at Eufaula, not to go about the place there at all. That is something I had never suspected before. When he came back and told me that, if I could have gotten out of that door and got away I should have gone; but it would have been certain death to have undertaken to have gone. I knew that, and therefore thought the safest way would be to stay in there, which I did. The next morning I asked Turner why he did not bring his men there. I wanted to see if he would tell me what he told my son, and he showed me a dispatch that he had from Daggett that came over the wires that morning, forbidding him to go about the polling-place at all, or allow his men to go there for any purpose.

Q. What were Swanson's politics?
A. Democratic.
Q. What were the politics of the other clerks?
A. All democrats. Daniel Persons was a colored inspector there.
Q. Was that under the State law?
A. Yes. He was a republican. The others were all democrats—clerks and inspectors.
Q. Before this door was unbarred and broken in, you speak of a good deal of disturbance outside. Who was making that disturbance, if you could observe?
A. It was that crowd of democrats.

By Mr. CANNON:

Q. Were those citizens of the country that were engaged in these disturbances?
A. Yes, sir. There may have been some others that were not citizens, but they were nearly all so.
Q. In fact the vote of that precinct was not returned at all, on account of the destruction of the ballot-boxes?
A. There was no return made of it.

As a specimen of the manner in which they carry on elections on the border of Alabama by the aid of the citizens of Georgia, and ministers of the Gospel, too, from another county than the one where the election was being held, I will cite the testimony of Hon. CHARLES PELHAM, a native of the South, and a man whose testimony is above suspicion, as follows, (page 1204:)

I saw boys not twelve years old so drunk that they had to be supported to the polls. They voted the democratic ticket every time. I saw boys from Auburn College, a military college established in Lee County, Alabama, vote with their uniforms on. I did not know their names; I could not find them out. They were very tight. It is a military school founded by the United States.
Q. What tickets did those repeaters, boys, vote?
A. They voted the democratic ticket, so far as I could see, every time.
Q. What do you know of parties coming from Columbus, Georgia, to vote, if anything?
A. They came in great squads, came in express-wagons in great droves. I noticed one man voting. I thought I had seen him before. I looked at him and asked him if he was not from Clay County. He told me yes. I asked him what he was voting here in Girard for. He said he was over in Columbus with a drove of beeves; they were all voting, "so I can vote, and I am going to do it." His name is Scarborough, a Baptist minister in good standing in Clay County, Alabama, and in charge of two churches there. He voted the democratic ticket, and the men with him driving beeves, from the same county, did so. He said that he was over in Columbus selling the beef. I saw men with their hands full of new half-dollars, fractional currency, offering it publicly, in violation of the statutes, to negroes to vote.
Q. Were they white men?
A. Yes, sir, and prominent democratic politicians. I saw them offering that to voters; saw men take it, and saw them vote.

By Mr. BUCKNER:

Q. Can you give us the name of any prominent man of that sort?
A. No, sir. Republicans would not do it who ever expected to go back down there. I would not have asked one of their names that day.
Q. You say they were prominent politicians?
A. They were taking a prominent part in the election that day; well-dressed, intelligent men, and men of fine appearance. I saw one man come over from Columbus and hand over a pile of bills to a man who had been doing that all the evening, and saw him unroll it and go to work with it in the crowd, with drunken negroes and white people. I called the attention of prominent democrats to it time and again.
Q. What was the complexion of this election board as to politics?
A. There was one republican inside the box. An old colored man, a republican, named Elihu Moriner, was one of the managers outside; a man named Collins was a manager inside.
Q. Was it one republican and two democrats?
A. I was informed so. I did not go inside.

By Mr. CANNON:

Q. How did that poll count; how was it announced that night?
A. That night it was announced that the republicans carried the election by about a hundred majority.
Q. Was it announced by the election officials after it was counted?
A. Yes, sir. A certificate was given by the election officials that we carried it by about one hundred majority.
Q. What did you do after that?
A. There had been so much counting out of votes there that I went down, when the election was over, to Seals Station, the county seat of this county, to see the vote concentrated. That box was not sent in for several days; but then it was brought in at eleven o'clock at night, to the court-house, under very suspicious circumstances, by those same men who performed so extensively up at Girard that day. When it was opened I do not think it had fifty republican tickets in it. The tickets had never been folded. In voting a ticket or folding it up in any way, and holding it in hand to vote, will rumple it a little, or show some little mark, and those ballots that day were as smooth and straight as that envelope is now, and there was not a particle more soil on it. They were perfectly clean, smooth, and straight, and not a crease from one end to the other, and had evidently not been put in as votes by the voters. They were strung on a string together. There were about a hundred votes that had been voted, democratic and republican votes, which showed handling, and the others never had been handled. That was in the presence of Judge Patterson, and the sheriff and judge of probate and the clerk of the county, who were all democrats except Judge Patterson; and I reckon that there is not one of them there when they were opened who would not admit that none of them that had not been folded had been voted by a voter.
Q. I understand that they showed a hundred majority; but when you came to count the ballots what did they show?
A. I think there was about fifty republican votes.
Q. And the balance democratic?
A. Yes; thirteen hundred.
Q. Under your election law, is it made the duty of the canvassing board to compare the poll-list with the ballot?
A. Yes, sir; and there were not fifty republican votes in the box.
Q. What evidences did you see as to the box being tampered with?
A. The box was split open and had been glued back, and nails were driven in it.
Q. Does there have to be actual violence to constitute intimidation?
A. So far as intimidation was concerned, there was intimidation at every place in the district I was at, and I was in every place in the county. I canvassed that county all over.

As indicative of the animus of the democracy in that State, I read from a single article from the Opelika Times, September 30, 1874, a democratic paper, which is a fair sample of the tone of the democratic press in that State as shown by many extracts in the testimony:

This campaign has in it the single issue of qualification for offices—the best men at the helm in this political storm! All men who subscribe to this principle stand forth as enemies to radicalism, and are morally bound to hold radicals as alien enemies without the pale of recognition in all the relations of life, particularly in those relations that affect the individual success of men in their financial enterprises. The most potent agency that is within the compass of our using to teach the radical the iniquity of his machinations, and to compel him to respect the claims of civilization and the imperious wants of the people, is the withdrawal of our moneyed support. Let his ship ply without a cargo, or rot unmanned in a breezeless ocean. Let his door of commerce stand open and neglected, with the blood of a slaughtered country sprinkled upon its lintel, a curse upon and a warning to venality. Touch him not, nor his goods, nor his cattle, nor anything that he has. Let him dance to his own piping, and count no profits from the hard earnings of a people he has sought to destroy, and a race that he has abandoned, and a section of country that he has scandalized by living in it. The adder that stings should find no warmth in the bosom of the dying victim. The man who curses woman, children, race, country, and his God may not hope for Apollo's laurel until he first finds absolution in the sackcloth of repentance. Reparation these radical scalawags can never make, but further scourging of the people they can cease, and we can force them by non-intercourse, if they yield not to entreaty. Free thought, free speech, and free action are only constitutional guarantees so long as their exercise promotes the good of the body-politic. The freedom of action and thought and speech of Titus Oates and Benedict Arnold were outside the protection of the Magna Charta. The Constitution ostracises freedom when it becomes licentious, and freemen when they become traitors and marplots. Honesty (if it be possible for a scalawag) is no protection, nor even an excuse for the hand of an assassin. The thing done is measure of transgression in politics, without respect to the motive of doing it. Politically considered, an honest radical is just as culpable as a dishonest one. They are alike enemies to civilization and the South, with all her interests, and our last and only means to be used for their overthrow is to fall back upon the old Wesleyan doctrine to "prefer one another in business."

If there be a colored man who is willing to recognize the necessity of putting Alabama under the rule of intelligence, he becomes our friend, and he should be preferred as tenant of our houses, cabooses on the farm, drayman upon the streets, sexton of the church, and in every way right and proper sustained and built up. Merchants, mechanics, and tradesmen of every character have a right to expect and demand support from and at the hands of those with whom they are allied in this great struggle for reform, while the radical cannot have the effrontery to even ask a "fish" without the rational expectation of receiving a "stone." Every man who sustains a scalawag individually contributes to building up radicalism. The way to kill the party is to put upon "short allowance" its individual members. The sea is open—the sky is beautiful—victory is ours!

The testimony further shows that as a rule white republicans, whether northern or southern born, Federal or confederate soldiers, rich or poor, educated or ignorant, honest or dishonest, with their families, are ostracized socially at the fireside, in the church, in the school, and proscribed in business, and in many portions of the State that their lives are unsafe—to make a long story short, that for white republicans who dare to exercise the rights of a freeman as citizens of the North exercise those rights, Alabama becomes for them a hell on earth.

W. P. Billings, a white man who formerly lived in Missouri, saw proper to take his wife and children and find a home in Sumter County, Alabama. He bought a plantation and sought to make a living by labor; admitted to be a good citizen and industrious man. He was waylaid as he was returning from a republican meeting by a band of assassins and killed, as the circumstances show, for no reason in the world but that he was a prominent republican leader. In a few days afterward Thomas L. Ivey, a colored mail agent and a republican, while in performance of his duties on the train was killed. The train was flagged and halted and he was riddled with bullets. His death by assassination was chronicled by a leading democratic newspaper published at Meridian, Mississippi, as follows:

ASSASSINATION OF A COLORED MAIL AGENT.

Yesterday afternoon, as the Alabama and Chattanooga train was coming this way, about three miles beyond York, and six this way from Livingston, a man stood upon the track and flagged the train down with his hat. Charlie Briggs was the engineer, and stopped his train. Immediately as the train stopped, some three to six shots, variously stated by eye-witnesses, were fired at Thomas L. Ivey, the colored mail agent. He is said to have uttered a single exclamation of pain, and, from the terrible character of the wounds, was doubtless killed instantly after. The train brought the body on to this city. It is supposed that Ivey came to the door of the car to observe what the train was stopped for, and so gave his slayers the fair opportunity they wanted. It is said there were assailants on both sides of the train. Their work was quick and decisive, and they disappeared in the brush, and no one of all the people about the train recognized any one.

Our good friends "across the border" will allow us to use this item, which came from their State, and take notice that we make no charge against the Sumter County democrats, and "insinuate" nothing except, from what is deemed reliable information, that the deceased was a dangerous man to the peace of the community.

And after diligent inquiry the only crime Mr. Ivey was guilty of was that of being a prominent man with his race and saw proper to exercise the rights of a citizen in matters of politics—the fastidious way of putting it, in the language just quoted from the Meridian paper, "A dangerous man to the peace of the community."

But I have no time to read further from this evidence. I will merely refer to the Eufaula riot, where the democratic whites were fully armed and organized, and during the election, taking advantage of an altercation in reference to the legality of a negro vote, fired upon the negroes, killing many of them and wounding near one hundred more, chasing the negroes as they fled, cheering over the dead bodies of the fallen, and wanting the Yankees to come on for their share. The feeling of exultation is shown from the following dispatch to the Montgomery Morning News the morning after the riot:

Big riot to-day. Several killed and many others hurt—some badly—but none of our friends among them. The white man's goose hangs high. Three cheers from Eufaula.—*Morning News*, November 4, 1874.

And in passing allow me also to call attention to the Mobile riots on the day of election, where many negroes (republicans) were wounded and many killed. By request of the democratic central committee, which request was equal to a command, all places of business were closed in the city and the whole white population, many of them armed, were upon the streets and surrounding the polls at the different wards. With couriers mounted to carry dispatches and commands from democratic headquarters from place to place, and over one hundred democratic deputy sheriffs, generally armed, it is not strange that riots were constantly taking place; and, as General Withers in his evidence in substance aptly expresses it, all this organization and acting upon the part of the democracy, even if they had not fired a shot, was the most effective kind of intimidation to unarmed and timid negroes. Nor have I time to cite the evidence showing how desperate men from Mississippi came into Alabama at various points to assist like desperate men in chasing and hunting negroes (republicans) who were guilty of no crime but that of being republicans in politics. Nor have I time more than to refer to the massacre of negroes at Vicksburgh, whose humble friends were prevented from giving the bodies burial through fear; so the bodies, mutilated, for days and weeks lay without burial, with no more attention than would be given to the carcass of a hog, and this, too, almost within sight of the corporation.

I can only pause long enough to refer to the fact that bad men, organized and armed, stand ready, in defiance of all law, to go from Texas to Mississippi, from Mississippi to Alabama, and from all of these States to Louisiana, to subvert all law, both State and Federal, and with a strong hand hunt down republicans, kill negroes, burn churches and school-houses, depose officers of a State or county, or subvert and revolutionize a State government. The testimony of the different investigating committees shows all this and much more. I do not mean to say that all democrats in Alabama and elsewhere South commit these outrages or approve them. On the contrary, there are many good men South, democrats, who deplore this condition of society. But it is also true that these bad men are sufficient in numbers to boldly and defiantly commit all these acts and so control public opinion that no redress whatever for outrages of this kind can be had in the courts. And while I have no doubt, so far as judges of courts are concerned, in most instances, that they declare the law correctly when called upon to make rulings, yet cases ordinarily can only be disposed of with the aid of juries and healthy public opinion. With the foregoing state of society as a rule, the juries will not or do not help administer the law so as to protect republican citizens, especially negroes, in their rights, so far as personal security is concerned, and punish men who commit political crimes heretofore spoken of; and while Justice may perhaps be still, so far as the judges are concerned, represented with her eyes bandaged, holding the balances, yet she should also be represented as bound both hand and foot by public opinion, and powerless to make and enforce her decrees; and, strange as it may appear, the testimony shows since the war but one white man has been convicted for homicide of a negro in the whole State of Alabama, yet when our democratic friends are called upon to explain, justify, or condemn this state of affairs, they generally deny, or if they admit in part seek to palliate or justify, by saying that the people of Alabama have been under the rule of the republican carpet-baggers, who are fattening upon the misfortunes of the people, and that those manifestations are only the violent protests of a generous people against such a state of things.

Now, what are the facts as to carpet-baggers in Alabama? The testimony of George H. Patrick (see page 484) is as follows:

Question. Have you ever had your attention directed to the number of carpet-baggers in this State in any way?

Answer. Yes, sir.

Q. Please state to the committee how carefully you have directed your attention in that direction and what facts you have ascertained.

A. I shall have to state now entirely from memory the number of carpet-baggers, or northern men, who are residents in the State, and that, I think, is not over one hundred and fifty.

Q. Have you had means of ascertaining that fact?

A. Yes, sir.

Q. How recently did you make a calculation of that kind?

A. During the last two or three years I have had constantly in my office the list of nearly, if not quite, every northern man in the State who has been in the Federal Army.

Q. State, if you know, how many of those men have occupied official positions as State officers since reconstruction.

A. There have been three northern men who have held State offices since reconstruction.

Q. How many northern men have held county offices, so far as you know, since reconstruction?

A. Some twenty-five, and perhaps thirty.

Q. State how many of those have been official defaulters.

A. To my knowledge, not one. I mean to say that I have heard of no such default.

Q. Have you had means of knowing the facts in relation to that matter, and have you directed your attention to that matter?

A. I think I have.

Q. What is your business?

A. I am a practicing lawyer, and reside in Montgomery.

Q. Have you heard the charges made against carpet-baggers, that they were a set of robbers and thieves and plunderers, and men imposing on the people of the South?

A. I have heard such general charges.

By Mr. CANNON:

Q. How many other than carpet-baggers have held office in this same length of time in your State?

A. There are some fifteen hundred or more county officers in the State, elected by the people every two years.

Q. That would make, since reconstruction, eight years ago, between five thousand and six thousand other than carpet-baggers who have held office?

A. At least that. I am the commander of the Grand Army of the Republic, and know who the republicans are here.

So you see there is nothing in the cry of carpet-baggers, so far as Alabama is concerned, except in the imagination of zealous democrats, virtuous correspondents, and the democratic press, and a portion of the so-called independent press—called independent, I suppose, because it is generally independent in misrepresentation without reference to the facts. My State of Illinois no doubt can show many times this number of men elected to office who come from the Southern States since 1867, yet there is no cry about carpet-baggers. While speaking of Illinois State or county officers, and that I may not be misunderstood, let me state that I am not the apologist of corruption in office of anybody or of any party, nor do I claim that all republicans or republican officials in Alabama are or have been honest.

Grave responsibilities are resting upon the people of Alabama and other Southern States. Many of the whites are ignorant and lawless, and most of the negroes are ignorant, ordinarily well disposed, but owing to their poverty and former condition many of them incline to commit petit larcenies and smaller grades of offenses. What is needed is a thorough enforcement of the law, protection to all citizens; especially in their rights of personal security, and general education, and until all these are given I do not see much chance for prosperity in the South. But our democratic friends tell us that the difficulty is that the negroes are ignorant and will not divide their votes between the parties, but insist on voting the republican ticket. I have no doubt it would be better if all parties would acknowledge the equality of all men before the law in practice as well as theory; and until this is done by democrats South, instead of resorting to force and intimidation, how can they expect the negroes will vote with them, and how can they criticise with justice the negroes for not dividing their votes between the two parties when the more intelligent whites are seeking to divide on the color line, and resort to ostracism, proscription, and some of them to murder and assassination to accomplish their purpose?

But it is useless to speak further of these matters All will acknowledge the necessity for action. The gentleman from Connecticut, for whom I entertain great respect, acknowledges the wrongs to be remedied; also that the States have not and probably will not remedy them, and that they will have to go without a remedy, for the reason the United States has no power in the premises. I agree with him that Congress can only give relief by legislation where authority is given under the Constitution, but I also claim that the Constitution covers the proposed legislation.

I have no patience with some gentlemen who admit the necessity for action, but quietly fold their arms, while the blood of the slain cries from the ground and the moan of the widow and orphan are heard as protests against the most foul taking-off of the husband and father, and search with a microscope for a fancied want of power to legislate, or cry conciliation and peace, peace, when there is no peace for these citizens of the United States, if they persist in exercising their rights in voting as they see proper, but the peace of the grave.

Article 1, section 4, of the Constitution is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

I believe this power was not exercised until since the war. I suppose some gentlemen are inclined to deny the power because it was not exercised by Congress earlier. Under this power to regulate the time, place, and manner, we can provide the whole or any portion of the machinery by which such elections are held, and this includes the power to provide for the punishment of any offense, even murder, provided it was committed in the attempt to constrain suffrage touching a congressional election. As to the expediency of the legislation there can be no doubt. A member of Congress from Maine or Alabama has just as much power by his vote to affect the whole country as has one from any other State. So the people of Illinois are just as much interested practically in the fair election of the

member from Maine or Alabama as they are in the fair election of the member from Illinois; and the framers of the Constitution no doubt placed this provision in it for the reason that as the whole country is to be affected by these elections, so the United States should have the power to make such provisions by law to secure fairness in the same as to the law-making power should seem proper.

Article 4, section 4, of the Constitution of the United States is as follows:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

Under this section the duty of the United States is imperative to guarantee each State a republican form of government—and form in this connection means in substance as well as form—and protect each State against invasion. In my opinion, the power of Congress in enforcing this section extends to affirmative legislation, and the history of the country since 1860 demonstrates the necessity of such legislation under this clause of the Constitution. No one denies to the majority of the people of a State the right to change their fundamental law, but suppose by assent or aid of the governor or governor and Legislature of a State, with or without the aid of lawless men from other States, a State government is overthrown against the will of the majority and a new government founded, it being the only government in fact and republican in form after the revolution is accomplished. I submit that the probabilities are the United States could not interfere, although the majority of the people may be overridden and have a government fastened upon them without their assent. It will be recollected that this was done substantially about the breaking out of the late war in Tennessee and Arkansas, and perhaps other Southern States. The efforts of Governor Jackson, of Missouri, in this direction especially will be recollected.

Does any one doubt, if under this clause of the Constitution Congress had prior to 1860 enacted a law to punish invasion of a State for the purpose of forcibly overthrowing an existing State government and conspiracies or the attempt by force or violence to subvert or usurp a State government, and that there had been an early attempt in good faith by the United States to enforce such law—I say does any one doubt but the late civil war would have been prevented? Legislation should, if possible, be preventive in its nature; or, to use a phrase that every one understands, an ounce of prevention is worth a pound of cure.

It does appear to me that the power of Congress in the premises to affirmatively legislate cannot be successfully denied. But gentlemen may say there is no necessity for this legislation, for in the event of invasion of the State or the usurpation of a State government by domestic violence the United States shall afford protection on demand of the governor, &c. I am now putting a case where the governor is in the conspiracy and the Legislature is not in session; or where the governor, by assassination, imprisonment, or for any other reason, does not make application. Gentlemen may say that will not happen. In reply I call attention to facts. It did happen in many States at the breaking out of the war. Or, take the case of the attempted revolution in Louisiana a few months ago. The Legislature was not in session. If Governor Kellogg had failed to call on the President or had been imprisoned so he could not, or assassinated, had the United States no power to give relief in such cases? Is it pretended that Congress has no power to provide by general law to carry out the provisions of this article, even if the governor or Legislature are opposed to the enforcement of this provision of the Constitution?

If gentlemen are serious in this view, then this section of the Constitution means, according to their position, that the United States shall protect each of the States against invasion and domestic violence except where the governor is assassinated or imprisoned so he cannot call upon the President, or where he is unlawfully and forcibly using his position to revolutionize and subvert the State government, as in the case of Missouri and others of the States at the commencement of the late war; and in those cases and many others that may happen anarchy, revolution, and invasion, conducted by a few or many well-organized desperate men may run riot in a State, overawing the weak and timid and subverting the State government, and still the United States must sit idly by without power to afford relief. Such a construction of this provision of the Constitution would defeat the very object for which it was made. It is said by gentlemen, however, that the invasion spoken of is foreign invasion, and that the United States has no power to protect one State against invasion from another. I have no time to combat this position, nor is it necessary. I will merely refer to the opinion of Justice Story in his work on the Constitution, where it is laid down, among other matters, (section 1818,) in speaking of the meaning of this provision that—

The latitude of the expression here used seems to secure each State not only against foreign hostility, but against ambitious and vindictive enterprises of its more powerful neighbors.

The principal object of the bill under consideration, however, is to protect citizens of the United States residing in the different States in the right to vote, especially at congressional elections, in the enforcement of the thirteenth, fourteenth, and fifteenth amendments to the Constitution. These amendments are as follows:

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The history of the adoption of these amendments I have before referred to, and is fresh in the recollection of all; and while to my mind the grant of power by the constitution implies necessarily the duty to do all things by legislation or otherwise necessary to enforce the same, but let that be as it may here there can be no possible doubt, for each one of the amendments gives expressly to Congress the power to enforce the same by appropriate legislation. I have before shown the necessity of protection to both white and black citizens in the State of Alabama as well as other Southern States, provided a free ballot is maintained, and also the means that are being used to constrain or "abridge suffrage." Yet gentlemen talk about the want of power to give the protection, and the democratic press, and the so-called independent press talk about the attempted usurpation on the part of Congress in passing this bill. I suppose the independent democratic press gets information as to want of power from conservative gentlemen here, and the conservative gentlemen in turn get their information from the independent democratic press. I commend the gentlemen and the press to the Constitution; by its provisions I am willing that this bill should stand or fall.

By the blood of three hundred thousand brave men, by the expenditure of untold treasure, by a new charter of freedom as embodied in the constitutional amendments, the United States has decreed that the spirit of intolerance and bloodshed that grew out of slavery should be no more. A new name has been given to the recent slave. He is now called citizen, freeman, exercising in his own right, in common with all other citizens, sovereignty. The whole people are pledged to guarantee to him the free exercise of these rights upon the same terms as all other citizens enjoy them; and let me say to gentlemen who are lukewarm that the people have decreed that these pledges and guarantees shall be kept.

But the gentleman from Michigan [Mr. WILLARD] said ten years have now passed since the war closed and still there is anarchy, bloodshed, and confusion, and sometimes revolution too, down South, and as a cure-all cries stop these extreme measures and hold out the olive branch of peace to these people and let us have an era of quiet, peace, and good-will over all this country.

I always listen to my friend with pleasure; he talks well; he is a minister of the Gospel, for which I honor him. He is in favor of the millennium; so am I; but let me say to him that if as legislators we stand by and cry peace and good-will to all men, when red-handed murder stalks at noonday in Louisiana, portions of Alabama, and elsewhere in the South, finding victims both white and black by the hundred who are guilty of no crime except exercising their political rights under the Constitution, when we by prompt and proper legislation can stay this tide of evil, when the millennium arrives, these citizens may, in common with he and I, enjoy peace; but if they do, it will be the peace of the grave.

Mr. Speaker, I will call the gentleman's attention to the fact that the founder of our religion was crucified over eighteen hundred years ago. His teachings are the best the world ever saw, yet all the people of the world do not believe or practice them. What would the gentleman think if I were to say, "Sir, the Christian religion cannot prevail; it has been tried for eighteen hundred years and has failed to have a third part of the people of the world for its followers; compromise with infidelity; meet error half way." The gentleman would not advocate such a measure, for the moment the vital principles of Christianity are compromised in the least, Christianity ceases to exist with the parties that make the compromise.

By the plain provisions of the Constitution the rights of all citizens, black and white, are clearly defined. Let all the people, North and South, respect the rights of all men, and then you do not need an olive-branch. Any permanent compromise with lawlessness at the expense of the rights of a portion of the people not only would but ought to destroy the government that makes such compromise. And while the gentleman was talking about the extreme measures that had been resorted to against the South my eye by chance fell upon members on the other side of the House by the score who were in the civil and military service of the ex-confederacy, and I recollected that over seventy-six ex-confederate officers were to be in the next Congress so nearly upon us. I suppose this is a part of the harsh treatment the gentleman speaks of.

I now desire to speak of the thirteenth section of the bill, or what is known as the *habeas corpus* section. There is no section of the bill that has been so persistently misrepresented on this floor and by a part of the press as this; and from the manner in which intelligent gentlemen on this floor have discussed this question, I am reluctantly compelled to believe that with many there is no desire to have it fairly discussed, but on the contrary to misrepresent its provisions, making a man of straw to suit themselves and then knock him over; however, as a matter of policy, I prefer the section should be modified for reasons which will appear as I progress.

It will be noticed that before, by this section, the writ of *habeas corpus* can be suspended the resistance to the Government must be organized and armed and so powerful as to be able by violence to overthrow and set at defiance the constituted authorities of both the State and United States in the State, or when the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combinations, and by reason of the premises the conviction of offenders in the courts and the preservation of the public safety shall become impracticable. And more than this, the district in which such state of affairs may exist shall be described by proclamation by the President; and still more, before the writ can be suspended proclamation shall be issued commanding such insurgents to disperse. Gentlemen say that under this power the President may suspend the writ whenever he chooses. This is not so, for by the very terms of the act the civil arm of the Government must be powerless before he can suspend the operation of the writ; and if the President should see proper to arbitrarily suspend the writ when the act does not authorize it, he would be liable to impeachment and removal from office. As well say, because the President is the highest executive officer in the Government and Commander-in-Chief of the Army and Navy of the United States, that he will use these powers to subvert the Government. In either case he might make the effort, but the power to impeach and remove from office by the House of Representatives and Senate exists under the same Constitution and laws that creates the Executive, and he is not more liable to attempt to disregard the law and Constitution in the one instance than in the other.

A lawyer by profession, I have some knowledge of the history of the writ of *habeas corpus*, and presume I am inclined to take a sufficiently conservative view of this and perhaps other questions; but I will remind gentlemen the very object of the writ is to secure the personal liberty of the citizen, and when the state of society is such as contemplated by the bill under discussion, then the use of the writ, instead of being the ally of personal liberty, becomes the ally of force, violence, and rebellion in their efforts to override and destroy the rights of the citizen. But gentlemen say, Why give the President this power to suspend the writ when in all the Northern States, and a portion probably of the Southern States, there is not now nor is there likely to be a state of society calling for its use? Or, in other words, there should not be legislation of this kind unless there is some present or threatened danger near at hand calling for its use. So far as the Northern States are concerned such present or threatened danger does not exist, and I am perfectly willing, in fact, would prefer, that the section should be modified so as to apply to a part of the Southern States, and for a limited time only, and that, too, where such danger is shown by actual investigation of this House.

As there are many valuable provisions in this bill other than the thirteenth section and some gentlemen have indicated to me a desire to vote upon an amendment to strike out the thirteenth section, I have offered an amendment to that effect, but will vote for the substitution for my amendment of that of the gentleman from Massachusetts, [Mr. BUTLER,] as he tells me he will modify it at the suggestion of the gentleman from Massachusetts, [Mr. HOAR,] which is to make the section apply only to the States of Arkansas, Louisiana, Mississippi, and Alabama and to be in force only until the close of the next Congress; and I believe the section so modified ought to pass, and I shall vote for it. And there is great propriety in making it apply to those four States; for while as bad a state of affairs may exist in other Southern States as in these, yet this House has by the testimony taken by four special committees and their reports become informed that the state of facts does exist in those States calling for this legislation.

Before I pass from this subject I want to call the attention of the House to the fact that the proposed section is more restricted in its provisions than a similar section of law that was approved April 20, 1871, (section 4,) for the purpose of suppressing the Ku-Klux organizations in the States lately in rebellion, under which I believe the writ of *habeas corpus* was only suspended in two counties, and which for the time being give peace to almost the whole South. I also call attention that the section adopts the second section of the act of March 3, 1863, requiring prisoners to be turned over to the United States courts and if not indicted at the first term after their arrest then to be discharged.

Gentlemen on the other side say, however, why not leave this legislation to the next Congress? I will tell them, among others, for the reason that the House of Representatives in the next Congress is composed of many men, enough to make a majority, who the history of the last fourteen years shows will not favor legislation to secure the equality of all before the law, many of whom from the North the records of this House show to have done all they dared do to embarrass the United States in putting down the rebellion, and many of whom from the South sought the life of the nation by war, and nearly all of whom, both from the North and South, have made war on reconstruction, upon the adoption of the constitutional amendments, and from time to time have opposed all legislation to insure a free ballot; who in 1871 first denied the existence of the Ku-Klux and their outrages, and if possible more bitterly denounced the Ku-Klux act than they do this proposed legislation; who have for ten years from time to time ignored, apologized for, or defended ostracism, proscription, riot, murder, and assassination; and who can only hope to get into power and control the United States by a united South, which is only possible by a reign of terror in many parts of the South, under which a free ballot cannot be had.

Who believes for an instant that under these circumstances any legislation would be had by the next Congress? But we are told that it is useless to pass this bill in the House, as it is so near the end of the session that it cannot be passed in the Senate on account of dilatory motions in that body that would be made to postpone it. I do not know how this may be. If the bill should fail in that way the fault will not be ours, the responsibility will not be on us. I believe the proposed law will give peace and protection to citizens throughout the country, and without it I believe violence and bloodshed will run riot in many portions of the South.

In conclusion, I want to say in all kindness to gentlemen, North and South, that in my opinion there neither can nor ought to be peace and prosperity until all citizens, as a rule, wherever they may be throughout the Union, are equal before the law in fact as well as in theory. And let it be recollected that he who constrains suffrage by intimidation or otherwise, (the people being sovereign,) commits a crime in its consequences akin to treason, sapping the very foundation of the Government, injuring not only the elector intimidated but all the people of the Republic.

At the conclusion of his remarks,

Mr. CANNON, of Illinois. How much time have I left?

The SPEAKER. Thirty-eight minutes.

Mr. CANNON, of Illinois. I yield that time, then, to the gentleman from Massachusetts [Mr. BUTLER] and the gentleman from Michigan, [Mr. CONGER.] I first yield to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I have sought the floor for the purpose of examining, as well as I may in the few minutes allotted me, one or two propositions of law. I have desired by the amendment I have sent to the Clerk's desk to be voted on to limit the exercise of the suspension of the writ of *habeas corpus* to those insurrectionary districts where armed and unlawful combinations exist too powerful to be controlled by the civil process, so that wherever in the Union such combinations shall be found, if it ever happens as it once happened in Massachusetts, where there was a combination too strong to be resisted by the civil power and then Massachusetts marched her troops in Shay's rebellion to put it down, then the writ shall be suspended. Indeed wherever troops march in battle array there the writ of *habeas corpus* is suspended *ipso facto*. Under the law of 1795, Washington was allowed to take all the militia of the United States and to put down the whisky insurrection in Pennsylvania. The writ of *habeas corpus* was not suspended by act of law, but the very act of war suspended the writ and because of that very fact.

Who shall determine where that state of insurrection exists? That power must be reposed somewhere, and the Constitution and the habits of our people and the laws of our country have always reposed that discretion in the highest officer, the President of the United States, surrounded by his cabinet of advisers and charged with the execution of all laws.

I do not think this power of suspension of the writ of *habeas corpus* need be perpetual or as long as this law exists, while I do think the other provisions of the act should be perpetual, and therefore I have sent an amendment, section 14, which shall limit it precisely as our fathers limited power in Washington to call out the militia and Army of the United States, and that was for two years, and thence to the end of the next session of Congress thereafter. The two years were evidently taken as a limit because Congress can make an appropriation for the Army only for two years under the Constitution.

Now what is the purview of this bill? The first section provides it shall be a crime for two or more to invade a State for the purpose of overthrowing its governmental institutions. My learned colleague on the Judiciary Committee from Vermont [Mr. POLAND] has told us he does not think that is within the power of Congress under the Constitution. He admits it is the duty of the United States whenever a State government is attempted to be overturned by armed invasion from without the State, whether by citizens of other States or others, to use the whole power of the Army and Navy of the United States to protect that State in its government. Well, then, is it not equally within our potency to declare the act by which this invasion is organized a crime, so that men may be deterred by these penalties imposed and therefore from bringing about such a state of affairs as would require such interposition of the General Government? Cannot we say—I speak now to gentlemen on the other side—cannot we say an expedition like that of John Brown, for instance, to overthrow the government of Virginia, is a crime against the United States? Can expeditions be organized on the right bank of the Mississippi in collusion with the State authorities there for the purpose of invading a State on the left bank of the Mississippi, and is this whole country to

remain powerless and see that expedition make head and arm itself without power to interfere by legislation with the inception? Cannot we provide by law that no such armed expedition, no such conspiracy against a State shall be organized; and if organized, is a crime?

That is the first section. The second section is, as I understand it, when there shall be an armed attempt by conspiracy within a State to make such armed overthrow of the government of a State, which we are bound to protect and guarantee shall not be done, shall be a crime. Cannot we do that? Is anybody's liberty interfered with by so doing? Is there any limitation upon the rights of the citizen in that? Has any citizen the right to do wrong? Has any citizen the right to conspire to overthrow a State?

Then passing by the third section, to which I have heard no objection, the fourth section provides that men shall not carry guns to vote with; that they shall not arm themselves to go to the polls, to the end there shall be a peaceable election. I do not understand why guns are required in order to vote. Nobody has to shoot his ballot into the ballot-box. Cannot we take away this means of intimidation? Cannot we say that this right of voting is a peaceful and not an armed right? Will anybody insist that men shall go to the polls with arms in their hands, inflame themselves with whisky and with passion, and then use those arms in riot and bloodshed? If it is done in Massachusetts, I want it stopped; if it is done anywhere else, I desire it stopped by being made an offense.

Then what is the other objection which my learned friend finds? He said by the fourth section we impose a duty upon State officers, and that under the doctrine of Briggs's case Congress cannot impose any duty on State officers.

Mr. POLAND. If the gentleman understood me to make any objection to the section prohibiting the carrying of fire-arms at elections he is mistaken.

Mr. BUTLER, of Massachusetts. I have passed that section and did not so understand the gentleman. I am now dealing with your objection that we cannot compel State officers to do any duty and impose penalties upon them if they fail to do it. A strictly State duty we cannot impose. But our Constitution foresees and provides for complex duties. The Federal executive government and its representatives are determined by the registration and deposition of the votes by the voters in the several States cast under State law. Such are the requirements of our Constitution. This House can only have its existence by votes under State laws by the Federal laws; and anything that affects the constitution of the House of Representatives of the United States is thus made therefore not only a State duty but a Federal duty, which a given man designated by State laws is to perform as well to his State as to the nation and as well to the nation as to the State. And therefore in that regard, when the State officer is registering the voters who shall determine the complexion and composition, the organization and members, of the House of Representatives of the United States—when he is doing that United States duty I claim the United States Government has power under the Constitution to regulate acts in that behalf and to keep him to his duty in doing that Federal duty which by accepting the State office which has this duty imposed upon it.

That is why I support the fourth section. I am, for want of time, only stating propositions rather than arguing them; and I propose to do it without any emotion, for I feel none on this subject. These are pure questions of constitutional law.

We now come to the section suspending the writ of *habeas corpus*.

Mr. SMITH, of New York. Before the gentleman passes to that, let me ask him a question to relieve a legal difficulty in my mind.

Mr. BUTLER, of Massachusetts. If you will be short about it, as I have so little time.

Mr. SMITH, of New York. Do not the first and second sections cover every possible overt act of treason? And does not the seventh section deprive the State courts of jurisdiction in cases of treason against the State government? Are we not undermining the criminal jurisdiction of the State courts?

Mr. BUTLER, of Massachusetts. By no means. In the first place I deny that there is any treason against one State by the citizens of another State going into it with armed forces to overturn it.

Mr. SMITH, of New York. But suppose they are citizens of the same State.

Mr. BUTLER, of Massachusetts. I am speaking now to the first section. One at a time. I shoot with a rifle, not with a blunderbuss.

The first section says that it shall be a crime for citizens of one State to enter another State with intent to invade that State. Those citizens of the other State owe no allegiance to the State they invade. John Brown owed no allegiance to Virginia when he invaded it. There was there no treason, no traitor, no betrayal. If a foreigner comes in in time of peace and resides in a State, he takes upon himself local allegiance; then he is bound as other men to allegiance to the State he inhabits. But if he attacks a State with arms in his hands, it may be murder if he shoots anybody, or a violation of other State laws, but it is not treason.

Now for the second section. The second section provides for the case of a conspiracy of men within the State to overthrow the republican government of the State. But there are two kinds of jurisdiction for the breach of this Federal duty as a federal citizen, which the Constitution of the country imposed upon the United States Government to protect the State in that form of government. The offender may, if the law be so enacted, be punished in the United States courts for his breach of duty to the United States. For his breach of duty to the State under its laws he is to be punished under the laws of the State. And this is no new legislation.

Take the counterfeiting of the coin of the realm. That is both a crime against the United States and a crime against the State; and the State punishes the offender exclusively when it first gets hold of the criminal, and the United States punishes the offender exclusively when it first gets hold of the criminal; and he cannot be twice punished for the same act, because the provision of the Constitution against double punishment comes in.

Mr. SMITH, of New York. The State courts have no jurisdiction to punish counterfeiting the coin or bank-notes, except it be given by express statute.

Mr. BUTLER, of Massachusetts. The law against counterfeiting United States bank-notes covers every case of counterfeiting bank-notes.

The United States has exclusive jurisdiction when they choose to exercise it, but the courts of every State in the Union furnish the same thing under State laws, and they have exclusive jurisdiction of the case when they get hold of the criminal.

But, sir, I must pass on, for I have but eight minutes. I must come now to the suspension of the writ of *habeas corpus*.

Mr. SMITH, of New York. Allow me to ask the gentleman one thing more. I do not understand that the State courts assume jurisdiction for the counterfeiting of United States notes or its coin except where given by statute of the United States.

Mr. BUTLER, of Massachusetts. O! my dear sir; instead of interrogating me go and read the statute laws of some one of the States.

Mr. SMITH, of New York. That is not the law in regard to bullion and coin.

Mr. BUTLER, of Massachusetts. It is the law in regard to bullion and coin, and more than that, in regard to Spanish dollars. Go and read the statute-book of any State and you will find it so; everybody knows that. I have defended men and prosecuted them both under State statutes and under the statutes of the United States for having counterfeit United States coin in possession with intent to defraud. We ought not to be here now discussing elementary principles of law.

Now in reference to the writ of *habeas corpus*. What is the effect of suspending the writ of *habeas corpus*? I will tell you what the effect is. It is not when the writ is suspended every man must be tried by a military commission or court-martial. My colleague, [Mr. PIERCE,] to whom I listened with great care in his maiden speech, as I always do listen to maiden speeches to see what there is in the men who make them, undertook to tell us that the suspension of the writ of *habeas corpus* allowed every citizen to be tried by court-martial. Pardon me; a court-martial tries no civilian, although they may be tried by military commission under certain specified circumstances. A court-martial tries no civilian except under a special act of Congress against contractors for military goods; but the effect of the suspension of the writ is that wherever a man is arrested by a military officer or soldier, and while the prisoner is so held for the purpose of being brought before the United States court so that the United States court can get hold of him, no judge shall issue a writ of *habeas corpus* and take him out of the custody of that officer or soldier, who is not holding him to punish him himself, but to bring him to the United States court for punishment. That is the effect of the suspension of the writ; and I will tell you the necessity for it, which comes more from this cause than from anything else. If a military officer arrests a man, he, if he is true to his duty, will hold him at all hazards. Now, if a State court, when a military officer has arrested a man, issues a writ of *habeas corpus* to take that man out of his hands, the State or civil officer who serves the writ may take the *posse comitatus* with him to carry out his rescue. That military officer will resist, and then comes a conflict; and it is to prevent that class of conflicts that this provision for the suspension of the writ of *habeas corpus* is desirable, so that all conflicts of jurisdiction may be avoided in the insurgent States where actual war has not supervened. It is simply for the purpose of enabling the military officers to perform their duty and to prevent those conflicts which the issuance of a writ of *habeas corpus* by a court would bring on.

Mr. POLAND. Will the gentleman allow me to ask him one question?

Mr. BUTLER, of Massachusetts. I will, because the gentleman was kind enough to allow me to ask him one.

Mr. POLAND. Was it not repeatedly decided and is it not now the settled doctrine that a State court has no jurisdiction to issue a writ of *habeas corpus* where a man is under arrest under United States laws?

Mr. BUTLER, of Massachusetts. By civil officers.

Mr. POLAND. Was it not repeatedly decided during the war that there was no jurisdiction in the State courts to discharge persons who had been wrongfully enlisted?

Mr. BUTLER, of Massachusetts. While the writ of *habeas corpus* was suspended.

Mr. POLAND. But it was in States where the writ of *habeas corpus* was not suspended.

Mr. BUTLER, of Massachusetts. Where was that?

Mr. POLAND. Was it suspended anywhere in New England?

Mr. BUTLER, of Massachusetts. Yes; and in Maryland, which was a loyal State.

Mr. POLAND. I had occasion, occupying at the time a judicial position, to have several cases brought before me where men had been improperly enlisted, and I became satisfied that I had no jurisdiction in the matter, and not upon the ground of the suspension of the writ of *habeas corpus*.

Mr. BUTLER, of Massachusetts. That stands upon an entirely different principle. I am sorry my friend did not carry his judicial investigation far enough to ascertain that.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I would like five minutes more.

Mr. CANNON, of Illinois. How much time have I left?

The SPEAKER. The gentleman had thirty-eight minutes; and the Chair has divided it precisely in the middle.

Mr. CANNON, of Illinois. I will yield five minutes more to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I am obliged to the gentleman for his courtesy. The gentleman from Vermont [Mr. POLAND] will see that his cases rested upon the ground of a contract. The enlisted man had signed the Rules and Articles of War. To-day you would hold such a man as an officer or soldier of the United States; not as a civilian arrested by an officer of the United States; that applies to an entirely different condition of things. All these things are plain and easy if you will only look at them without emotion in the clear light and logic of the law.

I want to say again that the great advantage of suspending the writ of *habeas corpus* is that it allows the military officer, when he arrests a man that rides at night, to take him to the marshal and have a complaint made against him and hold him until he can get him before the court.

One word more, and I will pass from this discussion, and perhaps forever. I sat here, at the risk of my health and life, twenty-odd hours, through the long watches of the night, fighting to bring this bill before the House for consideration against the filibustering motions of the other side, believing it to be my duty so to do. There were men of the republican majority who chose to go to their beds and take their rest. They now come in here and are very anxious that this debate shall be continued and of extending the time for debate to the factious minority.

At midnight we lost an opportunity of getting on with the bill because we wanted one of a quorum. The gentlemen on the other side, as they had the power to do—and I do not blame them for the exercise of that power—refused to vote, and so broke up a quorum and postponed the bill twelve hours. But what shall we say of the republicans who were in their beds, or at dinner, or frolicking somewhere, while we were wearing out our lives in order to meet this great exigency of the country? They are now very anxious to go on with this debate in the last hours of the session. Not only are they anxious to have the debate for themselves, but that our filibustering friends on the other side shall have ample time to debate. If the minority had only debated the bill through that twenty hours, they would have talked themselves out entirely; they would have had full opportunity for debate. That is why I think it best to be not overcourteous to them in that regard just now. I observe that all the courtesy comes from gentlemen who were at home sleeping with their wives at night while I was here with the true men standing to our duty.

Now let me tell those gentleman that if by their conduct they have allowed the minority to stave off this bill so that it is too late to pass it at this session, when they shall hear of a church burned, or a man being murdered at the South, and shall see his widowed wife and orphaned children——

Mr. ELDREDGE. I insist upon order being maintained. We cannot hear what the gentleman is saying.

The SPEAKER. Gentlemen standing in the aisles will please resume their seats.

Mr. BUTLER, of Massachusetts. I hope this does not come out of my time.

After a pause,

The SPEAKER said: The gentleman will proceed.

Mr. BUTLER, of Massachusetts. When they hear the shriek of "murder" and see the widowed wife and orphaned children coming north, fleeing from the white-leaguers and Ku-Klux raiders, I trust their sleep will be as sweet as it was on that night when I was standing here for the safety of these poor creatures, at the risk of health, and they were at home sweetly sleeping. When they hereafter meet a widow of some murdered soldier from the South who asks for alms, do not send them to me, but let them give all that is necessary to sustain that poor creature themselves. Let each one of them say to that starving widow, "I am sorry that I did not stand up and defend you by the passage of a proper law; I am responsible; you need not trouble General BUTLER; he did sit up, and he has got to pay his physicians' bills and I have not, and I will take care of you."

And hereafter, Mr. Speaker, when you meet in Augusta, Maine, or in some other beautiful town in that State some poor, wretched refugee who went down South with his knapsack on his back and remained there—a carpet-bagger, if you please—until he was driven out for want of a law to protect, and he complains that you did not pass the law, tell him that parliamentary law required you to allow the democratic minority to control us, the republican majority, for hours, so that the golden opportunity was lost; that you were sorry for it; and be very sure to say at the same time, "What can I do to relieve you?" You never will forget to do that, I am sure.

Gentlemen of the House of Representatives, the question of life and death for hundreds of true men, black and white; the question of good government, anarchy, of peace or war, in my judgment, is to be decided now and here by our votes. Let us have no delay.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 455) for the relief of William M. Kimball;

An act (S. No. 459) for the relief of William D. Patton; and

An act (S. No. 674) to relieve D. C. Anderson of political disabilities.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance;" and

An act (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California.

SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill for the security of elections, &c.

Mr. CANNON. I now yield to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, in the limited time allotted to members in this debate I hardly know how to approach a subject which all will recognize as one of the most important that has come before this Congress. There is no disguising the fact, that in its consideration we have all experienced feelings of anxiety, hesitation, and doubt. But we cannot escape action upon it if we would. It stands before us and we must dispose of it. We are at the parting of the way; we must proceed along one road or the other. The one we take here to-day may lead up to prosperity and peace, and it may lead down to disaster and ruin. For one sir, whatever may be the result, or whatever the consequences to myself personally or politically, I shall give the benefit of the doubt to the side of humanity, to the cause of the downtrodden and oppressed, to the staying of red-handed outrage, to the vindication of law, to the preservation of peace, to the building up of self-reliant manhood, and to the full protection of the humblest American citizen though he have his home in the remotest corner of the Republic. Sir, the government that does this, whatever may be its form or its name, attains the highest object for which governments are instituted among men; and the government which fails, or neglects to do this, I care not what its pretenses may be, falls short of the very object and end for which all human governments exist.

Mr. Speaker, we have never yet had, and we shall not have in this country a government which even begins to realize the object for which ours was ordained, namely, "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," until the citizens of each State and of all the States can pass freely to and fro, select their domiciles where they will and avow their sentiments as they please, unawed by the assassin's knife and unterrified by the rifle or revolver which sends the deadly bullet crashing through their houses in the night-time, and fills the air with shrieks of horror and distress. But what "justice" is that where law is defied, where courts are overthrown, where judges are sent fleeing for their lives under the cover of night? And what "domestic tranquillity" is "insured" where unarmed and defenseless men can be shot down on their own door-sills, and the missiles of death sent whistling through the beds of sleeping children? And what "blessings of liberty" are secured where men are hunted like wild beasts to the canebrake; their houses robbed; their wives and children terrified; their fields laid waste; their cattle, horses, and mules driven off, and no offender brought to justice, and no attempt made to restore to them the property of which they have thus been despoiled? Sir, a government which permits these things to be done, and to continue, without furnishing a remedy for their correction, not only fails in the highest functions of government, but to these poor victims it becomes a mockery and a curse.

But what amount of power shall be exerted to guarantee to all the blessings of republican government? I answer, Let the power be measured by the full protection of the citizen, and let him not suffer by the fact that he stands under the flag of his native soil rather than in a foreign land. Sir, the legal aspects of this bill have been so clearly and cogently presented by the gentleman from Massachusetts [Mr. BUTLER] and others that I have no desire to pursue that line of discussion even if I possessed the ability and had the time to do so. I simply desire to call attention to a few extracts from the decision of the United States Supreme Court in the Louisiana

Slaughter-house cases, 10 Wallace, showing the object for which the thirteenth, fourteenth, and fifteenth constitutional amendments were adopted and indicating the source from which Congress derives the power to protect the colored man in his newly acquired rights. The court say:

> The most cursory glance at these articles discloses a unity of purpose when taken in connection with the history of the times which cannot fail to have an important bearing on any question of doubt concerning their true meaning.

Speaking of the thirteenth amendment they say:

> The word *servitude* is of larger meaning than *slavery*, as the latter is popularly understood in this country, and the obvious purpose was to forbid all shades and conditions of African slavery!

Passing on to the fourteenth amendment the court say:

> Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal Government were laws which imposed upon the colored race onerous disabilities and burdens. * * * * * * *
>
> They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil without the right to purchase or own it. They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men either because the laws for their protection were insufficient or were not enforced.

The court, after saying that the gentlemen who had conducted the Federal Government safely through the crisis of the rebellion, being convinced that constitutional protection was necessary for this unfortunate race, proceeds:

> They accordingly passed through Congress the proposition for the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a final vote of their legislative bodies.
> * * * * * * *

A few years' experience satisfied thoughtful men who had been the authors of the two amendments that notwithstanding the restraints of those articles on the States, and the laws passed under the additional powers granted to Congress, these were inadequate for the protection of life, liberty, and property, without which the freedom of the slave was no boon. They were in all these States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctly marked, as was the negro, being in the midst of another and a dominant race, could never be fully secured in their persons and their property without the right of suffrage. Hence the fifteenth amendment, which declares that—

> The right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude.

The negro having by the fourteenth amendment been declared to be a citizen of the United States, is thus made a voter in any State of the United States of the Union.

Thus, Mr. Speaker, it will be seen that the thirteenth amendment emancipated the slave, but virtually left him an outlaw; the fourteenth amendment clothed him with citizenship; and the fifteenth gave him the right of suffrage. The three combined raised him to the dignity of a man, and invested him with the rights, the privileges, and immunities of a citizen. The court say:

> On the most casual examination of the language of these amendments no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been suggested. We mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppression of those who had formerly exercised unlimited dominion over him.
> * * * * * * * *
>
> We do not say that any one else cannot share in this protection; * * * but what we do say, and what we wish to be understood, is, that in any fair and just construction of any section or phrase of these amendments it is necessary to look at the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued addition to the Constitution until that purpose was supposed to be accomplished as far as constitutional law can accomplish it.

Here, Mr. Speaker, we are brought face to face with our duty to protect by every constitutional means this class of citizens; and the only question here to-day is, will we perform this duty or will we shirk it? Will we protect these men or will we leave them to be overborne and butchered? That, sir, is all there is of it. If we will not or cannot protect them, then let us say so. Let us admit that our system of government breaks down at this vital point; but let us prate no more about the "equal protection" of all men under the law; let us talk no longer of the glories of free institutions if, under them, unoffending citizens can be more cruelly persecuted than in Austria or Russia.

This bill seeks to guard more effectually the purity of the ballot-box. If protection cannot be afforded in this way, how can it be? If the sacred right of choice through the ballot-box may be ruthlessly trampled under foot, what vestige of free government remains in this country that is worth preserving? Sir, I have heard much said about the sacredness of constitutions and the danger of familiarizing the minds of the people with the suspension of the writ of *habeas corpus* upon slight pretext of danger, and I have felt the force of all this; but back of all constitutions, back of the great writ of personal liberty, back of free institutions themselves, stands this sacred right of the citizen to the free, unfettered expression of his choice at the ballot-box. This is of the essence of things; these others its form and product. Tamper with this, and you poison the stream at its source. A mob cannot get up a republican government. Any schemer can draught a constitution republican in form, but until the will of the people has breathed upon it, there is no life in it; and to give it vital force, that will must be free, not expressed under intimidation, force, or fraud; so free, that not only will the boldest feel secure, but the timid realize that he is protected in the free declaration of his choice.

Pardon me, Mr. Speaker, if I say I think it is not so much the familiarizing of the minds of the people of this country with the fact that the writ of *habeas corpus* may be suspended in order that violence, robbery, and murder shall be put down as it is the lesson so rapidly being taught them that men may tamper with the ballot-box, intimidate the voter, mutilate and forge returns, and "count in" their men regardless of the choice of the electors, and if by any means he shall procure a certificate of election, his party friends will sustain him, no matter how accursed the processes by which he attained his end. It is this which is sapping the foundations of representative government in this country. I do not say that a *de facto* State government irregularly established and sustained more or less by force or fraud may not sometimes be recognized as a necessity or in the interest of peace, especially where the power of the General Government to interfere is doubtful; but I do say that whenever this occurs there is a triumph of the mob spirit and a direct invitation to a repetition of the offense, the frequent recurrence of which is only necessary to unsettle the whole constitutional Government. It is to remedy these things and to throw around the ballot-box additional guards and guarantees that the present bill has been proposed and brought forward. As to the necessity of its passage or the fact of the existence of intimidation, outrage, and violence in the South, there is and there can be doubt. That the better class of southern people either instigate or approve of these atrocities I neither assert nor believe; on the contrary, I am well convinced that in many instances they deplore them. But such is their firm belief in the natural inferiority of the negro and his unfitness to participate in public affairs, and such their accustomed habit of exacting from him instant and unquestioning obedience, that whenever he asserts the right, assumes the dignity, or exhibits the pride and spirit of a man, he arouses within them the hottest resentment, and they seem possessed only of the desire either to rule him or rid themselves of his presence. Let him dare to oppose force to force, and the feeling which was before held in restraint now rises to a fury.

I have said, sir, that the better class of southern people neither instigate nor approve of these acts of cruelty; and I reiterate it. But are they any the less responsible? Let them say the mere word, and from that hour these outrages would cease. Suppose the case reversed, and these same atrocities were being perpetrated by the blacks upon the whites of the South. How long would it be before the country would be aflame, before United States troops would, if need be, garrison every town and hamlet of the South, and do it, too, not only with the approval but by the direct request of the people of the North? Is this an inconsistency? Ah, sir, it is not the first inconsistency which has burrowed itself in this painful subject. But what are these outrages, and what the evidence of their existence, or of the necessity for the passage of this bill? Sir, could twelve of the witnesses who testified before your investigating committee at Vicksburgh stand there at the Clerk's desk and tell their plain but terrible story in the presence of this House, I should be quite content to submit the question of fact to a silent vote. We can indeed reproduce their words; but mortal man can never reproduce here or elsewhere the sad, submissive, but uncomplaining manner in which they testified. To the honor of human nature be it said that the roughest spirits present were awed for the moment by the ghastly story of their wrongs, while the better class of citizens were not less horrified than the members of the committee themselves. As these poor creatures cannot speak in person here, let some of them speak from the printed pages of the testimony:

MATILDA FURMAN (colored) sworn.

Question. Was your husband killed in Vicksburgh?
Answer. Yes, sir; on Cherry street.
Q. When?
A. On Monday—on the Monday we had a fuss here.
Q. Have you any family?
A. Yes, sir.
Q. Any children?
A. Yes, sir.
Q. How many?
A. Four of us. Of the family, my husband had one child of his own, and his step-child by his other wife. That was before he lived with me.
Q. Have you any chilren of your own?
A. I have, sir.
Q. And you have all the family together now, his children and your children?
A. Yes, sir; all together.
Q. They were living with you when he was killed?
A. Yes, sir.
Q. When was he killed?
A. On the Monday that they had the fuss here in town.
Q. Did you see him killed?
A. No, sir; I didn't.
Q. Where did you find him when he was killed?
A. I found him out on Cherry street, just beyond a colored lady's by the name of Mrs. Campbell.
Q. Had he been shot?
A. Yes, sir; he was shot.
Q. How many balls—more than one?
A. I do not know.
Q. Where was he shot?
A. In through here, [indicating.]
Q. Right through his waist?
A. Yes, sir.

Q. He was dead when you found him?
A. Yes, sir; he was dead when I found him.
Q. Was he in the fight himself that day?
A. No, sir; he had no arms at all.
Q. Did you leave home with him at the time he was shot?
A. I left home with him. He went to get some money.
Q. How far did you go with him?
A. I live on Magnolia street, and I went down until we got in Cherry street, and then I started after my washing, and he started to go in another direction to get his money. Soon after this I was told that my husband was shot, lying up there on Cherry street, dead. And I walked up a piece. They told me to "go to Crosby and Ames for that political carcass."
Q. Who told you that?
A. I don't know who it was. It was a white man.
Q. Did they mean your husband?
A. I had then got to him, and was lying down on him.
Q. It was while you were down by your husband that they told you to go to Ames and Crosby for the political carcass?
A. Yes, sir; right there by him; and they were white men that I seen in town, though I didn't know them. I asked them to please help me.
Q. What did you want to do?
A. My husband was there, and I wanted him taken home. It was all that I could do.

AMBROSE BROWN (colored) sworn and examined.

Question. What is your name?
Answer. Ambrose Brown.
Q. How old are you?
A. I do not know, sir.
Q. How old do they call you?
A. About fifty-two or fifty-three; I have got my age at home.
Q. Do you live here in Vicksburgh?
A. Yes, sir.
Q. Where?
A. Just a little below Mr. John A. Klein's house, in his bottom there.
Q. What do you do for a living?
A. Running a dray and farming in the summer.
Q. Were you in the city on that Monday when that trouble occurred?
A. Yes, sir; I walked up on the corner of South and Washington streets at the time of the ringing of the bells.
Q. Did you have any trouble that day?
A. Yes, sir; I did.
Q. Tell us all about it.
A. When I got up there on the corner of South and Washington streets, opposite Doctor O'Leary's drug store, Captain Cowan came riding up. Says he, "You God damned son of a bitch, get off this pavement. If you don't, I will blow the top of your head off." Says I, "Captain, I don't see no harm to walk on the pavement." He drew his pistol—bang!—and that quick shot me; and I never opened my mouth except to say what I did. I was sort of staggered, and another man standing opposite of me when he shot me, named Bill Vick, grabbed me by the arm and took me home. By the time I got home my shoe was full of blood as it could be.
Q. Where were you shot?
A. I was shot on the left shoulder.
Q. Was Captain Cowan on horseback?
A. Yes, sir. I did not believe he would shoot. I knew enough not to sass him, and did not do it.
Q. Who was with you at that time?
A. William Vick.
Q. Is he a colored man or white man?
A. A colored man.
Q. And he took you home?
A. Yes, sir. * * * The minute that I replied back to him that I did not know it was any harm to walk on the pavement, he out with his pistol and went—bang! I don't see how he missed Bill.
Q. Did the shot go through your shoulder?
A. O, no, sir; the ball is in there now—right in here, under the collar-bone. I sent for a doctor. It was some two or three days before I could get any doctor; and, in fact, I could not get any until I sent to young Mr. Doler to come. He went and got Doctor Hunt; and he probed for the ball; but it had been there so long he said it was not worth while to try to get it out. And he could not get it without cutting the arteries, there, close to the backbone; and it might cut some of the arteries of the neck. And he advised me not to let any one else try it.

Mr. Speaker, as I have said, the words of this old man can be reproduced here; but the pensive look and quivering voice with which he told his simple story cannot be reproduced. He was not arrested, as he might have been had he been showing resistance. He was scarcely warned, but was shot down in an instant. A defenseless old man shot like a dog in the streets and miles away from any actual conflict. Ah, sir, life is cheap! too cheap in some parts of the South.

EMILY BOYD (colored) sworn and examined.

Question. Is your name Emily Boyd?
Answer. Yes, sir.
Q. Are you married?
A. Yes, sir.
Q. Where do you live?
A. I live out on the place that they call Cook's place, out the Jackson road. It sets off from the Jackson road.
Q. How far from the town?
A. About eight miles.
Q. Is your husband living?
A. No, sir.
Q. When did you know of his death?
A. That Monday.
Q. When the trouble was here?
A. Yes, sir.
Q. At what time did he leave home?
A. He left in the morning with the rest of the colored men who were coming in town.
Q. Now just tell me who, if you know who, was it that brought that party into town. Who was the leading man among you folks out there?
A. I do not know, sir. We heard of it at church. It was given out at Freetown church on Sunday that the men were all to meet here on that Monday to salivate Peter Crosby in his seat.
Q. You mean to help him?
A. Yes, sir.
Q. Did your husband go along with them?
A. Yes, sir; he was with those men.
Q. At what time of the day did he leave home?
A. After breakfast.
Q. How many of them came?
A. I do not know how many on my place.
Q. When did you see him again?
A. I never saw him until Thursday. We came up on the road that morning and helped pack the men out of the hollows on Thursday.
Q. You came out after the men?
A. Yes, sir; we women packed them out of the hollows.
Q. How many dead men did you find down there?
A. I never seed but four, with my husband.
Q. Do you know who they were?
A. Mingo Green, Joe McGrant, and Wash. Tinsey.
Q. And your husband?
A. Yes, sir; that made the four.
Q. Where was he hit?
A. He was hit through the hand, and then shot through here, [pointing to the breast.] And his mule we never got. We women took these four bodies back.
Q. Why didn't any men go with you from home?
A. They were in the woods; there didn't anybody come but we women; the men said they were afeared to come; and we women come and got them ourselves. We got them to dig the grave, and they put one of the men watching until they dug the grave.

Let it be remembered that for four days these bodies lay bloated and festering in the open country, near the public highway, and within four miles of the court-house at Vicksburgh.

Mr. ELDREDGE. Will my colleague allow me to ask him a question in this connection?

Mr. WILLIAMS, of Wisconsin. Certainly, if it is not too long.

Mr. ELDREDGE. It will be very short. My friend lives in the county of Rock, one of the strongest republican counties of the State of Wisconsin. Does he remember the occasion when a man who had been tried by the courts there was taken from the custody of the sheriff and hanged to a tree right in the midst of that great moral and republican community?

Mr. WILLIAMS, of Wisconsin. I remember it well, although I was not there at the time; and I remember equally as well that the leading men of that city and of Rock County did their very best to prevent this outrage; that this was nineteen years ago, and nothing of the kind has recurred there since.

A MEMBER, (on the democratic side.) So do we try to prevent them.

Mr. WILLIAMS, of Wisconsin. So do you! Yes, so you say. But if you denounce such outrages why can they not be stopped?

A MEMBER. They will be.

Mr. WILLIAMS, of Wisconsin. Thank Heaven for that. But I will proceed:

LOUISA BANKS (colored) sworn.

Question. Where do you live?
Answer. Out on Jackson road.
Q. How far out from the town?
A. Three and a half miles, I reckon, on Mr. Bay's place.
Q. Have any of your family been killed lately?
A. Yes, sir.
Q. Who has been killed?
A. My husband and son.
Q. Where?
A. Right out from my house.
Q. What day?
A. Monday.
Q. What time of the day?
A. I reckon between ten and eleven o'clock.
Q. How old was your son?
A. Eighteen years.
Q. Now tell us how that happened?
A. All I can say, a gentleman rode up to where my husband was standing right outside the door, and they told him to come out immediately, and he went out, and they asked where was his son, and he said in the house; he told him to call him out, and he called him out.
Q. What was done then?
A. We had a pistol there, and they asked for it; they struck at him with a gun and ran him back in the yard behind a hay-stack, and he ran down the hill, and they shot him.
Q. That was your husband?
A. No, my son; they had my husband holding the horses until they shot my son, and when they came back they made him tie the horses and told him to walk out, and ten or fifteen yards from my door they shot him.
Q. Who did this?
A. I do not know, sir.
Q. How many of them were there?
A. Five of them.
Q. Were they on horseback?
A. Three of them on horseback and two on mules.
Q. Do you know anything about a fight had there on Jackson road?
A. I heard them shooting up there, and that was all I know.
Q. Was this after that?
A. Yes, sir.
Q. Your husband and son were in your own house.
A. Yes, sir; in my own house.
Q. Had they been away that morning?
A. No, sir; my husband had not left home, for they said every man who staid at home attending to his business they would not hurt them.
Q. Had your son been out?
A. No, sir; not on the road, that I know of. We sent him down to cut some wood that morning, and when he heard such a fuss on the road shooting he came into the house, and his father told him to stay in the house and nobody would hurt him.
Q. You had heard somewhere that people who staid at home would not be hurt?
A. Yes, sir.
Q. Did they get off their horses when they came in?
A. Two of them got off and the other three staid on their horses.
Q. What was the first thing they said?
A. They just came up and hollered to my husband to "come out here," and said they were going to settle this thing that day.
Q. What did he say?
A. Never said anything, but went right up to them.
Q. What did they say to your son?
A. They asked him for the pistol, and they got the pistol up there in the house; it was lying up a loft; a white man reached up there and took it down.
Q. Then did they say anything else to your son?

A. No, sir.
Q. Where did he go?
A. He went on through the house. A man urged him on with a gun, and he ran through the house and he ran after him.
Q. Did the man go through the house, too?
A. He did, sir.
Q. How far from the house was he shot?
A. Just right out behind the house where he was shot at; then he ran down the hill about fifty yards.
Q. Was he shot at more than once?
A. Twice.
Q. Did the first shot hit him?
A. Hit him right in his back.
Q. Where did the second shot hit him?
A. Right in here, [indicating the breast.] He was lying flat on his back, and the hole was right in here.
Q. They shot him after he fell?
A. I suppose they did, by that.
Q. Did the men say anything after that?
A. Never said anything; only told us women to go into the house and shut the door.
Q. Was your husband holding the horses?
A. Yes, sir; while they were shooting his son; and then they made him tie the horses and told him to walk out.
Q. What was their language?
A. "You tie them horses and walk out here."
Q. How far did he walk from where he tied the horses?
A. About ten or fifteen yards.
Q. And then what did they do?
A. Nothing; but just shot him right down.
Q. More than one shot?
A. No, sir; one shot, right through his neck.
Q. What did they do then?
A. Jumped on their horses and told us to go into the house and shut the door.
Q. What did they do next?
A. Just came up the road.

Mr. O'BRIEN. Let me ask the gentleman a question.

Mr. WILLIAMS, of Wisconsin. How much time have I left?

Mr. WILSON, of Indiana. Does the gentleman from Wisconsin know of anybody being punished there for such crimes?

Mr. WILLIAMS, of Wisconsin. Certainly not.

Mr. O'BRIEN. Let me state that at that time war was existing in the streets of Vicksburgh, brought on by the republican governor of the State of Mississippi, against the white men of that city, who stood in defense of their homes and their families and their most cherished interests.

Mr. WILLIAMS, of Wisconsin. Hold on, my friend, or there will be no time left for any of us. Let me ask the gentleman from Maryland [Mr. O'BRIEN] if eight days after, when three men were taken into a hollow, their brains knocked out, their throats cut, their ears cut off, their bodies left on the public roads to be further mutilated, if that was the state of war to which he refers, and if not, will he tell us, as he was on the committee, if anybody has been arrested for that outrage? When Buck Warrall, the next day after this Monday fight, miles away from the city, was driven from his own house by armed men and fled to Mr. Edwards, his employer, for protection, and was driven out by the female members of the family and shot dead at the door-yard gate in the presence of his frightened wife—was that the state of war to which my friend from Maryland [Mr. O'BRIEN] refers?

Mr. O'BRIEN. You ask me a question; let me answer it. Will the gentleman give me an opportunity to answer the question he put to me?

Mr. WILLIAMS, of Wisconsin. If the House would consent and it did not come out of my time, I should not object if you popped away at me all day, because these things are in the testimony; they are God's truth, and the gentleman knows it.

Mr. O'BRIEN. Then if you will not, I will answer it when I obtain the floor.

Mr. WILLIAMS, of Wisconsin. Now that I have more time than I thought I had, notwithstanding these interruptions, I will read from this volume of testimony which I hold in my hand, as these witnesses tell their story far more eloquently than I can. And if there be no objection, I will insert such portion in my remarks as I have not time to read. Now let us see about this man Warrall:

PEGGY WARRALL (colored) sworn.

Question. Where do you live?
Answer. On Mr. Edwards's plantation out in the country.
Q. How far from the city?
A. I do not know how many miles—eight miles.
Q. What road is it on?
A. On the Jackson road.
Q. Are you married?
A. Yes, sir.
Q. What is your husband's name?
A. His name is Buck Warrall.
Q. Where is he?
A. They killed him.
Q. Who killed him? Tell me about it.
A. He run up to the house, to some white folks' house, for them to defend him, and they had him took out of the yard and shot.
Q. What day was that?
A. On Tuesday.
Q. Did you see them when they shot him?
A. Yes, sir; he was standing right out there in the road.
Q. You saw them when they shot him?
A. Saw them when they shot him down.
Q. Who shot him?
A. Alex. Hebron shot him. I was looking right at him.
Q. What did he shoot him with?
A. Shot him with his gun.
Q. Did you hear them say anything to him?
A. They had been up there to the house asking for him, and they had him taken out of the yard and shot.
Q. What did they say when they shot him, or before they shot him?
A. I never heard what they said to him before they shot him.
Q. Where had he gone from when he went up to Edwards's?
A. He went from his house.
Q. What did he go to Edwards's house for?
A. For them to friend him; and they drove him out toward the road, and told them white fellows to take him out there, not to shoot him in the yard, but to take him outside the gate, and they didn't care what they did with him; and they just carried him outside the gate and shot him down; *and he laid out there for two nights and two days, and the dogs ate his face and head all off before we women could bury him. There was nobody to bury him but the women, and we buried him the best way we could.*

ALEXANDER HEBRON sworn.

Question. It has been sworn here in testimony that this man Warrall, running away from the pursuit of these men, entered Edwards's house, and was driven out by Martha Edwards, and that upon his being driven out of the house and out of the yard, you killed him with your shot-gun.
Answer. No, sir; I did not.
Q. Was he killed at that time, if at all?
A. No, sir.
Q. You have no knowledge about his being killed?
A. No, sir.
Q. What day was it that you were at Edwards's house?
A. On Tuesday.
Q. What time on Tuesday?
A. I don't know.
Q. About what time?
A. I have no idea. It was about noon or afternoon.
Q. Who were these men that you found there that had this man Buck Worrell?
A. There was Mr. Couch and Mr. Darden. There were several others, I think.
Q. Are there any others in that party that you know?
A. No, sir.
Q. You say they took this man out about three hundred yards?
A. They were about that distanece from the house when I left them.
B. While you were there he was not killed?
A. No, sir.
Q. Did you hear shots before you got away?
A. I heard firing.
Q. Right there where you left them?
A. No, sir; I didn't hear firing where I left them.
Q. Was not the man killed?
A. They said he was.
Q. Who said he was?
A. I heard several of the company.
Q. That same party?
A. No, sir; I didn't hear the same party; I heard some men say so afterward; I just went around and came up back, and I heard several men say afterward that the man was killed.
Q. You don't know where he was killed except by information?
A. No, sir.
Q. Was it reported in your company that he was killed?
A. That is what I heard.

Will any one claim that this poor woman's story is not substantially true, or will it be pretended that this is a product of the "outrage-mill?"

ISAAC MOSELY (colored) sworn.

Question. Where do you live?
Answer. I lives out beyond—you may say between the two roads—between the Benton road and the Milldale road.
Q. How far from town?
A. About nine miles
Q. How old are you, do you suppose?
A. I am said to be fifty.
Q. How long have you lived there?
A. This coming May, thirty-three years.
Q. How long have you lived in the county?
A. Ever since 1844; ever since I came to this country.
Q. Do you know of the killing of any black men?
A. I never seen none.
Q. Do you know of any found killed?
A. Yes, sir; Joe Cook, out beyond by Banks's, and George Shepard, and Emanuel Tooles, who lived on Mrs. Widow Black's land. George Shepard, he lives on Bill Wadleigh's place, about a mile and a half from here.
Q. Did you see the dead bodies?
A. Yes, sir; I seed them.
Q. When did you see them first?
A. About a week before Christmas.
Q. Were these all colored men?
A. Yes, sir.

This was the week before Christmas; remember the "war" was the 7th of December; and these men were killed during that week, and buried the week before Christmas.

Q. You understood they were taken there to be killed?
A. Yes, sir.
Q. Do you know who took them there?
A. I will tell you; the man that sent for George Shepard, that was Captain Hogin. For at the time that they went to George Shepard's house George said to Mr. Harris, "What do you want of me; you are going to kill me?" He says, "O, no, George; I am not going to kill you; I just want you to tell me all about what you were doing on the Jackson road." And they took George Shepard there. Captain Wilmore, who lives on Oak Ridge, he came to my house hunting round on Sunday.
Q. Hunting arms?
A. Yes, sir.
Q. The Sunday after the fight in Vicksburgh?
A. Yes, sir.
Q. What did he say?
A. I asked him his name, and he told me. I told him, "What are you going to do with George," and he said he was not going to do anything with him, only he wanted him to tell what he knew. "We are not going to kill him at all; I am going right back." And when I turned round they had went back and had taken George up to Mrs. Fox's and Mr. Burns's store, and they killed him. Bill Wadleigh went up there (he lived with Bill Wadleigh) and asked if they would turn him loose, and they said they would; and Captain Hogin, he went off; and Captain Reed went off; and Captain Alexander Hogin went off; and then the other men took George and carried him off and killed him. Captain Alexander Hogin went for him (George Shepard) in the night.

Q. You saw all these three men lying dead within about fifty yards of each other?
A. Yes, sir.
Q. What day did you see them after that Sunday?
A. I saw them on Wednesday.
Q. What kind of a place were they in?
A. There was cane on one side of the road.
Q. Were they in the cane?
A. George Shepard was lying right in the road, and the others right on the side of the road.
Q. Next to the cane?
A. Yes, sir. Their wives had gone up there and got them taken up and buried.
Q. And you say you think they had been killed?
A. Yes, sir.
Q. How?
A. George Shepard on this part of the head [indicating forehead] was shot off, and old man Joe Cook was shot through the neck and his throat was cut. Emanuel Tooles's throat was cut. George Shepard was shot through the head; his head was shot all to pieces.
Q. Was his brain coming out?
A. Yes, sir.
Q. And Cook had his throat cut?
A. Yes, sir; he was shot, and then his throat was cut.
Q. Where was he shot?
A. Up near his neck here, [indicating.]
Q. How was the other one, Tooles, shot?
A. He was shot near about the same way, and his throat was cut, and then his ears were cut off; and Cook's ears were cut off. We had a terrible time of it out there. I could not stay in my house at night.
Q. You think that there are colored men hiding yet?
A. Yes, sir; they are afeard now to come home to their families. I heard them say—I ain't going to tell you nothing that I didn't hear—I heard them say these words myself, that they wanted to kill off all the colored men; then they would take the women and put them to work, and make them do what they pleased with them.
Q. Are the colored folks out where you live afraid to be at home after this?
A. No, sir; I don't know after this; but some of them did not come in Christmas, and if they come in they slip out nights, for the men did not stop riding down there.
Q. The men did not stop riding?
A. No, sir.
Q. Had not stopped riding until Christmas?
A. Yes, sir. I know I lived out in the country, up the road about two miles, and every night I could hear them going up by my house, and I was scared, and when I heard them coming my dog would bark, and I pulled up my floor, and I would roll out under the floor.
Q. You would go out through the floor?
A. Yes, sir; and go up in the hollow to the cane.

LUCINDA MITCHELL (colored woman) sworn.

Question. Where do you live?
Answer. Out on Fort Hill here, next to Mr. Chappel's place?
Q. In the city here?
A. Yes, sir; in the city.
Q. Did you live there at the time that this trouble was here in Vicksburgh, in December?
A. I have been living there three years the 3d of January.
Q. Did you know of any colored men killed in that neighborhood?
A. Yes, sir.
Q. Who was it?
A. An old crazy man, Tom Bidderman.
Q. Did you see it?
A. I saw it.
Q. Tell me what you saw?
A. I saw them kill him. When they rode up to the gate the old man was sitting on the gallery; he goes and opens the door and goes out on the gallery, (stoop,) and then goes back in the house and shuts the door to. They opens the door and asks him if there was any guns inside. He said there was one. They says, "Then I want it;" and the old man said, "You can't have it; it is mine." And he shut the door. The white man says, "God damn you; I can break it down." He pushed the door open and shot him. The first shot went in his right side and the second right in his right shoulder; and the other load went in his head.
Q. At whose house was it?
A. Murray Thomas's.
Q. Was he a pretty old man?
A. Yes, sir; I have known him for six or seven years, and he always seemed to be crazy; and made his living hunting and fishing. He had a basket of squirrels sitting in the house for Mr. Thomas to sell next day for him.
Q. What time was this?
A. I don't recollect the day of the month. It was Tuesday night.
Q. What time in the night?
A. About nine o'clock.

MURRAY THOMAS (colored) sworn.

Question. Where do you live?
Answer. I live out here on the cemetery road; on the Yazoo Valley road.
Q. Inside of the town?
A. Inside of the corporation.
Q. The same place that this woman has been testifying to?
A. Yes, sir.
Q. What do you know of a man named Bidderman being killed in your house?
A. Tom Bidderman was killed in my house.
Q. State what happened there that night. First, where did you go?
A. I was standing in the road, and I heard some shots fired up at my house, and I heard my wife holler, and one of the gentlemen who was there observed to me, "Where is that shooting? It is somebody shooting up there at your house." I says, "Gentlemen, it is no person shooting there except some of those men."
Q. When you came into the house did you see the old man?
A. Yes, sir; he was lying right down one side of the house.
Q. Was he inside of the house?
A. Yes, sir; he was inside of the house. The balls passed through into the other room, and came near killing my two children.
Q. In which room did you find the old man?
A. Into the first room; the front room.
Q. Where were your two children sleeping?
A. Just into the back room.
Q. Where did you say the ball had gone?
A. I do not know whether it was the first, or second, or the fourth; but one of the balls came that near the children, [indicating;] it went into the lower room, and went through the partition of the house, and over my children's bed, and went out again into the air.

* * * * * * *

Q. Were you a soldier in the United States Army?
A. Yes, sir; in the Fifty-second United States.

Sir, ours is the Government for which this poor man fought, and the above is the kind of protection which we give him in return. Let it be remembered that this was twenty-four hours after the fight; and that the perpetrators of this murder were no straggling desperadoes, but a band of sixty mounted men, officered and under command, filing up the street. If it be said that officers cannot always control the excesses of their men, then why have not these offenders been arraigned and punished under some law, civil or military? The answer is too obvious. The purpose is to strike terror deep into the hearts of the colored people and deter them from asserting their rights either as men or citizens; and while the better classes of whites would not advise these outrages, there is no public sentiment which demands their punishment.

NICEY HILLIARD (colored) sworn.

Question. Did you live in Vicksburgh at the time this trouble was here?
Answer. I lives out here about half a mile, as near as I can come at it, over the breastworks.
Q. Did you have a husband at that time?
A. Yes, sir.
Q. Did you know of his being killed?
A. I found him dead.
Q. Had your husband been out in the fight that day?
A. No, sir.
Q. Was you at home that day?
A. No, sir; I was not at home; because when I saw the men coming I was scared, and he was there, and he said, "Nicey, take the children and go;" and he said the white people were shooting, and we could see it. I was sick and scared too I took my children and went away from the house, and I got about as far away as from here to Washington street, I reckon, and I saw Handy going to put the calf up. I said, "When you put the calf up, you come on, too." I kept going on and looking back, and I ain't seen him come yet.
Q. Did he have any gun or any kind of weapon?
A. No, sir; he did not have any arms, because he said he was going to get out of the way, and we were all scared. I was so scared I hardly knew what to do.
Q. He was trying to tie up the calf and then come to join you?
A. Yes, sir.
Q. You did not see him killed?
A. No, sir; I did not see him killed, but heard the guns when they went off; but I did not know it was him.
Q. Where did you go with the children?
A. We went a piece to the other side of my plantation.
Q. Into the woods?
A. Yes, sir.
Q. How long was you there?
A. We were not there very long before they got scarce and then we came out.
Q. And when you came out you found him?
A. Yes, sir.
Q. Where was he shot?
A. Just right here in his left breast. [indicating.]
Q. What was his name?
A. Handy.
Q. How many children have you?
A. Three children.
Q. When did you bury him?
A. I never got the chance to bury him until Wednesday. I had to come to town to get the paper, and did not get back until near night, and did not have time to do anything.
Q. Did you bring him in a wagon?
A. No, sir.
Q. What did you do?
A. He was so close to my house, I took him up to my house.
Q. Who got him to your house?
A. Two men.
Q. Two colored men?
A. Yes, sir.
Q. You got him into the house that Monday night?
A. Yes, sir; it was after dark before I could get any one to take him up.

Sir, you may read again all the stories of pathos, whether found in prose or poetry, and whether you find it in the tender love and touching fidelity of the "Slave of Martinique," when—

> Sadly looks he, deeply sighs he; 'tis the Haytian sail he sees,
> Like a white cloud of the mountains, driven seaward by the breeze.

Or the angelic and devoted Evangeline, as—

> She pressed once more the lifeless head to her bosom;
> Meekly she bowed her own, and murmured,
> "Father, I thank thee!"

Or wherever it be, whether in legend, song, or story, you shall never see more pathos compressed into one sentence than you would have seen could you have beheld this poor, simple, ignorant woman as she described herself fleeing across the fields with her children, and heard her say:

I kept going on and looking back, *and I ain't seen him come yet!*

Mr. Speaker, this sad catalogue of wrongs might be continued, but I must not trespass further upon the time of the House for this purpose. I will cite only one or two other cases from the majority report of our committee:

A poor old man, Mingo Green, very old, and so decrepit that he was compelled to support his steps with a cane, a local exhorter of some note, chanced to meet a party of these patrols and was put to death and left lying in the road with the top of his head cut smooth off; or, as the witness expressed, "the whole inside of his head showed white like a china bowl."

The case of Anthony Mack deserves some notice. This man was charged with commanding the party that killed Vaughn. A warrant was issued for him; he was arrested in Yazoo County, and delivered to two men, one of whom was Hogan, to be brought to Vicksburgh for trial. On the way these worthy officers of the law killed their prisoner, but the place and manner of his death are not known.

From all the information before us, the committee find that in the whole affair two white men—Brown and Vaughn—appear to have been killed, and twenty-nine blacks, more than half of whom were deliberately put to death in cold blood. How many more are missing and unaccounted for, lying in the cane, it is impossible to ascertain. One of the witnesses stated that we (the committee) never could find out; "but we watch where the buzzards hover, and there we find the dead men."

So great had been the loss of order, and so unrestrained were the worst elements in Vicksburgh during the three days from the 7th to the 9th, that the best people of the city, the very men who had been original leaders in the movement, dreaded that violence would be offered to the judges both of the law and chancery courts, and made arrangements with Mr. Rigby, president of the railway, by which a special train was secretly prepared to start from the round-house nearly half a mile from the depot, to take these officers of the law out of the city and out of the power of the mob. Carriages were procured and the judges taken by back streets to the waiting train, put in cars carefully darkened, and sent off with instructions to engineer and conductor not to stop till they reached Jackson. Such was the state of affairs in Vicksburgh under the rule of the mob; such will be the case in any other place where law is overthrown and the violent rule of irresponsible men substituted for orderly government.

Sir, I have heard something here about the "bayonet submitting to the ermine." I think it would have required a pretty lively chase for the bayonet to have submitted to the ermine of that eventful night. Now, Mr. Speaker, I have not cited these instances of cruelty to claim that the white people at Vicksburgh acted wholly without provocation. There are two sides to this question as to all others. That adventurers had foisted themselves upon the people, that taxes had been high, that some colored official had been corrupt in office, cannot be disputed. But the great mistake of all was in seizing upon Crosby, the sheriff, who was shown to have been guilty of no offense, and, with the courts open and unobstructed, with ample, legal, and peaceful remedies at hand, invoking the spirit of the mob and letting loose upon the negro population the fiercest passions of men.

Sir, it has been with a view to trace the working of these and the consequent terrors excited in the minds of colored people that I have alluded to this matter, rather than with any intention of entering upon a critical review of the general facts of this case, which would require far more time than I am permitted to occupy. It will readily be seen that, with this spirit of dread and apprehension in the air, with the habit of control which the white man possesses on the one hand and of submission on the part of the blacks on the other, it would not require the drawing of revolvers at the polls or around registration boards to intimidate colored voters. The men from whom you fear assassination or a deadly assault may never have drawn a weapon or uttered a threat. Yet if from some subtle cause you fear he may fire through your windows in the night or assail you from a dark alley, your dread of him is far greater than it would be to meet him in open combat.

Such I think is the feeling throughout the South, a sense of insecurity and dread on the part of the blacks well calculated to deter them from the free exercise of the elective franchise. The answer heard more frequent than any other from men when invited to come forward and tell all they knew was, "Well, we have to live here with our families." Now, sir, if these matters were confined to a single outbreak or to a single locality like that of Vicksburgh, they might be classed with those tumultuous uprisings to which all communities are subject. But when you place behind them the firm belief on the part of the white men of the South that the negro is unfit for self-government and utterly incapable of improvement, and add to this a fixed determination to control him at all hazards, and to this the further fact that this feeling is spreading all over the South, encouraged no doubt by the results of the recent elections, no man can doubt that if the negro is not to be utterly subdued and crushed out politically, every possible protection and support must be thrown around him. That the colored race are advancing in intelligence, the acquisition of property, and a knowledge of public affairs in this country is too plain for cavil. Mr. McGee, a native of the South, and a young man of culture and great force of character, testified before the committee on this point as follows:

Question. In your opinion, are the colored people of this county anxious to acquire a knowledge of the political affairs of the country?
Answer. Yes, sir; I think so.
Q. In your opinion do they try to learn their duty as citizens?
A. I believe they do; that is my impression.
Q. They have their bad teachers?
A. Sometimes; and they "whoop them up" terribly when they find it out.
Q. When they find out that they have bad doctrines, do they still follow them?
A. No, sir.
Q. As a class, do they ask and desire instruction?
A. I believe as a class they do; I believe that they are a progressive people.
Q. You think as a people they are growing more intelligent?
A. I do.
Q. Better fitted to perform the duties of citizens?
A. I believe the colored school-children will compare very favorably with the white school-children.
Q. Do they learn easily?
A. Very quickly.
Q. Have you ever known among the colored people, as a class, from any information you have ever received, any desire to form armed associations for any purpose "aggressive?"
A. I have not.
Q. Upon the rights of whites or anybody else?
A. No, sir; I have not.
Q. As far as you know, is that ever taught in their meetings?
A. I have never heard anything of the sort.
Q. You say you were born here?
A. I was, within fifty miles of this city.
Q. Are the colored people, as a class, better informed and more intelligent and better educated year by year since they were freed?
A. I think they are, sir; I think their advancement in civilization and education is remarkable.
Q. That is a fact generally conceded?
A. Yes, sir.
Q. From your own observation, are they, as a class, as a body of people, anxious for education and improvement?
A. Yes, sir; noticeably so.
Q. Do their children attend school generally and promptly?
A. They do, sir.
Q. And eagerly, I will add?
A. Yes, sir.
Q. Are any of them accumulating property?
A. Yes, sir; I know a good many colored men who have bought land, a considerable amount, and made their money themselves; I could name quite a number.
Q. You stated that you knew most of the colored people who owned land in the county?
A. I believe I do.
Q. Name them.
A. I cannot say; perhaps the most of them. I know quite a number.
Q. Name all you can.
A. John Jones, William Jones, Cebron King, Elias Jones, David Jones, Henry Kent, Louis Kent, B. B. Lewis, George W. Boyd, Cæsar Hogan, Sandy Mitchell, W. T. Montgomery, B. T. Montgomery, Isaiah Montgomery; and that is about all I can think of at present. But I believe I could name a hundred others who own land in the city and land outside. Those are some of the largest that I have named. The men whom I have named own thousands of acres. Two I named, perhaps, own more land than anybody else in the county.

But I must pursue this subject no further. Gentlemen of the South, it remains for you to determine what the result of all this shall be. I have stood but twice upon your soil. I have met many of you in the political and social walks of life in this city, and I joyfully bear testimony to your generous hospitality and your genial ways. But upon you, and you alone, rests the fearful responsibility of saying whether these outrages shall continue or whether they shall cease altogether; whether peace shall in fact dawn upon this country or whether war with all its woes shall afflict it again. Reactionary measures cannot help you. This is a young and vigorous Republic; it will take no step backward. You might as well attempt to gather up the blood spilled upon the ground in our late strife as seek to reunite the scattered fragments of the old order of things. Shattered as by the hand of Omnipotence, nothing short of Omnipotence can ever restore it again. Your millions of people, advancing in intelligence, progressing in influence, gathering to themselves landed property, enjoying the sympathies of the civilized world, and aspiring to the full dignity, rank, and power of American citizens, are not going to step down to any lower level. Neither are the American people going to consent that they shall.

Gentlemen, if you do not indorse this spirit of violence and outrage in the South—and we cannot believe that you do, and we do not charge that you do—why is it that you do not rise up in the full majesty of that chivalric spirit which has ever been accorded to you and say, "These things shall be so no more?" Let the leading men of the South do this, and these outrages cannot survive a single day. Let them determine that these disorders shall cease; let them give the colored man a fair chance in the race of life; let them encourage him in acquiring property and protect him in its enjoyment; let all men be secure in the full and free avowal of their sentiments, whether religious or political; let the large landed estates be divided into such tracts as can be most profitably cultivated; let capital feel that its home is in the South, and that its possessor shall be neither socially nor politically ostracized—in short, gentlemen, let every energy be put forth to develop and build up the better rather than the baser elements of human nature, and we will then shake hands, not across a "bloody chasm," but across a country teeming with life, filled with the blessings of peace, and crowned with a prosperity such as no other land has ever seen beneath the sun. Grant us this, and we will consent that the suspension of the writ of *habeas corpus* may be dispensed with forevermore.

[Here the hammer fell.]

Mr. DAWES took the floor.

Mr. COBURN. I gave notice I should at this time call the previous question, and I now rise for that purpose. I have no objection to the continuance of this debate.

Mr. DAWES rose.

Mr. COBURN. Wait a moment until I can explain. I am urged by gentlemen all round to demand the previous question in view of the shortness of the session. A while ago, when interrupted by the Speaker, I intended to say I was willing the gentleman from Mississippi [Mr. LAMAR] should have some time if the same time were allowed to gentlemen on the other side, but that I would not take the responsibility of passing by the expiration of the hour of the gentleman from Illinois, [Mr. CANNON,] because there is such urgency and such lack of time.

Mr. SHANKS. Let us have the question.

Mr. COBURN. The Arkansas and Louisiana questions are still pending, two appropriation bills still remain, with an enormous amount of other business, and on this question of Louisiana and Arkansas there may be ample opportunity for the gentleman from Mississippi and gentlemen on all sides to make such remarks as they may desire. Therefore, in view of the condition of things in this House, I feel it my bounden duty now, at the expiration of the hour of the gentleman from Illinois, to demand the previous question.

Mr. E. R. HOAR. Is the gentleman from Indiana willing to consent to a separate vote on the first and second sections.

Mr. COBURN. I am willing to allow his amendment to be considered as pending.

Mr. SPEER. I wish to say one word. The gentleman from Wisconsin has made his remarks in reference to the investigation at Vicksburgh and has asked leave to print. We did not object. I understand his speech will appear on the Vicksburgh affair.

Now surely if that is so it is nothing more than fair and proper that the other side should be heard; and if the gentleman from Mississippi wishes——

Mr. PARKER, of Missouri. Let the gentleman print his speech.

Mr. SPEER. I have no speech to print.

Mr. PARKER, of Missouri. I mean the gentleman from Mississippi.

The SPEAKER. The gentleman from Indiana admits the amendment of the gentleman from Massachusetts to be pending.

Mr. COX. I have an amendment I wish to be admitted—the general amnesty bill as a substitute for the whole bill. I give notice that I will move that if I have the opportunity.

Mr. SHANKS. That is what ails the country now, that we did pass the general amnesty bill.

Mr. BECK. I rise to a privileged motion. Pending the demand for the previous question——

Mr. DAWES. May I ask the gentleman from Indiana if he proposes to allow further time for debate after the previous question is seconded?

Mr. COBURN. An hour.

Mr. DAWES. Then I understand that after all this time has been occupied by the members of the committee the gentleman from Indiana, the chairman of the committee, begins again and announces to the House that he will occupy another hour in whatever way he pleases, farming it out to whomsoever he pleases.

Mr. WARD, of Illinois. He has the right under the rules.

Mr. BURROWS. And that is the usual practice under the rules of the House.

Mr. COBURN. If the gentleman from Massachusetts [Mr. DAWES] has ever acted otherwise himself I would like him to show it.

Mr. BECK. I move to suspend the rules and put upon its passage the bill which I send to the desk.

Mr. COBURN. I have not yielded the floor.

Mr. WILSON, of Indiana. I make the point of order that the motion of the gentleman from Kentucky cannot be entertained.

Mr. BECK. I desire to be heard a moment on that.

Several members called for the regular order.

The SPEAKER. On the point of order the Chair will hear the gentleman from Kentucky.

Mr. BECK. We are in the last four days of the session, and being a portion of the closing six days when motions to suspend the rules are in order at any time. This bill is not before the House on a motion to suspend the rules, as has been assumed, but is before the House in its regular order, the resolution having been offered by the gentleman from Alabama [Mr. HAYS] in the morning hour on Monday when the rules could not be suspended to pass anything under a two-thirds vote.

Under the ruling of the Chair, uniformly made, when any bill is before the House as the regular order during the last days of the session, the regular order can be taken off the floor by a motion to suspend the rules; which was done, as is shown by the record which I hold in my hand, when the gentleman from New York [Mr. WOOD] took the gentleman from Massachusetts [Mr. BUTLER] off his feet when he had a bill similar to this. I know gentlemen have been going on the assumption that this bill is before the House on a motion to suspend the rules. That is a mistake as a matter of fact.

Mr. COBURN. But the gentleman does not propose merely to suspend the rules but to suspend me from my feet.

Mr. BECK. I propose to suspend the rules and all the proceedings on this bill. And I have a right to do it, unless all the uniform rulings of the Chair have deceived me.

Mr. TREMAIN. I understood the Chair to say distinctly, and no man dissented, that when these privileged reports were under consideration the gentleman could not be taken from his feet during the last six days of the session on a motion to suspend the rules; that this was a privileged matter, of higher privilege than an ordinary motion to suspend the rules. And in addition to that a motion has been made calling for the previous question on this bill, and the gentleman making that motion was upon his feet.

Mr. BECK. No; he had submitted the motion.

The SPEAKER. The Chair directs the Clerk to read the order made yesterday morning by general consent.

The Clerk read as follows:

By unanimous consent.

Ordered, That the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five p. m. for the consideration of the sundry civil bill, and a recess to be taken from five to half past seven, at which last hour House bill No. 4745 shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. BECK. Now, Mr. Speaker, there was no unanimous consent to go any further than to make the effort to call the previous question. I reserved all further rights yesterday, and protested against anything more.

The SPEAKER. What is the point of the gentleman from Kentucky?

Mr. BECK. I was on the floor yesterday morning insisting on making this motion then. But the question was whether the bill should be debated last night and to-day up to the time when it was sought to call the previous question; no right being waived to make this antagonizing motion.

The SPEAKER. Was it the understanding of the gentleman from Kentucky that the order that "the previous question shall be called on the same when ordered by the House"—that that was to be nugatory, impossible of fulfillment?

Mr. BECK. The point agreed upon was that the bill might be debated up till to-day, and the previous question might be called if it could; that was the expression.

The SPEAKER. But if the Chair should rule that the gentleman from Kentucky can move to suspend the rules, then the motion to suspend the rules could be repeated, and of course everybody will see that the agreement would amount to nothing.

Mr. RANDALL. So far as the agreement was made, I desire to say that it was the understanding of both sides that no right to either side would be lost or interfered with.

The SPEAKER. The Chair never heard a word about the agreement until it was read at the Clerk's desk. He holds the original agreement in his hand, and for the sake of having it perfectly understood he will direct the Clerk to again read it.

Mr. RANDALL. And I ask that the proceedings in reference to it be also read from the RECORD.

The Clerk read as follows:

By unanimous consent the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five o'clock p. m. for the consideration of the sundry civil bill, and a recess be taken from five o'clock to half past seven o'clock, at which last hour House bill No. 4745 shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. RANDALL. Now I ask that the Clerk read from the RECORD what occurred in relation to that agreement.

The Clerk read as follows:

Mr. MILLIKEN. I object.

Mr. GARFIELD. I move to suspend the rules, so as to adopt that proposition.

Mr. MILLIKEN. I withdraw my objection.

Mr. COBURN. I desire to make this suggestion: that the previous question shall be considered as ordered at one o'clock on the following day.

Mr. ATKINS. I insist that the House shall come to order; it is impossible for any one to hear what is going on.

The SPEAKER. To restore order, the first thing is for members to resume their seats.

Mr. ATKINS. If they will do that, then everybody can hear what is going on.

Mr. GARFIELD. I ask the gentleman from Illinois to change his resolution so as to make it read "the sundry civil appropriation bill, and other appropriation bills."

Mr. RANDALL. You cannot get through with the sundry civil bill before five o'clock.

Mr. GARFIELD. But we may want to send the Indian appropriation bill to a conference committee, and other small bills.

Mr. RANDALL. My judgment is that the sundry civil bill will take the whole day.

Mr. BECK. I desire to make a parliamentary inquiry. I do not object to going on with the appropriation bills or to taking a recess, but I claim the right and do desire to move to suspend the rules, as I think I have a right to do, to set aside the hearing of the bill now about to be taken up; I do not desire to waive that right.

Mr. RANDALL. Any right the gentleman may have of that kind will not be interfered with by this agreement.

Mr. HURLBUT. This must either be done by unanimous consent or not by unanimous consent.

The SPEAKER. Is there any objection to the proposition of the gentleman from Illinois, [Mr. HURLBUT?]

Mr. GIDDINGS. I object.

Mr. COBURN. I would like to say——

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects to the proposition. There is no need of discussing it.

Mr. GARFIELD. I move then to suspend the rules and adopt the proposition which has been read.

Mr. COBURN. What I want to say is this: I do not propose to call the previous question at any time during the session of to-night, but I expect to call it at an early hour to-morrow.

The SPEAKER. The proposition of the gentleman from Illinois [Mr. HURLBUT] is not before the House.

Mr. GARFIELD. I move to suspend the rules and adopt that order.

Mr. BUTLER, of Massachusetts. Can the reading of the Journal be interrupted for this purpose?

The SPEAKER. The Chair thinks that it is competent for the House to suspend the reading of the Journal and at the same time make an order.

Mr. BUTLER, of Massachusetts. My inquiry is whether this motion of the gentleman from Ohio [Mr. GARFIELD] can come in to the interruption of the reading of the Journal. I do not object. I only want the ruling of the Chair as to whether we can interrupt the Journal to make an order of that kind.

Mr. RANDALL. I would like to know whether there is objection to the proposition of the gentleman from Illinois?

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects.

Mr. COX. I hope my friend from Texas [Mr. GIDDINGS] will withdraw that objection.

Mr. RANDALL. I understand the gentleman from Texas to object to the explanation of the gentleman from Indiana, [Mr. COBURN,] not to the proposition of the gentleman from Illinois.

Mr. DURHAM. I rise to a question of order. I cannot hear anything that is going on.

The SPEAKER. Nor can the Chair.

Mr. CESSNA. Is it not in order for me to appeal to the gentleman from Illinois to modify his proposition, so as to say "appropriation bills" instead of "the sundry civil appropriation bill?"

The SPEAKER. That is not of the slightest practical consequence.

Mr. CESSNA. I presumed I had the right to make the inquiry of the Chair.

Mr. COX. If we had order this thing could be arranged amicably.

The SPEAKER. The Chair will not submit any proposition till there is order.

Mr. GIDDINGS. I withdraw my objection.

The SPEAKER. If there be no further objection, the arrangement proposed by the gentleman from Illinois is made. The Chair hears no objection.

Mr. SENER. I move to reconsider the action just taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBURN. I wish now to make a statement in relation to calling the previous question. I propose to-morrow at one o'clock, or as soon thereafter as practicable, to call the previous question.

Mr. COX. You cannot get consent to that.

Mr. COBURN. I only give this notice. I do not undertake to bind anybody by the announcement.

Mr. GARFIELD. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the sundry civil appropriation bill.

The SPEAKER. Now, under that order up to this time the plans as laid out in it have been followed. There was no objection made excepting to granting the gentleman from Indiana [Mr. COBURN] to have the hour fixed for ordering the previous question, and the gentleman from Kentucky [Mr. BECK] interposed the remark that he would attempt to do what he is now trying to do.

Mr. RANDALL. And following that I made the statement, which was not contradicted either by the Speaker or by any member on the floor, that any right he would have of that kind would not be interfered with by this agreement.

Mr. BECK. If that had not been the understanding I should have refused to waive my right to make this motion.

Mr. ELDREDGE. I desire to make this suggestion, that it seems to me from the reading of the agreement and the arrangement made that all which has been done up to the present time is consistent with it. But that agreement goes no further than the time when the previous question can be called, and that whatever rights existed previous to the agreement that was entered into were the same at the point of time reached when the unanimous consent ends, and that is the point of time when the gentleman from Indiana [Mr. COBURN] calls the previous question.

The SPEAKER. The Chair thinks that the language of the agreement is so entirely plain that it is not susceptible of two constructions. It was that yesterday up to five o'clock should be spent in the consideration of the sundry civil appropriation bill, and that a recess should be taken from that hour until half past seven o'clock. That was so absolute that the Chair relieved the Committee of the Whole from a motion to rise and took the Chair at five o'clock. The agreement further was that there should be debate at an evening session on the bill No. 4745; but no agreement was made as to the time when the previous question was to be called. That is the way the Chair reads it; and he thinks that is the only way in which it can be read. There was no agreement as to when the previous question was to be called. Therefore no gentleman is bound to vote for it by reason of any understanding as to the time at which the gentleman from Indiana [Mr. COBURN] would call the previous question. That, the Chair thinks, is the understanding of the gentleman himself, that there was no time at which the House agreed the previous question should be called.

Mr. COBURN. There was no time fixed.

The SPEAKER. It was left wholly in the control of the majority. If the Chair should give the construction to this order contended for by the gentleman from Kentucky [Mr. BECK] and the gentleman from Pennsylvania, [Mr. RANDALL,] then he must say, without endeavoring or wishing to use language which would seem to be disrespectful, that it would appear that the Chair and the majority of the House had both been entrapped; that there was a concealed trick in the wording of the resolution. This the Chair does not and cannot believe.

Mr. ELDREDGE. The proposition came from the other side.

The SPEAKER. It makes no difference where it came from. It came by the agreement which was proposed by the gentlemam from Illinois, [Mr. HURLBUT.]

Mr. RANDALL. Just there let me make a statement. The resolution, as originally submitted, provided that the previous question should not be called sooner than one o'clock. In my judgment that was a humiliation to the minority as well as an interference with their rights, and I so stated, if my memory serves me rightly, to the gentleman from Illinois, [Mr. HURLBUT,] who submitted it to me. By agreement that was stricken out, and a change made so that the humiliation or reflection upon the minority should not be in the agreement. And it was in accordance with that change that I made the remark which I did in reply to the gentleman from Kentucky, [Mr. BECK.]

The SPEAKER. If the gentleman from Pennsylvania will allow a question by the Chair——

Mr. RANDALL. Certainly.

The SPEAKER. What was the gain, what was the arrangement worth under that construction of it?

Mr. RANDALL. It secured debate and facilitated the passage of the appropriation bill.

The SPEAKER. Yes; but what is the use of securing debate upon a measure if it is never to be allowed to come to a vote?

Mr. RANDALL. It was the intention that the same rights that then existed against the bill under the rule should continue to exist whenever we reached the point for their exercise. And we thereby avoided the reading of the Journal, which would have taken probably five hours. Now, my clear conviction as to the effect of that agreement was, and I so stated in as terse language as it can be stated, that the gentleman from Kentucky [Mr. BECK] would lose no right whatever, and that statement met with no contradiction on the other side.

Mr. GARFIELD. I desire to say here——

Mr. BECK. Allow me to say a word, as a remark has been made indicating that there was a trick somewhere.

The SPEAKER. No; the Chair did not say so.

Mr. BECK. I want to say that there was no trick and no concealed purpose on my part, for I declared then, as the record shows, that I intended to move to suspend the rules, as I had a right to do, and did not desire to waive that right; and I said I would not waive it. The gentleman from Indiana himself closed his remarks by saying, "I only give this notice; I do not undertake to bind anybody."

The SPEAKER. The gentleman from Kentucky of course cannot imagine that the mere giving notice of a motion is binding upon the Chair to receive it. A great many notices of motions are given to the Chair that never go any further.

Mr. BECK. It shows that the House agreed with my view of it.

The SPEAKER. Not at all.

Mr. WHEELER. Is it not a complete answer to the proposition of the gentleman from Kentucky [Mr. BECK] that the House is already acting under a suspension of the rules, and that this arrangement of yesterday was simply as to the course of debate?

The SPEAKER. There is no need of going back of the record at all on that point. The Chair thinks that this arrangement either meant this or it meant nothing.

Many MEMBERS. Regular order.

The SPEAKER. The question now is, "Will the House second the demand for the previous question?" The gentleman from Indiana, [Mr. COBURN,] who makes the motion, and the gentleman from Massachusetts, [Mr. DAWES,] who opposes it, will act as tellers.

Mr. HYNES. I would like to inquire of the Chair, so that we may have a clear understanding, what are the questions which will be voted upon if the previous question is seconded?

The SPEAKER. There is pending an amendment of the gentleman from Massachusetts [Mr. BUTLER] to modify the thirteenth section. There is also an amendment pending by the gentleman from Illinois [Mr. CANNON] to strike out the thirteenth section. And then there is another amendment submitted this morning by the gentleman from Massachusetts [Mr. E. R. HOAR] to strike out the first, second, and fourth sections of the bill.

Mr. G. F. HOAR. I desire to propose a modification of the amendment of my colleague [Mr. BUTLER] in regard to the thirteenth section.

Mr. BUTLER, of Massachusetts. I accept the modification as a part of my amendment.

Mr. G. F. HOAR. The modification I propose is to insert these words, "such limits being included within the following-named States: Louisiana, Arkansas, Mississippi, or Alabama." Those are the States in regard to which the House has investigated.

Mr. SMITH, of Virginia. I object to any amendment that does not include the whole Union.

Mr. G. F. HOAR. My colleague has a right to modify his amendment.

Mr. BUTLER, of Massachusetts. I accept the amendment of my colleague [Mr. G. F. HOAR] as a modification of my amendment.

The SPEAKER. That the gentleman has a right to do.

Mr. GARFIELD. I hope that the gentleman from Massachusetts will also insert a limitation in point of time.

Mr. BUTLER, of Massachusetts. I have done that.

Mr. GARFIELD. What limitation?

Mr. BUTLER, of Massachusetts. Two years.

Mr. COBURN. I desire to make a parliamentary inquiry, whether, if the motion for the previous question should not prevail, the Chair will then recognize the gentleman from Kentucky [Mr. BECK] to move to suspend the rules or will allow other amendments to be offered?

The SPEAKER. The bill remains before the House until disposed of, whether the previous question is now seconded or not. If it should not be seconded, the Chair will recognize the gentleman from Massachusetts, [Mr. DAWES,] who was claiming the floor when the gentleman from Indiana [Mr. COBURN] indicated his desire for the previous question. It is the duty of the Chair to allow the House to decide whether the previous question shall be ordered. If the House does not order the previous question the status of the bill is not changed, but it gives the gentleman from Massachusetts [Mr. DAWES] the right to address the House.

Mr. SMITH, of Virginia. Will it be in order to move to amend the amendment of the gentleman from Massachusetts [Mr. BUTLER] by inserting Massachusetts and Indiana?

The SPEAKER. If the previous question be seconded, it will not be in order to move any amendment whatever.

Mr. COX. I wish to know whether an amendment which would require for its final adoption a two-third vote of both Houses would be liable to a point of order. I desire to move to amend this bill by striking out all after the enacting clause, and inserting as a substitute a provision for general amnesty.

Several members objected.

The SPEAKER. No amendment can be offered without unanimous consent; and objection being made it is unnecessary for the Chair to rule on the point of order.

The House divided on seconding the previous question; and the tellers reported—ayes 135, noes 110.

So the previous question was seconded.

The question then recurred on ordering the main question.

Mr. BANNING called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 106, not voting 21; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler,

Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Killinger, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—160.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunton, Kellogg, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Phelps, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Sener, J. Ambler Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Thompson, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, and Pierce M. B. Young—106.

NOT VOTING—Messrs. Barrere, Biery, Clinton L. Cobb, Dobbins, Eden, Farwell, Freeman, Garfield, Robert S. Hale, Hendee, Kendall, Mitchell, Hosea W. Parker, Pike, Sloss, Small, H. Boardman Smith, Strawbridge, Charles R. Thomas, and John D. Young—21.

So the main question was ordered.

During the vote,

Mr. PARKER, of New Hampshire, stated that he was paired with Mr. PIKE, who would vote in the affirmative, while he would vote in the negative.

Mr. YOUNG, of Kentucky, stated that he was paired with Mr. SMALL, who would vote in the affimative, while he would vote in the negative.

Mr. ALBRIGHT stated he had received a telegram from his colleague, Mr. BIERY, that he was confined to his room by sickness, and if present would vote in the affirmative.

Mr. DOBBINS stated that he was paired with Mr. SLOSS, who would vote in the affirmative, while he himself would vote in the negative.

Mr. CALDWELL stated that his colleague, Mr. SLOSS, was detained at his house by sickness.

Mr. HURLBUT stated that Mr. STRAWBRIDGE was confined to his room by illness and was unable to be present.

The vote was then announced as above recorded.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 134) for the relief of Daniel S. Mershon, jr.; when the Speaker signed the same.

SECURITY OF ELECTIONS, ETC.

The SPEAKER. The question recurs on ordering the bill to be engrossed and read a third time.

Mr. BUTLER, of Massachusetts. Are not my amendments pending?

The SPEAKER. They will be voted on.

Mr. COBURN. I rise to close debate.

The SPEAKER. The gentleman is entitled to an hour under the rules.

Mr. COBURN. I yield to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Speaker, I thank the gentleman from Indiana [Mr. COBURN] most cordially for the privilege of speaking in his time.

It is with great embarrassment that I rise now to speak on this topic. Observing old friends who have served with me in other days of trial, when kindred themes stirred us to debate, (referring to Hon. George H. Pendleton, Hon. Mr. Bocock, of Virginia, and others, who sat near,) and surrounded as I am by a score of members of the next Congress, I feel like one standing on an isthmus between two seas; and the solemnity which comes with the shadow of memory is clouded by the portents of our future. If such bills as this are to pass, what is to be our condition?

FORCE OR AMNESTY.

Expressed, not by its title, but by the name it has assumed among the people, it is a force bill. The best way to antagonize it is by substituting kindness and justice. Hence my notice of an amendment to replace its rigorous provisions of hate and coercion by a bill for general and generous amnesty.

I had the honor to introduce one among the first bills for amnesty here; and it came within two votes of passing. That was as early as 1869. Since then this House in moments of unimpassioned patriotism has indicated its preference in the same direction. The gentleman from Massachusetts, [Mr. BUTLER,] in December, 1870, introduced his bill "for full and general grace, amnesty, and oblivion." It was mainly copied from an old English statute about the Scotch rebellion. I could not then help but characterize his bill for pains and penalties as a meager system of mercy. It was characterized as grace which was grudging, amnesty which was exceptional, and oblivion full of memories. It was ungracious grace and punitory pardon. It was a rushing and turbulent Lethe. I plead for mercy on the eternal plan: no eternizing of persecution; no probing of the old wounds. That bill had in it what is omitted here, oblivion for the agents and officers of the United States engaged in reconstruction. I miss that here. No one here and now offers to pardon the Kelloggs, Durells, Packards, Sheridans, and others engaged in fettering the State of Louisiana.

But, sir, what more can be said of the unwisdom of further repression by the Federal janissaries and oppression by the ductile Federal usurpers? What more can be said against the suspension of the writ of liberty? What now is its object? Who dare allege a state of affairs, South or North, which requires such suspension? The Constitution (article 1, section 9) wisely prohibits such suspension, "unless in cases of rebellion or invasion, the public safety may require it." Who seriously pretends that there is any more "rebellion" in the legal and adjudged sense, than there is "invasion" from within or abroad? This suspension of the great writ is the part of a plan hereafter to be dissected, which provokes to violence, with a view to fresh election complications.

HISTORIC LESSONS ON GRACE.

Can we not learn from history? Must we again cite instances for civil guidance? Must we go to Montesquieu to show that the business of statesmanship is not to destroy the rebel, but the rebellion; or to Ossian for the metaphor of many streams against the enemy, but as a zephyr that moves the grass to the vanquished? Have the lessons of Roman history, drawn from Cicero—to fortify the Republic with acts of kindness—no application to our condition? Is there nothing in the refinement of the tournament which lifted up the knight of the lowered lance? Is the history of England, in its relations toward Wales, America, Scotland, Ireland, nothing to us for precept and example? Are the Hebraic, Grecian, Christian teachings—the bloom and fragrance of all civilized polity—nothing? As summed up by a quaint English writer—whose thought I have adopted for my title page—the very genius of good government—after rebellion, or before to avert it—resides in the compact of concord. Why cannot we write our wrongs in ashes; draw the curtain over injuries? Forgiveness is not forgiveness—if we only pray God to forgive our enemy and we do not ourselves pardon. We must forgive without reserve; forgive wholly, as we hope for forgiveness.

All bills framed in any other spirit will fail as all your coercive bills have failed for conciliation. You cannot sow this land with dragon's teeth and expect other than a harvest of armed disasters.

THE POINTS OF BAD POLICY—DISCONTENT.

Whatever, therefore, Mr. Speaker, may be the outrages South, and whoever is responsible, the large and dominating fact remains, that tranquillity is absent. Its lack is the evidence and sign of bad rule. Grapes are not of thorns, nor figs of thistles. It is the good tree that bringeth forth good fruit. Let us test these acts of reconstruction and force by their fruits. Unless we do so, our remedies will be inadequate, and the more bitter the future fruitage.

MORAL TREASON AND SOCIAL ANARCHY.

I speak to-day as I have often spoken before in this House, against measures fraught with such consequences, and therefore I speak against moral treason and social anarchy. My remarks are not made to grace the utterance and fervor of an hour, to vibrate for a moment in angry debate; they have been pondered and repondered in the quietude of my room, so that no sophistical reasoning should escape my own criticism. There is no merit, no intrepedity on my part, in challenging the wisdom or the results of that repressive and distrustful policy which has made chaos instead of order in the Southern States since the war.

RECONSTRUCTION AND ITS RESULTS.

At the beginning of the reconstruction measures upon the bill introduced by Henry Winter Davis in 1864, to reform Tennessee on the plan of one-tenth rule of her people, I opposed with all the vehemence and illustration within my reach the rickety plan of commencing to build at the roof and not at the foundation. The reconstruction measures which followed the close of the war have undergone the tests of time and experience; that they are vitally deficient, that they have been worse administered, all will agree who look below the superfices of our social and political order. They have failed in the object of government, peace, security, nationality, and patriotism.

HISTORY OF RECONSTRUCTION—COERCION.

The history of reconstruction is a painful one—"*infandum dolorem.*" From the beginning of President Johnson's proclamation on the 9th of May, 1865, as to Virginia, and continuing down through the contest with Congress and by the veto, one idea seemed prominent with the Executive and his able cabinet—amnesty. It was partial and limited at first; but it exacted as a compensation certain concessions, which were promptly made by the States. President Johnson did not, however, coerce the States into determining any policy as to suffrage. The platforms of the dominant party denied to those lately in rebellion any participation in reforming the States. They had forfeited, it was said, their right by treason. President Johnson was derided; his policy scorned; his mild methods contemned; and in the finale he barely

escaped losing his own high office through the malice of those who were hunting down the South. His touch-stone to bring patriotism to the test, pardon, he favored no bayonet rule, and his general-in-chief, Grant, was his adviser in this noble policy. Then came the Thirty-ninth Congress with its presiding genius, Thaddeus Stevens; and with it and with him fell the hopes of all; for that Congress began the work which, built with untempered mortar, is already tumbling about us. To rescue it or to remove it is the duty of coming Congresses. Following the Freedmen's Bureau and the civil-rights bills, disqualifying measures and military districts, dictations to States and enabling acts for representation, came supplemental bills, until what with vetoes and soldiers, and registers of votes and crude constitutions, there sprung full armed the model "omnibus bill" for the admission of certain States on certain conditions. These measures were the forerunners of the two bills this session which have drawn so much attention from the public and which have required all the vigilance, mental and physical, of the minority here to postpone and defeat. Each and all are samples of the utter failure of the coercive principle; and the present bill is but a copy of its antitypes, founded on the idea that suffrage is in danger; that the black suffragans are weak and are easily intimidated; and that as republicans are entitled to the votes of the Africans *willy nilly*, so all the processes for prosecution, fine, and imprisonment, and all the modes to supervise, spy out, and influence the voter and the ballot-box, even to the use of military force, ought to be used. What for? To continue republican partisan ascendency, though it imperil every State in the Republic.

It is this policy which the democracy and its liberal allies boldly confront. It is this policy which it was the object of the late popular expression to condemn.

I propose to-day to discuss the present situation not merely in view of the recent elections, which have an inner meaning with respect to this subject, but with a view to show wherein the objects of good government have been frustrated, and if possible to evoke a remedy commensurate with these extensive and momentous mischiefs. First, waiving for the present any allusion to the complex nature of our Federal and local governments, not forgetting that we have one supreme government as to certain affairs, and not necessarily one in all things, let me test by recent events the wisdom of our post-war policy. No one will dispute as to certain objects of civil government, and, whether written or unwritten, that these objects are designed to protect personal liberty and honest property. It is the province of government to throw its force against the strong hand of individual violence and in favor of the gentle methods of judicial arbitration, and we are not the less bound to save the system on which we are ingrafted from any external power which would injure. By the same right whereby we protect men of all religions in their conscientious convictions, government should protect men of all classes against rapine and spoliation. Government should assure the man who sows, the privilege of reaping. His harvest is his to use as he pleases, subject only to those exactions which are indispensable to the maintenance of the government which protects his industry. What a satire on these organic principles is the recent misgovernment in the South, I will presently determine. The question is not as to whether the State or the Federal Government is responsible, or which is most responsible. The fact remains that in the effort to restore States, to rebuild their dismantled social order—contentment, the object of all government, has been wanting. Military compression and civil oppression have made large bodies of men reckless of the old divisions of power.

DESPERATION SOUTH.

Men in their desperation, who once had just and elevated views of our polity, have cried out sometimes for imperial power, sometimes for military rule, and sometimes for revolution. Civil convulsions, sometimes marked with blood, and sometimes taking the form of race conflict, have accompanied this discontent. It is no longer a question of political union so much, for all discontented men South have been willing to be pinned to the Union even by an honest bayonet, or held to it by a mailed hand, or shackled to it by an iron gyve. Nor will it be doubted that throughout this decade of discontent and convulsion there has been an aspiration for civil discipline and patriotic allegiance. This has been chilled by our conduct on its every demonstration. And yet without this aspiration no State can be permanent. When that protection, which is the consideration and correlative of allegiance, fails so signally and constantly, all history teaches that then the bond of allegiance becomes thin and weak, society declines, and tyranny supervenes. It may be a question whether in such a condition foreign conquest may not be a blessing. I assert that underlying all the trials and troubles, frauds and oppressions, whether by judicial decree or military proclamation, this is the capital crime of the party just retiring from power.

ALLEGIANCE AND PROTECTION.

A French philosopher has said that "in all forms of government the feeling of allegiance or loyalty is the condition of contentment." There must be in the constitution of the state something which is settled—unquestionably permanent—which cannot be dispensed with, secure against all vicissitude and change. This is the sacred something in our system of Federal and State governments which is above discussion, and which is founded upon the sovereign will of the people. That sacred something is found not merely in the Federal Constitution, but in all those rights reserved and all those powers ungranted which belong to State or local administration. Break this mystic union of Federal and State systems, allow the one to encroach upon the other, and you lose the sacramental essence, the divine appointment which inspires loyalty and gives hope and courage and honor to labor, liberty, property, and life. Nations, ancient and modern, have risen or fallen according as they have comprehended or violated this fundamental law.

It is not my purpose to review the causes which produced, or the circumstances which justified the civil war, either from one standpoint or another. When at Appomattox Court-House the bugles sounded the great truce it was hoped that the conditions of peace, tranquil government, and a contented people would be observed; that all future griefs would be solaced; that magnanimity would conquer angry hatred, scorn, and revenge, and that for many uncounted decades there would be no interregnum in the serene dynasty of peace and love; that through the bleeding and bloody land, and over the scenes of death and the sorrows of mourning, the lethean wave would flow. We have had the lethean wave, but the only repose has been that of despair and death. It was all Lethe except its sleep; it was all death without its repose. Homes have been wasted, property confiscated and destroyed, enterprises ruined, cities burned, a whole country swathed in destruction. We had hoped amid these immeasurable calamities that the hates and griefs would not be perpetuated; that the new generation should not wear the rancor in their hearts till their hair had whitened for the tomb; that they would not teach their children to perpetuate the hate of their fathers.

TEN YEARS OF MOCKERY.

For ten long years all these hopes have been mocked; and what a mockery! God has fixed his creatures in this fair land in habitations bound together by the same rivers, mountains, lakes, and skies. He has fixed in their hearts the ennobling principles of peace. He has sent to this star the very Prince of Peace, as an exemplar and Saviour, and yet these benefactions are turned by the passions and ambitions of men into shameful mockery.

We had good right to believe that the truce would have been kept. We must not forget the record made by General Grant himself shortly after the war.

GENERAL GRANT'S TESTIMONY IN 1865 AS TO SOUTHERN SENTIMENT AND CONTENT.

In the midst of the deep wrath which the outrageous Louisiana usurpation has roused and the various arguments employed to defend as well as denounce it, one simple connection of circumstances seems to have been entirely overlooked. Logically considered, it indicates that the President's views have undergone an alarming modification, since he was made President, in the interest of perpetuating himself in his office or certainly in that of Federal military interference in political affairs.

The inconsistency as revealed by his own official papers is so gross that no explanation can be made without attributing motives of dangerous ambition. I do not refer to his portentous change of opinion as to Arkansas since the session began, but to his wide departure from his own just observations of 1865.

General Grant in his official report to the President of his southern State inspection, under date December 18, 1865, writes:

> I am satisfied the thinking men of the South accept the present situation of affairs in good faith. * * * There is such universal acquiescence in the authority of the General Government throughout the portions of the country visited by me, that the mere presence of a military force without regard to numbers is sufficient to maintain order.

If such was the condition of the South, and especially of New Orleans, where General Grant made his longest stay during his tour of inspection in 1865, what must have been the maladministration there since to produce a revulsion of sentiment which seems to call for the present repressive course? Who is responsible for it? The President and his friends have had a free rein, and the result according to their own showing is a condition of present anarchy in contrast with that he reported nine years previous.

The following extracts from an official letter to the President by General Grant, under date October 24, 1866, indicate the views of the latter relative to the employment of troops in political contests

The letter is the most statesmanlike I have read from Genera. Grant, as the following extracts may show:

> The conviction is forced on my mind that no reason now exists for giving or promising the military aid of the Government to support the laws of Maryland. The tendency of giving such aid or promise would be to produce the very result intended to be averted. So far there seems to be merely a very bitter contest for political ascendency in the State.
>
> Military interference would be interpreted as giving aid to one of the factions, no matter how pure the intentions or how guarded or just the instructions.
>
> It is a contingency I hope never to see arise in this country while I occupy the position of General-in-Chief of the Army, to have to send troops to a State in full relations with the General Government on the eve of an election to preserve the peace. If insurrection does come, the law provides the method of calling out the forces to suppress it.

How are General Grant's opinions of the condition of the Southern States, including Louisiana, and his views of the impropriety of employing the military forces of the Government in politics, reconcilable with his late acts, except upon the hypothesis that he ignores fact and patriotism for some ambitious end?

If our countrymen patiently abide this usurpation, a great barrier to empire will have been destroyed, and the third term and future

terms be at the behest of one whose views, under the exercise of power, have sustained the change I have represented. I hope the issue may not be confused.

MR. LINCOLN'S POLICY.

It will not be denied that ten years ago, when reconstruction was first broached, there were men or fiends who talked utter extermination. Mr. Lincoln did not share this execrable spirit. He proposed to reach the South by friendly means; with him charity predominated; in his death the South was crucified. His policy, as indicated in his messages and in the dispatches of Mr. Seward, would at once have filled the vacant seats of southern members without convulsion and without discontent; and whatever changes had taken place under the new order created by the war, they would have accorded easily, naturally, and in the interest of harmony and peace. And the colored race, to-day lying despoiled, stricken, and cast off, even from the paternal Government, would have been elevated, cared for, and their labor made more remunerative under better conditions of freedom and independence. Mr. Lincoln had not read history in vain. It was an open book to him; and what did it not reveal? The pitiless destruction of the Moors of Andalusia by the second Philip, the merciless slaughter of the French in La Vendée, the sanguinary pursuit of Claverhouse after the Scottish covenanters, the stained and cadaverous cheek of Ireland, the maddening history of Poland, the history of all subjected and despoiled provinces and countries, and, sir, the terrible reaction upon those who despoiled and subjected them. In the place of the Lincoln policy of charity and peace, ay, even in the place of sudden calamities, radical reconstruction has given us prolonged torture. The fruits of that policy are not seen in the strength, stability, grandeur or progress of our nation, nor in the condition of our business and our labor, of our commerce and our credit. They are seen in the wasting of revenues, or in fact the non-collection of revenue through impoverishment.

SPOLIATION OF THE SOUTH.

The Mississippi is still ours to the Gulf, but where is its commerce? Charleston looks out upon Sumter, and Sumter has nothing to protect. The sea islands no longer echo to the music, the exultation and hope of an industrious people. There is only heard there the discourse of mangy politicians of all grades of degradation, worshiping their radical fetich. Some of these States were happily rescued before being thoroughly impoverished—Georgia, Tennessee, Virginia. They received an infusion of new life, because the weapon with which they were struck was not entirely lethal. Beneath this rule of men entirely bad, whose consciousless course had much to do with their maladministration, there was a vicious heresy. It was the fountain of bitter and poisonous waters. That heresy held that certain States had sacrificed their corporate existence; it held that they were no longer component members of the Union; it contradicted the declared object and principle of the war. It transferred the right to govern them to a Congress which was not omnipotent. Hence, when reconstruction began through Congress, it assumed that an oligarchy of one-tenth should reform the States. Hence disqualifying amendments, and odious conditions; hence agents to govern who were not selected by the people of the States; hence a large field was opened for executive bashaws and adventurous rascals; and hence by a natural sequence the source of power which should have been in the States was fixed at the Federal capital. And wherein does such a government differ from the rankest orientalism? Conquered provinces and oligarchical States, in place of the constituted local State governments, are both a solecism and a weakness. Such a condition could not give content. It put in jeopardy the liberties and governments of the people North; it became an image, part brass and part clay; and the intolerable oppression upon one-half of the country became a burden and a reproach to the other.

PATERNAL GOVERNMENT.

It was not in the nature of things in this country, it was not in accordance with our traditions or our organic laws, that the duties of the Federal Government should be paternal. It was not possible in nature for a government to love its subjects as a father his children. Show me the government, or the agents of a government, distinct and irresponsible as the Federal Government is from the States, which for purposes of honest and wise rule is as superior in intelligence to its people as a father is to his child. Such a paternal affection is as irrational and certainly more dangerous than the figment of the constitution which Locke made for North Carolina, or which Plato made for his imaginary commonwealth. This congressional reconstructive paternity, with its new-born Bureaus, undertook to fill the platonic idea by occupying in the moral the place of "the all"—*το παν*. Macaulay satirizes this utopian danger when he says: "Why should not Government take away the child from the mother, select the nurse, regulate the school, overlook the play-ground, prescribe what parodies shall be sung, what tune shall be played, what books shall be read, what physic shall be swallowed? Why should it not choose our wives, limit our expenses, stint us to a certain number of dishes of meat, of glasses of wine, and of cups of tea?" What with agricultural, educational, freedmen's, and other Bureaus, and added to them this Federal supervision over elections, with flagellating penalties and the paramount rule of the military in this bill, if we do not have a paternal government, then no such government is possible. To ascertain the value of such paternal care, it may be well to go into the figures of arithmetic, which are more emphatic on such questions than figures of rhetoric.

DEBTS AND LIABILITIES SOUTH.

I do not now refer to the direct losses, estimated at seven billions, which the war occasioned, nor the incalculable indirect consequences in the losses of enterprises and industries; but I refer just now to the debts and liabilities of these Southern States since the war, as developed by the Ku-Klux report of 1872, a succinct statement of which is as follows:

Alabama.—Debts and liabilities at the close of the war, $5,939,654.87; debts and liabilities January 1, 1872, $38,381,967.37.

Arkansas.—Debts and liabilities at the close of the war, $4,036,952.87; debts and liabilities January 1, 1872, $19,761,265.62.

Florida.—Debts and liabilities at the close of the war, $221,000; debts and liabilities January 1, 1872, $15,763,447.54.

Georgia.—Debts and liabilities at the close of the war, nominal; debts and liabilities June, 1871, $50,137,500. (See statement of Mr. Angier, treasurer of Georgia.)

Louisiana.—Debts and liabilities at the close of the war, $10,099,074.34; debts and liabilities June 1, 1871, including the excess of expenditures over receipts, $50,540,206.91.

North Carolina.—Debts and liabilities at the close of the war, $9,699,500; debts and liabilities January 1, 1872, $34,887,467.85.

South Carolina.—Debts and liabilities at the close of the war, $5,000,000; debts and liabilities January 1, 1872, $39,158,914.47.

Mississippi.—Debts and liabilities at the close of the war, nominal; debts and liabilities January 1, 1872, about $2,000,000.

Tennessee.—Debts and liabilities at the close of the war, $20,105,606.66; debts and liabilities January 1, 1872, $45,688,263.46.

Texas.—Debts and liabilities at the close of the war, nominal; debts and liabilities January 1, 1872, $20,361,000.

Virginia.—Debts and liabilities at the close of the war, $31,938,144.59; debts and liabilities January 1, 1872, $45,480,542.21.

In this list Louisiana is stated under the truth. We are advised that at this time the debt is $65,000,000, the interest $4,000,000, while $5,000,000 more is to be added for the expenses of a State administration not the product of a legal election. This goes on and will go on under the ambiguous pusillanimity of Congress; for does not Congress by its non-action authorize the President to prop Kellogg's power by the bayonet? Does not Congress, in its Punic faith, allow Louisiana to be bound in withes, that it may be more readily plundered? Where and when is there to be any relief?

MATERIAL LOSSES BY RECONSTRUCTION POLICIES.

Would you know further how this paternal reconstruction and its bad policies have affected material interests South? Let me call your attention to some statistics to illustrate the nature and effect of these bayonet and bureau governments. In Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Texas, and Arkansas the illustration is peculiarly significant. On all the cereals, cotton, tobacco, live stock, farms, personal estates, wool, peas and beans, potatoes, and butter, the increase from 1850 to 1860 is in sad contrast with the decrease from 1860 to 1870, under the policy of hate and spoliation. The tables will show the percentage of decrease. They will also show what would have been the prosperity of these States under orderly rule. The loss on tobacco is seventy-five millions, on cereals one hundred millions, on cotton four hundred millions, on stock four hundred and eighty millions, and on farms four thousand millions. But to the table:

Productions in the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Texas, and Arkansas.

Products.	1850.	1860.	1870.
Cereals	$316, 344, 306	$339, 960, 320	$236, 069, 168
Cotton	2, 432, 321	5, 333, 867	3, 008, 033
Tobacco	90, 965, 429	203, 142, 103	73, 113, 048
Value of live stock	191, 327, 756	381, 778, 601	280, 284, 912
Value of farms	793, 342, 168	2, 012, 708, 493	1, 088, 746, 888
Value of personal property	.....	2, 478, 844, 459	612, 075, 308
Acres improved	42, 684, 965	56, 833, 154	49, 567, 628
Wool	8, 337, 523	9, 867, 268	7, 976, 981
Peas and beans	7, 371, 700	11, 501, 963	2, 305, 988
Potatoes	39, 846, 301	44, 584, 501	23 236, 788
Butter	34, 606, 394	59, 642, 527	44, 571, 545

Percentage of increase from 1850 *to* 1860 *and decrease from* 1860 *to* 1870.

Products.	Increase, 1850 to 1860.	Decrease, 1860 to 1870.
Cereals	7½	44
Cotton	119	43⅜
Tobacco	123	64
Value of live stock	99½	26½
Acreage	33	12
Wool	18	19
Peas and beans	56	79
Potatoes	11	47
Butter	72	25

Had the wealth of these States increased from 1860 to 1870 as it did from 1850 to 1860, there would have been in 1870—

Cereals	$364,890,743	instead of	$236,069,168
Cotton	11,681,168	instead of	3,008,033
Tobacco	453,006,889	instead of	73,113,048
Value of stock	761,648,308	instead of	280,284,912
Value of farms	5,102,152,487	instead of	1,088,746,888
Acres improved	75,588,094	instead of	49,567,628

The value of all farm productions in 1870 was $633,236,435. That of 1860 is not given in the census of 1860, but the quantities are and the crop, comparing quantities shows a loss as compared with those of 1860 of 45 per cent. If the values of the productions by given quantities are the same, the crop of 1860 was $918,192,829, and that is greater than the crop of 1870 by $284,956,394. What a commentary is here on such policies as this bill intrudes upon the country!

Now, if we compare the crop of 1860 with what the crop of 1870 *ought to have been* by increase of population and labor, we find that it fell over four hundred millions below what it ought to have been. Who is responsible for these losses? Ah! but it may be said, "this is the consequence of the war that ended in 1865." Let us see if it is so. How are we to account for the fact that in 1859 these States raised 282,626,000 bushels of corn, and in 1873, fourteen years afterward, and eight years after the war, with a million additional population, they only raised 217,741,000 bushels. How is it that they raised 31,441,826 bushels of wheat in 1859 and only 24,574,000 in 1873? How is it that Louisiana in 1859 raised 230,982 hogsheads of sugar and in 1873 89,498? What do these figures mean *since* the war: 1870 144,881; 1871, 128,461; 1872, 108,520; 1873, 89,498. Do they not mean reconstruction; that the blight did not exhaust itself at the end of the war, but points its skeleton hand to a lower deep yet to be touched by a wretched and distracted people? If bills like these are to pass to harass and vex industries and people, who can tell the lowest depth of that deep with which the South is threatened? As the aggregate of these Southern States shows a falling off in acreage, it may be thought this depression in agriculture arose from the farms destroyed by the armies in the field during the war. To show that this is error, we will take the State of Texas, to whose distinguished representative [Mr. MILLS] I am greatly indebted for these economic observations.

Texas is by far the most prosperous of all the Southern States; because there was no Federal army during the war, and no destruction of farms by armies. Besides there is an increased acreage by reason of the heavy immigration of whites since the war. We find, however, the same melancholy prostration of farming interests, as follows:

Losses in Texas.

	1860.	1870.
Acres improved	$2,650,781	$2,964,836
Value of farms	88,101,320	60,149,950
Farm implements	6,250,452	3,396,793
Value of animals slaughtered	5,143,635	4,835,284
Value of all live stock	42,825,447	37,425,194
Horses	325,698	424,504
Mules, &c	63,334	61,132
Milch cows	601,540	428,048
Oxen	172,492	132,407
Other cattle	2,761,736	2,933,588
Sheep	753,363	704,351
Swine	1,371,532	1,202,445
Wheat	1,478,345	415,112
Rye	111,860	28,521
Corn	16,500,702	20,554,538
Oats	985,889	702,663
Barley	67,562	44,351
Buckwheat	1,349	44
Rice	26,031	63,844
Tobacco	97,914	50,706
Cotton	431,463	350,628
Wool	1,493,738	1,251,328
Peas and beans	341,961	42,654
Potatoes	2,020,794	2,396,424
Wine	14,199	6,216
Butter	5,850,583	3,712,747
Cheese	275,128	34,342
Sugar	5,099	2,020
Molasses	520,770	420,571
Honey	594,273	275,169

NATIONAL WEALTH IN ALL THE STATES AND ITS DECREASE UNDER RECONSTRUCTION.

1850	$7,135,600,800
1860	16,159,616,668
1870	26,967,281,172

Increase in wealth from 1850 to 1860, 1.28 per cent.
Increase in wealth from 1860 to 1870, 68 per cent.

The material wealth of 1870 is reduced to gold at 111½, the premium on gold 30th of June, 1870, to make comparison with the gold value of 1850 and 1860.

The same remark applies to the next succeeding table on agriculture.

The censuses of 1850 and 1860 do not, like 1870, give the *value* of all farm productions, but they do give the *quantities*. Mr. Grosvenor, in his work on political economy published in 1868, says the value of all farm productions in 1860 was about $2,600,000,000, and that it increased 100 per cent. from 1850 to 1860. By looking at the quantities produced, as shown in the census, he is fully sustained in his estimate.

Then we have in 1860, 163,110,720 acres in cultivation; in 1870, 188,921,099 acres.

From my best information, I estimate that it will cost $10 per acre on an average of crops to cultivate them; but if this is not correct as an estimate, it will not affect the result, as it will be applied to both periods and will affect them equally:

	1860.	1870.
Cash value of farms and farming implements	$6,801,263,148	$8,509,580,529
Cash value of productions on estimate of Grosvenor	2,600,000,000	2,195,101,935
Cost of production at $10 per acre	1,631,107,200	1,889,210,990
Net profit	968,892,700	305,890,945

Loss on productions of 1870 as compared with 1860, $404,898,065.
Net profit in 1860, 14 per cent.
Net profit in 1870, 3½ per cent.

But we see from the tables in the census that the productions increased 100 per cent. from 1850 to 1860. If nothing had retarded the prosperity of our agriculture, it would have continued to increase at the same ratio of 100 per cent.; then the production of 1870 ought to have been 100 per cent. over 1860, or $5,200,000,000; but it was only $2,195,100,935, showing a loss of $3,004,898,065. Notwithstanding there were over twenty-five million more acres in cultivation and over sixteen hundred millions more money invested in farms and farming implements and seven millions more people, the crop is over four hundred millions below the crop of 1860. Who is responsible?

To illustrate the growth from 1850 to 1860, I present the following statements:

Products.	1850.	1860.	1870.
Cotton	$2,469,093	$5,387,052	$3,011,996
Corn	592,071,104	838,792,742	760,944,549
Tobacco	199,752,655	434,209,461	262,735,341
Wheat	100,485,944	173,104,924	287,745,626

The census tables show an increase from 1850 to 1860 and decrease from 1860 to 1870:

Products.	Increased, 1850 to 1860.	Decreased, 1860 to 1870.
Cotton	118	44
Tobacco	117	39
Buckwheat	96	44
Rye	48	19
Peas and beans	64	61
Mules, &c	105	2
Oxen	32	41
Hogs	10	25
Cattle	52	8

Wheat showed an increase at both periods, but 6 per cent. greater at 1860 than 1870.

These facts from the census serve to illustrate the general ideas which apply to the underlying principle, or rather lack of principle, upon which reconstruction was based. The principle necessarily involved perfidious and bad agencies to realize it, and consequently losses of property, direct, consequential, and otherwise.

VAGABOND AGENCIES SOUTH.

Perhaps the crying sin of these agencies was their vagabond qualities. The great body of the men who undertook to carry out this reconstruction were vagrant peripatetics, having no fixed and abiding interest in the place where they sat down. They generally had two thoughts: first, to make all they could, and, second, to move off with what they had made. The right of locomotion without passports or hinderance is one of the most sacred rights which any free government can give. I applaud the proper and beneficent offices of immigration, but I denounce its counterfeit and abuse. Immigration is a part of the history of the last few centuries. All our people had ancestors who were scattered from the Rhine to the Liffey, from the Danube to the Thames. There is a utility and a beauty in this exodus from the Old World to the New. The value and grandeur such immense movements mean to this new hemisphere all appreciate, and but for this movement from 1790 till to-day we would have but ten millions of people in our land at the present moment. No one objects to this movement, for it brings hundreds of millions of values as well in gold and silver as in industry, mind, and muscle.

UTILITY OF INTERSTATE RELATIONS.

But if any portion of such a movement came to overturn our attractive system of government, to change the form and the substance of our polity, we would at once cease to be attractive. We should

at once close our gates to the exodus. Between our States this exodus is double that of any other country. Our *Magna Charta* gives us the right of free egress and regress. That right, like our writ of *habeas corpus*, has contributed to our advancement. Even trees and plants improve by transplanting, but the transplanting should be rightly done. It should be suited to the soil and protected against winter frosts and adverse winds. We have the same right to go and come as to post our letters or otherwise commune with our friends. When, therefore, adventurous rascality travels only to despoil, and denunciation falls upon it, the denunciation is in favor of that rightful and healthy movement by which States are peopled, elevated, and energized.

When the reconstruction measures began to be organized under such bad agencies, the very lethargy and devastation of the South attracted not merely good citizens who would build up, but a horde of the bad who would tear down. All desirable populations were welcomed at the South; they deserved and received encouragement. They were not the jackalls to the lions of war, or hyenas among the graves of the dead. No man in Georgia objected to an artisan going there to help manufacture cotton; no man in Louisiana complained if a stranger rescued a wasted sugar plantation from the alligator; no man in Texas complained of the German who went there to raise cereals, cotton, or cattle. The complaint and the grievance begin when the myrmidons of political power, the mercenaries and the suttlers, the bureaucrats and adventurers, who have no local habitation or name, make alliance with illiteracy, fan race prejudices, despoil railroads, and revel in inordinate taxations. These men not only discredited the bonds of their States in the markets, upon the exchange, but dislocated by their devices the industries of the South.

THE DISFRANCHISED—THE SUPERIOR RACE.

Having no part in the honors and offices that belong to self-government, the best men were powerless before such an alliance. These adventurers were the cuckoos who sat upon the eggs of other birds—the scum which rose to the top of political reconstruction. They were called carpet-baggers, not because they always carried one of those indispensable articles of travel, for many of them were not even provided with that article, but they moved in a mysterious way, with no fixed mode of life or the *animus manendi*. The carpet-bagger had little to go on and much to get. He made out of negro credulity a living, and he made the negro his prey. He began as a sharper and was reconstructed as a statesman. He had a bayonet within call, and even before the happy days of "overflowed bacon," he had rations in abundance. He not only registered votes at pleasure, but became an organic law-maker and a legislator. The less he had at stake, the more he had of taxes. The county and State offices at first filled his ambition; then he aspired, when plethoric with funds, to be Congressman, Senator, and governor. He waxed fat and kicked. He kicked the negro, and by a beautiful law of nature the negro is just now beginning to return the compliment. His chief occupation has been to count votes that were never cast, and count out wages which were never earned, and to make all who despise him appear as unrepentant rebels. How could reconstruction stand on such loose material?

OTHER GRIEVANCES.

One of the great grievances of our fathers was the creation of a multitude of new offices and a swarm of officers from abroad to harass the people and eat of their substance. Our fathers complained of the establishment of a foreign jurisdiction. The quartering of armed troops completed the work of desolation and tyranny. Every one of these complaints find their counterpart in the gospel of anarchy preached through bills like the present one, and in the moral treason which inspires their enactment.

"REGULATE" ELECTIONS.

A part of this programme of anarchy and tyranny is the power granted in this bill to petty Federal officers over elections. Have we not had enough of these sickening examples? Let us have done with a set of men who can postpone "regular" elections or "correct" their returns, just as it best suits the purpose of the master, who with an unlimited executive police at his elbow, with unlimited powers, can levy taxes to pay them, collect taxes not authorized, declare martial law, suspend the *habeas corpus*, erect military commissions, try his subjects, and hang them—by your authority and in consequence of your enactment!

This is all your own work, gentlemen of the majority! You want to repeat it for 1876, do you? The very first act of congressional usurpation was the prelude to all the drama, the key-note to the whole of this infernal chorus. When it became possible to do one thing outside or above the Constitution, it became necessary to order all your actions on that plane. Every line must needs be longer than a straight line, and no action of yours outside the Constitution could fail to breed evil and prepare the way for misery.

CONSTITUTIONAL AMENDMENTS.

Am I asked whether these thoughts lead toward the repeal of the amendments of the Constitution which grew out of the war and its conditions? I answer, that these amendments, if rightly construed, as they have been by the United States Supreme Court, are only intended to deny powers to the States and not to grant or enlarge the Federal powers. Under them the opposite party claim to do everything. We do not ask to undo the past, nor the work of the war. We take the country where the war left it and its situation now. The Constitution remains to us, and its amendments remain; but they furnish no authority for such bills as the present one. It is in the administration and legislation under the amendments that we find the usurper and the reconstructer who are dangerous to peace and the fomenters of anarchy. When we read in our authentic reports from both sides what has been done in Mississippi, Arkansas, and Louisiana, we can readily perceive the drift of this arraignment of bad government.

NO RETROGRESSION.

Neither am I to be placed, as the gentleman from Ohio [Mr. GARFIELD] intimated the other day, in antagonism to the colored race. I disclaimed being responsible for Judge Van Trump's *dictum* in the minority Ku-Klux report. It is not a fair inference that I favored the abolition of colored suffrage and the oppression of the African. That protest was meant, so far as I know, to apply to the irrepressible social conflict between black and white, which is urged by party tricksters to keep the colored voters with the radicals.

I have already said here that New York State, on motion of a democratic Senator, anticipated action here, under the thirteenth amendment, by removing the property qualifications upon negro suffrage in New York. The Cincinnati and Baltimore platforms meant no reaction on this subject of enlarged suffrage. No one on any committee could or can reverse the action of our State and national conventions, which accepted, with Horace Greeley, the situation. Honest men then united to forget the past and advance the democratic party to its present condition. To-day they are more sincere in caring for the real interests of the lowly and colored than those who use them to their hurt and to the distress, impoverishment, and dishonor of southern people and State governments. The negroes will find out their friends. The democracy accepts the present condition of affairs in order to better them. It does not propose any retrogression.

The relations of slavery, the questions of civil war, the grief and grievances of that vast conflict, are or should be buried. Out of their graves spring new conditions and fresh responsibilities. The foremost duty is the satisfaction of the people in the new order, and the replacement of those guarantees of public security North and South, without which government, like that in Louisiana, is little less than anarchy. The party in power obtained it by crying "Peace, peace," but they give no peace. They made their ricketty scaffolds of reconstruction. The South ventured on them. Radicalism has already, by fraud and force, tried to hack them down. The South is to have no peace until it lays itself at the feet of radical spoliation and annoyance, and forgets all of its manhood in its abject obeisance to the social Mumbo Jumbo. Unless it does so, the whole country is to be racked with the suspension of *habeas corpus* and the threats of civil war. In fine, and under specious pretexts, the war is to be renewed for ulterior purposes. What those purposes are, time will determine. What such bills as this mean the people of New York, who are, every election, blessed with Federal supervisors and their paid minions, know full well. It is my purpose now to enter my earnest protest as well against the swash and swagger of the military and its insolent domination over civil rights and interests, as against the espionage of paid Federal supervisors over all our elections. It was to be hoped that such discussions as this were long since over; but, sir, the question recurs:

IS THE MILITARY SUPERIOR TO THE CIVIL AUTHORITY?

One of the peculiarities of these times is that the conservators of the established order in this country are compelled to discuss and discuss again the fundamental questions, long since the foregone conclusions of our best men. We have to go to the alphabet of freedom. In 1840 the whig party denounced Poinsett's scheme of a standing army, which, compared to our present armies, was as the mole-hill to the mountain. But no one objects to this jealousy of military power unless he be a despot or his tool. This jealousy of the supremacy of the military over the civil authorities took form in our constitutions. It springs from the training of the Anglo-Saxon mind for a thousand years. A distinct military order was always regarded by our ancestors as dangerous in a land of liberty. When, therefore, we are to have again scattered over the States where war does not exist hundreds of shoulder-straps and thousands of soldiers, in camp, in barracks, in hotels, what will follow? It is easy to see that under this bill we shall have again those army sheriffs, the provosts. They will again sneak into our assemblages to carry on an espionage for those in power. We are to have in every congressional district extra constitutional commissioners or supervisors. Again civilians are to be dragged from quiet homes by soldiery to be tried by drum-head rules. In such a prospect, let us go back to the origin of civil liberty and reproduce the rudiments.

It is laid down by certain writers that in absolute monarchies the safety of the prince requires a great military establishment. This is required on the principle of fear. Monarchs govern more by fear than love. This seems to be the doctrine of the present Administration. In England, when it was necessary to raise a force in time of war, the leaders were elected by the people, to make them responsible to those whom if they injured they could account unto for their misdoings. Blackstone says, (book 1, chapter 13:)

Because of their great power these officers were elected by the people in their full assembly or folkmote, in the same manner as sheriffs were elected; following

still that old fundamental maxim of the Saxon constitution, that where any officer was intrusted with such power as if abused might tend to the oppression of the people, that power was delegated by a vote of the people themselves.

This custom was inherited from the Germans. Out of this custom sprang the militia, the citizen soldiery, a system by which the discipline was made general and easy and the soldier mingled freely with the people. It is this conservative element by which the spirit of the people was communicated to the soldier and foreign and standing armies were rendered useless and innoxious. We want no soldiery in our States except that which is of the States. The second amendment of the Constitution took care to guard the States and their militia:

A well regulated militia being necessary to the security of a State, the right of THE PEOPLE to keep and bear arms shall not be infringed.

The first article, eighth section, in enumerating the powers of Congress to call out the militia, expressly "reserves to the States the appointment of the officers."

MILITARY COMMISSIONS—ENGLISH PRECEDENTS.

Springing out of this old jealousy of military authority was the distrust of military commissions, like those which will assuredly follow the suspension of civil process and the suspension of *habeas corpus*. Blackstone calls all such elements of power "temporary excrescences bred out of the distemper of the State." This Administration and its servitors have sought in vain for pretexts to declare martial law, which, as Sir Matthew Hale said, was built upon no settled principles, but is entirely arbitrary in its decisions—in truth and reality, no law. The only justification for such a state of things is for discipline in the Army. It has no place in a community where courts remain and the civil law stands. Military commissions are the detestable fungus of a bad condition. The English people suffered from such creatures of despotism. The famous "petition of right," a part of the bible of English freedom, enacted that "no commission shall issue to proceed within this land according to martial law." They had felt the outrage of trying men other than by the law of the land and by a jury; and they even struck their kings down to break this infamous tyranny of the military. What is it but an unlimited power to create crimes and annex to them any punishments? It is legislation. It makes the executive the legislature. It makes a part the whole. The President is a part of the Legislature. He approves and vetoes laws; he cannot make laws nor suspend laws. One of the chief crimes of this Administration is that it has undertaken to do, nay has done, what the kings of England undertook to do—to suspend laws.

SUSPENSION OF THE LAW OF LIBERTY.

Allow me to cull some examples from English history for our guidance. History is written for our instruction, and it but repeats itself.

In England the laws of Parliament, unlike the laws of Congress, are paramount. Here the Constitution is the supreme law of the land; and any law made by Congress or State inconsistent with the Constitution is void. In England it is otherwise. If the President of the United States undertakes to legislate he usurps; if he undertakes, as he did in Louisiana, to suspend any part of the Constitution, from which he derives all his authority either as President or as Commander-in-Chief, he does just what James II did, and for which he lost his crown. The revolution of 1688 was grounded on the breach of the English constitution by the attempt of the monarch to suspend certain laws concerning religion. These laws of Parliament as to the English Church were intolerant, bad laws, and James sought to suspend them. On the 4th of May, 1688, he proclaimed that it was his "royal will and pleasure that from henceforth the execution of all and all manner of penal laws in matters ecclesiastical * * * is hereby suspended."

He ordered the bishops of the realm to have his proclamation read in all the churches. Seven bishops objected and protested—

That the declaration is founded upon such a *dispensing power* as hath often been declared illegal in Parliament and particularly in 1662 and 1672 and the beginning of your Majesty's reign, and is a matter of so great moment and consequence to the whole nation, both in church and state, that your petitioners cannot in prudence, honor, or conscience so far make themselves party to it as the distribution of it over all the nation.

For writing these noble words the bishops were imprisoned in the Tower. On the 29th of June, 1688, they were tried. I hold in my hand the volume of State Trials of Howell containing this most remarkable trial.

It might be well before stating further the results of the great trial to ask: Where will this authorized suspension of *habeas corpus* end, Mr. Speaker? The right to criticise and protest against the arbitrary suspension of this writ may itself be regarded as a crime. The lawyers of the bishops, Sir Robert Sawyer, "old Pollfexen," Pemberton, and others, placed their defense upon the fact that no English potentate had the right to suspend the law. No more moral right has the Executive or Congress to suspend *habeas corpus*, to override the militia of the States by Gatling guns or Sheridan's orders, to abridge free speech, free press, right of trial by indictment and jury, or to establish military commissions and inflict unusual punishment. If there were no dispensing power in the King, there was no seditious libel in the bishops. If a southern man tells the truth as to the tyranny of this Administration, he has been guilty of no crime. As Justice Powell said to the jury in the case of the bishops:

If the King can dispense, it amounts to an abrogation and repeal of all laws. If this be once allowed, there will be no need of Parliament; all the legislation will be in the King, which is a thing worth considering, and I leave the issue to God and your consciences.

The jury came into court on the 30th of June and found the bishops not guilty; whereat, says the report, "there were great shouts in court and throughout Westminster Hall." The shouting was regarded by Judge Jeffries, of infamous immortality, as indecent. Such shouting has not yet died away. The echoes of that shouting hailed William of Orange as the new King; and the same echoes are going on now and here, proclaiming, in answer to last fall's verdict of the free people of America, that there is to-day no cause or pretext to suspend our fundamental law, but that the Constitution "as it is" shall be regarded.

INDICTMENT OF HISTORY—EXCESSES OF POWER.

Mr. Speaker, these lessons of history as to the abrogation of fundamental law and the establishment of military codes will be unheeded by this Congress, but not by the American people. This bill will pass this House. It simply overloads our statutes with what Burke called an exuberance of mischief, unknown even to despotism. This side of the House, aided by some thirty gentlemen opposite, have done all they could to avert the great evil. For this, the gentleman from Massachusetts [Mr. BUTLER] has arraigned these republican lovers of liberty, with merciless irony. He charged them with taking their luxurious ease, while he and his band here struggled to fix upon the statute-book this monstrous law of intermeddling and coercion. I trust gentlemen are not to be deterred, by such an attack, from their whole duty to the end! If this bill becomes a law, what is the dire consequence? It will bring only a disorderly tyranny. The history of reconstruction, with its penalties and force, its frauds and spites, has been dark enough. It has been a tissue of folly, tumult, ruin, violence, and usurpation. It is a history "of eternal conspiracies worse than that of Greece." It does not banish Themistocles, but it banishes honesty. It does not starve Aristides, but it starves whole populations. It does not force Miltiades into exile or poison Socrates, but it does worse, it destroys States, and it exiles the people. "All the violence and wickedness by which a beginning power must acquire strength and all the weakness by which falling States are brought to complete destruction," are inaugurated in such measures as this.

If I might change somewhat a paragraph in a recent article from an English statesman and apply it to this measure, I would say: "The magistrate, after sacrificing order, peace, union—all the interests which it is his first duty to protect—for the alleged purpose of promoting liberty and justice, will be forced, after experience, to admit that he has really been promoting tyranny and wrong." The sounder the doctrines of such a magistrate the stronger are the arguments against the policy which deprives a good cause of its natural advantages.

WHERE IS THE RELIEF?

Mr. Speaker, history, economy, philosophy—in fine, all results from the experiences of mankind point to the fatal effects of such measures of force as this bill, while they point to the beneficent consequences of the policy of conciliation. Where and when are these direful consequences to cease? When and where are we to sound the glad tidings of individual brotherhood and State equality? Were our elections indeed a failure? Do we who oppose this bill not represent the moral though not the numerical majority of this House and in the grand total the voice and conscience of the people?

What relief, then, is there for the stricken South? Is it only in the appeal which one of old made in his great distress and so apposite to this time?

I would seek unto God, and unto God would I commit my cause: which doeth great things and unsearchable; marvelous things without number: He disappointeth the devices of the crafty, so that their hands cannot perform their enterprise. He taketh the wise in their own craftiness: and the counsel of the froward is carried headlong.—*Job*, v: 8, 9, 12, 13.

But how long, O, how long, are we to wait for this divine relief, and for the undoing of the crafty and froward? The voice of the people last fall remains unheeded. Radicalism still moves on here under the guise of legislation. She flaunts her black banner in our faces. She glories in her triumphs over the prosperity and happiness of our beautiful sunny South. The verses of one of our native poets fitly, though quaintly, describes the desolation which has followed her path:

A WASTED LAND.

She came, and with her hand,
With her mouth, yea, and her eyes,
She hath ravaged all the land;
Its beauty shall no more rise:
She hath drawn the wine to her lip
For a mere wanton sip;
Lo, where the vine branch lies;
Lo, where the drained grapes drip.

Her feet left many a stain;
And her lips left many a sting;
She will never come again,
And the fruit of everything
Is a canker or a pain:
And a memory doth crouch
Like an asp—yea, in each part
Where she hath left her touch—
Lying in wait for the heart.

[*Joaquin Miller.*

But the time is at hand when her career will be ended and the ravages of the spoiler shall cease. The wantonness of power is nearly over. The canker and pain, they too will soon cease. Patience, and moderation—moderation, *moderation* above all. Be true to these, gentlemen of the South, and before the gray dawn of the morning which ushers in the hundred years of our independence shall have passed, the States, all in unison and self-respecting and respected, will make according harmony.

CONCLUSION.

Ah, Mr. Speaker, it is the saddest of my reflections that the real remedy for these southern troubles, dangers, uncertainties—the one mode which you did not and do not employ was yet so simple, so obvious, so easy! The small humanity of concession, the cheap generosity of conciliation, would have accomplished all that your repressions and coercions have so signally failed to accomplish. There was discontent at the South, but it would have vanished before a policy of kindness such as you might honorably have adopted; or, if you could not be kind, if you had only let these stricken and brave people alone—severely, nay, even contemptuously alone! What was it that blotted out of existence the non-jurors who had kept England uneasy with their intrigues and rebellions for five convulsive reigns? It was not repressive legislation, for that was the pabulum and the inspiration of their existence. It was not persecution, for it was that upon which they chiefly throve. It was the cessation of persecution. It was the abandonment of pursuit. It was the complete, definite, final ignoring of restrictive laws, and the extension of amnesty so absolute as to be actually contemptuous that made voiceless these ancient and experienced trumpets of sedition. They had successfully held up against all the power of the Parliament and the Throne. They could not contend, they perished as suddenly as *ephemera* before the gentle yet withering zephyrs of contempt and silence! How long would these misguided southern youth have been likely to keep up their childish Ku-Klux masquerade, with its stupid ceremonial, its clumsy garb, and its night walking, but for the incentive of your frowns and the flattery of your restrictions?

One word more, sir, and I have done. We are not here any longer to ask, as we have so often done, for charity, for liberality, for mercy toward the South. We are here to demand justice, strict justice, necessary justice, and justice not only for the harried and suffering South, but justice for the whole suffering Union, that is growing leprous with the contagion which your acts have disseminated. The deadly virus is already in our veins, and we are in danger of being stricken down as the host of Sennacherib perished in a single night before the breath of the destroying angel. Save the South, sir, or the whole country will perish!

Mr. COBURN yielded to the gentleman from Maryland, [Mr. OBRIEN.]

[Mr. OBRIEN addressed the House. His remarks will appear in the Appendix.]

Mr. COBURN. I now yield for five minutes to the gentleman from Tennessee, [Mr. NUNN.]

Mr. NUNN. Mr. Speaker, I feel with the gentleman from New York [Mr. COX] who has just spoken the solemnity of this occasion. It is a solemn occasion, for in my judgment the life or death of hundreds, ay, of thousands, depends upon the passage or rejection of this measure. Not so much upon the fact that it is passed, as the immediate effect which will be produced. Let the people in the North and in the South only understand there is a power, that there is an authority somewhere to check these outrages and murders, and from that instant they will cease and there will be no further necessity for the execution of this law. If, on the other hand, you reject this bill you will give license to these wrong-doers to continue as they have done for years.

Now, Mr. Speaker, I do not care what are the reports of investigating committees in reference to affairs in the South. I do not go to Alabama with her bloody record, nor to Mississippi with her miserable Vicksburgh, nor to Louisiana with the bloody streets of New Orleans, but I have only to refer to my own State. In Tennessee, in my native State, almost at my own door, in the adjoining county, in my own district, if you please, the lives of sixteen men were taken, men who were hung, shot, or otherwise murdered. What was the result? We are told not one of these things ever was done except the parties were indicted in the State courts. But for what? Was it for murder? No, sir; but simply for wearing masks in the night-time. Masked men are roaming that country at large. It is not only so in that county, but turn to the adjoining county to the left of where I live. There two deputy sheriffs, clever, honest, intelligent gentlemen, whose honesty and independence nobody dare attack, were shot down.

A MEMBER. When?

Mr. NUNN. Last fall in Tennessee they were shot down and afterward died, and the sheriff himself is now a refugee from his own home.

A MEMBER. For what were they shot down?

Mr. NUNN. In attempting to make an arrest of men who had violated the law, men who had shot people the day before. As I have said the sheriff, a man than whom none more gallant and honorable lived anywhere, is to-day a fugitive from his home; and for what? Simply for the purpose of attempting to enforce the laws of the State of Tennessee. And what was the result? The republicans elected by from one thousand to fifteen hundred majority the sheriff of the county. A very short time afterward he was driven from his home and his deputies were murdered in the streets. The next election the democrats carried the county by a thousand majority.

When you pass this law you stop these outrages. There will be no necessity for its enforcement; because when they understand that these things have to be stopped and the power is vested in the President of the United States to stop them, then they will cease; otherwise they never will.

[Here the hammer fell.]

Mr. NUNN. I desire just one minute more.

Mr. COBURN. I cannot yield further. I now yield twenty minutes to the gentleman from New York, [Mr. TREMAIN.]

Mr. ATKINS. I desire to ask my colleague one question. Does he say that sixteen men were taken out of Gibson County and hung?

Mr. NUNN. They were hung, assassinated, or otherwise disposed of by the Ku-Klux.

Mr. ATKINS. Not a man of them was hung. Only five were shot, and the balance escaped.

Mr. G. F. HOAR. Let me ask this——

Mr. COBURN. I cannot yield further.

Mr. NUNN. Then I ask leave to print the remainder of my remarks. There was no objection.

Mr. TREMAIN. I will yield to the gentleman from Tennessee [Mr. NUNN] a minute of my time.

Mr. NUNN. Whenever any proposition is made, whenever any measure is introduced to correct these outrages, when the President makes any effort in that direction, the cry is that the republican party wants Grant to be military dictator. Allow me to say here, Mr. Speaker, that I had rather see Grant, with the confidence I have in his ability, with the confidence I have in his integrity, and with the confidence I have in his patriotism, I would rather see him military dictator than see any man on earth President of the United States who would sit silently by and see the weak and the helpless trodden down and oppressed without attempting to stop it.

Mr. TREMAIN. Perhaps no more important question has been presented to this Congress or indeed to any American Congress than that which is involved in this bill. The friends of this bill regard it as a measure connected with a series of other measures on which they had hoped that the opinion of the House of Representatives might be obtained. The civil-rights bill was one of that series of measures. The judgment of this House upon the Arkansas case and upon the Louisiana case it was also hoped might be procured. And when, sir, the gentleman from Massachusetts [Mr. PIERCE] exclaimed that he was sorry that in the expiring moments of the House this question should be brought here, he could not have been ignorant of the fact that the reason why it has been delayed has not been owing to the friends of this bill.

We have, sir, struggled in season and out of season to bring these matters before the House. Every avenue has been closed except that which was opened by the committee whose reports were privileged; and when the unwritten history of these struggles comes to be known to the country it will be surprised at the obstacles which the friends of these measures have been compelled to encounter to bring them before the House.

The struggles to obtain the amendment of the existing rules when it appeared that such rules were capable of being so abused as to prevent all legislation; the repeated scenes of filibustering which have taken place in this House; the refusal of some of our republican members to suspend the rules, and the openly declared opinions and action of many of them adverse to any political action by this House upon the southern question—that issue which in my judgment is one of the most vital and important issues now pending before the American people—all these things attest the obstacles and difficulties under which the rank and file of the party have labored in their earnest efforts to procure affirmative, vigorous, and efficient action by the present Congress.

But, sir, I rejoice at last that there is an opportunity for us to make up a record. I rejoice, even if this bill shall fail, that those men, though they are the rank and file of the party, who have struggled to show the people that they have been desirous of doing something in regard to this southern question will have at least the poor privilege of putting their names upon the record in favor of this measure. And I hope too an opportunity may be afforded to express our views upon the other kindred measures with which this is so intimately identified.

Sir, I thank the gentleman from Indiana [Mr. COBURN] for giving me an opportunity to express my views upon this bill. I cannot attempt in the limited period allotted to me to discuss the general principles of the measure. I hope, however, to answer some of the objections which have been urged against this bill.

In the first place, Mr. Speaker, I hope and trust that the motion made by the distinguished gentleman from Massachusetts [Mr. E. R. HOAR] to strike out the first, second, and fourth sections of the bill will not prevail. The first two sections relate to a kindred subject, and may be considered together. The first is designed to protect a State government against a combination and conspiracy formed within the United States in an adjoining State to overthrow the government by unlawful, violent, and forcible means. The second section aims at the same objective point. It seeks to protect the State government against a conspiracy formed within the State by force and violence to overthrow that government. Both sections declare it to be

an offense against the United States for such conspirators to overthrow and usurp or to attempt to overthrow and usurp such governments by forcible, violent, unlawful, and revolutionary means.

It is the duty of the Legislature to keep up with crime. Crime is ingenious and always in advance of existing criminal codes. Recent events have shown that combinations have been formed for the purposes against which this bill is aimed, and no legislation is found upon the Federal statutes adapted to such a case. It is the duty of prudent and wise legislators to keep pace, if possible, with the progress of crime by providing adequate means for its prevention and punishment. Sir, I trust there is no man on this floor who does not admit the wisdom and the propriety of some measure like the present, if we have the constitutional power to pass it, that it may protect the existing State governments.

Look at the city of New Orleans. On the 14th of September Mr. Penn, by an armed insurrection, overthrew by a preconcerted conspiracy the existing government of that State, and if it had not been in the power of the governor and lieutenant-governor of the State to appeal to the Federal Government there would have been no power on earth to secure the protection of the citizens of the State and to enforce the execution of their laws. Here was a conspiracy whereby several thousand armed men had prepared and perfected their lawless plans, and suddenly rising destroyed the lives of many peaceable citizens, took possession of the State-house by force, intimidation, and violence, and overthrew the existing government of the State. The governor appealed to the President for aid, and he responded. The soldiers then sent were present at the subsequent organization of the Legislature of Louisiana.

Sir, a few men in the United States service were sent upon the demand of the governor to preserve the peace, and it is because they were there that the scene transpired at the organization of the Legislature that shook this country from center to circumference. Who believes that if there be a law on the Federal statute-book to prohibit these offenses and make them punishable by Federal jurisdiction these offenses would have been committed. We know that organizations have been formed in some of the States to overturn the government; there are organizations in neighboring States to aid in that work. But, says the gentleman from Vermont, [Mr. POLAND,] my worthy and esteemed colleague on the Judiciary Committee, we have not the constitutional power to do it. Have we not? What can be plainer than the power to authorize the protection and preservation by Federal power of existing State government in a State? Section 8 of article 1 of the Constitution declares that Congress shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

I now turn to the power of the United States in relation to the existing governments of the States, and it will be found in section 4 of article 4 of the Constitution, where it is declared that—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

The moment a State becomes one of the family of the Union the ægis of the Federal Government extends over it and we are bound to protect it, and all the means that are necessary to accomplish that object are given to Congress. Congress is the exclusive judge of the degree of the necessity that exists and of the means that shall be employed.

In the case of McCulloch *vs.* The State of Maryland, quoted in 4 Wheaton, Marshall, the Chief Justice says:

If the end be legitimate and within the scope of the Constitution, all the means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect.

If a certain means to carry into effect any of the powers expressly given by the Constitution to the Government of the Union be an appropriate, measure not prohibited by the Constitution, the degree of its necessity is a question of legislative discretion, not of judicial cognizance.

This fundamental rule of construction has never been departed from, but has been repeatedly sanctioned by the Supreme Court of the United States.

And yet we are told that although we have the power to admit a State into the Union, although we are bound to protect the existing government of that State, although we are obliged upon the application of the governor of that State, if it be invaded, or insurrection ensues, or domestic violence exists, to send all the military and naval forces of the Government to maintain it, yet, forsooth, we have not the power either by civil or criminal legislation to prevent the government so established from being invaded, usurped, or overthrown. I submit that such an argument as that scarcely deserves serious consideration. It is for us to judge whether protection is needed and what protection shall be accorded.

Now, the fourth section of the bill follows the line of precedent, precedent at all events of the republican party, and while it may be disregarded on the other side of the House, they should at least be respected on this side. In the acts of 1870 and 1871, passed by a republican Congress, and which were signed by a republican President, it was made criminal for State officers of registration to violate their duties as registration officers of the State where that violation of duty deprived the citizen of his right to vote for a Representative in Congress. I refer to the act of 1870, passed on the 31st day of May, and which will be found in the sixteenth volume of the Statutes at Large, page 145, where these duties were specially imposed on registration officers to have a fair registration under the laws of the States.

The twentieth section of that act is as follows:

And be it further enacted, That if, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person shall knowingly personate and register, or attempt to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently register, or fraudulently attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce, by any such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interfere in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induce any officer of registration to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote, or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to prosecution and punishment therefor, as provided in section 19 of this act for persons guilty of any of the crimes therein specified: *Provided*, That every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress shall be chosen, shall be deemed to be a registration within the meaning of this act, notwithstanding the same shall also be made for the purposes of any State, territorial, or municipal election.

Now, sir, we impose no new and additional duties upon the State officers by this Federal legislation than were already imposed by the laws of the State. The above section was amended in 1871 so as to read as follows:

SEC. 20. *And be it further enacted*, That if [at] any registration of voters for an election for Representative or Delegate in the Congress of the United States any person shall knowingly personate and register, or attempt to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently register, or fraudulently attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interfere in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induce any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer shall knowingly and willfully register as a voter any person not entitled to be registered, or refuse to so register any person entitled to be registered; or if any such officer or other person whose duty it is to perform any duty in relation to such registration or election, or to ascertain, announce, or declare the result thereof, or give or make any certificate, document, or evidence in relation thereto, shall knowingly neglect or refuse to perform any duty required by law, or violate any duty imposed by law, or do any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person shall aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to prosecution and punishment therefor as provided in section 19 of said act of May 31, 1870, for persons guilty of any of the crimes therein specified: *Provided*, That every registration made under the laws of any State or Territory for any State or other election at which such Representative or Delegate in Congress shall be chosen shall be deemed to be a registration within the meaning of this act, notwithstanding the same shall also be made for the purposes of any State, territorial, or municipal election.

The Federal Government finds certain officers clothed with certain powers, franchises, and privileges by the laws of the State which may place it in their power to deprive an elector of his right to vote for Representatives in Congress, and thus commit a Federal wrong. Congress is clothed with power to create and define new offenses. This fourth section simply declares that if a State officer shall willfully and corruptly avail himself of his official position to do this wrong he shall be subject to Federal jurisdiction. We punish him for the wrong he has done to a citizen entitled to vote for Representatives in Congress. The question of our right to enforce the execution of a State law is not involved. It is the corrupt obstruction of the right of the elector to vote for members of Congress which we punish. His baton of State authority, which enables him to do the wrong, we declare shall not exempt him from punishment. And that is all there is of this groundless objection. Our Constitution and Federal laws are declared to be supreme, anything in the laws of a State to the contrary notwithstanding. We do not attempt to do anything more except to say to these State officers, "You shall not use your power by a maladministration of it, not by mere nonfeasance but by willful and corrupt malfeasance, to deprive the elector of his right to vote for a Representative to Congress; you shall not willfully and corruptly withhold the certificate of registration authorizing him to vote; you shall not by artifice and fraud prevent him from registering."

This fourth section is in these words:

SEC. 4. That in case the registration officers appointed under the laws of any State or Territory, where by the laws of said State or Territory registration is required as a condition of voting at any election for Representatives in Congress, shall willfully or corruptly refuse or neglect to give any persons entitled to vote at any precinct or voting place established under the provisions of the laws of Congress or of any State or Territory, full and sufficient opportunities to register in the manner prescribed by law and within the time fixed by law, or shall, by any device or subterfuge, impose conditions or enforce discriminations upon voters or classes of voters not declared in such registration laws, or shall refuse or neglect on request made by the voter or his agent to furnish such voter with a certificate of registra-

tion or such other form of evidence of the same as may by law be required in such State or Territory, such officer shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $1,000, or imprisoned not less than six months nor more than two years, or both, at the discretion of the court trying the same.

Mr. SMITH, of New York. Will my colleague allow me——

Mr. TREMAIN. I have no time to be interrupted, or I would be glad to answer any and all questions. The Federal Government acts upon the individual. When an individual is clothed by a State with the power to deprive a citizen of the right to vote, we say to him, "If you use that power willfully and corruptly, you shall be subject to Federal jurisdiction." The Constitution gives to Congress the power to prescribe all the regulations necessary in the judgment of Congress to carry on an election of Representatives in Congress. Section 4 of article 1 declares that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations." The registration proceeding may well be considered as a regulation of the election, and this House has express power to make such regulations.

The whole subject is confided to Congress. Does not the greater include the less? We say to the State officer, "When you assume a duty in regard to the election of Representatives in Congress, you shall not so discharge that duty as to be guilty of depriving a citizen of his right to vote." We further say that if that individual has possession of certain powers and privileges he shall not use them to the prejudice of electors of members of the House of Representatives. This officer is charged with certain duties affecting both the State and Federal sovereignties, and by accepting the position he cannot divest himself of all control over his action of the superior power, or protect himself from responsibility by the plea that he is a State officer.

Now in regard to the suspension of the writ of *habeas corpus*. I am satisfied with this bill as it was reported by the committee. I want no limitation as to territory. And why? Because the bill carries its own limitations with it, and the language of this *habeas corpus* suspension in this bill is precisely the same with the language contained in the act that was passed by Congress known as the Ku-Klux act, and which will be found on pages 14 and 15 of volume 17 of the Statutes at Large, except that we bring in two cases prescribed by the first section of this bill, and say that where there is a rebellion, arising under this section as well as under the general provisions of the bill or otherwise defined, so powerful that the local authorities cannot control it, the power to suspend the writ shall be given. The law of 1871, known as the Ku-Klux law, is as follows:

SEC. 4. That whenever in any State or part of a State the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at, the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus*, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of an act entitled "An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *Provided further*, That the President shall first have made proclamation, as now provided by law, commanding such insurgents to disperse: *And provided also*, That the provisions of this section shall not be in force after the end of the next regular session of Congress.

Let us read section 13 of the present bill:

SEC. 13. That whenever in any State, or part of a State, the unlawful combinations named in section 5299 of the Revised Statutes, and in the first and second sections of this act, shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of said State and of the United States within said State, or when the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and, during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privilege of the writ of *habeas corpus*, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of the act entitled "An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *And provided further*, That the President shall first have made proclamation, as provided by law, commanding such insurgents to disperse.

It will be seen that there are two limitations provided for in this section, the one being the existence of such a powerful insurrection as to overpower the State and Federal authorities, and the other the proclamation of the President declaring upon his official responsibility the existence of such rebellion.

But inasmuch as some gentlemen desire to have it limited, and inasmuch as our investigating committees have been confined to the four States named in the amendment submitted by the gentleman from Massachusetts, [Mr. G. F. HOAR,] I shall have no objection to adopting his amendment. If we cannot have all we want, we will take what seems to be more agreeable to others.

But I see no difficulty in the way of suspending the writ of *habeas corpus* where, first, there is a rebellion so strong that the local State and United States authorities cannot overcome it; and, second, where the President, acting under the responsibility of his office, and being liable to impeachment for failure of duty or misconduct in office, shall issue a proclamation declaring that that state of things does exist within the territory to which the proclamation shall apply. Now, I could vote cheerfully for this bill substantially as reported by the committee, with the modifications suggested by the gentleman from Massachusetts who sits near me, [Mr. BUTLER.] Those modifications are merely to make plain what I think was sufficiently plain before, that this suspension shall be limited to the insurrectionary districts; and I have no objection to limiting it as to time. Then the question comes back for us to determine, do we believe that a state of things exists which renders it proper and expedient to pass this law?

I admit that there is unfortunately a difference of opinion among gentlemen on this side of the House. I concede to those who differ with me the same sincerity which I claim for myself and for the friends of this bill. But if they could see this subject from the stand-point we see it from, I am sure they could not withhold their support from this bill. We cannot shut our ears against the testimony that comes up from the South; we cannot shut our ears against the appeals made by Representatives on this floor of four millions of emancipated freedmen asking us for protection of lives, property, and their political rights; we cannot shut our eyes and ears against the testimony coming from these investigating committees.

It seems to me that we are drifting toward a second rebellion, and that some of our sentinels and officers charged with the protection of the rights of the people are sleeping at their posts of duty. The question is, shall we apply our powers of legislation to prevent existing evils and wrongs, or shall we finally resort to bayonets and war? I see what in my judgment are most plain indications that we are drifting towards the maelstrom of another rebellion. In no other way can I understand this concerted destruction of human life, these organizations of white-leaguers throughout the South, these organized bands of banditti throughout the States lately in rebellion, seeking to obtain political power not by fair argument, but by force and violations and fraud, without regard to the wishes of the people.

And here I desire to say that when the gentleman from Missouri, [Mr. BUCKNER,] of the minority of the committee, who spoke yesterday, quoted from the Republican, he in fairness should have quoted a little further. When that paper stated that one object of this bill was to preserve the electoral votes of certain States to the republican party, he ought to have read the further statement that there were at least nine of those States in which upon a fair and honest election a majority of the electoral votes would be in favor of a republican President. With that qualification we are willing to say that such is one of the objects of the bill. Its primary object, however, is the protection of the rights of the people, the preservation of law and order, and the protection of the ballot-box and its purity. It is to secure to men who have been emancipated and to their political friends the right to enjoy the elective franchise. "If this be treason, make the most of it." For one I will say (because I may have no other opportunity to say it, and gentlemen have gone out of their way to express their views on these other questions) that I am willing to take all the odium and all the responsibility that may follow from the declaration I make here and now, that while I would that the state of things now existing did not exist, yet believing that it does exist, I think we should be false to ourselves and false to our duty if we did not seek to secure the fruits that have been won by such sacrifices of blood and treasure.

I say further that if I have an opportunity to vote upon the question I shall be compelled to vote against the resolution submitted by my esteemed colleague on the Judiciary Committee [Mr. POLAND] in regard to Arkansas. I shall vote, if I have the chance, in favor of the declaration that Joseph Brooks was elected governor of that State, and that the constitution of Arkansas of 1868 has never been abrogated; that the present constitution is a mockery, a fraud, and a delusion. If I have a chance I shall vote with pleasure for the resolution submitted by the committee from Louisiana declaring that William P. Kellogg is the governor *de facto* of that State and that the arm of the President should be upheld and supported, let the consequences be what they may. "If this be treason, make the most of it." "Let justice be done though the heavens fall."

[Here the hammer fell.]

[Mr. BECK, Mr. LAMAR, Mr. MOREY, Mr. CALDWELL, Mr. PELHAM, Mr. PAGE, Mr. SHERWOOD, Mr. COMINGO, Mr. SMITH of New York, Mr. PARKER of New Hampshire, and Mr. SWANN obtained leave to have remarks printed in the RECORD as part of the debate on the pending bill.]

Mr. RANDALL. I desire to suggest that leave be granted generally to all gentlemen who may desire it to print remarks in the RECORD, with the understanding that nothing unparliamentary or of a personal character shall be inserted in the speeches.

Several MEMBERS. That is right.

Mr. RANDALL. Every member ought to be on his honor in that respect.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Pennsylvania, [Mr. RANDALL?]

Mr. G. F. HOAR. I do not think there should be a general license to write out speeches to be printed. I do not wish to be understood as objecting in the case of any member who may rise and ask the privilege of printing remarks which he has prepared for this occasion but has no opportunity to deliver. I think, however, it would be a very bad precedent to adopt a general order of the kind suggested by the gentleman from Pennsylvania.

Mr. COBURN. I now yield to the gentleman from Ohio, [Mr. FINCK.]

Mr. FINCK. Mr. Speaker, in the short time allotted to me in this debate it will be impossible to enter upon a discussion of the several sections of this bill. I shall therefore confine myself principally to the examination of the provisions of the thirteenth section, authorizing the President to suspend the privilege of the writ of *habeas corpus*.

The second paragraph of section 9 of article 1 of the Constitution of the United States reads:

> The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Now I insist, Mr. Speaker, that the authority thus conferred upon Congress is not only limited to cases of actual rebellion or invasion, but that the rebellion or invasion must be of such character as to put in peril the public safety. It is not sufficient alone that a rebellion or an invasion is apprehended, but such a state must actually exist and be of such magnitude as to threaten the national compact and the Constitution itself. And in this connection I call the attention of the House to the discussion which occurred in the House of Representatives in 1807, on the bill which had passed the Senate authorizing the President, Thomas Jefferson, to suspend the privilege of the writ of *habeas corpus*. The proposed legislation grew out of the troubles then existing known as the "Burr conspiracy. The Senate sent the bill to the House on the 26th of January, 1807. And a full discussion took place, participated in by some of the leading members of the House. In that debate, Mr. Elliott, a member from the State of Vermont, among other things, asks—

> Have we a right to suspend it in any and every case of invasion and rebellion? So far from it, that we are under a constitutional interdiction to act unless the existing invasion or rebellion in our sober judgment threatens the first principles of the national compact and the Constitution itself. In other words, we can only act in this case with a view to national self-preservation. We can suspend the writ of *habeas corpus* only in a case of extreme emergency; that alone is *salus populi*, which will justify this *lex suprema*.

In a speech delivered on the same bill by Mr. Eppes, a member from the State of Virginia, he says:

> It is not in every case of invasion nor in every case of rebellion that the exercise of this power by Congress can be justified under the words of the Constitution. The words of the Constitution confine the exercise of this power exclusively to cases of rebellion or invasion where the public safety requires it.

And further on in the same speech he says:

> I consider the provision in the Constitution for suspending the *habeas corpus* as designed only for occasions of great national danger. Like the power of creating a dictator in ancient Rome, it prostrates the rights of your citizens and endangers public liberty.

In the same discussion Mr. R. Nelson, a member from the State of Maryland, speaking of the Burr conspiracy, which in the debate had been denominated a rebellion, says:

> But admit that it is a rebellion; will every rebellion justify a suspension of the writ of *habeas corpus*?

And after quoting the clause of the Constitution authorizing the suspension, proceeds to say:

> Does, then, the public safety require this suspension? Does the Constitution justify it? And under present circumstances, confining a man in prison without a cause. There is no danger; the enemy is not at our door; there is no invasion; and yet we are called upon to suspend the writ of *habeas corpus*.

I also desire to call the attention of the House to the speech delivered during that discussion by Mr. John Randolph, of Virginia. He said:

> My view of the subject is this: that the privilege can only be suspended in cases in which not merely the public safety requires it, but that the case of the public safety requiring it must be united with *actual* invasion or *actual* rebellion.

And further on he says:

> For myself, I have no hesitation in saying that I will not grant this power at any time, except under the most imperious necessity, and I say this without any disrespect to this honorable body or to any of the public functionaries. Take man as he is, and in his best estate you find him an animal prone to abuse and corruption. There does not exist a single constitution or law in the world that does not enforce this salutary truth.

The result of the discussion on the question, "Shall the bill be rejected?" was—yeas 113, nays 19.

The defeat of the bill by so large a majority, as well as the discussion to which I have called the attention of the House, shows how unanimous was the opinion of the Representatives of the people at this early day that this great writ of liberty should be preserved in its full integrity and should not be suspended except under the most imperious necessity. And now let me inquire whether there exists to-day a state of actual rebellion or invasion in any section of the Republic? I do not believe any gentleman will deliberately maintain that such a state of affairs exists. On the contrary we know well that peace extends throughout our borders; that in every State the execution of the laws is unobstructed, and the courts are in the full and complete exercise of their powers.

But, Mr. Speaker, I maintain that if it was a fact that either invasion or rebellion existed in some quarter of the Union, yet this would not warrant the passage of this bill unless the public safety was thereby put in great peril. But in a time of peace, without any threat of rebellion or invasion, this dangerous and extraordinary measure is pressed upon the House. It is only adapted to a state of war. It arms the President with power which would be dangerous in the hands of the purest and most eminent statesman of any age. I would be unwilling in the present condition of the country to intrust this alarming power in the hands of any man, and certainly my repugnance to do so is greatly increased when it is proposed to place this power in the hands of a distinguished military chieftain.

Mr. Speaker, there is no danger of rebellion or invasion which today threatens any of the States or the peace and quiet of the Republic. I know that the provisions of this bill are intended to apply especially to the people of the Southern States. But, sir, what is the condition of the people of these States? Impoverished by the results of the late war. Laboring to restore themselves and their States again to prosperity. In good faith yielding obedience to the Constitution and laws of the United States, they desire nothing more ardently and sincerely than a true and lasting peace and that restoration between themselves and the people of the several States of mutual confidence and regard for each others rights which is due from all of the citizens of this Union to each other. And I ask is it just, is it fair and reasonable that you should place upon the statutes of the nation a measure like this, a deliberate declaration of a want of confidence in them and of their good faith to the Union?

Shall we by the passage of this bill subject these people to the charge of nursing treason in their midst? Or that they contemplate rebellion or invasion against the States, or that we are again on the eve of civil war? It seems to me that no thoughtful man, on a full consideration of the true condition of these people, can entertain a well-founded apprehension that they contemplate the commission of either of these great wrongs.

I implore gentlemen to pause before they adopt this measure. True statesmanship would require that we should labor earnestly to heal the wounds caused by the late unhappy and destructive war, and as far as possible restore that feeling of mutual confidence and affection without which there can be no real union among these States. The passage of this bill can only produce mischief, and probably serious oppression and wrong, and would establish a dangerous precedent in our history.

The privilege of this great writ of *habeas corpus* cannot be too highly prized, or guarded with too much vigilance by a free people. The history of the noble struggle made by the people of England, who fought and suffered to achieve and establish it, the sacredness with which it has been secured and transmitted to us by the wise men who have gone before us, should warn us of our duty in preserving unimpaired a right so sacred and so invaluable to the preservation of the rights of a free people.

Mr. COBURN. I yield twenty minutes to the gentleman from Alabama, [Mr. WHITE.]

Mr. WHITE. I yield ten minutes to the gentleman from Michigan, [Mr. BURROWS.]

Mr. BURROWS. Mr. Speaker, the hour for argument has passed. I rise in the closing moments of this debate but for a single purpose. The bill before the House has for its object the protection of the lives, the liberty, and the property of American citizens—nothing more.

There is at this time in a portion of the country a disturbed condition of affairs, and this bill is intended to reach and remedy that condition. It would be wholly unnecessary, even if time permitted, to enter upon an extended examination of the evidence establishing the great disorder in the Southern States which would seem to make necessary the passage of this law.

In addition to the voluminous report of the Ku-Klux outrages, filling thirteen volumes of recorded crime, we have the report of several committees just laid before the House fully confirming these outrages. But I cannot enter into detail. I may be permitted, however, to lay before you portions of the documents accompanying the President's message to the Senate of the 13th of January last, which would seem to call for some action on the part of the legislative branch of the Government and give some idea of the condition of affairs in the Southern States. I will ask the Clerk to read the following from the President's message and accompanying documents:

> To put this matter beyond controversy I quote from the charge of Judge Woods, of the United States circuit court, to the jury in the case of The United States *vs*, Cruikshank and others, in New Orleans, in March 1874. He said:
>
> "In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a conceded fact any matter that is disputed, they can correct me."
>
> After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting, in which quite a number of negroes were killed, the judge states:
>
> "Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the courthouse. They were all captured. About thirty-seven men were taken prisoners. The number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and, by pretending to be dead, were afterward, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment.
>
> "The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the

militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse, all shot in the head but one or two which were shot in the breast.

"The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed."

To hold the people of Louisiana generally responsible for these atrocities would not be just; but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers, and the so-called conservative papers of the State not only justified the massacre, but denounced as Federal tyranny and despotism the attempt of the United States officers to bring them to justice. Fierce denunciations ring through the country about office-holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

On the 14th of October eighty persons signed and published the following at Shreveport:

"We, the undersigned, merchants of the city of Shreveport, in obedience to a request of the Shreveport campaign club, agree to use every endeavor to get our employés to vote the people's ticket at the ensuing election; and in the event of their refusal so to do, or in case they vote the radical ticket, to refuse to employ them at the expiration of their present contracts."

On the same day another large body of persons published in the same place a paper, in which they used the following language:

"We, the undersigned, merchants of the city of Shreveport, alive to the great importance of securing good and honest government to the State, do agree and pledge ourselves not to advance any supplies or money to any planter the coming year who will give employment or rent lands to laborers who vote the radical ticket in the coming election."

Permit me to refer also to some portion of the report of General P. H. Sheridan:

HEADQUARTERS DIVISION OF THE MISSOURI.
New Orleans, January 4, 1875.

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest.

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished.

The city is very quiet to-day. Some of the banditti made idle threats last night that they would assassinate me because I dared to tell the truth. I am not afraid, and will not be stopped from informing the Government that there are localities in this department where the very air has been impregnated with assassination for several years.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

NEW ORLEANS, *January 10, 1875.*

Hon. W. W. BELKNAP,
Secretary of War, Washington. D. C.:

Since the year 1866 *nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In* 1868 *the official record shows that eighteen hundred and eighty-four were killed and wounded. From* 1868 *to the present time no official investigation has been made, and the civil authorities in all but a few cases have been unable to arrest, convict, and punish perpetrators.* Consequently there are no correct records to be consulted for information. *There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time on account of their political sentiments. Frightful massacres have occurred* in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them.

The *isolated cases* can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of *men killed on account of their political principles.* In Natchitoches Parish the number of isolated cases reported is *thirty-three;* in the parish of Bienville the number of men *killed is thirty;* in Red River Parish the isolated cases of men *killed is thirty-four;* in Winn Parish the number of isolated cases where men were killed is *fifteen;* in Jackson Parish the number *killed is twenty;* and in Catahoula Parish the number of isolated cases reported where men were *killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs.* The following statements will illustrate the character and kind of these outrages. On the 30*th of August,* 1874, *in Red River Parish, six State and parish officers,* named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, *were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the* 29*th of August,* 1874. *The White League tried, sentenced, and hung two negroes on the* 28*th of August,* 1874. *Three negroes* were *shot* and *killed* at Brownsville, just before the arrival of the United States troops in this parish. *Two white-leaguers rode up to a negro cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district and the district judge driven out.*

In the parish of Caddo, prior to the arrival of the United States troops, *all of the officers at Shreveport were compelled to abdicate by the White League,* which took possession of the place. Among those obliged to abdicate were Walsh, the mayor; Rapers, the sheriff; Wheaton, clerk of the court; Durant, the recorder; and Ferguson and Renfro, administrators. *Two colored men, who had given evidence in regard to frauds committed in the parish, were compelled to flee for their lives,* and reached this city last night, having been smuggled through in a cargo of cotton. In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court, and they have compelled the parish and district courts to suspend operations. *Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.*

They also tried to intimidate him through his family by making the same threats to his wife, and when told by him that he was a United States commissioner, they notified him not to attempt to exercise the functions of his office. In but few of the country parishes can it be truly said that the law is properly enforced, and in some of the parishes the judges have not been able to hold court for the past two years. Human life in this State is held so cheaply, that when men are killed on account of political opinions the murderers are regarded rather as heroes than as criminals in the localities where they reside and by the White League and their supporters. An illustration of the ostracism that prevails in the State may be found in a resolution of a White League club in the parish of De Soto, which states "that they pledge themselves under (no!) circumstances after the coming election to employ, rent land to, or in any other manner give aid, comfort, or credit to any man, white or black, who votes against the nominees of the white man's party."

Safety for individuals who express their opinion in the isolated portions of this State has existed only when that opinion was in favor of the principles and party supported by the Ku-Klux and White League organizations. Only yesterday Judge Myers, the parish judge of the parish of Natchitoches, called on me upon his arrival in this city, and stated that in order to reach here alive he was obliged to leave his home by stealth and after nightfall, and make his way to Little Rock, Arkansas, and come to this city by way of Memphis. He further states that while his father was lying at the point of death in the same village he was unable to visit him for fear of assassination, and yet he is a native of the parish, and proscribed for his political sentiments only.

It is more than probable that if bad government has existed in this State, it is the result of the armed organizations, which have now crystallized into what is called the White League; instead of bad government developing them, they have by their terrorism prevented to a considerable extent the collection of taxes, the holding of courts, the punishment of criminals, and vitiated public sentiment by familiarizing it with the scenes above described.

P. H. SHERIDAN,
Lieutenant-General.

The following is from the platform adopted by the White League in Saint Mary on the 13th of July:

"We enter into and form this league for the protection of our own race against the daily-increasing encroachments of the negro, and are determined to use our best endeavors to purge our legislative, judicial, and ministerial offices from such a horde of miscreants as now assume to lord it over us.

"That to accomplish this end we solemnly *pledge* our honor to each other *to give our hearty support to all that this league may determine* by a majority of votes cast at any regular meeting, and to aid to the utmost of our ability in carrying out *such measures as it may adopt.*

"That we do not reject or condemn any white man for his political opinions *so that he join us* in the one grand object we may have in view."

The following is from the platform of the White League, adopted at Alto on the 11th of July:

"That we regard it the sacred and political duty of every member of this club to discountenance and socially proscribe all white men who unite themselves with the radical party; and to supplant every political opponent in all his vocations by the employment and support of those who ally themselves with the white man's party; and we pledge ourselves to exert our energies and use our means to the consummating of this end."

The following resolution was adopted at the White League convention at Franklin on the 1st of August:

"*Resolved,* That it is the sense of this convention that every member of the White League organization is in honor and duty bound zealously to support and vote for each and every regular nominee of the organization, to the exclusion of all other candidates or persons whatever."

The following is from the Enterprise of the 6th of August, published at Franklin, Saint Mary Parish:

"We ask for no assistance; we protest against any intervention. * * * We own this soil of Louisiana, by virtue of our endeavor, as a heritage from our ancestors, and it is ours, and ours alone. Science, literature, history, art, civilization, and law belong alone to us, and not to the negroes. They have no record but barbarism and idolatry, nothing since the war but that of error, incapacity, beastliness, and crime. Their right to vote is but the result of the war, their exercise of it a monstrous imposition and a vindictive punishment upon us for that ill-advised rebellion.

"Therefore are we banding together in a White League army, drawn up only on the defensive, exasperated by continual wrong, it is true, but acting under Christian and high-principled leaders, and determined to defeat these negroes in their infamous design of depriving us of all we hold sacred and precious on the soil of our nativity or adoption, or perish in the attempt.

"Come what may, upon the radical party must rest the whole responsibility of this *conflict,* and as sure as there is a just God in heaven, their unnatural, cold-blooded, and revengeful measures of reconstruction in Louisiana *will meet with a terrible retribution.*"

The following is from the Shreveport Times of July 9:

"If a single hostile gun is fired between the whites and blacks in this and surrounding parishes, *every carpet-bagger and scalawag that can be caught, will, in twelve hours therefrom, be dangling from a limb.* We do not say this in a spirit of braggadocio; we say it in the interest of peace, and we know what we are talking about."

Mr. Speaker, I have asked this much of the President's message to be read, as bearing upon the condition of affairs in one portion of the South, and tending to show the spirit and temper of the people.

But we are told to-day, and I have heard it repeatedly charged on the floor of this House, that the Federal Government under the administration of the republican party is the guilty author of all these outrages, of all this wrong, of all this persecution at the South. It is to this, and to this only, I desire to direct my reply. Sir, I may be permitted to say also that I am prompted to this reply in no small degree by the remarkable speech of my colleague, [Mr. WILLARD,] a speech delivered in this House last evening, which I do not believe reflects the sentiment of the State which I have the honor in part to represent. He admonished us that a decade had passed since the cessation of armed hostilities without bringing to the country harmony and peace, and then proceeds to arraign the republican party as the author of this discontent. It is true, sir, a full decade has gone by since the overthrow of armed resistance to Federal authority; yet it is past contradiction that in many portions of the South there has not been an hour since of substantial peace, not a moment when the sacred right of life, liberty, or property has been either respected or secure. Wrongs the most cruel, ostracism the most malignant, crimes the most revolting, revolutions the most unprovoked, conspiracies the most monstrous, persecutions the most relentless, riots the most bloody, and murder most foul, have characterized this era of southern repentance and returning loyalty.

Sir, I am fearful, if the history of the South for the last ten years could be written in all its horrible details, it would present one of the

bloodiest pages in the peaceful annals of the civilized world. Where does the responsibility for this rest? Who is the author of these unblushing crimes? These are pertinent inquiries. These are questions for us to answer before we can apply the proper remedy. Is it the Federal Government or the white man's party of the South, aided by northern democracy, which has brought upon the South all her woes?

Although it is admitted that this disorder is confined entirely to the Southern States, we are nevertheless told that the South is in no way responsible for it; that the South has accepted the situation in good faith; but that the Federal Government under the control of the republican party has been and is an instrument of unbridled tyranny. No words of denunciation are too severe, no language too bitter and intemperate, no malediction too terrible to fitly characterize the Federal Government in its dealings with the late rebellious States, while at the same time the people who were lately in arms against the Government are paraded as examples of patient suffering and heroic endurance worthy the imitation of martyrs.

Sir, I am not surprised that the democratic party of the North should continue to arraign that party which was made the object of its bitterest denunciation when we were struggling for the Nation's life; but it is a matter of profound astonishment that any Southern man can be found to take up the cry.

Never in the history of the world was there such an exhibition of magnanimity as that manifested by the Federal Government in its dealings with the Southern States. Southern chivalry should be prompt to recognize it. How can you say you have been dealt with tyrannically? Have you forgotten that in 1861 the Federal Government prostrated itself in the very dust, begging you to stay the fratricidal blow, and offered every measure of compromise consistent with the honor of the nation and the union of the States? Have you forgotten, in 1863, while the Government stood warding off with one hand the blow aimed at the nation's life, that in the other it held out to you a proclamation of almost universal amnesty? Have you forgotten the renewed proffer of pardon in 1864-'65-'67? Have you forgotten that on the 4th of July, 1868, the executive head of this nation proclaimed and declared "unconditionally and without reservation to all persons who participated in the rebellion full pardon and amnesty for the offense of treason?" Have you forgotten the generous terms of surrender at Appomattox? Have you forgotten that every seceded State has been received back into the Union with full restoration of all its rights? Have you forgotten that not a single man who participated in that conspiracy has ever paid the penalty of his treason? Do you forget that day by day measures for the removal of political disabilities imposed by the fourteenth amendment pass this House unchallenged and unquestioned? Do you forget that we have welcomed back to places of profit and power the very men who were chiefest among the conspirators? Nay, more, do you forget that in the next Congress which assembles in this capital city there are to be more leaders of the confederate than of the Union forces sitting in this Hall? And yet, sir, in the face of all these facts, you persist in your denunciation of that power to which you are indebted for the greatest blessings of life.

And now, sir, how has this leniency on the part of the General Government been received? The gentleman from Kentucky tells us that the people of the South have accepted the situation in good faith, and there is no obstacle in the way of national peace except such as interposed by the National Government. How, sir, have you accepted the situation? It is true you have disbanded your armies, but only to organize the Ku-Klux and White Leagues, oath-bound to secret murder. You have abandoned your warfare against an armed nation only to strike down unseen defenseless citizens. You have accepted the abolition of slavery and the liberty of the black race only to attempt his enslavement by a system of vagrant laws which, if executed, would consign that people to a servitude no less terrible than slavery itself. You have accepted the citizenship of the black man only to declare that "this is a white man's government." You recognize his right to the ballot only to make the use of it by him so perilous as to endanger his life and property. You have sheathed the bloody sword of open revolt only to draw the bloodier dagger of the assassin. You have quenched the leaping fires of revolution only to light the more desolating torch of the incendiary.

Such has been your "acceptance of the situation" and such the condition of affairs in the Southern States. And now what more do you ask? You stand here and demand that every Federal soldier shall be withdrawn from the borders of the Southern States; that every carpet-bagger shall abandon his new home in the South and every scalawag be driven from your States. Pardon the use of these terms; they are the coinage of a repentant and reconstructed South. For one I stand here as a republican to protest against the acceptance of peace upon any such conditions, feeling that the nation cannot so dishonor itself.

What offense has this Federal soldiery committed? They are conservators of the peace; they are not Ku-Klux or white-leaguers; they drive out no citizens from the States; they whip no schoolteachers; they kidnap no legislators; they demolish no schoolhouses; they burn no churches; they have done no murder. And so long as used to protect the most sacred rights of American citizenship I shall not deplore its existence. The Federal Army is objectionable to the South because it disturbs massacres, interferes with riots, prevents revolutions, disperses mobs, intimidates white-leaguers, guards churches and school-houses, and fills with wholesome fear the men who plot against the peace of the State and the life and property of the citizen. A soldiery thus used is offensive only to men who are plotting treason.

And who are these scalawags whose presence cannot be endured? They are the men who have renounced their adherence to the lost cause and have sworn a fresh allegiance to the country and the flag. In that renewed fidelity I demand for them the amplest protection. But it is demanded of us that all carpet-baggers shall abandon the Southern States. Who are these carpet-baggers? They are the men who fought the country's battles and saved the nation's life, and when the war was over made their homes in the Southern States. If there are those from the North who have settled among you solely for the purpose of eating out your substance and plundering the people, they deserve the execration of all good men and shall receive no defense from me. But those carpet-baggers who when the war was over settled in the South in good faith as their future home must be protected in life and property. They are the men who took up your dishonored flag on yonder heights and carried it to victory; they are your brothers and sons who bore it in triumph from Cairo to the Gulf, and brought it back floating over a nation protected and a Republic saved; they are the men who waded through that hell of fire at the Wilderness, and planted it in triumph over the field of Appomattox. And I say for one, sir, that, come what may, though it take the strong arm of the Federal Government, they shall be protected in all the rights of American citizenship wherever that flag of my country floats.

One word more and I am done. If you will pardon me, I say it in all kindness, men of the South, there is a road to peace. I tell you, too, there is but one road. In it lies a peaceful solution of all our difficulties. Whether you pursue it is a matter of your own free choice. It is a highway on which if you will but walk you will find speedy and enduring peace and unexampled prosperity. Men of all parties even my colleague [Mr. WILLARD] can walk on it, for it is obstructed by no constitutional doubts, but is paved by the Federal compact. May I point you to it? Behold it here.

Strip the hideous masks from your outlawed Ku-Klux; disband your White Leagues; visit swift and condign punishment upon your unarrested and untried felons, and enforce State and Federal law with a firm hand. Give to human life some security and to property protection; recognize the equality of all men before the law, and their right to its fullest guardianship; put out the fires of your burning churches and school-houses; make the freedom of the ballot so secure that there shall be no intimidation; let free speech be recognized; let ostracism be unknown; renew your allegiance to the Government; extend a generous welcome to northern labor and northern capital; abandon all hope of the lost cause. In a word, "accept the situation" in good faith and in the highest sense, and you will have a peace universal. Do this, and your barren fields will stir with a new life; your desolate cities will echo with the hum of returning industry; your spacious harbors will choke with the tide of commerce. Do this, and the whole South will spring from her baptism of blood into the fullness of a new life, redeemed and regenerated forever. All hail that auspicious day!

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. EDMUNDS, and Mr. STEVENSON to be the conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I rise to a privileged question. I submit the report of the committee of conference, which I send to the Clerk's desk.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3818, an act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, report that the said committee have been unable to agree.

JAMES A. GARFELD,
STEVENSON ARCHER,
HENRY H. STARKWEATHER,
Managers on the part of the House.

LOT M. MORRILL,
AARON A. SARGENT,
HENRY G. DAVIS,
Managers on the part of the Senate.

Mr. DAWES. I would like to inquire of the gentleman from Ohio what was the point on which the conferees on the part of the two Houses were unable to agree?

Mr. GARFIELD. I regret to say, Mr. Speaker, that after five conferences covering a great many hours the conferees on the part of the two Houses have failed to agree upon this legislative, executive, and judicial appropriation bill. There were about ninety amendments involved in the difference between the two Houses. The conference committee agreed upon all of them except the single item relating to the clerks at our desk. The Senate committee withdrew the proposed increase of pay for their own officers and asked us to do the same. The committee on the part of the House felt themselves as far instructed as any committee of conference can well be on that subject and declined to assent to the arrangement, and on that point alone a disagreement has resulted. I submit this statement to the House for their understanding of the matter, and then the House can take such action as they deem best.

Mr. STARKWEATHER. I think the gentleman has omitted to state some matters of disagreement. There were other important amendments made to the bill by the Senate involving an increase of the appropriations by several hundred thousand dollars. It is true an effort was made to get to a result on all these amendments. It is also true that two members of our committee were not satisfied to agree to the large increase of appropriation made in other parts of the bill amounting to several hundred thousand dollars.

Mr. COBURN. I call for the regular order; I do not think this is right or in good taste.

Mr. GARFIELD. The question of taste is perhaps a matter of judgment with one member as well as another. I ask that the report of the committee of conference be adopted and that a new conferance be ordered.

The SPEAKER *pro tempore*, (Mr. WHEELER.) This is a privileged question.

Mr. ARCHER. I wish to say that so far as the House committee was concerned we readily acceded to the amendment of the Senate so far as it went to the increase of the compensation of their officers. But when the question of the compensation of our officers came up the Senate flatly refused to recede from their amendments reducing the pay of our officers.

The question was taken on discharging the committee of conference and asking for the appointment of a new committee; and it was agreed to.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. GARFIELD, Mr. PARKER of Missouri, and Mr. SPEER as the committee of conference on the part of the House.

SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill providing for the security of elections, &c.

Mr. WHITE. Mr. Speaker, the Government of the United States is a government of limited powers, but within the limits of its jurisdiction its grants are ample and its power supreme. The occasion and the manner of the exercise of these powers rest alone in the discretion of the department of the Government in which it is vested by the Constitution. An express grant carries with it the implied power to do whatever is necessary to effectuate the purposes of the grant. In interpreting a constitutional provision when the language is plain and unambiguous, construction can neither enlarge nor diminish its import.

Section 4, article 4 of the Federal Constitution makes it the duty of the United Stated to guarantee to each State a republican form of government. Guarantee means "to undertake to secure to another at all events." The United States is then bound to secure to each State a republican form of government at all events. This is the first and leading, and controlling idea of this section, and is limited by the specific cases enumerated in the subsequent clauses of the section. The duty of guaranteeing to each State a republican form of government is imposed upon the United States, and with it is necessarily implied the power to use whatever means Congress may think necessary to accomplish that object. From whatever source danger may be apprehended, Congress may provide against it and against every form of danger to its republican form of government. Congress may protect it were it otherwise.

If it be held that Congress can intervene against domestic violence when aimed at the republican form of government in a State only when applied to by its Legislature or its executive, then it might be that from the unwillingness of these, or their omission to make the application to the United States, the people of the State would be unprotected in their republican form of government, or in a war of factions in a State the republican form of government might be overturned and a different form of government established. This principle would in a very possible contingency work out the destruction of State governments republican in form, and in time work the destruction of the Government of the United States as well.

The Government of the United States was framed upon a very careful review and consideration of the history and forms of all popular governments which had preceded it, and it is not conceivable that the framers of the Constitution could have overlooked the destroyer of them all—not foreign war, but intestine strife; not enemies from without, but enemies from within. This guarantee of a republican form of government to each State was not only a protection to the people of the State, but was also a security to the people of all the States and of the United States. It was a guarantee of our free institutions and republican form of government. If this be true, then it is clear that Congress has the power to protect by punitive laws the republican form of government in the States from the two forms of violence to which the disturbed condition in the South has shown them to be liable, invasion from other States and violence and force within their own limits, which are provided for in the first and second sections of the bill.

An objection has been made to the second section that it constitutes treason against the State, and that it gives to the Federal courts exclusive jurisdiction. Treason is levying war against the State, or adhering to its enemies, giving them aid and comfort. This is a statutory offense enacted by the act itself, defined by it, and upon its face different from treason, having a wider scope, and providing for the punishment of grave offenses which would not constitute treason, and for the suppression of serious evils which cannot be reached by the laws against treason.

The fourth section of the bill is objected to because it is said that this is a punishment proposed by an act of Congress for the violation of a State law. This is an entire misconception of the idea upon which the section is based. Its provisions relate to elections of Representatives to Congress, and is intended to secure the fair exercise to the people of a right conferred by the Constitution of the United States. Section 2, article 1, makes qualified electors for the most numerous branch of the State Legislature electors for choosing Representatives to Congress. This section only proposes to enforce good faith in the State officers in States where registration is made a prerequisite for voting, and to secure those entitled by the Constitution of the United States to vote for Representatives in Congress protection in the exercise of that right against the negligent or fraudulent conduct of State officers whose duty it is to afford them opportunities to register as required by law.

The bill has been characterized by its opponents as the "force bill," and has been the object of much bitter denunciation. It is stigmatized as a party measure, conceived in the interests of the republican party, and proposed to be enacted for the maintenance of its ascendency. That these charges are untrue will be evident to the candid and intelligent mind upon reading the bill. The offenses enumerated in the bill all good men will condemn, and every citizen who respects law and order will approve of their suppression. To invade a State for the purpose of violating its laws or overthrowing its government; to conspire to usurp a State government or to seize it by force; to intimidate voters at elections by the use of fire-arms; to destroy ballots or ballot-boxes, are all of them offenses, both moral and political, which any one will admit should be forbidden and repressed.

The provisions compelling registrars to do their duty in allowing voters to register and the appointment of deputy marshals and supervisors in elections of Representatives to Congress are right in themselves, and if not necessary, are certainly not of a character to call down such heavy condemnation as has been heaped upon this bill. The reasons for the opposition to this bill are deeper than is expressed and different from what appears upon the surface.

The need of these enactments has developed itself in the commotions in the South which resulted from the war and the desperate struggles of the democratic party South to overturn practically the reconstruction acts of Congress and the amendments to the Constitution which establish the civil and political equality of all men and to reinstate themselves in power in all of the Southern States. This they could not do by a fair election, because in many of these States, embracing all of the cotton States, the majority of voters were opposed to the democratic party, and if allowed to vote the democrats would be defeated. This made it necessary to resort to fraud and force to prevent the colored people, who are nearly all of them republicans, from voting, and to prevent their votes from being counted when they were cast.

Two of the most effectual modes of accomplishing this are fire-arms or other deadly weapons and the destruction of ballots and ballot-boxes. The democrats arm themselves with ease and conspire readily, and on the day of election, at precincts where there are large numbers of colored and but few white republicans, get up some difficulty between white and colored men, which is the pretense and the signal for a general attack by the whites with fire-arms, killing some, wounding more, and driving the remainder from the polls. This has been done and repeated so often that instances of it need not be named. It is a part of a systematic and extended plan of operations practiced with relentless cruelty and with proportionate success in the interest of the democratic party in the South.

Another mode is to destroy or make way with the ballots and ballot-boxes at precincts where there are large republican majorities, and by this means secure the return of democratic candidates contrary to law and the will of the people.

At Springhill, in Barbour County, Alabama, in the fall elections of 1874, to get possession of the ballot-box which contained a large majority of republican votes, the democrats, after extinguishing the lights—it being just after dark—attacked the United States supervisor, Judge Keils, fired a great many shots at him, they being in the same room with him, killed his son, a youth of seventeen, at his side,

then took the ballot-boxes and destroyed them, and the democracy then claimed, the evidence of the vote at that precinct being destroyed and consequently not counted, that they had carried the county.

In Wilcox County, Alabama, upon an election for judge of the court of quarter sessions in 1871, a republican and democrat were candidates; the republican a high-toned gentleman, a good lawyer, and well qualified; the democrat a nominal lawyer, and very indifferently qualified. The county was republican by two thousand majority, and it was known that the republican candidate was elected, but the result had not been declared. By the laws of Alabama the boxes containing the ballots are sent from the several precincts to the judge of probate at the county seat, and are then counted out and the election declared. Five of these ballot-boxes were stolen from the judge of probate's office, after being returned, on the night before the day for counting out, and the consequence was the votes in them were lost and the democrat was declared elected.

I could mention many others, but these examples are enough to show the necessity of the provision in the bill with regard to ballot-boxes. The propriety as well as necessity of the section providing for United States supervisors, who shall supervise the election and canvass and declare the vote, is forcibly illustrated in the late election for members to Congress in Alabama, in the following table, which I present and shall embody in my remarks as printed in the RECORD:

List of votes by counties at election in Alabama November, 1874, for Congressman at large.

Counties.	Vote of 1872.		Reserve, 1872.		Vote of 1874.		Increase.		Excess.	
	Democrat.	Republican.	Democrat.	Republican.	Democrat.	Republican.	Democrat.	Republican.	Democrat.	Republican.
Autauga	674	1,600	24	50	777	1,647	103	47	79	.....
Baker	472	221	78	300	.....	.....	.....	.....	.....	.....
Baldwin	573	690	41	150	949	818	376	128	335	.....
Barbour	2,340	2,762	61	600	2,774	2,667	434	.....	373	.....
Bibb	810	418	52	200	1,341	451	531	33	479	.....
Blount	575	271	600	339	1,725	247	1,150	.....	550	.....
Bullock	1,265	3,101	124	800	1,583	2,500	318	.....	194	.....
Butler	1,512	1,100	59	250	2,191	1,468	679	368	620	118
Calhoun	1,819	397	200	294	2,391	476	572	79	372	.....
Chambers	1,812	1,317	15	150	2,185	1,540	373	223	358	73
Cherokee	1,260	221	400	192	2,665	278	1,405	57	1,005	.....
Choctaw	1,177	644	96	600	1,420	986	243	342	147	.....
Clarke	1,463	1,093	39	300	1,398	1,286	.....	193	.....	.....
Clay	947	398	200	115	1,216	307	269	.....	69	.....
Cleburne	544	412	300	145	972	216	428	.....	128	.....
Coffee	760	103	181	47	1,383	83	623	.....	442	.....
Colbert	1,049	814	400	233	1,515	992	466	178	66	.....
Conecuh	928	953	.....	.....	1,813	1,304	885	351	885	351
Coosa	1,034	894	100	71	1,316	948	282	54	182	.....
Covington	627	70	140	30	1,067	61	440	.....	300	.....
Crenshaw	1,066	309	500	134	1,610	382	544	73	44	.....
Dale	1,012	374	400	143	1,744	354	732	.....	332	.....
Dallas	1,984	7,065	42	170	1,850	6,825	.....	.....	.....	.....
De Kalb	576	586	100	89	1,031	623	455	37	355	.....
Elmore	1,351	1,451	46	170	1,559	1,480	208	29	162	.....
Escambia	602	216	.....	.....	.....	.....	.....	.....	.....	.....
Etowah	745	295	641	250	.....	.....	.....	.....	.....	.....
Fayette	529	334	300	118	892	308	363	.....	63	.....
Franklin	488	413	288	200	811	321	323	.....	35	.....
Geneva	262	49	160	46	.....	.....	.....	.....	.....	.....
Greene	1,231	2,508	54	150	865	3,137	.....	629	.....	479
Hale	816	3,658	31	400	1,182	3,491	366	.....	335	.....
Henry	1,912	396	43	200	2,022	736	110	340	67	140
Jackson	1,682	681	800	463	2,811	755	1,129	74	329	.....
Jefferson	1,245	1,024	5	20	2,203	836	958	.....	953	.....
Lauderdale	1,358	921	200	446	1,923	1,152	565	231	365	.....
Lawrence	1,224	1,499	200	351	1,781	1,581	557	82	357	.....
Lee*	2,251	2,356	.....	.....	3,812	1,122	1,561	.....	1,561	.....
Limestone	849	892	616	800	1,737	1,505	888	613	272	.....
Lowndes	932	3,958	100	560	1,196	4,149	264	191	164	.....
Macon	968	2,068	147	500	1,224	2,075	256	7	109	.....
Madison	2,471	3,022	500	463	3,485	3,292	1,014	270	514	.....
Marengo	1,707	1,608	89	2,400	1,806	3,432	99	1,824	10	.....
Marion	272	275	300	234	1,252	144	980	.....	680	.....
Marshall	623	293	521	250	1,308	228	655	.....	134	.....
Mobile	6,576	5,938	.....	.....	6,498	4,759	.....	.....	.....	.....
Monroe	1,448	482	68	800	1,320	985	.....	503	.....	.....
Montgomery	3,025	7,096	21	20	3,293	6,182	268	.....	247	.....
Morgan	1,013	1,015	240	172	1,630	1,081	617	66	377	.....
Perry	1,400	4,141	.....	.....	1,426	3,833	26	.....	.....	.....
Pickens	1,510	441	98	1,300	1,937	1,175	427	734	329	.....
Pike	1,905	553	365	400	2,377	727	472	174	107	.....
Randolph	915	968	83	100	1,299	987	384	19	301	.....
Russell	1,717	2,513	42	300	1,963	2,625	246	112	204	.....
Sanford	631	261	400	266	671	219	40	.....	.....	.....
Shelby	1,112	893	200	154	1,785	993	673	100	473	.....
Saint Clair	814	489	198	300	1,138	583	324	94	126	.....
Sumter	1,733	2,449	14	900	1,690	3,304	.....	855	.....	.....
Talladega	1,556	1,935	.....	.....	1,876	2,134	310	199	310	199
Tallapoosa	2,142	716	71	100	2,962	914	820	198	749	98
Tuscaloosa	1,715	1,350	700	435	2,191	1,577	476	227	.....	.....
Walker	441	446	171	100	811	480	370	34	199	.....
Washington	495	79	23	150	579	65	84	.....	61	.....
Wilcox	1,299	3,956	75	650	1,510	3,632	211	.....	136	.....
Winston	117	416	100	88	268	386	169	.....	69	.....
	81,371	89,867	12,062	19,678	106,009	92,844	27,521	9,768	17,113	1,458

* In this county a box containing some thirteen or fourteen hundred republican votes was thrown out by the county supervisors and not returned to the secretary of state, and is therefore not included in the table.

The two columns on the left show the vote in the State in the general election in 1872, in each county. The next two columns show the reserve of each party, based upon the census of 1870, which did not vote in 1872. The next two columns shows the vote for Congressman at large in 1874. The next two columns show the increase of the vote of 1874 over the vote of 1872, and the next two columns show the excess of voters in each county over and above the vote of 1872, and the reserve added to it, which would embrace the entire vote in the county.

There is no immigration into Alabama; on the contrary, there is a large emigration from it annually. Democratic policy there is driving out people instead of bringing population into the State. It is stifling all enterprise, suppressing all industries, shrinking all values, and everything wilts under its baneful influence. The exodus from the State more than equals the number who had arrived at the voting age in the two years from 1872 to 1874. So that it is fair to estimate the number of voters as about the same. Were this not true, the increase in particular localities, where the democrats had the control of

the ballots and poll-lists, is so large as to preclude any hypothesis, but that the increase was the result of fraudulent voting, while the increase in nearly all of the white counties is such as to demonstrate that it was the result of a widely extended and deliberately concerted plan to carry the election by fraud.

I mention a few counties to illustrate the fraud by which the State was counted for the democracy when it in fact voted for the republican ticket by several thousand majority. In the county of Blount the excess of the democratic vote over their entire vote in 1872 was 550, and this in a county which has only 1,800 votes in all. In Cherokee County, which has an aggregate vote of about 2,000, the increase of the democratic vote in 1874 over the entire democratic vote in 1872, including its reserve vote, was 1,005. In Coffee County, which has a voting population of only 1,081, the democratic vote in 1874 was 1,383. Three hundred over the entire vote in the county, and an increase of 442 votes over the entire democratic vote, including the reserve, in 1872. In the county of Jefferson the aggregate vote of the county is 2,269, and the excess of the democratic vote in 1874 over the entire democratic vote in 1872, including its reserve, was 953. In the county of Lee, in which the aggregate vote is 4,607, the excess of the democratic vote in 1874 over their entire vote, including their reserve, in 1872, is 1,561. In the county of Lee there was a box containing some thirteen or fourteen hundred republican votes, at Opelika, which was thrown out by the supervisors under the pretense that the box was illegal.

These votes do not appear in the table I have presented, which was furnished me by the secretary of state; and as they were not returned to him he could not estimate them in making out the vote. These added to the vote in the table, which was returned, make the republican vote in the county larger than it was in 1872, and show that the large excess of democratic votes did not come from republicans voting the democratic ticket. The counties I have named are counties in which the democracy had the control of the ballot-boxes, and they are sufficient to show the frauds by which the aggregate result was reached and the State carried for the democracy. The footing up of the entire vote shows that in the last election the democrats voted 17,113 votes more than they had in the State; in other words, that this party which arrogates to itself all the decency and all the intelligence, which boasts and swaggers over its chivalrous honor, manufactured over 17,000 votes to carry the election in Alabama

In contrast with this, I wish to call attention to the fact that the excess of the republicans in the State was only fourteen hundred and fifty-eight, not more than the reasonable rate of increase in two years. The vote as declared by the returns to the secretary of state for the democrat who received the largest vote for Congress at large was 106,009; for the republican, 92,884. The difference was 13,125 votes. Take from this the 17,113 fraudulent votes which were counted for the democratic candidate, and the republican was elected by 3,988 votes. But to this should be added the votes cast at Opelika and at other places which were improperly thrown out by the supervisors, which show that the republican ticket in Alabama was elected by some six thousand majority, and that they were counted out by fraud.

These are the men and this the party who have impressed the easy credulity of the gentleman from Missouri [Mr. BUCKNER] with the belief that they are the innocents, who have been wronged and defrauded by those villainous radicals in Alabama. Who ever heard of radicals in Alabama lying in wait and shooting men on the highway or in their own houses in the night-time for exercising that first and highest privilege of a freeman to think and act in accordance with the dictates of his own conscience and guidance of his own judgment upon political subjects? I might go further, and defy him or the democracy in Alabama to show an instance in which the republican party, as a party, have been guilty of frauds in Alabama.

That gentleman tells the House that the election law of Alabama does not provide against frauds. I am confident that the gentleman has never read the election law of Alabama. If he had, he would never have made the assertion. The law does provide against fraud, and in a greater variety of forms I fully believe, than any election law of any other State in the Union. As chairman of the judiciary committee of the house of representatives of the General Assembly of Alabama I drew that election law—every paragraph, sentence, and syllable of it. There were upon my committee distinguished members of the democratic party of Alabama, one of them now a judge of the supreme court, another the speaker of the present democratic house of representatives, and another the present democratic secretary of state; and not an objection was made to the law, nor an amendment proposed in committee, nor was there an amendment proposed by any democrat in the house, and only one slight amendment in the senate, which was democratic at the time. The only amendments proposed were by republicans, and these after some discussion were withdrawn, and the bill as it came from the committee, with the exception of the one amendment in the senate and another not of much importance proposed by myself, was passed and became a law. So far from the democrats objecting to the law they were anxious to have it passed.

These facts, well known to men of both parties, I mention to show the groundless character of the charges made by the democracy South against the republicans, and the facility with which they impose upon democratic members of congressional committees who are sent there to investigate the condition of affairs. If they make the gentleman believe that the election law for which all their representatives voted was a republican device gotten up to encourage and shelter frauds, it is not difficult to conclude that they would induce him to believe whatever else they wished. What surprises me is, that the honorable member did not read the law, which any of his democratic lawyer friends in Alabama could have furnished him, for himself. This, it occurs to me, would have been the best means of forming a reliable opinion on the subject. As it is, the gentleman (no doubt honestly) has made a mistake, and the injurious consequences of that mistake it is beyond his power to recall.

From these remarks of the gentleman from Missouri, which, no matter how much to be regretted, are perhaps only on the line which in these excited times must be expected from a political opponent, I turn to address myself with very different emotions to the gentleman from Connecticut, [Mr. HAWLEY,] a good republican and political friend. Such I know him to be from his past record and antecedents. But had I known nothing of his former history, and had come into this Hall while he was speaking this evening, I should have taken him to be a politician of the opposite stamp. Neither the sentiments nor the principles which he uttered or the spirit that breathed them are in consonance with republicanism, as I understand and feel it to be.

The republican party is not willing to go back upon its own work of reconstruction, upon the thirteenth, fourteenth, and fifteenth amendments to the Constitution, nor upon its own glorious record, cemented with blood, its proud achievements crowned with success, upon its honored living and its mighty dead, upon the great leading and fundamental principles of free popular governments, the civil and political equality of all men. Nor is it willing to say to the poor victims of injustice and wrong in this free land that this great Government of ours, of which we are and have been so justly proud, the production of the great and good men who framed it, lauded by historian and statesmen, poet and philosopher, moralist and divine, throughout the civilized world, that it cannot protect its own citizens upon its own soil; that it claims, under the penalties of treason, paramount allegiance of all, yet it cannot render the reciprocal protection which allegiance implies, and which alone can render that allegiance a possible thing.

This Government, says the gentleman from Connecticut, with apparent sadness and sincerity, is imperfect. Perhaps he is mistaken. I would commend him for his own comfort, if he will allow the suggestion, to deliberate longer before settling down into this mournful conclusion. He has studied the Constitution much; let him study more, especially let him study in the light of the issues that brought on the war, and his true heart and ingenuous mind will gather new inspiration and expand with higher convictions and stronger faith as he penetrates the fullness and depth of its all-sufficient provisions and wondrous adaptations.

The illusion of State rights which has been so fatal to our country, which is in this new land where with unprecedented opportunities for success, we are testing the great experiment of man's capacity for self-government, the evil genius, which perpetually is breeding the elements of that destruction to us which it has brought upon all other republics, which has involved us in one civil war, and saturated our land with blood shed in fratricidal strife, surviving the ravages which it inflicted, is now raising itself under the euphonious title of "home rule," in form more specious and dimensions more formidable than when it shook the nation to its center with the convulsions of war. This was what induced the southern democracy to accept the nomination and platform of the Greeley party in 1872. Under it they raised the same clamor against the General Government as a centralized despotism, which had been leveled by these advocates of State rights against it for forty years before the war. The same role is now being enacted as in 1860, and will produce like results. They traveled the road once; its end was lost in the then distant future, just as its end is now unseen; but having traveled the road once, should we not be satisfied with the bitter experience of the past, without again treading its perilous pathway?

The danger to our country is not in centralization, but in decentralization. The people are under our form of government the sources of all power; their rulers are but their servants. They will never give up their power until it is wrested from them, and no one man can take it from them. No power can take it from them except themselves. Faction and strife and wars of faction against faction are the agencies through which republics have fallen and despotism has arisen upon their ruins. Disintegration, not centralization, has destroyed all the confederacies of ancient and modern times which have passed away. All past experience warns us. The specters of republics and confederacies once great and glorious as ours is now, rise amid their ruins, and point us to the Nemesis of discord which struck down their greatness and extinguished their glory; and yet with an infatuation that would seem incredible had it not been so often repeated in the fatal round of human frailty, we are nursing the same demon of destruction whose remorseless fury has consumed all the free popular governments of the past.

It is by the peculiar advocates in our country of this dangerous doctrine of home rule and disintegration that we are told that it is dan-

gerous to liberty to give to the President the power to suspend the writ of *habeas corpus* in communities where lawlessness and violence reign; where the law is trampled under foot and crime, red with the blood of the helpless and defenseless, goes unpunished and unrebuked; where it is openly avowed that the laws and Constitution of the United States shall be made dead letters upon the statute-book, and that the freeing of the negro was a declaration of war between the Caucasian and the African, which must go on relentlessly until one or the other is exterminated.

In order that I may not be suspected of exaggeration upon these two points, I read extracts from democratic papers in Alabama in the late campaign, which I might multiply from other States, showing the precise issues which were presented to the people:

"There is no half-way ground; we must meet the issue fairly and squarely, and we must go either with the white man's party or the negro man's party."

The Birmingham News copied the above and commented as follows:

"This is emphatically our platform, and we have always stood firmly on it. * * * The republican party assumes as a fundamental truth that the negro is capable of civilization, and that his ignorance and brutality were caused by the tyranny and misrule of the dominant race. We believe every word of this to be false. * * * Emancipation threw the whites and blacks on their own resources, and each race must depend upon its own inherent strength. Freeing the slaves was a declaration of war between the Caucasian and African—a war that is going on now and that will go on silently, ruthlessly, and unceasingly until one or the other is exterminated. * * * Let us recognize facts, admit that a war of races is progressing, and then every man will range himself under the banner of his kindred. For ourselves we say, no compromise, no 'unification,' but a white man's rule, a white man's civilization, and a white man's government, or ruin and extermination!"—*Eutaw Whig.*

The rights guaranteed by the State and Federal Constitutions do not frighten us in the least. We do not expect to repeal any of the recent enactments. They may stand forever; but we intend, by superior intelligence, stronger muscle, and greater energy to make them dead letters on the statute-book. We intend to beat the negro in the strife, the warfare, the unending battle for life, and defeat means but one thing—extermination!—*Birmingham News.*

This, then, instead of being a force bill, is a bill to maintain the supremacy of the laws and Constitution of the United States; to protect free suffrage and to give effect to the will of the majority of the people as declared by fairly-conducted elections; to suppress and to punish crimes and give peace and security to all the people of the Southern States. These will be its direct effects, and its indirect but no less certain results will be to extinguish the kindling fires of another attempt at rebellion or the ascendency of that party from whose political dogmas sprang the purposes and practices of southern-rights politicians in 1860-'61—dogmas opposed to the theory upon which the war was waged by the republican party, and which constitute the new foundations upon which an extended Constitution rests as the results of the war.

We are in the midst of dangers which involve the existence of the Republic. The country has passed victoriously through the war, but it may be that the vessel which outrode the storm may founder in the reactionary swell of the commotions which have succeeded it. If the same devotion to your country's welfare inspires your minds as did the men of 1861, and the same nerve and decision mark your action, then all will be well; and under the guidance and control of the same party which preserved it from former perils, improved and purified by recent experiences, the Republic, rising above the dangers which threaten it, will start forth anew, quickened and invigorated, upon a great and glorious future.

Mr. COBURN. I yield the balance of my time——

The SPEAKER. The gentleman has no time remaining. His hour has been in fact about an hour and a quarter.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the resolution of the House to print the report of R. W. Raymond on mining statistics.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill(H. R. No. 4730) providing for the payment of certain employés of the House of Representatives.

The message also announced that the Senate had passed, without amendment, the following joint and concurrent resolutions:

Joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses; and

Resolution of the House for printing the report of the Smithsonian Institution for 1874.

The message also announced that the Senate had agreed to the following concurrent resolutions, with amendments, in which the concurrence of the House was requested:

Resolution of the House for printing the annual report of the geological and geographical survey of the Territories for 1874; and

Resolution of the House for printing Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873.

SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill (H. R. No. 4745) to provide against the invasion of States, &c.

The SPEAKER. The time allowed for debate upon this bill has terminated. The first question is upon the amendment of the gentleman from Massachusetts, [Mr. BUTLER,] which will be read.

The Clerk read as follows:

In section 13, line 20, after the words "*habeas corpus*," insert "in such insurrectionary district or districts wherein the President deems such powerful and armed combinations to exist, within the limits of either of the following-named States: Louisiana, Arkansas, Mississippi, or Alabama."

Also a new section, add the following:

SEC. 14. The provisions of section 13 of this act shall continue to be in force for and during the term of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

The question being taken on agreeing to the amendment, there were—ayes 91, noes 71.

Mr. BELL called for the yeas and nays.

The yeas and nays were ordered.

Mr. LYNCH. Is this question susceptible of division?

The SPEAKER. It is not.

The question was taken; and there were—yeas 164, nays 99, not voting 24; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Dawes, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Killinger, Lamport, Lansing, Lawrence, Lawson, Lewis, Loughridge Lowe, Lowndes, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Willams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—164.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Darrall, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Howe, Hunton, Hynes, Knapp, Lamar, Leach, Lofland, Luttrell, Lynch, Magee, Marshall, McKee, McLean, Milliken, Mills, Morey, Morrison, Neal, Niles, Nunn, O'Brien, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Sener, Sheldon, J. Ambler Smith, William A. Smith, Southard, Speer, Standiford, St. John, Stone, Storm, Swann, Sypher, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Barber, Barrere, Biery, Clements, Clinton L. Cobb, Dobbins, Eden, Freeman, Robert S. Hale, Hendee, Kendall, Lamison, Mitchell, Nesmith, Niblack, Hosea W. Parker, Pike, Potter, Pratt, Sloss, Small, Alexander H. Stephens, Strawbridge, and Charles R. Thomas—24.

So the amendment was agreed to.

During the vote,

Mr. COTTON stated that his colleague, Mr. LOUGHRIDGE, was unavoidably absent from the House.

Mr. PARKER, of New Hampshire, stated that he was paired with his colleague, Mr. PIKE, who would vote in the affirmative, while he himself would vote in the negative; also, that his colleague, Mr. SMALL, was paired with Mr. NIBLACK, and while Mr. SMALL if present would vote in the affirmative, Mr. NIBLACK would vote in the negative.

Mr. SLOAN stated that his colleague, Mr. FREEMAN, was detained from the House by sickness.

Mr. ALBRIGHT stated that his colleague, Mr. BIERY, was detained from the House by sickness, and if present would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL. I move that the House take a recess until half past seven o'clock.

Mr. CESSNA. O, no; there is only one more vote.

The House divided; and there were—ayes 73, noes 98.

Mr. BECK demanded tellers.

Tellers were ordered.

Mr. CLEMENTS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 78, nays 171, not voting 38; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Biery, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Creamer, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mitchell, Morrison, Neal, Nesmith, O'Brien, Perry, Randall, Read, Robbins, Willliam R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, J. Ambler Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—78.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Beck, Begole, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke,

Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Field, Fort, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—171.

NOT VOTING—Messrs. Archer, Barrere, Bland, Buffinton, Carpenter, Clinton L. Cobb, Comingo, Cox, DeWitt, Dobbins, Eden, Farwell, Foster, Freeman, Robert S. Hale, Hays, Hendee, E. Rockwood Hoar, Hynes, Kendall, Killinger, Lamar, Lamison, Lofland, Mills, Niblack, Hosea W. Parker, Pelham, Phelps, Pierce, Pike, Potter, Sheldon, Sloss, Small, Alexander H. Stephens, Strawbridge, and Charles R. Thomas—38.

So the House refused to take a recess.

Mr. BECK. I move to reconsider the vote by which the House refused to take a recess.

Mr. ALBRIGHT. I move to lay that motion on the table.

Mr. BECK. On that I demand the yeas and nays.

Mr. ALBRIGHT. I make the point of order that this is a dilatory motion.

The SPEAKER. What is the motion?

Mr. BECK. I move to reconsider the vote by which the House refused to take a recess.

The SPEAKER. That clearly would never be in order without regard to the new rule.

Mr. BECK. I move that the House adjourn.

Mr. BUTLER, of Massachusetts. I rise to a point of order. Does not the rule still continue?

The SPEAKER. What rule?

Mr. BUTLER, of Massachusetts. The rule in reference to dilatory motions.

The SPEAKER. Yes.

Mr. BUTLER, of Massachusetts. We have had one since this question has been pending, one motion to adjourn.

The SPEAKER. When?

Mr. BUTLER, of Massachusetts. Since the consideration of the bill.

The SPEAKER. When?

Mr. BUTLER, of Massachusetts. I have heard about twenty since that time.

The SPEAKER. If the gentleman's logic is good the House could never adjourn.

Mr. BUTLER, of Massachusetts. They can get out of session when they desire.

The SPEAKER. On what ground does the gentleman ask the Chair to rule out the motion to adjourn? There has been no motion to-day to adjourn.

Mr. BUTLER, of Massachusetts. If this is the only one, I have no objection.

The SPEAKER. There is no possible mode of excluding the motion.

Mr. BUTLER, of Massachusetts. It is clearly a dilatory motion.

Mr. STONE. I demand tellers.

Mr. GARFIELD. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. Is it according to the rules of the House for members to pair off and absent themselves, leaving the House without a quorum?

The SPEAKER. The rules of the House know nothing about pairs; there is no recognition of them anywhere.

Mr. BUTLER, of Massachusetts. Is there any privilege in it?

The SPEAKER. None at all. No duty can be evaded by a pair.

Mr. BUTLER, of Massachusetts Then I hope the republicans will not pair with the democrats, so as to leave us without a working majority.

The SPEAKER. It belongs to a personal and not to the parliamentary relations of members.

Mr. CESSNA. When will the House meet if the question is decided in the affirmative?

The SPEAKER. On Monday, at eleven o'clock.

The question was taken; and there were—yeas 75, nays 167, not voting 45; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, DeWitt, Durham, Eldredge, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Morrison, Nesmith, O'Brien, Perry, Potter, Read, Robbins, William R. Roberts, Milton Sayler, Schell, John G. Schumaker, William A. Smith, Southard, Speer, Standiford, Alexander H. Stephens, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—75.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—167.

NOT VOTING—Messrs. Atkins, Barrere, Biery, Burleigh, Chittenden, Freeman Clarke, Clinton L. Cobb, Davis, Dobbins, Donnan, Eden, Finck, Freeman, Giddings, Eugene Hale, Robert S. Hale, Hendee, Houghton, Kendall, Killinger, Lamison, Lamport, Loughridge, McCrary, Mills, Mitchell, Neal, Niblack, Hosea W. Parker, Pelham, Pike, Randall, James C. Robinson, Sheldon, Sloss, Small, J. Ambler Smith, Stone, Storm, Strawbridge, Charles R. Thomas, Whitthorne, Charles W. Willard, George Willard, and Wolfe—45.

So the House refused to adjourn.

During the call of the roll,

Mr. VANCE said: The gentleman from Pennsylvania, Mr. STORM, is paired with the gentleman from Iowa, Mr. DONNAN. If they were here Mr. STORM would vote "ay," and Mr. DONNAN would vote "no."

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The question recurs on the amendment proposed by the gentleman from Illinois, [Mr. CANNON] to strike out the thirteenth section as amended.

Mr. HEREFORD. I ask that the section, as amended, may be reported.

The section, as amended, was read.

The question being put, there were ayes 72.

Before the negative vote was counted,

Mr. BUTLER, of Massachusetts, called for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry.

Several MEMBERS. Regular order!

Mr. BUTLER, of Massachusetts. My inquiry is this: Is the question on striking out the thirteenth section as amended?

The SPEAKER *pro tempore*. It is. The Chair so announced it.

The question was taken; and there were—yeas 121, nays 130, not voting 36; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Danford, Davis, Dawes, DeWitt, Durham, Eldredge, Farwell, Finck, Foster, Garfield, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunton, Kasson, Kellogg, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McCrary, James W. McDill, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phelps, Phillips, Pierce, Poland, Potter, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sener, Lazarus D. Shoemaker, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Strait, Swann, Thornburgh, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—121.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Curtis, Darrall Donnan, Duell, Dunnell, Eames, Field, Frye, Gooch, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Randall, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—130.

NOT VOTING—Messrs. Barrere, Biery, Chittenden, Freeman Clarke, Clinton L. Cobb, Dobbins, Eden, Fort, Freeman, Gunckel, Robert S. Hale, Havens, Hendee, Kendall, Killinger, Lamison, Lamport, Loughridge, Mitchell, Morey, Niblack, Hosea W. Parker, Pike, Rainey, James C. Robinson, Sheldon, Sloss, Small, Snyder, Sprague, Stanard, Starkweather, Strawbridge, Charles R. Thomas, William Williams, and Wolfe—36.

So the amendment was agreed to.

During the roll-call the following proceedings occurred:

Mr. CONGER. I think the question cannot be understood. I do hear responses from the other side of the House.

The SPEAKER *pro tempore*. The chair has several times announced that the question is on striking out the thirteenth section as amended.

Mr. TODD. I make the point of order that during the roll-call members have no right to be at the Clerk's desk.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The Chair *sustains* the point of order.

Mr. BUTLER, of Massachusetts. I see no member at the Clerk's desk but the Speaker.

Some time subsequently,

Mr. BUCKNER said: I make the point of order that the gentleman from Massachusetts [Mr. BUTLER] who is now at the Clerk's desk has no right to be there during the roll-call.

Mr. BUTLER, of Massachusetts. I have as much right here at the Clerk's desk as the Speaker has.

The SPEAKER resumed the chair and said: On what ground does the gentleman say that?

Mr. BUTLER, of Massachusetts. On the ground that I am a member of the House and so is he when he is not in his seat.

The SPEAKER. The gentleman from Massachusetts has no right to interrupt the roll-call.

Mr. BUTLER, of Massachusetts. I have not interrupted anybody.

The SPEAKER. The Speaker has a perfect right to remain at the desk.

Mr. BUTLER, of Massachusetts. So have I the same right.

The SPEAKER. The Speaker has no assigned seat on the floor of the House; but if he chooses to leave the chair for recreation it is not for the gentleman from Massachusetts to tell him where he shall stand. The gentleman from Massachusetts has no right to violate the rules of the House in this way. The Chair now calls the gentleman from Pennsylvania [Mr. CESSNA] to the chair.

Mr. CESSNA here took the chair as Speaker *pro tempore*.

Mr. BUTLER, of Massachusetts. Pardon me; when the gentleman is out of his seat as Speaker he has no more right than I have to be at the Clerk's desk.

Mr. BLAINE, (the Speaker.) I have a right to stand where I choose, and the rule forbids you to stand at the Clerk's desk.

Mr. BUTLER, of Massachusetts. And forbids you.

Mr. BLAINE. It does no such thing.

Mr. BUTLER, of Massachusetts. I rise to a point of order.

Mr. ARCHER. I object to any interruption of the roll-call, and I make the point of order that it is not in order.

The SPEAKER *pro tempore*. The Chair reserves the point of order made by the gentleman from Massachusetts, [Mr. BUTLER,] if he insists on it, until after the roll-call is completed. The point of order made by the gentleman from Maryland [Mr. ARCHER] is sustained.

Mr. BUTLER, of Massachusetts. The Chair has just entertained two points of order while the roll-call was going on, and the Speaker has taken the Chair twice to interrupt the roll-call.

Mr. SPEER. I object to the interruption of the roll-call.

The SPEAKER *pro tempore*. The Chair will save the gentleman from Pennsylvania that trouble, and will not entertain anything about this personal matter.

Mr. BUTLER, of Massachusetts. I have nothing personal.

The SPEAKER *pro tempore*. The Chair appeals to gentlemen to be seated and preserve order.

The Clerk resumed the roll-call.

Mr. BUTLER, of Massachusetts, returned to the Clerk's desk.

Mr. STORM. I make the point of order against the gentleman from Massachusetts that he has no right to be at the Clerk's desk, because members on this side of the House have been called away from the Clerk's desk.

The SPEAKER *pro tempore*. The Chair is compelled to sustain the point of order.

Mr. BUTLER, of Massachusetts. The Chair has just entertained a point of order against me that I was at the Clerk's desk, although he refused to entertain my point of order against the Speaker.

The SPEAKER *pro tempore*. The Chair will rule that the Speaker of the House was not out of order, for the reason that he has no assigned place on the floor of the House.

Mr. BARRY. I want to know if we have two Speakers?

The SPEAKER *pro tempore*. The Chair will not entertain any further points of order during the roll-call.

Mr. PARKER, of New Hampshire. I desire to state that on this question I am paired with my colleague, Mr. PIKE; if present he would vote "no," while I would vote "ay."

I desire to state also that Mr. NIBLACK is paired with my colleague Mr. SMALL; if here Mr. NIBLACK would vote "no," and Mr. SMALL would vote "ay."

The result of the vote was then announced as above recorded.

Mr. RANDALL, (having voted "no" when his name was called.) I rise to a privileged question. I move to reconsider the vote by which the House refused to strike out the thirteenth section of the bill as amended.

Mr. COBURN. I move to lay that motion on the table.

Mr. SPEER. Upon that question I call for the yeas and nays.

Mr. PAGE. Is not that a dilatory motion?

Mr. HYNES. Can the vote just taken be reconsidered after the previous question has been ordered and before it is exhausted?

The SPEAKER, (having resumed the chair.) The previous question will be exhausted only on the engrossment and third reading of the bill.

Mr. HYNES. Just so.

The SPEAKER. Then would the gentleman propose to reconsider an amendment to the bill?

Mr. HYNES. No.

The SPEAKER. Then you could not reconsider it at all.

Mr. HYNES. I submit the point of order for the Chair to rule upon, and will submit to his decision.

The SPEAKER. There is no point to rule on at all.

The question was taken on the motion of Mr. COBURN; and there were—yeas 133, nays 111, not voting 43; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crutchfield, Curtis, Darrall, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Pratt, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Scofield, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Sprague, Charles A. Stevens, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—133.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crossland, Crounse, Danford, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Foster, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phillips, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Henry J. Scudder, Sener, Lazarus D. Shoemaker, J. Ambler Smith, Southard, Speer, Standiford, Stone, Storm, Strait, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Barrere, Biery, Chittenden, Clinton L. Cobb, Dobbins, Eden, Freeman, Garfield, Robert S. Hale, Hancock, Havens, Gerry W. Hazelton, Hendee, Kelley, Kendall, Lamison, Lamport, Loughridge, Lowndes, Mitchell, Niblack, Orr, Hosea W. Parker, Pendleton, Phelps, Pike, Poland, Rainey, Schell, Isaac W. Scudder, Sloss, Small, John Q. Smith, William A. Smith, Snyder, Stanard, Starkweather, Alexander H. Stephens, St. John, Strawbridge, Charles R. Thomas, Wheeler, and William Williams—43.

So the motion to reconsider was laid on the table.

During the roll-call the following proceedings took place:

Mr. WILSON, of Indiana. I ask to have read the rule on page 234 of the Manual, so as to avoid any further controversy about this matter hereafter in regard to persons standing at the Clerk's desk.

A MEMBER. Is it in order to interrupt the roll-call?

The SPEAKER. The rule will be read, as it relates directly to the roll-call.

The Clerk read as follows:

In taking the yeas and nays on any question, the names of the members shall be called alphabetically. And while they are being taken, no member or other person shall visit or remain by the Clerk's table.

Mr. BUTLER, of Massachusetts. "Or other person;" he is the fellow I was after.

Mr. BLOUNT. On this question my colleague, Mr. YOUNG, is paired with Mr. LOFLAND. If present my colleague would vote "no," and Mr. LOFLAND "ay."

Mr. ST. JOHN. I am paired on this question with my colleague, Mr. SCHELL. If present he would vote "no," and I would vote "ay."

Mr. LANSING. My colleague, Mr. LAMPORT, has been compelled to leave the House on account of sickness. If present he would vote "ay" on this question.

Mr. CLEMENTS. My colleague, Mr. BARRERE, has been detained from the House during the day by illness. If here he would vote "ay."

Mr. PARKER, of New Hampshire. I am paired with my colleague, Mr. PIKE. If present he would vote "ay," and I would vote "no." My colleague, Mr. SMALL, is paired with Mr. NIBLACK. If present Mr. SMALL would vote "ay," and Mr. NIBLACK "no."

The SPEAKER. The question is upon the amendment offered by the gentleman from Massachusetts [Mr. E. R. HOAR] to strike out the first, second, and fourth sections of the bill.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Tuesday next.

Mr. STONE. That is right.

Mr. SHANKS. Let us adjourn until Monday, and not go over so far. Let us have Sunday to go to church, and then we can come here on Monday and attend to business.

Mr. MAYNARD. Does the Chair hold that such a motion can be made, it being manifestly a dilatory motion?

The SPEAKER. The rule says that pending any question the Speaker can entertain only two dilatory motions. The question pending is on the motion of the gentleman from Massachusetts, [Mr. E. R. HOAR.] The Chair is not allowed to rule out a motion even if in his judgment it be dilatory, because the rule permits two dilatory motions to be made.

Mr. FIELD. I am only sorry that we allowed so many amendments to be offered to the bill.

Mr. STONE. I call for the yeas and nays on the motion to adjourn until Monday.

The yeas and nays were ordered.

Mr. RANDALL. Pending that, I move that the House do now adjourn.

The SPEAKER. The motion to fix the day to which the House will adjourn takes precedence of the motion to adjourn.

The question was taken; and there were—yeas 63, nays 148, not voting 76; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Lamar, Leach, Magee, Marshall, McLean, Milliken, Mills, Neal, Nesmith, O'Brien, Perry, Randall, Read, Robbins, William R. Roberts, Milton Sayler, William A. Smith, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, and John D. Young—63.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Begole, Bradley, Bundy, Burleigh, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Killinger, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Parsons, Pelham, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, George L. Smith, H. Boardman Smith, John Q. Smith, Speer, Sprague, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—148.

NOT VOTING—Messrs. Barnum, Barrere, Bass, Berry, Biery, Bland, Buffinton, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Caulfield, Chittenden, Clinton L. Cobb, Comingo, Cotton, Cox, Creamer, Curtis, Dobbins, Eden, Eldredge, Farwell, Freeman, Frye, Eugene Hale, Robert S. Hale, Hamilton, Havens, Hendee, Holman, Howe, Kelley, Kellogg, Kendall, Knapp, Lamison, Lamport, Lofland, Luttrell, Mitchell, Morrison, Niblack, Page, Hosea W. Parker, Isaac C. Parker, Phelps, Pierce, Pike, Potter, Rainey, James C. Robinson, Schell, John G. Schumaker, Sessions, Sheldon, Sloss, Small, A. Herr Smith, J. Ambler Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, St. John, Strawbridge, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Wells, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—76.

So the motion of Mr. RANDALL was not agreed to.

During the call of the roll the following announcements were made:

Mr. BLAND. I am paired with my colleague, Mr. HAVENS; if here he would vote "no," and I would vote "ay."

Mr. PARKER, of New Hampshire. I am paired with my colleague, Mr. PIKE, and Mr. NIBLACK is paired with my colleague, Mr. SMALL; if present my colleagues would vote in the negative, and Mr. NIBLACK and I would vote in the affirmative.

Mr. BLOUNT. My colleague, Mr. YOUNG, is paired with Mr. LOFLAND; if present Mr. LOFLAND would vote "no," and Mr. YOUNG "ay."

Mr. SPEER. Have the yeas and nays been ordered on the motion to adjourn?

The SPEAKER. They have not, for that motion is not pending.

Mr. SPEER. I understood it was pending. (At seven o'clock and forty-five minutes p. m.) I move that the House now adjourn, and on that motion I call for the yeas and nays.

Mr. KASSON. I desire to make a parliamentary inquiry or suggestion for the purpose of facilitating business. It rests upon the fact that there are, as stated by different gentlemen, enough motions to be made and decided to take from six to ten hours before we arrive at a result on the bill, and that will carry us over until to-morrow morning. My inquiry is whether an agreement to take the vote on the bill immediately after the reading of the Journal on Monday will be satisfactory to both sides of the House? I ask the gentleman from Indiana in charge of the bill [Mr. COBURN] to say what he thinks of the proposition? I submitted it to him a few moments ago, and he left me, as I understood, with the view of inquiring of some of his associates about it.

Mr. COBURN. I have not had an opportunity to consult with anybody in reference to the matter.

Mr. KASSON. I hope the gentleman will do so while the vote is being taken on the motion to adjourn.

Mr. WARD, of Illinois. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn, on which the yeas and nays have been called for.

The yeas and nays were ordered.

The yeas and nays were taken; and there were—yeas 74, nays 153, not voting 60; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Leach, Magee, Marshall, Milliken, Mills, Morrison, Neal, O'Brien, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, William A. Smith, Southard, Speer, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, and John D. Young—74.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Charles A. Stevens, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—153.

NOT VOTING—Messrs. Barrere, Berry, Biery, Buffinton, Burchard, Benjamin F. Butler, Freeman Clarke, Clinton L. Cobb, Cotton, Curtis, Dobbins, Eden, Eldredge, Farwell, Freeman, Eugene Hale, Robert S. Hale, Hendee, Holman, Hoskins, Kellogg, Kendall, Killinger, Lamison, Lamport, Lofland, Luttrell, McLean, Mitchell, Nesmith, Niblack, Niles, Nunn, Page, Hosea W. Parker, Phelps, Phillips, Pike, Potter, Henry B. Sayler, Schell, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Small, George L. Smith, J. Ambler Smith, Snyder, Starkweather, Alexander H. Stephens, St. John, Stone, Stowell, Strawbridge, Charles R. Thomas, Charles W. Willard, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—60.

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. PARKER, of New Hampshire. On this question I am paired with the gentleman from New Hampshire, Mr. PIKE; and the gentleman from Indiana, Mr. NIBLACK, is paired with the gentleman from New Hampshire, Mr. SMALL. On this question Mr. NIBLACK and I would vote in the affirmative, while Mr. PIKE and Mr. SMALL would vote in the negative.

Mr. CLEMENTS. My colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. If they were here, Mr. STONE would vote "ay," and Mr. BARRERE would vote "no."

Mr. WHEELER. The gentleman from Kansas, Mr. PHILLIPS, left the Hall in consequence of illness. He desired me to make this announcement.

The result of the vote was announced as above stated.

ARKANSAS ELECTION CONTEST.

Mr. CROSSLAND, by unanimous consent, presented the views of the minority of the Committee on Elections upon the contested election of Gause *vs.* Hodges, from the first congressional district of Arkansas; which were ordered to be printed.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 796) to protect all citizens in their civil and political rights.

SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill (H. R. No. 4745) to provide against the invasion of States, &c.

The SPEAKER. The question recurs upon the amendment of the gentleman from Massachusetts [Mr. E. R. HOAR] to strike out sections 1, 2, and 4.

Mr. RANDALL. I ask that the sections proposed to be struck out be read.

The sections were read, as follows:

That if two or more persons, within the jurisdiction of the United States, shall invade any of the States of this Union for the purpose of forcibly overthrowing the existing government of said State, or any constituted authority of the same, or for the purpose of interfering in any forcible or unlawful manner with the due execution of the laws of said State or of the United States; or if two or more persons, within the jurisdiction of the United States, shall conspire with any other person or persons for any of the unlawful purposes hereinbefore recited, with intent to commit the same, each person so offending shall be deemed guilty of felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000 and by imprisonment and confinement at hard labor for a term not exceeding ten years, at the discretion of the court trying the same.

SEC. 2. That if two or more persons shall conspire together to overthrow by force or to usurp by violence the State government of any of the States of this Union, or any department thereof; or if any two or more persons shall, in fact, by force and violence attempt to subvert or usurp such State government, or any department thereof; or if any two or more persons shall, by like force and violence, actually overthrow the existing government of any State, or any department thereof, each person so offending shall be deemed guilty of a crime and, on conviction thereof, shall be fined not less than $500 nor more than $5,000, and shall be imprisoned not less than one year and not more than twenty years, at the discretion of the court trying the same.

SEC. 4. That in case the registration officers appointed under the laws of any State or Territory, where, by the laws of said State or Territory, registration is required as a condition of voting at any election for Representatives in Congress, shall willfully or corruptly refuse or neglect to give any person entitled to vote, at any precinct or voting place established under the provisions of the laws of Congress, or of any State or Territory, full and sufficient opportunities to register in the manner prescribed by law, and within the time fixed by law, or shall by any device or subterfuge impose conditions or enforce discriminations upon voters or classes of voters not declared in such registration-laws or shall refuse or neglect, on request made by the voter or his agent to furnish such voter with a certificate of registration or such other form of evidence of the same as may by law be required in such State or Territory, such officer shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $1,000, or imprisoned not less than six months nor more than two years, or both, at the discretion of the court trying the same.

Mr. RANDALL. I call for the yeas and nays on agreeing to this amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 126, not voting 42; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Danford, Davis, Dawes, DeWitt, Durham, Eames, Finck, Foster, Giddings, Glover, Gooch, Gunter, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hunton, Kasson, Kellogg, Knapp, Leach, Lowndes, Luttrell, Magee, Marshall, James W. McDill, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Pendleton, Perry, Phelps, Pierce, Poland, Potter, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sloss, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Charles A. Stevens, Storm, Strait, Swann, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, and John D. Young—119.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Crooke, Darrall, Dobbins, Donnan, Duell, Dunnell, Field, Fort, Frye, Gunckel, Hagans, Harmer, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Killinger, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Randall, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Jeremiah M. Wilson—126.

NOT VOTING—Messrs. Barrere, Berry, Biery, Buffinton, Benjamin F. Butler Clinton L. Cobb, Corwin, Cotton, Crutchfield, Curtis, Eden, Eldredge, Farwell, Freeman, Garfield, Robert S. Hale, Hendee, Holman, Kendall, Lamar, Lamison, Lamport, Lofland, McCrary, Mitchell, Niblack, Hosea W. Parker, Phillips, Pike, Ransier, Schell, Scofield, Small, George L. Smith, Starkweather, Alexander H. Stephens, St. John, Stone, Strawbridge, Charles R. Thomas, Woodworth, and Pierce M. B. Young—42.

So the motion was disagreed to.

During the vote,

Mr. MAYNARD said: I think something was said in not very good temper awhile ago about not coming about the Clerk's desk, and I insist on the enforcement of the rule.

Mr. COOK stated that his colleague, Mr. YOUNG, was paired with Mr. LOFLAND; and that while the latter would vote in the negative, his colleague would vote in the affirmative.

Mr. COX stated that Mr. HOLMAN, who was absent on account of sickness, was paired with Mr. BUFFINTON.

Mr. CRUTCHFIELD stated that Mr. BUTLER, of Massachusetts, was paired with Mr. STEPHENS, of Georgia.

Mr. PARKER, of New Hampshire, stated that he was paired with his colleague, Mr. PIKE, who would vote in the negative, while he would vote in the affirmative; and that Mr. NIBLACK was paired with his other colleague, Mr. SMALL, who would vote in the negative, while Mr. NIBLACK would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the House refused to strike out the first, second, and fourth sections.

Mr. CESSNA moved to lay the motion to reconsider on the table.

Mr. WILBER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 136, nays 106, not voting 45; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Frye, Gunckel, Hagans, Harmer, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Rainey, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—136.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Danford, Davis, DeWitt, Durham, Finck, Foster, Giddings, Glover, Gooch, Gunter, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F Hoar, Hunton, Kellogg, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Poland, Potter, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Henry J. Scudder, Sener, Sloss, J. Ambler Smith, John Q. Smith, Southard, Stanard, Standiford, Storm, Swann, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, and John D. Young—106.

NOT VOTING—Messrs. Albert, Barrere, Biery, Buffinton, Benjamin F. Butler, Clinton L. Cobb, Comingo, Cotton, Curtis, Dawes, Eden, Eldredge, Farwell, Freeman, Garfield, Robert S. Hale, Hendee, Holman, Houghton, Kendall, Killinger, Lamison, Lamport, Mitchell, Niblack, Hosea W. Parker, Phelps, Phillips, Pike, Pratt, Randall, Ransier, Schell, Isaac W. Scudder, Sessions, Small, William A. Smith, Speer, Starkweather, Alexander H. Stephens, St. John, Stone, Strawbridge, Charles R. Thomas, and Pierce M. B. Young—45.

So the motion to reconsider was laid on the table.

During the vote,

Mr. CLEMENTS stated that his colleague, Mr. BARRERE, was paired with Mr. STONE, who would vote in the negative, while Mr. BARRERE would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL moved that when the House adjourns it adjourn to meet on Tuesday next.

The SPEAKER *pro tempore*. The question recurs on the engrossment and third reading of the bill, and the gentleman from Pennsylvania moves that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. SHEATS. I move to lay that motion to adjourn over on the table.

Mr. O'BRIEN demanded the yeas and nays on the motion to adjourn over.

The yeas and nays were ordered.

Mr. RANDALL moved the House adjourn.

Mr. MAYNARD. Is that in order when the yeas and nays have been called on the motion to adjourn over?

The SPEAKER *pro tempore*. The Chair thinks so.

Mr. RANDALL. What becomes of the motion of the gentleman from Alabama?

The SPEAKER *pro tempore*. The Chair declines to receive it.

Mr. RANDALL. I thought so. I now withdraw for the present the motion to adjourn.

Mr. TREMAIN. I rise to a question of order. There has already been one motion to adjourn to a day certain and also one motion to adjourn during the consideration of this question. I submit that under the new rule any further dilatory motions of that kind are not in order.

Mr. RANDALL. I call for the reading of the new rule.

The SPEAKER *pro tempore*, (Mr. TYNER.) That perhaps is not necessary, unless the gentleman from New York [Mr. TREMAIN] calls for it. There has been no motion to adjourn and no motion to adjourn to a day certain since the question came up on the engrossment and third reading of the bill.

The question was taken; and there were—yeas 74, nays 160, not voting 53; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Barnum, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Clymer, Comingo, Cook, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Randall, Read, Robbins, James C. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Sloss, J. Ambler Smith, William A. Smith, Southard, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—74.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—160.

NOT VOTING.—Messrs. Albert, Atkins, Barrere, Biery, Blount, Buffinton, Caulfield, Chittenden, John B. Clark, jr., Clinton L. Cobb, Cox, Curtis, Eden, Eldredge, Farwell, Freeman, Garfield, Robert S. Hale, Harrison, Havens, Hendee, Holman, Houghton, Kendall, Lamar, Lamison, Lamport, Leach, Marshall, McCrary, Merriam, Mitchell, Niblack, Hosea W. Parker, Isaac C. Parker, Phelps, Phillips, Pike, Potter, William R. Roberts, Schell, Isaac W. Scudder, Small, Snyder, Speer, Alexander H. Stephens, Charles A. Stephens, St. John, Stone, Strawbridge, Charles R. Thomas, Waldron, and Wolfe—53.

So the motion was not agreed to.

During the call of the roll,

Mr. CLEMENTS said: my colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. If they were here Mr. BARRERE would vote "no" and Mr. STONE would vote "ay."

The result of the vote was then announced as above recorded.

Mr. RANDALL. I move that the House do now adjourn.

Mr. NEGLEY. I will make a proposition to gentlemen on the other side, if they will allow me. It is very evident that it is a mere question of time as to when this bill will be passed; and, furthermore, it is merely a question of time when the Arkansas question will be brought up for consideration. I propose to the gentlemen on the other side that they permit this bill to be passed without further filibustering and that the House order the Arkansas question to be considered on Monday morning.

Mr. RANDALL. I move that the House adjourn.

Mr. ELDREDGE. The gentleman from Pennsylvania [Mr. NEGLEY] says that this is only a question of time, and the time remaining of this session is very short. But we do not understand that that is all there is of this question. We look upon it as a question of principle.

Mr. HAMILTON. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 161, not voting 56; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Perry, Randall, Reed, Robbins, William R. Roberts, Milton Sayler, Schell, Speer, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—70.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements; Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lawrence, Lawson, Lewis Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—161.

NOT VOTING—Messrs. Albert, Atkins, Banning, Barrere, Biery, Buffinton, Benjamin F. Butler, Chittenden, John B. Clark, jr., Freeman Clarke, Clinton L. Cobb, Cotton, Creamer, Davis, Eden, Farwell, Freeman, Garfield, Eugene Hale, Robert S. Hale, Hancock, John T. Harris, Hendee, Holman, Hurlbut, Kendall, Killinger, Lamison, Lamport, Leach, Mitchell, Moore, Morey, Niblack, O'Brien, Page, Hosea W. Parker, Phelps, Phillips, Pike, Poland, Potter, James C. Robinson, John G. Schumaker, Sessions, Sheldon, Small, J. Ambler Smith, William A. Smith, Snyder, Southard, Alexander H. Stephens, Stone, Strawbridge, Charles R. Thomas, and Thompson—56.

So the House refused to adjourn.

During the call of the roll,

Mr. PARKER, of New Hampshire, said: I am paired with my colleague, Mr. PIKE. I desire also to state that the gentleman from Indiana, Mr. NIBLACK, is paired with my colleague, Mr. SMALL. If present, Mr. PIKE and Mr. SMALL would vote "no," and Mr. NIBLACK and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. BECK. Is the previous question now exhausted?

The SPEAKER. It is not; the question now is, Will the House order the bill to be engrossed and read a third time?

Mr. RANDALL. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 109, not voting 42; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Danford, Darrall, Donnan, Duell, Eames, Field, Fort, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Killinger, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Scofield, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—136.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Foster, Garfield, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hunton, Kasson, Kellogg, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phelps, Pierce, Poland, Potter, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sener, H. Boardman Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Starkweather, Stone, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young.—109.

NOT VOTING—Messrs. Barrere, Biery, Buffinton, Benjamin F. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Cotton, Crutchfield, Curtis, Dobbins, Dunnell, Eden, Farwell, Freeman, Robert S. Hale, Havens, Hendee, Holman, Kelley, Kendall, Lamison, Lamport, McCrary, Mitchell, Niblack, Hosea W. Parker, Phillips, Pike, Rusk, Isaac W. Scudder, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, Alexander H. Stephens, Storm, Strait, Strawbridge, Swann, Charles R. Thomas, and Wheeler—42.

So the bill was ordered to be engrossed and read a third time.

During the roll-call the following amendments were made:

Mr. CLEMENTS. On this question I desire to state that my colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. If Mr. BARRERE were here he would vote "ay," and Mr. STONE would vote "no."

Mr. O'NEILL. I desire to state that my colleague, Mr. KELLEY, is paired with the gentleman from Maryland, Mr. SWANN. If Mr. KELLEY were present he would vote "ay," while Mr. SWANN would vote "no."

Mr. ALBRIGHT. My colleague, MR. BIERY, is sick. If here he would vote "ay." I desire to state further that my colleague, Mr. STRAWBRIDGE, is detained from the House by sickness.

Mr. CROOKE. I desire to state that my colleague, Mr. CRITTENDEN, is detained from the House by sickness. If here he would vote "no."

Mr. ELLIS H. ROBERTS. I desire to state that my colleague, Mr. WHEELER, has retired from the Hall in consequence of the state of his health. If here he would vote "no."

Mr. O'BRIEN. I desire to state that my colleague, Mr. SWANN, has retired to his home on account of sickness. If he were here he would vote "no."

Mr. RUSK. Upon this vote and upon the vote on the final passage of the bill I am paired with my colleague, Mr. MITCHELL. If he were here he would vote "no," and I should vote "ay."

Mr. BUTLER, of Massachusetts. I desire to say that on these votes I have been paired with Mr. STEPHENS, of Georgia, with the understanding that gentlemen on the democratic side of the House would vote if necessary to make a quorum on every vote. Let me say further that my colleague, Mr. BUFFINTON, who has retired from the Hall on account of ill health, is paired with Mr. HOLMAN, of Indiana.

Mr. O'BRIEN. I desire to add that Mr. HOLMAN has also retired from the Hall on account of ill health.

The result of the vote was then announced as above recorded.

Mr. COBURN. I call the previous question on the passage of the bill.

Mr. RANDALL. I rise to a privileged question. I move to reconsider the vote by which the House ordered the bill to be engrossed and read a third time.

Mr. CESSNA. I move to lay that motion on the table.

Mr. RANDALL. On that question I demand the yeas and nays.

Mr. WOOD. I ask permission to submit a proposition to the House.

Mr. COBURN. I moved the previous question on the passage of the bill. I want to know if I was recognized by the Chair as making that motion.

The SPEAKER. The Chair will recognize the gentleman to make the motion; but the motion to reconsider takes precedence in this case.

Mr. WOOD. I think that at this hour of the night, after a very hard and laborious session, we should endeavor to bring this day's proceedings to a close.

[Cries of "Regular order!"]

Mr. WOOD. I submit the proposition to both sides of the House whether we cannot proceed to vote at once on the final passage of the bill with the understanding that upon the announcement of the result of that vote the House will adjourn until Monday morning.

Mr. TODD. I object, and call for the regular order.

Mr. YOUNG, of Georgia. I ask consent of the House for one minute——

Mr. TODD and others objected.

Mr. YOUNG, of Georgia. I want it understood that——

[Cries of "Regular order!"]

Mr. YOUNG, of Georgia. Mr. Speaker, I ask unanimous consent for one minute to say that out of the forty democratic Representatives from the States to be affected by the provisions of this bill not one of them has been allowed a word in discussion upon the merits of the bill, but on the contrary the gentleman in charge of it has thought propor to deny time to any of the Representatives from the Southern States who intended to oppose the bill.

[Cries of "Regular order!"]

The SPEAKER. The regular order being called for, the question is upon the motion to lay on the table the motion to reconsider the vote by which the House ordered this bill to be engrossed and read a third time, upon which the yeas and nays have been called for.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 100, not voting 53; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Danford, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray,

Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Sessions, Shanks, Sheats, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—134.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Davis, Dawes, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hunton, Kellogg, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phelps, Pierce, Poland, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, William A. Smith, Southard, Stanard, Standiford, Starkweather, Stone, Storm, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie' Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—100.

NOT VOTING—Messrs. Albert, Barrere, Beck, Biery, Blount, Buffinton, Benjamin F. Butler, Cain, Chittenden, Freeman Clarke, Clinton L. Cobb, Cotton, Crutchfield, Curtis, Duell, Eden, Eldredge, Farwell, Foster, Freeman, Robert S. Hale, Havens, Hendee, Hodges, Holman, Kelley, Kendall, Killinger, Lamison, Lamport, Lowndes, Mitchell, Negley, Niblack, Hosea W. Parker, Phillips, Pike, Potter, Randall, Isaac W. Scudder, Sheldon, Small, H. Boardman Smith, J. Ambler Smith, Speer, Alexander H. Stephens, Strawbridge, Swann, Charles R. Thomas, Wells, Wheeler, George Willard, and James Wilson—53.

So the motion to reconsider was laid on the table.

During the call of the roll,

Mr. COX said: On this question Mr. HOLMAN, of Indiana, is paired with Mr. BUFFINTON, of Massachusetts. Mr. HOLMAN is against this bill in all its stages.

Mr. RANDALL. I move that the House now adjourn.

Mr. BUTLER, of Massachusetts. I ask leave to make a proposition to the House. Before I do that I ask leave to yield to the gentleman from Mississippi, [Mr. LAMAR,] who I understand desires to make a brief personal explanation.

Mr. LAMAR. I shall not make it.

Mr. BUTLER, of Massachusetts. Very well. My proposition I have put in the form of an agreement, so that there shall be no mistake. It is agreed that, two test-votes on the engrossment and third reading of the bill having been now had, the minority will permit the final passage of the bill without further opposition, whereupon the majority will at once adjourn without taking up any further business. The minority will ask a further test-vote now upon the final passage of the bill only, and in consideration thereof will not insist upon the reading of to-day's Journal on Monday.

Mr. RANDALL. I am instructed to consent to that proposition. I am the more glad at the latter part of it because it gives us the opportunity by waiving the right to have the Journal read on Monday morning to show that we have stood here as a minority sincerely wishing the passage of the appropriation bills.

Mr. BUTLER, of Massachusetts. I do not want any understanding that one bill rather than another shall be taken up on Monday.

Mr. RANDALL. I ask no such understanding.

Mr. BUTLER, of Massachusetts. It is understood also that the reconsideration of the vote on the final passage shall be laid on the table without opposition.

Mr. RANDALL. We desire only that the vote on the final passage of the bill to-night shall be taken by yeas and nays.

Mr. BUTLER, of Massachusetts. And the motion to reconsider laid on the table?

Mr. RANDALL. Yes.

Mr. NEGLEY. With the distinct understanding that there shall be no interference with other bills on Monday.

The SPEAKER. The Chair will state the proposition. This bill having now been ordered to be engrossed and read a third time, the arrangement proposed is that without further delay the vote be taken on the final passage by yeas and nays; no vote on reconsideration to be taken except *viva voce;* that the House shall then adjourn, and that on Monday morning the reading of the Journal be dispensed with.

Mr. ELDREDGE. Let it be understood that nothing is waived except the reading of the Journal; that in all other respects we are under the rules of the House.

The SPEAKER. This arrangement does not touch anything else than that. The proposition is not in a form to be journalized; therefore the Chair has stated it. The Chair hears no objection to the arrangement.

The bill was then read a third time by its title.

Mr. TODD. I wish to inquire whether there is any subject that will have preference on Monday morning, or whether that will be in the power of the House?

The SPEAKER. It will be in the power of the majority of the House. The rule especially urgent at the end of the session is that the Chair recognizes those having charge of the public business, technically so-called. The gentleman from Ohio [Mr. GARFIELD] will undoubtedly ask the House to go into Committee of the Whole on the sundry civil appropriation bill. The majority of the House, if it should negative that proposition, will then determine what business shall be proceeded with.

Mr. ELDREDGE. There is no understanding to-night beyond the simple waiving of the reading of the Journal.

The SPEAKER. None whatever. The bill has now been read three times; and the question is, Shall it pass?

Mr. CONGER. There is one point that we do not understand. Will the Speaker please explain whether the motion to reconsider is to be laid on the table so as to finish the bill to night.

The SPEAKER. That is the understanding.

A MEMBER. And the vote on that question is to be taken *viva voce.*

Mr. BERRY. I would like to inquire whether it is in order to move to amend the title of the bill so as to read "An act providing for the election of the President for a third term."

The SPEAKER. The question is now on the final passage of the bill, and it will be taken by yeas and nays.

The question was taken; and there were—yeas 135, nays 114, not voting 38; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Curtis, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Scofield, Sessions, Shanks, Sheats, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—135.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Foster, Garfield, Giddings, Glover, Gunter, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hunton, Kasson, Kellogg, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phelps, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Starkweather, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—114.

NOT VOTING—Messrs. Adams, Albert, Barrere, Biery, Buffinton, Benjamin F. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Cotton, Eden, Farwell, Freeman, Robert S. Hale, Hamilton, Hendee, Holman, Kelley, Kendall, Killinger, Lamison, Lamport, Mitchell, Niblack, Hosea W. Parker, Phillips, Pike, Richmond, Rusk, Isaac W. Scudder, Sheldon, Small, Alexander H. Stephens, Strait, Strawbridge, Swann, Charles R. Thomas, and Wheeler—38.

So the bill was passed.

During the roll-call the following proceedings took place:

Mr. O'NEIL. On this question my colleague, Mr. KELLEY, is paired with the gentleman from Maryland, Mr. SWANN. My colleague, if present, would vote "ay" and Mr. SWANN "no."

Mr. RUSK. On this question I am paired with my colleague, Mr. MITCHELL, who if present would vote in the negative, while I should vote in the affirmative.

Mr. CESSNA. I desire to state that my colleague, Mr. RICHMOND, who is paired with the gentleman from New Jersey, Mr. HAMILTON, would if present vote "ay," while Mr. HAMILTON would vote "no."

Mr. CROOKE. My colleague, Mr. CHITTENDEN, is detained from the House by sickness. If here he would vote "no."

Mr. BUTLER, of Massachusetts. My colleague, Mr. BUFFINTON, is paired with the gentleman from Indiana, Mr. HOLMAN, both gentlemen being sick. I am paired with the gentleman from Georgia, Mr. STEPHENS.

A MEMBER. How would you vote?

Mr. BUTLER, of Massachusetts. Of course I should vote "ay," and Mr. STEPHENS "no." Of course Mr. BUFFINTON would vote "ay," and Mr. HOLMAN "no."

Mr. ALBRIGHT. My colleagues, Mr. BIERY and Mr. STRAWBRIDGE, are sick and unable to be here. If present they would both vote "ay."

Mr. CLEMENTS. I repeat the announcement that my colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. My colleague would vote for the passage of this bill, and Mr. STONE would vote against it.

Subsequently,

Mr. CLEMENTS said: I learn that upon this question the gentleman from Missouri, Mr. STONE, is recorded as voting. If he has come in and voted it has been without my knowledge, as I announced the "pair" at his request. I now withdraw the announcement.

Mr. RANDALL. Have both gentlemen voted?

Mr. CLEMENTS. No, sir.

Mr. FIELD. Mr. BARRERE is very ill and not able to be here.

Mr. SPEER. I have been absent from the House to-night upon the committee of conference on the legislative, executive, and judicial appropriation bill, and hence I have perhaps missed some roll-calls. I now vote "no" on the passage of this infamous bill.

Mr. NEGLEY. I object to the gentleman's vote.

Mr. PELHAM. So do I.

Mr. SPEER. On what ground?

The SPEAKER. The Chair thinks the gentleman has a right to object to a vote given in that way.

Mr. PELHAM. I object to the remarks made by the gentleman in giving his vote.

Mr. SPEER. The gentleman may have the right to object to my remarks, but he has no right to object to my vote.

Mr. PELHAM. The remarks are what I object to.

The SPEAKER. A vote, like a motion to adjourn, cannot be accompanied with anything in the nature of debate. It must be given simply "yea" or "nay."

Mr. SPEER. I was in the Hall during this roll-call and have the right to vote. No gentleman has any right to object to my vote.

The SPEAKER. The Clerk will again call the name of the gentleman from Pennsylvania, [Mr. SPEER.]

The name of Mr. SPEER being again called, he voted "no."

Mr. PELHAM. I desire to say that if there were any more republicans here from Alabama they would vote "ay."

The SPEAKER. The remark of the gentleman is out of order.

Mr. CLYMER. The gentleman from Ohio, Mr. LAMISON, is paired with my colleague, Mr. STRAWBRIDGE. On the passage of this bill the former, if present, would vote "no," the latter "ay." I am also requested to announce (possibly the announcement has already been made) that my colleague, Mr. RICHMOND, who if present would vote in favor of the passage of the bill, is paired with the gentleman from New Jersey, Mr. HAMILTON, who would vote against the bill.

The result of the vote was announced as above stated.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER, (at twelve o'clock and five minutes a. m. Sunday, February 28.) In accordance with the order already made, the House stands adjourned until Monday morning next at eleven o'clock.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CHIPMAN: The petition of William H. Bailey, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: Communication of John F. Young, of Philadelphia, in relation to taking a census in 1876, to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875.

By Mr. SMITH, of Virginia: Resolution of the Legislature of Virginia, requesting Congress to make an appropriation to the Dismal Swamp Canal, to the Committee on Commerce.

Also, resolution of the Legislature of Virginia, requesting an appropriation to deepen the waters in the Ohio and Kanawha Rivers, to the same committee.

IN SENATE.

MONDAY, *March* 1, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4848) for the payment of Edward Hubbard for mail service was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 4787) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury was read twice by its title, and referred to the Committee on Claims.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. Isaac P. Christiancy, chosen by the Legislature of Michigan as Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

OFFICERS REAPPOINTED IN THE ARMY.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their amendments, and agree to the bill of the Senate, with the following amendment:

Add the following as an additional section:

SEC. 2. That hereafter whenever any person who was mustered out as a supernumerary officer of the Army with one year's pay and allowances, in addition to the pay and allowances due him at the date of his discharge, under the provisions of the "act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, shall be reappointed by the President an officer of the Army, such appointment shall be under and with the express condition that 50 per cent. of such officer's pay shall be stopped monthly until the sum total of the extra year's pay and allowances received by him when mustered out as aforesaid shall have been refunded to the United States.

And the Senate agree to the same.

That the House recede from their amendment to the title of the bill, and agree that the title shall be amended so as to read as follows:

An act approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayments of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President.

And the Senate agee to the same.

JOHN A. LOGAN,
M. W. RANSOM,
B. WADLEIGH,
Managers on the part of the Senate.

LEWIS B. GUNCKEL,
EPPA HUNTON,
J. M. THORNBURGH,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislative Assembly of the Territory of Dakota, praying for a division of that Territory and the organization of a new Territory out of the nothern portion thereof; which was referred to the Committee on Territories.

He also presented a memorial of the Legislative Assembly of the Territory of Dakota, praying for an additional appropriation for the military wagon-road from the Big Sioux River to Fort Randall; which was referred to the Committee on Military Affairs.

Mr. SARGENT. I present a large number of petitions numerously signed by citizens of California, stating that crime, violence, immorality, poverty, and domestic misery are all attributable to the use of intoxicating spirits, and that the amount of loss occasioned by them is greater than the amount of revenue derived from them, and they ask for an amendment to the Constitution of the United States which shall prohibit the manufacture, importation, and sale of all intoxicating liquors, to take effect on the 1st of January, 1876, or as soon thereafter as possible. I will remark that I find that these petitions are largely signed by women. The only manner by which they can be heard in the national councils is by petition, and I trust the day will soon come when their influence may be felt more directly; but, awaiting that time, I move that these petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. HAMLIN presented a petition of citizens of Dakota Territory, praying that the "Black Hills" be opened for settlement; which was referred to the Committee on Territories.

Mr. BAYARD presented a memorial of the Wilmington Board of Trade and ship merchants and others, remonstrating against abolishing the Light-House Board; which was referred to the Committee on Commerce.

Mr. FERRY, of Michigan, presented a petition of citizens of Michigan, praying that $200 in legal-tender notes be granted to each Union soldier who served in the late war instead of the proposed one hundred and sixty acres of land; which was ordered to lie on the table.

Mr. PEASE presented a memorial of a committee of the Board of Trade of Columbus, Mississippi, asking an appropriation for the improvement of the Tombigbee River; which was referred to the Committee on Commerce, and ordered to be laid on the table.

Mr. HITCHCOCK presented a memorial of the committee on legislation of the Western Academy of Homeopathy, on behalf of two thousand physicians, remonstrating against the passage of "An act to prevent the introduction of contagious or infectious diseases into the United States;" which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1340) for the relief of Charles A. Luke, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. SCOTT. I am also directed by the same committee, to whom was referred the bill (H. R. No. 2688) for the relief of Albert F. Yerby, administrator of Addison O. Yerby, deceased, or whom it may concern, to report it back with the recommendation that it ought not to pass. This bill comes accompanied by a written report from the House, and as I do not make a written report, I beg leave to state that it is reported adversely for the following reasons:

First. Defective proof to make out the taking of the property.

Second. The property mostly was of a character that would make it within the jurisdiction of the commissioners of claims, and the committee decline to report bills for individuals while the general bill is pending removing the statute of limitation.

Third. If it was not within their jurisdiction we would not make a special case to put it within their jurisdiction.

I therefore move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. SCOTT. I am also instructed by the same committee, to whom was referred the bill (H. R. No. 3774) for the relief of the widow and

children of General William Gates, United States Army, to report it with the recommendation that it ought not to pass. As I have frequently been called upon by members of the Senate with regard to this bill, I call their attention to it, so that if any one wishes it to go on the Calendar it may take that course; if not, that it may be indefinitely postponed.

Mr. HITCHCOCK. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will go on the Calendar with the adverse report.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was recommitted the bill (H. R. No. 1401) granting a pension to Penelope T. Heald, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. KELLY. The bill S. No. 1058 was referred to the Committee on Military Affairs. That committee had it under consideration and instructed the Senator from New Hampshire [Mr. WADLEIGH] to report it back. He is unwell and has requested, me to do so. I report it back with amendments.

Mr. STEVENSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4743) to amend section 649 of the Revised Statutes of the United States to report it without amendment, and I ask for its present consideration.

Mr. CHANDLER. I object.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1256) to amend the act entitled "An act relating to the Alexandria Canal," approved July 27, 1868, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in Territories acquired from Mexico by the treaty of Gaudalupe Hidalgo and the Gadsden treaty, and who have since continued to reside within the limits of the United States, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4471) to afford relief in the judicial courts to Robert Erwin, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick, reported adversely thereon; and it was postponed indefinitely.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 4747) supplementary to the acts in relation to immigration, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1321) regulating the salaries of judges of the Court of Claims, reported it without amendment.

He also, from the same committee, to whom was referred a petition of citizens of De Soto County, Mississippi, praying the return of taxes assessed and collected on cotton for the years 1865, 1866, 1867, 1868, and 1869, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of John Randolph, administrator of the estate of Sarah A. R. Lord, widow of William A. Lord, praying for the passage of a joint resolution removing the bar of limitation in a certain case for damages arising from illegal seizure and sale of cotton, and referring said cause to the Court of Claims, submitted an adverse report thereon; which was ordered to printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the memorial of S. E. Allen and 44 others, asking that they may be restored to the privileges of the Court of Claims, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 431) for the relief of Horatio Jenkins, jr., J. L. Requa, S. B. Hubbard, and others, reported adversely thereon.

Mr. CONOVER. I ask that the bill go upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print the letter of the Secretary of the Interior, communicating, in answer to a resolution of the Senate of March 26, 1873, information relative to the pneumatic tube between the Capitol and the Government Printing Office, reported in favor of the motion; and it was agreed to.

PRINTING OF NAVY REGISTER.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print five hundred additional copies of the Navy Register, have instructed me to report the same back with a recommendation that it pass. It will cost but seventy-five dollars.

Mr. SHERMAN. What resolution is that?

Mr. ANTHONY. A resolution to print five hundred copies of the Navy Register.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That five hundred additional copies of the Navy Register for 1875 be printed for the use of the Senate.

PRINTING OF ARMY REGISTER.

Mr. ANTHONY. The same committee, to whom was referred the resolution to print five hundred additional copies of the Army Register, have instructed me to report the same back without amendment and ask for its present consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That five hundred additional copies of the Army Register for 1875 be printed for the use of the Senate.

GEOLOGICAL SURVEY OF THE TERRITORIES.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives to print and bind in quarto form one thousand copies of each of volumes 2, 7, and 9 of the final reports of the geological survey of the Territories, for distribution by the Smithsonian Institution, to report the same back without amendment and recommend its passage. These copies are to be distributed by the Smithsonian Institute as the other volumes have been, in return for books sent to us from abroad to go into the Congressional Library. I ask the present consideration of the resolution.

The following concurrent resolution of the House of Representatives was considered by unanimous consent, and concurred in:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in quarto form one thousand copies of each of volumes 2, 7, and 9 of the final reports of the geological survey of the Territories, for distribution by the Smithsonian Institution.

CHOLERA EPIDEMIC IN 1873.

Mr. ANTHONY. The same committee, to whom was referred a concurrent resolution of the House of Representatives to print ten thousand extra copies of the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873, have instructed me to report the same back with an amendment cutting down the number about one-half. I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. ANTHONY. I ask that it be read as it stands amended by the committee.

The Secretary read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed fifty-five hundred extra copies of the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873; twenty-five hundred copies of which shall be for the use of the House of Representatives, one thousand copies for the use of the Senate, fifteen hundred copies for the use of the Surgeon-General of the Army, and five hundred copies for the use of the supervising surgeon of the marine-hospital service.

Mr. SHERMAN. That is one of those resolutions for the distribution of documents. I simply wish to call the attention of Senators to it. We have voted it down heretofore. I ask a vote of the Senate on the passage of the resolution.

Mr. BOUTWELL. Suppose the Senator moves to strike out what relates to distribution by Congress.

Mr. SHERMAN. I will accept the suggestion of the Senator from Massachusetts, and move to strike out that part which provides for the distribution of these documents by Congress. We have no facilities for distributing them.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio to the amendment of the committee.

Mr. ANTHONY. If the clause providing for distribution by the two Houses of Congress be stricken out, as the number of copies has been reduced already one-half, I think it would be better to print the whole number that was intended for distribution by the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service.

Mr. SHERMAN. The only effect of that is to allow the Surgeon-General to frank. I supposed we had adopted the principle that we would not distribute public documents at the public expense, having abolished the franking privilege. If we ought not to distribute them under our frank and at the public expense, certainly no Department of the Government ought to do so. A clerk in the Surgeon-General's office ought not to have the franking privilege when we do not have it. I am opposed to all these resolutions for printing public documents at the public expense. Under the law anybody can get documents by paying the mere cost of printing. That is the way the law stands now.

Mr. ANTHONY. Not precisely so. Anybody can get the documents by ordering them before they are printed. We have been trying to get a law through to authorize a certain number to be printed for sale, but we have not succeeded in doing that. Although I am not particular about this resolution, it seems to me when a commission has been appointed and a large investigation made into matters of very great importance affecting the public, and we have the results placed before us in large manuscript, they should be made public in some way.

Mr. SHERMAN. There is a provision of law for making them public. If they are worth reading, I believe the people will buy them. I think we ought not to distribute them free at the public expense.

The VICE-PRESIDENT. Does the Senator from Ohio object to the present consideration of the resolution?

Mr. SHERMAN. I think we had better take a vote on the whole subject. I move to strike out all that provides for distribution by members of Congress.

The amendment was not agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the committee.

Mr. CAMERON. I agree perfectly with the Senator from Ohio. I do not approve of giving the authority to frank to clerks in any Department or authorizing the Surgeon-General to do it. We should not be giving persons with no responsibility authority to exercise that power which we have taken from ourselves. I think if the public want these documents they ought to be willing to pay the postage on them. I am willing to let my documents go to anybody who will pay the postage on them. Our rooms are full of them now. I have either got to pay the postage on them myself or to keep them and cumber up my rooms. I think it is about time we should get clear of printing a great many of these documents. They bring no credit to anybody, cost a great deal of money to the Government, and benefit only a few indivuals. If it be not disposed of in any other way, I object to the consideration of the resolution at this time.

Mr. ANTHONY. Allow me first to state in justice to the Surgeon-General, who has had the distribution of some documents which have been very expensive and which have been very creditable to American science and American humanity, that he has distributed them very judiciously, indeed, where they would bring the most credit to us and bring back the most return to us.

Mr. CAMERON. I am not so clear as to that. I have no doubt the Surgeon-General thought he was doing so, but I know it is very difficult for anybody to get these documents. I have had application by the hundreds from physicians and surgeons of reputation.

The VICE-PRESIDENT. Does the Senator from Pennsylvania object to the consideration of the resolution?

Mr. CAMERON. I object.

Mr. MORTON. I ask unanimous consent to take up and pass a very little bill, to which I think there will be no objection whatever.

Mr. CHANDLER. I object to the consideration of any business except the regular order.

Mr. MCCREERY. I hope the Senator from Pennsylvania will withdraw the objection he made to the resolution reported from the Committee on Printing. I think that is a very important work, and that it is essential that it should go to the medical profession of the country.

Mr. CAMERON. I do not like to accumulate these documents, but I have such entire confidence in the better judgment and wisdom of the Senator from Kentucky [Mr. MCCREERY] that I cannot refuse him, and I withdraw my objection at his request.

Mr. CHANDLER. I object. The time belongs to the Committee on Commerce. I object to the consideration of anything else.

The VICE-PRESIDENT. Reports from committees are still in order.

WRITS OF ERROR.

Mr. CARPENTER. A bill passed the Senate at the last session, and I believe unanimously, in regard to writs of error, that has been amended by the House of Representatives in one particular, adding a section which in the opinion of the Judiciary Committee is proper and ought to be adopted. I ask the Senate to concur in that amendment of the House of Representatives at this time. I am authorized to report back with a favorable recommendation the amendment of the House of Representatives to Senate bill No. 935.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 935) to provide for writs of error in certain criminal causes.

The amendment was to add to the bill the following as a new section:

SEC. 6. That the writ of error sued out and allowed as hereinbefore provided shall be entered upon the docket of the Supreme Court forthwith, and the argument of such cases of *habeas corpus* shall have precedence of all other causes in said court.

The amendment was concurred in.

The House of Representatives also proposed to amend the title of the bill so as to make it read—

A bill to provide for writs of error in certain criminal causes, for hearings therein, and in cases of *habeas corpus*.

The amendment was concurred in.

Mr. CARPENTER. The Committee on the Judiciary, to whom was referred the bill (S. No. 1284) regulating writs of error in certain criminal cases, have instructed me to report the same back, and to ask its indefinite postponement. It relates to the same subject which the Senate has just passed on.

The bill was indefinitely postponed.

ORDER OF BUSINESS.

Mr. CARPENTER. The same committee, to whom was referred the bill (H. R. No. 4744,) to punish certain larcenies and the receivers of stolen goods, have instructed me to report the same back. It is a brief act, passed by the House, and the committee recommend its adoption with two amendments striking out and inserting two or three words; and as this bill is indispensable to permit the Treasury to accumulate funds to take care of the appropriations which are to be made by the Committee on Commerce, I hope the Senator from Michigan will let this bill pass. It can lead to no debate, and can be passed in half the time I take in asking the Senate to waive objection.

Mr. CHANDLER. I shall object to the consideration of that or any other bill.

Mr. CARPENTER. Then I will take the bill back and wait until the Senator gets through.

EULOGIES ON SENATOR BUCKINGHAM.

Mr. FERRY, of Connecticut, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved by the Senate, (the House of Representatives concurring,) That ten thousand copies of the addresses delivered in the two Houses on the occasion of the announcement of the death of Hon. William A. Buckingham, late a Senator from the State of Connecticut, be printed and bound; five thousand each for the use of the Senate and House of Representatives.

CONSULATES IN RUSSIA.

Mr. CHANDLER. The time has come for the Committee on Commerce. I move now that the Senate proceed to the consideration of Senate bill No. 1339.

The motion was agreed to; and the bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes, was read the second time and considered as in Committee of the Whole.

The bill discontinues Amoor River, in Russia, as a consulate of class 5, in Schedule B, as the same was amended by chapter 275 of the laws of the first session of the Forty-third Congress; and makes Vladivostock a consulate of class 5, in Schedule B, and exempts the consul at Vladivostock and the consuls at Fayal and Auckland from the prohibition to engage in business and trade embraced in sections 1699 and 1700 of the Revised Statutes of the United States.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHANDLER. I now move that the bill (S. No. 1224) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, be indefinitely postponed.

The motion was agreed to.

WAGON-BRIDGE AT DUBUQUE.

Mr. CHANDLER. I move now to proceed to the consideration of Senate bill No. 1230.

The motion was agreed to; and the bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa, was considered as in Committee of the Whole.

Mr. HOWE. I wanted to move an amendment to the bill. Let the bill lay aside for a moment.

Mr. CHANDLER. Let it be laid aside informally.

The VICE-PRESIDENT. The bill will be laid aside.

Mr. ALLISON subsequently said: I understand the Senator from Wisconsin proposes to withdraw his objection to taking up the bill relative to a bridge at Dubuque.

Mr. HOWE. I gave an amendment to the chairman of the Committee on Commerce that I wanted put on that bill. I cannot redrauhgt the amendment now.

The VICE-PRESIDENT. Does the Senator from Michigan desire to take up the bill that was laid aside?

Mr. CHANDLER. Yes, sir.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I ask to have the last section read as to repeal, &c.

The Secretary read as follows:

SEC. 2. That the bridge shall be constructed with a suitable ponton-draw of not less than five hundred feet in width, located over the main channel of the river: *Provided*, That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and the location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof.

Mr. EDMUNDS. Is there not a section which authorizes Congress hereafter to alter, amend, or repeal the law? I move to amend by adding:

SEC. 3. That this act shall be subject to amendment or repeal at the pleasure of Congress.

Mr. ALLISON. I have no objection to that.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BRIDGE AT THE GRAND CHAIN.

Mr. CHANDLER. I move that the Senate proceed to the consideration of Senate bill No. 1152.

The motion was agreed to; and the bill (S. No. 1152) to authorize the construction of a bridge across the Mississippi River, at or near the Grand Chain, was considered as in Committee of the Whole.

The Committee on Commerce reported an amendment to the bill in line 4 of section 2 after the word "span" to insert "or spans;" so as to read:

The draw span or spans shall not be less than two hundred feet in length in the clear.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BOGY. Is the bill on its passage?

The VICE-PRESIDENT. Not yet. It is open to amendment.

Mr. BOGY. I have no amendment, but I object to the bill.

The bill was ordered to be engrossed for a third reading.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. BOGY. I will state that this is a bill for a bridge above Saint Louis and I have no information on the subject. It provides for a two hundred and fifty feet span and for a draw-bridge. Anybody at all acquainted with the Mississippi River knows that it is a very dangerous thing there to build a bridge with such a span.

Mr. CHANDLER. Will the Senator allow the bill to be laid aside? I prefer that rather than debate.

Mr. BOGY. Yes sir.

The VICE-PRESIDENT. The bill will be laid aside.

Mr. LOGAN. I hope we shall go on with the bill.

Mr. BOGY. I object.

The VICE-PRESIDENT. Objection is made.

PORT OF DELIVERY AT EAST PASCAGOULA.

Mr. CHANDLER. I move to proceed to the consideration of House bill No. 4141.

The motion was agreed to; and the bill (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery in the district of Pearl River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 320) fixing the number of paymasters in the Army of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate.

A bill (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia; and

A bill (H. R. No. 3808) for the relief of Charles Valier.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell; and

A bill (H. R. No. 4727) explanatory of the act passed June 20, 1874.

BUSINESS OF COMMITTEE ON COMMERCE.

Mr. CHANDLER. I move that the time of the Committee on Commerce be extended one hour.

Mr. BAYARD. One hour beyond the morning hour?

The VICE-PRESIDENT. That is the motion. The morning hour has now expired.

Mr. MORRILL, of Vermont. I hope that will not be done. I desire to take up the tariff and tax bill as soon as it is in order.

The VICE-PRESIDENT. The morning hour having expired, the Chair must lay before the Senate the unfinished business.

Mr. CHANDLER. I will ask for thirty minutes more for the Committee on Commerce.

The VICE-PRESIDENT. The Senator from Michigan asks unanimous consent to extend the time for half an hour for the Committee on Commerce. Is there objection?

Mr. LEWIS. I do not object to the extension of the time, but I merely want to make a report from a committee and ask that it be acted on at once. It is only to make the law of this District conform to the laws of Virginia and Maryland in regard to game. I shall make no remarks upon it but merely report it.

The VICE-PRESIDENT. Is there objection?

Mr. MORRILL, of Vermont. I must object.

The VICE-PRESIDENT. The Senator from Vermont objects.

Mr. MORRILL, of Vermont. If the Senator will move that his committee have half an hour when the tax bill is disposed of, I will not object.

Mr. HAMILTON, of Maryland. I object to that.

Mr. CHANDLER. Mr. President——

The VICE-PRESIDENT. The bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government is the unfinished business.

Mr. CHANDLER. I move that that be laid aside informally and that the time for the consideration of bills from the Committee on Commerce be extended for one hour. I make that motion.

The VICE PRESIDENT. The Senator from Michigan moves that the bill be postponed, and that one hour be given to the Committee on Commerce.

Mr. MORRILL, of Vermont. That requires unanimous consent.

The VICE PRESIDENT. By the rules it does.

Mr. CHANDLER. Then I move that all prior orders be postponed for considering bills from the Committee on Commerce.

The VICE-PRESIDENT. The Senator from Michigan moves that the present bill and all prior orders be laid aside for the purpose of taking up bills from the Committee on Commerce.

Mr. MORRILL, of Vermont. If no one else objects, I will not object to the Senator having half an hour more this morning.

Mr. CHANDLLR. Very well; I will take the half hour.

Mr. EDMUNDS. Will the Senator from Michigan allow me to ask the Chair——

Mr. HAMILTON, of Maryland. Do I understand that this agreement by unanimous consent is confined to the business of the Committee on Commerce, to the exclusion of everything else?

Several SENATORS. Yes; yes.

The VICE-PRESIDENT. The Committee on Commerce had a portion of the morning hour. The Senator from Michigan wishes to extend it for half an hour longer. Is there objection?

Mr. HAMILTON, of Maryland. I do not object to that if it is to the exclusion of everything else.

INVASION OF STATES.

Mr. EDMUNDS. I ask that the Chair, before the business goes on, will lay before the Senate a bill from the House which is on the desk of the Vice-President.

The VICE-PRESIDENT. The Chair will lay before the Senate a House bill——

Mr. BAYARD. Does it not require unanimous consent after the morning hour has passed to lay before the Senate a bill from the House? Can this bill be laid before the Senate without unanimous consent, the morning hour having expired? As I understand the rules of the Senate, it cannot be, and I object.

Mr. EDMUNDS. If there is any trouble about this point of order, I wish to say a word. Messages from the House of Representatives, as the rules of the Senate are, can be received at any time. Then they are laid on the Vice-President's table, and, according to the universal practice of the Senate, he lays them before the Senate at any time when it is the convenience of the Vice-President. Nothing is lost by it to any Senators who are opposed to this bill. The bill can only be read once to-day unless Senators are willing.

The VICE-PRESIDENT. The Chair will state that the practice of the Senate has been, whenever bills came in, to lay them before the Senate at the earliest convenient moment, either in the morning hour or at any other time, and no objection has ever arisen. The Chair is of the opinion that the practice should settle the case in the absence of any rule to the contrary. The Chair is of the opinion that it is in order now to lay the bill before the Senate. The Chair may be in error, and will be governed by the wishes of the Senate.

Mr. EDMUNDS. Let us have the bill read the first time.

The VICE-PRESIDENT. The Chair will lay before the Senate a House bill——

Mr. THURMAN. I object to the second reading of that bill.

The VICE-PRESIDENT. The bill has not yet been read.

Mr. HAMILTON, of Maryland. I object to the first reading of that bill. I hold that the regular business of the morning hour having expired, the regular order now is the tax bill. That is before the Senate, as a matter of course. That being the regular business before the Senate, nothing can dispense with it except a disposition of that business by unanimous consent.

Mr. EDMUNDS. The Chair has already overruled that point of order. If there is no appeal taken, let us have the bill read the first time.

Mr. HAMILTON, of Maryland. I did not so understand. Did the Chair so rule? I call for the reading of the twenty-fourth rule.

The VICE-PRESIDENT. It is the uniform practice of the Chair to lay House bills before the Senate, when they are on the table, at all hours of the day, and no objection has ever before arisen in regard to it. The Chair is of opinion that it is in order to lay this bill before the Senate and have it read once.

Mr. HAMILTON, of Maryland. That is the decision of the Chair?

The VICE-PRESIDENT. The bill will be read.

The SECRETARY. A bill (H. R. No. 4745) to provide against the invasion of States——

Mr. HAMILTON, of Maryland. I call for the reading of the twenty-fourth rule.

Mr. EDMUNDS. Let the bill be read.

The SECRETARY. To prevent subversion——

Mr. HAMILTON, of Maryland. Before the reading of the title, I call for the reading of the twenty-fourth rule.

The VICE-PRESIDENT. The reading of the title of the bill will be arrested. The Senator from Maryland asks for the reading of the twenty-fourth rule. The twenty-fourth rule will be read.

Mr. EDMUNDS. If I were inclined to be very nice, I could object to the reading of the twenty-fourth rule.

Mr. HAMILTON, of Maryland. I call for it.

Mr. EDMUNDS. He is not entitled to call for it. He can have it read, however; I do not make any objection.

The Secretary read the twenty-fourth rule, as follows:

After the Journal is read, the Presiding Officer shall lay before the Senate messages from the President, reports from the Executive Departments, and bills and joint resolutions, or other messages from the House of Representatives. He shall then call for—

Petitions and memorials;
Reports of committees;
The introduction of bills;
Joint resolutions;
Resolutions;

all which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given; and every petition or memorial, or other paper, shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a Senator at the time such petition, memorial, or other paper is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the Presiding Officer, or a Senator, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

The VICE-PRESIDENT. The Chair wishes simply to state that the custom has been in the morning hour always to lay these papers before the Senate and the practice has been at any other portion of the business of the day to do so, to lay before the Senate bills coming from the House as they came in. The Chair would have laid this bill before the Senate early this morning, but was requested on account of the absence of the chairman of the Committee on the Judiciary not to lay it before the Senate at that time. The Chair acted on that suggestion as he would on the suggestion of any Senator as a matter of accommodation, and he did not lay the bill before the Senate until this time. The Chair is of opinion that the practice should govern the case and it is in order to lay this bill before the Senate and have it read once. The Senator from Ohio objects to its being read the second time to-day. That objection is in order.

Mr. BAYARD. May I submit with respect——

Mr. EDMUNDS. Is there any appeal from this decision? We do not want to waste time.

Mr. BAYARD. I appeal, *pro forma* for the purpose of submitting the point.

Mr. EDMUNDS. Let it be entered in the Journal that an appeal is taken.

Mr. BAYARD. The object of the rule, as I understand it, and of all parliamentary rules, is to procure deliberation. This is a deliberative assembly and all our acts are supposed to be the result of deliberation. To secure deliberation the rules of this body have been established, and the twenty-sixth rule requires that—

Every bill and joint resolution shall receive three readings previous to its being passed, and the Presiding Officer shall give notice at each whether it be the first, second, or third; which reading shall be on three different days, unless the Senate unanimously direct otherwise.

Read that rule in conjunction with Rule 24. Rule 24 provides for the orderly initiation of the business of each day. The Journal shall be read; then—

The Presiding Officer shall lay before the Senate messages from the President, reports from the Executive Departments, and bills and joint resolutions, or other messages from the House of Representatives. He shall then call for—

Petitions and memorials;
Reports of committees;
The introduction of bills;
Joint resolutions;
Resolutions;

all which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given.

I am aware that the punctuation and the typographical arrangement of this order of business varies somewhat from the list commencing with petitions and memorials as to the due order of the presentation by the Presiding Officer of bills and joint resolutions or other messages from the House of Representatives; but this I do submit: that when the rules contemplate three days they mean three full parliamentary days; they did not mean the very end of a day. A parliamentary day consists of the entire time to which the session of the Senate shall be continued, whether it be prorogued by a recess—in effect a parliamentary day may have forty-eight or more hours; and I submit that this being the parliamentary day of Monday and the business of the Senate having proceeded according to the twenty-fourth rule, if the decision shall be accepted by the Senate that up to the very moment of our adjournment to-night before twelve o'clock a bill may be presented from the House and count as one day, then there is an absence of that full opportunity for deliberation which your twenty-sixth rule was intended, in aid of the twenty-fourth, to secure.

Sir, these rules are the especial right of the minority. Each party has its responsibility; each individual has his responsibility. It is the right and the duty of the minority to insist upon these rules that were made for their protection and for the conduct of public business. If a day can by construction be frittered away to a single hour or five minutes, then the object for which three regular readings on different days must be given to a measure unless unanimous consent waives the requirement, will be in effect destroyed. Therefore I submit that there is every reason why, in the absence of unanimous consent, the morning hour having passed, the regular business of the body having been called in accordance with the rule of the Senate, this bill should not be presented now. If at any time during the session of the day a bill can be introduced and read for the first time, then the day that was intended to be secured becomes the mere shadow of a day. It is that minute fragment of a day utterly useless for the purpose of deliberation for which these rules were designed. Believing that, I shall regret to see anything that tends to place obstacles in the way of deliberation. No parliamentary body can afford in that way to break the force of their rules. The precedent is evil. I do submit that, deliberation being the object of this rule the construction of Rule 24 by the light of Rule 26 necessarily excludes the reception of a message from the other House of Congress except by unanimous consent after the order in which it is mentioned in the rule is passed by the efflux of time and by the presence of other and pending measures entitled to the consideration of the Senate.

Mr. EDMUNDS. My friend's reasoning on this subject is so metaphysical that I think we ought to have more time to consider it, and I move to lay the appeal on the table.

The VICE-PRESIDENT. The Senator from Vermont moves that the appeal lie on the table.

Mr. BAYARD. I withdraw my appeal.

The VICE-PRESIDENT. The appeal is withdrawn.

Mr. EDMUNDS. Now let us have the bill read the first time. It has not been technically read yet.

The VICE-PRESIDENT. The Chair will lay before the Senate the bill for a first reading.

Mr. BAYARD. I object to its second reading.

Mr. EDMUNDS. But it has not been read a first time. The reading was arrested in the middle, and we shall be told to-morrow that it has not been read once.

The bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections, was read the first time by its title.

The VICE-PRESIDENT. Objection is made to the second reading of the bill.

Mr. EDMUNDS. Let it be printed.

The bill was ordered to be printed.

MARINE-HOSPITAL SERVICE.

Mr. CHANDLER. I move now that the Senate proceed to the consideration of Senate bill No. 976, and I desire to call the attention of the Senate to the fact that seventeen or eighteen minutes of my time have expired, and I shall claim a full half-hour from this time.

The motion was agreed to; and the bill (S. No. 976) to promote economy and efficiency in the marine-hospital service was considered as in Committee of the Whole.

The Committee on Commerce report the bill with amendments.

The first amendment of the Committee on Commerce was to insert after line 7, of section 1, the words—

From and after the completion and publication of said schedule.

So as to read:

And from and after the completion and publication of said schedule, hospital dues at the rate and for the periods prescribed in sections 4585 and 4587 of the Revised Statutes of the United States shall be assessed and collected.

The amendment was agreed to.

The next amendment was to insert the following as section 2:

SEC. 2. That from and after May 1, 1875, every vessel subject to hospital tax, except vessels required by law to carry crew lists, shall have and keep on board, subject to inspection and verification at all times by any officer of the customs, a seaman's time-book, which shall be furnished by the Treasury Department; and in which time-book shall be entered the name, date of shipment, and date of discharge of every seaman employed on board such vessel; and the master or owner of any vessel subject to hospital tax, vessels carrying crew lists as above excepted, shall forfeit and pay the sum of fifty dollars for each and every seaman found employed on board his vessel without a corresponding entry in said time-book; and the sums so forfeited shall be collected by the collector of customs upon the sworn statement of the customs officers who make the inspections, and shall be paid into the Treasury to the credit of the marine-hospital fund, for the general purposes of which fund said sums are hereby appropriated.

The amendment was agreed to.

Mr. BOUTWELL. The printed seventh section, which is the next amendment, was never agreed to by the committee. It is a mistake of the clerk of the committee that that is here. Therefore I propose that the seventh section be omitted. It was never agreed to in committee.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That will be done, if there be no objection.

Mr. BOUTWELL. And the eighth section should be amended so as to conform to what was agreed to in the Committee on Commerce. It should read:

That the compensation of the supervising surgeon shall be paid out of the marine-hospital fund, at the rate of $3,500 per annum.

Before the question is put on that amendment I will ask the Secretary to read a letter from the Secretary of the Treasury.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
February 27, 1875.

SIR: Your attention is respectfully invited to the necessity for such legislation as will secure adequate compensation to the supervising surgeon, whose salary is now fixed by paragraph 4802 of the Revised Statutes at $2,000 per year.

For this purpose it is recommended that the following clause be inserted as an amendment to the sundry civil appropriation bill:

That hereafter the salary of the supervising surgeon of the United States marine-hospital service shall be paid out of the marine-hospital fund at the rate of $4,000 per year.

Very respectfully,

B. H. BRISTOW,
Secretary of the Treasury.

Hon. LOT M. MORRILL,
Chairman Senate Appropriation Committee.

Mr. BOUTWELL. In order to make this amendment as reported by the Committee on Commerce conform to the recommendation of the Secretary of the Treasury, I move to strike out "$3,500" and insert "$4,000."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SECURITY OF NAVIGATION ON MISSISSIPPI RIVER.

Mr. CHANDLER. I now move to proceed to the consideration of House bill No. 3379.

The motion was agreed to; and the bill (H. R. No. 3379) for the further security of navigation on the Mississippi River was considered as in Committee of the Whole. It directs the Secretary of War to inquire into the expediency of causing sheer-booms to be placed on the upper end of all bridge-piers on the Mississippi River for the better security and convenience of the navigation of the river for rafts of logs and lumber, and if, in his opinion, it will better secure the navigation of the river, he is directed to require all bridge companies to place sheer-booms above the piers as the Army engineer having charge of the river may direct, the same to be constructed and maintained at the expense of such companies or bridge-owners.

The Committee on Commerce reported the bill with amendments.

The first amendment was in line 5, after the word "all" to insert the words "or any;" so as to read:

That the Secretary of War be, and he is hereby, authorized and directed to inquire into the expediency of causing sheer-booms to be placed on the upper end of all or any bridge-piers on the Mississippi River.

The amendment was agreed to.

The next amendment was in line 8, after the word "lumber" to insert the words "with specific report in each case;" so as to read:

For the better security and convenience of the navigation of said river for rafts of logs and lumber, with specific report in each case.

The amendment was agreed to.

The next amendment was to strike out the following words:

And if, in his opinion, it will better secure the navigation of said river, he is hereby authorized and directed to require all bridge companies to place said sheer-booms above the piers as the Army engineer having charge of said river may direct, the same to be constructed and maintained at the expense of such companies or bridge-owners.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGE ACROSS ARKANSAS RIVER.

Mr. CHANDLER. I move that the Senate proceed to the consideration of House bill No. 2541.

The motion was agreed to; and the consideration of the bill (H. R. No. 2541) giving the consent of the United States to the erection of a bridge across the Arkansas River at Pine Bluff, Arkansas, was resumed as in Committee of the Whole.

Mr. CONKLING. This is a bill to authorize the State of Arkansas to throw a bridge across a river of her own, entirely within her own domain. If a court, or Congress, or any other tribunal whose words we are bound to respect has ever decided that Arkansas cannot build this bridge without an act of Congress, I should like to know what that decision is.

Mr. CLAYTON. Do I understand the Senator from New York to say that the Arkansas River is entirely within the domain of Arkansas?

Mr. CONKLING. Where the bridge is to be built.

Mr. CLAYTON. The river itself does not lie entirely in that domain.

Mr. CONKLING. Some other part of the river, it may be, does not. The Hudson River does not lie entirely in the State of New York; it lies between New Jersey and New York at one point. The Arkansas River is long and lies in different places. I repeat the statement—the Senator will correct me if I am wrong—that the Arkansas River at the point where this bridge is to be built, and for a long space above and below, lies wholly within the State of Arkansas. If that be the fact, I ask the Senator to tell me where it is said by Congress, or the courts, or any other authority whose decision we are bound to respect, that Arkansas has not just as much right to bridge that river now as she will have after this act passes?

Mr. CLAYTON. I can say that in 1871 Congress did pass a bill of the same character to authorize the construction of a bridge at Little Rock, in Arkansas.

Mr. SPENCER. Congress has passed a large number of just such bills.

Mr. CLAYTON. It seems to me Congress, under the power to regulate the commerce on that river, would have power to prevent the construction of bridges if they were undesirable. If the construction of bridges would interfere with commerce on the river, Congress have that control.

Mr. CHANDLER. I move to lay the bill on the table in order to stop debate.

Mr. CONKLING. I believe the Senator from Michigan has not the floor to make that motion. I have the floor myself. I will yield it in a moment, but wish to make a remark.

The VICE-PRESIDENT. The Senator from New York has the floor.

Mr. CONKLING. The Senator from Arkansas tells us that a bridge bill passed, the site of which bridge was at Little Rock, recently. If so, I am quite sure it passed because it escaped observation, for I know there are a number of Senators who believe as I do that Congress has nothing to do properly with such questions, and that the only effect of meddling with them is to complicate the national authorities and bring us into relations in which we do not belong.

The Senator from Alabama says that many such bills have passed. There he will find that he is quite in error. Many such bills have not passed. I know of one bill beside that to which the Senator from Arkansas referred that did go through inadvertently; and I think it may fairly be called such a bill. On the contrary this question has been for years in the courts; it was in the Wheeling bridge case; and the court said that the Ohio River being like the Mississippi a boundary river and draining five States, and it being the subject of an ordinance between the State of Kentucky and other States, and there being other special facts in the case, there were reasons there why jurisdiction should attach. In the State of New Jersey and the State of Pennsylvania this question has repeatedly arisen, in the State of New Jersey upon the Passaic River and in the State of Pennsylvania upon the Schuylkill River, where the commerce and navigation is much greater than it is on the Arkansas River at the point in question. It has arisen in the State of New York in respect of the Hudson River, and these cases have gone to the Supreme Court of the United States, and no judgment has ever yet been obtained from that court holding that it is the duty of Congress to say whether Arkansas shall bridge the Arkansas River at Pine Bluff or not. I do not believe that it is worth while for Congress to be too enterprising or pragmatic in inventing the modes in which it can exert power. I am not prepared to assert that there is under the Constitution no power to say anything on this subject. I am arguing, however, that upon the judicial decisions and the legislation of the country there is no need whatever for meddling with this and no occasion for subjecting Congress to claims by parties who may come back afterward if shall be necessary to abate this bridge or change its piers and claim compensation from the national Treasury.

I have said this much—I am sorry that I have detained the chairman of the Committee on Commerce in saying it—because I would not have the Senator from Arkansas suppose that my objection is a hap-hazard one or aimed at this particular bill; but I intend to object in all cases to Congress undertaking to exercise the police powers over rivers wholly within States, which powers belong to the States themselves and have been sufficiently exercised for a hundred years.

Mr. CHANDLER. I move to lay the bill on the table.

The motion was agreed to; there being on a division—ayes 32, noes 10.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes; it further insisted on its amendments to other amendments of the Senate on the said bill, and agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ISAAC C. PARKER of Missouri, Mr. G. L. FORT of Illinois, and Mr. S. J. RANDALL of Pennsylvania, managers at the same on its part.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876.

The message also announced that the House had passed a bill (H. R. No. 4320) to amend the act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 330) fixing the number of paymasters in the Army of the United States;

A bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayment of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President;

A bill (S. No. 935) to provide for writs of error in certain criminal causes, for hearings therein, and in cases of *habeas corpus;*

A bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis; and

A joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses.

HOUSE BILLS REFERRED.

The following bills were severally read by their titles twice and referred as indicated below:

The bill (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia—to the Committee on Finance.

The bill (H. R. No. 3808) for the relief of Charles Valier—to the Committee on Military Affairs.

The bill (H. R. No. 4320) to amend the act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868—to the Committee on Railroads.

BRIDGE AT DUBUQUE.

Mr. CHANDLER. I move now to proceed to the consideration of the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes. This bill has been read, rereferred to the committee, and divers and sundry amendments made. I hope the Senate will concur in the amendments and pass the bill.

Mr. HOWE. I ask the consent of the Senator from Michigan and the unanimous consent of the Senate to reconsider the vote by which Senate bill No. 1230 passed a while ago, and that the amendment which I submitted to the Committee on Commerce may be made to that bill, and it then be passed again.

The motion to reconsider the vote by which the bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa, was agreed to.

Mr. WRIGHT. That bill relates to a bridge at the place where my colleague resides. He is not in at present. I do not know that he will have any objection to this, but I ask the Senator from Wisconsin whether he has consulted him in reference to it?

Mr. HOWE. I have not, because I cannot find him. When the Senator was here the amendment was not here. He cannot have the slightest objection.

The VICE-PRESIDENT. It is moved to reconsider the vote ordering the bill to a third reading.

The motion was agreed to.

Mr. HOWE. Now I move the amendment which I send to the Chair.

The SECRETARY. It is proposed to add as an additional section the following:

That the Green Bay and Minnesota Railroad Company, a corporation of the State of Wisconsin, may construct, maintain, and operate a pile and ponton bridge of the character described in the act of Congress approved June 6, 1874, to amend section 1 of this act, across the Mississippi River at or near Winona, from the most feasible point in Buffalo County, Wisconsin, to the most feasible point in Winona County, Minnesota, subject to and in accordance with the provisions of said act and of this act.

Mr. EDMUNDS. I move to amend the amendment by adding:

And subject to the right of Congress at any time to amend or repeal the authority hereby granted.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WINDOM subsequently said: I desire to enter a motion to reconsider the vote by which the bill (S. No. 1230) was passed this morning.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That motion will be entered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ANTHONY, Mr. WINDOM, Mr. CARPENTER, and Mr. STEWART submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. STOCKTON, Mr. ALCORN, and Mr. PEASE submitted amendments intended to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. INGALLS submitted amendments intended to be proposed by him to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

STEAMBOAT LAW.

Mr. CHANDLER. Now I move to proceed to the consideration of the House bill No. 1588.

The VICE-PRESIDENT. The time allotted to the Committee on Commerce has expired.

Mr. CHANDLER. This bill has been read.

Mr. EDMUNDS. Not since it was recommitted. It will have to be read again with the amendments.

Mr. CHANDLER. The amendments might be read.

The VICE-PRESIDENT. The Chair must call up the regular order, which is the unfinished business of Saturday.

Mr. CHANDLER. I give notice that I shall try to-night to call up the steamboat bill and pass it, if possible.

Mr. SCOTT. I should like to get unanimous consent, if I can, for a time to consider this steamboat bill. It is so important that, after it has been here for two sessions of Congress, I think I am justified in asking that unanimous consent be given that an hour be devoted to it this evening at all events.

Mr. MORRILL, of Vermont. I shall object to anything until after the disposal of the tariff and tax bill. When that is disposed of, I I shall not object to anything else.

Mr. SCOTT. Does the Senator object to my making application for unanimous consent?

Mr. MORRILL, of Vermont. Not at all.

Mr. SCOTT. Then I ask that one hour after the disposal of the revenue bill may be devoted to the consideration of the steamboat bill.

Mr. EDMUNDS. I feel obliged to object, not out of any opposition to the steamboat bill—it may be all right—but with so many other things on the Calendar to interest everybody, I think it ought to take its chance.

Mr. JOHNSTON. Some week or ten days ago, when the Committee on the Judiciary reported the bill (S. No. 661) to give jurisdiction to the Court of Claims to hear the claim of G. W. Custis Lee to Arlington adversely, I made a motion that it be placed on the Calendar, and stated at the same time that I desired to address the Senate on the subject.

Mr. LOGAN. I call for the regular order.

The VICE-PRESIDENT. The regular order is the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

Mr. JOHNSTON. Have I not a right to the floor?

The VICE-PRESIDENT. The regular order is before the Senate.

Mr. LOGAN. I insist on the regular order. If the man having charge of the bill will not do it I will.

Mr. JOHNSTON. I only rise to make a request which I am sure has never been refused before; that is for a half-hour to address the Senate on the bill referred to by me.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent that the pending bill lie over informally for the purpose of allowing him to address the Senate on another bill.

Mr. MORRILL, of Vermont. I would be the last to refuse a courtesy to the Senator; but this is a public measure. I understand he desires to make a speech upon a question that he does not expect any action upon. I certainly cannot consent to postponing this bill.

Mr. JOHNSTON. I am sure the Senate will not refuse this request to any Senator. It is in my power, if I choose to do so, to move the indefinite postponement of this bill and make my remarks on that motion. I should dislike very much to be placed in that position.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Virginia.

Mr. ALLISON. I ask the Senator from Vermont to give way that I may pass a bill.

Mr. MORRILL, of Vermont. I must refuse all requests until we dispose of this measure.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3818, an act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, report that the said committee have been unable to agree.

AARON A. SARGENT,
GEORGE F. EDMUNDS,
JOHN W. STEVENSON,
Managers on the part of the Senate.

JAMES A. GARFIELD,
ISAAC C. PARKER,
R. MILTON SPEER,
Managers on the part of the House.

Mr. SARGENT. I move that the Senate still further insist and that a new committee of conference be appointed.

The motion was agreed to.

The VICE-PRESIDENT being authorized to appoint the conferees on the part of the Senate, Messrs. SARGENT, LOGAN, and COOPER were appointed.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. CONKLING. I present a preamble and joint resolution of the Legislature of New York, in favor of the passage of an amendment to the homestead law extending the time for actual occupation, &c. Although the rule is to ask that these resolutions be read at length, I will not make that request but move that they lie on the table.

The motion was agreed to.

Mr. CONKLING presented a petition signed by a large number of residents of the county of Suffolk, New York, asking that an appropriation to complete the improvement at Fort Jefferson in that county

and setting forth the urgent reasons for the same; which was referred to the Committee on Commerce.

Mr. THURMAN presented five memorials from late soldiers of the United States Army, praying for the passage of a bill for the equalization of bounties; which were ordered to lie on the table.

Mr. JOHNSTON presented a resolution of the Legislature of Virginia, in favor of an appropriation for the improvement of the navigation of the Ohio and Kanawha Rivers; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of Virginia, in favor of an appropriation for the improvement of the Dismal Swamp Canal; which was referred to the Committee on Commerce.

He also presented a memorial of citizens of Virginia, remonstrating against the restoration of the duty on tea and coffee and removal of internal taxes and asking the repeal of the act of 1872 reducing the duties on certain imports 10 per cent.; which was ordered to lie on the table.

TAX AND TARIFF BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

Mr. MORRILL, of Vermont. Mr. President, I regret that circumstances have thrown this bill into my charge. I was not aware that I should have charge of the bill until the day it was reported. Of course I am in no condition to make what would be considered an elaborate speech upon the bill, nor should I at this late period of the session presume to occupy the time for any such purpose. All that I shall aim to do will be to explain the reasons for the present bill—the necessity of the case—in the briefest possible time. It is a question of whether we will furnish the necessary funds to carry on the Government. There is no question of protection in the bill; it is merely the naked question of revenue.

But it may be asked, why is it that the exigencies of the Government are so great at this present time? I answer that three years ago our revenues from customs were $216,000,000; that they were two years ago $188,000,000, and last year they were but $163,000,000—$25,000,000 reduction in a single year. It is apparent, therefore, that we have reduced the revenues of the country below the point at which they ought to stand for the ordinary support of the various departments of the Government. And since the panic of 1873 and the disasters that have befallen the business of the country, it is very likely that our revenues will diminish considerably more the present year. The business of the world at the present moment is depressed everywhere, and our own country is not an exception. Notwithstanding we reduced the duties upon $150,000,000 or $160,000,000 of articles imported in 1873 by 10 per cent., we imported of these articles alone $55,000,000 less last year than we did the year before.

Now, Mr. President, what are the necessities of the Government? Much more than half are fixed annual appropriations that cannot be reduced at all. Take the amount that is to be paid upon the national debt, considerably over $100,000,000, or about $107,000,000, and that cannot be reduced an iota. Then for pensions about $30,000,000, which must be paid, leaving, therefore, with other sums equally fixed, less than half of all the expenditures from which any deductions can possibly be made.

Now in relation to these appropriations how have we gone on for the past year? Last year the appropriations were reduced for the support of the Government outside of these nearly $20,000,000—upward of $19,000,000—and it is expected that they will be reduced this year by some $7,000,000, although that may not be absolutely certain.

But, Mr. President, our country is largely increasing in population. The expenditures will as a matter of course increase somewhat in proportion to the numbers of population. Take the Army. We have reduced that down to twenty-five thousand men, and it costs now, as it has always cost, at least a thousand dollars per man to support the Army. It costs $27,000,000, a little in excess of a thousand dollars a man to support the Army, and let me say that that Army is no greater in proportion to the numbers of population than our Army was thirty or forty years ago. It is the lowest possible number that is consistent with the security and dignity of the Government even in a time of peace.

Then take the Navy. We appropriated last year $28,000,000 for the Navy, and then we appropriated $4,000,000 when there was a little breeze of war, as a deficiency, upon the first assembling of Congress last December. Now it is proposed to cut that down, and it has been cut down in the bill already passed for 1876 to a little over $16,000,000, or no more than was thought to be necessary perhaps twenty or thirty years ago for barely maintaining the existence of the meager number of meager war-vessels we now have. Where are you to strike in and say, if you choose to say, that the proper way is to cut down the ordinary expenses of the Government to such an extent as will cover a deficit of $35,000,000?

Mr. President, I am as ready as any Senator on this floor to reduce the expenditures of the Government wherever it can be done without detriment to the country. If we do not provide means for the support of the Government, of course the appropriations that have been made will not be and cannot be expended; and the first place where undoubtedly the Secretary of the Treasury would strike to suspend all appropriations would be those under his own control, or the river and harbor bill; the next would be all appropriations that are made for public buildings. I suppose that we have, say, twenty-four buildings that are now in process of completion in all parts of the country and in almost every State. Some of these have only their foundations and first stories up. Others are completed almost, or completed with the exception of being roofed. Others perhaps require but a small amount for their completion and for being made ready at once for occupation and useful for the purposes for which they have been established. To be sure our expenditures for public buildings in six or eight of the large cities have been very large, but perhaps the buildings are no greater than will be ultimately required. Several of these buildings are nearly finished. They require, however, some additional appropriations for their entire completion the present year. We have the Navy Department here in this city—the wing that is intended for their occupation—now in progress. The State Department is completed. We know that the building where the Navy Department is now accommodated is wholly inadequate and unsafe for the purpose intended, and unless an appropriation is made this year, of course the building, although considerably advanced, cannot be completed.

Take the case of Chicago. There is a post-office, custom-house, and court-house building that has been begun, and it will require some further appropriation in order to forward its completion within a reasonable time. The same is true of Cincinnati, of Philadelphia, of New York, of Saint Louis; and then there are a great number where smaller amounts are required. They have been begun, and great los would result even in their temporary abandonment.

But, Mr. President, it is to be seen at once that far more important questions are involved than merely a suspension of the functions of government in any one particular direction, or as to any of the ordinary disbursements of the Treasury. The question of the sinking fund is wholly involved in and dependent upon this bill. Last year it was expected that there would be this year at least $20,000,000 to be devoted to the sinking fund. It is not only ascertained that there will be no such money to be appropriated to that purpose, but that we are to fall short for funds for the ordinary support of the Government. And let me say to Senators that we are pledged by a public solemn declaration of the public faith, involving the honor of the nation, that we will every year devote 1 per cent. to a sinking fund, that is to say, that we will appropriate to that fund a sum equal to the one-hundredth part of the amount of the public debt. Unless we do that we sacrifice our honor, our pledged public faith, and we also deprive the Secretary of the Treasury of all power of refunding $1,157,000,000 of public debt that now is paying 6 per cent. at a lower rate of interest. I regard it as extremely important that we should enable the Secretary to fund all of our remaining debt at a lower rate of interest. Unless we furnish the funds to keep our faith we shall be unable to fund the remainder of the public debt, whereby a large number of millions will be annually saved from now until the maturity of the debt at a lower rate of interest than it now bears. That is the consideration which I press upon my own friends on this side of the Chamber as well as upon the other side of the Chamber. I do think that this is a bill that no Senator, no matter what his politics may be, can afford to vote against.

I will now briefly explain the different parts of the bill. The first section provides for the increase of the tax on whisky from 70 cents to 90 cents per gallon. Before commencing an explanation of the bill, however, let me say that if the bill had been submitted to me for my own preparation as to what would be best I would most certainly have prepared a different bill from this. The bill does not suit me personally, and I presume every Senator could say as much. I should be much better satisfied with something else, but I am satisfied (and so was every member of our committee) that we cannot pass a bill here if we alter it even to the extent of a single word. Such is the condition of the business and rules of the House that further consideration there is impracticable. We must take this bill as it stands or nothing. It is literally "neck or nothing." If I had had my own way I would not have put so much on whisky by 5 cents in the gallon, and I would have omitted the 10 per cent. upon goods which was taken off in 1872 and is now proposed to be reimposed. I am satisfied that so far as protection is concerned the manufacturers of the country would be better protected by something stable than by the imposition of a duty which will surely be repealed at the earliest moment. I may say that the State from which I come, the section from which I come—New England—so far as I know, does not ask for or desire this. I may say further that it is possible it may be a benefit will be conceded to some of the Western and Southern States, where manufactures have sprung up within the last ten or twelve years almost like Jonah's gourd in the night, and have so changed the condition of affairs that they require more protection than the former seat of manufactures, New England. It is a fact that is disclosed by our census returns that while in 1860 New England produced two-thirds of the manufactures of the country, now other portions of the country produce two-thirds and New England but one-third. So much for that.

I would instead of that have imposed a small duty upon tea and coffee. But I remember when this subject was the last time before the Senate I voted for such a duty and found myself in a very small minority. The House of Representatives have taken this question under consideration, and in a House of almost three hundred members but thirty-three were found to be in favor of a tax upon tea and

coffee. With the imposition of that, I should then have been disposed to remove all the remainder of the stamp taxes, including those on patent medicines, matches, and bank-checks.

But, Mr. President, I come back to the stern necessity that we must accept this bill or nothing, and I shall regard any amendment that may be proposed and adopted as equivalent to the rejection of the bill.

Mr. President, the first section imposes a tax of 90 cents on each gallon of whisky. I know it will be said that this tax cannot be collected; that we have tried it. But such is not the fact. We tried $1.50 and $2 a gallon and signally failed. We are informed by the Commissioner of Internal Revenue that he can collect this tax, and he says that he can collect $1 with the present machinery as well as the 70 cents now collected.

Further, he estimates that there is as little fraud in the collection of this tax at the present moment as there is in the collection of the tax on any other article whatever, no matter whether it be collected under the internal-revenue laws or at the custom-house. Asserting, as he does, that at least 95 per cent. of the whole tax is collected, we have also the opinion of the Secretary of the Treasury at the commencement of this session, who says:

> The means now in use for the collection of tax on spirits will, it is believed, secure the collection of the increased amount.

Then the question comes up, whether it will have any disastrous effect on the agricultural interest. It is impossible but what the same amount in the course of a year will be consumed, let the tax be what it may. It is shown that we collected taxes on sixty to seventy million gallons annually—about sixty-six or sixty-eight millions, I believe—and that amount will be annually consumed whether we levy this tax or not. I know that the mere apprehension of a tax being levied upon the stock on hand has produced the last month between three and four millions in excess of the expected amount from this source, and now, whether we levy this tax or not, we cannot expect for some months to come much increase from that source. We shall not have any increase at present whether we levy the increased tax or not; but in the course of a year, if the increased tax is levied, we shall have it.

Then comes the question of an increase of the tax on tobacco from 20 cents to 24 cents per pound. Formerly the tax upon tobacco was divided. A portion of it was taxed at the rate of 32 cents a pound and a portion at 16. Many of those who paid the 32 cents tax claimed that much of the tobacco that was only taxed 16 cents was of a better quality than that which paid 32 cents, that is to say, the very fine-cut tobacco. To harmonize all difficulties a tax was levied at 20 cents per pound, although many thought it ought to be placed half way between 16 cents and 32 cents, that is, at 24 cents. It was placed at 20 cents, and it is now proposed that it shall be fixed at 24 cents. I understand that this tax is very faithfully collected and that there is no difficulty in relation to it.

The next amendment is upon cigars, raising them from $5 a thousand to $6 a thousand. It may be complained that there is no additional duty levied upon cigars imported, but I desire to say that the amount of duties now levied upon cigars imported is subject to be increased by the precise amount of the tax now collected on cigars under the internal-revenue law; and that the amount of duties upon cigars is not only large but will be large even if it loses this difference of $1 per thousand on cigars that it is now proposed to be made here. There is no question but that the fine tobacco raised in Cuba and there manufactured into cigars is very heavily taxed, and will be so taxed whether this bill passes or not. It does not change the duties upon those, and it will not subject any cigars made here at home to any competition in consequence.

There is a proviso annexed to this provision in consequence of some peculiarity of the trade of those who have the handling of tobacco. It allows the seller to charge the purchaser upon any contracts heretofore made with the increase of duty. I see no objection to that.

The next proposition is section 3, which provides for an increase of duties upon molasses, melada, and sugar, by the addition of 25 per cent. on the present amount of duties. That is the same increase upon each and every description of sugar, molasses, and melada of 25 per cent. I suppose that this perhaps is one of the most certain articles from which a duty can be secured of any in our whole list of articles that are subject to duty; nor do I conceive that it is very important upon what articles, when they are of universal consumption, a tax is levied. It is in the very nature of taxes, levy them at any points you may, that they will ultimately be distributed over the cost of living where the consumers pay the tax; and I suppose that in the case of all articles upon which an internal-revenue duty is levied there the consumer pays; but it is not so in relation to articles that pay taxes through the custom-house. Take for instance the article of coffee. When we took off the duty the article immediately rose in Brazil to the same amount that we took off the duty, and our people here were not benefited at all; and yet it was a clear loss to the revenue. It sometimes happens that the consumer pays the duty and sometimes not. Most usually the increased price in consequence of duties upon foreign articles is partly paid by the consumer and partly paid by the foreign producer. If the foreign producer must have a market here he must accept of such prices as he can get here and modify his home prices accordingly. So far as this is concerned I do not know but that it might have been amended so that it would have been a little more satisfactory to me than it is now; but at the same time I am quite satisfied that it will yield the revenue, and that is what is important at the present time.

The next section is section 4, which provides for a restoration of the 10 per cent. of the duties that was taken off last year. I desire to explain to the Senate, so that they will understand this, and not consider it so much of a bug-bear or that it increases the duties by the amount of 10 per cent. It is no such thing. Where an article of cotton or iron or woolen bears 25 per cent. the increased duty will be 2½ per cent.; if it bears 30 it will be an increase of 3 per cent.; if it bears 40 it will be an increase of 4 per cent.; and that is all there is of it. It applies mainly to those articles that have heretofore largely contributed to our revenue, but which have been so stimulated by protection for the last ten years, or during the war, that we have begun largely to produce them here at home.

Section 5 provides that goods in warehouse and actually on shipboard shall not be subject to the increased tax. I desire to say that if I could have had my way I would have made articles that are on shipboard and that were not taken out of the warehouse subject to the duties that we may impose by this act, but there is nevertheless a symmetry in the bill. The bill does not propose to tax anything on tobacco or spirits that is on hand. It only proposes to tax such as shall hereafter be produced; and therefore the same privileges are allowed to the importer, to the merchant, that are allowed to the producer here on articles produced at home.

I should have said that there is a provision in the bill which allows only 1 per cent. to be retained by the Government upon the exportation of refined sugar. Upon all goods that are re-exported that is now the amount that is allowed; but upon articles made of raw materials that are imported and manufactured here there has hitherto been allowed, when exported, 10 per cent. to be retained by the Government. The only question here now that arises in my mind is whether the Government can get along and allow sugars to be refined here and re-exported without having any frauds committed upon it. The officers of the Government think they can. I know that all articles of merchandise which are imported now are subject to pay the Government 1 per cent. upon re-exportation, which is retained in the Treasury of the United States. At all events, I do not regard this as of any great importance one way or the other.

The last section of the bill merely restores bolting-cloths to the free list, where they have stood from time immemorial. By a simple mistake in the Revised Statutes they were, however, omitted. It also provides that the books held by depositors in savings-banks, containing merely the name and amount of deposits written in the book from day to day, shall not be subject to a stamp duty. That is all that is contained in the bill.

Mr. MORTON. I would like to ask the Senator from Vermont a question.

Mr. MORRILL, of Vermont. Certainly.

Mr. MORTON. I would like to ask the Senator how far the estimated revenues for the current fiscal year will fall short of the appropriations for the current fiscal year, aside from the sinking fund, if at all?

Mr. MORRILL, of Vermont. It is perhaps impossible to tell how much short. They will fall entirely short of the sinking fund, and they will considerably fall below the expenditures, as would be apparent from December, January, and February. In December our deficiency was $478,000. In January it was $1,819,000, and there would have been a deficiency since but for the large increase paid on spirits in the Internal Revenue Department. A falling off of the revenue for some months to come may be expected.

Mr. President, I have only a few more words to say——

Mr. DAVIS. I should like to ask the Senator from Vermont a question if he is through with his statement of the provisions of the bill. Will it be agreeable for me to ask him a question now?

Mr. MORRILL, of Vermont. I have no objection.

Mr. DAVIS. I understood the Senator to state that the net ordinary expenses of the Government were $20,000,000 less this year than formerly; in other words, that there would be $20,000,000 saved. I have looked——

Mr. MORRILL, of Vermont. I did not state that. I stated that the appropriations were so much less. I know that there was a deficiency bill in 1873 of $11,000,000. In 1874 there was a deficiency bill of $4,000,000; and I may state that it is most likely there always will be a small deficiency bill; but we have reduced that to the very minimum. I believe the Committee on Appropriations think that the deficiency bill for the coming year will be even less than the last.

But, Mr. President, in addition to all I have stated about the expenditures, there is another question that is open to some doubt. We received last year fifteen millions and a half under the treaty with Great Britain. In the course of the present year a considerable portion of that will be awarded and be required to be paid out of the Treasury. Whether the Treasury is authorized to sell the large bond that was given to the State Department, or any part of it, for the purpose of paying out this sum I know not; but in some way that will have to be met.

Now, Mr. President, under the present circumstances it is a question on which every Senator should act upon his cool and most deliberate judgment whether we will give this Administration the ordinary means for conducting the Government or whether we will visit

it with the calamities that are sure to follow if we do not. We shall create discontent in all portions of the country unless the several Departments are able to carry on their business as they have been accustomed to carry it on. Shall we diminish our foreign diplomatic service? Shall we discharge the few men that are kept in the Army? Shall we let what remnant remains of the Navy still rot at the dock? Shall we dispense with the completion of the public buildings we have started, and which would suffer greater damage and detriment by having the work stopped upon them now than the whole amount proposed to be appropriated? Or shall we pass this bill? I cannot believe that it is the sentiment of any portion of this body to leave the Government, in the language that has been made current elsewhere, on the "ragged edge of despair."

Mr. SHERMAN rose.

Mr. SCHURZ. Will the Senator from Ohio allow me to ask one question of the Senator from Vermont before he sits down. I will not keep the Senator from speaking long.

Mr. SHERMAN. Certainly.

Mr. SCHURZ. I was called out for a moment and therefore lost some of the remarks of the Senator from Vermont. I do not know whether he stated how large the deficiency is which he expects to cover by the provisions of this bill.

Mr. SHERMAN. Perhaps I can answer the Senator from Missouri in what I intend to submit.

Mr. SCHURZ. Very well; then I will ask the Senator from Ohio how large the revenue is specifically which is expected to be drawn from each of the different sources provided for in the bill?

Mr. MORRILL, of Vermont. We expect to raise about $30,000,000 by this bill. It has been estimated by the Department if the same amount of business shall be done it will be somewhat more than that.

Mr. SCHURZ. That does not answer my question. I find different articles taxed. On whisky, sugar, and tobacco I find the tariff raised, and so on. I would like to know how much is to be drawn from each?

Mr. MORRILL, of Vermont. About $12,000,000 on whisky, about $4,000,000 on tobacco, and seven millions and a half upon sugar and molasses; and nearly $6,000,000 upon tea and coffee.

Mr. SCOTT. And $2,000,000 upon cigars.

Mr. MORRILL, of Vermont. And $2,000,000 upon cigars.

Mr. DAVIS. I was about asking the Senator from Vermont who has charge of this bill a question, and before I got through he broke in on me and answered a part of it. I certainly understood the Senator to say that the net ordinary expenses of the Government for the last year were some $20,000,000 less than the year previous. If I am mistaken in that I should like to be corrected.

Mr. MORRILL, of Vermont. I have already corrected the Senator once. I said the appropriations made at the last fiscal year were about $19,000,000 less. I admitted that there was a deficiency bill of $11,000,000, and that the next year a deficiency of $4,000,000, and I also stated that it was the belief of the Appropriation Committee that the present year the deficiency would be still less.

Mr. DAVIS. Mr. President, I understand that the appropriations show $19,000,000 less and a deficiency of $11,000,000. That would leave $8,000,000 less, according to the Senator's calculation. I find by the report of the Secretary of the Treasury that the net ordinary expenses of the Government for 1873 were $180,000,000, in round numbers, and for 1874 $194,000,000, so that really instead of a decrease there is an increase of $14,000,000 last year in the expenditures of the Government. I make that statement, and I should like to have it corrected if I am wrong. Instead of a decrease in the net expenditures of last year over 1873 there was an actual increase of some $14,000,000.

Mr. SHERMAN. Mr. President, I wish to make my statements in regard to this bill as brief as possible. Therefore I will ask the favor of Senators not to interrupt me by any questions, but if they desire any information from me after I get through with the brief statement I will make, I will give it to them with great pleasure.

This bill comes to us with a very taking title. It is almost impossible for me to vote against a bill which was intended "to protect the sinking fund and provide for the exigencies of the Government." But this bill also comes very much in the nature of a "stand and deliver, or die." We are obliged to take this bill without amendment, without the dotting of an *i* or the crossing of a *t*. It is sent to us at the last hours of a Congress. There is no argument that has been made by my honorable friend from Vermont for the passage of this bill that has not been operative from the beginning of this session, indeed from the panic of 1873. Every motive, every argument, and every reason that can be adduced for the passage of a bill with this title has been in existence during the whole life of the present Congress; and yet now a bill for this purpose is sent to us within a few days before the expiration of a Congress and with a declaration made to us distinctly that you must take that bill or nothing.

Now, in the first place, I do not like that kind of legislation. When we are compelled to take the responsibility of it I would like at least to be consulted as to the terms and conditions upon which we will grant large increased taxation. Let us look a little further. We are told, and told truly, that we are compelled to take one of three different courses. We are compelled either to repeal the sinking fund, or to stop public buildings or some other appropriations, or to provide for new taxes; and I say that it is true we are compelled now at this moment either to levy new taxes or to stop appropriations already made, or to stop the sinking fund. That is the condition in which we are placed.

Mr. OGLESBY. Stop appropriations already made?

Mr. SHERMAN. We must stop or disregard them, one or the other. The most important thing to be considered is to get, if you can, the exact amount of the deficiency we are called upon to meet. It was very proper therefore for the Senator from Missouri to ask the question, first of all, what is the state of our finances? And it is better stated in the report of the Secretary of the Treasury, with a letter from him also that I have with me that I will have read, than it can be stated by any figures that I could possibly give; because these are authentic and responsible. We know when we act on the report of the Secretary of the Treasury we can act upon the report of an officer who is responsible to us.

The Secretary of the Treasury, in his annual report, states that the amount of his estimates of the deficiency for the current fiscal year, made probably in November last, was $22,092,748, after paying the sinking fund. He estimates that the deficiency for the next fiscal year, after paying the sinking fund, will be $11,920,914. Since this estimate was made, however, he has written a letter to the Committee on Ways and Means of the House and the Committee on Finance of the Senate, stating that this estimate was entirely too low; that the rapid falling off of our receipts had been so great that he would estimate the deficiency at a much larger sum. I ought in justice to him ask that this letter be read, so that we may know the precise condition in which we now stand. I will ask the Secretary to read this letter, being a copy of a letter sent to the Committee on Ways and Means of the House.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 5, 1875.

SIR: I have the honor to invite the attention of your committee to the condition of the revenues of the Government and to urge that such action may be had to increase the same as will not only enable the Treasury to promptly meet all just and legal demands that may be made upon it by public creditors, but to provide it with means to discharge the liabilities of the Government under statutory provisions for the sinking fund.

On page vi of my report to Congress I stated that unless the revenues should increase beyond the amount anticipated there would be a deficiency in the sinking fund account for the current fiscal year of $22,093,748.43. It must be apparent that it is difficult at all times to estimate in advance the probable receipts into the Treasury. The present depression in trade and commerce has more seriously affected the revenues from duties on imports than was anticipated at the time the estimate above referred to was made. They having already fallen below that estimate, in a period of forty-one days, $3,800,000. Should this reduction continue during the remainder of the year, the deficiency will reach the sum of about $35,000,000, and it is hardly probable that business will revive to such an extent as to materially lessen this sum.

In this connection——

Mr. SHERMAN. That is all that is necessary to read. Now, Mr. President, let me repeat, since the panic the deficiency for the year ending the 30th of June, 1874, was $25,000,000. The deficiency for the last fiscal year was $22,092,749. The estimated deficiency for the next fiscal year is $11,920,914, varied however by the statements made in this letter; so that it is manifest that from the time of the panic the deficiency has been decreasing, and that we might fairly expect, if the estimates of the Secretary of the Treasury can be relied upon, that during the next fiscal year, without any increase of expenditures, our revenues will be amply sufficient to pay our current expenses and also to pay the sinking fund. The statements made in the letter of the Secretary somewhat varied his figures, but he does not pretend to estimate what will be the deficiency for the next fiscal year.

Now, that estimate is liable to be increased by any additional appropriation that may be made by Congress and also by any deficiency in the current revenues. But it is also liable to be diminished by a less amount of appropriations for this fiscal year than the last, and I am informed by the chairman of the Committee on Appropriations that the amount of the appropriation bills for the next fiscal year will be something like $8,000,000 less than they were for the fiscal year. I will ask my honorable friend from Maine if I am right about that?

Mr. MORRILL, of Maine. It is rather difficult to say with much accuracy, but approximately I think that is about right as the bills stand at present. The bills that have already passed the Senate are nearly six million five hundred and eighty odd thousand dollars less; but it should be understood, however, that that embraces items which are not among the ordinary expenses of the Government.

Mr. SHERMAN. Taking the aggregate?

Mr. MORRILL, of Maine. The aggregate. It should be observed that this includes the extraordinary expenses of the Navy for last year.

Mr. SHERMAN. Mr. President——

Mr. OGLESBY. I do not rise to a question of order, but I rise to make a suggestion. Either Senators on the extreme row of seats must be provided with seats near the center of the room, or they must be perpetually debarred from hearing the speeches made by Senators near the center upon interesting questions. We cannot hear a word of what the Senators say upon a most interesting subject—one in which we are deeply interested—upon which we are about to vote. I would like that difficulty to be removed in some way or other

The PRESIDING OFFICER. The Chair has reminded the Senate twice of the disorder, and since the remarks of the Senator from Illinois presumes the Senate will now be quiet.

Mr. SHERMAN. At the time the Secretary of the Treasury sent his annual report to us there was no unfavorable condition of our finances, and the only unfavorable aspect of our finances grows out of the statement made subsequent to the annual report, because he shows by his estimates made in November last that the sinking fund would be provided for and all the estimated expenditures would be provided for and leaving only a deficiency of $11,920,914; and to meet this twelve millions of deficiency the chairman of the Committee on Appropriations tells us we have reduced the appropriations below the amount asked for by the Treasury Department some $8,000,000, which would leave a deficiency in the next fiscal year of between three and four million dollars.

Mr. SCHURZ. That is nothing.

Mr. SHERMAN. We must, however, regard the fact stated to us by the Secretary, that since the making up of these estimates the falling off of our customs duties has been rapid, so rapid as to alarm him, and he therefore sends this supplementary estimate, which undoubtedly creates alarm. It must be remembered that the falling off in the sinking fund or this deficiency in the maintenance of the sinking fund has been known to the House of Representatives, which is the only power of our Government which can levy taxes. It had full knowledge two years ago that there was a deficiency in that sinking fund of $25,000,000, and that last year it was $22,000,000, and yet they refused to send us a tax bill by which we could provide in the proper way to meet this deficiency. That this deficiency is constantly diminishing, according to the estimates of the Secretary of the Treasury made in November, is apparent and perfectly clear. I have no doubt that in the ordinary course of events as they existed in November last one year would not roll around before this deficiency would be made good by increased receipts, but the statement made to us by the Secretary of the Treasury during the last month that our customs revenues were falling off rapidly did tend to create alarm, and would induce me now to vote for any tax bill within the bounds of reason, for any tax bill which I thought could be justified on principles of sound political economy.

I said that we have to do one of three things: either to repeal or modify the laws relating to the sinking fund, or to stop a portion of public expenditure, or to levy new taxes.

In regard to the first alternative, I say that by no vote of mine, under any circumstances, will I suspend or stop for a moment the operation of the sinking-fund laws. They are piedges of public faith that must be observed literally and truly, and I am very glad the Secretary of the Treasury has taken the position that whatever else comes that sinking fund shall be maintained. Indeed, the law in regard to the sinking fund is so clear, so strong, that a Secretary of the Treasury who would violate that law would clearly be subject to and ought to be impeached. That law is an element of the public credit and must not be impaired. Let us look a moment. The sinking-fund acts are pretty familiar to the Senate but they will bear repetition. By the act passed at the beginning of the war, February 25, 1862, the customs duties are expressly pledged, first, to the payment of the interest in coin on the bonds of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States; and third, the residue thereof only to be paid into the Treasury of the United States.

It is perfectly clear therefore that the customs duties which were to be collected in gold were set aside and mortgaged just as sacredly as if I should mortgage the house in which I live, set aside as a fund to be applied to specific purposes, and that it is only the balance of this fund that can be used by the United States for other purposes. That is perfectly clear, and to that the public faith is pledged. That law is still the existing law. It has been said in debate elsewhere, and perhaps here, that former Secretaries of the Treasury did not regard that law. That is an entire mistake. During the whole war more than 1 per cent. of the debt was paid annually. It is true new debt was created, new bonds were issued in vast amounts, but still during Secretary Chase's term more than 1 per cent. of the old debt was constantly paid by the payment of demand notes and of various forms of debts as they came in. The account was not maintained as a sinking fund, and yet the fund was applied according to the language of the law. So in the term of our associate now, [Mr. BOUTWELL,] during the whole of that period more than the amount of the 1 per cent. was paid every year on the public debt, and although it was not maintained in the form of a sinking fund until the commencement I believe of his term, yet more than that amount was paid. So in Mr. McCulloch's time, although no formal sinking fund account was oppened, yet more than 1 per cent. of the principal of the public debt was paid every year, and in the aggregate $150,000,000 more of the principal of the public debt was paid than the whole aggregate of the sinking fund. So that it is a mistake to say this was not regarded as a subsisting and binding law. It was the law, and was faithfully observed until after the panic of 1873.

But this is not all. By a subsequent law, passed for the very purpose of organizing the sinking fund, passed at a time when we were paying more than 1 per cent. of the principal of the public debt, another law was passed which makes the sinking fund still more obligatory. I will read it. By the act approved July 14, 1870, it is provided:

Any bonds hereafter applied to said sinking fund, and all other United States bonds redeemed or paid hereafter by the United States, shall also in like manner be recorded, canceled and destroyed, and the amount of the bonds of each class that have been canceled, and destroyed shall be deducted respectively from the amount of each class of the outstanding debt of the United States In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the aforesaid sinking fund shall be applied, as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt as provided for in section 5 of the act aforesaid. And the amount so to be applied is hereby appropriated annually for that purpose out of the receipts for duties on imported goods.

There were two important provisions added by this section; first, that the bonds which were bought in for the sinking fund should be canceled and destroyed, so as to prevent the possibility of their getting out again. Formerly they had been bought and held as a sinking fund. But the last provision was the material one. It was an express appropriation of money out of this special fund for this special purpose, and no officer of the Government has any right whatever either to violate the law or to take this money appropriated especially out of a special fund to pay ordinary and current expenses. That is perfectly clear. First by the act of February 25, 1862, the fund is made, the mortgage is created, and here by the act of July, 1870, an express appropriation is made to be paid out of the special fund for this special purpose. There is no power or authority that can be granted to any man by an appropriation bill to disturb this sacred pledge, and I trust the promise of the Secretary of the Treasury will be made good; that the sinking fund will be maintained at all hazards, whatever other appropriations are disregarded and set aside.

And here I wish to say that an appropriation bill is nothing but an appropriation of "money not otherwise appropriated." An appropriation bill even for our pay is an appropriation of money in the Treasury not otherwise appropriated; but this sinking fund is permanently appropriated and permanently pledged, and must first be paid. It is like the interest on the public debt exactly. The sinking fund must be maintained inviolate, and no authority must disturb it. I blame no one for the temporary deficiency in this fund by reason of the unforeseen difficulties that surrounded us after the panic of 1873. Then the sinking fund was not maintained; but now that our attention is called to the law clearly and distinctly, it is apparent that thirty millions of the money received from customs must be annually set aside for the sinking fund, and no law in the ordinary form of an appropriation bill can divert it.

I have said all I desire to say in regard to the sinking fund. It is inviolable, and therefore one of the alternatives I have mentioned is out of the question. The sinking fund must be maintained. The next question is, can we reduce public expenditures. If the condition of our affairs were as they are stated in the Secretary's report in November last, there would be no necessity for any extraordinary provision, because the estimated deficiency for the next fiscal year being only eleven millions and eight millions being provided already by a reduction in our appropriation bills there would be but a small margin to supply by further reduction. An executive officer in the expenditure of two hundred and sixty or two hundred and seventy million dollars could very easily withhold here and there appropriations sufficient to make the accounts balance and come out even.

Now we come to another contingency. As there is a deficiency, more or less after the sinking fund is made good, the next question is, can the Secretary or the President suspend some of the appropriations until the deficiency can be made good? We are compelled to choose between the bill now before us or a suspension of a portion of the existing appropriations. I prefer for one to take the responsibility of the latter and to put it in the power of the President and Secretary to suspend so many of these appropriations as may be necessary to avoid a deficiency in the Treasury. It must be remembered that the Secretary has no resource but taxes; you do not give him power to borrow money; he cannot issue a dollar of bonds of the United States except in payment of other bonds. There is no resource for him but taxation; and if there is a deficiency, all he can do, like anybody else who is deficient in money, is to stop paying. He has no power to borrow money. We have not given him that power; but he has power to suspend appropriations when in his judgment the revenues provided him are not sufficient in amount to pay all the appropriations authorized by Congress. That is all there is of it. If there be a deficiency in the next fiscal year, and we do not pass a tax bill to supply it, as a matter of course there is no resource for him but to stop certain appropriations, and the President or the Secretary of the Treasury—the President in the first instance as the general head of the executive authority—is the one to stop such appropriations as in his judgment can be most readily postponed. You will find on page 7 of the report of the Secretary of the Treasury a statement of appropriations estimated for the public works amounting to $26,299,469. I have no doubt it would be a great inconvenience to stop some of these public works. These include appropriations for fortifications, rivers and harbors, public buildings, and the like; but it is far better to do that than either to impair the sinking fund or to rush into hasty and ill-considered tax bills.

So then we do not leave him without resource. As I said before, an appropriation bill is not mandatory. It does not require executive officers to spend the money. That is not its form and never was. It is simply an authority, and the President is not bound to spend the money, and if the money granted him by Congress is not sufficient to meet all the two hundred and sixty or two hundred and seventy millions of appropriations, he must get along by using only those that are

most pressing. He must choose between them, and he can refuse to expend money for objects that may be postponed until a more convenient season.

Still this Government is not at all in the position of an embarrassed debtor. It has boundless resources, boundless means, and boundless wealth. We should not hesitate to levy taxes, but in doing so we are bound to regard the public interests. The question is whether this tax bill sent to us is one that we can defend on grounds of public policy. Let us see. The first section of the bill levies what is called a very popular and a very fashionable tax, a tax on whisky. There is only one limit to the tax on whisky, in my judgment, and that is the amount that can be collected. That is an amount easily ascertained, because we have had long experience with this whisky tax and know something about it. Here is an increased tax of 20 cents on whisky to be manufactured in the future. It does not apply to that on hand. What is the first effect of such an increase of taxation? It is to give a bounty of 20 cents a gallon to every holder of whisky in this country, and that bounty must be realized by that holder, every cent of it, before the Government can get a single cent from the new tax. Here is the first matter to be considered. In this respect it is like all other taxes or increases of taxes. It is a benefit to the man who has the article on hand. What is that amount? According to the estimate of the Commissioner of Internal Revenue the amount of whisky on hand was 47,000,000 gallons on the 1st of January last. At that time we had the official figures. There were 11,700,000 gallons in what are called distillery warehouses and 35,000,000 in round numbers estimated to be in the hands of distillers, rectifiers, and dealers, making all together 47,000,000 or nearly 50,000,000 gallons. On the 1st of January, or at any time before the introduction of this act, whisky was worth 95 or 97 cents a gallon, the cost of manufacturing whisky being only 25 or 27 cents and the tax being 70 cents.

The market value of whisky, say, was then 95 cents a gallon. When you levy an increased tax on whisky of future manufacture you add to the value of that on hand the amount of the tax. Taking the tax at 20 cents a gallon no revenue can be collected until the price of whisky has advanced in the market to $1.15 a gallon. That is a very plain proposition, because as a matter of course no man would distill whisky unless he could get the tax he was to pay on it and the cost of the whisky back again; and the result is that the very moment you pass this act all distillation of whisky is stopped until the whisky on hand advances to $1.15 a gallon.

Mr. HAMLIN. How long?

Mr. SHERMAN. Men differ about that. I do not know how long. I do not think during this fiscal year we could get any more from whisky. Here, then, is a bounty to holders of whisky to the amount of nearly 10,000,000 gallons. Perhaps that cannot be avoided; but they will realize every dollar of that before we get any revenue. I will here state incidentally that the effect of stopping the manufacture of whisky affects very seriously the farmers of the West who have corn to sell; but I will pass that by, because I take it that the tax on whisky will not stop the consumption of whisky. I wish it would. If the tax on whisky would stop the consumption and banish the evils of intemperance, then I should be in favor of a tax of $5 a gallon; but we know that a certain amount of whisky will be made. The trouble is to collect the tax, and our experience has been that as you advance the tax on whisky you decrease the revenue.

I do not believe from my observation of the operation of our laws heretofore that this increase of the tax will increase the revenue. In this I am sorry to say I differ with the Commissioner of Internal Revenue, who, no doubt, thinking that his officers are all perfectly right and perfectly good, and somewhat magnifying his own power in the matter, thinks that he can collect 90 cents tax as well as 70 cents. We tried the experiment of that. We once advanced the rate of taxation from 20 cents to $1.50 and utterly failed. When the tax was $2 a gallon we only collected twelve or thirteen million dollars a year. Afterward, when we reduced it to 50 cents a gallon, we ran up to $40,000,000, or above that. So that our experience, the experience of men in the actual administration of the whisky-tax law, is that when you raise the tax you increase the inducement to evade the tax, and thus lessen the revenues of the Government.

I am very sorry to say it; but I fear very much if this increased tax is levied we shall have given a bounty to the holders of whisky, and we shall get nothing for the benefit of the Government of the United States from it; and I am free to say that I have conferred with many persons, officers of the Government, who feel and fear that this may be the result of the increased whisky tax; and if that is so, it is clearly wrong.

It has sometimes been said, and I have seen it in one of the newspapers, that Senator SHERMAN was very much opposed to the increase of the whisky tax, perhaps because the people of Ohio make a great deal of whisky. Not at all. The people of Ohio know that those who consume whisky pay the tax, but it does not follow the tax goes to the Government. The whisky may be produced in stills that do not pay the tax, and the temptation at 90 cents a gallon to make untaxed whisky is almost too strong for human nature. Whisky can be made in the mountains, anywhere in secluded places, in remote regions, the whole cost of the article being twenty to twenty-five cents a gallon, and if a man can get it out of his distillery into the market it is worth $1.15 a gallon. Even at 70 cents we do not collect all the whisky tax. It is estimated by the Commissioner of Internal Revenue that we lose 5 per cent. of it. That is more than we lose of any portion of our customs duties or any other branch of our internal revenue. If we lose that much at 70 cents a gallon, with all the machinery now organized for years, what shall we lose when we place the tax at 90 cents a gallon? Remember that what we lose by fraud is a continual temptation to fraud and a continual injury to the honest dealer, because there are honest men manufacturing whisky as well as dishonest men. Every gallon of whisky that drips into the market without paying the tax is just so much destruction to the honest dealers.

Senators, is it wise for us under these circumstances to raise the tax on whisky? I believe experience has proved that we have reached what is called the revenue point, and that we ought not to levy any additional tax on whisky, because we have levied now as much as we can collect. Not because I love whisky, not because the people of Ohio are opposed to the whisky tax do I go against this increase. On the contrary, the feeling there is all for it; but it is because as sensible men, charged with the public affairs, we are bound to bring to the administration of our duties good sense, and not be carried off by any wild phantom. Sir, if my fiat would destroy or prevent its manufacture and prevent its consumption, God knows that fiat would be given very freely; but we know as practical men that whisky will be made and drunk, will be consumed, and the only question is, how much can we probably get out of it in the way of taxation? I would be willing to vote any rate of taxation that we could reasonably collect. Experience has taught us that on the whole 70 cents is about as much as it will bear. I am not willing now at this late period of the session to disturb this established revenue, now yielding us $50,000,000, for any interest that may be in favor of the passage of this or any other measure.

But enough of whisky. Now I come to the tobacco tax. There is another article that is properly subject to taxation. It is an article that ought to be taxed as much as it will bear; but have we not taxed it as much as it will bear? We once taxed it 16 cents and 32 cents. We found that the 32 cent tax was evaded and avoided, and we were cheated. After strong appeals made by the dealers, by the consumers, by all classes, we finally, only two short years ago, agreed to reduce the tax to a uniform rate of 20 cents. Then it was done by the concurrence of the Treasury Department, the tobacco trade, and the men who raise the tobacco; and we thought we had established a fair revenue rate at 20 cents a pound and it was honestly collected and yields us $36,000,000 on tobacco in its various forms and being the second item of revenue in amount. Now suddenly, at the close of a Congress, without any opportunity to make discriminations, we are called upon to advance the tax to 24 cents. That 4 cents is about the value of the great body of the leaf-tobacco produced in this country, and much of it is sold for less than that. If we could collect it without any doubt or trouble or interfering with an honorable agricultural industry, we might properly levy it; but we have remonstrances from manufacturers, we have remonstrances from dealers, we have remonstrances without number from the little cigar-makers who make their living in rolling up this tobacco in the form of cigars, saying this will destroy their trade. Are we not bound to heed them because they are engaged in a business that the people who do not like tobacco dislike? Are we not bound to heed their prayers? They tell us "only two years ago you fixed this law; you gave us some security for permanency; now you disregard your own law; you raise the duty." I cannot answer that. I believe that the increase of the tobacco tax is wrong in the revenue point of view. It is wrong, because it does not treat the dealers, the men who raise tobacco, the men who manufacture it, as they ought to be treated by a great and powerful Government.

There is another consideration. While I am opposed to this increased tax on whisky and tobacco, I am opposed generally to this system of internal-revenue taxation. I believe the time is not far distant when a moderate tax on whisky and tobacco and our duties on imported goods will be amply sufficient for all the operations of the Government; that we need not extend our internal-revenue system. Indeed my hope has been that at this present session of Congress we should wipe out the little stamp tax now fastened on the people on bank checks, on patent medicines, on proprietary medicines, and on matches, consumed by every class of people. I had hoped that we could strip our internal-revenue system of all this tax and leave nothing but whisky and tobacco; but instead of that the effect of this bill is to throw more than one-half of the increase of taxation upon the internal revenue. The increased whisky tax is estimated to yield twelve millions, the tobacco tax about five millions, making seventeen millions more of tax in the form of internal-revenue taxation at a time when we had given out by our promises and pledges that we would take off this system of internal taxes as far as possible.

These are the considerations why I have not been able to approve these two sections, and I have no doubt my friend from Vermont will agree that if the Committee on Finance were at liberty to propose amendments to this bill we could give $30,000,000 of revenue from items that every member of the committee believes would yield a revenue without any serious additional burden and without raising any trouble whatever. The difficulty is that we are met with the question at the close of Congress with no power to amend. There are

two or three provisions in this bill that ought to be stricken out; but we cannot do it.

Let us look at another fact. This duty on sugar, molasses, concentrated molasses, &c., is increased. Do Senators know that this is an enormous increase of a duty upon one of the most vital necessities of life, sugar going to every family. I have a letter which I take the liberty out of numerous letters I have received to have read. It is a letter from a well-known firm. I do not know but that I take a liberty in reading their letter, but I presume there is no secret in it. It is a firm which Senators all know, Grinnell, Minturn & Co. I will ask that this letter be read, showing the nature and character of this increase of the sugar tax, an increase of 25 per cent., making the tax on the various grades of sugar from 80 to 100 per cent.

The Secretary read as follows:

78 SOUTH STREET, *New York, February* 23, 1875.

Hon. JOHN SHERMAN,
Senator, &c., Washington, D. C.:

As the new revenue bill will doubtless shortly come before the Finance Committee of the Senate, we take leave to point out some reasons why the proposed increase of taxation on sugar should be abandoned and a tax on tea and coffee should be substituted.

The rates of duty on sugar, as increased by the bill, are equal to 80 to 100 per cent. on the present prices in producing countries—a scale of duty which is obviously most onerous; and this at a time when, as at present, the producing interests in foreign countries are so much depressed that no greater reduction of prices can there be expected. In fact the value of sugars abroad is already so excessively low that any further reduction cannot be expected, or, if actually realized, would inevitably be followed by diminished production, thus curtailing the comforts and impairing the commerce of the people of the United States. The effects of this discouragement of the production of sugar would fall with peculiar severity upon the natives of the island of Cuba, for whose misfortunes and sufferings so much sympathy has been shown here.

The proposed increase of the duties on sugar would, as we have said, raise the rates to 80 or 100 per cent., and, it is calculated by the committee, would increase the revenue about $8,000,000; while a duty on coffee at 3 cents per pound, equal to say 17 per cent. *ad valorem*, would yield about $9,000,000; and a tax on tea of 15 cents per pound, equal to 30 or 40 per cent. *ad valorem*, would yield about $8,500,000.

The statement of the quantity of tea on hand and on the way which was read in the House of Representatives by Mr. KASSON (and which we inclose and can indorse) is sufficient to dispose of Mr. DAWES's assertion that supplies are so large that the Government would get no duty from tea for an indefinite period. As regards coffee, the facts are notorious that the present supplies in the country are most exceptionally small, not exceeding two months' consumption.

The moderate and *ad valorem* rate of the proposed duties on tea and coffee, and the fact that the duties are uniform, (and not according to quality as in sugar, thus offering no temptation to fraud,) make them in every respect more appropriate subjects for taxation than sugar.

To this we may add that the prices of both tea and coffee have lately been so unusually high in producing countries that there is large margin for a decline there; and in our opinion there is every probability that the duties on these articles would raise their prices but little to consumers; just as the removal of the duty some years ago scarcely benefited the consumer at all, but was nearly all realized at that time by the foreign producers in the advanced prices which they obtained.

On every account, then, we know of no objects so well fitted to bear increased taxation as tea and coffee, and there are few objects less able to bear it than sugar.

We observe that Mr. DAWES insinuates most unfairly that the merchants who advocate a duty on tea and coffee are governed by their own interests in the advanced prices which they expect for their stocks on hand. Our knowledge of the mercantile community enables us to assert most positively that this is an unjust slur directed against a body of men than whom the Government has no more patriotic citizens, and whose habit it has never been to importune Congress for legislation designed to advance their private interests.

While we believe this to be true of the mercantile community to which we belong, we may add that the reflections of Mr. DAWES can in no sense attach to our firm in expressing these opinions on tea and coffee, as we are not holders of one pound of either.

We are, with much respect, your obedient servants,

GRINNELL, MINTURN & CO.

Mr. SHERMAN. This shows that the duty on sugar, when increased by this bill, will be from 80 to 100 per cent., and the discriminations of this bill are all in favor of the refiners. The increase of 25 per cent. upon the present grades makes a comparatively small increase in amount on the lower grades of molasses, melada, and brown sugar, and a higher increase on the higher grades of refined sugar or sugar that is partially refined which comes into our country. The great body of sugar that comes into the country is in the cheaper form, and then passes through a refinery. This, therefore, is an additional bounty or protection, as it is very properly called, to the refiner. The personal interest of the refineries has been carefully cared for. Sir, the present gradation of the duties on sugar has been made after a careful study and with the co-operation not only of the importers but of the refiners. Therefore there is no occasion to give to the refiner an additional advantage by putting on this *ad valorem* increase, which operates more severely on the higher and less upon the lower grades which they buy.

There is another peculiar provision of this bill that I have no doubt the Committee on Finance would be very glad to strike out, and I have no doubt my friend from Vermont will agree with me. Here is the definition of melada in the first proviso that tends to make melada cover what was previously called sugar, and it will create a disturbance in the construction of the law by the Treasury Department. It extends the meaning of melada to articles heretofore regarded as brown sugar, and thus operates again to the benefit of the refiners who import melada, being a cheaper form of sugar, and then refine it and sell it in the various forms of refined sugar.

Mr. MORRILL, of Vermont. The Senator from Ohio I know means to be right in his interpretation of this bill; but I desire to call his attention to the fact that so far as his present observations are concerned I think they are unfounded entirely. So far as this proviso is concerned it rectifies a mistake and makes the administration of the Treasury Department at all the ports alike. At some of the ports heretofore low-priced, low-grade sugars have been called melada. If this proviso passes, the low grades which heretofore passed as melada will hereafter come in and be subject to duty as sugar.

Mr. WEST. It rectifies an abuse.

Mr. SHERMAN. The trouble is these provisos do not get in without some meaning. This is simply a bill to meet a deficiency in the revenue for a year or two, and it would not be necessary to load it down with provisos. But I will not go on further than I have. The Senate knows that this is not entirely satisfactory to the Treasury Department. I do not want to state what occurred. The first and last clauses of this proviso simply define the existing law, but the middle of it is a definition of melada and does contain a change of existing law. But I will not go into that further. Here is what I wish to call attention to in this sugar section:

And provided further, That of the drawback on refined sugars exported, allowed by section 3019 of the Revised Statutes of the United States, only 1 per cent. of the amount so allowed shall be retained by the United States.

When any importer or any person brings articles from foreign countries and they are manufactured into some other article, the article being made wholly out of foreign productions, the policy of our law has been to give them a right to export their products and to refund the duty that has been paid. For instance, when a sugar refiner takes a thousand hogsheads of sugar and converts them into refined sugar, he having paid the duty when he received the sugar, when he exports the refined sugar the whole amount of the duty paid by him is refunded to him except 10 per cent. This 10 per cent. is reserved by the United States for the purpose of paying the expenses first at the custom-house and the expense of the operation, and all the balance is refunded to the refiner or exporter. This is the general policy of the law of the United States; but here an exception is made in favor of the refiner, and instead of retaining 10 per cent. of the amount of duties paid by him to cover these costs and charges, we have only provided to retain 1 per cent. The man who makes plows and various other implements, locomotives and the like, has to give 10 per cent. of the amount of duties to cover the expenses and charges of the Government. There should be no difficulty about striking out this provision. Here is a discrimination that if left in will at once bring to Congress innumerable demands. I have already one or two letters on that point. I do not know whether my friend from Vermont saw this, but I think I showed it to him, for I received it before the bill was considered. Here is a petition signed by a large number of people in Brooklyn, demanding that molasses should also have the benefit of the 1 per cent. drawback instead of the 10 per cent. drawback. Here also is a remonstrance against this provision of the bill, signed by a man named J. S. Moore. I do not know him, but the letter is sent to us from the Treasury Department—I presume he is an officer of the Treasury Department—in which it is said that this little proviso set in here can only operate in favor of three or four refiners, and will give them quite a large sum in the nature of a bounty. The proviso is so framed that it does not extend to molasses, but only to brown sugar that is brought in and converted into refined sugar, and it will only inure to the benefit of three or four people.

I have said, Mr. President, all I care to about the tax on sugar. That is a legitimate revenue tax, and if it was thought advisable to increase the revenues of the Government, perhaps it would be well enough to do it on sugar. The fourth section of the bill is relative to the 10 per cent. reduction on certain textile and metallic fabrics embraced in a long section of the tariff bill, including nearly every article made ont of any textile or metallic fabric. It advances the rates to what they were prior to the law of 1872 making the reduction of 10 per cent. This is not purely a revenue measure. I doubt very much whether it is now politic. It must be considered that whenever this section passes every merchant who holds any kind of goods of this class on hand will be justified in advancing the price of his goods equal to the amount of this increase. The average duty on the articles embraced in this list of textile and metallic fabrics is estimated to be 44 per cent., so that it would allow the merchant who holds any of these goods in hand to advance the cost about 5 per cent., and he at once realizes the benefit of this advance on all the articles of this class in the whole United States. How many millions that would amount to I do not know. It must also be remembered that when this additional tax is levied it will advance the cost of the imported article to the amount of this 10 per cent. duty, and unless goods are imported under this section, as a matter of course from it the Government will get no revenue. It is therefore an advance of the price of all the articles on hand, of all that may be imported under the section, and of all that are manufactured in this country by our own manufacturers that come into competition with these classes of imported articles.

I would be willing for a limited time, say two or three years, to vote for a proposition to restore this 10 per cent., but it seems to me it is rather delusive. It will undoubtedly require the people of the United States to pay in advanced prices many more millions than would flow into the Treasury, because this tax, operating *eo instanti*, would be charged at once upon all the goods on hand as well as all that come hereafter.

Mr. President, what I think we ought to do is to give to the Secretary of the Treasury an increase of about twenty or twenty-five millions revenue by a simple revenue measure. That would give to him

all that is levied on the people of the United States. Fortunately for us we could very easily frame such a bill. We could impose a tax on tea, coffee, and sugar. I know that many are sensitive about the tax on tea and coffee, and say there is objection to that. What is it? Every dollar of the tax on tea and coffee goes into the Treasury of the United States. The stock on hand in the case of tea is only 11,000,000 pounds. I have the statistics here. I am not giving the exact amount, but at any rate about sixty days' supply both as to tea and coffee. It is the cheapest form of taxation. There is no difficulty or dispute or controversy about it. It is levied in gold at so much a pound. The article is so bulky that it cannot be imported by smuggling. It comes generally from long distances, from Brazil or China, and the duties cannot be evaded. The money is paid in coin and every dollar of it goes into the Treasury. It is a purely revenue tax, and strange to say a tax on tea and coffee is levied by every civilized nation of the world except only the United States. Intelligent men freely admit that we made a great mistake in repealing it. If we had left on that duty on tea and coffee we would have had no trouble about our finances and would have had no deficiency in the sinking fund.

Under these circumstances, compelled as I am to choose between voting against this bill and voting for a bill which in my judgment is not a wise one, I will feel my duty best rendered to the people of the United States and to the people of my own State by simply giving my vote against the bill. I will not embarrass my friend who has charge of it by offering amendments; I will vote on it as the House propose it to us, as an ultimatum, as the only thing they can tender us, as the only thing they will agree to. I am willing to take a fair vote upon the passage of the bill without any delays or amendments or evasions. I will content myself with voting against the bill as an ill-advised measure imposing heavy taxes not wisely chosen and sent to us when it is impossible to secure its passage in a form satisfactory to myself and to the people I represent.

Mr. SCOTT. As a member of the Finance Committee assenting to the report of this bill, while I do not propose to occupy the attention of the Senate any length of time, I will ask attention for a short time as I attempt to follow the line of argument made by the Senator from Ohio, the chairman of the committee. He first tells us that this bill has a taking title, that it professes "to further protect the sinking fund and to provide for the exigencies of the Government;" and certainly, Mr. President, with the glowing words which yet linger in our ears uttered by the Senator on frequent occasions as to the sanctity of the national credit, no one can suppose for a moment that he will be willing, if he sees that this bill is a necessity for the preservation of that credit, to see it fail, however he may be impelled from considerations that may affect him because of the articles named by taxation to make the speech he has made against it.

But, sir, he says further that while the bill has a taking title it also comes with a demand of "Stand and deliver or die." It comes from the only body authorized by the people of the United States to send us a tax bill. For wise reasons the Constitution has provided that the subjects of taxation shall be selected by that branch of Congress which is most recently from the people and stands nearest to them. Whatever may be said as to the time selected for sending this bill, this is the voice of the Representatives of the people, acknowledging the necessity for revenue, and saying to us "Here is our judgment of the best articles and subjects upon which to impose taxation." If it be, then, a demand of "Stand and deliver or die," yet it comes from that source adjudged by the people to be the best repository of power for determining what is best to preserve the nation's life, to raise the revenues necessary to carry it on.

That this necessity for additional revenue does exist the Senator from Ohio himself admits, for he tells us, if I recollect his language aright, that we have but three alternatives: first, to repeal the law authorizing the sinking fund; second, to stop public buildings and expenses; or, third, to supply the taxation necessary to carry them on. He tells us also that we cannot repeal the sinking fund; the faith of the nation is pledged to maintain it. It will not do to say here or elsewhere that we may permit the payment to pass by for this year because we have paid more than the amount in other years, for the language of the law is that 1 per cent. on the debt shall be paid in each fiscal year. The language is imperative, and therefore the Senator was not too strong in his assertions in saying that a Secretary of the Treasury would disregard his duty if he did not take first from the customs revenues an amount sufficient to pay the sum set apart annually for the sinking fund. We cannot therefore repeal the sinking fund, and the Senator does not propose to do it. Shall we stop public buildings? Shall we stop other expenses? How is that to be done? There are certain annual expenditures that are necessary for the Government. We have the admission of the Senator from Ohio that the sinking fund cannot be kept up and these annual expenditures maintained upon the present revenues. Then passing, as we have already done, the largest portion of the annual appropriation bills, the President, according to his theory, is put in the position of making choice of the Departments in which he will stop expenditures. Here are public buildings authorized by law; money appropriated necessary to carry them to a certain degree of completion. Is the money already invested to be thrown away? Is the building not under roof to be stopped, so that the winds, the frosts, and the rains shall beat down what is already in process of erection? Is he to exercise this discretion in taking a part of the appropriations from the Navy, a part from the Army, a part from the Interior, a part from the Post-Office Department? Each Department will be drawing upon the Secretary of the Treasury for the appropriations that have been made; and if we leave the revenues in the position in which the Senator from Ohio admits they will be, the Secretary paying duties as he receives them to the sinking fund, and then a deficiency, the Senator would have the President driven to make this invidious distinction between the Departments.

Mr. BOUTWELL. Where is the power of the President or the Secretary of the Treasury to withhold the money when appropriations are made? I should like the Senator's opinion on that point.

Mr. SCOTT. I am answering the argument made by the Senator from Ohio. I was about coming to that point. I answer the question of the Senator from Massachusetts by saying that so long as warrants are drawn and there is money in the Treasury, the Secretary will be bound to respond under the law. He must pay, and it will only be when there is an empty Treasury that the distinction will be made by the refusal. That will make it upon whatever warrant may come, and will make it to the discredit of this Government, when our attention is now called to the fact that we cannot maintain our national faith, meet our national appropriations, unless we provide the revenues to do it.

Now, let me consider the figures which the Senator from Ohio has used. He refers us to the report of the Treasury Department, stating that $22,093,748 would be the deficiency in the current year if we pay the necessary amount to the sinking fund, and that in the next year, according to the estimates then made, $11,920,914 would be the deficiency. But then he reads to us a letter of the Secretary of the Treasury written since these estimates were made, written on the 5th of February, written in the light of the experience he has had since the estimates were made, and upon the estimates of the current year he finds now in the light of that experience that he is wrong by $13,000,000. Instead of that deficiency being $22,000,000, it will be $35,000,000 more than the whole amount necessary to be paid to the sinking fund, which, according to my recollection, is something over $31,000,000.

Now, Mr. President, carrying into the next fiscal year the same causes that have been operating for the diminution of the revenue, the prostration of our industries, and the inability of our people to pay for imports, the falling off of the duties in consequence can reasonably be looked for in the next fiscal year. They have from these causes fallen off during the period intervening between the estimates and the writing of that letter on the 5th of February. If, then, there be the same deficiency of $13,000,000 next year arising from this cause, not contemplated by the Secretary when he made his estimates, instead of $11,000,000 for that year you will have a deficiency of $24,000,000, equal to three-fourths of the whole sinking fund.

But we are told that bills already passed have diminished the estimates some $6,000,000.

Mr. SHERMAN. Eight million dollars.

Mr. SCOTT. The chairman of the Committee on Appropriations says the bills already passed have diminished the estimates some $6,000,000. And the Senator from Ohio says that those yet to be passed will, he thinks, diminish the estimates $8,000,000. That is an estimate only. In the face of the estimate, I wish to call the Senator's attention to the fact that the river and harbor bill which has $5,999,000 in it as it came from the House, has already pending amendments proposed to it in this body amounting to over $11,000,000. We all know that it is one of the most difficult bills to defeat. You will be brought to that question if this revenue bill fails. Your commerce must suffer for it; your harbors may be closed; obstructions in your rivers may remain. We all know the local interests that center around that bill. I have frequently heard since I have been here that it would go on the table; that it would be loaded down and fail; but it has always gone through. I do not know how it may be reported from the Committee on Commerce this time; but there is the fact that in the face of the estimate of $8,000,000 of reduction you have $11,000,000 of amendments pending for the purpose of putting them upon that appropriation bill. They may go on or they may not.

What the miscellaneous appropriations may be it is hard to tell; but can we afford, can those who wish to see this Government successfully administered afford to pare down the revenues to the million or the two millions or the five millions, and run the risk of seeing the honor of the nation tarnished by not meeting our obligations?

The Senator tells us that the sinking fund must be maintained inviolate and that no law can divert it. Then we are brought to one of two conclusions; either the obligation to pay to the sinking fund must be violated, or we must stop in a large measure doing those things which in the judgment of Congress are necessary to be done for the benefit and prosperity of the nation.

Revenue is needed, and I follow the Senator in considering the terms of this bill to raise it. He asks the question, Are the provisions of this bill defensible? First comes the tax on whisky, and the question is put, Can it be collected? The Senator very frankly says that in his judgment it is a tax which is defensible, and that the only inquiry to be put is, What is the limit at which it can be collected? All questions of expediency, then, are thrown out of our consideration. It is agreed that the article is a fair subject of taxation; that it is one the consumption of which will not be diminished by taxation; it is agreed that it is one which we have heretofore taxed and which has been very productive of revenue.

Now, what is the experience as to its collection? The Senator says

that in 1868 when the tax was $2 a gallon the revenue was not collected. That is true; but that was in rather an anomalous time. I have never heard it asserted that the efficiency of the civil service in 1868 was exceptionally good. On the contrary we know the fact that it was exceptionally bad in that time. At that time a report was made by those who were most familiar with the administration of the Revenue Office, a report in which Mr. Wells joined—and I think Mr. Colwell and Mr. Hayes were at that time associated in the special commission with him. That report stated that the tax of $2, in their judgment, was too high, that it had not been collected, and recommended a tax of $1, believing that that tax could be collected. What was done? Instead of imposing a tax of $1, a tax of 50 cents was imposed and a change was made by collecting it by stamps, and there is an important consideration in this matter. Fifty cents was imposed, and from that time on the revenues from whisky have increased annually, and when 70 cents was imposed they have still continued to increase. Our experience has been that we could increase from 50 to 70 cents and collect the revenue efficiently.

Mr. SHERMAN. My friend will not contend that there was an increase from 50 to 70 cents when we changed the relation of the tax. When we levied 50 cents we levied a barrel tax and other items, making about 63 cents.

Mr. SCOTT. I remember and intended to state that the other taxes being added brought the tax up to 70 cents; but it is all a tax on whisky, and it is all collected by stamps. It is true the barrel tax and the capacity tax, as I believe it was called, have been added now, and we aggregate these taxes together and put on a little more than both, added to the 50 cents, and made it 70, and it is all collected by stamps; and now, since the tax was raised to 70 cents, the collection of it has been as efficient as it was when it was collected by stamps at 50 cents. Great Britain imposes a tax of ten shillings on every gallon of spirits, and she has imposed it for years. She collects it; why not we? The Senator from Ohio says it is not for the love of whisky that he opposes this tax, not because his people love whisky, but because he thinks this tax cannot be collected. Now what can be done in one country can be done in another. Great Britain is able to impose ten shillings—$2.20 a gallon, if I reckon sterling money properly—but at all events over $2 a gallon she imposes on whisky, and she has collected it. We do not propose to impose $2 a gallon; we propose to impose 90 cents and collect it by stamps; and the Commissioner of Internal Revenue now administering the office gives it as his opinion that he can collect that 90 cents just as efficiently as he collects the 70 cents. I rely here, then, upon the opinion of two officers conversant with that office; I take the recommendation of the former special commissioner of revenue in 1863 recommending $1 per gallon; I take the opinion of the present Commissioner of Internal Revenue saying that this tax can be collected, and I add to that the experience of Great Britain showing that they collect ten shillings tax, and I say we need not hesitate to impose this tax for the purpose of raising the $12,000,000 of additional revenue which can be made out of it.

But another objection is made to imposing this tax; and that is that by so doing we confer a bounty upon the holders. That is an objection which I may as well meet here, because it has been made to every tax that is imposed in this bill. It is inseparable from increased taxation. I would be as loth to vote $10,000,000, or five or any number of millions of dollars, into the hands either of the holders of whisky or of any other commodity as any man; but if it be one of the laws of trade that increased taxation operates upon human selfishness, and human selfishness at once puts up every commodity to the limit of the tax, then we meet with one of the things that we cannot legislate away. This objection is applicable alike to cigars, to sugar, and to every other article named for taxation in the bill, and to any other that could be selected.

I come, then, to the tax on tobacco. The same objections are made as to the advanced price, and we are informed that remonstrances have reached us; from whom? From the manufacturers of cigars and tobacco, we are told. Well, according to the argument that is made here, they are the last persons who should remonstrate; this bill puts money in their pockets, according to the argument of the Senator from Ohio. They advance their commodities by the amount of the tax, and if we have no remonstrance from the consumers we need not be apprehensive about the effect that is to follow from the remonstrance of the manufacturers of tobacco. What I have said already with reference to the advance of the price of whisky applies also to tobacco. But the Senator says there were pledges given that two years ago, when we imposed this tax of 20 cents on the pound of tobacco, it was said that was the end of it. Why, Mr. President, has not that been said at the passage of almost every tax bill that has ever gone through Congress? Have not parties said, "Well, put it there, and let it stay there." Well do I remember that when we were told that the 10 per cent. reduction would settle the question of the tariff two years ago, we said, "Let it go, and let us not hear from it for five years;" but here an exigency in the public affairs has arisen which brings it to us from the House; and whatever may have been said by anybody, it cannot be held as a pledge that the powers of Congress would not be exercised to raise such revenues by taxation as would be necessary for the interest of the Government.

The duty is then raised on sugar and molasses, a necessary of life, the Senator says, and yet he agrees that it is a fair tax. There are some provisions in the bill in reference to importers that I would gladly see modified; but I believe, as the Senator from Ohio impliedly tells us, that we must take this bill to provide for public exigencies or now in the condition of legislation we can secure nothing. He sends up a letter to be read for the purpose of showing that we had better tax tea and coffee than sugar. I do not know, but I strongly suspect from that letter that it came from parties who are importers of sugar and do not wish to see duties put on it. I do not know the occupation of the gentlemen who wrote it, but their desire is that tea and coffee shall be taxed and that sugar shall not be. Mr. President, sugar, I think, we may fairly tax. We may fairly tax it because it is one of our own productions. We do tax it now, and this increase of taxation is to raise the revenue alike from all parties. The tax on sugar is one graduated according to its value. The tax on the lowest quality is the lowest tax; the tax on loaf and other high qualities of sugar the highest tax; so that those who use imported sugars of the highest quality pay the highest duty, and this duty of 25 per cent. is an increase upon all classes of sugar.

As to that clause about the drawback, there is some force in what the Senator says; but that drawback is an exception to the general rule of drawbacks as to merchandise. All merchandise which is entitled to go into our bonded warehouses when it is re-exported is entitled to a drawback, and 1 per cent. only is retained by the Government. This sugar which is manufactured by the refiner, it is true, may be said to be a manufacture; but this, while it may be a bounty to the refiners, is in the interest of our own industries, for the 10 per cent. of that drawback to that extent hinders their exportation. Taking this off, we pursue, perhaps to a larger extent than I would be willing to go if we could reasonably hope to amend it, the same policy which we do in allowing a drawback upon articles manufactured partly of domestic and partly of foreign materials; the same policy which we pursue in allowing a drawback on any foreign article which is re-exported.

Next comes the 10 per cent. section, which the Senator says ought not to be in this bill. I was rather surprised to hear my friend from Ohio couple with this argument his view of the tea and coffee duty. I have heard ever since the duty on tea and coffee was taken off that it did no good to the people; that the foreign producer at once put the tax on his tea and coffee; yet my friend from Ohio, standing here as much interested in that question as any Senator on this floor, reiterates for us the old argument that it is an advance of 10 per cent. on the cost of the imported article. I am glad that this argument is brought here that we can meet it face to face. First, there is a duty of 3 cents a pound on coffee; it is taken off; what is the effect? The foreign producer adds it to the price. That is the argument virtually. But there is a duty of 10 per cent. on woolens and other articles. It is taken off. What then is the argument? It is added to the price of the imported article, says the Senator. Is it true that human nature differs so much in the Brazilian and in the manufacturer of Leeds or Manchester that the Brazilian at once adds on the price of the duty to his production while the manufacturer at Leeds or Manchester is so disinterested in his benevolence that he sends us the goods as cheap as ever and it is the importer that adds the 10 per cent. and gets it? It is well to bring those two ideas as they are thus brought in comparison with each other to see how effectually the one refutes the other. We need revenue, and this is a revenue measure; and I trust we are not to be launched upon the sea of discussion as to the effect of protective duties.

These are the general provisions of the bill. The Senator from Ohio then closes by saying, "Give the Secretary of the Treasury about $20,000,000, impose a tax on tea and coffee, and every dollar goes into the Treasury; there is only a sixty days' supply on hand." Mr. President, where are the $20,000,000 to come from? The Senator impliedly agrees that we are now in a strait. No other bill than this can be passed. That he impliedly admits by his argument. I suppose I do not go far when I ask him, does he believe that any other revenue bill can now be matured and passed by both Houses of Congress? If not, then upon his own admission here is a deficiency of $35,000,000 this year, more than the whole sinking fund; and if this state of things continues it will be a deficiency of $25,000,000 next year; yet if we do not pass this bill how does he meet that deficiency after admitting that the Secretary needs $20,000,000? He does not meet it; he leaves the Administration to drift without aid. That being the case, I shall vote for this bill although there are provisions in it which I would modify if I thought it were possible to secure any other bill. This 10 per cent. restoration I have no objection to. I objected to the reduction at the time. I said then that I thought it was unwise and impolitic. I think in the experience of many portions of the country it has been so. I think nobody has profited by it. I know many people and the country at large have lost by it.

Now, sir, if there be any mistake on this subject, cutting down our appropriation bills as we are paring them down to the lowest limit which the resources of the Treasury will permit, I would rather run the risk of raising $30,000,000 as this bill proposes to do from whisky, tobacco, sugar, and the restoration of the 10 per cent. on duties, than leave the Treasury with the risk of $20,000,000 of a deficiency. I cannot see how the friends of this Government can stand by and admit that we shall have $35,000,000 of a deficiency this year and probably $25,000,000 next year, and yet adjourn without making some provision for the purpose of enabling the Administration to carry on the necessary operations of the various Departments. I shall vote

for the bill, Mr. President, and hope it will secure a majority of the Senate in its favor.

Mr. FRELINGHUYSEN. Mr. President, I attempted to get the floor when the Senator from Pennsylvania was recognized. He has said so much better than I could what I proposed, that I have now but a remark or two to make.

I believe that it is our duty to provide the means that the Government requires for its necessary expenditures, whether to carry on the Government, provide for the sinking fund, or proceed with necessary improvements. That duty rests peculiarly upon the friends of the Adminstration, and they should not be very critical whether the tax proposed is just as they would have it or not. In three days from this the responsibility of measures of this nature will be measurably removed from those upon whom it now rests; but our duty at the present session of Congress is to see that there is no deficiency of money necessary to be expended by and for the Government. We would be answerable for such a disaster.

What is the relief proposed by the chairman of the Committee on Finance if this tax bill shall not pass? The remedy suggested is that the President and the several Departments shall not respect the appropriations that are made by Congress, and thus be able to supply the sinking fund. Why, Mr. President, it seems to me that the proposition can meet with approval nowhere. If we do not mean that the appropriations shall be paid by the Departments let us say so, and not most improperly cast the responsibility on the President and the Departments. If we stop expenditures and do not make these appropriations for the public works they will suffer great damage, the nation will be the loser, and will be injured much more than the amount of the tax.

The Secretary of the Treasury informs us that there will be a deficiency of $35,000,000; and it is clear, if this deficiency exists, that it is the sinking fund that will suffer and the faith of the nation will be violated. The money will be paid for the expenses of the Government and according to the appropriations made, and the sinking fund neglected. I think I have heard the chairman of the Committee on Finance, in the strongest possible terms, declare that he would never do anything that would imperil that sinking fund, and never omit to do that which was necessary to preserve it; and yet he opposes the passage of this bill, which under the circumstances is the only means we have of protecting that fund.

We are told that we should have laid a duty on tea and coffee. Why, sir, we have been petitioned every day of the session from all parts of the country that we would not restore that tax. This bill complies with the wishes of these petitioners. We have had petitions every day begging that we would restore the 10 per cent. duty. This bill complies with these requests.

The only argument in opposition to this bill before us is that the whisky tax cannot be collected. I do not believe a word of it. We should hesitate before we make that admission against the power of the Government under which we live and for the efficiency of which we are somewhat responsible. When the tax was $2 a gallon we were not successful in collecting the tax, but we must remember that then we were obliged to select our officers under the most unfavorable circumstances, for every officer was tempted to secure his nomination by one representation at the other end of the avenue and to secure his confirmation by a different representation at this end of the avenue; a process not favorable to obtaining the best appointments. Now we have drilled officers, carefully culled and selected, and with years of experience. There is no doubt that these 90 cents can now be collected, and such is the opinion of the Commissioner of Internal Revenue, as he has informed me, and his opinion is the best authority on the subject.

But, Mr. President, suppose we cannot collect all the whisky tax; that is no reason why we should fail to pass the bill and meet the deficiency that is otherwise before us. We can collect the tax on cigars, tobacco, and sugar, and we can collect 10 per cent. additional duty. It is only a partial failure in the efficiency of the bill, if the argument is good against the whisky tax, which in my opinion is not the case. And let me say that the position which has been here advanced "that the Government has pledged its faith with the tobacco and whisky dealers," or with any other class of society, that a tax shall remain unchanged cannot be maintained. This Government never does and never can make any pledge in reference to taxation. To give up the right of taxation is to surrender the life of the Government. We have not and cannot impair that right.

Mr. President, the House of Representatives, which has the constitutional right to originate bills for income and to submit to us what articles shall be taxed, has given us its views, and at this time in the session I think that the party which is responsible for maintaining and properly administering the Government and responsible to thousands of bondholders all over the world that the sinking fund shall be kept inviolate, should not hesitate to vote for this bill just as it is, because we know that is the only way now to avoid the deficiency we see before us.

Mr. MORRILL, of Vermont. Mr. President, if the remarks made by the chairman of the Committee on Finance had been made by any other Senator I would not so soon have undertaken a reply; but it seems to me astonishing, as conversant as that Senator is with the affairs of the Government, that he should have represented to the Senate that we have two hundred and sixty-odd million dollars from which the executive officers can easily withdraw an amount sufficient to supply all deficiencies. Why, Mr. President, there is not over a fourth part of the expenditures of the Government from which it is possible to make any deduction whatever. As I stated when I was up before, we can make no deductions from the amount paid for the interest of the public debt; we can make none on the amount paid for pensions. Can you make any from the amount of salaries paid to the judges of the Supreme Court, or the salaries of those who are upon missions abroad, or the salaries of members of Congress? Then we have about five millions or five and a half millions of deficiency for the Post-Office Department. Shall we stop that Department, shall we curtail the accommodations it furnishes to the public and refuse to pay out money there? Then we have various other provisions which are necessary and indispensable to the conduct of the Government in the ordinary course of administration. So that I say it is utterly impossible to find any spot where the executive officers of this Government can exercise a discretion by which any such sum as the deficiency will be can be distributed and withheld.

But the chairman of the Committee on Finance is fixed and unalterable that the sinking fund shall be preserved. If that is preserved, it inevitably follows that the whole of it must come out of appropriations made and to be made. I regretted to hear the Senator state unqualifiedly that our revenues for the last month or two had increased. The Senator knows that all of that increase was upon the hurried amount that was thrown upon the market in consequence of the apprehended increase of the tax on spirits. The distillers paid their tax in order to take the spirits out of the warehouses and thereby increased our revenue some $3,000,000 or $4,000,000; but on the other hand our deficiency on customs was nearly $2,000,000 for the month of January. If they should go on at the same rate for the remainder of the year there would be a very large deficiency; so that instead of there being only a deficiency of $35,000,000 it is more likely to be a sum much larger.

The chairman of the Committee on Finance represented that we should be paying an absolute bounty to those having distilled spirits on hand of $20,000,000.

Mr. SHERMAN. Ten millions of dollars.

Mr. MORRILL, of Vermont. Well, then, $10,000,000, or whatever the sum may be. I conceive that that is wholly erroneous. It does not so happen in any instance. Wherever the increase of duty or tax may be, it is impossible that the holder should at once realize the full amount. Large numbers sell their property at the old prices. Few only are able to make any present advance, and the price only gradually rises until it reaches a point of profit at the increased amount of duty imposed.

Then, again, when can we take the country and find less on hand? There is always an amount in the hands of the retailers. Would the chairman of the Committee on Finance impose a tax upon that in the hands of private parties, those not dealers, and those that are in the retail trade? I think he has always been opposed to imposing a duty on spirits on hand.

I understood him to object even to the amount of loss in the collection of the present tax on spirits of 5 per cent., as though that was a large sum. Does he or any other Senator suppose that we collect any closer the duties on foreign importations than 5 per cent.? Are there not large amounts that we know are always smuggled and always will be smuggled? Of course it is impossible to collect the tax upon every dollar's worth, whether the duties be customs duties or internal-revenue taxes.

But, Mr. President, I am sorry to have this bill condemned so much in general and in detail. What is it? It does not impose any new taxes. It is barely an increase upon the old taxes. There is nothing, absolutely nothing, in this bill but what there is an existing tax now imposed upon; and the bill merely imposes an addition to that as a revenue measure. Conceding, as the Senator does, and as every man that has any information upon the subject must, that this is the only measure which can pass, I cannot conceive how it is possible that any Senator can refuse it his support.

Mr. CONOVER. I submit an amendment to the tax bill to be called up hereafter.

The VICE-PRESIDENT. It will be received.

Mr. BOGY. Mr. President, while I am as desirous as any Senator on this floor to vote for any measure needed to produce sufficient revenue for the support of the Government, yet I cannot vote for this bill. I have listened with great care to the speeches made by the honorable Senators upon the Committee on Finance, hoping that I might get some light which would justify me in voting for the bill. It is presented as a measure of great necessity; and if I were convinced that it was so, that it was really necessary to maintain the good faith of the nation or to pay the legitimate expenses of the Government, or, as the Senator from Vermont said, the expenses of the Administration, I certainly would give it my support. My opposition to this bill arises from the fact that I cannot be convinced that we need this additional revenue. It is presented to us as a revenue measure alone. The object is to raise revenue, and in the main revenue to keep up the annual payment to the sinking fund, because if there be a deficit at all, in accordance with the argument made by all the Senators who have spoken on this subject in favor of this bill, it is a deficit created by the sinking fund and not a deficit as between the revenue and the expenses of the Government independent of the sinking fund. I

hold that although it may be legitimate in the sense that it would produce revenue, it is not what we generally call a revenue tariff.

The law which formerly diminished by 10 per cent. the duties on many articles is repealed by this bill, thus adding 10 per cent. to nearly all the duties on foreign imports; and that makes this a protective measure. It may yield revenue, but it is also protective to the extent of the 10 per cent. addition. While this 10 per cent. is a protective measure to that extent, the large increase of internal taxation upon the great products of the West, whisky and tobacco, is a direct tax upon that section of the country. I know that the argument may be used and has been used and is always advanced, that it is no hardship for the West to pay this enormous tax, because the consumer returns it to the producer or to the manufacturer. That is only true to a certain extent, and is no more true than the argument advanced by the Senator from Pennsylvania [Mr. SCOTT] in answer to the Senator from Ohio, [Mr. SHERMAN,] that the 10 per cent. duty upon foreign imports is an increase to that extent upon the price of the foreign article. All persons who have studied the operations of the tariff know that the position taken by the Senator from Pennsylvania on that subject is correct; that is, it does not increase the price of the foreign imports to the entire extent of the amount levied. It is a popular argument, an argument that I have seen in the papers of my own city time and again, that the duty levied upon foreign imports was just the amount that the consumer had to pay more than he otherwise would have to pay if the article paid no duty. All persons familiar with the theory upon that subject know that it is not to that extent true. But it may be and often is the fact that a duty on foreign articles will really bring about a lower price than if there were no duty.

I advance this argument not with the view of favoring a protective tariff, because I am not in favor of a protective tariff, but only to repel the idea that the persons who pay this direct tax upon whisky and tobacco here are entirely reimbursed by the consumer. They are only to a certain extent reimbursed; a large portion of that which they pay and pay to their detriment is never returned to them.

But again, if it were true that the consumers paid the whole tax, it would still be a very great hardship. The consumers of this article which we call whisky are of two classes in the main; first it is used for manufacturing purposes, and secondly as an intoxicating drink by a great portion of the community. That class of the community is its poor, the men who can least afford to pay a high price for that which they will use, and which gentlemen will use, not only the poor but men who are not poor. The fact is that the use of liquor, the love of drink, the use of alcoholic stimulants and wine and of all the drinks that will intoxicate man, has been coeval with the very earliest history of the human race. In all ages, in all countries, under all systems of civilization everywhere, among Jews and Gentiles and Christians, in ancient and modern times, intoxicating drinks have been used. It may be a misfortune, but it appears to be a law of nature; it appears to be a natural appetite. I am not here to commend it. I do know that I have heard the most eloquent discourses by gentlemen against the use of it, and I have seen those same gentlemen indulge in it very freely themselves. I know that it has been prohibited in some States, and yet their people use it most extensively, though perhaps secretly. The use of whisky, although a vice, is a vice which appears to belong to the race; and it is a misfortune if you make it too expensive upon the laboring community, upon the man whose labor cannot afford to pay an enormous price for that which he will drink.

I say, then, the section restoring the 10 per cent. duty is a high protective measure to the extent of 10 per cent. to the manufacturers of the East, and this enormous increase of the direct tax upon whisky and tobacco, which are articles used mostly by the poor, or at least mostly by the common people than by people of wealth, is a great hardship. One protects one section and the other injures another. This of itself would be with me a sufficient objection to the present bill.

But, Mr. President, are we in need of this increased revenue? What evidence has been laid before the Senate that there will be a deficiency for the next fiscal year? If we take the report of the Secretary of the Treasury, made only last December, he says there will be a surplus of $9,000,000 from July, 1874, to 1875; an excess of receipts over expenditures of $9,000,000; and from July, 1875, to June, 1876, his report laid upon our table last December says there will be an excess of receipts over expenses of $20,000,000.

In his report of December last, which it seems to me must be the guide of Congress in a matter of this importance, he says the receipts will amount to $284,000,000 in round numbers, while the expenditures will be $275,000,000. Here are his words:

> For the current fiscal year, from the foregoing account of actual receipts and expenditures for the first quarter, and the estimates of the same for the remaining three quarters, the estimates being based on the assumption that Congress will not increase the expenditures by deficiency or other appropriations, it is expected that revenues will amount to $284,318,285.99, and that the ordinary expenses will be $275,315,489.42, which will leave a surplus revenue of $9,002,796.57 to be applied to the sinking fund.

There is the report of the Secretary of the Treasury made last December. Again speaking of the year which is to follow, that is from July 1, 1875, to June 30, 1876, he says:

> If these estimates of the revenues and expenditures shall prove to be approximately correct, there will be a surplus of revenue of about $20,222,000.

Now, what has occurred to change this condition of facts? What information has been laid before the Senate or before the Committee on Finance to justify them in saying that there will be a deficit? We all know that owing to the prostrated condition of business, not only here but throughout the world, there is perhaps great diminution in the importations; but we all know that we have passed the critical period, and I am sorry to say from my observation that the importations this year will nearly equal if not quite equal those of last year. The first quarter's receipts of this year—we have it officially from the Secretary of the Treasury—amounted to $46,000,000. The total of duties collected on importations for the last year, ending June 30, 1874, amounted to $163,000,000. Forty-six million dollars for the first quarter of this year is more than a fourth of that amount, showing that the importations of this year will not fall off; and we know from the papers we read every day, from the official publications laid on our tables here, that the importations for the last two months have been very large and are likely to continue so. I have no evidence at all, and I do not believe a Senator on this floor has any evidence to justify him in coming to the conclusion that the importations of this year will be less than the importations of last year. I regret this; I wish they were much less. Our greatest means of resurrection from our depressed condition is to check importations, and we shall not rise from our depressed financial condition until our importations are checked and our exports increased. But this is not an occasion to argue that question; I only state the fact that we have no evidence that the importations of this year will be decreased. The first quarter is equal to the quarter of the year preceding. For the last two months the importations have been larger than they were the two corresponding months of the year 1874, as shown by the statements laid upon our table almost every week.

I did not hear a single Senator on this floor press the point that there would be a great deficiency between the receipts and expenditures. I do not think that a single Senator who advocates the passage of this bill really believes that there will be a great deficiency on that score. In do not believe it. I do not believe that the Secretary of the Treasury himself is of that opinion.

The object of this bill is simply and alone to raise a fund for the maintenance of what is known as the sinking fund, created by the act of February 25, 1862. While I would maintain the credit of the nation as carefully and as rigorously as any other Senator, yet I would not under the circumstances tax the people of this country to put into that fund some $35,000,000. From 1862 to the present day that fund has not been faithfully kept up. The Senator from Ohio who sits nearest to me [Mr. SHERMAN] said that a Secretary of the Treasury who would not maintain the sinking fund ought to be impeached. Then we would have to impeach the present Secretary, his immediate predecessor, and the predecessor of that predecessor. We should have three impeachments before the Senate in a very short time. Mr. BOUTWELL did maintain it to a certain extent. Mr. Richardson, the successor of Mr. BOUTWELL, did not maintain it at all. From 1862 to 1866 there was no effort made to maintain the sinking fund at all. Although that Department was controlled by the ablest men of the nation, by Mr. Chase and Mr. Fessenden and Mr. McCulloch, men of acknowledged ability, not one of them observed the requirement of the law of 1862, which authorized a sinking fund.

What is the object of a sinking fund? It is a means, a wise means, provided to diminish and ultimately to pay a debt. If that debt is canceled by direct payment, is not the object the same? Since 1862 we have diminished our debt upward of $600,000,000, and if we have diminished the debt $600,000,000 in that time, which exceeds the amount which would have been necessary to maintain your sinking fund, have you not complied virtually with the law? Have you not obtained the end aimed to be accomplished, which was the payment of that debt? In 1866 we had no sinking fund. We had none in 1867. The law authorized it but there was no fund provided; but from 1867 to the present year we have gone on, year after year, year after year, and paid a large portion of the public debt. Yet we are called upon to tax the people of the country when we know they are unable to pay any additional tax. The Senator from Vermont himself admits that there is a great state of prostration in this country as well as elsewhere. That being so, is it wise and proper that we should tax these people to the amount of $30,000,000 and $40,000,000? I say $40,000,000 this bill will produce, and I intend to show it before I am through.

This very year, while we are asked for this large additional tax upon the people, the public debt has been diminished. Says the present Secretary of the Treasury:

> During the fiscal year the public debt was reduced by the sum of $5,762,000.

If the public debt has been diminished to that extent, it is virtually the same as if that amount of money had been put in the sinking fund. It is asked where is the power of the Secretary of the Treasury to take the money in the Treasury and pay off the public debt and neglect to provide for a sinking fund? Why has not the sinking fund all the time been maintained? Our receipts in the last eight years have exceeded our expenditures by $541,000,000, exceeded all appropriations by the vast sum of $541,000,000. That has been appropriated to the payment of the public debt. Why was it not appropriated to the maintaining of the sinking fund? Why neglect that fund and pay off the debt to that amount, and then call upon

Congress to increase the taxes upon a people who are already borne down to an extent beyond the power of endurance? It springs from a theory of government which I intend on this occasion to condemn. The object is to maintain in words the faith of the nation, but the effect is to build up a great moneyed class of bondholders, men of accumulated wealth, men who receive gold coin in payment of their interest at the expense of the people; and it can be demonstrated. Why has not this vast sum of money been appropriated continually and continuously to the sinking fund? But I contend if the public debt has been paid, as no one can deny that it has been paid, to that extent the law, the spirit of the law authorizing and creating a sinking fund, has been virtually complied with. If it has been virtually complied with, under the circumstances now surrounding us we should not pass a bill for the purpose of increasing the revenue to keep up that sinking fund.

The sinking fund was 1 per cent. upon our debt. Here again is a great margin for discussion. What debt? The entire debt, including legal-tenders, certificates of deposit, the Navy pension fund; or is it only the bonded debt? If it be only the bonded debt, as I think the law contemplated, we do not need over $17,000,000 at 1 per cent. The Secretary of the Treasury says within $31,000,000. A Senator on this floor—I do not remember which Senator—stated that we need $35,000,000. Thirty-five million dollars, capitalized at 1 per cent., would represent $3,500,000,000, which is away beyond our debt. Our debt is not $3,500,000,000; and yet 1 per cent. upon $3 500,000,000 would just be $35,000,000. Our bonded debt alone, according to the report of the Secretary of the Treasury, amounts to $1,700,000,000.

Senators have said that appropriations have been kept down rigidly. Mr. President, it is my painful duty to say that I do not believe the correctness of that statement. I strove very hard myself, with other Senators on this floor, to cut down the loose appropriations made for the Army, to cut down the wild, extravagant appropriations made for the Indian Bureau, and we failed in every particular but one. I think we did cut down one appropriation $5,000 for the Indian Bureau. We voted upon bills here appropriating what were called miscellaneous appropriations amounting to millions of dollars for subjects that were incongruous, uniting matters that could not be united and grouping all together, an appropriation of $1,000,000 and $2,000,000, placing this large sum at the discretion of some one officer of the Government. We appropriated here for what were called incidental expenses between four hundred thousand and five hundred thousand dollars, and placed it at the discretion of the Secretary of the Interior. I will repeat what I said then, that in objecting to that mode of appropriation I intended no personal reflection on the Secretary of the Interior; and it does not justify me in making any personal reflection on him. He may expend the money with very great discretion and propriety for aught I know; but the mode of doing it is objectionable. It matters not who may hold the office of Secretary of the Interior, and he may expend the appropriation wisely; but this method of appropriation is wrong. With proper efforts our appropriations could have been diminished in a few items $10,000,000 or $15,000,000. With economy see what could be accomplished. The Secretary of the Treasury says there will be an excess this year of $9,000,000. He has paid $5,000,000 of debt without authority. Five and nine are fourteen. It only requires you to diminish your appropriations $3,000,000 to raise a fund sufficient to place 1 per cent. of the funded debt in the sinking fund, which would have been $17,000,000.

Mr. President, I am at a loss to understand why an effort should be made to confine the internal-revenue taxes to one or two or three articles, and those which are produced in my section of the country. Why not give the State of Pennsylvania a little benefit of the internal revenue? Pennsylvania is the greatest tariff State in the Union. Democrats and republicans in Pennsylvania are tariff men. It is a fundamental principle in Pennsylvania, and one which perhaps may suit their peculiar condition remarkably well. I have nothing to say about that; but if that be so, while the tariff is a great benefit to them, why not touch them with a little internal-revenue tax occasionally? How easy it would be for them to pay a little duty on petroleum? A vast amount of rock-oil is extracted from it in that wonderful State. Why not put a duty upon petroleum also? It would do a great deal, and if it be true that a large amount of this oil is consumed abroad and that the consumer pays the tax, the foreign consumer would pay the tax on petroleum.

Again, while eastern manufacturers are clamorous for high protective tariffs and obtain those tariffs from Congress, why cannot they be reached with a little internal revenue also? Why not put a duty of a quarter of a cent, or half a cent, or a cent per yard on calico or brown shirtings and brown sheetings, on cashmeres and shawls? According to their theory, the consumption would pay it and they would be no worse off. We of the West who wear these clothes would pay it back to them. But no; they will not do that. They will not submit to a tax, but they say, "We will tax you;" and at the same time when we complain they say, "You do not understand the matter; you are ignorant. Although we do tax you, you do not lose it; the consumer pays it." If it be true that the consumer does pay, it would be no hardship for them to pay a direct tax on all their productions and in that way equalize this burden. We of the West to-day pay in the revenue of the nation $100,000,000, when all the import duties only amount to $163,000,000. We pay upon the three articles of whisky, tobacco, and beer the enormous sum of $100,000,000; and we are told it does not hurt us. Unfortunately we consume a good deal of those articles ourselves, particularly whisky, and we have to pay it back. We pay this enormous amount, while you receive through your custom-house, or did last year, the sum of $163,000,000. You receive from the West by a system of taxes the sum of $100,000,000, more than one-half from the West. We say it is burdensome and it should not be done; that this tax should be equalized. The effect of this bill is again to increase a taxation under which our people are utterly suffering now, and of course I object to it.

A slight examination of the tables in the report of the Commissioners of Internal Revenue furnishes some curious and suggestive facts upon the subject under consideration, and exhibits this measure as most sectional and extremely unjust to the West; and as a Senator from that section I cannot permit it to pass without giving a few reasons why it should not. It is too late in the session, Mr. President, to do justice to a subject of this importance. If time was allowed me I think I could show to the Senate that this bill should not pass. First, because there is no need of any increased revenue; and secondly, the proposed increase of internal revenue is levied on the West and South, while the East, having the wealth, is not called upon to furnish any portion of it. To be plain, a more iniquitous, unjust, and sectional law could not be conceived. My object is to place before the people of the West the measure of justice which is meted to them by the present Congress. For years we have had in the West good crops; the health of that section has been good; nothing has crippled our energies; and yet at no time in our history have we been poorer than we are now. In many sections the people are not able to pay their taxes; and while this thing is so, here is a proposition to wire from them some thirty to forty millions more. And for what purpose? Sir, the purpose is simply to provide means for the sinking fund.

I will not argue this point at length at this late hour and day of the session. I will merely state the point that according to my understanding of the act of the 25th February, 1862, which provides that 1 per cent. of the debt shall annually be paid into the sinking fund—does not create an obligation to the creditors or bondholders of the nation—that this law was never to be either modified or repealed. It is simply a law which we imposed upon ourselves as a means of gradually paying the large debt created during the war. At any time we can repeal it, and if repealed would not affect our credit abroad. And if it did affect our credit, and yet was not a violation of the plighted faith, it would be better, under the circumstances in which we are now, that the people should not be further borne down by the proposed increase of the burdens which are already too heavy for them to carry.

Mr. President, the present bill I say will raise a sum of $40,000,000. Senators have stated the amount at a much less figure. Now, I wish to know, by placing my argument before the Senate, who is right and who is wrong on this subject. The duties upon importations last year, taking that as a basis, amounted to $163,000,000 with 10 per cent. off. Add 10 per cent. to that, and certainly it is equal to $16,000,000. Adding 10 per cent., therefore, you will receive $16,000,000 more if your importations are equal to what they were last year, and I take it for granted that they will be about the same. Our direct tax amounted last year to $100,000,000.

Mr. MORRILL, of Vermont. I doubt not the Senator from Missouri desires to be accurate, and I am sure he is conveying a very wrong impression. He would have the Senate understand that the 10 per cent. increase proposed here is to be on the whole importations of the country; but if he will look at the report on commerce and navigation he will learn that it only applies to the amount that was imported last year, which was $135,000,000, and it is not 10 per cent. on that even. It is merely the application of a reduction of the duty 10 per cent. Where the duty was 20 per cent. it would be a reduction of 2 per cent., where it was 30 per cent. it would be a reduction of 3 per cent. on this $135,000,000; if on any article it should go to 40 per cent. it would be a reduction of 4 per cent. This bill merely restores that pittance upon the amount of $135,000,000 which was imported last year, 10 per cent. upon the duties imposed and not upon the amount.

Mr. BOGY. Mr. President, I have heard the explanation of the Senator from Vermont, and to this point I may stand corrected, but no further. I stated that the amount of duties levied last year was $163,000,000, and that if you add 10 per cent. to that it will be equal to $16,000,000. Nobody will deny that calculation. But the Senator says, and I have no doubt he says correctly, that this 10 per cent. of restoration does not apply to all our importations. That I presume is so, and it only applies to an amount of importations which is represented by $135,000,000. Therefore 10 per cent. upon that will be $13,000,000.

Mr. MORRILL, of Vermont. No, Mr. President, it is on the amount levied, on the gross importation of $135,000,000.

Mr. BOGY. The amount levied?

Mr. MORRILL, of Vermont. It is the 10 per cent. of duties, whatever they may be, whether specific or *ad valorem*. If the duties are 30 per cent. *ad valorem*, it adds 3 per cent. and no more.

Mr. BOGY. We ought not to disagree upon a subject of this kind; 10 per cent. upon 30 per cent. would be 3 per cent., and 10 per cent. upon 20 per cent., would be 2 per cent., as the Senator well says. Add

up all this amount and if you will go on, 10 per cent. upon $135,000,000 received would also be $13,000,000. The old law levied a tax, we assume, of 100 per cent. upon a given number of enumerated articles. The law of 1872, I think it is, which reduced that 10 per cent. used these words—it is a long time since I read it, but I believe I am correct:

That where heretofore 100 cents on the dollar has been levied there shall hereafter be levied 90 cents on the dollar.

I read it a good while ago, but I believe that is the law. I hope my friend from Ohio [Mr. THURMAN] will tell me if I am correct.

Mr. THURMAN. I can read the law to the Senator.

Mr. BOGY. It has been years since I read it.

Mr. THURMAN. As it now stands in the Revised Statutes, section 2503:

There shall be levied, collected, and paid upon all articles mentioned in the schedules contained in the next section, imported from foreign countries, the rates of duty which are by the schedules respectively prescribed.

That relates to section 2504.

Mr. BOGY. Then I am correct in my statement.

Mr. THURMAN. Then follows this proviso:

Provided, That on the goods, wares, and merchandise in this section—

That is section 2503—

enumerated and provided for, imported from foreign countries, there shall be levied, collected, and paid only 90 per cent. of the several duties and rates of duty imposed by the said schedules upon said articles severally; that is to say—

And then it goes on and enumerates a very large number of articles—

On all manufactures of cotton of which cotton is the component part of chief value.
On all wools, &c., and all manufactures wholly or in part of wool, &c.
On all iron and steel, and on all manufactures of iron and steel. * * * * * * *
On all metals. * * * * * * * *
On all paper. * * * * * * * *
On all manufactures of India rubber. * * * * *
On glass and glassware. * * * * * * *
On all leather, &c. * * * * * * * *

The case is just this: section 2504 embraces almost everything and fixes the rates of duties; section 2503 embraces a part of what is in section 2504, and says that upon this part enumerated in section 2503 only 90 per cent. of the rate specified in section 2504 shall be levied.

Mr. BOGY. That amount was stated by the Senator from Vermont, and I have no doubt he stated it very correctly, at $135,000,000.

Mr. THURMAN. That is obtained by duties; it leaves $135,000,000.

Mr. BOGY. The Senator from Vermont says that the 10 per cent. applies only to those duties which amounted to $135,000,000.

Mr. THURMAN. Then the Senator must not take 10 per cent. on the amount of that. He must take 11⅑ per cent.

Mr. BOGY. Of course I was not making an accurate calculation.

Mr. THURMAN. The increase would be 11⅑ per cent.

Mr. BOGY. The correct calculation exceeds my statement and I knew that, but I was making a mere round statement so as to be understood, that upon the basis of $135,000,000, which embraces all the articles upon which the 10 per cent. reduction took effect, this bill created an additional tariff of $13,500,000, and I do not believe there can be any mistake about that.

Then, sir, we increase the direct revenue in this way. The direct revenue levied from the West on the three articles which I have already mentioned amounted to $100,000,000. On whisky it is increased from 70 cents to 90 cents, which is a little more than one-fourth. On tobacco it is increased from 20 cents to 24 cents, which is one-fifth; and so as not to go into a detailed and tedious calculation, I assume that the increased duty is about 25 per cent. If we pay 25 per cent. more hereafter than we have paid heretofore, and we have heretofore paid $100,000,000, I do not think it requires a man who has made much progress in mathematics to cipher out that we shall hereafter pay $125,000,000. I do not think there will be any doubt about that. There will therefore be an increase of $25,000,000 in internal taxation. Now, $25,000,000 and $13,500,000 make the vast sum of $38,500,000, which we increase by this little bill. You cannot make it a cent less, and if hereafter your importations should, as they now and then do immediately after a moment of great depression, swell up to a large amount, and should be again what they have heretofore been, and should amount to $250,000,000 of duties, as was the fact three years ago, you would have increased the revenue $50,000,000 by this bill; and you cannot deny it. And for what purpose? Simply to provide a means for a sinking fund.

I will not argue this point at length at this hour and day of the session. I merely state the point that according to my understanding the act of February 25, 1862, which provides that 1 per cent. of the debt shall annually be paid into the sinking fund, does not create an obligation with the creditor or bondholder of the nation, and that this law was intended to be either modified or repealed. It is simply a law which we imposed upon ourselves as a means of gradually paying the debt created during the war. At any time we may repeal it, and if repealed it will not affect our credit; and if it did affect our credit and yet was not in violation of the plighted faith, it would be better under the circumstances in which we are now that the people should not be further borne down by the proposed increase of burdens which are already too heavy for them to carry.

I have on more than one occasion before said that in my opinion this act of the 25th of February, 1862, which provides that coin only shall be received in payment of duties, was not an obligation between us and the bondholders. Time and reflection confirm me in this opinion, and so of the law requiring us to pay 1 per cent. of the debt annually for a sinking fund. I have never believed in the wisdom of the policy which favored a rapid payment of our debt, not because I believe that a debt is a public blessing, but simply because the war had so crippled our ability to pay that it was not wise to attempt this now, but leave it to a future time when our resources would be more developed, and time had enabled us to recover from the losses imposed on us by the war.

The amount proposed to be raised for the sinking fund is thirty millions. This it seems to me is about eight millions more than the law requires—admitting the law requires it at all. The bonded debt on the 1st of September last was $1,724,229,800. One per cent. on this would be only $17,000,000 in round numbers. Besides this there is a debt composed of legal-tender notes, certificates of deposit, fractional currency, and coin certificates amounting to $511,572,000. We have what is called the Navy pension fund at 3 per cent, of $14,000,000, a debt on which interest has ceased since maturity amounting to $6,000,000. These three last items amount to $530,000,000. Although the act of 25th February, 1862, provides for the payment of 1 per cent. on our debt, it cannot be reasonably construed to require that we should pay on this character of debt.

It is true that the legal-tender notes are a debt; but it was not contemplated as composing a part of the debt requiring the payment of 1 per cent. for a sinking fund. The object of the law at the time it was passed was twofold; first, to maintain our credit abroad and at home, as we needed credit at that time to carry on the war; and also as a means by which gradually the debt would be paid. This latter fact gave us the credit we needed. But that day has passed; we are no longer in the market, and all efforts made to revive our credit have simply the effect of raising the price of our bonds for the benefit of the bondholder and to the corresponding injury of the people. Bondholders pay no tax, either Federal or State. This vast sum of $1,700,000,000 is held by a privileged class, and I am opposed to any system of legislation which is in any way calculated to increase the advantages they already enjoy. I would, on the contrary, favor any plan by which this favored class could legally be reached and made to share the burdens now borne by another class alone. To do this I know is difficult. It is to be regretted that in a Government like ours there should be any class relieved from its fair share of the public burden.

It is not my purpose to argue at this time this branch of the subject, although much could be said on it. At some future day I hope to be able to say something more than I design to do at this moment. I said at the outset of my remarks that the figures in the tables of the report of the Commissioner of Internal Revenue were suggestive, and exhibited the fact that the West was already paying an undue portion of the taxes annually. The following figures are taken from page 120 of that report. The amount collected by the Internal Bureau for 1874 was—

On spirits	$49,444,089 85
On tobacco	33,242,875 62
On fermented liquors	9,304,679 72
	91,991,645 19
From banks—capital	7,387,160 67
Penalties and other sources	989,624 39
Total	100,368,430 25

Thus the total receipts from internal revenue were $100,000,000, in round numbers, of which $92,000,000 was raised from spirits, tobacco, and beer, and nearly all collected from the West and South. The comparatively small sum of $7,387,160.67 was derived from bank capital and deposits, and comes principally from the East and North. Here are ninety-two millions filched from the hard hand of toil, and seven millions from the coffers of hoarded wealth. Ninety-two millions from the poor man's necessities or luxuries, and seven millions from the rich man's stores of treasure. Ninety-two millions from the farmers and mechanics, and seven millions from the capitalists. Ninety-two millions from the overburdened producer, and seven millions from the wealthy consumer. Ninety-two millions from the laboring millions of the West, and seven millions from speculating millionaires of the East; and about one-tenth of those ninety-two millions from the crippled industries of the South, to aid in supporting the military occupation of that country and secure the utter subjugation and enslavement of the white race. And all this you do in the holy name of justice, liberty, and equal rights! This is your justice to the West and South, where the farmer is forbidden to sell the product of his toil to a neighbor, and when, too, he knows that every whiff from his pipe and every tip from his mug of beer is taxed to pay the interest on those untaxed and gold-bearing bonds of the eastern capitalist.

The heaviest item in our excise list, yielding nearly fifty millions annually, is a western production, commonly known as whisky. That article is already taxed 400 to 500 per cent. on its original cost, and now you propose by this bill to add another 100 per cent. to this enormous imposition. This measure, unjust and burdensome in itself, has not even the apology of a plea for temperance. High rates of taxation, so far from diminishing intemperance, only lead to the adulteration of liquors. The result is that the poor man must pay one-

half of his earnings for a slow poison that will make a brute of himself and beggars of his family. As men will have some kind of stimulants, and particularly the poor and the unfortunate, as a relief from overpowering cares and crushing troubles, it is the part of true philosophy to seek out the least hurtful, and of true philanthropy and patriotism to substitute it for that which is more injurious.

We all know that the country, and particularly the great West, is laboring under great financial depression. Why this is so it is difficult to say. It is certainly a problem of difficult solution. My own idea is that this unfortunate condition of affairs grows out of our system of legislation, which is too much in favor of capital and capitalists and the holders of the bonded obligations of the Government, and not sufficiently protective of the interests of the producing class, particularly that class of persons who produce annual value from the earth in the shape of the great crops. For while these crops have for years back been great in quantity, yet there have been but poor and limited profits to the men who produced them. Yet during this very same period of time fortunes have been accumulated by a few men in the East which are fabulous in magnitude and remind us of the fortunes we read of in the Arabian Nights.

The amount of interest received by the bondholders annually is in round numbers very near one hundred millions; this is all received by them in gold coin. If gold is worth 12 per cent. premium, which is the average rate now and has been for some time, this class of men receive annually twelve millions more than if gold was not at a premium. This gives to this class a purchasing power of twelve millions more than it should receive. And while this is so we are all the time legislating for their benefit, under the specious pretext of maintaining and keeping up the public credit. While I would do all which might be necessary to protect this credit, I would at the same time not overlook the interest of the other class.

I observe great extremes rapidly growing in this country—a very wealthy class and a very poor one. Nothing can be more inimical to a republican government than this condition of things, and we should do all in our power to cure this rapidly growing evil.

Having said before, as I do now, that the act of the 25th of February, 1862, is not a contract between us and the bondholders, but simply an obligation which we prescribed for ourselves under peculiar circumstances and which we can repeal and modify at any time without violating the faith of the nation and that the same law does not impose on us an obligation which we cannot at any time change of keeping up the sinking fund, I will terminate this short speech by giving the very words of the law itself, so that the people can pass on this question and decide it for themselves.

SEC. 5. That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Virginia, [Mr. JOHNSTON.]

Mr. SCHURZ. What is the amendment?

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed to strike out in the proviso, on page 2, line 11, the words:

Not apply to tobacco on which the tax under existing law shall have been paid when this act takes effect.

And in lieu of those words to insert:

Only apply to tobacco manufactured after the passage of this act.

So that the proviso will read:

Provided, That the increase of tax herein provided for shall only apply to tobacco manufactured after the passage of this act.

Mr. JOHNSTON. I offered that amendment at the moment the Senator from Pennsylvania took the floor, not knowing that any Senator desired to discuss the bill itself. I understand that the Senator from Ohio [Mr. THURMAN] desires to do so, and I wish to do so myself. Therefore I prefer that the amendment should not be voted upon until the Senator from Ohio and myself have an opportunity of speaking on the bill; and other Senators perhaps may desire to be heard upon it.

Mr. THURMAN. If the Senator from Virginia would prefer to go on now, it is perfectly indifferent to me when I say what little I have to say.

Mr. JOHNSTON. O, no; I yield to the Senator from Ohio.

Mr. THURMAN. Mr. President, this bill it is assumed will increase the revenues of the Government not less than $30,000,000. It is, then, a bill to lay an additional tax upon the people of not less than $30,000,000. How much more is not very easily foreseen. Now, it will be admitted on all hands that no such tax should be levied unless there is an overruling necessity for it. No tax ought at any time to be levied unless there are strong and sufficient reasons for taking the money of the people; but at a time like this, when there is so much stagnation in the business of the country and so much real suffering, to impose on the people an additional tax of $30,000,000 without an overpowering necessity for it, would be little less than a crime.

What reason is given for the imposition of this tax? It is said that our revenues are not sufficient to meet the necessary expenses of the Government. If that is so, and there is no retrenchment that can be made so as to bring our expenses within the revenue, then I admit that some measure of taxation is indispensable, for I for one am surely not in favor of borrowing money to pay the ordinary expenses of the Government; but I have not heard it demonstrated to my satisfaction that our receipts are not likely to equal our current expenses, and certainly I have not heard it contended, nor do I believe it can be, that retrenchment is impossible so as to bring our expenditures within our receipts.

What seems to be principally relied upon to justify this bill is what is called a necessity for keeping intact the sinking fund. The Senator who has charge of the bill says that the national honor, if I understand him, is involved in keeping that sinking fund intact and increasing it from year to year, according to the terms of the law. Now, if the national honor is involved in that, it can only be because in the estimation of the Senator the sinking-fund provision is part of the contract with the creditors of the country. Upon no other hypothesis could the national honor be involved; and if I show to the Senate that the sinking-fund provision is no part of the contract made between the Government and its creditors, nor an inducement ever held out by the Government to any man to loan money to the Government, then I think the Senator from Vermont must admit that the honor of the country is not involved in preserving that sinking fund intact. The sinking fund was first provided for by the act of February 25, 1862. Was that a loan law? By turning to it we find that it was not, except as to $500,000,000 of five-twenties.

The first section of the act provided that one hundred and fifty millions of Treasury notes should be issued. That was a provision for the issuing of the greenbacks—the first one hundred and fifty millions of greenbacks. That same section provided that those greenbacks thus issued might be convertible in sums of not less than fifty dollars into a 6 per cent. stock of the Government. That was not a borrowing of money by the issuing of the stock, but it was simply a provision for the conversion of the Treasury note authorized by the act into a Government stock and only reached the sum of one hundred and fifty millions. The second section provided—

That to enable the Secretary of the Treasury to fund the Treasury notes and floating debt of the United States, he is hereby authorized to issue, on the credit of the United States, coupon bonds or registered bonds to an amount not exceeding $500,000,000, redeemable at the pleasure of the United States after five years, and payable twenty years from date, and bearing interest at the rate of 6 per cent. per annum, payable semi-annually.

That was the first issue of five-twenties—the five-twenties of 1862, and he was authorized to dispose of those bonds. The third section prescribes the form of the Treasury notes and of the bonds. The fourth section provides for receiving deposits by the Secretary of the Treasury and the assistant treasurer. Then comes section 5:

That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues.

Those were the demand notes before issued.

And the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall be applied in like manner to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

The rest of the act inflicts penalties for counterfeiting or having in possession counterfeit securities of the Government or counterfeit plates. If there is any loan provided for in this act, it is simply the loan of $500,000,000, the first five-twenties; and admitting, for the purposes of the argument, that that was a loan, the whole extent of the pledge of the Government in regard to the sinking fund extended to that loan and extended no further. When they were paid off, this law might have been repealed without the slightest breach of faith or without depriving any creditor of any hope that he had ever entertained founded upon this legislation.

Well, Mr. President, what has been done since that? Mark it, this money was to be applied to the purchase or payment of 1 per cent. of the entire debt of the United States. What was meant by "entire debt of the United States?" It meant either the entire debt, funded and floating, or it meant simply the entire liquidated or funded debt of the United States. If it meant the former, if it meant what the words import, the entire debt, the unfunded as well as the funded, then we have paid far more than what would amount to 1 per cent. of the entire debt from 1862. From 1862 to 1874 would be twelve years, and would make 12 per cent., and we have paid far more than twice 12 per cent.; yes, we have paid more than three times 12 per cent. or four times 12 per cent. of the entire debt of the United States if by "entire debt" in this section is meant the unfunded debt as well as the funded debt. But if you restrict the meaning of the term "entire debt" to the funded debt, then, as I understand it—I am subject to correction in that—the amount which has been paid since July, 1862, up to this time far exceeds 12 per cent. of that funded

debt. Of course that requires us to consider what is meant by funded debt, and certainly I consider, in respect to that, that all that debt which was liquidated and for which the holders had certificates of indebtedness, whether in the form of certificates like the demand-notes or seven-thirties or five-twenties or ten-forties, may be said to have held a part of the liquidated or funded debt of the United States. If I am right in that interpretation, it is perfectly certain that we have paid more than 12 per cent. of that indebtedness since 1862, and therefore have in no sense broken the pledge contained in this act.

Mr. MORTON. Will the Senator allow me to make a suggestion?

Mr. THURMAN. Certainly.

Mr. MORTON. The pledge is 1 per cent. to be set aside annually to give assurance to our creditors and to the world that this debt was in the process of ultimate extinction. We were not prohibited from paying it faster than that; and if we did pay faster, that still did not dispense with the obligation of setting aside 1 per cent. every year. We might some years pay 5 per cent., but that would not alter the contract or release us from the obligation of next year setting aside 1 per cent. for that purpose.

Mr. EDMUNDS. That is the point exactly.

Mr. THURMAN. I beg leave to differ with both my distinguished friends on that subject. The object was to secure the reduction of the debt at the rate of 1 per cent. a year, faster than 1 per cent. a year in fact, because the interest of the amount reduced was to be added to the principal, and you were to provide a larger fund for reduction from year to year, and that would reduce the debt in a much less time, as I will show in a moment, than one hundred years, which would be the time if it was simply 1 per cent. a year.

Mr. BOGY. I will state to the Senator that from 1862 to 1866 there was no effort made to observe the sinking fund, and it never has been faithfully observed as the law was construed.

Mr. THURMAN. What I say is that we are not to be sticking in the bark in this matter.

Mr. SHERMAN. If my colleague will allow me, though I do not want to interrupt him, the act of 1870 removed any ambiguity there was on the subject.

Mr. EDMUNDS. There was not any before.

Mr. SHERMAN. At any rate, if there was any, it provides distinctly—

In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds.

The act of 1870, to show that it is an annual application, provides:

And the amount so to be applied is hereby appropriated annually for that purpose, out of the receipts for duties on imported goods.

Mr. THURMAN. I intended to come to the act of 1870 presently. I was speaking first of the act of 1862.

Mr. SCOTT. I would refer to the act of 17th of March, 1864, so that the Senator may have all of them together. I read from the Revised Statutes the language of the act of March 17, 1864. The original joint resolution is to be found in the thirteenth volume of Statutes, page 404.

Mr. THURMAN. Where is it in the Revised Statutes?

Mr. SCOTT. Section 3699 of the Revised Statutes.

The Secretary of the Treasury may anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he is authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest of the public debt. The obligation to create the sinking fund shall not, however, be impaired thereby.

Reiterating the obligation, even although the interest was allowed to be anticipated.

Mr. THURMAN. I intended to come to that, and I will take that as next in order. I was speaking alone of the act of 1862, but I intended to take these other acts in their order.

Mr. EDMUNDS. Speaking of that, I wish to call the Senator's attention to the language of the act of 1862, which says in the second clause of the fifth section:

To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862.

How does the Senator maintain that because the nation has been able, after increasing its own credit or reducing its own debt in the first year of that time, to pay 20 per cent. of the public debt? But, if you please, this act of 1862 does not still say that every fiscal year you shall put away that 1 per cent.

Mr. THURMAN. It does say so. What I say is that it is no contract with the creditors of the Government except those who are mentioned in the act in regard to the five hundred millions of five-twenties, and I do not think it is a contract even with them although it may be said that upon that pledge they have made some loans; but I do not consider it in the nature of a pledge.

Mr. EDMUNDS. But the Senator must see that this is not limited in its terms to any five hundred millions.

Mr. THURMAN. I know it is not.

Mr. EDMUNDS. But it was passed in the midst of a war when it was known by everybody that the debt of the nation must for the time being be increased and the security of the holders of the five hundred millions would be largely affected by the provision that Congress might make for any new debt that it was to incur. Therefore why is not the fair construction that which requires Congress in this pledge, if it be a pledge, to say to those who take the five hundred millions, "We will not only provide for 1 per cent. of your obligations but of all the debts of the United States, so that you will be sure that you are not going to loan your credit to a country that is going to swamp itself by future debts which will break down everything."

Mr. BOUTWELL. Before the Senator from Ohio proceeds, I desire to call his attention specially to the first section of the act of 1862. As I understand the Senator, he expresses the opinion that if this sinking fund has force at all, it applies to the public debt to the extent of five hundred millions only, authorized by the second section of the act of 1862. If he will observe the provisions of the first section of that act he will see that it authorizes the issue of $150,000,000 of United States notes.

Mr. THURMAN. The Senator misunderstands me. I said that if there was any pledge to creditors that this should be done as here specified, that pledge was only to the holders of the five hundred millions, but as an act of legislation it of course would require that the money should be appropriated as herein expressed, even after the five hundred millions were paid, if there were other debts. I was speaking of the idea suggested by the Senator from Vermont, who has this bill in charge, that the Government has made a contract with creditors by this provision or has pledged its faith to execute this provision so that it would be a breach of the honor of the Government if we did not carry it out. In answer to that I said that could only apply to the $500,000,000.

Mr. BOUTWELL. I think if the Senator will observe the language of the first section he will be compelled to admit that the obligation is still broader. By the first section of the act authority was given to issue $150,000,000 of United States legal-tender notes. Those notes were convertible at the will of the holder into five-twenty bonds, and that right continued until July, 1863; and those notes, when returned to the Treasury for five-twenty bonds, were by the authority of this section reissued. The consequence of that was that there was an obligation extending beyond the $500,000,000 of five-twenty bonds authorized by the second section of the act, inasmuch as it was made the duty of the Government to provide five-twenties just so long as they should be demanded by the holders of the $150,000,000 United States notes; and as those notes could be issued and reissued without limit, we are not put in possession of any fact which authorizes us in assuming that the limit was $500,000,000. The Government was bound to issue bonds again and again in excess of the $500,000,000 so long as the holders of the $150,000,000 United States notes should demand them; and the extent to which they did demand them I am not able to say. But it cannot be predicated upon any fact within our knowledge of the law that the limit was $500,000,000, even if the theory of the Senator be correct.

Mr. THURMAN. I do not see anything in this statute that authorizes the reissue of those notes after they have been converted into bonds.

Mr. BOUTWELL. The first clause of the first section is in these words:

And such United States notes shall be received the same as coin at their par value in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and may be reissued from time to time as the exigencies of the public interests shall require.

Mr. THURMAN. The Senator is right.

Mr. BOUTWELL. Therefore, for our purposes, the issue under the first section was unlimited.

Mr. THURMAN. That is all of it immaterial except as to getting at some idea of what the legislation was. The point that I maintain is that this provision for a sinking fund is not a part of the contract at all—I am speaking now of the act of 1862 only; nor is there a pledge of the Government to the creditor that this sinking fund shall be maintained. What is the language of the section? It is simply the language of ordinary legislation. Nowhere is it made a part of the contract; nowhere is there language that expressly pledges the Government to the maintenance of the sinking fund. It is mere ordinary legislation.

When the Government undertakes to pledge its revenues, it uses appropriate language to pledge them. When it makes a contract that they shall be pledged it uses the language of a pledge, the language of a contract. But this section is nothing but the language of ordinary legislation. Why, sir, was it contemplated in 1862 when it was not known what might ultimately be the amount of the Government debt, what might be the exigencies of the Government—was it intended for all time to come, as long as there should be any Government debt, which might be just as long as the Government itself lasted, that the customs duties should be disposed of in this particular way and that the hands of Congress should be tied so that, no matter what were the exigencies of the case, there could be no use of that money thus received from customs duties except that specified in this section of the act? I do not think so.

And now let me come to the next law, that referred to by the Senator from Pennsylvania—the resolution of 1864. That resolution simply authorizes the Secretary of the Treasury to pay the interest in advance of its becoming due. It simply allowed him to anticipate the payment of interest with or without rebate, as in his judgment might be proper. So that does not touch the question. Then we come to the act of 1870. The sixth section of it simply required the

bonds which had been taken up to be canceled. It is the last clause of this section which is referred to by my colleague, and that is in these words:

In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the aforesaid sinking fund shall be applied, as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt, as provided for in section 5 of the act aforesaid. And the amount so to be applied is hereby appropriated annually for that purpose, out of the receipts for duties on imported goods.

That is just precisely like the rest; it is simply ordinary legislation. There is no pledge; it simply provides for enhancing the sinking fund by appropriating not simply 1 per cent. of the debt, but also an amount equal to the interest on the bonds that had been taken up and canceled. That is all there is of it; and so from time to time there is not one word in all this legislation by which the United States pledges itself that this law shall remain inflexible on its statute-book, no matter what may be the exigencies of the country.

Mr. MORTON. I desire to ask the Senator from Ohio this question: whether with a provision on the statute-book guaranteeing that 1 per cent. of the revenue from customs shall be set apart annually to pay the public debt, if the Government afterward proceeds to borrow money while that provision stands unrepealed, that is not a pledge, and whether it is not in good faith and common sense a part of the contract, although the word "contract" may not be used? It is a pledge to every man who afterward loans money to the Government that 1 per cent. shall be set aside annually to pay that debt, and he lends his money on the faith of that pledge; and that does make it a part of the contract.

Mr. THURMAN. It is no more a part of the contract than it is a part of the contract that the customs duties shall not be reduced in amount. The Senator might just as well argue that it is a part of the contract between the United States and these creditors that the customs duties should be maintained at the high rate they were when this law passed. There is no such contract. It is only when a government by its statute expressly and distinctly declares that it shall be a part of the contract or distinctly and expressly pledges itself that it will pursue a particular course to create a fund or to pay off an indebtedness that there is any pledge whatsoever. It is no pledge of the revenues of the Government at all in any proper sense. I grant, however, that while it is no pledge in any proper and legal sense of the term, it ought not to be annulled. I am in favor of maintaining the sinking fund just as much as the Senator is, not because it is a pledge, but because I think it is good policy.

Mr. EDMUNDS. Then why does not the Senator vote for some bill to provide for maintaining it?

Mr. MORTON. I ask the Senator if the act of 1870 does not regard it as in the nature of an obligation?

Mr. THURMAN. I have read the act of 1870.

Mr. MORTON. "The obligation to create the sinking fund shall not, however, be impaired thereby." It recognizes it as an obligation, something more than a mere act of legislation.

Mr. THURMAN. What does the Senator read from?

Mr. MORTON. From the act of 1864, section 3699 of the Revised Statutes.

Mr. THURMAN. The words are:

The obligation to create the sinking fund shall not, however, be impaired thereby

That is anticipating the payment of interest to be sure, but what "obligation?" The obligation that rests upon the Government to discharge its duties so as to create a sinking fund; not an obligation to the creditor. I put it to the Senate once more, can we not reduce the tariff, can we not reduce it one-half or more; if the interests of the country require that we should abolish it altogether, if you can suppose such a case as that, can we not abolish it altogether?

Mr. MORTON. There is no statement in the law to the effect that the tariff shall not be varied, that it may not be reduced or that it may not be increased; but the pledge is that, whatever the tariff shall be, whether higher or lower, 1 per cent. shall be annually set aside for this purpose.

Mr. EDMUNDS. I should like to suggest to my friend from Ohio—I see he smiles—but perhaps he dislikes to be interrupted.

Mr. THURMAN. No; go on.

Mr. EDMUNDS. I do it in the interest of getting at the real truth of this matter, which my friend is evidently after. He says, can we not abolish the tariff altogether? So we can; we have the power; and the same question has been made in many of the States in cases which have been drawn into judgment in the Supreme Court of the United States in respect to statutes of limitations and statutes enabling creditors to compel debtors to pay their debts. When a particular debt is incurred by a municipal corporation and the law of a State stands so and so, the States afterward, on account of local pressure and prejudice and disturbance, change their laws so that the creditor does not have substantially the same means of enforcing his rights against the debtor that he had before the State passed the law. The highest judicial tribunal of the land has decided over and over again, if I am right in my understanding of their decisions, that legislation of that character, which essentially affects the security of the fund of the debtor which the creditor had a right to look to under the law as it existed when he entered into the contract or took the bond, cannot be impaired. Now, it seems to me that is just so with this. It may be that we have a right to impair the obligation of contracts; but if the decisions of the Supreme Court are to be taken as a guide for the interpretation of the law, then in a moral sense we have no more right to impair the obligation of the contract contained in the act of 1862 and of 1864 and the later act reaffirming it of 1870 than a State has; and if we do it, we impair, if not the technical obligation of the contract, the obligation of the public faith to every person in the land and out of it who has invested on the faith of reading this statute that 1 per cent. of this debt should be provided for every single year. That is the way it strikes me. Now, the Senator may say this does not impair the obligation of the contract, because it is not a contract. So be it; it is not a technical contract, but it certainly held out to the world, to the people of the United States, and to all others who had any money to lend, that in order to provide for its payment the Congress of the United States would provide that we should look to the time when it became due by laying aside 1 per cent. of it every single year. If we do more, we do so much the better; but every year 1 per cent. should be laid aside. Now, I would like to hear the Senator's observation on that, because I only wish to get at the true construction of this matter.

Mr. THURMAN. I have first to express my great satisfaction at finding that the Senator from Vermont is learning to have some little regard for the decisions of the Supreme Court; but passing that, it does not seem to me that the Senator has asked a question which it is at all difficult to answer.

Mr. EDMUNDS. I do not think I have. I think it is very easy to answer.

Mr. THURMAN. He really commences by begging the question; because if he does not beg the question, then the case he puts has no application here. He begs the question by supposing that this is a contract. If it is a contract, there is an end of the question; nobody is in favor of repudiating it. If it is a pledge, there is an end of the discussion; nobody is in favor of repudiating any pledge. It is simply begging the question. The question is, is it a contract? In the case to which the Senator alludes, the case of the mortgages that came up from Illinois, there was a contract; there was no question of contract or no contract; there was a plain contract; and the Supreme Court said that if the State of Illinois passed a law which in fact deprived the mortgagee of his remedy on the contract, destroyed his remedy, that was one mode of impairing the obligation of the contract.

Mr. EDMUNDS. Yes; but the Senator forgets or has not come to the point. I refer to the additional decisions of the Supreme Court, which have said that where the tax laws of a State had been interpreted by the supreme court of the State to hold that the bonds or the stock of a particular railway company, under existing laws, could not be taxed beyond a certain amount on account of provisions in the charter, and then the stock or the bonds, or whatever they might be, changed hands and came into the hands of people who, acting upon the then apparent state of the law, had invested, it was not competent for the State to reverse this judgment and to proceed upon the idea that they might tax or impose further burdens. I ask his attention to that in connection with this act of 1862. It holds out to everybody who is to take these bonds, for otherwise there was no need to provide for it at all, so far as upholding the public credit is concerned, that 1 per cent. of them should be provided for every year by raising money to lay aside, so as to be ready to meet them in the end. That being the state of the case, people invest and take the bonds and uphold the credit of the Government, and enable us to carry on the war against the rebellion. Now, the Senator says that is not even a pledge; it is nothing at all; and the moment these people have got the bonds you may turn round and say, "We will not lay aside anything."

Mr. THURMAN. The Senator is as unfortunate in his last citation of authority as he was in his first. In the case to which he refers the decision does not bear at all upon the question of whether stock in the banks had changed hands. The case came from Ohio. The charter of the State Bank of Ohio provided what should be the rate of taxation upon the bank, and that no more than that should be levied. Very well. Afterward the Legislature levied a greater tax. The Supreme Court decided that the act levying the greater tax impaired the obligation of the contract, holding that the charter of the bank was a contract pursuant of the decision in the Dartmouth College case.

Mr. EDMUNDS. The Senator misunderstands the class of cases to which I refer. They are those decided within half a dozen years in the Supreme Court touching more recent tax cases and more investments under the construction of the laws of particular States which then obtained and which then appeared to be the law, and the supreme courts of those States afterward thought was not the law, and the question was whether the people who had invested on the faith of the then interpretation of the law were to be thrown out by a reverse interpretation afterward.

Mr. THURMAN. The question of a judicial interpretation of the law upon the faith of which people had made investments has nothing to do with this point. But even then the Supreme Court has never laid down the doctrine as broadly as my friend supposes, that if the supreme court of a State construes a statute and people invest upon that construction the State is bound to that construction forever. The Supreme Court has not said that; but the Supreme Court has said that where the decisions of the supreme court of the State were contradicted, then it was not bound to follow the last decision. That is

all it said. It said so in the case from Ohio; it said so in the Dubuque case; but that really has nothing to do with this at all. The moment you say that the Government is bound in honor to maintain this provision precisely as it is here, that is, this legislation which must last no matter what may be the condition of the country, that very moment there is an end of all discussion. Was it so understood? It is said at once that from 1862 to 1866 no attention at all was paid to this provision, and yet during that time we made the chief part of our loans. During the very time when no attention whatever was paid to it, men lent their money to the Government; and now it is said that they lent their money to the Government on the strength of this provision in the statute when they saw themselves that the Government was paying not the slightest attention whatsoever to it. No, Mr. President, that will not do.

Again, let us see what will be the effect of this. It is stated by Mr. Richardson in his book on the public debt:

> The great revenues of the country in excess of the expenditures have enabled the Secretary to purchase bonds much more extensively than the sinking-fund law absolutely required; and the debt has been more rapidly reduced than by the operation of that fund alone.

So that according to the statement made in this book, which is less than two years old, we have extinguished more of the debt than this sinking-fund provision required us to do. We have substantially complied with it and more than complied with it up to this time; and what I maintain is that there is no necessity at this particular moment to levy additional taxes in order to maintain the public credit by appropriating twenty millions or more to this sinking fund for the coming year. I am not opposing the sinking fund. I am not opposing any security, or hope, or pledge, that any public creditor may have, for I am as much opposed to repudiation as any man on this floor, and always have been.

But again, although my friends seem to be very sensitive about this matter, as if there were some danger, let me tell them that the national-banks if they continue their national-bank system will never allow this thing to be executed. What will be the effect of this sinking fund? We have it here in Richardson's book. He estimates that if this law be executed it will pay off the entire debt in thirty years.

Mr. EDMUNDS. How does he make that out, paying 1 per cent. a year?

Mr. THURMAN. That is the way he works it out.

Mr. EDMUNDS. That is rather a puzzle to me.

Mr. THURMAN. I read from page 85 of Richardson's book:

> But the sinking fund itself will extinguish the entire national debt in about thirty years or soon after the close of the nineteenth century, the exact time depending upon the price at which the purchases may be made in the future.

If the debt were all wiped out, where is the foundation for your national banks or for your national-bank currency? The whole national-bank system is founded upon the national debt.

Mr. EDMUNDS. Does the Senator mean to say that the national-bank system ought to be upheld by keeping up the debt of the United States?

Mr. THURMAN. No, sir; I do not. I am for paying off the debt; but what I am saying is that these national bankers never within my life will allow this national debt to be paid off.

Mr. EDMUNDS. What does the Senator mean by saying "allow?" Suppose we follow the law, what have the national banks to do with it?

Mr. THURMAN. Because they will be strong enough to defeat the payment.

Mr. EDMUNDS. They may be with the Senator, but not with me.

Mr. SCOTT. I should like to ask a question of the Senator from Ohio, for he is evidently anxious to get at the true meaning of the law. Throwing aside the question of contract with the holder of the bonds, what is the view of this legislation as creating a duty on the Secretary of the Treasury, compelling him each year to pay out of the gold duties an amount equal to 1 per cent. of the debt?

Mr. THURMAN. I think it imposes that duty upon him. It seems to me it is clear enough that it imposes that duty upon him; otherwise the law is nugatory. This money is to be applied thus and so. Unless that be repealed or altered, it would be his duty, unless there were legislation that was inconsistent with it, so that he could not execute it. If he can execute it, it is his duty to execute it.

Mr. EDMUNDS. Suppose he has $100,000,000 of resources, and it takes $50,000,000; for illustration—I may not be anywhere near right about the sum it does take, but it illustrates the idea—he takes $50,000,000 to provide for this 1 per cent., and the appropriations for other objects are another $100,000,000 more; what is he to do? Is he to scale the whole thing, or is he to obey this statute if he pleases and leave the deficiency to fall upon the salaries of Senators and Members of Congress, and so on?

Mr. THURMAN. I do not think he would do that for fear he would be impeached.

Mr. EDMUNDS. But what ought he to do?

Mr. THURMAN. Really I am not Secretary of the Treasury. It will be time enough when I am Secretary of the Treasury to ask me about his duties. He has the Attorney-General to aid him, and a Department of Justice and a Judiciary Committee in each House, and really he need not ask me.

Mr. EDMUNDS. I am very sorry that my friend is so much less clear upon this point than he is upon all the others.

Mr. THURMAN. I have been interrupted so much that really the little speech I intended to make of about twenty minutes I have lost almost entirely the thread of; but my friends seem to be terribly alarmed that the public credit is in danger. I tell them that the public credit is not in the slightest danger. You put it in your Constitution as clearly as it can be, "the validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned." The validity of the public debt of the United States shall not be questioned and nobody wants to question it.

Mr. EDMUNDS. You question the means of doing it. A bankrupt might say he did not question the validity of his debts.

Mr. THURMAN. What I am opposed to is that, under pretense of a necessity for keeping up this sinking fund or making it whole, as it is called, $30,000,000 of taxes are to be forthwith levied on the people of the United States when we have more than complied with the law, when we have already paid more than the law required, when we have already reduced the debt far more than 12 per cent.

Mr. EDMUNDS. In each fiscal year?

Mr. THURMAN. I do not care whether it is in each fiscal year or not. That is a mere sticking in the bark. All that the creditor could honestly ask was that you should reduce it at least at the rate of 1 per cent. a year, and after the act of 1870, and which by the way was a voluntary thing on our part, that the interest upon the amount of the sinking fund should also be added as an additional reduction. Therefore I say, Mr. President, that if we have reduced the debt more than it would have been reduced by the mere operation of the sinking-fund law, the creditor has no right to complain whatsoever, and the mere reduction year by year is not of the essence of this contract when we have done the substantial thing which is required by the law, and when there is no necessity at this moment to be imposing thirty-odd millions additional taxes upon the people.

I will stand as firmly as any man against anything that is calculated to destroy the credit of the Government or to do injustice to its creditors; I will not tolerate repudiation in any form or shape whatever; but I maintain that you do not tolerate repudiation in any form or break any pledge you have given when you say that having already reduced the debt far more than 12 per cent. we will not tax the people thirty-odd millions in order to make good, as it is called, the sinking fund.

But, sir, I have something to say further upon this bill. I object to the bill in every section. What is the first section? It increases the tax on distilled spirits. The next section increases the tax on tobacco. The third section increases the duty on sugar, and the fourth section adds 11½ per cent. to duties that are now payable upon a very large portion, the largest portion, of the imports into the United States. This, then, is an increase of 11½ per cent. of the existing duties, and an increase of 20 cents a gallon on whisky, and an increase of 25 per cent. or more upon tobacco. Now, is that right?

It has been said that in the end all taxes are paid by the consumer. That, as a general proposition, is true, although there are, it has been supposed, some exceptions to that.

Mr. EDMUNDS. A good many.

Mr. THURMAN. A good many, I think, in practice arising from causes that will occur to anybody who will think about the subject. The general principle, however, is correct that the person who has a thing to sell puts the tax into the price, and that therefore in the end the tax is upon the consumer. But that only applies to a person who has something to sell, so that he can add the tax to the price. If he is the consumer himself, of course he cannot do any such thing as that. But while that is true in the first instance, other persons have to pay the tax; and where the tax is heavy upon any particular industry, that industry is loaded down by it and discouraged. Now let us see how it is here with the tax on distilled spirits. The amount raised in the United States for the fiscal year ending June 30, 1873, amounted to $50,815,844. In round numbers it amounted to $51,000,000 tax on distilled spirits. By whom was that tax paid in the first instance? Illinois paid $13,727,790 of that tax; Ohio, $10,887,498; Indiana, $5,095,229; Kentucky, $3,660,104; so that those four States alone paid $33,370,621, or more than two-thirds of that tax.

Mr. SCOTT. They did not drink all the whisky?

Mr. THURMAN. No; they did not drink all the whisky that was made by any manner of means. There was now and then a good Pennsylvanian who came over and bought some whisky, and there were other people who bought the whisky; but in the first instance Illinois paid $13,000,000, Ohio $10,000,000, Indiana $5,000,000, Kentucky over three and a half millions, and that tax must be raised, because not a single gallon of that whisky could go out of bond and be delivered to the purchaser, if I am right about the law, until the tax was paid. That is so, is it not?

Mr. SCOTT. I so understand.

Mr. THURMAN. The tax, therefore, has to be paid. See what a large sum of money is therefore required to be raised in the first instance by the manufacturer. I know very well, I know in my own State that when the tax was put up to $2, it closed almost every distillery in the State of Ohio. Every one of the great distilleries was

closed, and when they were closed the market for corn, the market for rye, the market for barley was most seriously affected throughout the whole southern part of Ohio.

This is an unfair tax. I grant that distilled spirits are a proper subject of taxation and one of the best subjects of taxation we could have, because the article is certain to produce a large revenue; but I do say at the same time that it is a tax extremely onerous upon those sections of the country where the distilling takes place, because in the first instance they are compelled to pay so large a sum of money.

Then come to tobacco. The same remarks will apply to tobacco, not to the same extent, it is true, because there are more States engaged in tobacco raising. But the State where I live is now getting to be a very large tobacco State. The tax on tobacco already ranges from 100 to 400 per cent. of the cost of the article, a uniform tax of 20 cents on tobacco that can be purchased at $5 a hundred—400 per cent. on that tobacco.

Mr. EDMUNDS. If I do not unpleasantly interrupt my friend, he has stated that the tax on whisky or distilled spirits is paid in the first instance by the producer. Now, was it not the law, and is it not yet the law, that this tax only has to be paid when it is taken out of bond, that is, when the act of sale in substance actually takes place; and therefore so far as the buyer, the consumer pays it at all, which in respect to this tax I think he pays entirely, does he not pay the tax into the hands of the seller before the seller is obliged to pay the tax to the Government?

Mr. THURMAN. No; he does not. That would be the case if all sales of whisky were cash sales; but they are not. They are very far from being cash sales.

Mr. EDMUNDS. They may be cash sales; it is a question for the seller to determine how he will sell.

Mr. THURMAN. He sells as he can get a market, and if one manufacturer is accustomed to sell on time he compels the other manufacturers to sell on time. The tax has to be paid in the first instance almost entirely by the producer, and is an onerous burden upon that particular interest.

Mr. EDMUNDS. Does not the seller usually require that a cash payment shall be made sufficient to meet the tax?

Mr. THURMAN. I do not know that he does.

Mr. EDMUNDS. I think he does.

Mr. THURMAN. I never was in the business, and I do not know that he does.

Mr. EDMUNDS. The Senator seems to have been in the midst of the business, if not of it.

Mr. THURMAN. It is a large business in my State. It is a business that interests not only those engaged in the production of spirits but it interests those who have corn to sell, who have barley to sell, who have rye to sell; and I know what was the effect of the heavy taxation before, and I anticipate from this, not a destruction of all the distilleries for the time being or a suspension such as took place when the tax was raised to $2, but a suspension of some of them and a less production.

Mr. EDMUNDS. What year does the Senator refer to?

Mr. THURMAN. I do not know; the Senator was here, I think, when the tax was raised to $2. It shut every distillery in Ohio.

Mr. EDMUNDS. How long did it reduce the price of corn?

Mr. THURMAN. I cannot say how long; I do not remember. Then, as I said, in respect to tobacco here is a tax already 400 per cent., and why should you put any more tax on that? Now it is proposed to increase the tax upon spirits, upon tobacco, upon sugar, and then upon almost every necessary of life that pays customs duties, in order to do what? In order to make, it is said, the sinking fund intact. When the bonds of the Government are already 12 or 15 per cent. above par in gold——

Mr. EDMUNDS. And for the very reason that we have had money enough to keep it up.

Mr. THURMAN. For the very reason that we have fulfilled our faith, and we intend to do it, and everybody knows it. Nobody doubts it, nobody fears it; and there is no necessity in the world for levying these taxes for any such purpose.

These, Mr. President, are my views. I say that you begin at the wrong end. Instead of increasing taxation, you ought to cut down expenditures. Somebody will ask, how are you going to do that? I have heard it asserted here that there was no means of cutting down expenditures. I give but my opinion for whatever it is worth, that you ought to reduce the Army to 15,000 men, and that would save you $10,000,000 a year. I do not believe there is the slightest necessity for a man more than 15,000 in the Army. We used to have an Army of 9,000, and I believe an Army of 9,000 now could perform all the service really that is necessary to be performed in this country, but I am sure that an army of 15,000 could. That would save you $10,000,000 a year. I believe that one-half of the expenses of the Navy might well be spared, and that would save you $20,000,000 or $15,000,000 more.

Mr. EDMUNDS. How would the Senator reduce that? In what respects?

Mr. THURMAN. I would reduce it by dispensing with the expenditures we have for the Navy.

Mr. EDMUNDS. Which ones? What expenses would you reduce?

Mr. THURMAN. All of them; I would cut them down; I would not have so many ships built; I would not have so many officers in the service nor half so many seamen in the service; I would not maintain such expensive fleets.

Mr. EDMUNDS. How many seamen have we now?

Mr. THURMAN. Well, I am not going into a general catechism with the Senator about that. The Senator knows as well as I do. It is very easy to say you cannot cut them down. You can cut them down; and it would be economical this day for this Government to burn up one-half its ships; it would save money by doing it rather than by maintaining them in commission at the expense that the Navy has been to us.

Mr. President, you have begun at the wrong end. Cut down your expenses and you will have no necessity for increasing the taxes of the people; and this Government cannot get out of this trouble, nor can the people of the country get out of their business troubles until the most rigid economy is practiced, not simply by the people, but by every government in the country, Federal, State, and municipal. There must be the strictest economy in government, and there must be the strictest economy in the household, and with the individual; and then, sir, we may soon hope to have our indebtedness under such control that business may once more revive and the country again run its career of prosperity.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. LUKE P. POLAND of Vermont, Mr. LYMAN TREMAIN of New York, and Mr. C. A. ELDREDGE of Wisconsin, managers at the same on its part.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, and agreed to other amendments of the Senate to the bill, with amendments; asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM LOUGHRIDGE of Iowa, Mr. ISAAC C. PARKER of Missouri, and Mr. JOHN HANCOCK of Texas, managers at the same on its part.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. SARGENT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3818, an act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference report that the said committee have been unable to agree.

AARON A. SARGENT,
JOHN A. LOGAN,
HENRY COOPER,
Managers on the part of the Senate.

ISAAC C. PARKER,
G. L. FORT,
S. J. RANDALL,
Managers on the part of the House.

Mr. SARGENT. I move that the Senate still further insist and ask for another conference with the House.

The motion was agreed to.

The VICE-PRESIDENT being authorized by unanimous consent to appoint the conferees on the part of the Senate, Mr. MORRILL of Maine, Mr. EDMUNDS, and Mr. DAVIS were appointed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DORSEY, Mr. WINDOM, and Mr. RAMSEY submitted amendments intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives, and the amendments of the House to other amendments of the Senate.

On motion of Mr. WINDOM, it was

Ordered, That the Senate insist on its amendments disagreed to by the House, and disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS.

Mr. DAVIS was subsequently, on his own motion, excused from serving on the conference committee on the Indian appropriation bill, and Mr. STEVENSON was appointed to fill the vacancy on the committee.

REMOVAL OF CAUSES FROM STATE COURTS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States, disagreed to by the House of Representatives.

On motion of Mr. EDMUNDS, it was

Ordered, That the Senate insist on its amendments disagreed to by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. CARPENTER, Mr. CONKLING, and Mr. THURMAN.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the resolution to print R. W. Raymond's report on mining statistics.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army.

The message further announced that the House had passed a resolution instructing the engrossing clerk to correct a clerical error in the report of the conference committee on the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, by transferring the first amendment proposed to section two, from after the words "wounds received in action," in the fourteenth line, so that it will come after the words "wounds received in battle," in the eighteenth line.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, asked a conference on the disagreeig votes of the two Houses thereon, and had appointed Mr. W. A. WHEELER of New York, Mr. JOHN COBURN of Indiana, and Mr. A. M. WADDELL of North Carolina, managers at the same on its part.

ARMY APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, disagreed to by the House.

On motion of Mr. ALLISON, it was

Ordered, That the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. ALLISON, Mr. LOGAN, and Mr. STEVENSON.

GENERAL SAMUEL W. CRAWFORD.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved, (*the Senate concurring*,) That the engrossing clerk be instructed to correct a clerical error in the report of the conference committee on the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, by transferring the first amendment proposed to section 2 from after the words "wounds received in action," in the fourteenth line, so that it will come after the words "wounds received in battle" in the eighteenth line.

Mr. LOGAN. I hope that resolution will be passed. It is a correction of an error that occurred in drawing up the report.

The resolution was concurred in.

TARIFF AND TAX BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 4680) to further protect the sinking fund, and provide for the exigencies of the Government.

Mr. JOHNSTON. Mr. President, it is expected that this bill will produce in round numbers about $35,000,000. Admitting that, under existing revenue laws and at the present rate of expenditure money enough will not be raised for the current expenses of the Government. The question comes up whether Congress should increase taxation or reduce expenses; and as one mode of determining this problem it will be well to look into the condition of the country and of its great interests—commercial, financial, agricultural, and manufacturing. Let us see how much taxation the people are new enduring and how able they are to sustain it.

It must be recollected, in considering this particular point, that the people of the United States have two governments to support—the General Government and the State governments, and to ascertain what they pay we must add together the sums raised for each purpose. The statistics of State taxation for the past year are not at hand, and therefore I take the year 1870, the census giving the necessary information.

The population of the United States in 1870 was 38,555,983, and the Army was 30,000, costing $57,655,695.40, or about $1,700 to each soldier. The net ordinary receipts were $395,959,833.87. Then the following table will show United States and State receipts for governmental purposes for 1870:

United States	$395,959,833 87
Alabama	1,456,024 00
Arkansas	950,894 00
California	2,540,383 00
Connecticut	1,875,024 00
Delaware	83,666 00
Florida	248,768 00
Georgia	945,394 00
Illinois	3,620,681 00
Indiana	2,940,078 00
Iowa	832,918 00
Kansas	809,608 00
Kentucky	2,254,413 00
Louisiana	2,671,693 00
Maine	1,350,305 00
Maryland	1,781,252 00
Massachusetts	7,408,962 00
Michigan	396,352 00
Minnesota	511,126 00
Mississippi	1,309,655 00
Missouri	2,778,697 00
Nebraska	262,505 00
Nevada	298,411 00
New Hampshire	955,126 00
New Jersey	373,046 00
New York	8,720,156 00
North Carolina	1,200,854 00
Ohio	4,727,318 00
Oregon	177,653 00
Pennsylvania	5,180,172 00
Rhode Island	489,253 00
South Carolina	1,321,837 00
Tennessee	1,056,261 00
Texas	589,363 00
Vermont	588,792 00
Virginia	2,847,635 00
West Virginia	734,722 00
Wisconsin	874,677 00
Total of taxation for governments	644,163,707 87

The idea prevails that this new and free Republic is taxed less than European nations, with their great civil establishments, their enormous national debts, and their immense standing armies.

Austria, with a population according to the last census of 35,904,435 and a standing army on a peace footing of 245,090, only expends annually for the support of her government $261,098,000. If each soldier cost as much there as here, the support of the army alone would be about $380,000,000 each year.

The population of France, now that she has lost Alsace and Lorraine, is 36,102,821. Her standing army in time of peace is 425,000; her annual expenditure, $444,120,000, embraced in which is part of the Prussian war indemnity.

The population of Great Britain is 31,817,108; her army, 133,649; her annual expenditure is $345,140,000. She has an immense navy, and a national debt of nearly $4,000,000,000.

Germany has a population of 41,058,139, with a peace army of 402,500 and an annual expenditure of $383,120,000.

So that the people of the United States pay in taxation each year for the support of their various governments nearly three times as much as the Austrians, one-third more than the French, nearly twice as much as the British and German people. We pay about $17 for each person in the country, no matter of what age, sex, or color.

This does not make a very favorable exhibit for the imposition of additional taxes.

Now let me give some statistics of the greatest interest in the country—the agricultural—and show how prostrate that is and how ill able to bear further burdens.

We have been accustomed to boast that the great Mississippi Valley, embracing its tributaries, was the granary of the world, and certainly it did contribute a vast sum to the re venues and resources of the country by its exports of grain. But a new competitor for the markets of the world has arisen, and Russia not only is supplanting us in Europe, but is even threatening to undersell the West in the Atlantic cities. That wise and far-seeing government has been silently and energetically building railroads to connect her rich grain-growing territory with the ocean, with what result I shall presently show. She can raise wheat cheaper than we do because her laborers dress in sheepskins and are content with about $20 a year wages. She can build and run railroads cheaper for the same reason. She can land wheat at Liverpool cheaper than we can take it from Chicago to New York, and the laborer who raises it in the West gets nearly as much a month as the Russian does a year. It is commonly estimated that a man in the West who raises three hundred bushels of wheat to sell must expend two hundred of them to get the other hundred to market. And we have seen the farmers of that region burning corn for fuel while people were starving in the Eastern States. And it is this dreadful condition of things that has caused the birth and growth of the powerful and numerous orders of the Grange.

But to show how we are declining and Russia advancing in the production and exportation of wheat, let me give the figures.

From 1860 to 1864 inclusive the following were the exports of wheat of the two countries into Great Britain:

United States, bushels	127,047,126
Russia, bushels	47,376,809
Balance in favor of United States	79,670,317

From 1868 to 1872 inclusive:

Russia, bushels	117,967,022
United States, bushels	116,462,380
Balance in favor of Russia	1,504,642

Nor are we better off in respect to cotton. The English government has been bending all its energies to the production of cotton in India, and is succeeding as the following statistics show:

Receipts of cotton in Great Britain in 1860 *compared with* 1872.

1860.		1872.	
From—	Cotton.	From—	Cotton.
	Pounds.		*Pounds.*
United States	1,115,890,608	All other countries	783,237,392
All other countries	275,048,144	United States	625,600,080
In favor of United States.	840,842,464	Against United States	187,637,312

The State of Louisiana affords a striking illustration of the depressed—I might say ruined—condition of the agriculture of the country. Let me compare 1860 with 1870.

In 1860 she produced as follows, namely:

Wheat, bushels	32,208
Rye, bushels	36,665
Corn, bushels	16,853,745
Oats, bushels	89,377
Cotton, bales	777,738
Wool, pounds	290,847
Sugar, hogsheads	221,726
Molasses, gallons	13,430,772

In 1870 she produced as follows, namely:

Wheat, bushels	9,906
Rye, bushels	984
Corn, bushels	7,596,628
Oats, bushels	17,782
Cotton, bales	350,832
Wool, pounds	140,428
Sugar, hogsheads	80,706
Molasses, gallons	4,585,150

How are the people of that State to survive a fresh burden of taxation?

So much for our agriculture. How is it with our shipping, upon which we once so much prided ourselves? Here is a statement of its condition, taken from official sources, exhibiting what has been well characterized a ruinous decline:

Years.	American tonnage.	Foreign tonnage.	Excess of American tonnage.	Excess of foreign tonnage.
1830	967,227	131,900	835,327	
1840	1,576,946	712,363	864,583	
1850	2,573,016	1,775,623	797,393	
1860	5,921,285	2,353,911	3,567,374	
1861	5,023,917	2,217,554	2,806,363	
1864	3,066,434	3,471,219		404,785
1866	3,372,060	4,410,424		1,038,364
1868	3,550,550	4,495,465		944,915
1869	3,402,668	5,347,694		1,945,026
1870	3,486,038	5,669,621		2,183,583
1871	3,742,740	6,266,444		2,523,704
1872	3,711,846	7,094,577		3,382,731
1873	3,612,631	8,033,087		4,470,456

We thus see that from 1861 to the beginning of 1874, a period of only thirteen years, there is a change against American shipping of 7,277,819 tons. Forty-five years ago our commercial marine for our own trade was four times that of all other nations. Now, of all the vessels entering our ports we have only about 3,500,000 tonnage, while other nations have more than 8,000,000; and these latter do the great bulk of the rapid and most profitable business and nearly all the passenger trade. Their profits are, therefore, even far greater than would appear from the simple comparison of tonnage.

But there are more facts of value for study and reflection. In 1860 the total American tonnage which entered British ports was 1,747,651 tons, the total British tonnage entering our ports being 1,136,364 tons. But in 1870 the American tonnage entering the British ports was only 479,670 tons, while vessels flying the British colors entering our ports during that year measured 2,778,823 tons. Herein we have greatly retrograded; England has greatly advanced. Of the whole tonnage entering American ports from the West Indies in 1861, 86 per cent. belonged to the United States, and only 12 per cent. in 1870. For the same years respectively our carrying trade to the German states—Denmark, Holland, and Belgium—decreased from 21 to 7 per cent. of the whole; with France it decreased from 89 to 22 per cent.; with England from 71 to 19 per cent.; with the whole our average of 71 per cent. in 1860 had dwindled down to 15 per cent. in 1870. And by reason of the superiority of foreign vessels in speed we are still worse off in respect of profits than the figures show us to be in respect to tonnage.

The great iron interest is in the same unhappy condition of decay. The consumption of pig-iron in the United States in 1873 was estimated at 3,023,058 tons, of which 2,868,278 tons were home make. In 1874 the estimated home product was only 1,900,000 tons. Furnaces have stopped; thousands of workmen are out of employment and their families suffering; riot and bloodshed are common in the iron districts, and the police and militia have been called in to preserve order and to protect life and property.

One thing in the affairs of the country has given alarm to all thoughtful men, and that is the vast debt we owe to Europe. This debt exists in every form. The Government bonds are held largely abroad; so are the bonds of the States, of railroads, of cities, and of corporations. Large sums go across the Atlantic annually to pay the interest on this debt, which is estimated by men well informed to be from $1,000,000,000 to $1,500,000,000. Up to the last year the drain created in this way upon our resources has been compensated by the immigration to this country, which for five years beginning with 1869 was as follows:

1869	395,922
1870	378,796
1871	367,789
1872	449,483
1873	422,545

These immigrants brought money with them. In 1856 the commissioners of immigration questioned each immigrant, and came to the conclusion that the average of money brought by them was $68.08. But this estimate was afterward ascertained to be much too small. The immigrants, not knowing the object of the question put them and not caring to disclose their means anyhow, did not give correct answers and nearly always understated their means. In one case a farmer and three sons declared they had only $25 each. When the matter was explained to them the old man admitted he had $2,700 and each of the sons about the same, making in all $11,000, instead of $100, as at first reported. The report of the commissioners of immigration for 1854 states that the German immigrants had alone for each of the three previous years brought an annual average of $11,000,000. Statistical tables of the Grand Duchy of Baden fix the amount that each immigrant brought at $98 in gold; that of the Bavarians at $93.20; that of the Brunswickers at $96. The Wurtembergers who came in 1856 brought $134 gold each; in 1857, $145; and in 1858 each came with $318. But it was not only in bringing money to the country that the immigrant was valuable. He very soon became a producer and a tax-payer, and in that way added to the good condition of the country. But this immigration has now fallen off greatly, and many are returning and taking away with them their earnings; and when the decreased immigration and the increased emigration are considered, it is doubtful whether we are making or losing. The statistics of immigration for 1874 have not been published, and therefore I cannot speak with entire accuracy. But the receipts from passengers, especially in the steerage, of the various lines of steamers plying across the Atlantic tell plainly the story of the decline both of immigration and of business.

Here are their exhibits of receipts from freight and passengers for the years 1873 and 1874:

	1873.	1874.	Decrease.
CUNARD LINE.			
Freight	$4,536,000	$1,920,000	
Steerage passengers	1,050,000	518,000	
	5,586,000	2,438,000	$3,148,000
INMAN LINE.			
Freight	5,544,000	1,880,000	
Steerage passengers	2,010,000	1,038,200	
	7,554,000	2,918,200	4,625,800
WHITE STAR LINE.			
Freight	3,993,600	2,080,000	
Steerage passengers	1,110,000	791,450	
	5,103,600	2,871,450	2,232,150
NATIONAL LINE.			
Freight	4,368,000	2,700,000	
Steerage passengers	870,000	561,315	
	5,238,000	3,261,315	1,976,685
NORTH GERMAN LLOYDS.			
Freight	5,366,400	2,721,600	
Steerage passengers	1,242,000	452,250	
	7,608,400	3,173,850	4,434,550
ANCHOR LINE.			
Freight	6,048,000	1,996,155	
Steerage passengers	2,790,000	338,685	
	8,838,000	2,334,840	6,503,160
WILLIAMS & GUION'S LINE.			
Freight	2,640,000	1,116,000	
Steerage passengers	840,000	239,095	
	3,480,000	1,351,095	2,129,005
GENERAL TRANSATLANTIC LINE.			
Freight	1,944,000	634,600	
Passengers	1,300,000	323,620	
	3,244,000	958,220	2,285,720
STATE LINE.			
Freight	844,800	792,000	
Steerage passengers	140,000	101,100	
	981,800	893,100	91,700

In one year there was a decline of $27,426,770 in the receipts of these lines from freights and steerage passengers. Then it is seen, that the influx of immigrants with their money and labor, which has heretofore brought back to us the sums sent abroad to pay our debts, has nearly ceased. The outward flow goes on and will continue to increase; the inward flow is ceasing. This must tell heavily against us; it will have the same effect upon this country that absenteeism has had upon Ireland. There the large estates were owned principally by men who lived either in England or on the Continent. The rents were collected by bailiffs or agents, and at once sent away. The revenues of Ireland were not spent there, but elsewhere. The result was inevitable. Ireland was impoverished, and nearly half her population has abandoned her. So the payment away of so much annually must affect the United States very injuriously. We are younger and larger and richer than Ireland, it is true; but still that does not alter the principle.

This extract from a newspaper shows in vivid yet true colors the present condition of affairs:

HOW THE HARD TIMES AFFECT THINGS IN NEW YORK.

First, building is stopped, and men by the hundreds are thrown out of work. Rents are down, and landlords have to wait where rents remain or take the stores and warehouses on their own hands. Every third store on Broadway seems to be to let, with chambers and lots innumerable. Men who had fair employment last May and took a tenement to live in, having lost their place, have to give up. Society is so interlocked that what hurts one department hurts all. The hotels are losing money, and seem like banqueting halls deserted. Grocers groan over the lack of trade. Men who bought by the pound buy by the quarter; men who bought by the chest buy by the pound. Butchers say that their trade has decreased one-half; men live on vegetables. The barbers complain; men shave themselves. The car receipts are reduced; men walk instead of riding. They have nothing to do, and five cents is worth saving. The churches feel this state of things terribly. In one church that I happen to know over a third of the pew rents have been lost and the penny collections have been reduced one-half. In the most important Baptist church in this city $1,000 was taken from the minister's salary and in a miff he resigned. A general reduction of salaries is threatened all along the line. Last year, in Brooklyn, a very costly Presbyterian church was built through the influence of one man. He was worth a quarter of a million and promised to "see the thing through." He went to smash, and the minister, disheartened, has left. Our mission work feels the pressure beyond example. The sufferers have increased a hundred-fold and the supply is cut off full 50 per cent. The same is true of all the benevolent operations. The Dutch church have announced that their receipts the last month for missions were the smallest ever known since the organization. Men are begging who never begged before. There is absolutely nothing to be done, and no pay if people could get work. To say that there is actual want and starvation in the city is to speak within bounds.

The panic has even affected the barbers; men are now so poor they either shave themselves or do not shave at all. To this dreadful extremity the republican party has brought the country; and now, finding, as they say, the income of the Government not equal to its expenditure, and being called upon to decide between additional taxation and retrenchment, they take the former. And they take the former, when it seems to me it would be so easy to reduce the expenses to its income under present laws, and so proper to do so. How can it be done?

We have the authority of the chairman of the Committee on Finance [Mr. SHERMAN] for the statement that in the appropriation bills—some of which have passed, some are in committees of conference, and some yet to be acted on—there are $26,000,000 appropriated for public works. Surely all these are not necessary at this time. While it may be a matter of convenience to build a court-house, a post-office, or a custom-house, it is not indispensable, and the country can get along for a while longer without them. If they have not been commenced, let us do with the buildings now occupied till times are better. If they have been begun, it will not hurt them to suspend work for a year or two. By doing this we can save several millions of dollars at once.

The Army of the United States now consists of 25,000 men. The country can do with 15,000. We are safe from foreign invasion. If all the fleets of the world could be collected in one harbor, and then have a safe passage across the Atlantic, they could not transport troops enough, with their necessary equipments, to make any serious attack upon us. We are protected from invasion by the broad oceans lying on either side of us. The reduction of the Army to 15,000 would make an annual saving of $12,000,000 or $15,000,000. And unless the Army be better employed than it has lately it had better be abolished; for the President of the United States put the Army under the unlimited control of a so-called governor of a State, who employed it in the unconstitutional act of ejecting five members of the Legislature of that State. The President, in a message subsequently sent in to the Senate, declared that there was no doubt of the fact that these men were not entitled to their seats. But a committee of the House, composed of a majority of republicans, after visiting Louisiana and examining the facts, reported that the ejected members were entitled to their seats, and a republican House confirmed the report. And I repeat that an Army used for such purposes in a republic had better be disbanded and the men returned to the duties of private citizenship.

Another source of saving might be found in our Indian affairs. I have looked into the details of these with some astonishment, and I am sure the public generally have not the least conception of their actual condition. Referring to the report of the Secretary of the Interior, I find that the whole number of Indians (exclusive of those in Alaska) in the United States is 275,003. This embraces men, women, and papooses. The report gives the interesting and important intelligence that 43,953 Indians wear citizens' dress. It also lets it be known that during the year the number of Indians killed was 391, of whom 122 were killed by United States soldiers. The Indians have reserves embracing 145,733,260 acres of land, of which they cultivated 317,213, the number engaged in agriculture being 43,963. The Indians raised the following crops:

Wheat, bushels	269,215
Corn, bushels	1,720,765
Oats, bushels	171,565
Potatoes, bushels	346.919
Turnips, bushels	16,287
Onions, bushels	2,519
Beans, bushels	14,620
Hay, tons	160,082

Their farm products would seem to compare not unfavorably with the whites, considering the area cultivated and the numbers engaged in work.

The Indians own stock as follows, namely:

Horses	336,936
Mules	1,593
Cattle	329,602
Hogs	443,963
Sheep	144,408

The number of feet of lumber sawed was 8,702,975, and the value of furs sold was $815,618. To these things must be added the food supplied by the buffalo and other game and the abundant fish of some of the streams.

Does it not seem from this exhibit that the Indians ought to be able to get along without any great assistance from the Government? Yet the people will be surprised to learn the annual cost to them of the Indians.

The United States holds a trust fund for the benefit of the Indians amounting to the great sum of $11,827,892.99½, upon which an interest accrues annually, and is annually paid and expended, of $633,728.09. For the fiscal year ending June 30, 1874, the Government expended on the Indians the large amount of $6,692,462.09.

Thus we see that the number of Indians is less than 300,000; that they have more than 145,000,000 acres of land; that a large number of them are engaged in agriculture; that they have a good supply of stock; that they raise very considerable quantities of farm products; that they have the resources of hunting, fishing, and trapping; that they have a trust fund of more than $11,000,000. And yet in addition to all this the Government expends upon them nearly $7,000,000 a year. There must be great room for curtailment in all this. It is not credible that so much money can, under the circumstances, be actually needed and fairly expended for the use of the Indians. Much the largest part of it must find its way into the pockets of agents and speculators.

This is the cost of feeding and supporting the Indians, and does not embrace the expense of fighting them. The United States troops, as stated above, killed one hundred and twenty-two of them during the past year, each one of whom is estimated to have cost several thousand dollars.

Add to the feeding the Indians the cost of fighting them, and a very pretty little sum of several million is the "demnition total."

The bill is nominally "for the further protection of the sinking fund," and for other purposes. But the contract of the Government when the debt was created and the sinking fund established was to pay 1 per cent. annually, so as to extinguish the whole debt within a certain number of years. If that had been observed exactly, the sum paid by this time would have been in round numbers $400,000,000. But we have in fact paid about $600,000,000, or one-third more than we contracted to do, and cannot be charged therefore with any dereliction on that account. But we have the authority of the Senator from Ohio, [Mr. SHERMAN,] the chairman of the Committee on Finance, for saying that the sanctity of the sinking fund has been long since violated. In the debate on this bill he said:

Why, sir, does not every man know that for two years and a half this sinking fund has been taken for your current appropriations? For two years it has been deficient more than it is now. Is my honorable friend from Maine now to learn, that two years ago, when these accumulated appropriation bills had exhausted the Treasury, the sinking fund had been eaten out? During the year ending the 30th of June, 1874, $25,000,000 of the sinking fund had been absorbed, I think without law, to make good the appropriation bills passed by Congress. Why, then, was there not an appeal to the honor of the country? Why was not public attention called to it? Why, then, were not taxes demanded?

These are pertinent questions and hard to answer. Nor is it easy to see why the republican party in this time of unexampled depression proposes to add $35,000,000 to the taxes of the country in order to "protect the sinking fund."

So much for the general features of the bill, and now let me examine briefly its details, which are to the last degree unjust.

It proposes an increase of the tax on whisky and on tobacco and a partial restoration of the duties taken off by the act of June, 1872. Common justice requires that all these things should be put upon an equal footing; but our republican friends have got so much in the habit of legislating against the South, that they cannot pass even a tax bill without discriminating against that unhappy region. Tobacco is mainly a southern product, therefore harder terms must be imposed upon tobacco than upon other articles.

The first section of the bill declares in express terms that the in-

creased tax should be imposed on whisky made *after* the passage of the law. And the fifth section declares:

That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard and bound to the United States on or before the 10th day of February, 1875, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

Thus putting goods upon the footing of whisky.

But the case with tobacco is far different. The increased tax not only applies to tobacco hereafter to be manufactured, but to that already manufactured and on hand. I have endeavored to remedy this inequality by the amendment I offered, declaring that the increased tax shall only apply to tobacco hereafter manufactured.

But this is not the only objectionable part of the bill. The second proviso attempts to abrogate contracts made between citizens and make new contracts for them. It provides that when tobacco has been sold, the purchaser shall pay the increased tax of 4 cents on the pound imposed by this bill. That is, he has bought the tobacco fairly at one price, but the Government says he shall pay a greater. This provision is not only scandalous, but it is incapable of enforcement, and will lead to great litigation. How is the Government to compel the purchaser to pay the additional 4 cents a pound? If the officials refuse to let him remove the tobacco, then he can claim that the contract is abrogated, and he is not bound to comply. But suppose he has bought the tobacco, say at 50 cents the pound, and has actually paid for it, and is denied the right to remove it till he pays the increased tax of 4 cents. In that case he is reduced to the alternative of losing his tobacco or of giving 54 cents a pound for what he only contracted to give 50.

When by the act of June, 1872, the tax on tobacco was made uniform at 20 cents the pound, it was regarded as a finality and as a compromise between opposing interests and the Government. It was intended and expected that the tax should remain at 20 cents, and only be changed to reduce it. It has worked admirably; has been easily collected; has yielded an increased revenue, and the country had settled down and adapted itself to it. Now all this is to be unnecessarily disturbed to "protect the sinking fund," the chastity of which had been already violated.

I insist, therefore, that the bill as a whole is unnecessary and oppressive and in its details is unjust, and discriminates against the poorest section of the country.

The executive, which is the treaty-making power, might do much to relieve the people from their present troubles, and find them a market for their products—especially of the West. It should be our effort to have advantageous treaties with those countries that wanted our products and whose products we wanted. The West have wheat, hemp, corn, pork, horses, mules, and cannot find a market for them. If there is any country that needs these things and has what we want, then it would seem only wise that we should so arrange it that we could exchange commodities. Now, there are two countries, lying close at hand, and both approachable by water from the very center of western production, that want exactly these very things and have what we want—I mean Cuba and Mexico. Vessels could be loaded on the Mississippi and its great tributaries—the Missouri, the Ohio, the Tennessee, the Arkansas, the Red River—and floated directly to a Cuban or Mexican port. But there is no reciprocity in the trade with those countries. Coffee, which we import largely from Cuba, is admitted free to the United States. But if we wanted to take our products there we could not do it, because the tax in Cuba on a bushel of corn brought from the United States is 40 cents, on an American horse $55, on a mule $19, on a barrel of flour $8, on lard 3½ cents per pound. These duties are prohibitory, and effectually shut out the products of the West from the Cuban markets. Nobody can afford to take horses there when he has to pay a duty of $55, nor corn when the duty is 40 cents a bushel.

The Mexican rate of duties is still more excessive. There should be an immense demand for our western products there; but the aggregate tax upon American commodities is about 96 per cent. Mexico has a population of about 10,000,000, and is an adjacent country. Yet of all the commerce with that country the United States has only about 10 per cent.

If, therefore, our treaty-making power should endeavor to bring about a change in these respects, and should open up the trade of these two countries for us, the West would no longer have to transport her products across the continent to the Atlantic Ocean, then across the ocean to a precarious and uncertain market in Europe, where the competition of Russia is so great and strong. Cuba and Mexico are the countries of gold and silver. These we could get in addition to the other products of those countries, and thus be more able to pay our European indebtedness.

Thus, Mr. President, by a wise economy we could avoid more taxation, and by skillful diplomacy we might open up a near market for the products of our great West.

Mr. MORTON. Mr. President, I will say a word or two in regard to this bill, and in the first place a word as to the sinking fund. The act of 1862 which authorized the issue of 5.20 bonds contains a provision devoting the customs receipts to the following purposes:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States—

Not the $500,000,000 loan provided for in this act, but "the entire debt of the United States"—

to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

One per cent. of the receipts from customs to be set apart for the payment of the entire debt; a prospective provision looking forward to the accumulation of a public debt in the prosecution of the war not to be limited to this act. It has never been so understood. I never heard that idea advanced before to-day. It has always been recognized as a sinking fund applicable to the whole debt of the United States, and several enactments subsequent to this time certainly recognized that fact.

The act of 1864 spoke of the sinking fund as an obligation. The act of 1870 made an appropriation annually for that purpose. So that I think it may be accepted as an established proposition, first, that the sinking fund was to be applied to the whole debt and not to the first $500,000,000; second, that 1 per cent. was to be applied annually without regard to any extra amount that might be paid upon the debt in one year. It was to be a gradual extinction of the public debt. That assurance was given to our creditors. We borrowed money upon the faith of it, that we would set apart so much every year toward the payment of that debt. It was a part of our credit.

The Senator from Ohio [Mr. THURMAN] says that is not a contract. It is in equity a contract, but whether it is properly a contract or not, it is a public pledge given by the Government in advance to every man who would lend money to the Government that enough of the receipts from customs to amount to 1 per cent. of the entire debt shall be set apart every year to the payment of that debt.

Mr. President, this sinking fund differs from that created by the government of England in this: It will be remembered that after the Napoleonic wars Mr. Pitt brought forward the scheme of a sinking fund which would pay the debt of England; I forget now in how many years, but at a period which would have already transpired. The bill passed. The fund was created. It was kept up for some years. Then it dropped behind in bad times; I believe the first year about a million of pounds sterling, the next year two or three millions. It finally got behind ten or fifteen millions, and then it was abandoned. If that sinking fund had been kept up according to the original plan the public debt of England would have been paid before this time; but it first got behind a little, then a little more, until the deficiency became so great that they could not pay it up very well, and it was given up. So it will be with our sinking fund. It will be behind on the 1st of July next, according to the present estimate of the Secretary of the Treasury, $35,000,000. If we make no provision for it, a year from this time it will be behind $50,000,000, and then the deficiency will be so great that it cannot be made up, and it will be given up; and this will be the first blow struck at the validity of our national debt.

I understand the Secretary to say that he feels it to be a duty resting upon him, imposed upon him by the most positive provisions of the law, to take from the customs receipts enough money to make this sinking fund good, and that without regard to the deficiency in the revenue for current expenses. I presume I shall violate no confidence if I state that I heard him say to-day upon this floor that he feels it to be his duty to take enough of the money in the Treasury now to make this sinking fund good, without regard to what may be the current expenses of the Government. Undoubtedly, the law makes that his duty. It says it shall be set aside, and he has no discretion in the matter. Suppose he does that. Then on the 1st of July next there will be a deficiency of $35,000,000 in the current expenses of this Government.

The Senator from Ohio [Mr. SHERMAN] admits that the sinking fund must be kept up. He admits its sanctity. He says the Secretary of the Treasury is bound to take enough of the customs receipts to make the sinking fund good from year to year, and that he has got no discretion about it—I so understood him—but he says that we can get along by failing to build public works, by stopping the work on custom-houses and post-offices in the different States, and the river and harbor improvements; that in that way we can save enough money to replace that which was taken out of the customs receipts for the purpose of making the sinking fund good. Now, I beg Senators on this floor to consider that proposition very briefly. There is nothing more demoralizing in the public mind than the suspension of public works from a cause like that. If you see a custom-house or a post-office in Chicago, or Cincinnati, or Saint Louis standing still, the walls covered up, the work all suspended, there is visible evidence of the bankruptcy of the Government or of the incompetency of an administration. No more demoralizing spectacle could be presented than to have men turned out of employment, work suspended in your navy-yards, upon your harbor improvements, upon river improvements, the snags not taken out of the rivers, the sand-bars accumulating, navigation obstructed, when men who expected employment and have had it heretofore are idle—I say that no more demoralizing result than that can be brought about. I would rather see the Government borrow money to carry these things on than to do that.

Mr. LOGAN. I would like to ask the Senator a question. I do not want to discuss this bill; I do not intend to discuss it; but I see that the points which have struck me are left without any discussion. My question is as to the sinking fund. I should like to provide for the sinking fund myself, and at the same time I would like to have a bill that would not cripple my constituents in some other way. I find in this bill a proposition to tax whisky 90 cents, and not to levy that tax on whisky in hand but on such as shall be produced hereafter. I turn right over to another section, and I find that tobacco on hand is not excepted from the tax.

Mr. MORRILL, of Vermont. Yes; it is.

Mr. LOGAN. I beg pardon; tobacco on hand is not excepted, and I should like to have it explained. In reference to whisky it says:

That from and after the passage of this act there shall be levied and collected, on all distilled spirits thereafter produced in the United States, a tax of 90 cents, &c.

In reference to tobacco, I find this proviso on the second page, line 10:

Provided, That the increase of tax herein provided for shall not apply to tobacco on which the tax under existing laws shall have been paid when this act takes effect.

I should like to have some Senator reconcile these provisions and show why it is that tobacco on hand is taxed and whisky on hand is not taxed. Inasmuch as my constituents produce both, I should like to know something about that before I am asked to vote on the question of the sinking fund.

Mr. JOHNSTON. I will say to the Senator from Illinois that I have offered an amendment covering that very point, and that it is the question now before the Senate.

Mr. MORRILL, of Vermont. The fact of the tax being paid is evidenced by a stamp that is placed upon the tobacco. Any one who has tobacco already produced can easily procure the stamps and place them upon it, and if the tobacco men are as sharp as the whisky men have been, they have already done it. I have no doubt that all the tobacco in the country that is ready for a stamp has already been stamped.

Mr. LOGAN. Very well, that is the point; but, if the Senator will allow me, suppose the whisky is stamped too?

Mr. MORRILL, of Vermont. Then the duty has been paid.

Mr. LOGAN. What duty? Not this new duty?

Mr. MORRILL, of Vermont. The old duty; and it is the same with the tobacco.

Mr. LOGAN. But suppose the whisky is not stamped, then how is it?

Mr. MORRILL, of Vermont. Then it will be subject to the new duty.

Mr. LOGAN. I beg your pardon. The bill says:

That from and after passage of this act there shall be levied on all distilled spirits thereafter produced, &c.

But with tobacco it is different.

Mr. MORRILL, of Vermont. We know, for instance, that there were eleven million gallons of spirits that were on hand in warehouse on the 1st of January, and that since that more than one-half of the duties have been paid and it has been taken out of warehouse.

Mr. LOGAN. Very well; but that does not mend the matter a particle. Now at Chicago, Quincy, Peoria, and other places in my State they produce whisky largely. In the southern part of the State they produce tobacco largely. The whisky that is on hand now is exempt from this increased tax of twenty cents; but the tobacco on hand now is subject to it according to the bill itself. Now I do not see how I can consistently tell the people in the southern part of my State that their product on hand is to be taxed, while the product of the people in the northern part of the State on hand is not to be taxed. That is what I mean. For instance, you have a large quantity of tobacco. Many persons will purchase it in the hogshead. That tobacco is on hand, and it is not stamped possibly; that tobacco has already been produced, but the very moment you put it in boxes then you put this additional tax on it although the tobacco has been produced; but whisky is exempt. That is this bill precisely, and no man can give it any other construction. If he can, he understands the rule of construction better than I do. I thought it was different, and I understood the bill differently until I read it carefully three or four times. A gentleman from the House came to me to try to explain it to me, but when he found he could not explain it he went back again. He told me that the bill was that all tobacco and whisky already produced should be exempt; but when I come to read the bill I find it is not so.

Mr. MORTON. When is the tax on the whisky to be paid?

Mr. LOGAN. The tax on whisky in hand, now produced, in barrels or kegs, under this bill, is to be taxed the old amount.

Mr. MORTON. The question I ask is, when is that tax to be paid; when the whisky goes into the warehouse?

Mr. LOGAN. When it goes out it is stamped.

Mr. MORTON. Out of the distillery?

Mr. LOGAN. Yes, sir.

Mr. MORTON. It has to go out of the distillery stamped?

Mr. LOGAN. Whether it is stamped or not, all whisky on hand is exempt. That is the language of the bill. But all the tobacco on hand has to pay the tax. That is a distinction and a discrimination that I think it will be pretty hard to explain.

Mr. MORTON. I have a few more remarks to make. There is one distinction between our sinking fund and that created by the English government to which I referred. That sinking fund was established after the debt was created. It was not a part of the contract It was not a pledge upon which the money was borrowed. In our case it is different. The sinking fund was created before the first 5.20 bonds were sold, and every dollar of debt created since that time has been upon the distinct pledge by the Government that 1 per cent. of the receipts from customs should be set apart every year for the payment of the debt. I may remark here that I understand that for the last twenty-five years no Government loan to any amount has been effected in the cities of Europe, in London or in Germany, that has not been accompanied by a provision for a sinking fund. Some three or four years ago Russia made a loan in London. The first attempt was without a sinking fund. The bonds were not taken, and although they were eighty-year bonds, they had to be withdrawn from the market until a sinking fund was provided by the Russian government and the pledge of that accompanied the bonds in the market. I imagine now that no European government could effect a loan upon any favorable terms in the money markets of England or Germany unless accompanied by provisions for a sinking fund.

The Senator from Ohio [Mr. SHERMAN] said that this tax of 90 cents on whisky could not be collected. I do not agree with him about that. I think that a tax of 90 cents can be collected very nearly or quite as well as a tax of 70 cents. You cannot reason on that subject from the condition of things when the tax was $2. At that time the machinery of collection was much more imperfect than it is now. It has been greatly perfected since that time, as we all know. If this tax is reasonably well collected at 70 cents, it can be at 90 cents. I understand that the head of the Internal Revenue Bureau is satisfied that such a tax as this can be collected.

But the Senator from Ohio says that this increase of 20 cents is a bounty for the owners of whisky in store. Now, can you lay a tax upon any personal property in the character of merchandise that does not operate in the same way? Could the Senator from Ohio conceive of a case that would not have that result? He is in favor of taxing tea and coffee. Suppose you put a tax on tea and coffee, will it not have the same effect precisely? Those who have large stocks on hand do not pay that tax. It is paid upon that which is imported after the passage of the law, and those who have large stocks on hand get the benefit of the increased price without paying any tax.

Mr. LOGAN. Why not let the man who has tobacco on hand get the increased price as well as the man who has whisky on hand?

Mr. MORTON. I have not paid particular attention to that point.

Mr. LOGAN. I beg your pardon.

Mr. MORTON. I am speaking now about the argument that this will be a bounty to the men who have whisky on hand. In every change of taxation somebody makes money. That cannot be prevented. If you put an increased tax on tea and coffee, that is the result to those who have stocks on hand. I think the statement was made by a member of the other House very recently, on the discussion of this bill—if it is in order to refer to it—that there was a stock of coffee on hand large enough to last twelve months. I think that is a mistake; but undoubtedly, since the President's message came into Congress recommending a tax on tea and coffee, there have been very large importations made or orders sent for both, and it has been bought up as far as possible, so that if you put the tax on them it is a bounty to those who have stocks on hand. If you were to put a tax on petroleum heretofore produced, it would be the same thing; so that whatever articles you put the tax upon it would be an advantage to those who have the articles on hand at the time. That is a necessity of the case that cannot be avoided, so far as I can see. If there is any way of getting around it it has not been pointed out to me.

Now, Mr. President, we have the question presented here to-day by the Senator from Ohio, [Mr. SHERMAN,] of taxing whisky and tobacco and sugar on the one hand, or tea and coffee on the other. I undertake to say that the imposition of a tax on tea and coffee would be more odious to the people of this country than any other tax that you could levy. They may be wrong about it, they may not be wise; but I believe it would be the most unpopular tax that could be levied. When you propose to put a tax upon tea and coffee, instead of raising the tax on whisky 20 cents and on tobacco 4 cents, you will find the popular judgment, I think, almost entirely on one side. When you tax tea and coffee you tax what every poor family in this country uses, the temperate as well as the intemperate, the poor as well as the rich; and whether it increases the price to them or not they think it does. The vote in the House was very significant of what the popular mind is on the proposition to tax tea and coffee. In the House it received but thirty-three votes out of nearly three hundred members. So far as the country is concerned, as to what will satisfy the country, there is no comparison between the proposition to increase the tax on whisky 20 cents and on tobacco 4 cents, and the proposition to tax tea and coffee. I find by reference to McPherson's Hand-Book that the proposition to make tea and coffee free was adopted without a division in this body in Committee of the Whole three years ago. The tax was repealed by common consent of all parties. The tax upon tobacco, increasing it 4

cents on the pound, would be far preferable to the great mass of the people to a tax upon tea and coffee.

The Senator from Ohio [Mr. SHERMAN] said that the question of taxing whisky was simply a question of collecting the tax; that it was not a question in any other particular. I believe the tax can be collected. He did not argue that by taxing whisky it would diminish the price of corn; that the farmer would suffer by a diminution in the price of corn. He did not argue that by putting an increased price on tobacco you would diminish the price which the producer of tobacco receives for the raw article. I think it would not have that effect. But the Senator from Ohio went on to make this argument: He said there was so much whisky in store that the price of that would be increased and there would be no new whisky manufactured until that which was in store was exhausted, and therefore for some months the Government would get no revenue. I think that is entirely fallacious. I think that when you increase the tax on whisky the price will go up at once and the manufacture will go on just as it has done before. Whisky is always kept on hand in large amounts and as it goes out new is manufactured. There is a steady, regular demand for it every month, and as that which is in store is consumed new whisky is made and put in store in its place, to be there ready for the market. I do not believe such a tax as this would stop the manufacture of whisky for any length of time. I think the manufacture would go on steadily. It might have been different when the tax went up suddenly from half a dollar to two dollars, on a former occasion.

In regard to the tax on sugar, it stands in the same attitude as a tax on tea and coffee, with this difference: A tax on tea and coffee protects nothing; it does not protect any industry that we have in this country; but a tax on sugar does give protection to a great industry in two States in this Union. It is certainly as legitimate to tax sugar as it is to tax tea and coffee, and in one respect it is more so.

Now, Mr. President, this bill does not suit me. If it could be amended, I should be glad to see it amended; but I understand the situation is such that if the bill is amended, it fails. If that happens there can be no increase of taxation until a year from this time, and then it will be several months after that time before increased revenues would come into the Treasury, and, as the matter is going now, by that time the Government would be fifty or sixty or even seventy million dollars behind. If you do not keep up the sinking fund, but take the money that belongs to the sinking fund and apply it to current expenses, the Secretary violates his duty directly, as he acknowledges, and this Government violates its trust. I want to speak this word of warning: If this sinking fund ever gets $50,000,000 behind, it will be abandoned, the idea of paying our debt in the next twenty, thirty, or forty years will be abandoned, and our debt will become what the debt of England is. We started out with the idea of its gradual extinction. I hope that idea will not be abandoned; that we shall adhere to it, and that we shall determine to pay something upon it it every year, at least 1 per cent. of the principal. There is a deficiency in the revenue. It will continue for some time to come. It is the result of the panic and of the consequences following upon the steps of the panic. Nobody is to blame for it, unless all parties were to blame in repealing the duty on tea and coffee, for that was the work of all parties in both Houses of Congress. It was not a party measure at all. The measure passed this body without even a division upon it. I say there is a deficiency of revenue for which nobody is to blame. It was brought about by circumstances over which we had no control. Shall we meet it, or shall we let this thing drag on? Shall the republican party be found at the close of 1876 in the condition that the democratic party was in 1860, when the current expenses ran ahead of the revenues largely? The credit of the Government was down and money had to be borrowed as late as February, 1861, to meet the current expenses of the Government. I hope that we shall have nerve enough to do our duty and impose those taxes that are necessary to carry on the Government.

Mr. STEVENSON. Mr. President, I shall vote against this bill as reported, and I desire briefly to state my reasons for that vote.

I am not insensible to the obligation imposed upon me to provide sufficient revenue for the payment of all just obligations of the Government and to keep the national faith intact. I trust I shall never become recreant to so solemn and imperative a duty. But I shall become an unworthy laggard to my senatorial trust if I did not demand of the dominant party proposing such taxation, first, clearly to point out and exhibit that such proposed increased taxation is absolutely essential to the payment of existing national obligations under an economical administration of the Government and for the protection of the nation's faith.

Now, Mr. President, this alleged deficit suddenly comes upon the country. I have looked back to the debates and especially to the speeches of the leading members in the House of Representatives of the dominant party during the past year, and no hint of existing deficits was there hinted at. I can cite a distinguished gentleman from the State of Massachusetts in the other House who proclaimed to the country but two years ago that the condition of the finances under the republican administration were in a most satisfactory condition; but now we are suddenly informed that there is a large deficit of forty millions; that the obligations and public faith of the Government urgently demand an increased taxation as absolutely essential to uphold and preserve the credit of the United States.

If such necessity for increased taxation be true, I must still insist as a condition precedent to my support of the pending bill that the required revenue should be raised by uniform and equal taxation and not by an unjust, unequal, discriminating tax upon the productive industries of the people whom I in part represent on this floor, to the exclusion of other subjects of taxation which, in my judgment should be required to contribute to the common burden and which are not included in the pending bill.

This pending bill is subject, in my opinion, to both objections stated by me.

I am not satisfied that the public credit demands the passage of this bill. If, therefore, any reduction of appropriations for the next fiscal year can be safely had, or if an economical diminution of the ordinary expenses of the Government can be accomplished and thus dispense with the proposed increased taxation, it becomes the highest duty of the Senate to reject this bill. When we look to the past and realize at what a fearful sacrifice and under what oppressive taxation the obligations of the Government and its public faith at home and abroad have been upheld and preserved with unflinching fidelity, none can doubt both the nation's willingness and the nation's capacity to preserve to the letter and spirit that nation's faith. The people have patiently borne for years both during and since the war, a rate of taxation which has been literally frightful. Internal-revenue taxes alone have been levied, which, had they been hinted at during the debates on the Federal Constitution, would have defeated its adoption.

It must, however, not be forgotten in this connection that prosperity and success almost unparalleled in our past history have blessed the efforts and industry of all classes of our enterprising people. It was under that success that this high rate of taxation was imposed and cheerfully paid. We had at that time flush times. But things have changed. Depression has followed, and our country has been passing through a crucible of financial disorder and of commercial and industrial distress unparalleled in our history. Congress must be mindful of that fact. It must not by unwise or unnecessary legislation increase their burdens. Let us make haste slowly. Business in certain branches of trade and industry begins to revive and to inspire the hope that we have passed through the darkest hours of financial trial, and that the bright beams of our former prosperity are again about to bless and gladden our land. But remember, Senators, that point has not yet been reached. Far from it. That prosperity may greatly depend upon the helping hand which Congress shall afford to all classes of enterprises and industries by abstaining from any unnecessary burdens of largely increased taxation. Is, then, the condition of the country at the present moment such as to bear this increased taxation without danger of renewed financial trouble and disaster? Is it wise, is it just to impose hardship and increased burdens now upon industries that can illy afford to bear it unless an imperious and pressing necessity demands it?

Mr. President, this present alleged deficit of the revenue is in the opinion of some of the wisest and most experienced financiers, composed alike of statesmen of both political parties, more fanciful than real. *If this be true*, this bill ought to fail. Before increased taxation takes the form of law, let our wasteful and lavish appropriations cease. Let us cut our garments according to the cloth. Let the millions of useless and wasteful expenditures of public money be given up before any increase of taxation upon a suffering and embarrassed people shall receive your sanction.

Many of the appropriations to the amount of millions can wait; many that are contemplated can be suspended without public inconvenience; and that, in my judgment, would be the whole extent of the inconvenience resulting from our failure to pass the pending bill, while its rejection would be a measure of incalculable popular relief by rendering increased taxation unnecessary.

One single bill not yet acted on at the present session of Congress will probably contain $22,000,000 of money for miscellaneous appropriations. Many of them to the amount of millions might be dispensed with for years, many of them forever. The practical question which I then put to the Senate and which I put to the country is, had Congress not better cut off these unnecessary expenditures, wait until more prosperous times for a revival of trade? and then increased taxation will be unnecessary now or hereafter. An abandonment of these appropriations for objects which the country can well afford to wait will be the only inconvenience from our failure to pass this bill, while its rejection would be a measure of incalculable relief to the burdened and oppressed people of this entire land. Such are some of my old-fashioned democratic views. One of the worst symptoms of the times is the popular belief that the Federal Government is to do everything, to embark in every enterprise, and to furnish money to every enterprise, however visionary. Such was not the faith of our fathers. But the unsound, latitudinarian views that now prevail in expending money for everything only the more sternly demand the retrenchment and economy I insist upon and forbid increased taxation.

I beg the Senate to make economy the rallying cry, and united action of both political parties; let there be retrenchment and reduced expenditures in every department of this Government. Why expend three, or four, or five, or six hundred thousand dollars on this Capitol at the present session? Especially as such appropriations contemplate mere decoration. Such vast expenditures add not one iota to

the utility of the Capitol. While I am willing to make necessary appropriations, I demand in the name of a suffering, oppressed people that you shall wait for better times before you expend millions upon mere follies? Then thousands upon thousands of dollars, nay, millions, may be dispensed with on your fortifications, as to many of which it is a waste of money and which General Sherman himself deems unnecessary. In how many ways can retrenchment be practiced and the sinking fund be kept intact, and yet sufficient of revenue be had for all the necessary demands of this Government? But were I to acquiesce in the necessity of increased taxation I should never support the pending bill, which I regard in its absolute, unjust, and unequal discrimination in the mode of the proposed increased taxation as a bill of abominations.

Mr. President, the excellence of all governments must rest on justice in its administration. If injustice characterizes its action toward its people then it fails of its objects, and is a sham and a cheat. I know no exact standard of equality in taxation is allowable; but, sir, no one can deny that equal uniformity can be approximated. Upon what principle of justice is it that the industries of a few States by this bill shall be made to contribute two-thirds of the entire revenue of the Government? The ease with which taxes are collected upon such industries affords no strength or support to the injustice in their imposition.

Senators tell us that the people do not feel a whisky tax. They tell us that people do not feel a tobacco tax. Why do they not feel it? Need I tell the American Senate that every people feel any tax a burden which taxes unjustly their industry and reduces their production. Why raise a tax which will diminish your revenue and tend to fraud by the evasion of your revenue laws? Could the framers of the Constitution have ever supposed that the Government would resort to an excise internal tax on the productions of certain States the Government would never have been formed. While I do not deny the power to levy this tax I desire to cite in support of the statement a citation from the debates on the power of Congress to tax exports or to tax the trade between the States in the convention which framed the Constitution. I quote from the Madison Papers, volume 5, page 455, as follows:

Mr. ELLSWORTH. It is best as it stands. The power of regulating trade between the States will protect them against each other. Should this not be the case, the attempts of one to tax the produce of another passing through its hands will force a direct exportation and defeat themselves. There are solid reasons against Congress taxing exports. First, it will discourage industry, as taxes on imports discourage luxury. Secondly, the produce of different States is such as to prevent uniformity in such taxes. There are indeed but a few articles that could be taxed at all, as tobacco, rice, and indigo; and a tax on these alone would be partial and unjust. Thirdly, the taxing of exports would engender incurable jealousies.

Thus spoke Mr. Ellsworth. Hear Elbridge Gerry:

Mr. Gerry was strenuously opposed to the power over exports. It might be made use of to compel the States to comply with the will of the General Government, and to grant it any new powers which might be demanded. We have given it more power already than we know how will be exercised. It will enable the General Government to oppress the States as much as Ireland is oppressed by Great Britain.

It will tax certain industries in the States to the exclusion of others, and will make the burdens too heavy to be borne.

Again, hear one of Virginia's strong men, George Mason:

Colonel MASON. If he were for reducing the States to mere corporations, as seemed to be the tendency of some arguments, he should be for subjecting their exports, as well as imports, to a power of general taxation. He went on a principle often advanced, and in which he concurred, that a majority, when interested, will oppress the minority. This maxim had been verified by our own Legislature (of Virginia.) If we compare the States in this point of view, the eight Northern States have an interest different from the five Southern States; and have, in one branch of the Legislature, thirty-six votes against twenty-nine, and in the other in the proportion of eight against five. The Southern States had, therefore, ground for their suspicions. The case of exports was not the same with that of imports. The latter were the same throughout the States; the former very different. As to tobacco, other nations do raise it, and are capable of raising it, as well as Virginia, &c. The impolicy of taxing that article had been demonstrated by the experiment of Virginia. (*Madison Papers*, volume 5, pages 454–456.)

These were the opinions of our fathers. What would those revolutionary sages have said if, in that convention which framed the Constitution, power should have been given to some of the States to impose an unequal excise tax upon the agricultural industries and production of a few States? Now, the mere intimation of the exercise of such a power would have defeated the formation of the Government. Gentlemen smile at my assertion. Some Senators would laugh at George Washington if he were to rise from the grave and quote or interpose the Constitution, a bulwark against the dominant party in their unlimited power to tax anything and to discriminate as they please.

Now, Mr. President, this bill proposes to increase the duty on tobacco and whisky; and, if the increase prevail, it must operate unjustly and injuriously to the interest of the producer and the manufacturer of tobacco and of whisky, especially of the former article. I assert it, too, that this bill discriminates most unjustly and arbitrarily in the proposed increase of 4 cents on manufactured tobacco.

In the last nine years tobacco has contributed to the revenue of the United States $267,843,015.97. The States of Missouri, Kentucky, Virginia, and North Carolina are the four States which have mainly, by their industries, contributed the major portion of this large amount to the Treasury of the United States. You now propose to increase the tax on tobacco. Think of it, Senators. You already tax tobacco 20 cents, and still you desire an additional burden. Senators, you have the power do it, but it is unwise, unjust, and will defeat your object.

The first objection I urge to this increased tax upon tobacco is that it will not increase your revenue one dollar. It will diminish it. It will also check consumption. If this be the result, why enforce the tax? Every grower of tobacco is directly injured to the extent of the diminution in the demand for the raw leaf. This has been the result of our past experience in the internal taxes on whisky and tobacco. The higher the tax, the less the revenue. When the tax on whisky was $2 per gallon we collected little upward of thirteen millions of revenue; while the tax when reduced to 50 cents yielded more than $33,000,000.

The same experience applies to tobacco. When we proposed to reduce the tax of 32 cents to a uniform tax of 20 cents, it was earnestly urged by the opponents of that reduction, backed, too, by the then Secretary of the Treasury, Mr. BOUTWELL, that the Treasury of the United States would certainly lose $3,000,000 if such diminution of the tax prevailed. The reduction took place. Both taxes of 16 and 32 cents were fixed to a uniform rate of 20 cents. What was the result? How were the predictions as to a loss of revenue fulfilled? Let me tell you. At the rate of 32 and 16 cents tax upon tobaccco the amount of revenue received from that article was $33,570,000. The amount of revenue received after the reduction of the tax to a uniform standard, instead of a decrease, exceeded $34,000,000. Again: During the second fiscal year, after the reduction of said tax, and after the panic whose blighting effects upon every species of business is still fresh in the memory of the country, the revenue receipts on tobacco were $33,200,000. But for the monetary panic the receipts from tobacco would have exceeded thirty-five millions. In proof of this I state that during the first quarter of the present fiscal year the tax received on tobacco is $10,000,000, which, if it continues, will, from tobacco alone, pay into the Treasury $40,000,000, a point never yet reached in the revenue receipts from this article.

The Commissioner of Internal Revenue has strongly urged the continuance of the tax upon tobacco at the present uniform rate of taxation of 20 cents. In two of his annual reports he has strongly approved of the existing tax. Although the tax of 20 cents has not had a full and fair trial, it has exceeded the Commissioner's most ardent expectations. The existing uniform tax has shown wonderful results. Then, Senators, why will you disturb it? Why attempt to increase it? *Cui bono*? In whose interest and for what purpose is this unjust and oppressive discriminating tax to be imposed? Nor is the present uniform rate of taxation upon tobacco in its beneficent operation limited to an increase of revenue. The decreased tax has stimulated consumption, and consequently increased the production of the raw material. That, of course, benefits the planter. The impolicy of an increased tax on tobacco is exhibited in the startling fact that while 10,000,000 pounds of the manufactured article is exported, more than 200,000,000 pounds of leaf tobacco in its raw state seeks a foreign market.

So, too, out of the 118,000,000 pounds of tobacco manufactured in the United States only 10,000,000 find a foreign market, the difference between these two amounts being consumed in the United States. Many of the poorest and worthiest of our operatives, white and colored, are among the consumers of this article. Is it just, is it politic, is it wise to make the poor sailor, soldier, or operative pay this increased burden for the little tobacco consumed by them? If you desire to increase revenue, do not disturb this tax. Why abandon the present tax, which has proved so successful in its results? Why experiment in increased burdens when existing ones are so successful? Let well enough alone. Do not by unjust taxation diminish the manufacture of this article in the United States; you will drive the raw material to Canada and other foreign countries for manufacture. This would diminish the amount of manufactured tobacco now contributing so largely to your wants for increased revenue.

Senators, in additon to the tax of 20 cents now imposed upon tobacco, you increase the burden by the high tax on the ingredients which enter into the manufacture of this article. You have a tax of 9 cents in gold on licorice, which you propose to increase to 10 cents in gold, besides a high tariff on sugar. Both licorice and sugar are ingredients in the manufacture of sweet tobacco. It is not often that Congress taxes a raw material. This bill proposes to increase the tax 4 cents per pound on tobacco, but also to increase the tax on licorice and sugar. The manufacturer of tobacco is to pay an increased tax on licorice and sugar as well as an increased tax on manufactered tobacco of 4 cents. The drawback which is usually allowed on other constituent elements in manufactured tobacco is denied on the manufacture of tobacco. Why discriminate so unjustly and unequally both in the ingredients which enter into the manufacture of the staple of a few States and at the same time increase the tax on the manufactured article itself? But the injustice and inequality does not stop there.

I believe it is a fair estimate that every pound of sweet manufactured tobacco contains about 5 per cent. of licorice, to say nothing of the sugar. Estimating the tariff duty on licorice at 9 cents in gold, proposed to be increased by this bill to 10 cents, and what is the result? Upon every thousand pounds of sweet tobacco the manufacturer pays a tax of $200; but in that quality of tobacco estimate 50 pounds of licorice as one of the ingredients. That ingredient pays a tariff duty of 9 per cent. in gold, and in addition an excise tax of 4½ per cent. on the licorice, amounting to $14.50 additional, irrespective of the ingredient of sugar. Therefore, under the present rate of taxation, the 1,000 pounds of sweet manufactured

tobacco will be taxed $214.50, and still you insist upon a further tax. Insist upon it, too, with the light of past experience that its imposition will bring less revenue than at the present tax. Do you wish to drive the leaf-tobacco of Kentucky, Virginia, and Missouri to Canada and other foreign countries, where it can meet the ingredients free of duty, and where the cost of its manufacture will be diminished? Already large quantities of the leaf go to Canada? Do you wish to discourage both the consumption and manufacture of tobacco by rash experiments in taxation? Will you take no lesson from the experience of the past that high taxes on whisky and tobacco diminish the revenue?

I beg you, Senators, to pause ere you do such injustice to the manufacturers of tobacco and to the growers of it, which this bill will entail upon them. Let no action of yours diminish the manufacture of this great staple in our own country. Such must be the operation of your proposed legislation. Do not strike at the labor and capital invested in the manufacture of tobacco.

I am surprised at some of my republican friends in their advocacy of this tax upon another ground: the dominant majority claim that they are the exclusive friends of the colored race. It was but yesterday, or the day before, that the honorable Senator from Vermont [Mr. EDMUNDS] read us a lecture on this side of the Chamber——

Mr. EDMUNDS. I did not read it.

Mr. STEVENSON. I beg the Senator's pardon. He did not read, he spoke it; and spoke as he always does, earnestly and well. He is always interesting and commands the attention and respect of the Senate whenever he speaks. His speech, as usual, was an indictment against the democratic party. It was pressed with ardor. He charged that the Democracy were the enemies of the colored race, opposed to freedom, opposed to all recognition of any of their rights, oppressive in their treatment of them. The Senator was more earnest than just. His indictment was not supported by the facts. We deny all inhumanity to the colored man. We protest against the charge that we are not his friends. We desire to withhold from him no right that the Constitution accords him. But for myself, and I speak for myself alone, it is true that I would not, if I had my way, place the colored race in positions for which they are not competent to fill.

I would be just, humane, and do all in my power to contribute to their prosperity and happiness. But I am not for civil-rights bills. I am not for elevating a race which for four centuries, under God's providence, have been shut out from the light of freedom, and demand the privileges of education and culture, without qualification, without knowledge, without experience, elevated to high positions of trust and responsibility, for which most of them are not prepared. Especially will I never contribute to this result in order to get their political support. I will give them the rights which the Constitution accords them. I will aid in their improvement and advancement, but when, without education, you ask me——

Mr. EDMUNDS. Why was he not educated?

Mr. STEVENSON. Why were they permitted for four thousand years to be slaves? Why have not negroes been educated everywhere? Because, like all inferior races, they have been made subservient to their superiors. Why have they not been educated in the colonies of England? Why have they not been educated in Jamaica or San Domingo? Why not educated or elevated in the Northern States? Why not in Vermont? Why have not the constituency of the Senator from Vermont manifested their zeal in placing the colored citizens instantly on the platform of political equality by elevating them to legislative and judicial positions? Simply, I presume, because the good people in that section did not think the colored people qualified for such civil or political elevation. In my own Commonwealth we are providing in our own way for the education of this race; and—the North, not the South, was responsible for the continuance of slavery.

Mr. EDMUNDS. We also did in New England.

Mr. STEVENSON. And because we refuse to elevate or refused to recognize the colored race as fit for such positions of governmental trusts or social equality we are assailed as a party. Sir, I repel indignantly the insinuation, come from where it may, that I am not as humane, as just, and will not go as far as the farthest in kindness to the colored man in according him his rights under the law; but I will never agree to elevate him to a position of either social equality or political equality and promotion, unless I believe he has the elements to discharge his duty properly and intelligently to the whole body-politic.

But, Mr. President, to come back to this bill. A more fatal blow at the prosperity of the colored race was never struck than will follow the passage of this bill. The manufacture of tobacco is the only manufacturing industry, besides agriculture, for which the colored race has ever shown the least capacity. In that he exhibits both skill and aptitude. There are in the city of Richmond, as I learn at this moment, 5,000 colored people engaged in the various tobacco manufactories in that city, with 20,000 dependent on that labor. Add Lynchburgh, Danville, Petersburgh, and the number of colored operatives employed in tobacco manufactories, and you might swell their number and their dependents to 75,000. Are these people to be discharged? If your legislation shall cause the capital thus employed in this industry to be diverted, such must be its effect.

The very fact that these colored operatives are employed in such large numbers by southern people in Southern States is a full answer to the imputation that they desire to oppress that race. Let me tell the honorable Senator from Vermont that the North not the South is responsible for the continuance of slavery for years and years, and that when southern men proposed to abolish it the North and East said "No, no; not yet!" They wished their ships to be employed in the carrying of slaves.

Mr. EDMUNDS. Who were responsible for its final abolition?

Mr. STEVENSON. The war was the direct agency in the abolition of slavery.

Mr. EDMUNDS. I suppose the Senator claims the benefit of abolition by the war?

Mr. STEVENSON. No, sir; I claim no such thing. I have taken to myself no credit for the extinction or continuance of slavery. I am defending myself and those with whom I agree politically from the assaults of the Senator from Vermont, which are wholly undeserved. If he goes back into that history to hold the democracy responsible for slavery, I tell him, and I am prepared to prove it, that it was the North, actuated by pecuniary considerations, and not the South, that continued the existence of slavery and the slave-trade. But enough of this discussion.

I repeat that this increased tax and unjust discrimination against the manufacturer of tobacco is a direct blow to the colored laborer. It cannot be gainsaid. But there is another reason why I oppose this bill. It discriminates unjustly against tobacco in another particular, to the exclusion of other objects of taxation in the bill. The fifth section of this bill says:

That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard—

O, no—

and bound to the United States on or before the 10th day of February, 1875, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

Why not apply that exemption to tobacco? Why do you exclude tobacco on hand and in bond from this same exemption that you give to foreign goods on shipboard? Every Senator knows that all the tobacco in the factories is in bond. Why require a tax on tobacco on hand and exempt whisky? Why exempt goods, wares, and merchandise on hand from tax, and yet exclude tobacco from its operation? You know the large quantity of manufactured tobacco on hand; you know the scarcity of money and how hard it is to be raised, especially in the Southern States; you exclude merchandise on hand and on shipboard; you exclude whisky in store; but you impose it on tobacco. How unjust, how unequal, how oppressive! Then the bill provides—

That whenever it shall be shown to the satisfaction of the Secretary of the Treasury, by testimony under oath, that any person liable to pay the increased tax by this section imposed had, prior to the 10th day of February, 1875, made a contract for the future delivery of such tobacco, cigars, and cigarettes, at a fixed price, which contract was in writing prior to that date, such tobacco may be delivered to the contracting party entitled thereto, under special permit from the Commissioner of Internal Revenue provided therefor, without previous payment of such additional tax; but the said additional tax shall be a lien thereon, and shall be paid by and collected from the purchaser under such contract before the sale or removal thereof by him, and when demanded by the collector of internal revenue for the district to which the same shall be removed for delivery to the purchaser.

That clause imposes a tax on the manufacturer, as I will demonstrate. If I on the 10th day of February as a manufacturer of tobacco had concluded a written agreement with the honorable Senator from Illinois [Mr. LOGAN] to sell him one thousand boxes of manufactured tobacco at a fixed price to be delivered at a future day, the Senator from Illinois would on the passage of this bill decline to execute the contract. He would say, The Government has put an additional tax of 4 cents a pound on the tobacco since my contract; I cannot afford to pay it, and I therefore decline to comply, and the contract is at an end. What, then, becomes of the one thousand boxes of tobacco? The purchaser declines, the increased tax falls of course upon the manufacturer.

Now I put it to Senators to say why single out for taxation a solitary industry for unequal and oppressive taxation. It is unjust to all the tobacco States, but especially so to Virginia and North Carolina, which have not recovered from the effects of the war. Why increase the burdens of this already oppressive taxation? Why not tax other branches of business? Why not tax brokers' sales? I insist that it is unjust. I insist that it is unequal. I insist it is an unequal discrimination unworthy the representatives of a free people. Why create resistance to your taxes? Why make your burdens so unequal as to invite fraud in escaping the payment of your internal excise taxes? It will in every aspect operate injuriously, and I deny your equitable right to invite capital into the manufacture of a particular and special industry at a specified rate of taxation and then suddenly increase the tax without exempting the stock on hand.

So, too, the same might be said in regard to whisky; but that discrimination is not half so oppressive and unjust as it is in regard to tobacco. The whisky in bond is exempted—the tobacco is not. I deny that the poor faithful white or colored operative, when he requires all the little earnings that his manual labor can afford for the sustenance of his family, should contribute an equal tax in his consumption of either tobacco or whisky into the coffers of the United States Treasury, when there are so many objects of revenue, which if subjected to moderate taxation would produce millions of revenue that

now escape all taxation. Yet, how do Senators reconcile such glaring injustice? Why not amend this bill and exempt tobacco on hand? Why oppress one class when your oppression will not increase your revenue?

We collected with a tax of 50 cents a gallon upon whisky more revenue, in my judgment, than you will ever collect again at any larger amount. You may put it to merely 70 cents; you may put it up to a dollar or even two, and your revenue will be diminished one-half. The statistics of the internal revenue will attest the truth of this statement. You invite fraud on your revenue when you increase your tax beyond the point which the manufacturer can pay.

By way of illustration: when whisky was taxed $2 per gallon the whole amount of whisky made in the United States amounted to 6,000,000 gallons, when we all know that Kentucky alone made very nearly 50,000,000 gallons; and that is always the case when you attempt to levy unjust taxes which the industry will not bear.

Senators, protection for protection's sake has been a curse to this land. It has driven our commerce from the seas, it has paralyzed industry, and has oppressed our people. It is time that legislation for privileged classes had ceased. I am for imposing taxes for the object of revenue, with incidental protection, in this bill.

And now, Mr. President, not intending to say when I arose half of what I have said, I shall cease to tire the Senate. I am not satisfied that, with rigid economy in our expenditures, the present revenue is not sufficient to dispense with increased taxes. Even if it was not, then I demand and insist, before you increase the taxes on the industries of Missouri, Virginia, Tennessee, Kentucky, and other States, that you shall stop your wasteful expenditure of the public money. The Senator from Vermont [Mr. MORRILL] desires to spend $300,000 for the decoration of this Capitol. He wishes to put certain abutments around the base of the Capitol at this session, which will cost the amount stated.

Mr. MORRILL, of Vermont. My friend the Senator from Kentucky when we had made an appropriation for Covington desired to have it increased for the adornment of Covington at $150,000, and at his importunity I induced the committee to report it.

Mr. STEVENSON. I never, Mr. President, have demanded one dollar for the decoration of a public building in Covington or elsewhere. I did demand for my State and for my city at the hands of this Government the erection of public buildings, as I had a right to do. When Maine and Vermont and small States have public buildings at three or four points, then I say a city like Covington is entitled justly to a plain, substantial building that shall not cost, with ground included, more than $250,000. No, Mr. President, the public interests demand the speedy erection of our public buildings in Covington and the enlargement of the custom-house at Louisville. That is all I have asked, and that the public interests demand. Nothing that in his judgement does not tend to the public interests has the Senator from Kentucky ever demanded. He would prefer to borrow money if the public credit demanded it rather than to vote for the irregular taxation imposed by this bill.

When the evil protective policies of the dominant party cease, the country will prosper. When arbitrary power is rebuked and the Executive is restrained within the limitations of the Constitution; when subsidies of $500,000 or $1,000,000 a year are given up, then prosperity and low taxes will be inaugurated. If we desire to perpetuate free representative self-government, let us show our faith by our works—uphold the Constitution, practice economy, preserve the rights of the States.

I cannot give my assent to this bill, and I hope it will be defeated. If I have spoken warmly, it is because the interest of those who have made me in part the guardian of their rights have demanded a protest of the injustice which its provisions will impose upon them. Time will show whether my predictions as to the loss of revenue are true.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Virginia.

Mr. JOHNSTON. I desire to say a word on that amendment. It is hardly necessary to do so after what was said by the Senator from Illinois and the Senator from Kentucky; but it is a matter of such gross injustice that in the same bill in which we tax liquor and tobacco and impose duties upon articles from abroad, you only tax liquor to be made hereafter, and only tax goods to be imported and bought hereafter, while you tax tobacco already made and on hand, that I desire to say a word about it.

The first section of the bill distinctly declares—

> That from and after the passage of this act there shall be levied and collected on all distilled spirits thereafter produced.

All the liquor already made pays the old tax. The new tax is only to be applicable to the liquor hereafter to be made. And so in the fifth section it is provided—

> That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard and bound to the United States on or before the 10th day of February, 1875, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

Then goods already in warehouses, goods on deposit in public stores at the date of this act are exempt from the increased tax imposed by the act; but how is it in Virginia and other Southern States, where large quantities of tobacco have been manufactured and are now in bonded warehouses, made when the tax was 20 cents a pound? That tobacco stands exactly on the same footing as the liquor stands, and yet the proposition is to exempt the old liquor and old goods and impose a tax on the old tobacco. It is a piece of such gross injustice that I cannot imagine that the Senate can insist upon it. It is plain that it is so. There cannot be any doubt as to the meaning of the bill. The bill is as plain as possible, and unless it is amended we shall be guilty of the gross injustice of seeming to make a discrimination and making it against an interest that is produced in the States that would suffer most from any increase of taxes, against a class who suffer more than any other class.

The Senator from Kentucky has shown to the Senate how much the laboring class of colored people in the South will suffer from this tax. The colored people are the skilled mechanics in the manufacture of tobacco. Go to the tobacco manufactories and there you will find them filled with men, women, and children, boys and girls, four or five hundred in a single room, depending on it for a livelihood, all or most of them skillful hands. It is upon that class of people that this tax will largely fall, and it will have a bad effect upon wages and people.

Therefore I do trust the Senate will at least adopt the amendment I have proposed, so as to put tobacco on the footing of whisky and on the footing of imported goods already in bonded warehouses.

Mr. MERRIMON. Without entering on the discussion of this bill, which I should like to do if the hour were not so late, I move to strike out the first and second sections.

The PRESIDING OFFICER. There is an amendment pending.

Mr. MERRIMON. This amendment embraces the amendment already offered. Are not two amendments in order?

The PRESIDING OFFICER. The amendment of the Senator from Virginia is first in order.

Mr. MERRIMON. This amendment would embrace his amendment, if carried.

The PRESIDING OFFICER. The amendment of the Senator from Virginia is to amend the section. The amendment of the Senator from North Carolina is to strike out the section. The question first is on the amendment of the Senator from Virginia to perfect the section.

Mr. MORRILL, of Vermont. Mr. President, whether this amendment is important or not, I trust it will not be made. To me it seems very unimportant from the fact that I have no doubt that every possessor of tobacco, like every possessor of liquor, has availed himself of the notice which has been given of the pendency of this bill, and has already secured the advantage of the lowest rate of tax by paying his tax upon it. There is no sort of doubt in relation to the subject of liquors, and I presume that the dealers in tobacco are as wide awake as those possessed of spirituous liquors.

Again, Mr. President, there is something of a difference between the two subjects. Tobacco can only be produced once a year. "Hereafter produced" would apply only to the succeeding crop, coming into market in a year, whereas in relation to liquors, they are produced night and day, whenever the distilleries can get a supply of corn.

Mr. JOHNSTON. Will the Senator allow me to interrupt him? It is manufactured tobacco that this tax is upon, and that is produced day and night. Tobacco only grows once a year, but tobacco is manufactured every day and night, as liquor is.

Mr. MORRILL, of Vermont. That is true; but when it is manufactured they pay the duties and then they get the higher price for it if they make it before the higher duties are levied. If they do not manufacture it until afterward, then they not only pay but they get the higher duty, and lose nothing.

Now, a word in relation to this particular amendment. As I read the RECORD, I find that this proposition was proposed by a gentleman in the House of Representatives from Virginia, and it was made, as I suppose, precisely as he desired to have it, representing a land that produces more tobacco than any other of the Union. Now, in addition to this, let me say that all the tobacco that is raised in this country for export—and a very large share is raised for export—goes free of any tax whatever.

I do not desire to prolong this discussion; I only desire to perform my simple duty. If there is any one to whom it ought to give a pleasure to vote against this bill, or to find fault with it, I can say that perhaps it would give me as much personal gratification to find fault and vote against the bill as anybody; but I hold my public duty to be paramount here, and it is a duty that I desire to discharge faithfully to the country and to the Government. I know very well that it is much easier to find fault and pick flaws in a bill than to make one perfect. I have never seen one, either for taxes or duties, that I thought was perfect. I presume that is the experience of every member present. There never will be one that will accurately fit the minds and consciences of all men. They must be as a matter of course more or less the subject of compromise. The only question is whether we shall pass a bill that will enable the Government to conduct its business with decency and respect for the next coming year. I think that I have discharged my duty in relation to this bill, and I am ready that the vote shall be taken upon it and have the sense of the Senate thereon. If it shall fail, the responsibility will be upon those who vote against it. I do not desire to share any part, great or small, of that responsibility.

Mr. SAULSBURY. Mr. President, I do not propose to discuss this bill at this hour, though I had intended to make some remarks in reference to the subject. I wish to say, however, that this bill in my opinion is objectionable not so much in its details as in the absence of any necessity for increased taxation; and yet the details of the bill I conceive to be objectionable. I find by looking through it that an interest in which the people of the West are largely concerned is very heavily taxed; an interest in which the people of the Middle States are concerned is also very heavily taxed; while the fourth section of the bill is designed to benefit parties interested in the manufacturing and commercial interests of the country. The bill in its details, therefore, is objectionable; but I do not rise to discuss the details. I wish, however, to say that in my judgment there is no necessity for an increase of taxation upon the people of this country at the present time.

All that I have heard advanced in favor of imposing the taxation provided for in this bill is that it is needed to supply the wants of the sinking fund. It is apparent that since the sinking fund was first provided for by law there has been a greater reduction of the public debt than if there had been since 1862 a strict compliance with the law then enacted with reference to the sinking fund. There has been, I believe, about six or seven hundred million dollars of the public debt extinguished; and that is more than 1 per cent. of the public debt annually would have amounted to if it had gone into operation in 1862. The law which provided for the sinking fund was enacted in 1862, and yet no observance of that law was had until 1869.

Mr. SHERMAN. I do not want to occupy time, but I must correct the honorable Senator from Delaware. Although it was not kept formally as a sinking fund, yet in actual fact more than 1 per cent. was paid every year from the passage of the law.

Mr. SAULSBURY. That is true, I have no doubt; but yet the point I wish to make is that the payment was not made for the purpose of complying with that law; that while there was a reduction of the public debt, it was not done because of the mandate of the law of 1862.

Mr. SHERMAN. On the contrary, I can state from my own personal knowledge that both Mr. McCulloch and Mr. Chase held that it was a full compliance with the law to apply the 1 per cent. of the amount of the public debt to the payment or extinction of the bonds, and the bonds were actually bought, although there was no sinking-fund account opened.

Mr. SAULSBURY. That is the very point I make. No sinking-fund account was opened. I admit there was a decrease of the public debt, and there has been now a decrease of the public debt beyond what it would have been if there had been only a literal observance of the law of 1862. We have paid more than six hundred millions of the public debt, as I understand, and that is a greater sum than 1 per cent. annually on the public debt from 1862 to the present time would have amounted to.

Mr. THURMAN. I can give my friend the figures if he wishes them.

Mr. SAULSBURY. I shall be glad to have them.

Mr. THURMAN. The public debt reached its highest amount on the 1st of March, 1866, when it was $2,707,856,000. One the 1st of May, 1874, it was reduced to $2,145,268,000, being a reduction of $562,589,000. If the law had been literally executed in regard to the sinking fund, accumulating interest every year and applying that to the sinking fund, it would have amounted to only $525,000,000, so that there has been $37,000,000 more paid than the sinking-fund law required.

Mr. SAULSBURY. That was my understanding. Now it is urged that a literal compliance with the law establishing the sinking fund is necessary to maintain good faith to the bondholders of the country. Why, sir, every one knows that the legislation of Congress has been in the interest of the bondholders, to the detriment of the note-holders of the country. When the honorable Senator from Massachusetts was Secretary of the Treasury he labored assiduously and successfully to advance the credit of the Government abroad, to make the holders in foreign countries of the bonds of the United States satisfied as to the ultimate payment of that debt. I never thought that the policy pursued by the Secretary in that respect was a wise policy. While I had no objection to the bonds of the country being appreciated in value, I wanted to see the notes for which the Government was responsible, the greenbacks, advance in value in the hands of the holders in this country. The bonds of the country had been purchased at almost nominal values, and from an estimate which I have seen the clear profit, with interest upon the profit, amounts at the present time to over a thousand million of dollars, made by the holders of the bonds of the United States. Most of that went into the hands of the foreign bondholders, and they have no right to complain. In fact, I am sure they are fully satisfied that the Government of the United States will provide amply and fully for maintaining, at least at their par value, or probably at their present value, the bonds of the United States in the markets of the world.

There is therefore no necessity for a literal compliance with the law establishing the sinking fund for the purpose of complying with any contract, express or implied, with the bondholders of this country. And now is this a time to increase taxation when every interest of the country is almost paralyzed? We have a vast country, ample in resources; the very bowels of our earth are filled with mineral wealth; our fields are as fruitful as the lands of any country on earth; and yet our industries are to-day languishing. What is the reason of it? One reason is found in the fact that the energies of the people of this country have been crippled by taxation. Since the present Administration came into power there has been collected from the people of this country an amount equal almost or quite equal to the present existing debt of the country. In the last six years, according to your financial reports made by the Secretary of the Treasury, there has been an average of more than $300,000,000 collected annually. What has become of it? Not exceeding $700,000,000 of those $1,900,000,000 were required to pay the interest on the public debt, and from thirteen to fourteen hundred million dollars have gone either to the extinguishment of the public debt or been exhausted in the ordinary expenditures of the Government. This taxation upon the people of the country has trammeled the industries and the energies of the country. It is no wonder that we have hard times, no wonder that people are complaining, no wonder that men are out of employment, for the industries of this country have been crippled by the enormous taxes that have been drawn from the people. I am therefore against any increased taxation unless there is an absolute necessity for it. I would go as far as any Senator on this floor to maintain the credit of the Government and meet all its liabilities and meet all its obligations. But we have to economize; we shall have to come down to economy in our national expenditures as well as in our individual expenditures before we can have good times again. I find that when my income is shortened, I have to curtail my expenses; and that is the true policy for governments as well as individuals. Can we not economize? Is there any necessity that there should be now from one hundred and eighty to two hundred million dollars paid annually for the ordinary expenses of this Government? Why, sir, when democrats ruled this country you cried out that $70,000,000 was extravagant; you turned out Mr. Buchanan's administration because you said it was extravagant and because the resources of the country were not equal to the expenditures of the Government. Let gentlemen go back, let them bring back the expenditures of the Government to the strict principles of economy, and there will be no necessity for additional taxation; you will have all the money that you need, not only to meet the interest of the public debt, not only to carry on the Government and meet all its ordinary expenses, but leave ample means to provide for the sinking fund, if that is an object so dearly to be cherished.

Mr. President, I did not rise to enter into any discussion of this question, but I wished to record my vote and to raise my voice in opposition to increased taxation on the people of this country at the present time. In my judgment there is no necessity for it, and we ought to begin to economize and to take off the people the burdens which have been imposed by our extravagance as a government.

Mr. SPRAGUE. Mr. President, I propose to make a statement on this occasion. I hate at any time to rise to address the Senate, and especially at an hour so late as the present; and if there is no objection, as my remarks are merely intended for my own gratification and reference hereafter, I will ask permission that they may be taken by the reporter and printed.

Mr. EDMUNDS. No; that is a bad precedent.

Mr. SPRAGUE. It is not a bad precedent, because my statement, is very short, and it will not be of interest to any other Senator. It will only be of interest to me, and simply as a matter of record so as to be easy of reference hereafter.

Mr. EDMUNDS. I should like to ask the Senator from Rhode Island how long his remarks will be?

Mr. SPRAGUE. I cannot tell.

Mr. EDMUNDS. Then I shall be very glad to hear him. This thing has never been done. We ought to hear the Senator.

Mr. SPRAGUE. Mr. President, the people of the United States must abandon all hope of relief from Congress. Since the war no enemy could have exercised more injurious influence on business than has been effected by congressional and departmental action. Members of Congress cannot perceive that the stability of government and parties depends entirely on the stability of business, or that there are general laws that underlie the whole business system, which must be understood before any remedy can be adopted for their irregularities. Members of Congress are not familiar with business, and their profession, and its practice especially, unfits them to perceive the general laws that underlie it. Business men are only familiar with the business they have been educated into, and are also unfamiliar with the laws governing all business.

Congress is composed entirely, or almost entirely, of lawyers. Their occupation is that of conflict or war. The courts are the arena where the conflicts are decided, the sheriffs the arms which enforce the decrees.

Some have thought that the ancient way of deciding quarrels, by force of arms, developed a better manhood than is developed under our laws. The barons of the Middle Ages had quite as much social peace among their followers as any court in our land enforces among the people where it exercises jurisdiction.

The character of the persons composing Congress could not under any possible circumstances effect peace, for their nature and education are amid conflicts.

Business and industries languish amid social convulsion more surely than when the nation is engaged in war.

The conflicts which have engaged the attention of parties and the

Government since the war have been far more destructive to business and industries than while the war was being prosecuted.

Armed forces quartered on a people could not more thoroughly destroy industries than have the conflicts which have engaged business interests with one another since the war.

The Senator from New Jersey, referring to the late Senator Buckingham, referred to the moral influences which underlie society and the political influences that affect the outer surface of society.

Moral influences are one thing, political influences another thing. Political influence takes the form of political law, or that we recognize as law, while moral influence is of the people, originates in personal character, which, individually or in union with other individuals, directs and carries forward a community by carrying a c nsiderable number, the balance of the community accustoming themselves to it into a well regulated life, and the political law acts when the moral influences fail in direction and regulation. The political law is not to act until the moral influence fails, and then is to act separately. If the makers of laws could once understand when the law penetrates among the whole people it drives off the moral law there would be great gain to the people. What is it that prevents the moral influences from acting? It is obstacles, which come from a power that represents itself in rapacity, cupidity, and avarice. These usurp the moral influence in all communities. What can remove such obstacles? The same element which gives rise to them—money; money directed to form a current or influence about which all money and valuables will accommodate themselves. No political law can reach rapacity, cupidity, and avarice. These usurp the law and bend it to their power. No more can law operate when all moral influences cease in a community. A minister of the gospel would legislate according to the teaching and the dogmas of his church or religion; a doctor would legislate according to his practice; a business man would make laws suited to his particular business experience. Suppose Congress was composed of all ministers of the Methodist Church, or doctors of the homeopathic practice, or business men engaged in the packing of pork, or of men in iron manufacture, what would the people think? Would the people not properly attribute all evil times to that circumstance? Certainly, and with great good reason. How much more should they attribute the present deterioration to the fact that men removed from all connection with people, except in connection with these quarrels, have the supreme power in making the laws and directing the policy of the country. Therefore the people must abandon all hope of any relief from Congress. It would be simply a miracle should any good come to them. The days of miracles have passed.

Wherever there has existed a sacred sentiment in the hearts of any people, individual efforts to usurp it are unceasing, and success always in the end attends these efforts.

In this country the law has already usurped the Constitution and the liberties of the people; the law has usurped the sacred memories that hovered over the blue-coated soldier, and has prostituted him to its greed for power.

Centuries elapsed before those holding on to the sacred sentiments of the religion promulgated to the world by Jesus Christ and his expounders became aware that it had been usurped and prostituted to the vilest purposes, and they were worshiping instead the worst despotism, the most corrupt power, the world had ever witnessed.

The people of the United States had a sacred sentiment favoring the law, because to them it had a contrary appearance from the forms representing a monarchy, an aristocracy, a caste, or a class. This it is that enforces among them quiet, in them strength, under provocations that would have produced revolution everywhere where men are really free; and now in their weakness, they are forced into a submission more abject than that which exists among the lowest of men. Had one-tenth the enormities been practiced by a king, an aristocracy, a caste, a class, that has arisen in the name of the law, the people would long since have risen up and put an end to their suffering by striking down their oppressors.

Every usurpation that ever existed has in its turn fallen, its usurpations usurped by another.

What has usurped the law in this country? A power which, because of its irregular action, has become represented and controlled by force of rapacity, cupidity, and avarice. The moral, intellectual, and physical nature of the usurper has become deformed, unnatural; the Government of the United States has become lunatic. Whatever party arises to power assumes the Government thus constituted. The force of rapacity, cupidity, and avarice is a hundred times more powerful than parties or people, because it has usurped both. These startling facts, crystallized in the minds and hearts of thinking people, may save popular government, republican ideas, individual liberty, and prosperity; nothing else will. Civilization under our flag is in greater danger to-day than ever before, and no hope remains except from a comprehension of the causes which endanger it and a speedy action from the best minds of the country. Congress is, as I have before stated, incapable of procuring any principles outside of the law; the executive department has become the agent of the demoralizing power that hovers around it; the judiciary the humble instrument of executive power and of prevailing material power among the people. The wisest plans of evil plotters and actors often prove those which cause their downfall; and if the best minds of the country are awakened to the dangers to the Republic by the employment of the Federal soldier at New Orleans, I shall almost rejoice that the sacred memories that have heretofore clustered around him have been prostituted and made horrible at the insatiate demand of greed and power.

The mind must see. If the mind does not act independent, every object that meets the eye, in confused times, distracts the mind. Distraction of mind is its certain subordination to prevailing power. Because of distracted and subordinated mind, it becomes impossible for those who mingle amid the conflict of interests and of political parties to perceive that there is a principle that underlies the forms of government, and which exists among the people, and if that principle is seized on and directed will organize the supreme material forces existing among the people into regular action, on which society will accommodate itself and government be secured in stability and permanency; and where there exists any considerable sum of material values without the appreciation and application of the principle independent of the law, society becomes turbulent, industries vanish, law is ineffectual, and government is overthrown. The action of the material forces among the people forces their legislation into the hands of lawyers, and subjects the lawyer to the same force, which, when supreme, exhibits its character in the form of cupidity, rapacity, and avarice, and these forces effect ignorance in legislation and corruption among the people. These forces destroy all industries and business uninfluenced by speculation; these forces operate to override all restraining influence, and in lieu thereof inaugurate a rule of force and bitter and armed conflict between the people and the government.

What is that principle? An agency with power derived from the people independent of the law, which first divides the supreme money forces, then directs one of the parts into such channels that its decentralization is made sure; the other divided portion accommodates itself to the parts so directed, so that the whole money forces among the people is drawn into an organized power of decentralization and distribution.

Without this system, where there exists any considerable sums of values among the people, demoralization and crime will be the rule among the people; increasing centralization of the power in the Federal Government will go on; the powers of the State government will decrease in the same ratio; the Federal Government inevitably driven into corruption and decay; the people brought into poverty and insanity. And all this, to a large extent, comes to the better class of the people; and there is no power under Heaven, other than I have indicated, to prevent it.

In 1869 I indicated the modes necessary to accommodate the principle. The form a bank, therefore prostituted in this country to the vilest purpose, by reason of which the mind was turned away from a great truth because it was coupled with a bad name, and there existed nowhere in Congress or among the people intelligence enough to perceive it. I found myself very much in the condition of all discoverers, surrounded by a pack of hounds, who have followed me ever since. The principle I contended for, and its mode of action, which in England, Prussia, and Russia has measurable healthy and virtuous action, is in France prostituted to the vilest purpose. The condition of the respective governments indicate, by the poverty and slavery of the great mass of people of France, by the independence and strength of the mass of the people in the nations enumerated, the correctness of my conclusion. I therefore take no kind of interest in all the efforts otherwise directed to save constitutional government, independence to the people, and stability to their social and industrial affairs. All such efforts have failed, and will fail most ruinously. I have not persisted in the agitation I commenced in 1869 on this question, because I could do nothing alone; there was not a man to support me. I was encompassed by a class of people I was endeavoring to serve. And these even to-day are a melancholy satisfaction for the trouble and losses these acts have occasioned me, in consequence of words employed for no other purpose whatever but to secure safety to the Government and prosperity to the people. I prayed and begged Presidents and members long before I published my words to at least listen. These seats filled by new men, and the prospective vacating of others, indicate the prophetic truths of the words I spoke to them. But, sir, this is not the end. The Government itself is held up by the merest thread. A whiff of wind almost will blow it to atoms. And I have come to the conclusion that nothing can come that will be productive of good except such a disposition of the Government be reached by a reassembling of the atoms by men free from the power which at this moment sways our affairs. In these remarks I have nothing to do with political parties. They sink in presence of this great question to the level of the meanest individual in the land.

The bill before the Senate is to further burden the people. At a time like the present to further tax the people is a far more heinous act than that which the revolutionary fathers resisted. All the industrial interests are being rapidly ruined by your past and present policy. The great agricultural interest, already prostrate, is forced to pay 30 per cent. additional tax on two articles it relies on for the mere living of the people engaged in it, and in support of a system which increases their poverty. Rhode Island looks on with apparent complacency. Her money will receive a larger reward. But her industries are injured by the 10 per cent. additional duty, inasmuch as its effect will be to force them to a larger expenditure for a larger capital required, and thus strengthen the power of the money-lender over them. Her industries employ imported articles which are raised

10 per cent. by this bill. These must have that increase from the purchaser. The increased money requirements increases its price to the consumers of her productions and limits the sale of them. She is therefore injured in both ways. Rhode Island depends for her prosperity on that of every part of the country. If she is wise, she views both the fact and the cause of the unsettled condition of a portion of the country with great dissatisfaction. But I fear she is not wise. I hope, however, she is not imbued with that spirit which makes a great financial agent of the Federal Government, and one who holds largely of its bonded debt, say, viewing the disturbed state of things. Confer unlimited power on the General Government and bayonet the people South.

At any rate, whether Rhode Island wishes this bill to pass or not, it cannot with my vote. Except for the payment of pensions, the large appropriations of Government is good to none but to those who derive their living from them. I might except the Indian appropriation, which keeps a crowd of adventurers among the Indians who measurably protect the settler. All else, even the post-office, could be secured at a trifling cost.

The almost insane efforts to make the national debt seem sacred in the hands of those who secured it at one-half its present value and the measures taken to increase that price long after any necessities for borrowing by the Government had ended, was and is, in my judgment, a crime of enormous magnitude. The laws and Treasury manipulations pressed on to secure that result have been the cause of the more rapid ruin to industries, and partake of the same character.

The sacred sentiment which has been raised up on the Federal debt has been usurped by as criminal a set of cormorants as ever surrounded a confiding and simple hearted legislator, and if it were not for the magnitude of the injuries effected thereby, would be looked upon as an act of childish folly. I know of nothing half as sacred as keeping poverty from the door of the people. The debt as it has been manipulated and as it is now manipulated increases the poverty of the people. As a debt; not merely the interest that is paid on it. And as it stands to-day, its sacredness has become a crime against nature. I shall vote against every item of increased taxation.

This, then, is the principle to be established: An agency which will create in material affairs the some movement which the upper and under currents perform for the atmosphere, the upper and under currents in the ocean, the system in man, which takes the life particle from the lungs into the heart, from thence through the veins to every part of the body; then, returning receiving a new supply of life-giving particles, and from the arteries carries the same forward to the heart, then to the lungs, and thus the circulation becomes ample. Organize your material system on the methods nature provides for her living elements, keeping nature uppermost and material as a mere stimulant to nature, and all will be well. Nobody seems to realize that unless our material system is equal in healthy action to the best-regulated action of the material forces of any other people, we must take a second place, and that is a ruinous place, if we have intimate relations with the people having superior advantages. England, Prussia, and Russia have such to-day. Every people have within themselves power to create within themselves all the capital necessary for any purpose whatever. The United States have advantages beyond any people that ever existed, and yet our people have heretofore been driven to London for the smallest accommodation. Now, there is ample capital in this country, because capital has become alienated from industries, first having exhausted the life in them, and now cannot resuscitate them or create new ones. We created every dollar of capital necessary to carry on the war, and not until our success was assured did we get a dollar from foreign capitalists. These and their allies in this country the sacred sentiment is agitated to benefit.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from Virginia, [Mr. JOHNSTON,] which will be read.

The SECRETARY. The amendment is in section 2, lines 11, 12, and 13, to strike out—

Not apply to tobacco on which the tax under existing law shall have been paid when this act takes effect,

And in lieu thereof to insert:

Only apply to tobacco manufactured after the passage of this act.

Mr. MORRILL, of Vermont. I merely desire to say that I shall regard the adoption of this amendmeut as decisive of the fate of the bill. If Senators are prepared to say that the sinking fund shall no longer be kept up; that the public buildings shall no longer be continued; that those already commenced shall be abandoned; that no river and harbor appropriations shall be made, and that various other inroads on the ordinary appropriations shall be made; they will of course vote so as to defeat the bill.

Mr. SCHURZ. Mr. President, I had given up the intention of speaking on this bill, hoping the Senate would soon come to a vote; but I must confess it makes me a little impatient to hear the advocates of this bill repeat time and again that unless we mean to abandon the sinking fund, unless we mean to stop the improvement of rivers and harbors, unless we mean to arrest the whole machinery of Government—in one word, unless we want the country to go to perdition, we must necessarily pass this bill; pass it just as it is presented to us, without changing a word. Now, what is this bill? It is a bill to levy taxes upon the people; to increase the burdens already weighing heavily upon them. Indeed it appears to me that especially under the circumstances which at this time surround us, the business of the country languishing, many people in distress, it behooves us carefully to consider whether in fact any new taxation is needed; and if so, what kind of tax should and can be levied without unduly burdening the people. We ought not to act upon such a measure lightly or in hot haste. It is a delicate matter, calling for the maturest consideration. The question whether additional taxation is absolutely needed has been discussed by others. I shall not go over the same ground again. I shall speak upon the supposition that more revenue be required. I agree, then, with the Senator from Vermont, who has the bill in charge, that this should strictly be a revenue measure; that is to say, that the money taken from the people by the operation of this measure shall go into the Treasury of the United States, and nowhere else. We shall see whether it is such a revenue measure as it pretends to be. Not a single gentleman upon this floor advocating this bill, except the Senator from Pennsylvania, omitted to say that the bill was very far from what he desired; that in fact the measure was a very unsatisfactory one. Even the Senator from Vermont, who now tells us that we must, absolutely *must*, take this bill exactly as it stands, unless this Republic is to go to perdition—even he told us in his opening speech that he did not like this measure, that he would be exceedingly glad to throw it aside and to construct and vote for a better one if he were permitted to do so. All I desire is to permit him to do so.

Sir, what are the provisions of this bill? In the first place we are to raise the tax on whisky. I think we ought to have been taught by experience that the tax on whisky is an exceedingly difficult and delicate one to handle. Experience tells us that the success of the revenue service in collecting the whisky tax, or I might say the possibility of collecting it, grows less almost in proportion as the tax is raised above a certain figure. At present we are told that the whisky tax is reasonably well collected, all but 5 per cent. We seem, therefore, to have reached what may be called the revenue point. As soon as we go beyond that we have to take uncertain chances, with no assurance at all as to whether we shall collect more or less tax after the increase, the probability being against us. Moreover we are told by the chairman of the Committee on Finance himself that for about two-thirds of the year the increase of the tax on whisky proposed here will not yield any additional revenue at all, or at least not much.

Mr. SHERMAN. I do not think I said that much. I said the supply on hand was about two-thirds of a year's supply, but undoubtedly revenue will be received before the whole stock on hand is exhausted. The Senator can understand it. I believe I said I thought little would be received until August or September.

Mr. SCHURZ. And not much would be likely to be manufactured until that stock was disposed of.

Mr. MORRILL, of Vermont. I should like to ask the chairman of the Committee on Finance if he does not suppose that about the same amount will be on hand a year hence that is on hand now or six months hence? In other words, have not retail dealers always kept, and will they not always keep about the same amount of stock on hand?

Mr. SHERMAN. Every Senator can judge of that as well as I can.

Mr. SCHURZ. It seems that the chairman of the Committee on Finance is not ready to say what the Senator from Vermont wants him to say.

Mr. MORRILL, of Vermont. Nor what the Senator from Missouri wants him to say.

Mr. SHERMAN. It is a question of which every one can judge as well as I.

Mr. SCHURZ. At any rate there has not been a single Senator on this floor who thought an additional tax on whisky advisable, and the Senator from Vermont himself told us if he were free to construct a tax bill he would by no means advise an increase of 20 cents per gallon.

Mr. MORRILL, of Vermont. That was not precisely what I said. I said I would make it about 85 cents instead of 90 cents.

Mr. SCHURZ. The next tax is that on tobacco. We have heard from the Senators from the two largest tobacco-growing States an earnest protest against that, and the same reasons which render an increase of the whisky tax objectionable apply to the tobacco tax with similar urgency. Then comes in sugar with an additional duty, which, as I understand from statements read here, will make the duty *ad valorem* about 80 to 100 per cent. Is not that correct?

Mr. SHERMAN. About 80 per cent.

Mr. SCHURZ. Nobody will deny that a duty as heavy as that will be continually inciting fraud and evasion of the law in a variety of forms. For that reason alone, if for no other, this would be objectionable. Now we come to the main part of the bill, and that is the repeal of the law providing for a reduction of 10 per cent. of our import duties. I already noticed that the only Senator who pronounced himself with any emphasis in favor of the system of taxation embodied in this bill was the Senator from Pennsylvania [Mr. SCOTT.] I appreciated his argument, for there never was an occasion for raising the tariff which did not call Pennsylvania to the front. What do we expect from the repeal of the reduction of 10 per cent. of the tariff? The Senator from Vermont tells us that by the increase of

import duties here proposed we shall raise a revenue of $6,000,000 a year. But at what price, at what expense to the people will this revenue of six millions be raised?

By this new tariff law, as by every law of that kind, we shall unsettle the industries of the country; we shall disturb values of thousands of millions; we shall put a burden the weight of which you cannot now calculate upon the people; for the people will not only have to pay six millions into the Treasury, but they will have to pay untold millions in addition as a bounty, as a forced tribute to the manufacturers who are favored by the increase of the tariff. A tax indefinite in amount will be raised by this bill, to be paid by the people, not to the Government, but into the pockets of a favored class. If there ever was a time when we should be careful in the enactment of our tax-laws, so as to make necessary burdens weigh lightly upon the people, it is now; and if there ever was a time when an increase of duties should be avoided calculated to enrich the manufacturer at the expense of an already heavily burdened people, that time is now.

Sir, if there is anything necessary for the prosperity of our commerce, it is stability of legislation, or that when a change be made it be for the better. And now we are presenting the extraordinary spectacle to the world of having made two tariff laws at one single session. Sir, this is so barbarous a practice that it can scarcely be believed to have happened in a civilized country; and yet here we have it, two tariff laws in one session, in two months! Nowhere else would such a ruinous absurdity be thought of a single moment, and surely it ought not to be in this enlightened Republic. I was forcibly struck by a phrase used by the Senator from Ohio when he said this bill is brought before us with the cry, "Stand and deliver, or die." Indeed, it looks so. Mr. President, I am by no means unwilling, if the necessities of the Treasury demand it, to impose taxation upon the people; I as every patriotic citizen should be willing to pay his share; but I am not willing to obey the summons "Stand and deliver," when the delivery of the people's money is to be made, less to the Government than to a few protected interests and a limited class of individuals favored by legislation.

We are told, Mr. President, that if by a single amendment to this bill we attempt to avert from the people the imposition of burdens which will not redound to the benefit of the Government, then this bill will fail, and we shall fail in our duty. Is that necessarily so? Is there no possibility, if this bill be amended by the elimination of its most hurtful features, to have a committee of conference between the Senate and the House of Representatives? Is this so entirely out of the reach of possibility? Must we even in this time of distress and embarrassment enact provisions which necessarily increase the evils the people are complaining of? Must we be told, "Take this bill or nothing?" If so, then I shall rather see the Treasury embarrassed than the people outraged with unjust taxes. "Stand and deliver" is a curious method of putting through a bill which by every one of its provisions will most seriously affect the economic movements of the country, and no item of which should be adopted without a careful consideration of the interests to be touched.

No, sir; I do not think it is right and just; I do not think it is worthy of the great law-making power of this Republic that at the end of a session we should be forced to enact such a measure under moral duress, without even an attempt to obliterate those features which, as we all know and admit, will only increase the business embarrassments of the country and by new confusion worse confounded sharpen the sufferings of the people. I repeat, I am ready to satisfy all legitimate demands of the Government in a manner just to the people. But when advantage is taken of such necessities to benefit private interests at the expense of a suffering people, I am not willing to "stand and deliver."

Mr. SCOTT. Mr. President, I had not intended to say another word upon this bill; but the Senator from Missouri introduces into this Chamber the old cry that has been heard so long, that whenever a tariff is to be raised Pennsylvaina rushes to the front. Now, Mr. President, figures speak better on that subject than the rhetoric of even the learned and eloquent Senator from Missouri. Take every dutiable article that entered into consumption in the United States in the year 1874, and what was the average rate of duty levied? It was 38.5 per cent. Take the duties upon articles affected by this bill, upon which the Senator says the tariff is raised, those upon which the 10 per cent. reduction took place in 1872, and what are they? Manufactures of cotton, glass, iron and steel, metals, paper, wool, and other articles. The duties levied on cotton and manufactures of cotton are 36 per cent., on glass 46, on iron and steel 31½; here is the scape-goat for all Pennsylvania's protection sins, pig-iron; metals not otherwise provided for, 31; paper 25; wool and manufactures of wool, 54; and other articles 32 per cent. Now, considering that 38.5 per cent. is the average rate of duty upon protected articles that were imported in 1874, we have this scape-goat of Pennsylvania at 31½ per cent., 6½ per cent. below the averege rate of all dutiable articles that enter into consumption in the United States; and what becomes of this cry that it is Pennsylvania that rushes to the front when the tariff is to be raised?

Begin with the Eastern States. Massachusetts and Rhode Island have how much? Thirty-six per cent. on their cotton manufactures. When a tariff is to be raised, does not Connecticut come to the front, too, with percussion-caps and powder-flasks and buttons; and New, York with her butter and cheese, 4 cents a pound upon each of them? New Jersey has her glass, her silk, and her earthenware. Ohio, whose representative sits beside me, [Mr. SHERMAN,] is very sensitive about the duty on flax and linseed oil and oats and wheat and everthing else that is affected—sensitive even about an increase on whisky. And when you go on west to the Senator's own State, it was not simply the clear, ringing cry that comes from pig-iron which can also be produced so abundantly in his own State that was heard, but the heavy thud of the pig-lead of Missouri was heard before the committee in 1872 asking as loudly for the duty on it and on hemp as was Pennsylvania's voice for any of her interests. But the Senator comes to-night repeating this old cry—I was going to say parrot cry, but I will not out of deference to him—that Pennsylvania rushes to the front for protection. You may go all around the Union. Michigan and Wisconsin want protection on lumber; Louisiana wants protection on her sugar; South Carolina wants it and gets it on her rice; Virginia sent up her petition for protection on her sumac; and who are they who do not want protection on their interests? It is American labor everywhere, as it has been often said, that we want to protect, and we shall do it I trust despite all the anathemas of the Senator from Missouri upon Pennsylvania's rushing to the front for protection when it is demanded, and upon protection as a barbaric policy. She is not in the rush alone; she has with her all her sister States upon the articles in which their people are interested; and that is the difficulty we meet when we must have a tax bill. Wherever you touch an interest you will find its representative willing that all other interests but his own shall be taxed. I am not here asking for anything specially for Pennsylvania. This very article of pig-iron upon which denunciation is generally heaped stood at $9; in 1870 it was reduced to $7, and then in 1872, instead of letting it stand with others, you took 10 per cent. off, again reducing it to $6.30, so that now the duty is 31½ per cent., about the lowest rate of duty that is paid by anything, except paper, of the articles that are affected by this 10 per cent. reduction.

I trust, Mr. President, that we shall hear no more of this cry of Pennsylvania being the most selfish of all the States, for if the Senator will take up the interests that center in his own State, the iron interest not the least among them, he will find that Missouri is as near the front and as selfish for her own interests as Pennsylvania.

Mr. SCHURZ. That may be; but I do not think the Senator has seen a representative of Missouri standing up here clamoring for selfish advantages; at least not for a number of years. But I did not want to make an attack upon the Senator from Pennsylvania nor upon the State he represents. I should be glad to please him, and to that end even go so far as to admit that whenever protection comes into question Pennsylvania is the most modest State of all. [Laughter.] The different States and their industrial interests have made their record in our history, and I will leave that record to stand, rash as it is.

But the Senator has said nothing to touch my argument concerning this question in the least. He will no longer pretend, nor will any Senator on this floor, that this is a mere revenue measure. A measure which repeals the reduction of the tariff enacted two or three years ago, thus raising the tariff on articles already protected, is not a mere revenue measure. It is a protection measure in every sense of the term.

Mr. EDMUNDS. What does the Senator mean by a revenue measure?

Mr. SCHURZ. I mean by a revenue measure this: a measure which imposes a tax, the proceeds of which will, all but the cost of collection, go into the Treasury of the Government, and which will not make the people pay a bounty or tribute to some favored private interest. That is what I call a revenue measure.

Mr. EDMUNDS. Can the Senator give an instance of a revenue measure, then?

Mr. SCHURZ. Yes, sir. I would say a duty on tea and coffee would be a revenue measure. I know very well that a great outcry has been made in this country about "the free breakfast table," that an immense deal of demagogery has been evaporated in that line; but I apprehend by this time the people gradually begin to perceive that the repeal of the duty on tea and coffee, while it deprives the Government of a considerable amount of revenue, did not make tea and coffee cheaper, and that the breakfast table is just as little free as it was before.

Mr. EDMUNDS. Does that show that it was a revenue measure?

Mr. SCHURZ. If the Senator from Vermont will just permit me to conclude I think I shall furnish him with arguments sufficient. I say the people have become by this time aware that the repeal of the duty on tea and coffee was by no means calculated to make the breakfast table freer than it had been before; for not only did that repeal leave the price of tea and coffee as high as before, but it served also as a pretext for maintaining the onerous duties on almost every other article that constitutes the breakfast table. I do think that a duty upon tea and coffee would have the great merit of being a revenue measure. I do think that such a duty would be a very easy one to collect. I do think that every cent of it, deducting the mere expenses of collection, would flow into the Treasury of the United States. I do think therefore that it would accomplish the purposes of this bill if they are legitimately designated as revenue purposes

far better than any provision here devised. Therefore I am in favor of such a provision in preference to others, ready as I am to brave the deceptive cry that has been raised about "the free breakfast table."

It seems to me the people of the United States are becoming gradually enlightened upon this as well as many other similar subjects. I remember the day when we were told that, because our flag was disappearing from the ocean, because our maritime commerce was languishing and an enormous proportion of our trade carried on in foreign bottoms, every patriot must vote for steamship subsidies. We have got over that now, and the people will soon remember this very simple principle: that as long as we have a tariff that makes it impossible for us to build ships as cheaply and to run them as economically as other nations, and as long as we have navigation laws forbidding us to buy ships where we can get them as cheap as other nations get them, just so long it will be impossible for us to carry on our maritime trade in successful competition with other nations; and you may swamp the Treasury of the United States with subsidies, and nevertheless your maritime commerce will not flourish. The people of the United States are beginning to see this, and I hope they will act up to it. Just so they are beginning to see that the repeal of the duty on tea and coffee did after all not benefit the poor people, as it was once so vociferously pretended, and I think they will be, if they are not now, at least very soon ready to accept again the restoration of that duty.

Mr. SCOTT. Having taken somewhat of an active part in endeavoring to induce the Senate to take off the duties on tea and coffee, of course I must acknowledge that no other Senator here than the Senator from Missouri has the courage to resist the demagogery of that action. Nevertheless I shall be willing here to meet all the imputation of demagogery which comes from preferring to put a tax upon whisky rather than upon tea and coffee.

Mr. SCHURZ. The Senator from Pennsylvania will of course understand me as not having alluded to him nor to any Senator on this floor when I said that. I alluded more to what I have heard in public meetings and the like and seen in the public papers.

Mr. MORRILL, of Vermont. Mr. President, the Senator from Missouri [Mr. SCHURZ] charges me with having admitted that this bill is very imperfect, and he says that no Senator will claim that it is a revenue measure. Now, Mr. President, I claimed in my opening remarks, and I still claim, that it is nothing but a revenue measure. There is not a single tax proposed here that is asked for in the way of protection; there is only a proposition made to increase the tax upon articles on which we now levy duties. But I should not expect to find a tax bill here or a bill imposing duties upon foreign imports that would receive the approbation of the Senator from Missouri. I know that home protection is the black beast that always excites his hostility. But he must bear this in mind, that we have a large revenue to collect in order to meet the interest of the public debt and the ordinary public expenditures, and that the duties will be incidentally protective in their effects to more or less extent. That we cannot help if we would, and would not if we could. I am quite sure that the premier of England would be entirely satisfied with any tariff that would suit the Senator from Missouri. He could not have here a more efficient advocate of the interests of Great Britian than the Senator from Missouri. He would say, buy always where we can buy cheapest. But still we have to impose taxes upon our people. We cannot manufacture merchandise of various kinds or ships at the same rate that they might be purchased where labor is less appreciated than it is here, and therefore we should have to go abroad for all or nearly all that we should consume; and that would suit British interests, and I am frank to say that I believe from the sentiments avowed by the Senator from Missouri would best suit him.

But, Mr. President, there was one fact stated by the Senator from Missouri, and partially assented to by the Senator from Ohio, the chairman of the Committee on Finance, that I must controvert and rebut; and that is, if we impose these increased duties upon sugars we raise the duty up to 80, 90, or 100 per cent. That is an utter fallacy, and, as I understand it, wholly without foundation. Look at the present prices of sugars. You find to-day that sugars clayed, No. 12, bring in our market 8¼ cents per pound. They are only taxed 2¼ cents per pound, or about 25 per cent. of the home valuation. Is that 80 or 90 per cent.? Of course the grocer's profit made on sugars is generally not over a quarter or a half cent per pound. When you come to the lower grades, you find that the prices of the lower grades of sugar are utterly inconsistent with any idea that they have paid a duty of 80 or 90 per cent. It is an absurdity to suppose any such thing. It may be possible that on some very inferior quality, tank-bottom sugar or low grade, dirty sugars, such as are sometimes brought from India, where there is scarcely perhaps a difference between such sugars and melada, they may pay a higher rate; but the ordinary rate of duties imposed by the present tariff on common sugars is not over somewhere about 33⅓ per cent.

Mr. President, I did not intend to say anything more upon this bill; but I do not like to have it supposed that I would foist a bill upon the Senate without having the Senate fully understand its merits as well as its demerits. I have therefore conceded that this was not such a bill as would suit me, not such a bill as I would be glad to support. I would be perfectly willing to put a duty on tea and coffee, but our committee-room has been crammed with memorials against any duty on tea and coffee. The Committee on Finance have received a larger number of memorials against that duty than upon all other subjects together save one, perhaps, and that is in favor of imposing this 10 per cent. duty upon the articles enumerated in the section described in this bill.

Now, Mr. President, I close as I began; this is merely a revenue measure. It is wanted for that purpose and for no other. It will accomplish the object, and without it it is quite apparent that the Government will not be able to conduct the business of the country with decency and honor, as it has done in past years. Besides that let me say one thing more. The Senator from Missouri has rung the changes upon a phrase used by somebody—I do not know by whom—that this is a bill that we must pass on the "stand and deliver" principle.

Mr. EDMUNDS. It was Falstaff who began that.

Mr. MORRILL, of Vermont. Now, Mr. President, is it not well understood that we are in the last expiring moments of the session and that any bill that goes back to the House of Representatives has a small chance of any consideration. This bill was passed there by a very small majority, and if sent back it could not be taken up and considered if objected to by a single individual, unless there were a two-thirds majority in favor of taking it up. I think any prudent Senator will consider the circumstances which surround him and see whether it is practicable or not to pass the bill. Therefore this idea of "stand and deliver" has no terrors for me. I look at the naked facts as I find them, and I find it is impossible, in the judgment of wiser men than myself, to obtain a consideration for any amendment whatever. Therefore I exhort the friends of the bill, if it has any, to stand by it as it came from the House.

Mr. SCHURZ. I desire to make reply to but one remark of the Senator from Vermont. He has brought out once more the old cry of "British free-trade," charging that those who are opposed to a protective tariff must necessarily desire to serve Great Britain at the expense of this country. The Senator from Vermont is a sensible man, and I am somewhat painfully surprised to hear from him such language. I think he keeps the run of the literature of the times. He must know, therefore, that that cry of serving Great Britian has become a little stale, pitiably so, and fails of effect. Even the young men of the country who have begun to take an interest in political economy and think for themselves begin to laugh at it, not to speak of the older heads, who have laughed at it a long time already.

I think, therefore, I can dismiss the Senator's allusion as not deserving of serious notice, with due respect to him.

The Senator insists that he has said this was a strictly revenue measure. So he has, but with his kind permission, his saying so does not make it so. I think the repeal of the reduction of 10 per cent. of the tariff cannot be looked upon as a strictly revenue measure by any sensible man; for as the Senator from Ohio showed in language clear and eloquent, the raising of the tariff will necessarily raise the prices of the articles protected, and therefore take money out of the pockets of the people who have to buy, and that money does not go into the Treasury of the United States, but does go into the pockets of favorite manufacturers. Therefore, although the Senator from Vermont may have designed it to be a revenue measure, and declared it to be such, it nevertheless is just the reverse; and I insist upon the justice of my protest against a measure, which, while the industries of the country are languishing, the people are in distress, and the most careful legislation is called for, takes advantage of pretended necessities of the Treasury to impose taxes upon the people which will yield a small revenue to the Government, and at the same time extort untold millions from the people to put them into the pockets of favored individuals.

Mr. FRELINGHUYSEN. Mr. President, it was objected to this bill that it was unequal in that it taxed the stock of tobacco on hand and did not tax the whisky in stock. I do not think the bill subject to that criticism. Tobacco and whisky dealers have ordinary intelligence. They know that the tax will never be lower than it is now. They have seen for some time the possibility of its being made on whisky 90 instead of 70 cents a gallon, and the probability of that tax being increased on tobacco; and it is a fair conclusion that they have for the most part paid the tax at the rate which they know is the minimum rather than run the risk of increased taxation. As to the appreciation in price growing out of this legislation, it is clear that operates equally on the tobacco and on the whisky interests.

One word more. Congress has this session passed a financial measure which promises to redeem in silver the fractional currency and to redeem the greenbacks in 1879. It is a strange comment on that action, which met the approval of the whole country at the beginning of this session, that at the close of the session we refuse to adopt a bill that is necessary to prevent a deficiency of thirty-five millions in the Treasury. How are we to substitute a silver for a paper fractional currency; how can we make any progress toward carrying into effect that financial bill if we not only make no provision for that purpose but retrograde, and actually suffer the faith of this country to be violated in reference to maintaining the sinking fund?

Mr. President, again it has been said that this is an oppressive tax. I would say to the Senator from Missouri, who seems to be so afraid that by restoring the 10 per cent. on foreign imports untold millions will pour into the pockets of the manufacturers of the coun-

try, that their mills are idle, their looms have stopped, thousands and hundreds of thousands of industrious men and their families are to-day suffering for want of employment, and this provision, which will give an additional 10 per cent. to the revenue, will have great effect in reviving our slumbering industries. It may be that it is a sign of barbarism for this country to protect its home industries; it may be, as the Senator says, that no civilized country would so legislate; but the people of this country do not believe it. They believe that the man who does not provide for his own is worse than an infidel. Our people believe that taking off protection from the manufactures and products of this country is giving protection to England's manufactures and against those of this country so long as the prices of labor in England and in this country bear the relation to each other that they now do.

Another argument advanced is that this bill provides for a partial and unequal taxation because tobacco is raised and whisky distilled at the West. Why, sir, it is not those who raise the tobacco or manufacture the whisky that pay the tax. The tax will not even diminish the demand. People will have tobacco and whisky whether it is one price or another within certain limits. Those articles will command when the tax is raised an increased price. It is the consumers of whisky and tobacco that pay the tax, and they are as numerous in the East as they are in the West.

Mr. SHERMAN. My friend from Vermont would lead the Senate, I fear, to think that I have misled them in regard to the present duty on sugar. I did not know when I read Grinnell, Minturn & Co.'s letter whether they were accurate or not; indeed, I did not state the present rate of duty, but simply read their letter in which they said that on some of the grades of sugar the rate of duty by this bill would be from 80 to 100 per cent. I have turned to the tables to find what is the present rate of duty. I find, by taking the last returns, that during the year 1874 the amount of brown sugar brought into this country was 1,592,000,000 pounds, and the custom-house valuation of that sugar was $77,440,000, or a trifle over 5 cents a pound. That includes all grades. The present tax on sugar is from 1¼ cents a pound up to about 3¼. I rather think, as near as I can recollect, that the average is about 2¼ cents; but perhaps I am a little over the amount. My friend from Vermont will know.

Mr. MORRILL, of Vermont. The great bulk of our sugars which are imported is of the lower grades that pay but 1¼ cents a pound, and from that up to No. 13, which includes a very fair article, is at 2¼. When they become refined it is higher than that, and up to No. 16 they pay a higher rate, and so up to 3 cents a pound, which is the highest.

Mr. SHERMAN. Then according to the tables the present duty on sugar is from 40 to 50 per cent., depending upon the grade; but adding to it 25 per cent., you make it from 50 to 60 per cent. on brown sugar, and on molasses and melada and the other cheaper grades it would be higher, as the Senator says. So that if there is any mistake made by the firm whose letter I read, it ought to be modified to that extent. The present duty is between 40 and 50 per cent. The increased duty would be between 50 and 60 per cent.—about 60.

Mr. MORRILL, of Vermont. I do not think it is so high as that; but that is from different statements from 80, 90, or 100 per cent.

Mr. SHERMAN. Yes.

Mr. LOGAN. Mr. President, I had intended to content myself with the mere question I asked the Senator from Indiana, [Mr. MORTON,] in regard to giving an explanation of the reason why a distinction should be made between the tax on tobacco and whisky; and from the remarks of the Senator from New Jersey, I supposed the Senator from New Jersey referred to the point that was made in reference to that question. I do not wish to embarrass the Senate or any one here, or embarrass this bill by my opposition to it; nor would I say a word had it not been for the allusion of the Senator to that proposition. Now, I do not know that I shall be able to make myself understood; but if I shall be, I can satisfy the Senate that my proposition in reference to this bill is correct, and then it is for the Senator or those who advocate the bill in its present shape to make an explanation to their own satisfaction. So far as the proposition in the tariff part of the bill is concerned, I have nothing to say. I am not going to take up the time of the Senate in discussing it. If the fourth section of this bill, which is the section that increases the rates of duty 10 per cent., were separate from the bill, that would be one thing; but inasmuch as it is connected with the bill, it is certainly not fair to attempt to carry that with an improper bill because of the tax levied upon whisky and tobacco; nor is it proper to attempt to carry the tax on whisky and tobacco if the 10 per cent. increase of duties be not correct. I should be glad to see, as my friend from New Jersey said in reference to the manufacturers of this country—and he always speaks eloquently—the fires lighted in the furnaces all over this land. I should be glad to hear the noise of the trip-hammer sounding in all parts of this country. I would be glad to see coal mines opened; our iron mines opened; our silver mines, our gold mines working, and every business in this country that is calculated to produce wealth in a prosperous condition. There is no one who would go further than I would for that purpose if a bill to reach it was placed in a proper way before the Senate. I should be glad to know, as my friend suggested, what we are to do in reference to carrying out the provisions of a bill that we passed in the early part of the session in reference to specie payments. Unless we pass this bill, he says, we shall have done nothing in that direction.

Allow me to call the attention of my friend from New Jersey to one fact. We did pass a bill in which we required some forty-six millions of fractional silver pieces to be coined, and I introduced a bill one year ago for the establishment of a mint. The report of the Director of all the mints of this country has satisfied the Senate and the House that we have not facilities to coin the money needed; and that is one of the reasons why the bullion leaves our country. That bill has slumbered for one year in a committee of this Senate Chamber, and only saw light two days ago, and then the report was to refer it to the President of the United States to ascertain where a mint ought to be established, to report at the next session of Congress for our action. Sir, when you talk about having done nothing for the purpose of producing coin in this country, I say it is not my fault that it has not been done. Whose fault it is I will not say; but why did you not pass a bill establishing a mint somewhere and let our bullion be coined in this land. But the statesmen of to-day are so much alarmed by the displeasure that they might probably incur because of selecting one place over another that they refer it to the President that he may take the responsibility of selecting a place where a mint shall be established instead of Congress doing it, the power that ought to do it. There is one thing you ought to have done that has not been done; but is that a reason why we should do something else that is wrong, because it is near the close of the session and we are here to-night to pass this bill? Why? I will not allude to the other House; but we have passed months and no bill has been proposed for taxation until within the last days, and then the bill was proposed in this shape in order to pass it through under the gag, in order to force men to vote for it whether they thought it was right or not. As far as I am concerned, I vote for a measure when I think it is right, if it is on the last day of the session; and if I think it is wrong, I will not vote for it.

I wish to refer now to the remarks of the Senator in reference to the tax on whisky and tobacco. I think whisky and tobacco ought to pay a tax. I do not care how high they are taxed, provided the tax can be collected, provided that tax is levied fairly on both of these productions; but we all know that at the time the tax on whisky was highest we collected the smallest amount of revenue from that production. It has been demonstrated in this country that when you levy a high tax on whisky it cannot and will not be collected. I know that the Commissioner of Internal Revenue recommended 10 cents increase in the tax on whisky. This bill increases it 20 cents on the gallon. Why? He thought 10 cents was enough; you think it will require 20. You appeal to us and say these officers are the judges of what we need, but when they make a recommendation you pay no attention to it and take your own judgment. Although I have been told by the Commissioner of Internal Revenue that he can collect 90 cents on whisky, and I have no doubt he thinks so, I do not believe it, and I do not believe it because heretofore we have failed to collect the tax when we had a high rate on whisky. It is an inducement to fraud, and frauds will be perpetrated whenever the opportunity is offered, as every one knows. When we reduced the whisky tax to 50 cents, we collected much more than when it was at $2 a gallon. Will men tell me to-night that the higher the tax on whisky is the more you will collect, when the evidence before you shows that the higher it is the less you collect? But that is not the point. There are millions of gallons of whisky in this country already in the hands of distillers and dealers. You increase the tax on whisky 20 cents, and you say to these gentlemen who hold it, "You may make that 20 cents on all you hold, and we will take the 20 cents on that which is produced hereafter."

Are you afraid to tax whisky on hand? Is that the reason? I do not ask that it shall be taxed. I do not advocate any such thing; but when you tax tobacco and whisky, when you put them on the same foundation, I ask that you should put them on the same level so far as the collecting of the tax is concerned. Here you give to the man who holds the whisky the 20 cents; and is there any man in the Senate Chamber so ignorant as not to know that the very moment this bill passes the price of whisky will increase 20 cents a gallon, and that 20 cents goes into the pocket of whom? The man who holds the whisky, not into the Government's vaults, not where you want your revenue, but into his pocket. I have seen speculations of that kind before, or at least I have heard of them. Then you turn right over to tobacco, and there you tax the tobacco on hand, not the tobacco that shall be produced hereafter, but the tobacco on hand. You tax the whisky that shall be produced hereafter and exempt the whisky on hand. I ask any man to tell me whether this is fair action, fair legislation or not. If you tax tobacco on hand, you ought to tax whisky on hand; and if you exempt whisky on hand, you ought to exempt tobacco on hand. I do not say that I am in favor of taxing whisky on hand, but I am as much in favor of taxing whisky on hand as I am in favor of taxing tobacco on hand. They are the two productions that you say will bear taxation. If so, tax them equally, tax them alike; give the same advantage to the producer of one that you do to the producer of the other. I state to-day that I represent a people who produce great quantities of whisky, and a people also that produce a great deal of tobacco. In the southern part of the State that I partly represent on this floor the people produce a great deal of tobacco. In other parts of the State we produce a great deal of whisky. You then give to one part of my State the right to hold the whisky and make 20 cents a gallon on it; the other part of the State you deprive of the right to hold it, but tax them on that which is

on hand. That is my objection to this bill. It is not fair; it is not just. The bill that came before the House first had a provision in it for the taxing of whisky on hand, but there was force enough to induce the House to strike that out, and not enough force to strike out tobacco on hand. You say to me we must not talk about amending this bill in the Senate; if amended, it cannot get through. What has that to do with legislation? The right way is to legislate right, and not legislate wrong for fear you will have no action. Now, then, strike out tobacco in hand and you will have them on an equality. Exempt them both from taxation, so far as that is concerned, if you exempt one.

I should not have said so much had it not been that there seems to me an attempt here to force men to vote for a measure that they are opposed to; and we are told the Government will almost be destroyed if we do not. We are told that the Government cannot run unless it has this money; that there will be a great deficiency. Well, it will cost the Government no more to vote the deficiency than it costs the Government now to tax the people. I ask you, Senators, to-night, when you return to your homes and meet the people, and when they ask you what have you done, what will you say? "Nothing, except at the last hour of the session we taxed you $40,000,000 more." That will be pleasant; they will like that! It will sound well! Now what are you going to do? The other night when this measure was up I opposed an adjournment until we could decide it, so that it might go back to the House if it were amended; but our friends here were all in favor of an adjournment, and so you lost a whole night. Now we are to be told that we have no time to arrange or make this bill better or perfect it.

Mr. FERRY, of Michigan I hope the Senator will remember that those who are opposed to this bill were in favor of an adjournment. The expression of the Senator was very sweeping that all were in favor of an adjournment.

Mr. LOGAN. The Senator need not have put himself to that much trouble. I am not in favor of this bill, and I opposed an adjournment and stood up in my place and begged the Senate not to adjourn. I speak for myself. I have stood here day after day and asked that a little bill be passed to equalize the bounties of the soldiers of this country, but that cannot be done. Why? It will take money out of the Treasury! Now, if you are determined to pass this tax bill, what do you want the bill for if you do not expend the money for something? Am I to be told every day that the equalization of bounties cannot be passed in this Senate because it will take money out of the Treasury, and in the very next breath I am to be asked to vote $40,000,000 of taxes? Are we to be told that we cannot go on with the public works because they will take money out of the Treasury and the next moment asked to vote taxes on the people? What do you want with the taxes if it is not for the purpose of expending them? We are told to-night very eloquently by the Senator from Indiana that unless we pass the bill we shall see our public buildings stopped; that we shall see the public works stopped. This is all very well to talk for the purpose of scaring people; it does well enough to talk that kind of talk to people that will scare, but it is unnecessary to talk it to men who can understand questions as well as those who use that kind of talk to frighten people. I have no fears of the public buildings stopping; and if some of them were stopped I do not know but what it would be tolerably well for the country.

I think the best way for us to do is to bring our appropriations within our means, and not try to bring taxation up to our appropriations. If we have not got money enough to make lavish appropriations, let us measure our appropriations by our means. In that way the Government will run. If we are paying two or three million dollars for a piece of work of which one-half is mere ornament, cut off the ornamentation and have your work substantial. Let that be our motto and there will be no trouble. Many of my friends have come to me and said, "We do not want you to vote against this bill." I do not want to vote against it if I can see a reason why I should vote for it, but I do not see that reason; it has not been given to me yet, and hence I shall not do it.

I have been asked time and time again why I insisted that this Government should run in the hands in which it has been. For years and years the Government has gone on; we have reduced taxation every year and paid a part of the public debt every year. Now, rather than tax the people further at this time, I would say pay your interest on your public debt and let the principal stand for a time. It is not increasing while you pay the interest. I would let it remain for awhile, for one year or for two years—the principal of the public debt—and keep the interest paid, rather than insist upon retaxing the people of this country.

This much I have been forced to say, for I sit here perhaps almost alone on my side of the House; at least only one Senator has said a word against the bill except myself on the side that I claim to belong to politically. We may perhaps be solitary and alone on our side in our votes. Hence I have been forced to say what I have said in justification of the vote which I intend to give on this bill, and not because I had any desire to make any remarks.

Mr. SARGENT. Mr. President, I look with some apprehension on the prospect that the bill before the Senate may be beaten. I do not certainly think this will be the case; but the indications which we have had to-day and to-night lead me to believe that the bill cannot succeed in its present form. I look upon this as a misfortune to the Treasury and to the country; but I desire to say, and to ask the Senate to stand by me in the position that I shall be compelled to take with reference to such appropriation bills as are within reach, that everything in the nature of a discretionary item shall be dropped from those bills. Senators have sent to the Committee on Appropriations upon the sundry civil bill, which, as we all know, is a kind of catch-all for items not considered upon all other bills, many amendments, I suppose all important to them. If it is not possible for this tax bill to pass or some tax bill to pass Congress, it will be very necessary to economize with great severity, and I shall consider it my duty and shall expect Senators around me who do not see their way clear to pass a tax bill to stand by me if I come in reporting against their favorite amendments or even cutting down the bill as it may come from the House by eliminating all items that can possibly be spared without great injury to the public service.

Furthermore it seems to me that if this bill or some bill raising revenue cannot pass both Houses, it would be idle, it would be worse than idle for us to pass the river and harbor bill. That is a branch of the public service which, with here and there an occasional loss to works which are in progress, can be spared and must be spared rather than that the national credit should be injured and the national debt increased.

This is all I wish to say upon this bill; I do not wish to delay a vote; but I understand that in the opinion of Senators who are peculiarly favorable to the bill the pending motion is considered as a test-vote upon the bill. I trust we may come to that vote. If the bill is certainly beaten, let it be done soon. There is no use remaining here all night to discuss it.

Mr. ALCORN. I trust, Mr. President, I shall not be found wanting at any time in giving support to a measure necessary to the support of the Government and to liquidate promptly all its obligations; but I submit to the Senate that this bill which is now under consideration is a little out of place, and I propose to give the reasons why I shall vote against it if the vote is now pressed. Selfishness is a part of human nature which belongs to us all. It was given us for a valuable purpose, and it is the duty of each Senator upon this floor and each Representative in the Congress of the United States to see to it that those whom he represents shall be dealt fairly with in all the appropriations that are made by the Government. The State that I in part represent, with its broad sea-coast, with its almost incomparable harbors on the Gulf coast, has not, since the war began, ever received a notice from the Congress of the United States. Look, sir, at the river and harbor bill. The State of Mississippi has just $10,000 embraced in all its appropriations, and that $10,000, I am sorry to say, is exactly where it is not needed. I propose to see what you will do with the river and harbor bill before I give my vote for the money necessary to support the schemes that are now in the imagination of Senators on this floor. Take up and pass the river and harbor bill, and then when you have laid out your work, knowing the amount of money that is necessary to meet the demand, the Senate owes it to itself, the Congress owes it to itself, to comply with the demands it will have made upon the Treasury. But until those demands are drawn up in the form of legislation, I submit that to be legislating here in the way of raising $40,000,000 is legislating without sufficient data to base that legislation upon. Give us to understand by your legislation what you propose to do with the river and harbor bill; give me to know whether I am justified in taxing the poor laborer in the State from which I come in his tobacco, in his whisky, and 10 per cent. upon his apparel by reason of the appropriations that are made under the river and harbor bill, the sundry civil bill, and under the various other bills that are not yet acted upon.

The Senator from New Jersey I think put this bill upon its true basis. It is the consumer that pays this tax; it is the consumer everywhere. The consumer in the State that I in part represent pays the tax, and I am opposed to his paying it unless there is some remuneration for it. I do not understand that this $40,000,000 is necessary to support the Government unless the legislation of Congress shall make the demands upon the Treasury that are anticipated. If we stop short just here the forty millions are not necessary. The honorable Senator said that there were now amendments pending on the river and harbor bill amounting to ten or eleven million dollars. That is true; and we are asked to go forward on the idea that it is necessary to pass this bill that we may meet the demands of those amendments. Take up the river and harbor bill, and let us see how that is. If it be needed, I stand prepared to vote for it. If it be not needed, I stand prepared to vote against it.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from Virginia, [Mr. JOHNSTON.]

Mr. MORRILL, of Vermont. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WINDOM. I do not like this bill in many respects, but I believe that if the bill fails some of the measures suggested by the Senator from Mississippi will fail with it, and I believe the river and harbor bill will fail with it. Although I do not believe it ought to fail, even if this bill does not pass, yet from what had been said during this debate I am satisfied such will be the result. I believe that the river and harbor bill is the last one that should fail, even if this tax bill is not passed; but I know very well that the feeling has been

for years, and I believe it is now, that the river and harbor bill can be laid aside better than any other; in other words, that the commerce of the country may be neglected and that the burdens which are now borne by it may not be cared for while all other appropriations are made. Believing that that feeling exists, and that that bill and certain amendments which I want to offer to it will fail, I shall vote for this bill on its passage to-night; and I trust to the good judgment of the Senate, if this law shall pass, to use a portion of the funds which we shall raise for the purpose of reducing the burdens of taxation in other directions. In my State and in several others of the Northwestern States, and I believe also in the Southern States, the burdens borne by the people in the interchange of their products are heavier than any other burdens which they bear to-day. I believe that an appropriation of a small amount of money will inaugurate a system which will relieve those burdens. I do not believe that system will be inaugurated, because I do not believe the Senate will agree to it if this bill should fail, and therefore while I do not in many respects like this bill I shall give it my support.

Mr. WRIGHT. Mr. President, I do not propose to say anything on the subject of the bill. I shall vote against this amendment, however, and shall vote against the bill; but I think if the bill is to be passed at all, if we are to pass any bill, we should pass this bill as it is. I shall vote against all amendments to the bill, preferring to leave it just as it is and take the vote squarely upon the bill as it came from the House. I shall therefore vote against the amendment, and all amendments, and shall vote against the bill on its final passage. I say this lest my vote against the amendment might be misconstrued. I vote against it, as I shall against all other amendments.

The Secretary proceeded to call the roll.

Mr. COOPER, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] If he were here he would vote "nay," and I would vote "yea."

Mr. SCHURZ, (when his name was called.) I am paired with the Senator from Indiana, [Mr. MORTON.] If he were here he would vote "nay," and I would vote "yea."

Mr. HARVEY, (when his name was called.) I am paired with the Senator from New Hampshire, [Mr. WADLEIGH.] He would vote "nay," and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 28, nays 26; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Clayton, Conover, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Kelly, Logan, McCreery, Merrimon, Norwood, Pease, Ransom, Saulsbury, Sherman, Stevenson, Stewart, Stockton, Thurman, and Tipton—28.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Ogelsby, Pratt, Ramsey, Robertson, Sargent, Scott, Spencer, Washburn, Windom, and Wright—26.

ABSENT—Messrs. Brownlow, Carpenter, Conkling, Cooper, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Harvey, Hitchcock, Ingalls, Lewis, Morton, Patterson, Schurz, Sprague, Wadleigh, and West—19.

So the amendment was agreed to.

Mr. SARGENT. I move to strike out the first and second sections of the bill, and in lieu thereof to insert—

That there shall be levied, collected, and paid upon the articles herein mentioned the rates of duty herein prescribed, namely: On tea 10 cents per pound; on coffee 2 cents per pound.

The rates of duty named upon tea and coffee are those which prevailed at the time the tax upon them was repealed. The vote which has just been taken is admitted on both sides of the Chamber to have been a test vote, except that it was said the bill was two or three votes less strong than the amendment; that is to say, there would be less votes for the bill than there were against the amendment. That being so, desirous to save the tax bill and desirous to test the theories of some of our friends who now hear me and who have spoken heretofore, I propose this amendment. This certainly is a simple revenue amendment, and Senators cannot object to it on any ground of their opposition to protection, or any other theory whatever, except that they do not desire to raise the additional revenue for the Government. I do not desire to debate the question *pro* or *con*, for the propriety of taxing tea and coffee is very well understood. It is well understood that coffee and tea are not 1 cent cheaper since the repeal of the tax; that the countries from which we import these articles put on an export duty; and unquestionably that duty will be repealed upon our putting a tax on these articles. I offer the amendment; I do not desire to take up the time of the Senate in discussing it.

Mr. CLAYTON. After what has been said by the Senator from California as to the vote which has just been taken being a test vote, I desire to say that so far as I am concerned it is not a test vote. If the bill is perfected as I think it should be, I shall vote for it, but I cannot, representing the constituency I represent, discriminate as between the production and manufacture of tobacco and of whisky. I desired by my vote to place the manufacturer of tobacco at least on an equality with the manufacturer of whisky.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON. I have listened to the result of the vote just taken with great regret. I think this bill is necessary to the restoration, prosperity, business, comfort, and happiness all over the country, and I am surprised to find that a bill so necessary to the prosperity of the country should be defeated by the unanimous votes of all the Democrats in the Senate and of the weak-kneed Republicans.

Mr. HAMILTON, of Maryland. What does the Senator say?

Mr. CAMERON. I say by the weak-kneed Republicans. I mean no individuals, but I mean Senators who are more anxious about what they suppose to be their own popularity than the success of the country; and I say to them that in my long life I have never seen any man who made any profit to himself from cowardice and from selfishness. This bill is necessary to preserve the integrity of the country, the character of the country, and the prosperity of the people of the country. It would bring no additional taxation to anybody. It would bring revenue into the Treasury without bringing discomfort to any individual. We have lost the bill by the want of faith on the part of the Republicans. They will find out what they will make by it, for my experience is that no men who leave their friends, either in public or private life, ever make any profit by it. I do not believe this question is going to destroy the Republican party, because I am satisfied that the intelligence of the country will see that it was the Democratic party which, if the country is disgraced, has disgraced it.

I have listened to all these discussions, proposing not to say a word; and I only say the few words I am now saying for the purpose of showing to my own people that I do not approve of the result. You talk about making an amendment to the bill. No amendment will do any good. If the bill is changed to-night by a single amendment, it goes back to the other House and is defeated. I am especially pained that my friend, the Senator from Ohio, the chairman of the Committee on Finance, [Mr. SHERMAN,] should oppose this bill. I ought to have thought the other day, when he refused to pass a bill giving $1,600 for head-stones to one hundred and sixty soldiers——

Mr. SHERMAN. I beg the Senator's pardon; I do not hear him.

Mr. CAMERON. I say I ought to have known the other day, when the chairman of the Committee on Finance refused to consent to the passage of a bill to put head-stones to the graves of one hundred and sixty dead soldiers, that he would go against any question which the country might need in its great distress. [Laughter.] I do not mean any disrespect to him. I have voted very often to do honor, and I am going to vote again directly to do honor to some of his family, and I am sorry indeed that he now, who ought to be the first person to see that the Treasury is made able to take care of itself, is the first one to prevent money from going into the Treasury for its support.

Mr. President, I only want the country to know how this bill has been defeated; how the country will be prevented from keeping its honor and its integrity next year. It will not be by the republican party, but it will be by the combined efforts of the opposition to the republican party and a few individual Senators who have believed that their own constituents would be injured to the extent of a few dollars by the passage of this bill. Ohio makes a great deal of whisky, and why should not whisky pay a tax? Is it not better that that should pay a tax than tea and coffee? The Senator would tax the poor man, the poor woman, and the poor child, whose only luxuries are tea and coffee, and yet he refuses to prevent the great distilleries of his State from paying a cent or two more of tax upon their whisky or their tobacco. I believe I shall vote for his amendment to tax tea and coffee; but it is wrong, and I am not certain that I shall vote for it. I will not decide that until the time approaches to vote upon it. That is all I intend to say about it.

Mr. HAMILTON, of Maryland. Mr. President, because the Senate a moment ago thought proper to put an amendment on this bill, equalizing the articles, putting tobacco on the same footing with whisky, the honorable Senator from California has seen proper to offer an amendment striking out both those sections proposing the increased tax on whisky and tobacco and proposing in lieu of them a tax on tea and coffee. I have always thought that tea and coffee, whisky and tobacco were proper subjects for taxation. All these four articles are alike certain subjects of taxation. I have always hitherto voted for a tax on tea and coffee, and would vote for it upon this occasion were it offered as an amendment to the fourth section of this bill, but as an amendment striking out the first and second sections of this bill, I cannot vote for it.

The fourth section provides for the repeal of the 10 per cent. reduction of the tariff that took place in 1872. I am perfectly willing to strike out the fourth section and substitute for it the amendment of the Senator from California, because we will then have an equivalent; a general reduction upon all the necessities of life alike will then be made; and while doing that, we will derive a revenue from the articles still remaining taxed under the fourth section of that bill, and we will in addition have a revenue derived from tea and coffee.

But, Mr. President, while thus stating what I am perfectly willing to do in regard to the fourth section of this bill in order that the tariff duties may remain generally as they do now, I must be sufficiently candid to say that I shall vote for no tax bill at this session of Congress; I shall vote for no taxation at all, and it is simply for the best possible reason to myself that there should be a little press in the country in order that we may know what we ought to spend.

We have been spending too much money, and unless we are somewhat crippled in our resources we will not come to a proper understanding of our condition. I do not fear the credit of the country. Our revenues are sufficiently large to carry on the Government in all its departments and besides pay the interest on the public debt and have a fair sum appropriated toward its extinguishment. All we want is a prudent economy in this body and in the other branch of Congress, a curtailment of unnecessary expenditures, a considerable diminution of our great ideas of what this country ought to be now, when it is barely in its infancy and with a depression of the material interests of our people. I am sure that we will come back to where we ought to be in the expenditure of our money.

Now just for illustration, my honorable friend from Pennsylvania, [Mr. CAMERON,] who just chided the Senator from Ohio for refusing to vote with him on some project that he had before the Senate for tombstones at graves of soldiers at Harrisburgh, but the other day got an appropriation to purchase a lot of ground in Harrisburgh, that is to cost, for the lot alone, remember, in a small town comparatively like Harrisburgh, $116,000, upon which to put a building. Now I do not object. I want my honorable friend to understand that I do not object.

Mr. CAMERON. Will the Senator allow me to interrupt him a moment?

Mr. HAMILTON, of Maryland. Certainly.

Mr. CAMERON. The tombstones are not for Harrisburgh, but for the town of York.

Mr. HAMILTON, of Maryland. I am not talking about that.

Mr. CAMERON. One half of the dead buried there were rebels who died there and were cared for and buried by the charitable people of that town.

Mr. HAMILTON, of Maryland. I have no question about that; but it is not proposed to put tombstones to their graves, I understand.

Mr. CAMERON. Tombstones for all of them, without respect to States. They are from sixteen States, for those from the southern States as well as from the Northern States.

Mr. HAMILTON, of Maryland. I am not speaking about that. I am drawing the attention of the Senate to these extraordinary expenditures of public money. I am sure I have no objection to the expenditure of money there any more than at any other place in the country; but when we look at the amount of money that is alone expended upon your public buildings it is simply monstrous.

While that expenditure was under consideration the other day, I just happened to turn to the list of public buildings now in the course of construction in the United States, and they must be in the most extravagant style. I find the estimated appropriations for the coming year to be $8,000,000, reduced, to be sure, by the Committee on Ways and Means in the House to between five and six million dollars, or probably rising six million dollars. Still it is an extravagant sum of money to be appropriated for such purposes.

Look at some of these buildings. There is the post-office at Boston. That is a great center of trade, I acknowledge. The appropriation for that was made in 1868 and 1871. Then we were in trouble; we had a large public debt; we had had taxation everywhere, and yet we expended upon that $2,000,000, or upward. The custom-house at Chicago just begun the other day: the site was purchased in 1872. I want my honorable friend from Illinois to understand that I do not object to his getting a fair share of the public money in this way when it is going around, but I do object to the thing in itself, that this is not a proper time, when we have $2,000,000,000 of indebtedness and such an enormous taxation upon us. The site alone for the Chicago post-office cost $1,256,000; and that was just two years ago. The expenditures upon it so far, toward the building, have been about $200,000. If the site of such a building cost $1,200,000, what are we to expect when we put the superstructure upon it? What can we expect?

So I might go on with numerous instances of the kind. Here is my friend from California, [Mr. SARGENT.] The building in San Francisco was commenced in 1867, and it has cost $1,898,000 so far.

Mr. SARGENT. What building?

Mr. HAMILTON, of Maryland. The custom-house in San Francisco.

Mr. SARGENT. They are not building a custom-house.

Mr. HAMILTON, of Maryland. The post-office, perhaps?

Mr. SARGENT. They are not building a post-office.

Mr. HAMILTON, of Maryland. What are you building in San Francisco?

Mr. SARGENT. I am sorry to say my friend is entirely mistaken. They did build a mint; and finished it some time ago.

Mr. HAMILTON, of Maryland. I do not care what the building was, the amount appropriated was $1,898,000 when the country was involved in this debt. I am talking about the expenditure of public money when you are in debt.

Here is the court-house at Springfield, Illinois. Upon that, and because of that, my honorable friend from Pennsylvania got his appropriation for the Harrisburgh court-house. That court-house, which was commenced in 1872, has cost already $295,000. I do not object to it if we have plenty of money and are out of debt, but that is a large amount to appropriate for a court-house in Springfield.

Mr. LOGAN. The court-house there is not finished.

Mr. THURMAN. And we appropriated $18,000 for furniture.

Mr. HAMILTON, of Maryland. Look at another court-house, in Utica, New York, begun in 1874. The site for that court-house in Utica, New York, has cost $161,000. What do you think of it? And that was last year. So I could go on through with this list and show these enormous expenditures of money.

Mr. LOGAN. Go on to some of the expenses incurred for Baltimore.

Mr. HAMILTON, of Maryland. I am not talking about expenditures before the war. I am referring to those since the war. Take the New York custom-house——

Mr. MORRILL, of Vermont. Has the Senator got the amount that is proposed to be appropriated for Baltimore after the Appropriation Committee were sent over there to examine the site of the place?

Mr. HAMILTON, of Maryland. I have not.

Mr. MORRILL, of Vermont. Four million dollars, was it not?

Mr. HAMILTON, of Maryland. If Baltimore stands in need of a court-house or custom-house, build one according to your means and that will answer the purpose. With due submission to the honorable Senator from Vermont, these expenditures of public money when our people are oppressed with debt is scandalous in my judgment. Now look at New York. Here is the post-office for New York.

Mr. CAMERON. Will the Senator allow me to interrupt him once more? I do it with great reluctance, because he is always so kind.

Mr. HAMILTON, of Maryland. Certainly.

Mr. CAMERON. I want to ask the Senator from Maryland if he remembers how much money there is asked of Congress here now in a bill pending, and I think under his protection, for guns furnished the Government when it was in its greatest need in 1861? Certain guns were used to protect the State of Maryland by the Government of the United States, and just now, when he says we should not be in a liberal mood, the Senator himself, I think, brings in a bill and asks us to pay four or five hundred thousand dollars for old and worthless muskets.

Mr. HAMILTON, of Maryland. When was that bill introduced? I never heard of it.

Mr. CAMERON. Very recently.

Mr. HAMILTON, of Maryland. If I understand it, there is a bill to pay the State of Maryland for arms delivered to the United States when they wanted arms, amounting to $64,000. If that is the bill to which the Senator refers, and if it be wrong, do not pay it; but pay your debts. I am saying nothing now against the payment of debts, but I am talking against these extravagant expenditures of money for other purposes than the payment of debts.

Mr. CAMERON. Just one word more. They were not delivered to the United States. They were taken for the use of the United States to protect Baltimore from going out of the Union. [Laughter.]

Mr. HAMILTON, of Maryland. My friend from Pennsylvania is becoming too venerable in years and has too short a time to live—though I hope he will live a hundred years—to be talking about the dead past. Let us look to the future. My friend, live for the present and the future and let the dead past take care of itself. I am not talking about either the revolutionary war, the centennial, or the late rebellion. [Laughter.]

Mr. CAMERON. I trust that I shall see the Senator from Maryland twenty or thirty years after this.

Mr. HAMILTON, of Maryland. I hope so.

Mr. CAMERON. And I shall be very glad if he shall be as vigorous twenty or thirty years after this as I am now, but I should be very sorry if I should ever forget how badly the State of Maryland behaved as a State and how gloriously some of her individuals did, and how much she ought to thank us of the North for keeping her from destroying herself.

Mr. BOUTWELL. I know the honorable Senator from Maryland desires to be accurate. I have not followed all his statements with regard to public buildings; but one, I observe, of which he makes special complaint is the building of the court-house at Springfield, Illinois. That was commenced under the administration of Mr. Buchanan, in 1857, and all this Administration has done is to spend about $9,000 in repairing it.

Mr. HAMILTON, of Maryland. I cannot help that.

Mr. EDMUNDS. Nobody can.

Mr. HAMILTON, of Maryland. Allow me to ask, were we in debt then? Was this country ground down under the heel of intolerant taxation?

Mr. HAMLIN. It was borrowing money then.

Mr. HAMILTON, of Maryland. We were not then two billion dollars in debt, as we are now. The people were not then clamoring about taxation. I am not talking about that. We can permit ourselves to be a little improvident. We can allow ourselves to spend a little money uselessly, it may be recklessly; but when we have not got it we ought not to spend it.

Here I was going to say one word more. I am talking now of those expenditures that have been made since the war for these various projects. None other have I noticed. I get from the Treasurer's report when these different buildings were begun. Now, I do not object to buildings necessary to be built, but I do object to such costly ones. Suppose that a court-house was needed in Springfield. Acknowledging its necessity, why not get along with a court-house there at a less cost than $295,000? It is too much, Mr. President. We are not to run around this country and ornament the little towns

or even the cities in the land by great and extravagant structures. It is not our policy to do so. Our policy is to be frugal in our expenditures and provident in all our enterprises.

Now, Mr. President, I merely call attention to this. One word more, because I do not desire to detain the Senate, but this is an interesting subject, and of importance to the tax-paying people of the country. Until the honorable Senator from California introduced his amendment to tax tea and coffee I had determined to say not one word upon this matter. But what is the fact? Let us look at the annual expenditures. Is it not remarkable that for the year past our expenditures should be $14,000,000 more than they were last year and $40,000,000 more than they were the year before? In 1871, but three years ago, your expenditures were thirty-five millions of money for the Army. Now they are for 1874 $42,000,000 for the Army. Your Indian expenses remain about the same. Your Navy is much more. The expenditure for 1871 was $19,000,000; for 1874, $30,000,000, that is, in round numbers. In 1872 your net ordinary expenditures were $153,000,000, and for 1874 they were $194,000,000, making a difference of $41,000,000 in the net ordinary expenditures between the past year and 1872. In the year 1871 your net ordinary expenditures were $157,000,000. This last year they were $194,000,000.

Mr. EDMUNDS. Does the Senator mean to say that the ordinary expenses of this Government have increased by that much?

Mr. HAMILTON, of Maryland. The ordinary net expenditures?

Mr. EDMUNDS. Does the Senator mean to say that the ordinary expenses of this Government have increased in the way he has mentioned or anything like it, or at all?

Mr. HAMILTON, of Maryland. Does the honorable Senator undertake to say that the expenditures were not $157,000,000 in 1871?

Mr. EDMUNDS. I undertake to say, whatever they were in 1871, the expenditures of this Government have not increased since 1871.

Mr. HAMILTON, of Maryland. The net ordinary expenditures were $153,000,000 in 1872 and the net ordinary expenditures this year are $194,000,000, that is if you believe your documents to be correct.

Mr. EDMUNDS. Do I understand the Senator, then, to say, reading from his book of figures, that he believes that the expenses of this Government, its actual expenditures of money, have increased in that way? I merely want to get at his belief. I am not talking about the figures he is reading from on a page of the book.

Mr. HAMILTON, of Maryland. What is the meaning of this?

Mr. EDMUNDS. I am asking the Senator if he believes the expenses have increased.

Mr. HAMILTON, of Maryland. Of course I think so.

Mr. EDMUNDS. Very good.

Mr. HAMILTON, of Maryland. If it is not so, your books are all false and they ought to be burned; it is a waste of money to pay for printing them.

Mr. EDMUNDS. Perhaps the Senator does not understand them.

Mr. HAMILTON, of Maryland. Will the honorable Senator from Vermont please explain the document that is furnished to us by the gentlemen whom we have at the other end of the avenue.

Mr. EDMUNDS. It is not a difficult task at all.

Mr. HAMILTON, of Maryland. It is a task. For illustration, the Army in 1874 cost $42,000,000; in 1871, $35,000,000. What is the cause of that?

Mr. EDMUNDS. Does the Senator mean to say that the expenses of the Army proper increased in that way?

Mr. HAMILTON, of Maryland. What does the Senator from Vermont mean by the word "proper?" There lies the whole question.

Mr. EDMUNDS. I will tell the honorable Senator what I mean by the word "proper." The expense of paying, feeding, clothing, transporting, and doctoring soldiers and officers.

Mr. HAMILTON, of Maryland. I understand the honorable Senator; and therefore there are other matters outside of that within the $42,000,000?

Mr. EDMUNDS. Yes.

Mr. HAMILTON, of Maryland. Accordingly those matters were in the appropriation of $35,000,000.

Mr. EDMUNDS. Then the Senator means to say that as to the Army expenditure for fortifications and for rivers and harbors, &c., by the War Department, we have done more in respect to fortifications and other things that the engineers of the Army under the War Department built than we have done heretofore. Yet the Senator stands up here to make the country believe that the expenses of the Army have been increased.

Mr. HAMILTON, of Maryland. I stand up in this body and call the attention of the public to your official document that shows the fact.

Mr. EDMUNDS. It does not show the fact.

Mr. HAMILTON, of Maryland. How are we to get information except from your official documents? I know that Army fortifications are included within this sum, yet included as the item is in the $42,000,000 it is also included in the $35,000,000. But you do not explain that to the people.

Mr. LOGAN. If the Senator will allow me I can explain it in a moment.

Mr. HAMILTON, of Maryland. Certainly.

Mr. LOGAN. As far as the Army is concerned, the expense of the Army is less because the number of men have been reduced; but there has been the Modoc war; and any one who knows anything about it knows that a war, if it does not last two months, if only twenty-five men are engaged in it, is a very expensive luxury.

Mr. HAMILTON, of Maryland. In 1873 we spent $46,000,000. Now when you come to the Navy, the Navy in 1871 cost $19,000,000, and in 1874 it cost $30,000,000. Your official documents may mislead you to some extent. You would suppose that is for the Navy, pure and simple, and things directly connected with it; but then the same items are included within the same expenditures of 1871 and of 1874.

Mr. LOGAN. The Senator knows that vessels were built and included in that.

Mr. HAMILTON, of Maryland. I forgot to put down this little mob or *emeute* at Cuba, in which the Virginius was involved. I know all about that $4,000,000 bill. I opposed it; it ought not to have been passed; but that is of no consequence now.

Then again you have the Indians. The Indians in 1870 cost $3,000,000 in round number; in 1871, $7,000,000; and you are so progressing with your Indian policy until it is absorbing your revenues, costing as much as your whole Government cost in the early days of the country. But what is a remarkable fact, in 1800—I think it was in the last year of the administration of old John Adams, as we call him—the Indians cost us $31.22. [Laughter.] And certainly in the first year of Jefferson's administration they cost us $9,000; and I presume my honorable friend from Illinois knows the fact that the Indians then were somewhat greater in numbers than now. Their camping-ground was where the honorable Senator now lives. There is where at that day they met the white man face to face and contended with him for the mastery of the West.

Mr. LOGAN. Will the Senator allow me to suggest to him right here one point that he probably may have overlooked?

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. LOGAN. If you will follow that along down for quite a number of years you will find the Indians not costing anything; and why? Because then the Indian Department and the War Department were the same; it was all included in the expenses of the War Department. The Senator will find that fact in explanation.

Mr. HAMILTON, of Maryland. The honorable Senator may be right in what he says; but then, indeed, still worse——

Mr. LOGAN. I know I am right.

Mr. HAMILTON, of Maryland. But I take your official documents to show that you are wrong. Burn up your documents if we cannot understand them and the people of the country cannot understand them. Here we are daily called upon to expend large sums of money in publishing this worthless stuff for the people. That is if it be all error that is thus put in your official papers; but not so, I apprehend. The officers in charge of the Department but seldom make mistakes in summing up what they spend. They do not make it larger than it ought to be.

But the worst of all, Mr. President, is in your miscellaneous expenditures, which are $85,000,000 for 1874. These expenditures for 1871 were $60,000,000, and for 1872 $53,000,000. Think of it now, I ask. That is the reason I shall vote against any tax bill. Why shall not the Administration, when there is no occasion for these expenditures of money, return to those of the years 1871 and 1872, and if you do so, you have no occasion for increased taxation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

Mr. MORRILL, of Vermont. What is the amendment? Let it be reported.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. It is proposed to strike out the first and second sections of the bill and in lieu thereof to insert the following:

That there shall be levied, collected, and paid upon the articles herein mentioned the rates of duty herein prescribed, namely:
On tea of all kinds, 10 cents per pound.
On coffee of all kinds, 2 cents per pound.

Mr. THURMAN. Mr. President, as a substitute for the first and second sections of the bill, I cannot vote for the amendment of the Senator from California. As a substitute for the fourth section, I would vote for it if compelled to take one or the other. But I am opposed to any increase of taxes at this time. If the proposition were to make a reduction such as I think should be made, of $12,000,000 in the customs duties, and substitute therefor the proposition of the Senator from California, I should vote for it.

Mr. McCREERY. Just to bring this matter to a settlement, I move to lay the bill, with the amendment, on the table.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. On this question I am paired with the Senator from New York, [Mr. CONKLING.] If he were here he would vote "nay," and I should vote "yea."

Mr. HARVEY. On this question I am paired with the Senator from New Hampshire, [Mr. WADLEIGH.] If he were present he would vote "nay," and I should vote "yea."

Mr. SCHURZ. Upon this question I am paired with the Senator from Indiana, [Mr. MORTON.] If he were here he would vote "nay," and I should vote "yea."

Mr. WRIGHT. I am paired with the Senator from South Carolina, [Mr. PATTERSON.] If he were present he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 28, nays 28, as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Conover, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, Logan, McCreery, Merrimon, Norwood, Oglesby, Pease, Ransom, Saulsbury, Sherman, Sprague, Stevenson, Stockton, Thurman, and Tipton—28.

NAYS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Hitchcock, Howe, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Ramsey, Robertson, Sargent, Scott, Spencer, Stewart, Washburn, West, and Windom—28.

ABSENT—Messrs. Brownlow, Carpenter, Conkling, Cooper, Fenton, Ferry of Connecticut, Gilbert, Hager, Harvey, Ingalls, Lewis, Morton, Patterson, Pratt, Schurz, Wadleigh, and Wright—17.

So the motion to lay the bill on the table was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California.

Mr. SARGENT. I listened with attention to the remarks of the Senator from Maryland, and although I have not had an opportunity to examine his figures and find out in what maze he had entangled himself, I desire to call his attention and the attention of the Senate to the amount of the appropriation bills for the last year, and the amount furthermore of the appropriation bills for this year, showing the expenses for this year now running, and the amount for next year. I have here the exact figures of each of those bills, and it makes no difference from which list of figures he may read. I simply state these figures as they are on the statute-books. They are of my own compiling, and I know they are correct. Some of the bills for 1874 are larger than those for the current year, but on the whole there was a large decrease, a saving of millions. The legislative bill for 1874 was $18,170,441; for this current year for the money which we are now expending, $20,758,255; the sundry civil bill spent last year, 1873-'74, $32,173,257, while for this current year we are expending but $26,924,746, a difference of nearly $6,000,000 in favor of the economy of this year. The Army bill for the former year was $31,796,008, while for the current year it was reduced to $27,788,500, a reduction of about $4,000,000. The Navy for the former year was $22,275,707, while for the current year it is $20,813,946. I do not know whether I can have attention.

The PRESIDING OFFICER. Senators will please resume their seats.

Mr. SARGENT. I know there is nothing so dull as a column of figures, and yet when a charge is made here in the face of a two-thirds majority of this Senate that year by year we are driving the Treasury into bankruptcy because by the million each year our expenditures have been increased, it is worth while for Senators to know that we did not increase expenditures millions, and the very bills that we have passed upon this year are millions smaller than they were last year, and last year they were many millions smaller than they were the year before.

The river and harbor the former year was $7,352,900; for the current year, $5,228,000. The fortification bill was $1,899,000 the year, before; the current year, $904,000—a reduction of about a million on that item. The Military Academy bill was about the same, a little less this year than last. Last year it was $344,317; the current year $339,835. The Post-Office appropriation bill increases. Last year it was $6,496, 602; the current year, $7,175,542, on account of the great increase of the postal business of the country. That shows a little increase. The pension appropriation bill shows a little decrease this year over last. Last year it was $30,480,000; the current year, $29,980,000. The consular appropriation bill shows some increase. The miscellaneous appropriations show about the same decrease; I mean the miscellaneous appropriations, not the miscellaneous appropriation bill.

The deficiency of the past two years was $9,496,406, while the deficiency we had during the last session of Congress was less than half that amount, or $4,053,812.

In round figures, adding up these respective columns, we spent during the last fiscal year $170,424,800, and during the current year we are expending but $151,106,128, or a saving of $19,318,672 in the appropriation bills this year. We are spending less than last year, and that is not taking into account the money which is saved by the purchase of bonds, by the funding of the debt, or by any other means of the saving of expense in the permanent appropriation for interest on the public debt; and furthermore it takes in and allows for the four million emergency bill on account of Cuba, the little row which the gentleman spoke of, and it takes in the Modoc war, and all the other expenses; and nevertheless there is saved in the expenditures this year over last year over $20,000,000.

Mr. HAMILTON, of Maryland. Let me interrupt the Senator a moment. Does he say that the expenditures of the Modoc war are embraced in the expenditures of this year?

Mr. SARGENT. Yes; because almost all the appropriations were made for that purpose. Of course there are some claims which go over of that kind which we may not get rid of for four or five years to come.

Mr. HAMILTON, of Maryland. I asked the question because the Senator from Illinois thought the expenditures of the Modoc war were embraced in the expenditures of 1874.

Mr. SARGENT. I am not particular about that. It may be or it may not; but that would not make a difference of nineteen or twenty million dollars. It may be said that during this current year large deficiency appropriations are to be made; that an election was pending in the other House, and consequently the House were obliged in all economy to cut down the expenditures of the Government. In fact, the expenditures of the Government by all means have been reduced $24,000,000. The deficiency bill, as it has just been introduced in the House of Representatives, is about two millions and a half for this current year against $4,000,000 last year. It is the smallest deficiency bill there has been for years. Six years ago the deficiency bill was $23,000,000, and it has been going down year by year. Last year it reached $4,000,000, and this year two millions and a half. My impression is that it will reach $3,000,000 before it gets through the two Houses, and that is a million deficiency less, notwithstanding the reduction of $24,000,000 for this current fiscal year.

As near as I can calculate, and I have taken some pains to verify the figures, the appropriation bills which have passed the Senate and the committees of conference are between four and five million dollars less than last year; that is, this year we are appropriating to spend next year some four or five million dollars less than we appropriated for this current year. Of course I cannot tell what may be done with the river and harbor bill. We have not passed on that question yet; but taking it as the House passed it, then my figures are correct.

So I say, instead of this showing made by the figures of the Senator from Maryland—I know not whence those figures come—taking the actual facts, taking the appropriation bills that have been passed, there is no basis whatever in his statement.

Mr. HAMILTON, of Maryland. One word to my honorable friend. He seems to think that the figures I referred to for the purposes of my statements are not to be relied upon.

Mr. SARGENT. I did not say that.

Mr. HAMILTON, of Maryland. He says he knows nothing about them. I take them from the finance report of 1874, and that finance report gives substantially what was expended, and that comprises everything. Now the honorable Senator from California states that the expenditures for the present year, that is for the fiscal year ending in June, 1875, are much below those of the preceding year and the year before that. I am not prepared to say that the honorable Senator is not correct in respect to that. This fiscal year has not yet ended, and it will not end until June next, and it is impossible to tell what may or may not happen in the mean time, and until we come here next December. But as far as he has gone, I do not question that the expenditures have been less this year than they were last year, but not low enough in my judgment, the expenditures of last year and of the year before that were so largely in excess of the expenditures of 1871 and 1872. To show that there must be something wrong somewhere, and that we can get along without these large expenditures that occurred in 1873 and 1874, is demonstrable by the facts before us. We did get along in 1871 and 1872 with an expenditure of $153,000,000 and $156,000,000, and in 1873 and 1874 the expenditures were $194,000,000 and $180,000,000.

Mr. MORRILL, of Maine. Does the honorable Senator mean that those were the ordinary expenditures of the various Departments?

Mr. HAMILTON, of Maryland. What do you mean by "ordinary?" I speak of expenditures. I mean for pensions, for Indian service, for the Army, for the Navy, for fortifications, for rivers and harbors, and all these purposes.

Mr. MORRILL, of Maine. Let me instruct my friend.

Mr. SARGENT. I will give way to the Senator from Maine after I make a remark. The error the Senator from Maryland falls into is this: he talks of covering in warrants; he counts money that is covered into the Treasury and drawn out again. Those amounts are charged over and over again, and go to swell the gross sum.

Mr. HAMILTON, of Maryland. These are the expenditures.

Mr. SARGENT. They are all called expenditures.

Mr. HAMILTON, of Maryland. But the same thing has occurred ever since the organization of this Government, and more or less occurs in every column of figures from 1790 to the present period of time.

Mr. SARGENT. And consequently we find that in 1859, under Buchanan's administration, by the same table the expenditure of the War Department was $23,154,720. Does not the Senator know that it was not anything of the kind? He is troubled about a question of book-keeping.

Mr. HAMILTON, of Maryland. There was the Utah expedition then. General Johnston was sent there.

Mr. SARGENT. Let me ask the Senator how it was in 1848, when it was $35,000,000?

Mr. HAMILTON, of Maryland. Take 1847, the Mexican war.

Mr. SARGENT. Then I will take the year previous to 1858, when it was $25,000,000, and take 1857, when it was $19,000,000.

The PRESIDING OFFICER. The Chair will remind Senators that the rule requires that they must rise and address the Chair. The Chair is unable to assign places on the floor if Senators remain in their seats and address each other in conversation.

Mr. SARGENT. I suppose the remark applies to some others, as I was standing in my place when I had the floor, and was addressing the Chair.

The PRESIDING OFFICER. The Senator does so at the present time, but other Senators did not.

Mr. SARGENT. Turning to the Navy in 1859—they did not send that out to Utah—that cost $15,000,000. Miscellaneous items ran up to $25,000,000, against $3,000,000 that are chargeable under the ordinary appropriation bill. In fact, the trouble is that it is a question of book-keeping entirely, the method of keeping the books. These totals embrace covering-in warrants, as they are called; moneys are drawn and refunded and drawn again. But the expenditures as shown by the Treasurer cover the amount that all the appropriation bills include.

Mr. MORRILL, of Maine. I was about to read some figures to show my honorable friend from Maryland how much he is mistaken or how much he deceives himself. I know he hardly wishes to deceive the Senate, nor does he desire to be deceived himself.

Mr. HAMILTON, of Maryland. Certainly not.

Mr. MORRILL, of Maine. When he talks about expenditures of the Government he ought to talk with some degree of accuracy; and it is so easy to ascertain what the expenditures are or what our appropriations are from year to year that my honorable friend will hardly find himself excusable for a misstatement so broad. In 1873 we appropriated $154,216,751.32; in 1874, $172,290,780; in 1875, the current year, $155,117,758.20.

Mr. HAMILTON, of Maryland. That I know nothing about.

Mr. MORRILL, of Maine. In round numbers, we appropriated $154,000,000 in 1873, $172,000,000 in 1874, and the current year $155,000,000; and we are appropriating now upon a basis which will reduce that to at least $148,000,000, or $149,000,000 for the coming year. Now, what becomes of my friend's statement of $194,000,000 for this year?

Mr. HAMILTON, of Maryland. For the present year, ending June 30, 1874. About the fiscal year ending June 30, 1875, I know nothing, for the expenditures are not yet completed for this year.

Mr. MORRILL, of Maine. Steadily the Government has gone on reducing its expenditures since the close of the war. The principles of economy and retrenchment have been observed and are being observed. I do not propose to go into that question now; I propose to say a word about the bill under consideration.

I think that the Senate of the United States is in danger of exhibiting itself as a spectacle to the country which will be noticeable now and in all time to come. If we fail to pass a revenue bill this session we shall commit a greater mistake than has been committed by this party since it came into power. Nay, sir, we shall commit a crime against the public faith which will be irreparable, and we shall do it with our eyes open, for we know that now we are delinquent at least $30,000,000, and when this fiscal year closes we shall be delinquent at least $40,000,000, with nothing in the Treasury to make it good, and delinquent to the sinking fund, delinquent in a manner in which our faith as a nation is involved, in which our credit is involved; and if we were to go abroad to fund this debt the first question would be asked, "Have you kept the sinking fund good?" None of us can forget, none of us I think after listening to the speech of my honorable friend the chairman of this committee [Mr. SHERMAN] less than a year ago as to the importance of keeping our faith upon the sinking fund, can fail to appreciate the importance of keeping that faith sacred. We know to-day, and we have known these last twelve months, that we were not keeping the faith with the public creditors of this country. We know that we are delinquent to-day and will be at the end of this fiscal year at least $40,000,000. What is to be done? Do we intend to adjourn and make no preparation to meet that? I hear it said on my left by my honorable friend from Maryland that he is not afraid of the public faith. I am sorry to hear any Senator on this floor make use of that language in view of these facts. Indifferent does he mean to be to the public faith whether it is kept or not? Then why not be willing to do something to redeem the public faith?

What is the way out of this? We have to make these annual appropriations. They are demanded by the public service that is fixed and comparatively inflexible. We know that we are delinquent; we know that the revenues which are now provided for will not more than meet the ordinary expenses for the next year; and this sinking fund is going on and going on at the rate of $31,000,000 a year. What is to be the effect of that on the public credit? What is to become of your public debt? Do you mean to abandon the sinking fund altogether? Do we believe that our democratic friends who are to have charge of the next House of Representatives are to be more patriotic than we? Are we willing to throw the burden, if burden it is, upon that House of Representatives of the next year? And if it is not a burden, are we willing to trust the public credit in those hands? Mr. President, we take upon ourselves here to-night a responsibility in defeating this bill which this party has not taken before since the close of the war, if we do any such thing.

What does the Senator from Ohio, the chairman of this committee, say is the way out? He says that at all hazards the sinking fund must be paid. That is the law. Of all the appropriations you make this year that takes precedence. It will be the duty of the Secretary of the Treasury to pay that no matter what follows, no matter what becomes of the appropriations you make here now for the current expenditures of the Government. That is a permanent appropriation and takes the precedence, and the Secretary of the Treasury notifies you that he will hold it his duty to pay that in preference to the expenditures for the ordinary and current administration of the Government.

What then? The Senator from Ohio says suspend the appropriations and of course there is a failure of the administration of public affairs to that extent. To what extent? Nobody can tell. Are the Congress of the United States going to adjourn under such circumstances as those, and do we propose to put the President of the United States and the Secretary of the Treasury in the predicament of discriminating between the branches of the public service, which shall perish? Tell me, Senators, what branch of the public service shall be struck down first, and who shall discriminate. Do we mean before we adjourn to put it upon the record that the President shall be charged to suspend the public service in any direction he chooses? Or does the Senator from Ohio suppose that the Secretary of the Treasury or the President is to take upon himself that discrimination? Are we willing that any executive functionary shall exercise such an authority as that? That is the extremity in which my honorable friend places the public service. He says so distinctly in his speech. Suppose you come short, says that Senator, as short he knows you will come; you are to pay the sinking fund; you will owe at the close of this year $40,000,000; that first and foremost must be paid. That is the law and the Secretary of the Treasury has no discretion whatever. If he has that amount of money in the Treasury he must pay it. Then what? Then, says the Senator, you must make that up out of the public service somewhere in the various branches of the public service. What will you strike?

My honorable friend from Minnesota, [Mr. WINDOM,] who has been charged as I think with a very great duty and performed it ably and well, says you cannot afford to strike down the river and harbor bill at all. That touches the people in many vital points, and particularly at that point to which he has devoted so much time, the improvement of the natural water-courses of the country. That demands attention; and is there a Senator here from the West who does not hold it of the first importance, of the highest importance economically and politically? Will we strike at that? When you vote against this bill you strike at the entire civil service of the country. It must all be crippled, and some of its branches must be set aside absolutely and unqualifiedly. That is what the chairman of the Committee on Finance warns you is to take place, and that is what he will have you understand is to take place, either by the arbitrary and absolute necessity of things which we allow to be brought about and place the President and the Executive Departments of the Government in, so that it is impossible to carry on some branches of the service, and throw it all into inextricable confusion, or else we must direct that in the contingency of a failure of the revenues they are authorized to discriminate against any branch of the public service which in their judgment they think can best suffer.

Now, what is the excuse for all this? It is because some of us do not like this bill. Was there ever a tax bill that was agreeable to the American people or to any people? Was there ever a tax that satisfied everybody? Taxes are onerous always; taxes are odious. But this bill comes commended to us from the constituted authority to present it to us. It is presented to us in the best condition they were able to present it. It is said it bears partially upon certain industries. That has been considered undoubtedly. All taxes as a matter of course must bear to some extent with partiality upon particular interests. My honorable friend from Ohio places his opposition to the tax upon whisky on the ground that he does not believe it can be collected. Well, suppose it can not be collected, no harm is done at least in trying. You will not collect less probably by increasing the tax. It is possible you may collect more. But against the judgment of the Senator from Ohio is the judgment, based on experience and a practical knowledge of what may be done in his Department, of the Commissioner of Internal Revenue who tells you he certainly can collect 90 cents and may collect a dollar as well as he can collect the present sum. It would be a marvelous thing in this country if the moral sense of the people had got so low and the efficiency of the public service had got so reduced and weakened that we were to confess to the American people that we did not dare, no matter what the exigencies of the public are, no matter what your public faith requires, to increase the tax on whisky 20 cents for fear that the whole moral and physical energies of this Government could not collect it. I believe in England they collect upon this article something more than $2 a gallon without difficulty. It is a confession we ought not to make. It is said in regard to tobacco that that tax bears unequally. But the answer to all this is, in my judgment, that whatever tax you put upon it is charged over against the consumer. That is the answer. It is not a burden upon the producer; it is charged against the consumers and the consumers are everywhere all over the country. If there is inequality in the taxation, there is wonderful equality in the consumption.

Mr. President, I repeat, taking the position in which the chairman of the Committee on Finance has placed this matter, his statement discloses exactly the condition in which we are to be left. We are either to increase taxes, or certainly, if it is the duty of the Secretary of the Treasury to pay the sinking fund, as he believes it is, we are to have a deficiency, and a very large deficiency, in the ordinary expenditures of the Government, and the appropriations you are making to-day are not to be met by some $20,000,000 or $30,000,000 at least.

Now I submit that is to throw the entire civil service of this country into infinite disorder and confusion inexplicable, the result of which no man on earth can foretell, and if a party with its eyes open seeing this peril and this danger can adjourn and go home to meet the commendations of a patriotic people, I shall be greatly mistaken.

Mr. SHERMAN. The energetic and eloquent remarks of my friend from Maine [Mr. MORRILL] certainly constitute an appeal to me which I feel bound to answer, and answer with all kindness and respect. I can afford to pass by the remarks made by the senior Senator from Pennsylvania, [Mr. CAMERON,] whose pet schemes I have had occasion sometimes to stand in the way of. I do not choose to reply to him at all; but the statements now made by the honorable Senator from Maine fairly merit a reply. He sees the difficulty in which we are placed, but not, I hope, for the first time. I have known this difficulty for two years and have often brought it to the attention of the Senate. That we were impairing the sinking fund was made known to you and to the Senate often by myself; but the trouble was this, that by the Constitution of the United States, which he and I are bound to support, the House of Representatives alone could originate a tax bill or provide any means of repairing a decaying revenue.

Now, I ask my honorable friend in all fairness can he blame the Committee on Finance or myself or any members of the Senate for not meeting this question sooner? I believe he will not do so, nor can he, because we had no power to originate a tax bill. At the last session of Congress the House of Representatives, which has power to pass upon this subject, deliberately decided by vote, after long debates, that there was no occasion for a bill raising revenue, and they refused to send one to us. However, at the heels of the session they sent to us a bill called the little tariff bill, not designed to raise revenue, but simply to cure certain imperfections in the existing revenue laws. That was sent to us, just like this tax bill, at so late a period of the session that it was impossible for us to amend it; and, pursued by the same line of objections that is now made, we reported that tax bill and could not by possibility pass it. We added nothing to it, because there was no time, no opportunity. It was known that any amendment of an affirmative character put upon that bill would defeat it, and for the purpose of saving the little good in it we endeavored to simply strike out the objectionable features, and even then were not able to pass it. At the present session of Congress it was not in a condition to be open to amendment, and therefore the Senate was precluded from proposing any new taxes. We have had no opportunity to deal with this important question of raising the revenues of the Government until within the last two or three days. Now that a bill is sent to us, what are the circumstances connected with it? As to what occurred in the House of Representatives I am forbidden by the rules to speak; but the actual history of events and the provisions of the bill itself we are bound to consider.

What is the fact? A bill was reported in the House, debated, considered, and defeated. The votes of the House of Representatives were disregarded, and finally this bill was put through under the previous question without debate, without opportunity of amendment, and thus passed this bill is sent to us here, and here it is. The Committee on Finance took up that bill and considered it fairly and candidly, without any prejudice whatever. I need not say what occurred there. That this bill is defective every man knows; that it contains provisions which are inconsistent with each other is admitted on all hands; that it taxes tobacco on hand and refuses to tax whisky on hand, that it piles up the whole burden of taxation upon one portion of this country, that it destroys or impairs two of the most important sources of revenue of this Government, that it proposes following over the old track of raising the whisky tax for the purpose of giving a bounty to whisky-owners to the destruction of the revenue, is manifest to every man who will consider the question.

But my honorable friend with great zeal insists that we can collect a tax of 90 cents in this country on whisky. Why does he say so? Because England has done it and England can do it. But how does England do it? By making the manufacture of spirits in England an absolute monopoly, so that no man can manufacture spirits in England except by giving a bond that can only be given by great corporations, and the result is that the manufacture of spirits in England is concentrated into a few hands by monopoly laws. Would my honorable friend from Maine, who I know is as honest and candid a man as lives, have our Government follow the example of Great Britain by hedging around the manufacture of whisky by these laws of monopoly? Our laws, so far as they can go in this free country of ours, have thrown guards around the whisky manufacturer, but we cannot absolutely deny to the people all over this country the right of engaging in this manufacture and traffic if they choose to do so. We cannot so frame our laws as to destroy all the stills in North Carolina and Tennessee and all the mountain country where spirits are manufactured out of fruit as well as grain. We cannot pass our laws so that only a few favored monopolists and in a few favored localities may manufacture whisky. It is contrary to the spirit of our laws. But we have gone as far as we dared in framing our system of revenue laws. We have made a severe law, which levies a tax of 300 per cent. on a production which can be made simply by boiling mash—a process that can be concealed in some cases under one of these tables. The manufacture of spirits from molasses could be concealed under an ordinary table. We have guarded this product with all the skill and care and with all the penalties that can be thrown around it, and we have shown after the experience of several years that we are able to collect with the utmost vigilance 70 cents a gallon on whisky.

Why, sir, the present law was only framed after an experience of some four or five years of utter failure, nor until our revenue from this source had almost entirely disappeared. Then with the aid of the best officers, those who were skilled in that business, a system of taxes was devised by which several separate taxes were imposed on whisky, the whole aggregating about 70 cents a gallon; first 50 cents a gallon on the whisky and then a barrel tax and other taxes, and we thus devised and finally framed a system which enabled us to collect $50,000,000 revenue annually from whisky.

A few years ago we thought it more convenient to combine all these taxes into one and levy the whole of the taxes on whisky at 70 cents a gallon, and we have gone on now collecting a fair and honest revenue, losing according to the opinion of the Commissioner of Internal Revenue only 5 per cent. by illicit distillation. Are we to tear up the system, to destroy it, to impair it and injure it upon any light ground? I say, no, sir. I am as anxious to protect the honor of this country, to protect the revenues of this country as any man can be, and I think I have shown it, but I am not to be deterred, I tell the Senator from Pennsylvania, from the performance of my duty by any *ad captandum* remarks made by him. Sir, I utterly despise and condemn and deprecate such an attempt to cast reproaches here on honorable Senators who are better republicans than he.

But, Mr. President, not to get off the line of the remarks of my honorable friend from Maine, I tell you the reason why I did not favor the increased whisky tax: first, because it is a bounty to those who are most anxious to have this bill passed, the men who hold spirits; and in the next place it endangers the most stable and the most productive source of revenue. Besides, it is a sudden interference with the ordinary operations of trade. It cuts down just at this season of the year a market for corn, the most important agricultural product of this country. It makes this heavy tax fall mainly on those sections of the country in the Northwest where corn grows most bountifully. Therefore it is that we who have not only to protect the people of the United States but the interests of our own States have a right to look upon this measure with more care and scrutiny than my honorable friend cares to bestow upon it.

Then in regard to the other tax—the tax on tobacco. There we have a stable income, the second source of revenue. A bill is sent to us that discriminates against manufacturers of tobacco, discriminates against the little cigar-makers, thousands of whom are employed in the State of Ohio and all over the Middle States. It imposes a tax that in my judgment is unjust and, if a law can be so called, a dishonorable tax. Sir, if there was anything settled by the history of the legislation of three years ago, it was that this tobacco tax was considered a finality. All the parties interested in the tobacco tax agreed upon it, voted for it, and passed it on the ground that it was a settlement of the controversy that existed between the high and low grades of tobacco. All parties interested—officers of the Government and others—concur that 20 cents a pound, the equivalent of over 200 per cent. upon the article, was as high as the tax should be. In harmony with that tax, and to enable it to be collected, we put the severest penalties on men growing the tobacco. We forbade them selling their leaf except to licensed dealers, although it was the production of their honest industry, the industry mainly of colored people in the Southern States. We forbade them from selling their product, although a simple agricultural product, in order to guard and protect the revenue; and yet they submitted to it. Here for several years the representatives of those States have endeavored to relax these provisions about the tobacco-tax. I have resisted it over and over again, and thus far the Senate has been able to prevent any relaxation of the tax on tobacco.

Now suddenly, without preparation, without its being discussed in the country, a proposition is made to increase the tax 50 to 100 per cent. on the value of the cheaper tobacco. The whole grade of tax is raised from 20 to 24 cents a pound. You say it is only tobacco. Why, sir, this is a tax of 300 or 400 per cent. on an agricultural production. It is an unequal tax. Here is the leaf-tobacco of Connecticut, worth 40 or 50 cents a pound. Here is the ordinary tobacco raised in Kentucky and Ohio, worth 4 or 5 or 6 cents a pound. In order to procure a revenue we agreed that the tax should be uniform, although we knew it to be unjust; and yet after this tax has been settled and has yielded you a bountiful harvest of $36,000,000 a year, you without their knowledge suddenly raise the tax because, forsooth, you want to protect the sinking fund!

Why, sir, does not every man know that for two years and a half this sinking fund has been taken for your current appropriations? For two years it has been deficient more than it is now? Is my honorable friend from Maine now to learn that two years ago, when these accumulated appropriation bills had exhausted the Treasury, the sinking fund had been eaten out. During the year ending 30th of June, 1874, twenty-five millions of the sinking fund had been absorbed, I think without law, to make good the appropriation bills passed by Congress. Why then was there not an appeal to the honor of the country? Why then was not public attention called to it? Why then were not taxes demanded? I was here to do it. I did demand it. I appealed for the support of the sinking fund, but, as I

said before, there was no power in the Senate to originate tax bills. We had the power, however, to stop appropriation bills. Was it done? No, Senators, they came here mountain high, and you heaped mountains upon them. That is the way you protected your national honor; that is the way you attempted to save the sinking fund!

Sir, it will not do for us to talk about dishonoring the Government by wasting the sinking fund, when I for years have been calling attention to it over and over again, until I was ashamed to speak on the subject; and yet you were appropriating millions upon millions on every appropriation bill that came here, and when you knew that those appropriation bills could only be paid out of the very sinking fund which you now talk so much about. I trust honorable Senators will look at this thing fairly.

But, sir, that is not all. Because we, forsooth, the representatives of States as good as yours, because I, the representative of three millions of people, declare to you that this law is unjust, wrong, inconsiderately passed, never acted upon as a whole by any committee, never acted upon in any legislative body where there was an opportunity to amend it, I am to be denounced. Coming here as it does, we are told that we dare not amend it or we destroy it. I tell you I will amend it if I can or I will vote to kill it. That is not the way in which the Senate of the United States ought to treat a great public measure imposing thirty millions of taxes upon our people. No, sir; this bill is full of incongruities, it is full of objectionable provisions, and I say we are bound either to have an opportunity to be heard, to amend it, or to defeat it. I will do it if I can.

Now, Mr. President, let us go a little further. My honorable friend says that here, occupying the position I do, I have no remedy but to stop appropriations. What other remedy is there? Shall we pass *this tax-bill sent* to us in this way, full of crude errors, under the spur of the close of the session? That is one way. But shall we do that when we believe that the measure is wrong, that it will not produce the effects supposed to follow from it, when we know it is composed of four sections, two of which are to destroy or impair, as we think, two of the most fruitful sources of revenue, and another is to add another mountain load of taxation upon sugar consumed in every family, and another to add on additional 10 per cent. to all textiles and metallic fabrics at a time when there is general distress in this country; and because, forsooth, we do not swallow this bill without amendment, without debate, and without consideration, we are looked upon almost as revolutionists and taunted with being "weak-kneed republicans."

Now, Mr. President, I come to the other remedy proposed, which is the right one, and I trust the Senate of the United States will now boldly give us that remedy. My honorable friend from Maine is the very man to lead in it. Suppose we do not call upon our people for any more taxes; we will have, for the next fiscal year, according to the annual report of the Secretary of the Treasury, $191,000,000 of revenue over and above the interest of the public debt. The sinking fund, according to the estimates of the Secretary of the Treasury, is $31,000,000, leaving $160,000,000 to pay your ordinary current expenses. Make due allowance for the estimated falling off of the customs duties, and you still have one hundred and fifty millions of current revenue to meet ordinary expenditures.

Is not that enough? The expenditure for similar purposes for 1872 was $153,200,000. Why cannot you cut your suit according to your cloth? If you say you will not thrust on the President the duty of refusing to expend money that you do not provide, cut down your appropriations. There are enough appropriation bills now behind to make it impossible that a deficiency should occur. You can cut down the appropriations to the amount of the anticipated deficiency without impairing a single branch of the public service. I know it can be done, and I appeal to my honorable friend to do it. In the appropriation bills—some of which are passed, some of which are in committees of conference, some of which are yet to come before us—there are $26,000,000 appropriated for public works. You can suspend these. It has been done many a time. Did we not do it in Buchanan's time? Was it not done after the panic of 1847? After the panic of 1857 it was done. It has been done several times when money fell short rather than impose taxes on the people.

I was a member of Congress in 1857 when the very same circumstances came before us. In March, 1857, before Congress adjourned, we scattered money for public buildings of every kind. We appropriated large sums; we bought the public debt then outstanding at a premium of 16 or 17 per cent. The terrible financial panic of 1857 came on, sweeping in its frightful course large fortunes of men that supposed themselves to be beyond the reach of danger of want—all swept away by the failure of a single corporation. When we came back here the December after the question came up what should we do; should we levy taxes upon the people? We had only the session before repealed taxes, and we had paid off much of the public debt; we had made enormous appropriations. When we came back in December, 1857, all our expectations of revenue were gone. What did we do then? We at once stopped appropriations; we declared that certain public works which had been authorized at the previous session should not be commenced, and we compelled the administration of James Buchanan, then just freshly installed in power, to adopt a system of retrenchment, and we withheld appropriations and reduced expenditures. We provided a temporary loan to meet the sudden emergency. In this way we met the financial panic of 1857.

Now, sir, I say to all the gentlemen who desire to make local improvements, who want to build grand palaces for local offices by transporting the granite from Maine to interior cities, who want to build marble palaces in small towns, who want to improve their harbors, to all who want to commence great schemes of internal improvement, wait awhile; this country of ours will live long after we are dead. The resources of our people are growing every year. Leave something for the future to be performed. Let us husband our resources now in this time of financial necessity.

Sir, that is my advice now; and while I was willing to pass a reasonable tax bill, I see no occasion of haste. If we can pass a tax bill that would appeal to our sober judgment the House of Representatives would probably agree to it; but if they should not, then no great harm is done, and we can and must reduce our expenditures to the volume of our receipts. By your appropriation bills, some of which have gone beyond the power of reduction here, you authorize expenditures for objects that may be postponed. The President has the power to reduce them or withhold them. When money is appropriated by you, it is not made mandatory on the President to expend it; the Secretary of the Treasury is not bound to pay money that he has not got. The President of the United States can by an executive order simply say, "Congress has appropriated more money than I can reasonably expect to receive under existing revenue laws within this year, and therefore it is my duty to cut off here and there." You can save him the trouble to a great extent now by reducing your appropriations.

But, sir, when these two alternatives are presented to me, the one plan the reduction of expenditure and the other the increase of ill-considered taxes imposing new burdens on our people already distressed by this financial panic, I have no difficulty in choosing, and in doing so I follow the path to which my judgment leads me, and no man can deter me from pursuing it.

Mr. SARGENT. Will the Senator inform us what kind of a tax bill he would have?

Mr. SHERMAN. I am willing to take the Senator's proposition. The tax on tea and coffee and sugar will furnish the Government all the money it wants, and that is purely a revenue tax. A tax of 3 cents on coffee yielding you nine millions, 15 cents on tea yielding $9,000,000, and the sugar tax in this bill will give you twenty-six millions; and every dollar of that will go into the Treasury of the United States, and you will commence to receive it in sixty days.

This is not a time for us to quarrel about protective and revenue tariffs. I am naturally a protectionist, as it is called. I believe in building up our interests by giving to every industry that can be developed in this country a reasonable protection until it may walk and compete with the markets of the world. I do not conceal my opinions; but this is not the time for a protective tariff, this is not the time to give the manufacturers any additional bounty; this is a time to give our Government revenue from those sources that will produce revenue most cheaply and most certainly. What are they? The judgment of all civilized nations has pointed to a few leading articles of common consumption by all classes of people, rich and poor, as the natural sources of income. They tax coffee; they tax tea; they tax sugar. Why do we tax sugar now and not tea and coffee? Why is it now that a clamor has been raised in some parts of the country against a tax on tea and coffee, and not against the tax on sugar? The only reason is because sugar in small quantities is produced in this country, and to levy this tax will give what is called a protection to the sugar interest. In ordinary times I am willing to consider that. If we were not pressed for money, I should be willing to say how much ought to be conceded to the sugar-planters of Louisiana just as I would to the iron-mongers of Pennsylvania, Ohio, and the West. But now we want revenue, and wanting revenue, the only natural resource is to take those objects of taxation which by the common judgment of the civilized world are objects of revenue; take tea, coffee, and sugar. England is a wise nation, a great nation, that has gone through many experiences on this subject, and she has settled now on taxing a few leading articles, and from those receives an overflowing revenue which supplies her expensive government.

Sir, I am willing to maintain our protective laws. I am willing to give to all interests in this country that can be developed by a reasonable protective duty every advantage and opportunity. Now the occasion will not allow us to increase this protection. We must now tax for revenue, for we need it.

Shall we now as prudent men attempt to inaugurate a vast system of internal improvements; shall we now pay $6,000,000 to clean out our rivers and harbors, and perhaps add $11,000,000 more, the amount which I am told is now proposed as amendments to the river and harbor bill; shall we now spend $26,000,000 in public works. We have appropriated $1,000,000 for fortifications against whom? Sir, if we must go on with these works and there is no stopping them; if we cannot reduce and limit our appropriations, but must levy more taxes, then in the name of Heaven let us levy such taxes as will produce revenue immediately. That would be taxes on tea, coffee, and sugar.

Mr. President, I have said more than I intended. I said to my honorable colleague on the committee, the Senator from Vermont, that while I could not vote for this bill, I would not embarrass him at all in the conduct of a bill that was brought to him under circumstances that he felt compelled him to oppose all amendments. Therefore, I have offered no amendment; I have proposed none. I have only voted for the one that was offered because, as he himself sug-

gested, it might form a test vote to ascertain those who are for or against this bill. I do not want to embarrass the passage of the bill. I say now if the Senate is willing to consider the subject, and think the bill as it now stands is not such a one as the public interests demand, then I am willing to join with all who will support a simple measure, short and brief, that will, with the consent of the House, give us instantaneously, within sixty days, the commencement of a revenue ample to meet even your large appropriations. And in what I say I wish my honorable friend from Maine to understand me. I do not complain of him for the amount of these appropriations. They are no more than they have been before. They are less. What he has said in reply to the Senator from Maryland is perfectly correct, that the appropriation bills for the next fiscal year are less than they are during the present year, and for the present fiscal year they were less than they were for the last. The culminating point of our appropriations was in the year that preceded and included the panic. And it is always so. Always just before a panic there is great credit inflation, and the bubble bursts when no one anticipates it. The largest appropriations were made the very session before the panic took place. Those appropriations were outstanding. They were expended in that fiscal year commencing June 30, 1873, but from that time to this they have been going down. They can be reduced more, and in my humble judgment they can be reduced enough to wipe out the deficiency which now alarms and frightens for the first time my honorable friend from Maine.

Sir, the way to make good the title of this bill, to maintain the sinking fund, and to meet our existing deficiency is either to pass such a revenue bill as I mentioned or else to cut down your appropriations until we reach the solid rock; and then your existing tariff, your existing revenue laws, will give you all the money that is necessary, not only to meet the ordinary expenses of the Government, but to make ample appropriations for new public works, and to embark in new schemes of public improvement.

Mr. MORRILL, of Vermont. I confess my astonishment, Mr. President, at the heat and passion shown by the chairman of the Committee on Finance.

Mr. SHERMAN. I would ask my honorable friend this: If he heard himself arraigned here as a "weak-kneed republican" before his fellow-countrymen and his fellow-Senators, and if besides that a bill that no Senator here would care to vote for were thrown in his teeth, and he was told in very polite language that he wished to prevent a silent monument from being put at the head of the grave of the poor soldier, on a bill that I believe the Senate would not touch if it was brought up and debated before them, I ask the Senator if I was not entitled to show a little heat?

Mr. MORRILL, of Vermont. Mr. President, no attacks about another bill would change my course here on a bill that the public necessities of the Government required.

Mr. SHERMAN. I have not changed my course.

Mr. MORRILL, of Vermont. The mere fact that some Senator had seen fit to arraign me for not voting for a bill amounting to $1,600 would not have changed my course on a measure of public necessity; and I will say to the Senator, as Sir Isaac Newton said in relation to the public expenditures of the Agricultural Department when he had charge of it, that the hostility of the Senator from Ohio to the present bill has exceeded my most sanguine expectations. [Laughter.] The chairman of the Committee on Finance has, as he said, often here urged the importance of our preservation of the sinking fund, and yet he has suffered himself in this passionate appeal at this late hour of the session to obliterate all that and to denounce the party to which he and I belong for having paid little or no attention to it for the last three or four years, while now he himself refuses to support a bill to further protect the sinking fund. He confesses that the object is of sufficient importance to induce him to vote for a tax bill if it can be made to suit him, but he has arraigned this bill as not being such a bill, and the way and manner in which it has been brought from the House appears to him very objectionable. Why, Mr. President, the chairman of the Committee on Finance very well knows—no one better—that no bill comes from the House except through the operation of the previous question on the subject of the tariff. It is almost impossible that a bill of this kind can be considered and brought to such symmetrical shape as would be proper for adoption by any House where various heterogeneous amendments are offered and considered and adopted or rejected in a helter-skelter manner, as they always have been and always will be.

But, Mr. President, I am very sure that there is more merit in this bill than has yet appeared, and I am better satisfied now that there is some prospect of its passage since this hot and unjust attack upon it than there has ever been before. I had supposed from the start, with the chairman of the Committee on Finance against it, that it stood no chance whatever; but from the way and manner in which it has been assailed by him the bill must have gathered strength, and I am induced to believe that it has now some chance. I know that he says if he cannot amend it he will vote to kill it.

Mr. SHERMAN. I will vote against it.

Mr. MORRILL, of Vermont. Then one single word in relation to this general cry about putting money into the pockets of those who have whisky on hand. That has always been so, always will be so. Losses will also occur upon stocks on hand when taxes are removed. It cannot be helped; but it is not to any such extent as represented by the chairman of the Committee on Finance. If the tax is increased the price of whisky will not go up very much more for some considerable time. It will rise gradually. Nor will the fact that we have increased the tax upon whisky prevent the use of corn in the manufacture of whisky. The same amount that we manufactured last year will be manufactured the year to come, and those who have got the corn to sell will get the same price for it and sell it as readily as though the tax had not been put on.

But, Mr. President, I hope that we may now get the vote. I think the discussion of the subject is entirely exhausted, and if it is not certainly I am, and I hope we may have a vote upon the amendments and get through with the subject.

Mr. MORRILL, of Maine. I want to say a word or two in reference to the observations made by the Senator from Ohio. That this is the best possible tax bill that might be prepared I have not said. It may be obnoxious to some charges brought by the Senator from Ohio. Very likely it is. I dare say that the Committee on Finance might have produced to us a bill more equitable in its general relations than this, but that is not the question we are considering. This is the only bill we are to have. We cannot originate it. It has originated in the proper quarter. It is this or nothing. That is just as evident as that Thursday is coming and that at twelve o'clock on that day we are dissolved, and that is the end of our control of a tax bill so far as we are a party, and then with all the sins and omissions on our head we go to our account. That is clear. If we are ready to abdicate, very well. If we have got our books all balanced, if we are ready to take an account of stock, if we are willing to say, "We stand well; we have provided as a party responsible for the consequences ought to do, and we are willing to render an account to the people of this country now and hereafter," very well. For one I am not ready to abdicate. For one I wish to take the responsibilities which belong to us, and not shuffle them off on our democratic friends who are to come after us and hereafter are to originate these bills. We have our duties; we have had our responsibilities and we have met them manfully and faithfully up to this hour. Shall we shrink now? Do we mean to allow the power to go out of our hands next year with a responsibility upon the democrats which they will throw in our faces, with the public faith repudiated, and that sinking fund crying out against us a thing which we cannot answer? For one I do not; and therefore, although this bill may not square with all that might be said of it as the best possible revenue measure, I will take it as it is the best we can get, and the best we can get is a boon under these circumstances.

Now, one word as to what we can do without it. My honorable friend says we can reduce the appropriation bills so that there will be no deficiency. No deficiency in what? Enough to cover the sinking fund? My honorable friend does not touch that question at all. We can reduce the appropriations so as to do what? So that we might possibly skim along and stint the public service and live? Do we want to live at that poor dying rate? He talks about twenty-six millions for public works. We do not propose to make any such appropriation as that.

Mr. MORRILL, of Vermont. All that is proposed for public buildings is five millions by the other House.

Mr. MORRILL, of Maine. It is about $5,000,000—not more than that. Now for public defenses there is less than $1,000,000. How is that for public defenses? How much shall we appropriate for internal improvements?

Mr. SARGENT. Only $900,000 for fortifications.

Mr. MORRILL, of Maine. How much for internal improvements? That is a question that interests the great West more than any other section of this country. Are you willing to cut off from that? Would it be just? Is that good government? Is there not a more exigent demand from that section of the country for appropriations in that direction than from any other section of this country for any other thing at all? Are we in a condition to ignore that altogether? I think not. I think you will find that the public service in that respect will suffer vastly more than any public interest or private interest will suffer by the passage of this tax bill.

Then the argument of my honorable friend does not hold good at all, that we may postpone this to another day. What other day? Tell me when the clock strikes twelve on Thursday what other day you have to promise the country that your voice shall be heard in what shall be taxed, or how we will tax, or how these revenues shall be raised. That is the question. And tell me what reason there is now for postponing a revenue bill that will not obtain next year.

My honorable friend says we have been in the habit of postponing public works whenever there is an emergency, whenever there is a panic; but there is not a panic now. Does anybody believe we are to be in a better condition next year than we are now to levy a tax, even if we were in power? Is there any reason why we should postpone this until next year? None at all that I am aware of. The circumstances of the future are not so rosy as to justify the postponement of any question which we can settle now. And this solid phalanx on my right is an admonition that we must work while the day lasts. Why do our friends on my right vote solidly against this bill? This is our responsibility. This is our obligation. This is our duty. They will take it as they find it, and it will be to our sorrow and regret if we allow them to take it under the circumstances in which the country will be left if this bill does not pass.

Mr. FLANAGAN. Mr. President, for the last several hours I have attempted occasionally to obtain the floor to say a few words. I thought, however, that I would not, and now I think I will. I am not disposed to criticise this bill at length, though I can do so very readily and very candidly. One objection I have, and that is a simple one, but with me it is a very substantial one, to the proposed tax upon whisky of 90 cents. I would not have stopped at 90. I would have gone to 100 at the very first effort. I would have placed it at one round dollar, easily counted in fractions or otherwise. So far as the tobacco is concerned it is a very small matter with me, and that might well wait; and if it was not for the idea of amending the bill I would have no objection to voting for an amendment to waive the tax on tobacco and put it all on whisky. There is no difficulty about whisky standing it. If we are already informed correctly, I have no hesitancy in saying that there are some 47,000,000 gallons on hand now. If there are all those millions, they will be upon hand. Why am I authorized unmistakably to declare that fact? It is only to judge the future by the past and the present. It is clear that from the action of the great American people at the last election the democracy are coming into power very rapidly. They are upon us, and with them come untold volumes of whisky, because they go together invariably. [Laughter.] During "the unpleasantness," as it is sometimes termed, I know in my country that a barrel of whisky was considered very low at $500. Any man might buy himself out of the Army upon any occasion almost with any of the officers if he would just show them a keg of whisky or a demijohn or a jugful or anything of the kind, and he could go wherever he pleased free and easy. They were compelled to have it. They did have it; and I believe that but for whisky that war never would have existed. I am one of those individuals who wish to make war upon whisky whenever I have an opportunity to do so; and this is a legitimate one.

As to the amendment proposed now to tax tea and coffee, that is unnecessary. It is childish to some extent. We are not driven to that extreme. But a few years ago, speaking comparatively, we repealed that duty. I do not wish to retract that action. I would do so were it necessary to sustain the honor of my Government; but it is not, because whisky can do the needful in the absence of tobacco, tea, coffee, and everything. I would go further; I would make whisky pay the national debt and resume specie payments upon it, or I would drive it out of the land at the very first opportunity if I had the power to do so. I would not be very likely to succeed except I did have remarkable power, for it is a mighty giant. I have no sympathy with those gentlemen who are now holding large quantities of whisky. I have no animosity against them, nor have I against any man or any avocation or business that is recognized by the laws of the land. Still, I say there is nothing that will be more substantially beneficial to the citizens of the United States than to suppress whisky, the manufacture and use of it in all its various ramifications, save in some few particulars.

Mr. SPRAGUE. What would you do for revenue?

Mr. FLANAGAN. I would make whisky pay the revenue. You would indorse that, my friend, without any difficulty. They are not going to abandon whisky; it is in use and it will continue to be used, and therefore let us bank upon it. It is abundantly able. I shall vote for this bill if I do not change my views as it is, and I am opposed to any amendment that can be offered.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from California, upon which the yeas and nays were ordered.

Mr. SCHURZ. I am paired on this question with the Senator from Indiana, [Mr. MORTON.] He would vote "nay" if here, and I would vote "yea."

The question being taken by yeas and nays, resulted—yeas 6, nays 56; as follows:

YEAS—Messrs. Conover, Jones, Sargent, Sherman, Spencer, and Stewart—6.

NAYS—Messrs. Alcorn, Allison, Anthony, Bayard, Bogy, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Cooper, Cragin, Davis, Dennis, Dorsey, Eaton, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Pease, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Scott, Sprague, Stevenson, Stockton, Thurman, Tipton, Washburn, West, Windom, and Wright—56.

ABSENT—Messrs. Brownlow, Carpenter, Fenton, Ferry of Connecticut, Gilbert, Hager, Lewis, Morton, Patterson, Schurz, and Wadleigh—11.

So the amendment was rejected.

Mr. JONES. I move to lay the bill on the table.

Mr. MORRILL, of Vermont, called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. HARVEY, (as his name was called.) On this question I am paired with the Senator from New Hampshire, [Mr. WADLEIGH.] If he were here he would vote "nay," and I should vote "yea" on this motion.

Mr. SCHURZ, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. MORTON.] He would vote "nay" if he were present, and I would vote "yea."

Mr. WRIGHT, (when his name was called.) I again announce my pair with the Senator from South Carolina, [Mr. PATTERSON.] If he were present he would vote "nay," and I would vote "yea" on this motion.

The Chief Clerk concluded the roll-call; and the result was announced—yeas 30, nays 29; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Ingalls, Johnston, Jones, Kelly, Logan, McCreery, Merrimon, Norwood, Oglesby, Ransom, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, Thurman, and Tipton—30.

NAYS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Spencer, Washburn, West, and Windom—29.

ABSENT—Messrs. Brownlow, Carpenter, Fenton, Ferry of Connecticut, Gilbert, Hager, Harvey, Hitchcock, Lewis, Morton, Patterson, Schurz, Wadleigh, and Wright—14.

So the bill was ordered to lie on the table.

ADJOURNMENT.

Mr. BAYARD. I ask the Senate to take up the bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. BAYARD. Will not the Senator allow that bill to be taken up?

Mr. EDMUNDS. I think we can settle about taking it up in the morning. It is very late now.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and seventeen minutes a. m. of Tuesday, March 2) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 1, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

READING OF THE JOURNAL WAIVED.

The SPEAKER. By unanimous consent during the session of Saturday, the reading of the Journal this morning was waived.

GAUGERS AT THE PORT OF PHILADELPHIA.

Mr. ELLIS H. ROBERTS. I am directed by the Committee on Ways and Means to report a bill (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia, and to ask that it be put upon its passage at this time.

Mr. RANDALL. I reserve the point of order.

The bill, which was read, authorizes the Secretary of the Treasury to appoint three gaugers at that port from the list of officers under appointment as inspectors, whose position shall be the same as that of the gaugers of the port of Boston; provided the number of officers or employés in the customs service at such port of Philadelphia shall not be hereby increased.

Mr. RANDALL. I should like to have some explanation of that bill.

Mr. ELLIS H. ROBERTS. I have a letter from the Secretary of the Treasury which will explain the bill, and I will ask, if there is no objection, that it may be read.

Mr. RANDALL. I do not object to the reading, but reserve the point of order that it creates a new office.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 23, 1875.

SIR: By a defect existing for some time past in the general law in regard to the compensation of gaugers from fees, the office of gauger at the principal ports has necessarily been provided for by special salary, or by detail of other officers.

At the port of Philadelphia, however, the gaugers were not provided for, by salary or otherwise, and the defect in this respect was disclosed on the revision of the laws enacted in June last.

There are now three inspectors doing the duty of gaugers, and there should be this number of gaugers authorized by law.

This will not be an increase of the force employed at the custom-house at Philadelphia, but will only give the officers employed as gaugers the designation proper for the duties they perform.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. H. L. DAWES,
House of Representatives.

Mr. RANDALL. I withdraw my objection to the bill.

There being no objection, the bill was received, read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

CHARLES VALIER.

Mr. MORRISON. I am directed by the Committee on War Claims to report back a bill (H. R. No. 3808) for the relief of Charles Valier, and to ask that it be put upon its passage at this time.

The bill, which was read, authorizes the proper accounting officers

of the Treasury Department to recognize the military service of Charles Valier, late of Company M, Seventh Regiment of Illinois Cavalry, as second lieutenant of said company and regiment, and to pay him, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a second lieutenant of cavalry from the 20th day of January, 1864, to the 15th day of April, 1865, deducting therefrom the amount received by him as sergeant of said company and regiment for the time above specified.

There was no objection, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY DEPARTMENT OF THE ARMY.

Mr. ALBRIGHT. I am instructed by the Committee on Military Affairs to move, by unanimous consent, to take from the Speaker's table a bill (S. No. 320) fixing the number of paymasters in the Army of the United States.

Mr. RANDALL. Let the bill be read, so we may know what it is.

The bill, which was read, provides that the number of paymasters be established at fifty, instead of sixty, as was designated in the eighteenth section of the act of July 28, 1866; said paymasters to have the rank, pay, and emoluments of majors of cavalry; and further, that so much of said eighteenth section as relates to the persons from whom said paymasters shall be selected be, and is hereby, repealed.

Mr. SPEER. I must object to this bill.

Mr. ALBRIGHT. I move to supend the rules and pass the bill. It has the unanimous indorsement of the Committee on Military Affairs, It effects a reduction in the Pay Department of ten.

Mr. SPEER. Was not this defeated at the last session of Congress after full discussion?

Mr. ALBRIGHT. No.

Mr. SPEER. Was not a similar bill defeated?

Mr. ALBRIGHT. No such bill last session was up for discussion here. This is a Senate bill, and ought to pass.

A MEMBER. Does not this increase the number of officers in the Pay Department?

Mr. ALBRIGHT. It does not increase the number. The number now is sixty, and this proposes to fix it hereafter at fifty. Besides, the bill opens the door to promotion, and not to old paymasters only, but to anybody whom the President may select.

Mr. SPEER. Does my colleague say this will decrease expenses?

Mr. ALBRIGHT. It would if the door is opened to promotion and the number of paymasters reduced.

Mr. HAWLEY, of Connecticut. The condition of affairs is simply this: the law provides for sixty paymasters, but appointments and promotions have been stopped, and the number has run down to forty-one. That number cannot do the work of paying off the Army. This proposes to open the service to promotion and increase the number of paymasters to fifty. It is a shame that we should not do that.

Mr. SPEER. I desire to ask if this bill has been considered by the Committee on Military Affairs of the House?

Mr. ALBRIGHT. It has been considered by that committee, and I am instructed to report it.

Mr. SPEER. Then I withdraw my objection.

No further objection being made, the bill was ordered to a third reading, and it was accordingly read the third time, and passed.

REPORTS OF RAILROAD COMPANIES.

Mr. WILLIAMS, of Michigan. I ask unanimous consent to report from the Committee on the Pacific Railroad for passage the bill (H. R. No. 4320) to amend the act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section be, and is hereby, added to the act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868, to stand as section 5 of said act, and to read as follows:

"SEC. 5. That in addition to the reports required by the provisions of this act to be filed with the Secretary of the Interior, on or before the 1st day of October in each year, the said corporations shall, on or before the same day in each and every year hereafter, file with the Secretary of the Treasury a full and true statement for the year ending on the 30th day of June prior thereto, sworn to by the president of said corporation, specifying—

"First, the names of the stockholders and their places of residence, so far as the same can be ascertained;

"Second, the names and residences of the directors and all other officers of the company;

"Third, the amount of stock subscribed and the amount thereof actually paid in;

"Fourth, the amount received from the sale of lands;

"Fifth, the amount received from the sale of bonds;

"Sixth, the amount of bonded debt, including the Government bonds, and the classification of the same, and amount of each class;

"Seventh, the date of maturity of the funded debt, the amount due of principal and interest, and of each;

"Eighth, the amount of floating debt;

"Ninth, the estimated value of the road-bed, including iron and bridges;

"Tenth, the estimated value of rolling-stock;

"Eleventh, the estimated value of stations, buildings, and fixtures;

"Twelfth, the number of acres of land unsold, and the estimated value thereof;

"Thirteenth, the estimated value of all other property, including telegraph lines and fixtures;

"Fourteenth, the length of single main track;

"Fifteenth, the length of double main track;

"Sixteenth, the length of branches, stating whether they have single or double tracks;

"Seventeenth, the aggregate length of siding and other tracks not above enumerated;

"Eighteenth, the number of miles run by passenger trains during the year preceding the making of the report;

"Nineteenth, the number of miles run by freight trains during the same period, including the mileage of rented cars;

"Twentieth, the number of tons of through freights carried during the same time;

"Twenty-first, the number of tons of local freights carried during the same time;

"Twenty-second, its monthly earnings for the transportation of passengers during the same time;

"Twenty-third, its monthly earnings for the transportation of freight during the same time;

"Twenty-fourth, its monthly earnings from the telegraph lines owned or operated by the company;

"Twenty-fifth, its monthly earnings from all other sources respectively during the same time;

"Twenty-sixth, its gross earnings for the year;

"Twenty-seventh, the amount of expense incurred in the running and management of passenger trains during the same time, including amounts paid for the use of palace and sleeping cars;

"Twenty-eighth, the amount of expense incurred in the running and management of freight trains during the same time; also the amount of expense incurred in the running and management of mixed trains during the same time;

"Twenty-ninth, all other expenses incurred in the running and management of the road and telegraph lines during the same time, including the salaries of officers, which shall be reported separately;

"Thirtieth, the amount expended for repairs of road and maintenance of way, including repairs and renewal of bridges and renewal of iron during the same time;

"Thirty-first, the amounts expended for improvements, and whether the same are estimated as part of the expenses of operating or repairing the road during the same time, and, if either, which;

"Thirty-second, the amount expended for motive power and cars during the same time;

"Thirty-third, the amount expended for station-houses, buildings, and fixtures during the same time;

"Thirty-fourth, all other expenses for the maintenance of way during the same time;

"Thirty-fifth, all other expenditures during the same time, either for management of road, maintenance of way, motive power, cars, or for other purposes;

"Thirty-sixth, total expenditures for the year;

"Thirty-seventh, the amount paid on the principal of the funded debt during the year;

"Thirty-eighth, the amount paid for interest on the funded debt during the year;

"Thirty-ninth, the amount paid the Government during the year;

"Fortieth, the rate of fare for passengers for each month during the same time, through and way passengers separately;

"Forty-first, the tariff of freights and special rates, showing each change of tariff and special rates during the same time, through and way freights separately;

"Forty-second, what express companies run on its road, on what terms and conditions, and the kind of business done by them;

"Forty-third, what freight and transportation companies run on its road, and on what terms;

"Forty-fourth, whether such freight and transportation companies use the cars of the railroad corporation or the cars furnished by themselves;

"Forty-fifth, whether the freight or cars of such companies are given any preference in speed or order of transportation; and, if so, in what particular;

"Forty-sixth, what running arrangements it has with other railroad corporations, setting forth the contract for the same;

"Forty-seventh, the number of acres of land sold during the year, and the price received therefor.

"And the Union Pacific Railroad Company shall, in addition to the foregoing requirements, report the amount received during the year for the transportation of passengers and freight across the Missouri River, between Council Bluffs and Omaha, with the schedule of rates charged for the same.

"The Secretary of the Treasury shall cause to be prepared suitable blanks upon which to make the foregoing reports, and forward the same to the respective corporations.

"Every corporation neglecting to make and furnish such report at the time and in the manner hereinbefore specified shall forfeit to the use of the United States of America the sum of $100 for each day's neglect, to be recovered by the Secretary of the Treasury; and if any corporation unreasonably refuses or neglects to comply with the provisions of said section, it shall forfeit, for every such refusal or neglect, a sum not exceeding $10,000. And a continuous neglect or refusal by any corporation for the term of six months shall work a forfeiture of all its rights and franchises."

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill be passed.

Mr. COTTON. I desire to move to suspend the rules.

Mr. WILLIAMS, of Michigan. I move that the rules be suspended and the bill which has been read passed.

The SPEAKER. The bill is a report from the Committee on the Pacific Railroad.

Mr. RANDALL. I must object to the passage of the bill unless there can be an opportunity to explain it.

Mr. WILLIAMS, of Michigan. I am quite ready to explain it if an opportunity be afforded me.

The SPEAKER. The gentleman from Michigan is on the floor to move a suspension of the rules, and he asks leave to make an explanation. Is there objection? The Chair hears none.

Mr. WILLIAMS, of Michigan. I will state that the original charter of the Pacific Railroad Company required them to make a report to the Secretary of the Treasury, and the law was modified and changed in 1868 so that the report was required to be made to the Secretary of the Interior. I think there is a misunderstanding in regard to the bill. It applies only to the Pacific railroads chartered by the General Government, and would not act on any other railroad. It would only apply to the Pacific railroads. Its design is to carry out the requirements of the original charter.

Mr. KASSON. I would ask the gentleman if it contains any amendatory provisions excepting in regard to the returns?

Mr. WILLIAMS, of Michigan. It is an amendatory act that applies strictly to those companies that were chartered by the acts of 1862 and 1864.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. BUTLER, of Massachusetts. I move to suspend the rules in order that the House may proceed to business on the Speaker's table and take from thence the civil-rights bill and refer it to the Committee on the Judiciary. Of course nothing is expected to be done with that bill; but I desire to put it beyond all cavil and put it out of the way, and then the House can go to the Speaker's table and take up the bills thereon, allowing five minutes' debate *pro* and *con* on each bill and then dispose of the bill, subject of course to points of order.

Mr. RANDALL. Ah! Mr. Speaker, there is too much in that motion.

Mr. ARCHER. Why not suspend the rules and put the civil-rights bill at the bottom of the bills on the Speaker's table?

Mr. BUTLER, of Massachusetts. I do not mean to pass that bill or try to pass it.

Mr. HOLMAN. I insist that order be preserved in the House.

Mr. GARFIELD. I rise to a point of order.

Mr. BUTLER, of Massachusetts. I do not mean to antagonize by this motion the appropriation bills.

Mr. GARFIELD. I rise to a point of order. I myself entered a motion that the House resolve itself into Committee of the Whole on the state of the Union on the appropriation bills, and I yielded only to unanimous consents.

The SPEAKER. Did the Chair recognize the gentleman from Ohio?

Mr. GARFIELD. I thought so.

Mr. BUTLER, of Massachusetts. Then I withdraw my motion for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendments the bill (H. R. No. 4727) explanatory of an act passed June 20, 1874.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870.

AFFAIRS IN LOUISIANA.

Mr. G. F. HOAR. I move to suspend the rules and pass the preamble and resolutions which I send to the desk.

The Clerk read as follows:

Whereas both branches of the Legislature of Louisiana have requested the special committee of this House to investigate the circumstances attending the election and returns thereof in that State for the year 1874; and whereas said committee have unanimously reported that the returning board of that State, in canvassing and compiling said returns and promulgating the result wrongfully applied an erroneous rule of law, by reason whereof persons were awarded seats in the house of representatives of Louisiana to which they were not entitled, and persons entitled to seats were deprived of them:

Resolved, That it is recommended to the house of representatives of Louisiana to take immediate steps to remedy said injustice and to place the persons rightfully entitled in their seats.

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

Mr. RANDALL. I raise the point of order that the motion of the gentleman from Ohio [Mr. GARFIELD] to proceed to the consideration of the sundry civil appropriation bill is of higher privilege than the motion made by the gentleman from Massachusetts, [Mr. G. F. HOAR.]

The SPEAKER. That motion has not been made by the gentleman from Ohio.

Mr. RANDALL. The gentleman from Ohio told me he had made it.

The SPEAKER. He may have desired to make it, but he has not made it. In order to his making that motion it was necessary that he should be recognized by the Chair.

Mr. POTTER. I desire to make a parliamentary inquiry. Are we not entitled to separate votes on these two resolutions?

The SPEAKER. You are not.

Mr. POTTER. Will not the gentleman from Massachusetts permit separate votes on the resolutions?

Mr. G. F. HOAR. I have moved to suspend the rules and pass the preamble and resolutions together.

Mr. POTTER. Do I understand the Chair to rule that in no form have we a right to have the resolutions divided?

The SPEAKER. The way in which the motion of the gentleman from Massachusetts is submitted is that the rules be suspended and those resolutions agreed to.

Mr. POTTER. Both?

The SPEAKER. Yes.

Mr. POTTER. Very well.

Mr. SPEER. Could the gentleman make a motion to suspend the rules and pass a dozen resolutions together?

The SPEAKER. Yes. A motion to suspend the rules could pass every bill on the table if two-thirds of the House said so.

Mr. RANDALL. Then there is no relief but to call the yeas and nays.

Mr. CESSNA. That is right. You can have the yeas and nays with pleasure.

Mr. NIBLACK. I appeal to the gentleman from Massachusetts to allow separate votes on the two resolutions.

Mr. G. F. HOAR. I adhere to my motion.

On the question of seconding the motion to suspend the rules—tellers were ordered, and Mr. G. F. HOAR and Mr. POTTER were appointed.

The House divided; and the tellers reported—ayes 114, noes 79.

So the motion was seconded.

The SPEAKER. The question recurs, Will the House suspend the rules and agree to the resolutions?

Mr. RANDALL. I suggest that to save time the vote be taken by tellers.

Mr. POTTER. O, no; let us have the yeas and nays.

Mr. GARFIELD. If the demand for the yeas and nays is waived and the vote is taken by tellers, it will save a good deal of time.

Mr. W. R. ROBERTS, and Mr. HALE of Maine, called for the yeas and nays.

The yeas and nays were ordered.

Mr. POTTER. I desire to say that we shall vote against those resolutions only because of the second. We are not opposed to the first.

The question was taken; and there were—yeas 155, nays 86, not voting 46; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Danford, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Killinger, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Nunn, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—155.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Pierce Potter, Randall, Read, Robbins, William R. Roberts, Milton Sayler, Schell, Sloss, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—86.

NOT VOTING—Messrs. Bass, Biery, Burchard, Chittenden, Freeman Clarke, Clinton L. Cobb, Crounse, Crutchfield, Curtis, Duell, Freeman, Robert S. Hale, Benjamin W. Harris, Harrison, John B. Hawley, Hendee, Hynes, Kendall, Lamport, Lewis, Lofland, Lowndes, Mitchell, Niles, Orr, Hosea W. Parker, Pelham, Perry, Phelps, Pike, James H. Platt, jr., Ransier, James C. Robinson, John G. Schumaker, Isaac W. Scudder, Sener, Small, William A. Smith, Snyder, Alexander H. Stephens, Strawbridge, Taylor, Charles R. Thomas, Charles W. Willard, George Willard, and Wolfe—46.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll,

Mr. PARKER, of New Hampshire, said: On this question I am paired with my colleague, Mr. PIKE; if present he would vote "ay," and I would vote "no."

Mr. G. F. HOAR. I now move that the rules be so suspended as to submit to the House these two resolutions to be voted on separately. I do not think it will require a yea and nay vote on the first resolution.

The SPEAKER. The motion of the gentleman from Massachusetts, [Mr. G. F. HOAR,] if adopted, would bring the two resolutions before the House for adoption or rejection, which question would be decided by a majority vote.

Mr. RANDALL. I wish the gentleman from Ohio [Mr. GARFIELD] would press his claims to the floor for the appropriation bills.

Mr. WOOD. What is the proposition of the gentleman from Massachusetts?

The SPEAKER. It is that the rules be so suspended as to submit each of the resolutions to a separate vote.

Mr. WOOD. The vote to be first upon the first resolution and then upon the next?

The SPEAKER. That is the proposition.

Mr. SPEER. Would a majority vote be sufficient to pass the resolutions in each case?

The SPEAKER. It would.

Mr. SPEER. Then I object to it.

Mr. GARFIELD. I am compelled to ask that I be recognized to

go on with the appropriation bills. We have not the strength to go on with a two-thirds vote now.

Mr. POTTER. I understand the proposition of the gentleman from Massachusetts to be to bring the two resolutions before the House to be voted upon separately. To the first resolution there will be no objection. But I regard the second resolution as so absolutely revolutionary and dangerous that I must object to it.

Mr. G. F. HOAR. I think these resolutions are acquiesced in by the majority of both parties.

Mr. POTTER. Not both.

Mr. G. F. HOAR. And will give peace to the country.

Mr. POTTER. It will be the peace that cometh by the sword.

Mr. G. F. HOAR. If you want the peace that cometh by the sword——

Mr. POTTER. That is all you ever succeed in bringing by Federal interference.

Mr. GARFIELD. I suggest that if gentlemen will by unanimous consent allow a separate vote to be taken upon the resolutions, without calling the yeas and nays, I will waive my right to the floor to go on with the appropriation bills.

Mr. RANDALL. I object.

Mr. GARFIELD. Then I must insist upon going on with the appropriation bills.

Mr. POTTER. Does the gentleman mean a separate vote on the two resolutions under a suspension of the rules?

Mr. GARFIELD. No.

Mr. POTTER. Then I object.

Mr. GARFIELD. Then I must insist upon going on with the appropriation bills.

The SPEAKER. The gentleman from New York, [Mr. SMITH,] the chairman of the Committee on Elections, desires to submit to the House a proposition in regard to an amendment which he proposes to offer.

Mr. G. F. HOAR. I ask that my proposition be submitted.

The SPEAKER. What motion does the gentleman desire the Chair to submit?

Mr. G. F. HOAR. It is that the House shall so suspend the rules as to give a separate vote on the two resolutions which I have offered. Is that objected to on the democratic side?

Mr. W. R. ROBERTS and others objected.

Mr. G. F. HOAR. Then I move that the rules be so suspended as to bring the two resolutions before the House for a separate vote.

Mr. POTTER. I understand what that implies.

The SPEAKER. It implies just this: That if two-thirds of the House order it a majority vote will control the action of the House on each resolution.

Mr. POTTER. I understand that.

Mr. ELLIS H. ROBERTS. Have not this committee the right to report at any time?

The SPEAKER. They have not.

Mr. RANDALL. They were raised when the President's message was referred.

The SPEAKER. And the right to report at any time has never been given them.

The motion to suspend the rules was then seconded.

Mr. ELDREDGE. Let us have the yeas and nays on suspending the rules.

Mr. WOOD. Before putting the question to the House, I would like the Chair to state exactly the effect of this motion if carried. Is it that the majority can then pass each resolution separately?

The SPEAKER. The Chair has so stated. If the House shall make the order it will bring the resolutions directly before the House within the control of the majority.

Mr. CESSNA. Would it be in order for me to ask my friends on the other side if they are opposed to anything that the majority desires?

The SPEAKER. That would not be in order.

Mr. CESSNA. Then I will not make the inquiry.

The yeas and nays were then ordered on the motion to suspend the rules.

Mr. G. F. HOAR. If the time of the House is to be taken up by the yeas and nays, I am willing to withdraw my motion.

Mr. TREMAIN. It has the moral effect now of a majority vote.

The SPEAKER. The motion to suspend the rules having been seconded, it cannot be withdrawn except by unanimous consent.

Mr. BURROWS. I object to the withdrawal.

The question was taken; and there were—yeas 172, nays 85, not voting 30; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Alexander H. Stephens, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—172.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—85.

NOT VOTING—Messrs. Beck, Biery, Chittenden, Freeman Clarke, Clinton L. Cobb, Comingo, Crutchfield, Curtis, Robert S. Hale, John B. Hawley, Hendee, Kendall, Lamar, Lamport, Lewis, Lofland, Mitchell, Hosea W. Parker, Pelham, Phelps, Pierce, Pike, Isaac W. Scudder, Small, J. Ambler Smith, William A. Smith, Strawbridge Charles R. Thomas, Charles W. Willard, and Wolfe—30.

So (two-thirds voting in favor thereof) the motion to suspend the rules was agreed to.

During the roll-call the following announcements were made:

Mr. BURCHARD. My colleague from Illinois, Mr. HAWLEY, is confined to his room by illness. If present he would vote "ay."

Mr. PARKER, of New Hampshire. On this question I am paired with my colleague, Mr. PIKE. If he were present he would vote in the affirmative, and I should vote in the negative.

After the last name on the roll was called several members voted "ay."

Mr. WOOD. Were these gentlemen now offering to vote within the bar when the last name on the roll was called?

The SPEAKER. On what information does the gentleman ask that question?

Mr. WOOD. I desire that the Chair shall put to them the question.

The SPEAKER. The Chair has already in effect done so by making the general announcement which the rules require, that those offering to vote do so upon the assurance that they were within the bar when the last name on the roll was called. If the gentleman has no information to the effect that any of these gentlemen were not then within the bar, he has no right to raise the question.

The result of the vote was announced as above stated.

The SPEAKER. The resolutions are now before the House.

The question being taken on the first resolution, it was agreed to.

The question recurring on agreeing to the second resolution,

Mr. RANDALL called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 89, not voting 33; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Corwin, Cotton, Crooke, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—165.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Pierce, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, Schell, John G. Schumaker, Sener, Sloss, J. Ambler Smith, Southard, Speer Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—89.

NOT VOTING—Messrs. Biery, Buckner, Benjamin F. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Coburn, Comingo, Cook, Crounse, Crutchfield, Fort, Robert S. Hale, John B. Hawley, Hendee, Kendall, Lamport, Lewis, Lofland, Mitchell, Niles, Hosea W. Parker, Pelham, Phelps, Pike, Isaac W. Scudder, Small, Strawbridge, Charles R. Thomas, Charles W. Willard, George Willard, William B. Williams, and Wolfe—33.

So the resolution was adopted.

During the roll-call, the following announcements were made:

Mr. PARKER, of New Hampshire. On this question I am paired with my colleague, Mr. PIKE. If he were present he would vote "ay," and I would vote "no."

Mr. CESSNA. My colleagues, Mr. BIERY and Mr. STRAWBRIDGE, are

both absent on account of severe illness. If they were present they would vote "ay."

The result of the vote was announced as above stated.

Mr. G. F. HOAR. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table. In making this motion I desire to say that I regret our friends on the other side have put themselves on the record against even allowing a proposition to give peace to Louisiana to be voted on by the Representatives of the American people.

Several members objected to debate.

The motion to reconsider was laid on the table.

EXPENSES OF CONTESTANTS.

Mr. SMITH, of New York. I offer the following resolution:

Resolved, That the rules be so far suspended that it may be in order at the time the sundry civil appropriation bill or the deficiency appropriation bill is under consideration in the Committee of the Whole, to move an amendment thereto to pay the expenditures in whole or in part of such parties to contested-election cases in the Forty-third Congress as the Committee on Elections may recommend.

The motion to suspend the rules was seconded.

The question recurred on the suspension of the rules and the adoption of the resolution.

The House divided; and there were—ayes 89, noes 41.

Mr. WILLARD, of Vermont, demanded tellers.

Tellers were ordered; and Mr. WILLARD of Vermont, and Mr. SMITH of New York, were appointed.

Mr. WILLARD, of Vermont. I should like to have the law of the last Congress read on this subject.

Mr. SMITH, of New York. I wish the House would give the committee five minutes for explanation.

The SPEAKER. The law prohibits the House making allowance to contestants. This is to make an appropriation by Congress, both branches concurring.

Mr. YOUNG, of Georgia. How many men are to be paid under this resolution?

The House again divided; and the tellers reported—ayes 146, noes 23.

Mr. WILLARD, of Vermont. I demand the yeas and nays on the suspension of the rules and adoption of the resolution.

The yeas and nays were not ordered.

So (two-thirds having voted in the affirmative) the rules were suspended and the resolution adopted.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. Before moving to suspend the rules to go into the Committee of the Whole on the state of the Union and proceed with the sundry civil appropriation bill, I report from the Committee on Appropriations a bill (H. R. No. 4851) making appropriation to supply deficiencies in the appropriation for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, and move that the bill be printed and recommitted.

The bill was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

PETER WRIGHT AND SONS.

Mr. KASSON, by unanimous consent, from the Committee on Ways and Means, reported a bill (H. R. No. 4852) to refund and remit certain duties to Peter Wright & Sons; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole House on the Private Calendar.

SOUTHERN MARYLAND RAILROAD.

Mr. ARTHUR, by unanimous consent, from the Committee on Railways and Canals, submitted a report, to accompany a bill (H. R. No. 4475) to aid in the construction of the Southern Maryland Railroad, and for other purposes; which was ordered to be printed and recommitted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had concurred in a resolution of the House that there be printed and bound in quarto form one thousand copies of each of volumes 2, 7, and 9 of the report of geological survey of the Territories for distribution by the Smithsonian Institution.

It further announced that the Senate had concurred in the amendments of the House to the bill (S. No. 935) to provide for writs of error in certain criminal causes.

It further announced that the Senate had passed a bill (H. R. No. 4734) to establish certain post-roads, with sundry amendments; in which the concurrence of the House was requested.

ENROLLED BILLS.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4727) explanatory of the act passed June 20, 1874.

Mr. PENDLETON also, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. MARSHALL. I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1876, and to recommend concurrence therein.

The amendments of the Senate were concurred in.

Mr. G. F. HOAR. I ask unanimous consent for leave to print a few remarks of a general character on the Military Academy appropriation bill.

There was no objection, and it was ordered accordingly. (See Appendix.)

Mr. MARSHALL moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, with the recommendation that they be non-concurred in and a committee of conference asked on the disagreeing votes of the two Houses.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I am directed to report back the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes, with the recommendation that some of the Senate amendments be concurred in and others non-concurred in.

The Clerk proceeded to read the Senate amendments and the recommendations of the Committee on Appropriations thereon.

Mr. GARFIELD. I desire to make a suggestion. The Committee on Appropriations have carefully gone over the large number of amendments made by the Senate to the Indian Appropriation bill. They recommend concurrence in some, non-concurrence in others, and concurrence, with amendments in others. I ask the House to adopt the report of the committee, and send the amendments on which the recommendation is non-concurrence or concurrence with amendments to a conference committee.

Mr. WILLARD, of Vermont. O, no. How can we concur in Senate amendments unless we know what they are. Let the amendments be read where the committee recommend concurrence.

Mr. PARKER, of Missouri. I desire to make a statement in addition to what has been said by the chairman of the committee. All or nearly all of the amendments in which we recommend concurrence are amendments which do not increase the amount in the bill. But wherever the Senate amendments make any increase amounting tc anything the Committee on Appropriations has recommended non-concurrence. That has been the rule upon which we have acted.

Mr. CONGER. Has the Senate put in anything which was rejected by the House?

Mr. PARKER, of Missouri. Nothing. None of those claims that were discussed here have been put in.

Mr. WOOD. Does the gentleman from Missouri state that in the Senate amendments in which concurrence is recommended there is no increase over the House bill?

Mr. PARKER, of Missouri. I do not state that. But the increase is so trivial that it does not warrant us to take up time in considering it. Where there is any increase amounting to anything we non-concur.

Mr. WOOD. What is the increase in the Senate amendments?

Mr. PARKER, of Missouri. The aggregate of increase by the Senate amendments is over $300,000. But as regards those amendments in which we recommend concurrence I believe—although I cannot just now state accurately the exact amount—it will not be over $10,000. The balance ($290,000) we non-concur in.

Mr. WILLARD, of Vermont. I think everything in which the committee recommend concurrence should be read.

Mr. PARKER, of Missouri. I will make the motion suggested by the chairman of the committee, that the report of the Committee on Appropriations with reference to this bill be adopted.

Mr. WILLARD, of Vermont. That requires a two-thirds vote.

Mr. PARKER. Then I move to suspend the rules and adopt the report of the Committee on Appropriations.

The question was taken on the motion to suspend the rules; and there were—ayes 72, noes 52.

Mr. GARFIELD. As there is a large vote on the other side, I think my friend from Missouri had better withdraw his motion.

Mr. RANDALL. By an amendment adopted on my motion when the bill was in the House there was a limit put upon the manner of making contracts, and it was provided that every contract should be advertised except those that would amount to less than $300. The Senate have not struck out the language of my amendment, but they have made the limit $3,000 instead of $300. I understand the Committee on Appropriations have assented to that change. I want to say to the House that it is almost better that there was no amend-

ment at all of that nature than to have it with the amount changed in that way. I hope the House will adhere to its action in this matter. We fully discussed the amendment at the time. The gentleman from Iowa [Mr. LOUGHRIDGE] who had charge of the bill assented to it. If the amendment of the Senate be adopted it will allow those who make these purchases to run wild and buy in every direction without the restraint of any contract or advertisement.

Mr. LOUGHRIDGE. I deem it just to the House to state that I think my colleague, the gentleman from Missouri, [Mr. PARKER,] forgot to say the committee have added one item of $300,000 to the bill on the recommendation of the President, which I think is right.

Mr. DAWES. What is that?

Mr. LOUGHRIDGE. The Army have captured three thousand of the wild Cheyenne Indians, and hold them as prisoners of war at Fort Sill. The President recommended an appropriation to keep those Indians under the control of the Army, and by that means thinks he can secure a permanent peace in that portion of the country. The $300,000 is for that purpose.

Mr. RANDALL. Do you propose then to pass an appropriation of $300,000 without any consideration whatever by the House?

Mr. PARKER, of Missouri. I withdraw the motion.

The Clerk resumed the reading of the Senate amendments and the recommendations of the committee in regard to them. The recommendations of the committee were agreed to without debate, except in the following cases.

The fifty-second amendment of the Senate was as follows:

After line 1697 insert these words:
That the Pi-Ute reservation in Southeastern Nevada is hereby abolished.

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. Why not concur in that and abolish that reservation, as the Senate has suggested?

Mr. LOUGHRIDGE. We want to discuss it in the committee of conference.

Mr. RANDALL. When the Senate want to abolish a reservation I do not see why the House should not concur.

Mr. PARKER, of Missouri. This was new matter that came before the Senate; we had not time to investigate it. Some information has come to us since that will enable us probably to concur with the Senate in the committee of conference.

The amendment was non-concurred in.

The sixty-second amendment of the Senate was as follows:

Insert these words:
For this amount, or so much thereof as may be necessary, to pay the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $15,000.

The committee recommended concurrence.

Mr. RANDALL. I hope the House will not concur in that amendment. It provides, so far as I can understand it, a salary for the peace commissioners.

Mr. LOUGHRIDGE. It does not provide for their salary. They serve without pay. It provides for their expenses.

Mr. RANDALL. Very well; it provides for their expenses. They are to serve for one year more, is it not? I believe that the usefulness of that board has departed; and I think that the law abolishing the board should be allowed to take effect, so far as we are able to have it take effect, immediately. There is no necessity for providing $15,000 to cover their expenses, when by the repeal of the act which organized that board we have in effect admitted their further uselessness. I hope that the Congress of the United States, having abolished it, will now save to the Government the $15,000 which the Senate have put in to cover the expenses of a board which we say should not have any existence.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I omitted to state that there was a report in connection with the deficiency appropriation bill, which I now ask to have printed.

There was no objection, and the printing of the report was ordered.

INDIAN APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the Indian appropriation bill.

Mr. PARKER, of Missouri. I think if the gentleman from Pennsylvania had fully investigated this subject he would not have come to the conclusion that he has come to now. One of the principal duties performed by the present board, as it was also performed by the previous board, is in aiding the Committee on Indian Affairs in the purchase of supplies of goods for the different Indian tribes. For the present fiscal year the purchase, if I remember aright, of these goods was made in the months of May or June last. I know that it has been asserted frequently upon this floor and in the newspapers of the country that the Indian Department, with the assistance of this board, is paying largely more than is being paid by Army officers for a like class of supplies.

Now, I hold in my hand a comparative statement showing that that is an entire mistake, and that on the contrary the Indian Department, under the direction of the Secretary of the Interior, with the aid, advice, and assistance of this board, have been purchasing supplies at much less rates than those furnished to the Army. His statement shows that at Omaha the officers of the Army paid for corn per bushel 69, 71½, 72⅝, and 98⅞ cents, while the Indian Department paid only 59 cents at the same time or during the same year. That was the difference in the cost of their purchases of corn; I do not care whether it was at the same time or not. It was the duty of the officers of the Army to take advantage of a low market as it was the duty of the Indian officers. Whether they got it in consequence of the variation of prices at different periods I do not know, but I do know that they got it cheaper than did the officers of the Army.

Now take the question of beef. In the Department of Arizona the Army people paid for one hundred, gross, $6.19½ and $6.62, while the officers of the Indian Department paid only for beef per one hundred, gross, $2.69; less, far less than one-half and only a little more than one-third of what the Army officers paid in Arizona. The Delegate who represents that Territory [Mr. MCCORMICK] knows this to be the fact. For Camp Supply the Army officers paid $3.54½ per one hundred, gross, while the Indian people paid only $1.64. At the Spotted Tail agency the Army officers paid $4.62½ and $4.69½ while the officers of the Indian Department paid only $2.30. At Fort Hall, in Idaho, the Army people paid $5 per hundred, gross, while the officers of the Indian Department paid only $3.40. At Fort Sill, in Indian Territory, the Army officers paid $2.67½ per hundred, gross, while the Indian Department officers paid only $1.64, about one-half. At Fort Sully, in Dakota Territory, the Army officers paid $3.74 per one hundred, gross, while the officers of the Indian Department paid only $2.30. And so it was all the way through.

Now the superintendence of the purchase of the supplies was had by this commission, and I may assert, without taking the time of the House to show it, that of all the supplies purchased in New York and other cities they range from 10 to 35 per cent. last year, under the direction of the peace commission, cheaper than they ever did before.

Mr. RANDALL. That is a valuable statement, I have no doubt; but the gentleman does not speak definitely as to what the peace commission had to do with these contracts.

Now I wish to say to the gentleman and to the House that this peace commission as originally organized met with the confidence of the country, and had its confidence to an unlimited extent, and that when those men were thwarted at every step of reform by the Secretary of the Interior and by other governmental officers they were practically driven from their places.

I do not want to criticise at length the character of the men who have been substituted on that board; but I do say this much here, that the day of their usefulness has gone by, and Congress has determined that the board shall be abolished, and has abolished it a year hence. And now you ask for $15,000 to cover the expenses of a board which you have determined to be of no use. I therefore hope, Mr. Speaker, that the House will non-concur in the amendment of the Senate and save this amount of money to the Government.

Mr. GARFIELD. I move the previous question on the pending amendment.

Mr. STARKWEATHER. I hope the appropriation for this commission will not be rejected.

Mr. RANDALL. You have already abolished the board a year hence.

The SPEAKER *pro tempore*. The question is on concurring in the amendment of the Senate.

The question was put; and on a division there were—ayes 73, noes 49.

Before the result of the vote was announced,

Mr. RANDALL said: I ask for the yeas and nays. I have no idea of continuing this board by indirection.

The yeas and nays were ordered; there being 42 in the affirmative, more than one-fifth of the last vote.

Mr. GARFIELD. I ask unanimous consent that this and all the rest of the amendments be non-concurred in; that will save time.

Mr. RANDALL. I think we had better test the sense of the House upon this one.

Mr. LOUGHRIDGE. What more can you have than a non-concurrence?

Mr. RANDALL. If the committee of conference will consider it as instructions to them from the House——

Mr. GARFIELD. They cannot consider it any instruction.

Mr. RANDALL. Then let the vote go on.

The question was taken; and there were—yeas 144, nays 75, not voting 68; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Begole, Bradley, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cannon, Carpenter, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Farwell, Field, Freeman, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Harmer, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hyde, Hynes, Kasson, Kelley, Kellogg, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Martin, McCrary, James W. McDill, MacDougall, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Strait, Sypher, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—144.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crossland, DeWitt, Dunnell, Durham, Eden, Finck, Fort, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Lamar, Lamison, Lansing, Leach, Magee, Marshall, Milliken, Mills, Morrison, Neal, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, William R. Roberts, Schell, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, Southard, Speer, Standiford, Stone, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—75.

NOT VOTING—Messrs. Bass, Beck, Berry, Biery, Bundy, Benjamin F. Butler, Cain, Cason, Caulfield, Chittenden, Freeman Clarke, Clinton L. Cobb, Coburn, Comingo, Corwin, Cotton, Davis, Eldredge, Foster, Gunter, Hagans, Robert S. Hale, Benjamin W. Harris, John T. Harris, Harrison, John B. Hawley, Hendee, Howe, Hunter, Hurlbut, Kendall, Killinger, Knapp, Lamport, Lewis, Maynard, Alexander S. McDill, McKee, McLean, Merriam, Mitchell, Nesmith, Niblack, Nunn, Pelham, Phelps, Pike, Potter, James C. Robinson, James W. Robinson, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Small, George L. Smith, Snyder' Alexander H. Stephens, Storm, Stowell, Strawbridge, Taylor, Charles R. Thomas. Wells, Wheeler, White, Wilber, Ephraim K. Wilson, and Jeremiah M. Wilson—68,

So the amendment was concurred in.

The next amendment upon which a separate vote was asked was the eightieth amendment, to strike out "$300" and insert $3,000," so that it would read "that hereafter no purchase of goods, supplies, or farming implements, or any other article whatsoever, the cost of which shall exceed $3,000, shall be paid for from the money appropriated by this act, unless the same shall have been previously advertised and contracted for as heretofore provided by law."

The Committee on Appropriations recommended concurrence in the amendment.

Mr. RANDALL. I hope the amendment will not be concurred in.

Mr. LOUGHRIDGE. I move to concur in the amendment, with an amendment to make it $1,000 instead of $3,000.

Mr. RANDALL. I have no objection to that.

The amendment was concurred in.

The next and last amendment upon which a separate vote was asked was the eighty-third amendment, to insert the following:

Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs: *Provided*, That should any agent knowingly make any false entry in said books or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor, and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than $500 nor more than $1,000, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under this act.

The Committee on Appropriations recommended concurrence in the amendment, with an amendment as follows: After the word "inspection," in line 5 of said amendment, add the words "to any officer of the United States Government," and strike out all after the word "successor," in line 8 of said amendment, down to and including the word "affairs," in line 11.

Mr. PARKER, of Missouri. This amendment, recommended by the Committee on Appropriations, is to allow these books to be kept open to inspection by any officer of the United States; and it strikes out the clause requiring transcripts to be forwarded quarterly by each agent to the Commissioner of Indian Affairs, as they already do it now and it is unnecessary to forward two transcripts.

Mr. RANDALL. The amendment in either case is a good one.

The amendment to the amendment was agreed to, and the amendment, as amended, was concurred in.

Mr. LOUGHRIDGE. I move that a committee of conference be asked on the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

Mr. LOUGHRIDGE moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the sundry civil appropriation bill. Before doing that I will yield to the gentleman from New York, [Mr. MACDOUGALL,] who desires to have made in order an amendment to the bill.

Mr. MACDOUGALL. I offer the following resolution:

Resolved, That when the sundry civil appropriation bill shall be considered in Committee of the Whole it shall be in order to offer an amendment to pay the State lunatic asylum for insane convicts at Auburn, in New York, for the keeping of insane United States convicts after the term of sentence had expired, $5,900.46, the same having been recommended by the Committee on the Judiciary.

No objection was made, and the resolution was adopted.

SAMUEL W. CRAWFORD.

Mr. ALBRIGHT. I rise to submit a privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the first amendment of the Senate and agree to the same, with amendments as follows:

In the fourteenth line, after the word "action," add the words "and every such officer now borne on the retired list shall be continued thereon, notwithstanding the provisions of section 2, chapter 38, act of March 30, 1868;" and the Senate agree to the same.

Also, in the seventeenth line, after the words "arm or leg," add the words "or has an arm or leg permanently disabled by reason of resection on account of wounds;" and the Senate agree to the same.

Also, in the eighteenth line, after the word "battle," add the words "*And be it also provided*, That no retired officer shall be affected by this act who has been retired or may hereafter be retired on the rank held by him at the time of his retirement;" and the Senate agree to the same.

That the House recede from their disagreement to the second amendment of the Senate by which the title was amended, and agree to the same.

CHAS. ALBRIGHT,
C. D. MACDOUGALL,
P. M. B. YOUNG,
Managers on the part of the House.

JOHN A. LOGAN,
GEO. E. SPENCER,
Managers on the part of the Senate.

The report was agreed to.

Mr. ALBRIGHT. For the purpose of correcting an error in the report, I ask that the following resolution may be adopted:

Resolved, (*the Senate concurring,*) That the engrossing clerk be instructed to correct a clerical error in the report of the conference committee on House bill No. 2093, by transferring the first amendment proposed to section 2, after the words "wounds received in action," in the fourteenth line, so that it will come after the words, "when received in battle," in the eighteenth line.

The resolution was adopted.

Mr. ALBRIGHT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON MINING STATISTICS.

Mr. DONNAN. I rise to a privileged report, and submit the report which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution providing for the publication of the report of R. W. Raymond on mining statistics, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment; that all of the concurrent resolution after the word "printed" be stricken out; and that the following be inserted: "of the report for 1873 twenty-five hundred copies for the use of the House, one thousand copies for the use of the Senate, and five hundred copies for the use of the Secretary of the Treasury and of Commissioner Raymond; and of the report for 1874 twenty-five hundred copies for the use of the House, one thousand copies for the use of the Senate, and five hundred copies for the use of the Secretary of the Treasury and of Commissioner Raymond."

And the House agree to the same.

W. G. DONNAN,
CHAS. CLAYTON,
A. M. WADDELL,
Managers on the part of the House.

H. B. ANTHONY,
TIM. O. HOWE,
ELI SAULSBURY,
Managers on the part of the Senate.

The report was agreed to.

Mr. DONNAN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I submit the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference, have been unable to agree.

JAMES A. GARFIELD,
I. C. PARKER,
R. M. SPEER,
Managers on the part of the House.

The committee of conference direct me to state that they have failed to agree on a single matter—the question in regard to the salaries of the clerks at our desk. We leave it to the House to take whatever action it may choose in regard to the matter.

Mr. HOLMAN. I move that the House recede from its disagreement to the amendment which causes this trouble in regard to the salary of clerks of the House.

Mr. RANDALL. Of course it is not proper for me to reflect upon the action of the other branch of Congress; but I wish to say that so long as I have been a member here this House has conceded to the Senate the right of fixing the number and compensation of its own officers, while we have claimed the same authority for this body. In my judgment the House cannot in self-respect yield this right.

Mr. G. F. HOAR. Does the gentleman think, as a constitutional question——

Mr. RANDALL. I am not arguing any constitutional question. I am only maintaining that by the comity and courtesy which should be recognized between the two Houses we have this right.

Mr. HOLMAN. My motion is that the House concur in the amendment of the Senate on this subject.

Mr. RANDALL. I hope that will not be done.

Mr. HOLMAN. This House in the first instance, while acting upon this question in Committee of the Whole, concurred in the amendment of the Senate in regard to the pay of our own clerks and non-concurred in the Senate amendment increasing the salaries of certain clerks of that body. Afterward, however, the House reconsidered its action and non-concurred in the Senate amendment in regard to the salary of House clerks. Since then, as I understand, the Senate is willing to recede from its amendment increasing the pay of its own clerks; and the point of difference is that on the other hand this House, as represented by its conferees, is not willing to act upon the same principle by receding from its disagreement with regard to the pay of clerks in this House.

Not simply as a matter of policy in adjusting an important bill, but as a duty which this House owes to itself, (the salary-increasing features of the act of March 3, 1873, having been repealed so far as they could be,) we should not, I submit, abandon at this early moment the ground we then assumed and begin the process of increasing these clerical salaries. I insist that the House should concur in the amendment of the Senate; and even that places these salaries at figures which are, in my judgment, beyond what they should be.

Mr. RANDALL. When speaking upon this subject a few minutes ago I spoke only as to the propriety of this House having control of its own officers. Now, this action of the House to which the Senate has disagreed is not an increase of salary. The law a year ago fixed these salaries, and the recent action of the House proposed to keep these salaries where they had been fixed. The Senate has proposed to cut them down below the figures fixed by the law passed a year ago.

Mr. HOLMAN. Is not the gentleman now insisting that the salaries of these clerks shall be put at the same amount at which they were fixed in the act of March 3, 1873, the very law which we were compelled by a strong popular sentiment to repeal.

Mr. RANDALL. I am for keeping the salaries where they were fixed a year ago by law. The Senate demands, against our protest, that we shall agree to cut down the salaries of our officers and leave theirs where they are.

Mr. GARFIELD. This second committee of conference on the part of the House has faithfully and earnestly represented the views of this body. We have urged in our conference with the representatives of the Senate that the clerks at the desk in this House have a great deal harder work to do than any corresponding officers at the other end of the Capitol. The Senate conferees, on the other hand, urged that the Senate last year only consented to the amount then appropriated for these officers because it was on the last day of the session; and that at the same time notice was given that they would not consent to these salaries unless there should be some adjustment of salaries as between the two Houses.

Mr. RANDALL. That I deny.

Mr. GARFIELD. I wish to say that two conference committees have tried faithfully to carry out the views of the House upon this question. I believe that every member of the conference committee on our side is satisfied that we have done all we could. The House has now one of two things to do, either to discharge us and appoint a new conference committee to go over again the whole bill, or adopt the motion of the gentleman from Indiana [Mr. HOLMAN] to recede from our disagreement to the amendment of the Senate upon this particular point, which would doubtless bring about a speedy agreement of the two Houses upon the bill.

Mr. KASSON. If we recede on the part of the House what then will be the relative pay of the officers of the two Houses?

Mr. GARFIELD. I will say this: There is no law adjusting the relation between the pay of the two Houses. The Chief Clerk of the Senate gets $4,000 a year, which is higher than our officers get, but the clerks of some of the lower grades in the Senate get less than ours. The Senate conferees insist their clerks on the whole are getting less than ours. We deny that. The Senate proposes this shall be done: We shall put in this amendment a clause making it the law that the Speaker of the next House and the Vice-President of the next Congress shall appoint a joint committee of the two Houses immediately on the first day of the next session to take up the whole question of the relative pay of the two Houses and report a bill adjusting it. That they offer in place of what we are insisting on. We are willing to take that if they will allow our officers to remain at the present pay, but they will not accept that. That is the whole case. I believe I will now demand the previous question.

Mr. PARKER, of Missouri. I desire to state to the House, as one member of the committee, that as a matter of principle I believe the pay as fixed by the House last year, and the pay as fixed by the House on the amendment in question, is not too much. I believe there is no one in this House who has more responsible duties or does more labor than these gentlemen who are included in this proposition. Then, as a matter of principle and as a matter of justice, I believe in adhering to the position of the House on this question.

Again, let me say to my republican friends that it is a matter of somewhat delicate character for republicans in this House, when they one year ago said their men should be paid a certain salary and when we are going out of power here, to say to the incoming majority because you are not of us your men shall not be paid as much as ours. That of course is not the motive of any man who will cast a vote on this question, but it might be construed in that way, and I do not believe we should give any opportunity for any such construction. I believe we have a reasonable right to presume that the clerks of the next House will be as faithful and as honest as the clerks of our House, whose pay we have fixed at the amount settled upon last year.

Mr. KASSON. I desire to say a single word. I do not wish to imperil this bill if that is likely to be the result by the vote to recede which shall fail to be carried by the House. I ask the gentleman from Ohio if it cannot be arranged by appointing a new conference committee on the understanding on the part of the House they shall make an effort to equalize the pay of the two Houses, receding from a part of our amendment if it is necessary. I prefer that course to be taken.

Mr. GARFIELD. I would rather not be on any further committee of conference.

Mr. ARCHER. Let me say a word. Now, Mr. Speaker, the pay of the Chief Clerk of the Senate is $4,000 a year. The pay of the clerks we propose to stand to on this bill is $3,000 a year, and they wish to cut it down to $2,592. We were perfectly willing—that is, the conference committee on which I was—that the Senate should judge of the services of its own employés, and we insisted that it was a matter of comity we should judge of the services of the clerks of this House. They now pay their Clerk $4,000 a year, with one-third of the members and one-third of the work to do the employés of this House do.

Mr. KASSON. What would be the objection to a new conference committee with the understanding I have stated?

Mr. ARCHER. But you will never get the conferees of the Senate to agree to cut down the pay of their officers.

Mr. KASSON. Let the committee be free.

Mr. GARFIELD. Let the committee be free from that or any instruction on the part of the House.

Mr. PARKER, of Missouri. No; let us have the instruction of the House.

Mr. HOLMAN. I wish to say, Mr. Speaker, that the men who are to fill the places in this Hall from the 4th of March next come here upon the most solemn pledges to reduce the salaries of the employés of this Government. The democratic party, to the extent of a majority of this House at the next session, are bound to follow that promise. We have here now the power to carry out our pledge; and I repudiate and denounce, so far as the democratic party is concerned, any argument here, I do not care how specious it may be or under what pretense it may be founded, in favor of keeping up these salaries. Here are salaries of eight or nine hundred dollars a month during this last year and during this short session of Congress.

Mr. ARCHER rose.

Mr. HOLMAN. I do not yield. We have salaries of eight or nine hundred dollars a month for clerical hire where, when the clerk has performed his duties during this short session, he retires from these Halls and engages in any other pursuit he may think proper. With these enormous salaries now being paid, with this side of the House so solemnly committed to cut down salaries, to resort to subterfuge upon any pretense whatever in order to keep up these high salaries over which we have absolute control is as discreditable as anything which gentlemen upon this floor could be guilty of.

We are not responsible for the action of the Senate. They have not seen fit, it seems, to reduce the salaries of their own officers; but we are responsible for the salaries which are under our control. And I warn gentlemen on this side of the House that if the utterances which have been made here are to be regarded as the utterances which are to come from this side of this Hall when Congress shall again assemble, there will be a voice louder and deeper than has ever been heard that will admonish Representatives that their pledges shall be fulfilled.

Mr. ARCHER. The gentleman from Indiana [Mr. HOLMAN] I believe does not intend to be unfair in his statement. But he intimates that these gentlemen sit here only three months and get $800 a month for that time. Now, it is known to every man who frequents Washington that these men are here fulfilling the duties of their offices in the different rooms of the Capitol during the vacation. I am here almost every week during vacation time, and I never came here that I have not found these gentlemen in the Capitol and at work.

I think it is due to the dignity of this body that when the Senate fixes the salaries of its officers who do one-third of the work at a higher rate than those of our officers, we should refuse to assent to any such thing.

Mr. SPEER. I desire to say a word in answer to the gentleman from Indiana. The Chair had the kindness to put me on this second conference without desire or wish of my own, and in discharging the duties of the position I endeavored to carry out what was the expressed will of the House. And in doing so I think I have not subjected myself to the discourteous and unjust language—not to characterize it more severely—of the gentleman from Indiana.

I have attempted no subterfuge and have attempted no trick. I have the courage when I believe a man earns his money to say so; and that is a virtue which the gentleman from Indiana, with all his virtues, does not possess.

There are six employés of the House whose salaries are involved in this disagreement. Two of them under the law now get $3,600, the other four $3,000. The gentleman from Indiana [Mr. HOLMAN] says that Congress was compelled to repeal the law increasing salaries. So it was; but after it had repealed the law increasing salaries it voluntarily restored the increase to these six officers of the House.

Congress felt that they should be excepted from the repeal, and for a just reason. The membership of the House had been increased forty or fifty, and a corresponding increase of duty resulted to these employés. There was reason, therefore, in the action of Congress restoring the increase of their salaries after it had repealed the increase of salaries generally.

The conferees on the part of the House endeavored not to increase salaries but to keep the salaries of these six employés where they are now by law; and I ask the majority whether as they leave this House they will consent to act unfairly to these officers. They may be succeeded in the next House by gentlemen of different politics, but that consideration does not change the duties of their respective positions and should not lead to a reduction of the compensation now authorized by law.

The question being taken on receding from the disagreement of the House to the Senate amendments, there were ayes 22, noes not counted.

Mr. HOLMAN. On this question of increasing salaries I call for the yeas and nays.

Mr. RANDALL. It is not an increase of salaries.

On the question of ordering the yeas and nays, there were ayes 10; not a sufficient number.

So the yeas and nays were not ordered, and the House refused to recede from its disagreement to the Senate amendments.

The SPEAKER. The question recurs, will the House request a new conference on the disagreeing votes of the two Houses?

The question being taken, it was decided in the affirmative.

Mr. GARFIELD moved to reconsider the vote by which the House agreed to ask for a new conference; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair announces as managers of the new conference on the part of the House Mr. PARKER of Missouri, Mr. FORT of Illinois, and Mr. RANDALL of Pennsylvania.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses.

An act (S. No. 320) fixing the number of paymasters in the Army of the United States;

An act (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayment of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President;

An act (S. No. 935) to provide for writs of error in certain criminal causes, for hearing therein, and in cases of *habeas corpus;* and

An act (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. POLAND, by unanimous consent, from the Committee on the Judiciary, reported back the bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States, with Senate amendments, and moved that the House request a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The question being taken on Mr. GARFIELD'S motion that the House resolve itself into Committee of the Whole on the state of the Union on the sundry civil appropriation bill, it was agreed to.

So the House resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. When the committee last rose the amendment pending was the one which will now be read by the Clerk:

The Clerk read as follows:

On page 31, line 732, add the following:

For expenses of the suit to be instituted by the Commissioner of the General Land Office to recover certain lands, and the rents and profits thereof, known as the Rancho Panoche Grande, in California, as provided in the resolution No. 142, passed by the House of Representatives on the 26th of January, 1875, $5,000.

Mr. GARFIELD. I desire to renew the point of order upon that amendment.

Mr. BUTLER, of Massachusetts. I modify my amendment so as to obviate the point of order and I offer it now in this shape:

To enable and authorize the Department of Justice to aid the Commissioner of the General Land Office to recover certain lands, and the rents and profits thereof, known as the Rancho Panoche Grande, in California, as provided in the resolution No. 142, passed by the House of Representatives on the 26th of January, 1875, $5,000.

Mr. GARFIELD. I desire to call the attention of the Chair to a clause in the Revised Statutes, being section 365. It is as follows:

No compensation shall hereafter be allowed to any person besides the respective district attorneys and assistant district attorneys for services as attorney or counselor to the United States or to any branch or department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney-General that such services were actually rendered and that the same could not be performed by the Attorney-General or Solicitor-General or the officers of the Department of Justice or by the district attorneys.

Now here is a proposition specially to authorize by law a suit in a case and it requires a special authorization by law before such a thing can be done. The proposition of the gentleman from Massachusetts will be the only law authorizing this thing if it is passed. I call the attention of the Chair to the section from the Revised Statutes which I have read, as well as to section 189 of the Revised Statutes, as the ground on which the point of order rests against this amendment.

Mr. BUTLER, of Massachusetts. That might be a very good point against the amendment as it was originally offered, but the amendment as modified is to authorize and enable the Department of Justice to do this in aid of the Commissioner of the General Land Office, and I drew the amendment with both those sections of the Revised Statutes before me.

Mr. GARFIELD. But there is nothing now in the law that authorizes a suit of the kind the gentleman proposes to have brought, unless the proposition of the gentleman, here introduced, be agreed to.

Mr. BUTLER, of Massachusetts. Pardon me; there is nothing in the law to authorize any suit to be brought.

Mr. GARFIELD. The gentleman's amendment refers to a suit authorized by a resolution of the House. Of course, if the amendment be put in here and if it become a law, it will be the only law in reference to that suit.

Mr. BUTLER, of Massachusetts. Is there no law now authorizing the Department of Justice to sue for United States lands? Because, if there is not there ought to be.

Mr. GARFIELD. There is not, or the gentleman would not have to make one.

Mr. BUTLER, of Massachusetts. Pardon me; I am not making one.

Mr. GARFIELD. We have already passed an appropriation of $3,000,000 in the judiciary section covering the expenses of all the courts for carrying out all the laws. I now ask for the reading of section 189 of the Revised Statutes.

The Clerk read as follows:

No head of a Department shall employ attorneys or counsel at the expense of the United States; but when in need of counsel or advice shall call upon the Department of Justice, the office of which shall attend to the same.

Mr. GARFIELD. I ask now that section 365 be again read.

The Clerk again read section 365.

Mr. BUTLER, of Massachusetts. The Chair will see that this amendment simply authorizes the Department of Justice to do what they have a right to do and gives them the means with which to do it.

Mr. PAGE. The section which has been read says that no appropriation shall be made for this purpose except at the request of the Attorney-General.

Mr. BUTLER, of Massachusetts. By no means; I have read the section.

The CHAIRMAN. The Chair desires to say before making a ruling upon this point that from the wording of the amendment it is entirely impossible, if this appropriation is made, for any portion of it to be used unless it is used under the authority and by the direction of the Department of Justice. It cannot be used by any other Department, and the Chair hardly feels himself justified under the law to rule out the amendment and will rule it in order as modified.

Mr. PAGE. I send to the Clerk's desk and ask to have read the first section of the mining act of 1866.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, and those who have declared their intention to become citizens, subject to such regulations as may be prescribed by law, and subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

Mr. PAGE. I now ask the Clerk to read the first section of the mining act of 1872:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States, and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

Mr. PAGE. It will be seen that in 1866 the Congress of the United States passed an act declaring all the mineral lands within the United States, both surveyed and unsurveyed, open to exploration and occupation, but not to purchase.

Mr. BUTLER, of Massachusetts. By whom?

Mr. PAGE. By citizens of the United States or those who had declared their intention to become such. It will be understood that the act of 1866 did not permit any person to become the purchaser of any mineral lands. But by the act of July 10, 1872, it was declared that all the mineral lands in the United States were open to exploration and purchase. No law of Congress up to 1872 provided for the sale of mineral lands. These men having gone upon these lands, invited there by the Government of the United States by an act of

Congress declaring the lands open to exploration and occupation, and by another act afterward declaring them open to purchase, it seems to me that this House will be going a great way if it shall make an appropriation of $5,000 to enable the Attorney-General or any other officer of the Government to commence suit against—I ask the gentleman from Massachusetts against whom he proposes to commence suit?

Mr. BUTLER, of Massachusetts. Against forty foreigners who do not belong to the United States, who have intruded upon the lands of the United States to the amount of some eight thousand acres, as I am informed, and who have taken from the lands of the United States property to the value of millions of dollars without right and without law.

Mr. PAGE. That will do. The gentleman says the object of this amendment is to deprive certain gentlemen not citizens of the United States of their right to mine upon the public lands. I never before knew what was the object of this amendment, or that it was to prevent those not citizens of the United States from mining upon the public lands. We have by a law of Congress invited every man who is a citizen, or who has declared his intention to become such, to go upon the public lands and explore them and purchase them and occupy them.

Mr. BUTLER, of Massachusetts. And nobody else.

Mr. PAGE. You do not assert here that any of these men are not citizens of the United States.

Mr. BUTLER, of Massachusetts. O, yes, I do.

Mr. PAGE. They have been upon the lands.

Mr. BUTLER, of Massachusetts. They never have been there in the world.

Mr. PAGE. There has been no question between the men who occupy these lands and the Government of the United States. The question has been raised whether Mr. McGarrahan owned the land or the United States owned it. But the Supreme Court, the Departments, and Congress have time and time again held that the title was in the Government of the United States. These men who are on the land do not deny that. If you authorize this suit to be commenced you will be merely making an appropriation for the United States to commence suit against the United States. There is no living man that denies the title of the United States to this land.

Mr. LAMAR. I cannot give this amendment my support without some further explanation of it at least. It seems to me that it assumes the existence of a suit pending somewhere between two private parties. The gentleman from Massachusetts shakes his head, in denial, I suppose. Very well. Then it is not proposed that the Government shall interfere between private litigants. If, then, it is one between the Government and a private party, I am of the opinion that the Government has already ample means for its prosecution. Nor do I see the necessity of a special resolution to authorize the Attorney-General to prosecute that suit. This House not long since voted over $3,000,000 for the Department of Justice. A member near me suggests that the Attorney-General cannot act, having been counsel in the case previous to holding his present office. While this might be a good reason for this officer's declining to appear in such a case, it does not seem to be any reason for appropriating $5,000 for the purpose of employing some one else. Unless it is charged that the Attorney-General is using his power to prevent a prosecution by the Government which it is his duty to institute, and that he is so acting by reason of his being or having been the attorney of the adverse party, I can see no necessity for this legislation. I do not understand the mover of this amendment [Mr. BUTLER, of Massachusetts] to make so grave a charge against the Attorney-General. Sir, I know but little of the merits of the case to which this proposition refers; nothing, indeed, except what I have casually gathered from current discussions and the information derived from an excellent speech delivered by a gentleman from Indiana, (Mr. Kerr,) who was a member of the last Congress, and will, I am glad to say, be a member of the next. I repeat, if this is to interfere between two private litigants, it is very improper legislation. If to prosecute a suit by Government in its own behalf, it is unnecessary legislation. My purpose in making these remarks is to elicit debate and more light on this subject. Unless some better reason is given for the amendment than I have yet heard, I shall vote against it. With a Department of Justice provided with $3,000,000, which I think is $1,000,000 too much, I am opposed to an additional appropriation of $5,000 to do that which the Government has already authority to do.

Mr. E. R. HOAR. I wish to call the attention of the House to the fact that the other night, two weeks ago, under the lead of my colleague, [Mr. BUTLER,] we passed a resolution directing the Commissioner of the General Land Office to employ counsel to prosecute a suit in regard to this property, thereby directing a subordinate officer of the Government to violate the express law of the land, a law which expressly prohibits any officer from employing private counsel and gives the employment of counsel wholly to the Department of Justice. I suppose it did not occur to members at the time that by that resolution one branch of Congress was asking an executive officer to violate the law. That extraordinary proceeding of my colleague, which attracted my attention very much at the time, is now followed by an attempt to make a special appropriation for the prosecution of this particular suit. We have just appropriated some $3,000,000 to the Department of Justice, and a very great clamor was raised in some sections of the House in regard to the amount of that appropriation, which some gentlemen considered too large.

I had supposed that the law required all suits in behalf of the United States to be conducted or prosecuted by the Department of Justice, and that we had made a liberal appropriation to enable that Department to do its duty. Now, unless some particular person is to be employed as counsel, or unless some individual has a particular private interest, I cannot see why we should be urged to single out this special suit of the United States and appropriate $5,000 for its prosecution any more than we should make a special appropriation for the next revenue suit in New York or the next proceeding against an illicit distillery in North Carolina. I hope that the amendment will not be adopted.

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. BUTLER, of Massachusetts. I move to amend by striking out the last word.

Mr. Chairman, the House about a month ago, under the lead, as my colleague [Mr. E. R. HOAR] says, of the chairman of the Committee on the Judiciary, adopted a resolution on this subject which was authorized by that committee. That resolution, which the House agreed to by a vote of 128 to 5, was designed to meet this difficulty. There is in California a range of mountains filled with quicksilver; a company called the New Idria Mining Company, composed largely of foreigners, squatted upon that land and has held it for years, without warrant under any mining law. A man named McGarrahan claims title under an old Spanish grant, upon which, as I understand, there has been a decision against him more than once. But the question has been before the Judiciary Committee of this House five or six times; and what is very remarkable, more than one ex-Attorney-General of the United States has been before that committee to argue in favor of the New Idria Mining Company. We never could get up this case without finding an ex-Attorney-General of the United States arguing in favor of these wealthy capitalists; for (I quote from a well-known authority)—

There is always a great deal of delicacy where there is a large amount of money involved.

Mr. KELLOGG. Were not those Attorneys-General all in office before the present Administration?

Mr. BUTLER, of Massachusetts. O, no; by no means. I wish I could say that they were.

Now, here are millions running to waste; and we propose simply that a suit shall be brought by the United States. Thus far we never could get it done. The matter has been a long time before the Department. Resolution after resolution has been passed; and now they say this resolution is to fail for want of funds.

Why have we passed this resolution? Because the present Attorney-General of the United States was, before being Attorney-General—I hope he will not be afterward—the counsel of the New Idria Mining Company, and he does not see fit, and very properly, to act in the case. He wanted special counsel employed, as he would not act, and his subordinates ought not to act under the circumstances. We tried to have special counsel authorized by our resolution, and now a legal quibble is set up. To remove that quibble we propose to appropriate the small sum of $5,000 to test the title of the United States.

Now, my friend from California [Mr. HOUGHTON] says that these men do not contest the title of the United States. If that be so, then when suit is brought against them all they have to do is to let it go by default, and then it need not cost the United States a dollar.

Mr. PAGE. Have not the New Idria Mining Company applied for a patent under the mining laws?

Mr. BUTLER, of Massachusetts. I agree that they have.

Mr. PAGE. Very well then——

Mr. BUTLER, of Massachusetts. Wait a moment. There are two answers to that. In the first place they cannot be entitled under our mining laws to more than three thousand feet; but they attempt to cover with their claim three thousand acres.

Mr. NEGLEY. Four thousand acres.

Mr. PAGE. They cannot do that under the laws; can they?

Mr. BUTLER, of Massachusetts. Pardon me; we cannot get the law tested for some unexplained reason. Meanwhile millions are running to waste. This matter has been before Congress ever since I have been here; and we have never been able to get the question tested; there has always been something in the way. At last comes my colleague [Mr. E. R. HOAR;] and his trouble is about the addition of $5,000 to the $3,000,000 already appropriated for the expenses of the judiciary system, supposing that this is an addition.

Mr. E. R. HOAR. Will my colleague allow me to ask him a single question? I take it he does not refer to me as an ex-Attorney-General who ever appeared before his committee.

Mr. BUTLER, of Massachusetts. By no means.

Mr. HOUGHTON. I move to amend——

The CHAIRMAN. There are two amendments already pending.

Mr. BUTLER, of Massachusetts. I withdraw my *pro forma* amendment.

Mr. HOUGHTON. I move to amend by striking out the two last words.

Mr. Chairman, this proposition strikes me as one of the most extraordinary that I have ever heard proposed in Congress.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a single question?

Mr. HOUGHTON. In a moment. It is proposed here to make an appropriation of money—for what purpose? Why, as the gentleman from Massachusetts declares, for the purpose of instituting an action against the New Idria Mining Company. Now, I have always understood that before any action could be instituted against anybody it was necessary that there should be some matter of controversy between the parties.

One McGarrahan has been seeking for years to assert a title to this property now possessed by the New Idria Mining Company. He has failed in the courts of the United States, he has failed before Congress, he has failed before the courts of California to establish his title. These various tribunals have all declared that he is not entitled to this property. The New Idria Mining Company during all this time have been contesting the claim before these tribunals and before Congress, asserting that McGarrahan has no right to the property. They have expended their money in what? In asserting the title of the United States to this property, and they have succeeded after years of litigation in establishing what they claim, that the United States is the owner of these mines. Now it is proposed by the gentleman from Massachusetts to appropriate money to institute an action in the name of the United States against these parties, who have for years been defending the title of the United States. Instead of asserting title against the United States, they are asserting the title in it.

Mr. NIBLACK. Will the gentleman yield to me for a question? I do not understand this controversy fully and wish to be informed in regard to some points. I have been informed that the New Idria Mining Company is now in possession of a much larger amount than it can rightfully claim, that it is encroaching largely upon the territory of the United States. They are entitled to three thousand feet, and I am told they have possession of more than three thousand acres. If that be so, it is a matter which ought to be investigated in some way.

Mr. HOUGHTON. I do not understand the New Idria Company have possession of any more land than they are entitled to under the law of 1872.

Mr. NIBLACK. I understand that they have more than four thousand acres.

Mr. WILSON, of Indiana. Let me ask the gentleman from California how much they claim patents for?

Mr. HOUGHTON. I do not know.

Mr. WILSON, of Indiana. About how much?

Mr. HOUGHTON. Their claim is pending before the proper Department to acquire proper title to this property under the laws of the United States, the same laws precisely which apply to all other parties seeking to obtain patents for mineral lands.

Mr. NIBLACK. Was not the present Attorney-General one of the attorneys for the New Idria Company?

Mr. HOUGHTON. I have not heard.

Mr. NIBLACK. Has he not been attorney for the New Idria Mining Company?

Mr. HOUGHTON. Not that I ever heard of. I myself have been counsel for the New Idria Mining Company in some of the litigation with McGarrahan. The purpose of that litigation has been to defeat the claim of McGarrahan against the United States, and to establish the title of the United States to this property, which that litigation has resulted in establishing.

Mr. RANDALL. You may be an attorney in trying to establish the title of the New Idria Mining Company against the United States, as you have been an attorney against McGarrahan for the New Idria Mining Company. Now, for one, I think there ought to be a great delicacy in gentlemen who have been counsel for this New Idria Mining Company getting up here and advising us what to do.

Mr. HOUGHTON. Let me say a word.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOUGHTON. I should like to reply to the insinuations against me by the gentleman from Pennsylvania.

Mr. RANDALL. I did not insinuate; you said so yourself.

Mr. HOUGHTON. I did say so.

Mr. RANDALL. You said that you were employed as an attorney to defend this New Idria Mining Company.

Mr. HOUGHTON. I was employed to defend the title of the United States against the title of McGarrahan.

Mr. BUTLER, of Massachusetts. Nobody but the Department of Justice can defend the United States.

The CHAIRMAN. The Chair has recognized the gentleman from New York, [Mr. TREMAIN.]

Mr. TREMAIN. I take the floor, and give my time to the gentleman from California on a personal matter.

Mr. HOUGHTON. I do not know but I have said all I desire to.

Mr. WILSON, of Indiana. Mr. Chairman, as to the merits of this controversy as between the New Idria Mining Company and McGarrahan I know nothing whatever, other than what I learned before I was a member of this House from the current history of the country; but I have a recollection—and if I am not correct some of the gentlemen who are sitting about me will correct me—I have a recollection that there has been a contest in the past with reference to the question whether the patents for these lands should be issued to McGarrahan or to this New Idria Mining Company, and I apprehend when my friend on my right from California [Mr. HOUGHTON] was defending the interest of the United States for the New Idria Mining Company as against McGarrahan it was for the purpose of defeating the right of McGarrahan to this claim to the end that the New Idria Mining Company might secure the patents.

Mr. PAGE. From whom?

Mr. WILSON, of Indiana. From the United States; as a matter of course, the United States. The interest of the New Idria Mining Company in defending against McGarrahan was to the end that it might establish the title to the property in the United States for no other purpose than that the New Idria Mining Company should receive these patents. I have another recollection in regard to this, with reference to which some gentleman may correct me if I am mistaken, and that is that during this present Administration there was a determination to issue these patents to this New Idria Mining Company, and finally a peremptory order went from the President of the United States that his name should not be put to any such patent, and in consequence of that the Secretary of the Interior went out of office. If that is not correct let some gentleman say wherein it is incorrect.

Mr. GARFIELD. Do you refer to Secretary Cox?

Mr. WILSON, of Indiana. I do.

Mr. GARFIELD. On the contrary, Secretary Cox's action has been wholly and absolutely sustained not only by the President but by his successor in office. The report of the Secretary of the Interior, the successor of Secretary Cox, after he went over the whole ground, affirmed the action of Secretary Cox.

Mr. WILSON, of Indiana. I only speak from my recollection in regard to this matter. It is certainly true there was a controversy as to whether the patent should be given to the New Idria Mining Company or to McGarrahan.

I say from what I have learned that gentlemen who have investigated this question thoroughly, lawyers for whose opinion I have the highest regard, say that neither of these parties is entitled to this land, and it is because I believe that neither of these parties is entitled to this land that I insist upon it that, on account of the circumstances by which this thing is surrounded, it is the duty of this House and it is the duty of the officers of this Government to have an adjudication by the highest courts of the country to determine this question. And for that reason in the committee and in the House I have insisted that the necessary proceedings shall be instituted by somebody connected with the administration of the affairs of this Government that will determine the question whether these parties are entitled to this property or not, and if they are not entitled to it, that these patents shall not be issued.

[Here the hammer fell.]

Mr. PAGE. Will the gentleman yield to me for a question?

Mr. WILSON, of Indiana. If I have any time left I will hear the gentleman's question.

Mr. PAGE. Do you consider it necessary to appropriate $5,000 to prevent the proper officers of this Government who have this matter in charge from issuing the patent to this company, who have not complied with the law and for more land than they are entitled to? If the House has not confidence in the Secretary of the Interior that he will refuse a patent for a greater quantity of land than parties are entitled to under the law it would be better to put him out of office.

The CHAIRMAN. Debate on the amendment to the amendment is exhausted.

Mr. HOUGHTON. I withdraw the amendment to the amendment.

Mr. LOUGHRIDGE. I offer what I send to the desk as an amendment to the amendment.

The Clerk read as follows:

Provided, That no suit shall be commenced by virtue of this provision, or prosecuted, except under the control and direction of the Attorney-General of the United States, and no special counsel shall be employed unless by his assent and direction.

Mr. LOUGHRIDGE. That is what I understand to be the law now, and the amendment of the gentleman from Massachusetts seems to me a reflection upon the Attorney-General of the United States.

Mr. BUTLER, of Massachusetts. By no means.

Mr. LOUGHRIDGE. If what the gentleman says is true, the Attorney-General ought to be impeached, if he would be influenced by the fact that he had been an attorney.

Mr. BUTLER, of Massachusetts. Pardon me; let me repeat what I did say. I simply said that the Attorney-General of the United States before he was Attorney-General was counsel for this company, and that it was manifestly impossible for him about this very matter to undertake to sue these parties on behalf of the United States.

Mr. LOUGHRIDGE. How does the House know the fact that the Attorney-General was attorney in this case? I do not know it. The gentleman from Massachusetts has no right to get up and say that.

I will modify my amendment by saying "Department of Justice" instead of "Attorney-General."

Mr. BUTLER, of Massachusetts. That is what the resolution says.

Mr. LOUGHRIDGE. No; it says the Commissioner of the General Land Office. This, sir, is no more nor less than an attempt to get a lawyer for a claimant, Mr. McGarrahan, who has been lobbying

around the doors of this House and of the Judiciary Committee room all this winter, and from whom and in whose interest this amendment comes.

The gentleman from Massachusetts talks about foreigners being interested in the New Idria mine. Well, sir, if foreigners are interested, they have the same rights that the gentleman has or any other citizen under the laws of the country.

I know some of the men interested in this mine who were born in this country, have lived in it as long as the gentleman from Massachusetts has, and are as good men as he; industrious, honest men; and we have no right, sir, to legislate in this special way against their interests. Such legislation is invidious in its character.

In relation to this New Idria mine and the claim of Mr. McGarrahan, I hold in my hands the decision of the Supreme Court of the United States in the case of The Secretary of the Interior vs. McGarrahan, 9 Wallace, p. 308.

After stating the case fully the court say:

> Founded, as this case is, upon a claim for land, which has been three times under examination in this court before the present writ of error was sued out, it is deemed necessary and proper to advert to the views expressed by the court on those occasions in respect to the validity of the claim and the means adopted to procure its confirmation.
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> Subsequently the case was heard upon the merits, and the court held that the claim was invalid and fraudulent, and reversed the decree of the district court and remanded the cause with directions to dismiss the petition.

This case of McGarrahan was thus before the Supreme Court of the United States four times, and was declared by that court, after full consideration on the merits, to be fraudulent and void.

And we are now asked to take the case up and furnish a lawyer to help a private litigant who has thus been by the Supreme Court declared to have a fraudulent case.

If we do this it will, in my opinion, be a disgrace to this House and to the legislation of the country, in that it attempts to interfere between private litigants and prejudice the rights of private citizens.

Mr. BUTLER, of Massachusetts. I ask that the amendment and the amendment to the amendment be again reported.

The amendment and the amendment to the amendment were again read.

Mr. ELDREDGE. I have had occasion to investigate this Panoche Grande matter very considerably since I have been in Congress. It was presented here in the Thirty-eighth Congress, if I am not mistaken, and it has been the subject of investigation from that time until now by the Judiciary Committee; and the members of every Judiciary Committee since the claim was first presented have had no difficulty in determining that the New Idria Mining Company had no title to this ranch. Whatever individuals may have concluded with reference to the title to this property, they have, as far as I have understood them, determined that this mining company had no title.

Mr. LOUGHRIDGE. I desire to ask the gentleman one question.

Mr. ELDREDGE. I cannot let the gentleman interrupt me and use up my five minutes. He has just given the House his opinion.

Mr. LOUGHRIDGE. The gentleman does not correctly state the facts. He was a member of the Fortieth Congress, in which the Judiciary Committee decided the reverse of what he says.

Mr. ELDREDGE. I say that in every instance the Judiciary Committee, as far as I know, and I think I understand what they did, came to the conclusion that the New Idria Mining Company had no title to the Panoche Grande. The Panoche Grande consists of four thousand acres or more of land. I do not now remember the number of acres. The New Idria Company and no member of it can enter more than three thousand feet under our mining law.

Mr. LUTTRELL. Fifteen hundred feet.

Mr. ELDREDGE. My friend from California says fifteen hundred feet. They cannot enter more than fifteen hundred feet, then, provided they bring themselves under the provisions of the law and comply with its provisions.

Now, I say to this House that at least four-fifths of all the claimants of this land—the members of the New Idria Mining Company—are foreigners, and foreigners under the mining laws cannot enter and obtain title under our laws to such lands.

My own conviction has been, after the most thorough investigation of this claim, that this man McGarrahan, of whom so much is said and who has been so much reviled, has as honest a title, as *bona fide* a right to the whole Panoche Grande Rauche as I have to my house and lot, which at least is undisputed. But this proposition must be true: that it either belongs to him or it belongs to the United States. Now, why is it that gentlemen object to having an investigation made to see who does own the land, and why do they object to having special counsel employed when it is suggested to the House and undenied by anybody, as far as I am informed, that the present Attorney-General has at some time in some way professionally been interested in this claim, so that it would seem to be improper to expect of him to prosecute it as it ought to be prosecuted? Why should we not make this small appropriation and have the matter investigated and see who owns the land? It is a vast country, an immense claim, and this company has been for years taking out millions and millions of quicksilver and accounting to nobody for it. Two hundred thousand dollars of the money of the United States has been used to prevent McGarrahan from getting a title as against the New Idria Company, and the officers of the United States have been employed, or have at all events been acting in concert for that purpose.

[Here the hammer fell.]

Mr. GARFIELD. I move that the committee rise for the purpose of closing debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the sundry civil appropriation bill; and pending that motion I move that all debate on the pending amendment be closed in ten minutes.

A MEMBER. Say five minutes.

Mr. GARFIELD. No; I will say ten minutes; I wish a few moments myself.

Mr. BUTLER, of Massachusetts. But the gentleman is not going to close the debate?

Mr. GARFIELD. I suppose I have a right to close it; I have said nothing on the subject yet.

The question was taken on the motion to close debate in ten minutes, and it was agreed to.

The question recurred on the motion to go into Committee of the Whole; and being taken, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By order of the House all debate upon the pending amendment will be closed in ten minutes.

Mr. W. R. ROBERTS. I would like to ask the gentleman from Ohio if he proposes that both sides shall be heard in the five minutes, or is he going to allow all the time to one side?

Mr. GARFIELD. The debate is allowed for ten minutes.

Mr. POTTER. Mr. Chairman, I think some confusion about this question exists in the committee from our not generally understanding the provisions of the mining laws. By the mining laws of the United States any person who prospects upon lands of the United States and finds mineral is, under certain regulations, allowed to claim and take out that mineral for himself.

Now, without reference to the title to this land, but assuming it to be public land, this New Idria Company, or whoever may be in possession, is entitled by virtue of these general laws to take out the mineral from the lands they occupy. If they are occupying a larger amount of public land than they are entitled to under the mining law and are taking out mineral over a greater surface than that law allows, then other persons are at liberty to come in and claim possession of such excess and contest their right. As regards this mine there is not any question of the title of the United States involved excepting so far as McGarrahan has raised the question of title. But for him, these lands would be conceded to be lands of the United States. That no one but McGarrahan disputes. But McGarrahan claims that he had an old Spanish grant under which he is entitled to claim these lands. He went before the Secretary of the Interior upon this grant and his claim was decided against him. He then went before the courts of the United States, and his claim was in the Supreme Court decided adversely. He went then again to the courts of California, and during this very session the courts of California have declared his claim fraudulent and void. His right has been much considered in this House within the last few years, and the Judiciary Committee has been greatly divided concerning it. I myself believe from such investigation as I have given to it that the claim of McGarrahan is fraudulent and void. Now, having gone through all the Departments of the Government and through all the courts without success, McGarrahan finally comes before the Judiciary Committee and asks an investigation of what? Why, of the title of the Government to these lands. Now, nobody disputes the title of the Government in these lands, and the minerals taken out by this company are taken out under the general mining laws. That mineral, the committee should recollect, by the policy of this Government and of nearly all governments, belongs to the discoverer. There are limits to the amount one citizen may take, and other restrictions are regulated by law. But in no event is the mineral gotten out to belong to the United States. Under the law all such questions as those suggestions in this debate are questions interesting private parties but never the Government.

Gentlemen ask if the party now in possession of these lands has not more land than the Government allows to a single person. I am sure I do not know how that is. Such a thing I suppose happens every day in the mining regions, but it is one of those cases in which Government can have no interest, which the ordinary laws of the country are fitted to determine. Therefore when I find McGarrahan coming before the Committee on the Judiciary and asking that the Govern-

ment shall institute suit to determine this matter of taking out mineral which in no event concerns the Government, I am sure there is something behind his request. And when I find that request followed up by a special appropriation and a direction for special counsel to prosecute the suit, I think that means a prosecution by McGarrahan, nominally in the name and under the cover of the Government, but really in the interest of McGarrahan, not to establish his title, but to enable him in ordinary parlance to black-mail somebody.

Mr. W. R. ROBERTS. Does my colleague deny that this company holds four thousand acres when they are entitled to hold only fifteen hundred?

Mr. POTTER. I do not know anything about that. All I know is that the ordinary laws of the country can control that matter, and that in no event would the mineral belong to the Government. What I apprehend is that in this suit in the name of the Government the claim of McGarrahan is in some way or other to be revived, and thus there will be restored to a standing in court a claim which has been declared to be fraudulent and void and is now barred at law. So far as the Government is concerned it can have nothing to gain in instituting such a suit, and Congress ought not to be expending the public moneys to enable any body to prosecute in its name.

Mr. RANDALL. An attempt is made here to reflect upon Mr. McGarrahan.

Mr. W. R. ROBERTS. Mr. McGarrahan is poor, and this company is rich; that is the difference.

Mr. RANDALL. I have all my congressional life stood by the Government. I have resisted the McGarrahan claim, and I believe at one time my vote turned the result against McGarrahan. McGarrahan's conduct in this particular is quite natural. He thought he possessed the ownership of this land, and he and the New Idria Company contested the right to it. He was a contestant against the Government and the New Idria Company, and they defeated him. He then had a personal interest in the matter; that was his motive then. To-day he comes here and tells us that if his title is not good then the title of the United States is good, and, influenced by motives of disappointment and revenge and hate, if you please, he comes in to do our work, that is, the work of the Government, and crush out the New Idria Company. For one I am going to help him to do it.

Mr. PAGE. Does not the gentleman know as a matter of fact that the New Idria Company maintained the title of the United States?

Mr. RANDALL. I know, and all the time when they asserted the title of the Government they asserted their own profit.

Mr. PAGE. Which they had a right to do under the laws of the United States.

Mr. GARFIELD. I wish to ask the attention of the Committee of the Whole to the real question now before it. Here is a proposition that asks the United States to intermeddle between the suits of two private citizens. The attempt is made to show that the United States is interested in doing so, because the property is very valuable; and an intimation is given out that if this thing which is proposed in the amendment is done, a very large revenue would come to the United States out of it.

Now, what mines have the United States ever run anywhere in the country? Suppose that there was $100,000,000 in value of quicksilver, or silver, or gold being taken out of this mine. Did ever anybody hear that the United States were the recipients of any profits by mining? Not at all. We have no other interest in this question than simply to see a fair adjustment between private citizens. If McGarrahan has no right, if the New Idria Company has no right, then the first squatter that comes along has the right to take possession of this mining property and go on and use it.

They have been trying their rights in the courts, and the courts are all open to them. It is now proposed by an impertinent, intermeddling resolution, to be made into an act of Congress, that we shall take hold of the matter and throw the weight of the United States into a private quarrel in which we have not a dollar of interest one way or the other. It is to be done by a special act, overruling the Departments and intermeddling with the executive action of our Government, and all to help revive again into life the claim of a man who has been beaten in every tribunal he ever appeared in; a man who had a claim based upon a forgery. Even if the deed had been good, his claim was in fact located thirty miles away from the mine on which he attempted to superimpose it. It was a double fraud in which McGarrahan was detected, in which he has been exposed before the courts, exposed on the floor of this House, exposed in the Senate, and exposed everywhere. And now it is proposed to give him another trial by special act of Congress.

The question was taken upon the following amendment of Mr. LOUGHRIDGE to the amendment of Mr. BUTLER, of Massachusetts:

Provided, That no suit shall be commenced by virtue of this provision or prosecuted except under the control and direction of the Department of Justice; and no special counsel shall be employed unless by his assent and direction.

The amendment was not agreed to.

The question then recurred on the amendment of Mr. BUTLER, of Massachusetts, as modified, to insert the following:

To enable and authorize the Department of Justice to aid the Commissioner of the General Land Office to recover certain lands, and the rents and profits thereof, known as the "Rancho Panoche Grande," in California, as provided in the resolution passed by the House of Representatives on the 26th of January, 1875, $5,000, or so much as may be necessary therefor.

The question being taken on the amendment, there were—ayes 75, noes 68.

Mr. PAGE called for tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. RANDALL were appointed.

The committee divided; and the tellers reported—ayes 100, noes 56.

So the amendment was adopted.

Mr. PAGE. I give notice that I shall call the yeas and nays on this amendment in the House.

The Clerk read as follows:

For surveying the public lands in California, at rates not exceeding fifteen dollars per linear mile for standard lines, fourteen dollars for township, and twelve dollars for section lines, and for heavily-timbered mountain lands at augmented rates, not exceeding eighteen dollars per linear mile for standard, sixteen dollars for township, and fourteen dollars for section lines, $70,000.

Mr. PAGE. I move to amend the clause just read by making the appropriation $90,000 instead of $70,000. In the State of California there are eighty-seven million acres of unsurveyed public lands. These lands as soon as they are surveyed are taken up under the homestead and pre-emtion laws, and the money paid for them goes into the Treasury of the United States. Hence the appropriation for surveying these lands is merely a temporary advance on the part of the Government, because the sooner the lands are surveyed the sooner the Government gets its money for them.

Mr. STARKWEATHER. I rise to oppose the amendment. I have examined this matter with some care. This appropriation, as well as the amount appropriated for surveying private land claims, is the same as was appropriated last year. The report of the General Land Office which I hold in my hand shows that there have been surveyed in California one million two hundred thousand acres, while there have been taken up under the homestead laws one hundred and sixty-nine thousand acres. All these different sections of the country—States and Territories—have been asking us for an increase of the appropriations for this purpose; and we would have been glad to gratify the parties making these applications; but we did not consider that such action was justified in the present condition of the Treasury. I trust the gentleman from California will withdraw his amendment.

Mr. PAGE. If the Committee on Appropriations oppose the amendment, of course I withdraw it.

Mr. HEREFORD. I move to amend the paragraph by striking out "70" and inserting "50," so as to make the amount of the appropriation $50,000. I make this motion for the purpose of calling the attention of the chairman of the Committee on Appropriations, and also of this House, to what I regard as a remarkable state of facts. The report of the Secretary of the Treasury shows that during the last fiscal year there has been received from sales of the public lands $1,852,428.93; that there has been paid out for surveying public lands alone $874,190, and for expenses of collecting the revenue from sales of the public lands, $603,640; making in the aggregate for surveying the lands and for collecting the revenue from the sales of lands $1,477,830 in a single year, or within $400,000 of the total receipts from the sales of the public lands.

Now I ask the chairman of the Committee on Appropriations, I ask members of this House, why it is, if we are studying economy, that we should fritter away nearly the whole revenue derived from the sales of the public lands in surveying those lands and collecting the revenue from the sales? I have in my desk a letter (on another subject, it is true) from the Commissioner of the Interior, a letter which has come into my possession as a member of the Committee on Public Lands, in which that officer says that it costs only three cents per mile for surveying the public lands. If that be true, why is this enormous expenditure necessary for these surveys and for collecting the revenue from the sales?

[Here the hammer fell.]

Mr. GARFIELD. I have but a word to say in reply to the gentleman from West Virginia [Mr. HEREFORD.] The extent of the survey of public lands cannot be gauged wholly by the annual amount of sales. It is necessary to survey boundary lines, territorial, State, county and township lines, in order to make a section of country generally acceptable to the people who want to settle there. We must survey more widely than the actual settlements. The surveys must keep ahead of those settlements. Yet we have cut down these amounts for the Territories almost one-half.

I yield the remainder of my time to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I will tell the gentleman from West Virginia why the receipts from the sales of the public lands may not in all years equal the expenditures.

Mr. HEREFORD. I would be glad to know.

Mr. CONGER. It is because it is the judgment of this House that the poor people of the United States should have homesteads free. It is because we on this side of the House desire to give "land to the landless" and "homes to the homeless."

Mr. COX. We voted for it also.

Mr. CONGER. Yes, it has been the desire, so far as I know, on both sides of the House.

Mr. NIBLACK. Will my friend from Michigan [Mr. CONGER] tell us how successful we have been in that effort?

Mr. CONGER. We have been very successful in that effort. There

are hundreds of thousands of people in the United States to-day who have homes and land given to them by their own country as freely as the law promised.

Mr. NIBLACK. When these people go west to hunt homes do they not find the best lands taken up by some land grant or by somebody else?

Mr. CONGER. They are not taken up by land-grabbers in my own State, but they are taken up there and elsewhere by actual settlers. There is but little purchased in Michigan or Wisconsin except pine lands by land speculators. It is settled upon by those who desire homes by the thousand and ten thousand who come from the Eastern States and Canada, and by hundreds of thousands who come from the Old World to fix their homes here. We must adopt one of two rules; either we must stop giving lands to the landless and homes to the homeless, or else we must stop the expense of the survey of these lands, providing that they shall not exceed the amount received.

Mr. NIBLACK. I am with the gentleman from Michigan on the main proposition, and my information is that these men who go out and hunt homes for themselves and families have to take up as homesteads the refuse lands, the best being taking up already by land speculators or land grants.

Mr. CONGER. When the speculator gets the land he pays money, and that is the money which goes into the Treasury, and when the settler gets the land he pays no money.

One thing in addition. Let me say as we have made these laws, and the gentleman from Indiana helped make them, no man can buy them for speculation. They are reserved now, henceforth, and forever as homes for the men and women who go there to settle upon them.

Mr. NIBLACK. Do not our agricultural college-land scrip take these lands? Does not the land scrip issued one way and another take up all these lands?

Mr. CONGER. Those things were done in former years, and of course that land scrip must be honored. The gentleman's friends did that years ago.

Mr. NIBLACK. I am informed that swamp-land scrip and land scrip of various kinds cover all these lands.

The CHAIRMAN. The gentleman's time has expired.

The amendment was rejected.

The Clerk read as follows:

For surveying the public lands in Utah Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $20,000.

Mr. CANNON, of Utah. I move to strike out "twenty" and insert "thirty," so as to increase the appropriation from $20,000 to $30,000; and in order to give the reasons to the committee for making this amendment I send to the Clerk a letter from General Nathan Kimball, appointed surveyor-general of Utah from the State of Indiana, and ask that the extract I have marked be read.

The Clerk read as follows:

UNITED STATES SURVEYOR-GENERAL'S OFFICE, UTAH TERRITORY,
Salt Lake City, December 29, 1874.

DEAR SIR: I see that the Committee on Appropriations have subdivided the work and that the surveys in Territories are in the care of Mr. STARKWEATHER. I hope that the appropriations will not be much less, if any, than I recommended in my report to the Commissioner of the General Land Office. Last year this Territory had only $20,000, while Wyoming and Montana had over $40,000. There are from five to eleven settlers in Utah seeking homes on public lands to one in either of the other Territories. Why we should be retarded by so small an amount is strange. Settlers are anxious to know where their lines are and how their lines may run, and with so small an appropriation it is impossible to accommodate the people asking for surveys, and they are not able to furnish money to do the work, while Congress appropriates thousands for the surveys of lands in other Territories that will not be settled for years to come. The people of our Territory are neglected. The Government would get an almost immediate return for all expenditures for surveys in this Territory as settlers are only waiting the survey that they may purchase the land. You know the constant and increasing immigration to our Territory, and the demand for homes upon public lands.

Very truly, your friend and obedient servant,

NATHAN KIMBALL,
Surveyor-General Utah Territory.

Hon. GEORGE Q. CANNON, M. C.,
Washington, D. C.

Mr. CANNON, of Utah. Since the establishment of the land office in Utah Territory, some six years ago, only $151,000 have been appropriated for the survey of public lands in that Territory, while in some of the other Territories during the last two years $130,000 have been appropriated for the same purpose. As will be seen from the letter of the surveyor-general, there is a demand for land in Utah, and there are a great many people who want their lines determined; and as a matter of economy it would be an advantage to increase this appropriation for surveying in that Territory. I do not wish to draw any contrast between Utah and the other Territories in this respect, but by an examination of the appropriations it will be found that Utah Territory has not had one-half as much appropriated for the survey of lands as some of the Territories. As the surveyor-general says, last year two Territories, into which there was comparatively little immigration, had doubled the amount appropriated. I know railroad lands have to be surveyed in all the Territories, as much in Utah, though, as in the others. I submit it would be to the advantage of the Government to make a larger appropriation for this Territory. I scarcely think that the gentleman from Connecticut, [Mr. STARKWEATHER,] who has had this matter in hand, or the Committee on Appropriations itself as a whole, can object to this amendment being made if the House is willing to accept it, for it is very clear that Utah has not had an equal proportion with the other Territories. I do not think any of them have had too much, and it is not with this view that I allude to the amounts they have received, but to show the discrimination there has been made against Utah.

Mr. STARKWEATHER. As a member of the Committee on Appropriations, to which this part of the bill was specially referred, I have personally no objection to this amendment. The fact is the Delegates, who are clever gentlemen, came to the committee and each one wished an increase of the appropriation for his particular Territory. The committee felt bound, I must say, looking at the figures, that Utah has had as much appropriation in proportion to the amount of lands surveyed as California, about which we have had a talk a while ago.

For instance, the whole amount surveyed in Utah, according to the figures I have before me from the General Land Office, is 545,593 acres. The amount settled as bounty lands was 23,857 acres; and under the homestead law 38,790 acres.

These amounts are only about one-fifth of the number of acres in California that have been settled under the homestead and other acts, and we give in this case more than one-fifth of what we give to California.

It is true the amount is not large. I think the amount we have hitherto appropriated to Utah is smaller than to some of the other Territories. Still the committee felt bound after the bill was made up to authorize me to say that they thought substantial justice would be done by this without any amendment.

The amendment of Mr. CANNON, of Utah, was agreed to.

The Clerk read as follows:

For surveying the public lands in Wyoming Territory, at rates not exceeding fifteen dollars per linear mile for standard, twelve dollars for township, and ten dollars for section lines, and for heavily-timbered lands, at augmented rates not exceeding eighteen dollars per linear mile for standard, sixteen dollars for township, and fourteen dollars for section lines, $30,000.

Mr. STEELE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out $30,000 and insert $40,000.

Mr. STEELE. I desire to state to the committee that last year and this year the Land Office recommended an appropriation of $60,000 for each of these years for surveys of the Territory of Wyoming. Last year, under the stress of the difficulties of the occasion and the necessity for retrenchment, this appropriation with similar appropriations for the other Territories was reduced; so that the appropriation of $40,000 was made for that year. Now, the same recommendation was made this year of $60,000 that was made last year; but the Committee on Appropriations have cut it down to $30,000, reducing the amount $10,000 below the appropriation made last year; and this being the only Territory where they have reduced the appropriation below the amount appropriated last year. Every Territory has received as much as it received last year, with the exception of this Territory of Wyoming. Three of the Territories have received an increase of $10,000 each.

Now, to show that this amount of $30,000 will be insufficient to meet the requirements of that Territory, I send to the Clerk's desk and ask to have read a letter from the Commissioner of the General Land Office on the subject.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 23, 1875.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, relating to the appropriation for the extension of the public surveys in Wyoming during the fiscal year ending June 30, 1876.

You state that the honorable Committee on Appropriations has decided to reduce the amount from $60,000, as submitted by the Department, to one-half that amount, and ask whether in the opinion of this office an appropriation of $30,000 will be sufficient to properly carry on the necessary surveys in the Territory during the said fiscal year.

In reply I have to say that this office in making the estimate took into consideration the obligation of the Government to the railroad company, and the urgent demands of settlers for an early segregation of the lands, in order that they may be enabled to ascertain whether their locations are upon railroad or public lands, and named the sum of $60,000 as the lowest amount adequate to meet the requirements of the various parties interested.

In view of the requirements of actual settlers upon the public domain and the provisions of the third section of the act of July 1, 1862, (12 Statutes at Large, 492,) that "all such lands, so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption like other lands, at a price not exceeding $1.25 per acre, to be paid to said company," the reduction contemplated by the committee, cannot, in my judgment, be made without serious detriment to the public interests and the interests of the railroad company.

I am, sir, very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. W. R. STEELE,
House of Representatives.

Mr. STARKWEATHER. Let me just state the fact that Wyoming has had more than one million acres of land surveyed. The amount entered under the bounty act has been fourteen hundred acres; under the homestead act, seven hundred and twenty acres; agricultural colleges, four hundred and seventy-five acres; making less than three thousand acres disposed of in all ways, with more than one million acres surveyed. Now we give the same amount to

Wyoming as the House has given to Utah, where the number of acres surveyed and occupied is much larger.

I dislike to oppose these small amendments, but it appears to me that $30,000 with that vast amount surveyed—more than a million acres surveyed, with not three thousand acres entered in all directions—is an ample appropriation. I hope the amendment will not be agreed to.

Mr. STEELE. Let me say to the gentleman from Connecticut that there are settlements now in the Territory of Wyoming where there has been no survey and where the people are unable to acquire titles to their homes because there are no surveys; and the reason why this great difficulty exists is that through the entire length of the Territory from east to west there is a land grant of twenty miles on each side to the Union Pacific Railroad; so that a man in advance of survey cannot settle, as he can in Territories where there are no land grants, without running the risk of having his home taken from under him by the land-grant made before he settled.

Mr. STARKWEATHER. The amounts occupied for bounty lands and homesteads altogether are smaller in Wyoming than in any of the other Territories. I think the gentleman is asking more than is asked for in other Territories when he proposes this increase.

The amendment was not agreed to; there being ayes 40, noes not counted.

The Clerk read as follows:

For surveying confirmed private land claims in New Mexico, at a rate not exceeding fifteen dollars per linear mile, $10,000: *Provided*, That the provisions of the third section of the act entitled "An act to reduce the expenses of the survey of the public lands in the United States," approved May 30, 1862, requiring that the cost of survey and platting shall be paid by the claimant for any private land claim before a patent therefor shall be issued, be, and the same is hereby, repealed.

Mr. NESMITH. I offer the amendment which I send to the desk:

The Clerk read as follows:

After line 847 insert the following:
And all contracts for the survey of the public lands provided for in this act shall be let to the lowest responsible bidders under such regulations as shall be provided by the Secretary of the Interior.

Mr. GARFIELD. I make the point of order that that changes the law.

Mr. NESMITH. It is merely directory for the execution of the law as it stands, and is not a change of law.

Mr. GARFIELD. I insist on the point of order.

The CHAIRMAN. The Chair thinks the point of order is well taken.

The Clerk read as follows:

For surveying confirmed private land claims in New Mexico, at a rate not exceeding fifteen dollars per linear mile, $10,000: *Provided*, That the provisions of the third section of the act entitled "An act to reduce the expenses of the survey of the public lands in the United States," approved May 30, 1862, requiring that the cost of survey and platting shall be paid by the claimant for any private land claim before a patent therefor shall be issued, be, and the same is hereby, repealed.

Mr. CLYMER. I move to strike out the proviso to that paragraph for the purpose merely of asking a question. I would like the chairman of the Committee on Appropriations to explain that proviso. I merely offer the amendment for the purpose of having an explanation of what would be the effect of that proviso.

Mr. GARFIELD. That was made in order by a suspension of the rules of the House.

Mr. STARKWEATHER. It is the opinion of the Commissioner of the General Land Office that this is a valuable provision and it has his indorsement.

Mr. CLYMER. Then I believe that the only explanation is that it is inserted on the recommendation of the Commissioner of the General Land Office.

Mr. GARFIELD. If the gentleman from Pennsylvania will allow me, I should like to make a further statement.

Mr. CLYMER. I should be glad to hear one.

Mr. GARFIELD. The statement made to the Committee on Appropriations by the Commissioner was that a man, for instance, has squatted upon a large claim. He is overlapping surrounding public lands; he does not want a survey and will not do anything to have a survey made, and parties who might want to locate lands in his immediate neighborhood are afraid to locate while the boundaries are undefined, and the result is that a large number of old Spanish grants lie there in a sort of floating condition and actual settlers are kept off. The law now says that when these private claims are surveyed the expense shall be paid by the party; but if the parties do not want them surveyed they do not take any steps to have them surveyed, and the Commissioner says that this blocks the settlement of the adjoining public lands. He states that the number of these claims is not large and he asks that the law may be changed so that be may go forward and order the surveys of these private land claims and fix the boundaries both of the private land claims and of the surrounding public lands.

Mr. HEREFORD. I desire to ask the chairman of the Committee on Appropriations a question. In 1870 Congress passed a law compelling the Northern Pacific Railroad Company to pay for the survey of their own lands. Now, do I understand from the chairman of the committee that these provisions in this bill are intended to affect that law in any way whatever?

Mr. GARFIELD. O, not at all.

Mr. CLYMER. I withdraw the amendment.

The Clerk read as follows:

OF PUBLIC LANDS.

For salaries and commissions of registers of land offices and receivers of public moneys at ninety land offices, $525,706.

Mr. RANDALL. I find an increase here of $36,000 and I would like the chairman of the committee to give me some information in regard to it. The increase in this paragraph amounts to $36,000, and in the next to $3,600, and in the next to $2,000.

Mr. GARFIELD. There were a very considerable number of new land offices created last year, which explains the whole difference. I went carefully over the whole appropriations of last year and the estimates for this, and the difference is strictly and wholly in consequence of the change in the law creating new land offices.

Mr. RANDALL. Well, it is a large increase.

Mr. GARFIELD. It is large; but it is in consequence of the creation of new land districts.

The Clerk read as follows:

For improvement of the Capitol grounds, according to the plans and under the general direction of Fred. Law Olmsted, to be expended by the architect of the Capitol, $200,000.

Mr. GARFIELD. I offer the following amendment to come in at the close of the paragraph:

Of which sum $50,000 shall be made immediately available.

Mr. RANDALL. You do not propose to put anything in the deficiency bill for this purpose?

Mr. GARFIELD. O, no; but the work ought to begin before July.

Mr. RANDALL. The gentleman will see that last year we appropriated $200,000 for this purpose. Now, if you make this amount immediately available it practically makes the appropriation for this year $250,000 and leaves only $150,000 for next year.

Mr. GARFIELD. O, no; not practically. We did not pass the appropriation bill last year until the 21st of June and the money became available on the 1st of July. This is merely proposed as a matter of convenience. They can do the work if they get the appropriation earlier. There is no deficiency asked for; they only ask to be allowed to use a portion of this money before it would become available.

Mr. RANDALL. It is really a deficiency.

The amendment was agreed to.

The Clerk read as follows:

That any moneys appropriated for the purpose of erecting a building on the ground owned by the Women's Christian Association of the District of Columbia, under the act of June 23, 1874, which may remain unexpended on the 30th of June, 1875, are hereby continued and rendered available for the service of the ensuing fiscal year.

Mr. RANDALL. How much is that amount?

Mr. GARFIELD. We appropriated $25,000 for this purpose but none of the money was to be expended till a clear title had vested, and it had not vested until a few weeks ago. They cannot reasonably expend the money before the end of the present fiscal year.

The Clerk read the following:

Reform School of the District of Columbia:

For the superintendent, $1,500; two assistant superintendents, at $750 each; matron, $600; two teachers, at $600 each; for medicines and physician's fees, $500; gardener, $720; superintendent of workshops, $600; laborer, $144; seamstress, laundress, and servants, $540; and for fuel, clothing, and incidentals, $2,696; making in all the sum of $10,000.

Mr. RANDALL. I desire just here to have inserted in the record of our debates and proceedings—I do not want to take up the time of the committee by reading it—a statement showing that the appropriations by the Government for this District amount to $3,384,854.

Mr. GARFIELD. For how long a time?

Mr. RANDALL. For a year.

Mr. GARFIELD. For what year?

Mr. RANDALL. For this year.

Mr. GARFIELD. Do you mean to say that the appropriations to be expended during any one fiscal year amounts to that sum?

Mr. RANDALL. That is what I think it is.

Mr. GARFIELD. You add the appropriations of last session and the appropriations of this session.

Mr. RANDALL. No; I add together the appropriations made this session so far as I can trace them.

Mr. GARFIELD. Do you mean for the government of the District of Columbia?

Mr. RANDALL. I mean the appropriations expended by the Government in the District. For instance, I mean for the Deaf and Dumb Asylum, $8,000; United States Capitol, $250,000.

Mr. GARFIELD. You do not mean for the District?

Mr. RANDALL. I did not say for the District, but in the District. I mean the amount expended in the District of Columbia for every purpose, including the expenses of this District, for instance, $1,600,000. I want to show to the House and the country the benefit this District gets from having the Government here. I want to show that we expend here in this city annually about $3,384,000.

Mr. GARFIELD. I think very likely we expend very much more than that. We expend about thirty or forty millions to run the Treasury.

Mr. MERRIAM. I want to say to the gentleman from Pennsylvania [Mr. RANDALL] that there is being made a correct list of all the money expended in this District, outside of what is expended on Government property, each year for ten years past.

Mr. RANDALL. This is the list to which I refer of appropriations of money expended in the District of Columbia:

Executive, judicial, and legislative appropriation bill, (H. R. No. 3818.)

Page 46—Salaries of board of health	$10,000 00
Page 46—Fire department of the District of Columbia	25,000 00

Sundry civil appropriation bill.

Page 10—District jail	185,548 93
Page 15—General expenses of the District of Columbia	1,060,000 00
Page 15—Sanitary service	26,117 15
Page 15—Inspector of gas-meters (!)	3,000 00
Page 37—Reform School of District of Columbia	10,000 00
Page 38—Metropolitan police	205,270 00
Pages 40 and 41—Charities of District of Columbia	99,300 00
Total	1,624,236 08
Further—	
Pages 76 and 77 of legislative and executive appropriation bill—Cost of District judges and wardens of jail	22,500 00
Page 7 of sundry appropriation bill—Convicts from District of Columbia	8,000 00
Page 15 of sundry appropriation bill—Revising of District laws	3,300 00
Aqueduct, under Babcock, (p. 55)	26,000 00
Public grounds, Babcock, (pp. 52-54)	141,250 00
Lighting Capitol and President's House, and also repairs in President's House, (Babcock, p. 54)	85,000 00
Repair of court-house, Washington, (sundry, p. 8)	2,000 00
Insane Hospital (United States) in Washington	150,170 00 8,748 00 10,000 00 10,000 00
United States Deaf and Dumb Asylum	88,000 00
Agricultural grounds	11,990 00
United States Capitol	250,000 00
United States Post-Office, account of change of grade	106,000 00
United States Patent Office, account of change of grade, (the latter in executive and legislative bill)	65,000 00
Repairs of Treasury	25,000 00
Botanical Garden, expenses, wages, and salaries	6,400 00
New State Department building	$700,000 00
Wages of laborers in public grounds, (pp. 13, 14, of legislative appropriation bill)	40,260 00
Total	3,384,854 08

The Clerk read the following:

Metropolitan Police:

For salaries and other necessary expenses of the Metropolitan police for the District of Columbia, $205,270: *Provided*, That a further sum amounting to $102,635 shall be paid to defray the expenses of the said Metropolitan police force by the cities of Washington and Georgetown, and the county of Washington, beyond the limits of said cities, in the District of Columbia, in the proportion corresponding to the number of privates allotted severally to said precincts; and the corporate authorities of said cities and proper authorities of the District of Columbia are hereby authorized and required to levy a special tax, not exceeding one-third of 1 per cent., which shall be specially deposited once in each week, as such collections are made, to be appropriated and expended for said purposes only, for the service of the fiscal year ending June 30, 1876.

Mr. RANDALL. I move to amend by inserting the word "concurrently" after the words "a further sum amounting to $102,635 shall;" so that whenever the Government pays a dollar the District shall pay a dollar for this purpose.

Mr. GARFIELD. I have no objection to that; that is a good amendment.

The amendment was agreed to.

The Clerk read the following:

Government Hospital for the Insane:

For the support, clothing, medical, and moral treatment of the insane of the Army and Navy and revenue-cutter service, and of persons who may have become insane from causes arising during their said service within three years after leaving the service in the Army or Navy of the United States, and who are indigent, and of the indigent insane of the District of Columbia, in the Government Hospital for the Insane, $150,171.

Mr. McDILL, of Wisconsin. I move to amend the paragraph just read so that it will read "for the support, clothing, medical, and moral treatment of the insane of the Army and Navy, and the revenue-cutter service, and of all persons who may have become insane since their entry into the military and naval service of the United States," &c.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery in the district of Pearl River.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3379) for the further security of navigation on the Mississippi River.

The message also announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 976) to promote economy and efficiency in the marine-hospital service; and

A bill (S. No. 1379) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes.

The message also announced that on Saturday last the Senate adopted resolutions as an additional mark of respect to the late Senator BUCKINGHAM, of Connecticut.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The question was upon the amendment moved by Mr. McDILL, of Wisconsin.

Mr. HALE, of Maine. I ask attention for a single moment in order that this amendment may be understood. The Government Hospital for the Insane of the District has been adopted by the Government.

Mr. STARKWEATHER. I ask the gentleman to suspend, in order that the committee may now rise for the purpose of certain proceedings in reference to the memory of the late Senator from Connecticut.

Mr. HALE, of Maine. I have no objection to that, if it is understood we are to have an evening session.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HOSKINS reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the special order, being House bill No. 4729, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. GARFIELD. I ask unanimous consent that after the eulogies have been pronounced the House may take a recess until half past seven p. m., at which time this bill shall be in order as the business of the evening until finished.

Mr. RANDALL. No other business to be transacted? Let us understand that, so there may be no misunderstanding about it.

Mr. BUTLER, of Massachusetts. No understanding for me.

Mr. GARFIELD. I move to suspend the rules so that after the eulogies have been pronounced the House will take a recess until half past seven, and that at that time we shall meet in Committee of the Whole on this and other appropriation bills. I will say "on this and other appropriation bills."

The motion to suspend the rules was seconded.

The question then recurred on agreeing to the motion.

Mr. RANDALL. I ask that the proposition be again stated by the Chair.

The SPEAKER. The proposition is that after the pronouncing of the eulogies on the late Senator from Connecticut, the House take a recess until half past seven o'clock this evening; that it shall then meet in Committee of the Whole for the consideration of the pending bill——

Mr. HALE, of Maine. And other appropriation bills.

Mr. BUTLER, of Massachusetts. Is it to be understood that no other business can be done?

Mr. GARFIELD. I do not want to limit the business to action in Committee of the Whole. I desire that the Committee of the Whole shall have authority to rise and report the bills to the House.

The SPEAKER. Of course.

Mr. BUTLER, of Massachusetts. I object to all these limitations. Let us come here to do business as we usually do. Let the House decide what shall be done.

Mr. CLYMER. We are going to decide it now.

Mr. BUTLER, of Massachusetts. Let it be decided when we come together this evening.

Mr. GARFIELD. I offer this proposition in order to avoid a struggle for the floor.

The SPEAKER. Will the gentleman from Ohio please state his proposition again?

Mr. GARFIELD. My proposition is, that after the obituary services this afternoon the House take a recess until seven and a half o'clock this evening; that we meet then in Committee of the Whole upon the pending appropriation bill; which bill and such other regular appropriation bills as may be brought in shall, until concluded, have precedence of all other business.

The SPEAKER. That does not mean that no other business shall be done.

Mr. GARFIELD. I do not say that nothing shall be done afterward, but I mean that these bills shall be the first business.

The SPEAKER. Will the House suspend the rules so as to give the pending appropriation bill and other regular appropriation bills precedence over all other business for to-night's session?

Mr. NEGLEY. No, we will not do that. We will agree to have a session for the consideration of these appropriation bills and such other business as a majority of the House may choose to take up.

Mr. RANDALL. Then, gentlemen, I give you notice that you must be here.

The SPEAKER. The proposition is that when the House meets after the recess, it will consider the sundry civil appropriation bill and other appropriation bills before other business comes in.

Mr. NEGLEY. No, Mr. Speaker; that is not the understanding.

The SPEAKER. That is the proposition, whether the House agrees to it or not.

Mr. BUTLER, of Massachusetts. Then we will vote it down.

The question being taken on the motion to suspend the rules and agree to the proposition, there were—ayes 136, noes 19.

So (two-thirds voting in favor thereof) the motion was agreed to.

DEATH OF SENATOR BUCKINGHAM.

Mr. STARKWEATHER. I rise to call up the resolutions just received from the Senate in regard to the death of the late Senator BUCKINGHAM.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
February 27, 1875.

Resolved by the Senate, That, as an additional mark of respect to the memory of WILLIAM A. BUCKINGHAM, late a Senator from the State of Connecticut, business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Mr. STARKWEATHER. Mr. Speaker, death calls us again to pause amid these busy scenes and pressing labors. How frequent the reminder. Half a score of those who were numbered with us at the commencement of the Forty-third Congress are to-day numbered with the dead. One by one loved and trusted associates have fallen among us, and we have borne them mournfully away to their resting place.

When, a few days since, the intelligence of the death of Senator BUCKINGHAM reached this Capitol, there was a deep sense of sadness and bereavement. To us who knew him intimately, who had met him in the sunlight of his home, who had felt the glow of his pure and generous heart, and had seen its ready response to every call of distress; to us who had long known him as the best beloved of all the honored names of our Commonwealth, there is a sadness inexpressible.

I am oppressed with a sense of my inability to sketch even the outline of a life so full of noble purpose and grand achievement. The community in which I live was bound to Senator BUCKINGHAM by the most endearing ties. He was born within the limits of the district I represent. Here he grew to manhood, here he passed all the years of his active business life, here his home, and here among his old neighbors and friends, beside the wife of his early love, in affectionate remembrance, he finds his resting place. Within the borders of the Commonwealth which he served and honored more fully than any public man of this generation he had won the affectionate veneration of the people.

WILLIAM A. BUCKINGHAM was born at Lebanon on the 28th of May, 1804, the son of an intelligent and thrifty farmer and influential citizen. He came from good stock. His ancestor, Thomas Buckingham, was one of the original settlers of New Haven, and the Rev. Thomas Buckingham, son of the latter, settled in Saybrook, and was one of the founders of Yale College and of the synod that formed the Saybrook platform. Counting back seven generations from the farmer's son of Lebanon, the "noble war governor," we reach the founder of our university.

He was born and reared amid patriotic associates, for since the days of Jonathan Trumbull, and even in the colonial period, Lebanon was pre-eminent for its patriotism. But he did not rest his claim for success on illustrious ancestry or fortunate associations, but went forth to gain success by his own exertions. All his life has been filled with usefulness and crowned with honor. No better example can be afforded for our study and imitation.

His public life consisted mainly of eight years' service as governor of Connecticut, commencing in 1858 and ending in 1866, and a service of nearly six years in the Senate. Prior to his election as governor in 1858, he had often been solicited to accept offices of honor and responsibility. These he had uniformly declined, with the exception of four years as mayor of Norwich.

As governor he showed marked executive ability. When the news came of the firing on Sumter, and President Lincoln made his first call for troops, he did not wait for an extra session of the Legislature to provide means. The public confidence in him was so complete that he secured at once ample means, and the troops were immediately sent forward for the defense of the nation fully armed and equipped. for service. His labors were unceasing, and his patriotism inspired the people everywhere. During all the war, as the chief executive of the State, he devoted himself to the public service with a zeal and self-sacrifice that has rarely been equaled, and he earned well the title of "noble war governor." Year after year he was re-elected; and at the close of the war, when last chosen, his majority was unprecedented in our State. He looked well to the comfort of the soldiers, and thought little of his own. He gave his whole time to the work, and contributed largely of his private fortune. In this outline it is impossible to represent the measure of his service or his patriotism that won the affection of the people and made his name a household word in every home in the Commonwealth.

He had most fully the confidence of President Lincoln, and was frequently called by him to advise as to most important matters connected with his administration.

He comprehended from the first more fully than most of our statesmen the nature of the rebellion and the strength and resources of the confederacy. In his letter to President Lincoln, dated June 25, 1861, he said:

In your message I trust you will ask for authority to organize a force of four or five hundred thousand men, for the purpose of quelling the rebellion, and for an appropriation from the public Treasury sufficient for their support. Let legislation upon every other subject be regarded as out of time and place, and the one great object of suppressing the rebellion be pursued by the Administration with vigor and firmness, without taking counsel of our fears, and without listening to any proposition or suggestion which may emanate from rebels or their representatives, until the authority of the Government shall be respected, its laws enforced, and its supremacy acknowledged in every section of the country. To secure such high public interests, the State of Connecticut will bind her destinies more closely to those of the General Government, and in adopting the measures suggested she will unreservedly pledge all her pecuniary and physical resources and all her moral power.

In the most disastrous days, when many lost hope, his faith in the success of the Union cause knew no abatement. His zeal and patriotism inspired everywhere in our Commonwealth measureless activity. On every call for troops the State was ready to furnish more than its quota, and they went out thoroughly equipped and with the best arms.

Of his service in the Senate there is no need that I should recall it here. Although he had received no previous legislative training, he entered at once with great aptitude and readiness on his duties. He made no claim to oratory, but he had what is better, a fund of useful information, a practical knowledge of business, and a ready ability to express clearly and forcibly his views. He was systematic, industrious, and faithful in a remarkable degree.

As a member of the Senate Committee on Commerce he mastered most fully the important questions that were there presented for discussion and action. As chairman of the Committee on Indian Affairs he stood resolutely for justice for this stricken race, who so sadly need friends. His voice and his vote were always given with the most conscientious regard for the public interest and the nation's honor.

In the Senate he won the respect of his associates, and, judged by the work accomplished, the results, the services of Senator BUCKINGHAM were eminently successful.

In private life no language can present him in his true nobility of character. As a citizen, enterprising, public spirited, he had a liberal hand for every good work. His benevolence knew no limit. H gave liberally to endow schools and colleges and to aid charitable institutions, but his contributions which flowed out in a thousand directions and which have found no record here will in the aggregate exceed those many fold.

The cause of education found in him an earnest, intelligent advocate. His consistent example for temperance, always inflexibly maintained, was more persuasive than the pulpit or the platform.

His religious convictions were of the highest type, and the precepts of inspiration were with him the rule of action in his daily life. His faith in the Infinite, his love of truth, gave him a grand courage in the battle of life. His foundations were sure. He never hesitated or faltered. He met all the great responsibilities and trials of life, and triumphed, being upheld—

Through the dear might of Him that walked the waves.

And while to-day we are clothed in sadness, we acknowledge with gratitude the goodness and wisdom of our heavenly Father who has given such a life to the world, for his example is immortal. Not alone statesmen and those in high places in the council of the nation will profit by it, but all who shall come within its beneficent influence. He died at his home. Tender and sympathizing friends were with him to minister consolation. He passed peacefully to his earthly repose and to the rewards of life immortal—

There entertain him all the saints above
In solemn troop and sweet societies,
That sing and in their glory move
And wipe the tears forever from all eyes.

Great and generous spirit, farewell!

Mr. KELLOGG. Mr. Speaker, death, which comes but once yet comes to all, has made fearful havoc in our ranks during the few short weeks of this session, and has taught us again and again, if we heed the lesson, what shadows we are and what shadows we pursue. Four of our own number, since we came together, less than three months since, have been summoned from our side and have seen the last of earth. And three of the members-elect of the next Congress, having just passed through the struggle, the excitement, and the triumph of the contest for a place in this Hall, have fallen by the wayside, weary with the march of life. And should not this teach us, my brothers, how empty and fleeting are the honors and earthly prizes for which we strive, and how soon they must elude our grasp? Should it not teach us also that the few years that are given us here should be devoted to the work that shall lead us to a higher and a better life; to works of love and charity and good will for each other, and kindly aid and help to all who need and can receive it at our hands? Life is too short, there is too little of it, to have its days or even its hours wasted and worse than wasted in cherishing enmities or wounding the heart or the reputation of another who must soon lie side by side with us in the grave, "that covers every defect, buries every error, and extinguishes every resentment."

And now the blow has fallen upon a member of the other House, whom none could know well without cherishing for him an earnest love and admiration when living, and a keen regret and an abiding

sorrow for his loss when dead. The State of Connecticut to-day mourns the departure of her faithful public servant, her honored war governor, her Christian patriot and statesman. No name of all her sons in this generation has been more familiar, or spoken with higher reverence or warmer affection than his. No name in the long line of her honored chief magistrates has commanded a respect and admiration and love beyond his. In the mansions of the rich and by the firesides of the lowly, in all her towns and villages, and among all her hills and hamlets for years past the name of WILLIAM A. BUCKINGHAM has been a household word.

There is a beautiful agricultural town in Eastern Connecticut called Lebanon, named, as is said, by one of the early Puritan clergymen, in the scriptural fashion of that day, from a grove of goodly cedars found within its borders. As Connecticut has sometimes been called the mother of States, so that town has well been called the mother of her governors. There the Trumbulls, father and son, and another of the name were born, all of them filling the executive chair of the State in their day and generation. Of the twenty-five governors of our State who held the office from 1769 to 1865, almost a century, three governors, natives of that little town, held the office thirty-three years. They were Jonathan Trumbull, the elder and younger, and the late Governor BUCKINGHAM. No other man since the days of the Trumbulls has held the office so long at the hands of a grateful people as Governor BUCKINGHAM, with one exception, that of Oliver Wolcott. The elder Trumbull held the office for the longest period of all; he who will always be known as the war governor in our struggle for independence as a nation, the fast friend and the chosen confidant of Washington, whose affectionate and loving, though homely title, by which he addressed him as Brother Jonathan, has symbolized this country for a century, and will last while the Republic shall endure.

There WILLIAM A. BUCKINGHAM was born in 1804. In his early youth he was surrounded by a generation that had known well the war governor of the Revolution; and the stories told in childhood and the historical studies and all the high aspirations of his youth, together with that true New England pride in the name of an eminent man of one's native town, all conspired to make young BUCKINGHAM revere and seek to emulate the character of the illustrious Trumbull. How well and how grandly and completely his life fulfilled the aspirations of his youth this generation well knows. Like Trumbull, he became a merchant; and they, like that honored associate of ours from Massachusetts, Mr. Hooper, whose remains were borne from this Hall a few days ago, were of that class whose merchants are princes and whose traffickers are the honorable of the earth. Like Trumbull, he acquired wealth; and like Trumbull also in his later life he learned the hard lesson, harder and more difficult to bear as crowding years have gathered over one, that losses will come and that riches often take to themselves wings and fly away. Like Trumbull, he lavished his wealth and gave freely with full hands for all objects that were good and noble, for the culture, the education, and the moral and religious improvement of his fellow-men. And like Trumbull, though he might have died with more of this world's goods that he could not take away if he had been less liberal and charitable and benevolent, he has taken with him into the skies the abounding riches of a life of virtue, of charity, of love and good-will toward men; and he has left behind a richer and more priceless legacy to his people than all the wealth of Ormus, or all the shining piles of silver and gold that mortal man has ever accumulated—an honorable and a stainless name.

The flying hours of a closing session admonish me that I cannot linger as long as I would in this last tribute to our honored and beloved Senator. He will be best known in the history of his country as the war governor of Connecticut in the late great conflict for a nation's unity and a nation's life; and here I might pursue the parallel with Trumbull if time would allow me. He gave his whole time and strength to the work. In the darkest hour of his country's trial he was ever cheerful, confident, hopeful, energetic. With a courage that never faltered, and with a faith fast fixed on the future glories of a country saved, reunited, and redeemed from the national shame and sin that had caused the war, he went through with his exhausting work to the end. I might fill pages with incidents of his devotion, his patriotism, and his untiring energy during those four sad, weary years, even of those that came under my own observation. And on the very day in April, 1865, that the cannon were booming and bells were ringing out the glad tidings that the power of the rebellion was broken and the city of its government had surrendered to the Union armies, he was re-elected governor for the eighth and last time by the largest majority ever given to a candidate during my residence in the State, now more than thirty years. He refused to be again a candidate. Severe labors and gathering years demanded rest and quiet. But his people were unwilling to leave him there. He was elected to the Senate, and took his seat in the spring of 1869. Those of us who have been here during this last six years can bear witness how faithfully he has done his work there. In his place in the Senate he has honored his State more than his State could honor him. Nor has his work been confined to the Senate and the committee-room. Those hours that at his age should be given to rest he has devoted to the constant and numberless calls that one faithful to his constituents will here find daily on his hands. As Burke said to his constituents, his work was at the Departments also; he went about constantly wherever the affairs or the interests of his people could call him. For the humblest as well as the highest of his people he was ever ready to give his own personal labor and effort. His fellow-Senators have spoken his praise in words of no unmeaning eulogy. Courteous, kindly, and a perfect gentleman in his intercourse with all, they learned to love him all; no harsh expression or word of insult or unkindness to a brother member, in the heat of debate or otherwise, fell from his lips, and the Senate Chamber is fragrant with loving and tender memories of their departed associate.

I met Senator BUCKINGHAM for the last time in August. We had been a day or two together, and he was then in ill-health and seeking rest and recreation. I remember the saddened and worn expression upon his face, though lighted up as always with his beaming, kindly smile, as he took my hand at parting in our room at the sea-side hotel, and said, "I shall be stronger when the warm weather is over, and we will meet again at Washington, ready for hard work in December." But he never came. His work was done. He had lived with a life full of every good word and work, to the allotted years of threescore and ten; and if the prayers and wishes of his people could have availed, as they cannot, his years should have been more than four score, and none of his days should have been those of weakness or sorrow. He died before his term of office expired; and it is worthy of note that the last Senator from Connecticut, who had died before him, during his term of office was a fellow-townsman of our deceased friend—Mr. Jabez W. Huntington, who died at his residence in Norwich nearly thirty years ago.

Patriotism, piety, benevolence, charity, and a strict integrity were the characteristics of the life of WILLIAM A. BUCKINGHAM. His patriotism was intense. Those of us who saw him often during the war can never forget it. If there was one thing that he could not forgive in the day and time of it, it was disloyalty to the country, though his heart was full of forgiveness after the war was over. His piety was unquestioned; it was in his daily walk and daily life. He can well bear the name of a Christian statesman; for though in these days when the clouds of calumny are thick about the heads of all men in public life, it is the fashion of some men to speak sneeringly of Christian statesmen, yet the bitterest scoffer and traducer can well mention the name of WILLIAM A. BUCKINGHAM as a Christian statesman without a sneer. His benevolence was large as his heart; his bounty was ample as his means. Much he gave to public, religious, educational, and charitable institutions; but there were silent streams of charity flowing into many an afflicted or impoverished household that the world knew not of. How much those people mourn his loss none but God and they can know; but the prayers and the blessings of the poor he befriended in life are among the brightest jewels of his crown of rejoicing. His integrity no man could question. A bright example of the constant exercise of all the virtues of a well-spent life he has given for us in the few years that are left us, and a noble character for our sons to study and emulate as they grow up to manhood. In contemplating the close of such a life, the prayer must and will spring to our lips, "Let me die the death of the righteous, and let my last end be like his." A life like his must surely lead, as God is just and good, to the thanatopsis so beautifully described in the familiar language of one of New England's native poets.

> "So live that when thy summons comes to join
> The innumerable caravan which moves
> To that mysterious realm where each shall take
> His chamber in the silent halls of death,
> Thou go not, like the quarry-slave at night,
> Scourged to his dungeon, but sustained and soothed
> By an unfaltering trust, approach thy grave,
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams."

Mr. WILSON, of Iowa. The sad intelligence just brought to us invites me to look back a quarter of a century, when the life of WILLIAM A. BUCKINGHAM, then in its meridian as a business man, philanthropist, and Christian, was referred to with pride by his fellow-men and pre-eminently worthy the example of the school-boy.

It is fitting and graceful that those who have enjoyed his acquaintance without interruption and represent the same State here that he did in the Senate should tell us of his more striking characteristics and delineate the features of that well-rounded life of which all who knew him are so justly proud; what foot-prints he has left upon the sands of Connecticut, what impression upon her institutions.

I want to say a word about him in the connection in which so many great and good men of New England might be spoken of—as a friend and benefactor of something new, or young, or feeble in the West.

The connection of some eastern men with the growth of the West has not been written, and owing to the sacredness of its nature much of it perhaps never will be.

What the West owes to the East for her habits, her ideas of education, her humane laws, and her religious example will come within the scope and province of future historians, who will note the acquisitions to the prairies of ennobling characteristics, advanced ideas, and institutions of reform and charity. It will be easy to trace to their true source in the East the school laws that tax all the property to educate all the children, the town library, the town meeting, laws abolishing imprisonment for debt, and exempting from execution. But the Eastern men who followed with their sympathies the pioneers who first reclaimed from nature the fields that now teem with plenty,

from the modesty that accompanies such goodness of heart are not likely to be recorded in history with due credit, and that, too, because the right hand did not know what the left hand was doing. This liberality was particularly extended toward the endowment of our struggling colleges and academies, and follows the pioneer to his new home in the West as regularly as the manners and habits of his eastern home. Just how much of the rapid growth of our advanced institutions of learning is due to such benefactions may never be known, but their influence in molding the character of western men and bringing into harmony with the spirit of enlightenment that is placing our country in the front of progressive nations will live and be potent for good long after the donors have gone to their reward.

WILLIAM A. BUCKINGHAM was of this race of nobility a typical man.

A colony from Norwich, Connecticut, settled in central Iowa over twenty years ago. It is common in the West in many localities to call divisions of land, rivers, creeks, villages, and towns, to perpetuate what was familiar, famous, or excellent in the East after the apt aboriginal names had been exhausted. This colony named a congressional township and village Buckingham. One of the first things done by such colonies is to build a school-house where the children may learn, where religious worship may be held on the Sabbath, where the temperance lectures may be delivered, where the lyceum may meet, where the agricultural society may discuss, where elections can be held, where the different elements that comprise a western community first learn to fraternize, where the women weave the fabrics of sympathy and friendship that clothe society with its comeliest garments and acquaintance is first made by the young people that is to ripen into esteem, friendship, and affection.

Governor BUCKINGHAM contributed liberally to the first school-house built in the new settlement.

A mutual friend repeated to me his observation when speaking of the fact that his name was to be associated with a locality in Iowa. Said he, "I understand a beautiful town has been named for me in Iowa, and I have had the honor of aiding in building a school-house in it, and am as ready to aid in building a church for education, and Christianity will be the basis of prosperity in Iowa, as in New England." He built from basement to spire a church that is only rivaled in beauty of design by the landscape it graces. Just how much the generous spirit of this one man has done for the place and people I speak of cannot be estimated by any measure of value with which we are familiar. The few scattering cabins that first dotted the prairie about Buckingham have long since been replaced by white cottages with green window-blinds. The few pioneers that first worshiped in the old school-house built by Mr. BUCKINGHAM have swelled to a thickly-settled neighborhood with many school-houses. They tell as plainly of the rising of the people as the beacon-fires on the hill-tops told of the gathering of the highland clans, but the numerous churches indicate that the rising promises peace instead of war.

So little is generally known of the extent of the benefactions to our young institutions of learning that although my district has three colleges to whose endowment eastern men of wealth have contributed liberally, and are still contributing, I only know the names of a few of them. I would be glad to incorporate in my remarks the names of each of the noble men whose generosity has gone over the Alleghanies to help build up our schools, churches, and colleges. The names of W. A. BUCKINGHAM, Oakes Ames, William E. Dodge, Samuel Wilston, and Ezra Cornell readily occur to me as prominent examples.

President Thacher, of our State University, told me an anecdote that illustrates Governor BUCKINGHAM'S whole life. A friend called upon him and found him in deep mental distress. Upon inquiring the cause Mr. BUCKINGHAM replied that after a careful inquiry into his private business he discovered that he had made too much money.

There is a Christian influence at work in America that is not confined to States, and a bond of union that is stronger than the Constitution. Its promoters are above partisan or sectional feeling, and its objects are grander than the development of our material resources, which only indicates its advancing steps. It has a history, and a record is well preserved of all its advocates.

This cause has lost one of its strong men, and that the breach may be healed we are impelled to say with the sweet singer of Israel:

> Help, Lord, because the godly man
> Doth daily fade away,
> And from among the sons of men
> The faithful do decay.

Mr. POTTER. Mr. Speaker, one could hardly form the acquaintance of the late Senator BUCKINGHAM without respecting and liking him. To know him at all was to feel sure that he was an upright, just, and honorable man. There was a modest dignity in his demeanor, there was a gentleness and cordiality in his manner, which at once inspired confidence and commanded respect. I never met him in the way of public duty without being impressed by a sense of his sound judgment and high principle. I never met him in private life without a deeper regard for his pure, gentle, and kindly nature.

But with all his moderation and kindness no one could ever doubt that Senator BUCKINGHAM held to his opinions upon full conviction. He carried his notions of "loyalty," of "abolition," or of "abstinence" into his daily life, and insisted upon them modestly, but with a firmness and consistency such as is shown only by men who believe.

There is a striking and a hopeful lesson, sir, in such a life as was that of the late Senator. Trained in those common schools of the country which are open to every child; beginning business in a small way; gaining success by upright, faithful, and prompt attention to that business; gradually acquiring influence and fortune, and with them acquiring sound and honorable reputation, he came in time—though perhaps not a man of brilliant natural abilities—to fill with complete success positions of the highest usefulness and dignity. Chosen governor of his Commonwealth before the late civil war, he continued to discharge the duties of that position during all that trying time with an ability, patriotism, efficiency, and determination which induced his people to repeatedly re-elect him to that office against the usual custom of the State. Removed then to his position in the Senate, his service there was marked by such a careful, judicious, and efficient discharge of his senatorial duties; by such a wise and conscientious regard for the best interests of the people; by such personal gentleness, purity, and kindness, as commanded from all who served with him there, or knew him at all, their warmest praise, and call now for their deepest regret at his loss.

My political views differed widely from those of Senator BUCKINGHAM. But I knew that he held his opinions from conviction and that according to his light he served the nation purely, honestly, and faithfully, with judgment, with efficiency, and with the greatest kindness toward all. Whoever, sir, does that, with whatever talents may be intrusted to him, has done his best, and when called away from his labors here has deserved of all men that high respect and warm regard which those who knew him felt for the late Senator from Connecticut.

For myself, I share in the regret expressed in both Houses of Congress at his loss, and am glad to be allowed to add these few words to the eulogiums that have just been so warmly and so fitly passed upon this worthy, kindly, and honorable Christian gentleman.

[Mr. HAWLEY, of Connecticut, addressed the House. His remarks will appear in the Appendix.]

The SPEAKER. By the order of the House, the House now takes a recess until half past seven o'clock.

The House accordingly (at five o'clock and five minutes p. m.) took a recess.

EVENING SESSION.

The House assembled at half past seven o'clock in Committee of the Whole, Mr. HOSKINS in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the sundry civil appropriation bill. The Clerk will report the pending amendments offered by the gentleman from Wisconsin, [Mr. MCDILL.]

The Clerk read as follows:

In line 938 insert "all" between the words "of" and "persons," and strike out lines 939 and 940 and insert "since their entry into the military and naval service;" so it will read:

And of all persons who may have become insane since their entry into the military and naval service of the United States, &c.

Mr. BUTLER, of Massachusetts. I want to raise the point of order on this—not on the amendment, but on the paragraph—that it changes existing law. If you turn to the statute-book you will find that the existing law is that all soldiers and sailors who become insane at any time——

The CHAIRMAN. The Chair will inform the gentleman from Massachusetts that the point of order is quite too late. The paragraph has been read and an amendment thereto has been offered and discussed.

Mr. BUTLER, of Massachusetts. All right. It may be voted down, I guess.

Mr. HALE, of Maine. I had the floor when the committee suspended its session in the afternoon, and was about to say this: The clause in reference to the Government Hospital for the Insane is now arranged in accordance with actual law. The Committee on Appropriations investigated into it and had an opinion of the Attorney-General as to a clause that crept into an old appropriation bill.

Now let me state, that the committee may understand it clearly, because I presume very few have investigated it, just what the point is. The committee will notice that as it now reads we are appropriting—

For the support, clothing, medical and moral treatment of the insane of the Army and Navy and revenue-cutter service—

That is, all those who are now in the service. No one perhaps would object to that. It is perhaps going pretty far, but I would not object to it—

and of persons who may have become insane from causes arising during their said service within three years after leaving the service in the Army or Navy of the United States and who are indigent.

Now, under this the Government is actually appropriating for the care of every person in all the vast armies of the Union, numbering

millions, who become insane within three years from the time of leaving that service from causes arising during the service. Gentlemen will see that even this is a very large class, and this provision will entail upon us the support of a large number.

But the amendment of the gentleman from Wisconsin goes further, and he substitutes words that will make the Government responsible for the care and maintenance at the Washington Insane Asylum of every person who was ever a soldier in the armies of the United States and becomes insane after the date of his service. Gentlemen will see that this insane hospital, spacious as it is, with its buildings and wing, its dormitories, all of the paraphernalia of a great asylum, and which now numbers six or seven hundred patients, at an annual expense of not less than $200,000, must be increased from year to year if it is to embrace all those who have ever been in the Union armies.

Now, it is not a question—and I beg gentlemen not to be diverted from the real issue—of sympathy with the soldier. With all that the States are doing, with the asylums that are established in almost every State, with what is done by private enterprise, with the care that is bestowed upon the soldier by the States, are gentlemen prepared here and now to vote for the amendment of the gentleman from Wisconsin, which means, what? I have said that if every man who ever became insane, who was ever in the United States service, shall be taken from the State of Massachusetts, from the State of Maine, from the State of Wisconsin, from the State of California, and brought here by the Government of the United States, I believe it is going too far.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee rose informally, and Mr. MAYNARD having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate further insisted upon its amendments to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. LOGAN, and Mr. COOPER as conferees on the part of the Senate.

The message further announced that the Senate further insisted upon its amendments to the bill (H. R. No. 3813) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRILL of Maine, Mr. EDMUNDS, and Mr. DAVIS as conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARPENTER, Mr. CONKLING, and Mr. THURMAN as conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole then resumed its session, Mr. HOSKINS in the chair.

The CHAIRMAN. The question is upon the amendment of the gentleman from Wisconsin.

Mr. BUTLER, of Massachusetts. Mr. Chairman, before the year 1866 the Insane Hospital of the Government in the District of Columbia was appropriated wholly to the insane of the District of Columbia and of the Army and Navy and those who had become insane three years after leaving the service. It was then obvious that this would shut out every volunteer soldier, and this provision did not creep into the appropriation bill, but was discussed on this floor as this one is now being discussed, and it was put into an appropriation bill so as to extend the benefits of this Government Insane Hospital to the insane soldiers of the Union Army for all time.

And I must be allowed here to express my surprise that the Committee on Appropriations, for whom I have so much respect as I have, should undertake in this bill to cut out every Union soldier from the benefits of this hospital, while every man, woman, and child in the District of Columbia, or who may come here, has the benefit of this asylum, if they be indigent insane of the District of Columbia—not that they must be residents here, but that if here. Now every one of our soldiers who comes to this hospital must be indigent, or if they have friends to take care of them they would not be sent there. What are you going to do with all the insane men who were in the Army? Are you going to allow them to wander in the streets, to leave them to the cold charity of the world? Are we to keep up this immense charity for the people of the District of Columbia alone? My amendment is in the words in every appropriation bill for the last nine years. For the support, clothing, medical, and moral treatment of the insane of the Army and Navy and revenue-cutter service, and of all persons who may have become insane since their entry into the military or naval service of the United States and who are indigent, and of the indigent insane of the District of Columbia, in the Government Hospital for the Insane, $150,171.

So that we only restore this bill exactly to what the law is. The reason why I speak of it is this: We have either got to support these men here in the insane asylum or to support them in the homes for disabled soldiers, and many of them cannot get into the national homes under our laws because they cannot prove that their disability arose from wounds received in the service, because of their very insanity. Now, I for one am willing to vote the last dollar of the Government and to pay my share of the tax to support disabled soldiers or sailors of the Army or Navy of the United States who are now insane. Who shall say what it was that shattered the mind of such a man? Who shall trace the connection, who shall say that the disability only broke out in three years?

Now, I cannot argue this question, for the statement of it is so strong; but I call the attention of my friends on the other side of the House to this question hereafter. When you have the power I conjure you never allow the insance soldiers to wander about the streets and not have the benefit of the Government Asylum for the Insane, when every man, woman, and child here in this District who is indigent can have that benefit.

[Here the hammer fell.]

Mr. HALE, of Maine. One word. The gentleman from Massachusetts [Mr. BUTLER] is always more pathetic than I can be in reference to the soldier, but he is no more his friend than I am. I want to say that the gentleman is entirely wrong as to this thing creeping into the appropriation bill.

Mr. BUTLER, of Massachusetts. Pardon me; I say it was discussed on the appropriation bill.

Mr. HALE, of Maine. The matter was brought before the Attorney-General. I believe the gentleman himself had something to do with bringing it before the Attorney-General.

Mr. BUTLER, of Massachusetts. I did.

Mr. HALE, of Maine. I hold the opinion of the Attorney-General in my hand. He says:

> The act of 1866 provides that the following classes of persons, under the following circumstances, shall be entitled to admission into the said asylum on the order of the Secretary of War, if in the Army, or the Secretary of the Navy, if in the Navy, to wit:
>
> First. Men who, while in the service of the United States, in the Army and Navy, have been admitted to the asylum—
>
> Nobody objects to that—
>
> and have been thereafter discharged therefrom on the supposition that they have recovered their reason, and have within three years after their discharge become insane from causes existing at the time of their discharge, and have no adequate means of support—
>
> Nobody objects to that.
>
> Second. Indigent insane persons who have been in the service and have been discharged therefrom on account of disability arising from such insanity—
>
> Nobody objects to that.
>
> Third. Indigent insane persons who have become insane within three years after discharge from such service from causes which arose during and were produced by said service—
>
> Nobody objects to that.

Mr. BUTLER, of Massachusetts. Within three years.

Mr. HALE, of Maine. Yes; that is as the committee put it in the bill. Then the Attorney-General goes on, after discussing how it came into the appropriation act of 1869, and says:

> There was then in 1869 no provision for those who had been volunteers and who might subsequently become insane. In the appropriation bill of that year, after the usual words extending the benefits of the asylum to the insane of the Army, Navy, and revenue-cutter service, these words were inserted; "and volunteer service who may have become insane since their entry into the service of the United States."

Now, that is not the law; it is only what was put in that year; it was in the appropriation for that year. It was to an extent a definition for that year, but it has not been followed since, and is not followed now, because the committee have gone back and by the light of the Attorney-General's decision have taken the old law.

I do not want this committee to be diverted from the real issue by the fact that the gentleman makes a pathetic appeal that we must stand by the soldiers of the Army. Wherever it is proper, wherever anything can be done for the soldiers of the Army that needs to be done, we are doing it every day. The gentleman is no more foremost than the rest of us in that regard; he cannot arrogate to himself the guardianship of the million of men who stood in the forefront of battle and maintained the cause of the United States in the war of the rebellion. There are others here who believe in them as much as he does; and there are others here who believe that while that is good policy there are other laws that we should obey, and that this thing may be carried so far that the Government will become involved in an expenditure that it never would become involved in if it had fair notice of what was intended.

[Here the hammer fell.]

Mr. CLYMER. I move to strike out the last word.

No one will unite more cheerfully than myself with the gentleman from Massachusetts [Mr. BUTLER] in recognizing the obligation of the Government to care for those who have become insane by reason of causes arising during the time they were serving the Government and within any reasonable time subsequent to that service. This is a duty resting alike upon all.

But it does seem to me that three years after quitting that service should be a sufficient time to determine whether the insanity arises from causes incident to the service. I am deeply interested in this subject of the care of the insane. My duties in my own State for years have led me to consider the subject. I would be loth to do anything here which was not consistent with their best and highest interests. But it does seem to me that the Government is not liable for so large a class who might claim their support under the provision as it would be made by this amendment.

I do not think there is a State in the Union where ample provision is not made by State law and through State care for the class spoken of in the paragraph under consideration. It appears to me that if we limit the time to three years subsequent to the service we have done all that generosity and our better instincts would lead us to do in reference to those who served the Republic. And if insanity occurs subsequently to that time we might with safety leave it to the several States to deal with them as they do with their other citizens. For if they remain well three years after quitting the service, and subsequently this calamity, the worst which may befall humanity, comes upon them, then the States, the proper guardian of the individual, having provided asylums for this purpose, may be safely trusted, I think, to take care of these men.

Mr. GARFIELD. A single word in opposition to the amendment. The attention of the committee was never called to the peculiar expression here until the letter of the Attorney-General was sent to us this year. There was also for the first time an appropriation asked for transporting insane soldiers of the late war for the Union.

A MEMBER. Not the first time.

Mr. GARFIELD. For the first time within my knowledge since I have been chairman of the Committee on Appropriations a special appropriation was asked this year for the transportation of insane soldiers. There may have been such an appropriation before, but it did not come under my notice.

Now, if this is to cover all who were ever in the volunteer army, then the result is this: One man becomes insane in California, another in Oregon, another in Maine; and all these have to be transported at the expense of the United States all the way to Washington to be put into this asylum, while Maine, California, Oregon, every State in the Union, has its hospital for the insane, where such men, being citizens of the State, are entitled to admission under the same rules and regulations as every other citizen.

Now, it is not good economy to transport men one thousand, two thousand, three thousand or more miles to place them in a central asylum, when perhaps in coming to Washington they pass by a dozen asylums. We therefore say only this: That a man whose insanity was the result of the war, who has become insane because of the war, (and three years ought to be a fair time to test that,) shall be under the special care of the Government.

Mr. LOUGHRIDGE. Does the gentleman know a single State in the North that does not make provision for its own insane?

Mr. GARFIELD. No, sir. If a man should become insane in my own town, I certainly should think it very bad economy to send him off to Washington.

Mr. LOUGHRIDGE. And would it not cost twice as much in that way?

Mr. GARFIELD. Three times as much. We have two asylums in Ohio—one in the northern part of the State, another in the southern; and a third is building. With all these munificent arrangements for the care of the insane, it seems to me an unwise and uneconomical provision to shift them off in this way to a distant central institution.

I admit that one thing has been left out of the account. All who are now in our Army or Navy or who may hereafter be in our Army or Navy in any war that may arise, and who may become insane, will be entitled to come here to this asylum, because in the service of the Government. In this provision we simply restore the law to what it was on the organization of this institution, so that it shall be for persons under the immediate supervision of the Government of the United States, and shall not undertake to run as a rival establishment to those of the various States. The amendment proposed by the Committee on Appropriations robs no man of his right to be placed in an asylum, and cannot by any possible strain of construction be said to be against the soldiers of our late war.

The question being taken on Mr. CLYMER'S amendment to the amendment, to strike out the last word, it was not agreed to.

Mr. BUTLER, of Massachusetts. I move to amend the amendment by striking out the last word. As gentlemen who were not here when this question was brought up have since come in. I wish to make one last appeal to the House. For seven years this provision has been made in favor of soldiers of the Union Army who may become insane. They cannot get into the national asylum, for they cannot make the necessary proofs; they cannot take the required oath. All that the board of managers of the national asylum have been able to do has been to send them here under the law. For five years there has been an annual appropriation to send them here; but last year that failed, the matter escaping everybody's notice.

The object of the people in this District is to make this asylum a pet plaything, a close corporation for their own use or that of a few of their friends.

Mr. HALE, of Maine. O, no.

Mr. BUTLER, of Massachusetts. Do not interrupt me; you would not let me interrupt you. Now, the law stands on the statute-book precisely as it has done for six years. And who got the Attorney-General to send a written opinion to the Committee on Appropriations, and which the chairman of the committee said was the first time he heard that it was not the law? How came somebody to be so anxious to cut off the Union soldiers (for this cuts off every one of them, and there are some one hundred of them there) and send them out into the world to be transported God knows where?

Now I am told that I am arrogating something in my appeal in behalf of the Union soldier. I only say I do stand here to plead for the insane soldiers—men made insane in the thunder of battle.

My friend from Pennsylvania [Mr. CLYMER] says that three years ought to be long enough to find out the fact of insanity; but does he not see that it is ten years since the war closed and——

Mr. MAYNARD. How many patients are there in the asylum at present?

Mr. BUTLER, of Massachusetts. About one hundred.

Mr. HALE, of Maine. Nearly seven hundred.

Mr. GARFIELD. And we are asked this year to erect two more buildings, the existing buildings being so much overcrowded.

Mr. BUTLER, of Massachusetts. Suppose there are seven thousand. Here we are called upon to undertake to make economy out of the insane soldiers of the Union Army. We are willing to buy pictures at $25,000 apiece or any other sum, but we are not willing to provide for the insane soldiers of the Union Army as they ought to be provided for.

Mr. HALE, of Maine. Who put in the resolution directing the Committee on Appropriations to pay for these pictures if it was not done by the gentleman from Massachusetts?

Mr. BUTLER, of Massachusetts. I did it, but I did not mean to starve or filch it out of the fund necessary to provide for the insane Union soldiers.

Mr. HALE, of Maine. But you wanted to buy pictures, and the House went back on you.

Mr. BUTLER, of Massachusetts. No; it was ruled out on a point of order. I am willing to buy pictures, but I am not willing to buy pictures with one hand and filch the money out of the fund belonging to the soldiers with the other.

Mr. HALE, of Maine. Do not put your bad trash on the Committee on Appropriations. When you pass resolutions directing the committee to buy pictures, do not blame the committee for reporting appropriations to carry out the resolution of the House.

Mr. BUTLER, of Massachusetts. But you were not obliged to report it.

Mr. HALE, of Maine. We were directed to take steps to buy. I am glad the gentleman has called attention to it.

Mr. BUTLER, of Massachusetts. It never occured to me that I was going to take it away from the insane soldiers.

Mr. WILSON, of Iowa. I take it, Mr. Chairman, the same proportion of soldiers become insane as of other classes. Now, taking the basis of the population of Iowa (and we have made provision for taking care of our insane) I find there are in our two asylums one out of a thousand of the population. We had forty thousand soldiers in the Army and consequently we would send up forty insane persons. Suppose all the States were to send up their insane in the same proportion. Take the quota of the twenty-seven Union States and the quota from the Territories, and we would have about fifteen thousand insane sent up here. But I have no idea that Iowa or many of the States which have made abundant provision for their insane will ever send anybody up here. If they did, then we would have to make provision for fifteen thousand insane persons in addition. If, however, there are some States which have made no provision for insane soldiers, I am perfectly willing they should be sent up here to be taken care of in this asylum, for I believe our soldiers have a claim upon the Government as long as they live and their children after them.

Mr. CLYMER. I wish to ask the gentleman from Massachusetts a question. He made a statement that if we failed to pass this amendment it would turn out of the asylum about one hundred insane soldiers. Now if that be so, I am for the amendment.

Mr. HALE, of Maine. I offer the following amendment:

Provided, That nothing in this clause shall operate to discharge any person now in said insane asylum.

Mr. BUTLER, of Massachusetts. Let us examine that when you get through.

The CHAIRMAN. Do you offer it as an amendment to the amendment?

Mr. CLYMER. The amendment ought to be made to read "any soldier or seaman."

Mr. BUTLER, of Massachusetts. No man had a right to go into the insane asylum from the volunteer army until 1869. Therefore there was no volunteer soldier in there under the three-years clause. If you save men in there, why say the insane soldier coming in yesterday shall be kept in, and an insane soldier who to-morrow afternoon shall knock at the door shall be kept out? This is not economy, gentlemen. It is not even parsimony. It is not even niggardliness. It is simply sheer savage barbarity, nothing more and nothing else.

Mr. HALE, of Maine. I offer it as an amendment to the original section to perfect it to save those in the hospital now.

The CHAIRMAN. The amendments are offered as independent propositions to perfect the paragraph, and the question will first be taken on the amendment proposed by the gentleman from Wisconsin.

Mr. BUTLER, of Massachusetts. Have the law read as it is now.

The Clerk read as follows:

For the support, clothing, medical and moral treatment of the insane of the Army and Navy and revenue-cutter service and of all persons who may have become insane since their entry into the military or naval service of the United States and who are indigent, and of the indigent insane of the District of Columbia.

Mr. MAYNARD. What is the date of that law?

Mr. BUTLER, of Massachusetts. It is the law of last year and of this year, and is now in operation.

The amendment of Mr. MCDILL, of Wisconsin, was agreed to.

The question next recurred on the amendment of Mr. HALE, of Maine.

Mr. HALE, of Maine. On the action just taken by the House there is no necessity to vote on mine, and I therefore withdraw it.

Mr. MACDOUGALL. I move the following amendment:

The Clerk read as follows:

Add at the end of the paragraph:

For the purpose of paying the State lunatic asylum for insane convicts at Auburn, New York, for the care of George Shephard and James Blomers, insane convicts, who became insane while undergoing sentence and who were kept and maintained in said asylum after their term of sentence had expired, the sum of $5,900.46.

The CHAIRMAN. The gentleman from Ohio asks ananimous consent to return hereafter to this paragraph.

Mr. LOUGHRIDGE. I object.

Mr. HALE, of Maine. I think it can be put in at a later stage.

The Clerk read as follows:

For the Freedmen's Hospital and Asylum in Washington, District of Columbia, namely, for subsistence, salaries and compensation, fuel and light, clothing, rent of hospital buildings, medicines and medical supplies, forage and transportation, and miscellaneous expenses, $45,000.

Mr. GARFIELD. I offer the following amendment.

The Clerk read as follows:

At the end of line 985 add the following:

For the immediate relief of the suffering poor of the District of Columbia, to be distributed by the commissioners of said District, $10,000.

Mr. GARFIELD. I ask for the reading of the letter which I send to the desk, and which explains this amendment.

Mr. CLEMENTS. I would ask the Chair if this is not obnoxious to the point of order?

Mr. GARFIELD. I ask the gentleman from Illinois to reserve the point until he hears the letter read.

The Clerk read as follows:

NATIONAL SAVINGS-BANK,
Washington, D. C., February 10, 1875.

DEAR SIR: The appalling destitution now prevalent in this District constrains me, in behalf of the citizens' relief commission, to urge Congress to come to our aid.

The committee addressed a letter to our Delegate several days since earnestly soliciting assistance, but nothing appears to have been done. If members of Congress knew the situation as we who have been endeavoring to relieve it, no appeal or argument would be necessary. I inclose a statement of what we have done the past two months:

We need for Washington	$6,000 00
For the county	2,000 00
For Georgetown	2,000 00

With this we can relieve the present exigencies. Probably nothing more can be expected from our local government.

Mr. Solomons, who will present this note, is actively engaged in the work and knows from actual observation the demands upon us.

Hoping action may be taken quickly and the horrors of starvation in our midst avoided,

I am, very respectfully, your obedient servant,

WM. STICKNEY,
President Citizens' Relief Commission.
A. S. SOLOMONS,
Vice-President.

Hon. J. A. GARFIELD,
Chairman, &c.

Mr. GARFIELD. If the gentleman from Illinois will allow me to make a single remark, I will say that there is now in this District, its government having been abolished, no authority for any officer to pay any money out of any fund whatever for the relief of the poor. There is no poor-law, and the amount of suffering reported to the Committee on Appropriations by the citizens' relief committee is something very distressing indeed. We determined therefore to report this amendment to the House for its action. I suppose it can be ruled out if the point of order is insisted on.

Mr. CLEMENTS. I withdraw the point of order.

The amendment was agreed to.

Mr. FORT. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 985 add the following:

For the discharge of the debts upon and for the completion of the hospital building of the Little Sisters of the Poor, in the city of Washington, $8,500, to be expended under the direction of the Secretary of the Interior.

Mr. SMITH, of Ohio. I raise the point of order on that amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. SMITH, of Ohio. That there is no law to authorize it.

Mr. FORT. I hope there will be no objection made to this appropriation. There is a charitable association in this city——

Mr. SMITH, of Ohio. I would like to have the Chair's decision on the point of order.

The CHAIRMAN. Will the gentleman from Illinois [Mr. FORT] state whether there is any law authorizing this appropriation?

Mr. RANDALL. There was none for the other which has just been agreed to.

The CHAIRMAN. The point of order on the previous amendment was withdrawn.

Mr. RANDALL. I hope the point of order against this will not be insisted on.

Mr. FORT. Last session of Congress an appropriation was made of $25,000 for the purpose of constructing this building. I have not the law before me now, but that was done.

The CHAIRMAN. The Chair will inquire of the gentleman from Illinois if this hospital is under the charge and direction of the Government of the United States? Are they responsible for it?

Mr. FORT. I was going to state how that was. This is the same hospital for which an appropriation was made last session of $25,000, and it occurs to me that it is so far recognized as being a public institution that the objection will not come within the rule. An appropriation has already been made for this very building.

Mr. HALE, of Maine. It was made as a gift.

Mr. FORT. The building is now unfinished. There is a debt upon it and those who have that charity in charge are compelled to ask alms for its support, which they propose to do. But they will not be able to liquidate this debt that is upon the building, and I think we cannot do better than appropriate this sum of money for that purpose.

Mr. MAYNARD. I remember we made an appropriation last session of some amount for this institution at the instance of my friend from Illinois.

Mr. FORT. As I have already stated, we appropriated $25,000 for the building.

Mr. SMITH, of Ohio. I understand that last winter we made a present of $25,000 to this institution conducted by the Sisters of the Catholic Church, and I think we have done enough.

Mr. CROOKE. It is perfectly understood that they confine their charity to the Catholic Church.

Mr. RANDALL. It is free as the air. If the gentleman wants to make a sectarian objection, that is one thing. But I say here that any Protestant can go into that institution. It is not any more private than the one you have just appropriated for.

The CHAIRMAN. The Chair has attempted to get some information to enable him to rule upon the point of order, but as yet has not been able to obtain it.

Mr. FORT. At the last session of Congress this was so far recognized as being a public institution that $25,000 was appropriated for erecting a building. A building has been erected and there is now a debt of some $8,000 upon it.

Mr. HALE, of Maine. I only wish to say a word upon this. I do not care what the result is. This association, which is of a purely private character, came here last year for a gift. Congress gave them $25,000 to remove a debt and to complete their building. That is all there is of it. If that is warrant for a new appropriation, then of course the point of order does not lie. But that is the whole fact.

Mr. FORT. I would like to have the law read.

Mr. GARFIELD. Let the law be read, after which I desire to say a word.

The Clerk read as follows:

For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, $25,000.

Mr. FORT. This is in continuation of that law, to complete that building and to pay off that debt.

Mr. STORM. If that is sufficient warrant, then after this when Congress makes a present to any society one year it will have to renew the appropriation ever afterward.

Mr. GARFIELD. When the appropriation was moved last year I did not at that time see my way to favor it, looking upon this as a special institution under one religious denomination; but I was overruled. But I was overruled, and I was very glad to know that the story that went around through the press to the effect that the money appropriated by Congress had been used, not to build a hospital, but a chapel was contradicted. I took pains to have inquiries made, and gentlemen will find in the report of the committee accompanying this bill a letter from the sister superior of this institution informing me that the money paid by the Government was employed wholly on the hospital part of the building, and that although there is a chapel in the building it is to be built by private subscription, and that no part of the money appropriated by the Government for the benefit of this institution was to be used for that purpose. I call attention to the fact that the money was given last year to complete the hospital building as a gift, and that it constitutes no claim upon Congress for further appropriations.

The CHAIRMAN. The Chair will rule upon the point of order. Nothing has been produced to satisfy the Chair that this hospital is at all under the authority of the United States, and the Chair therefore rules that the point of order is well taken.

Mr. FORT. I move then that the committee rise for the purpose of moving in the House that the rules be suspended so as to make this amendment in order.

Mr. GARFIELD. The gentleman can do that at the end of the bill just as well as he can now, and I hope he will withdraw that motion to save time.

Mr. FORT. I will withdraw the motion for the present, but I give notice that I shall offer it in the House.

Mr. STONE. I desire to make a parliamentary inquiry. I want to know if it is in order to move to reconsider the vote by which we adopted the amendment appropriating $10,000 which was offered just now by the gentleman from Ohio, [Mr. GARFIELD?]

The CHAIRMAN. That paragraph has been passed.

Mr. STONE. Will the Chair please answer my question?

The CHAIRMAN. The Chair states that it is not in order.

Mr. BROMBERG. I desire to move to amend the paragraph in relation to the Freedmen's Hospital and Asylum in Washington.

Mr. GARFIELD. I rise to a question of order. We have passed that paragraph. I make the point of order that a new paragraph has been inserted since that paragraph was passed.

The CHAIRMAN. The Chair will state that the committee has already determined to put in an additional paragraph following the paragraph which the gentleman seeks to amend, and therefore his amendment is not in order.

Mr. BROMBERG. One moment. I understand that those were amendments to the paragraph.

Mr. GARFIELD. O, no; they were new paragraphs to the bill.

Mr. BROMBERG. Then I move to strike out the whole paragraph.

The CHAIRMAN. That motion is not in order.

Mr. BROMBERG. On what ground?

The CHAIRMAN. On the ground that you cannot move to strike out what the committee has already determined to put in.

Mr. WOOD. The Chair has never submitted the question to the committee on agreeing to that paragraph with the amendment added to it.

The CHAIRMAN. It was not necessary for the Chair to put the question on the paragraph as amended, for the amendment was in the nature of a new paragraph.

Mr. G. F. HOAR. Has an amendment been inserted after the paragraph in relation to the Freedmen's Hospital and Asylum?

The CHAIRMAN. The Chair would inform the gentleman that it has.

The Clerk resumed the reading of the bill, and read as follows:

For Rock Island bridge: For care and preservation of the bridge, $13,000; and this sum and the appropriation for said bridge for the fiscal year ending June 30, 1875, shall be expended in accordance with the joint resolution in relation to the Rock Island bridge, approved July 20, 1868, and the contract between the United States and the Chicago, Rock Island and Pacific Railroad Company; and the Secretary of War shall, within six months from the pasage of this act, notify said railroad company to remove front said island and from the Mississippi River all piers, abutments, embankments, erections, structures, or tracks connected in any way with the old bridge or tracks of said railroad company over or across said island or either branch of said river; and in case of refusal of said railroad company to comply with such notice for the period of six months, then it shall be the duty of the Attorney-General of the United States to commence or cause to be commenced such legal proceedings against said railroad company as may be necessary to protect and enforce the rights of the United States in that behalf.

Mr. COTTON. I offer the following amendment to come in at the end of that paragraph:

Provided, however, The Secretary of War may permit the northern pier of the old bridge to remain in accordance with the joint resolution of Congress approved March 3, 1873.

The law under which this bridge was built required the old bridge to be removed within six months and that the new bridge should be completed. About the time the new bridge was completed the Board of Trade of Davenport, Iowa, adopted a resolution asking Congress to permit the northern pier of the old bridge to stand as a protection to their levee, it being in such a position as to serve as a good protection to the harbor of Davenport. In pursuance of that I procured the passage through Congress of a resolution permitting the Secretary of War in his discretion to let the old pier stand if it did not prove an obstruction to navigation. Now, this provision requires every obstruction to be removed absolutely, and would effectually repeal that resolution and require the removal of the pier of the old bridge. The gentleman from Illinois, [Mr. HAWLEY,] who represents the opposite shore of the river, and who, I understand, prepared this provision of the bill, has seen this amendment and has no desire to interfere with the resolution to which I have referred. I hope, therefore, that there will be no objection to the adoption of this amendment.

Mr. HALE, of Maine. The gentleman from Illinois, [Mr. HAWLEY,] in whose district this bridge is, has taken special interest in this matter, has appeared before the committee upon it, and was very largely instrumental in drawing up this paragraph. If, as the gentleman from Iowa [Mr. COTTON] says, he has consulted with the gentleman from Illinois, and both sides are represented here, and no harm will be done to the Government, and it seems to me none can be done, there is no objection to the amendment

The amendment was agreed to.

The Clerk read the following:

For Benicia arsenal, California: For one carpenter's shop, $35,000,

Mr. RANDALL. I would like to ask the gentleman in charge of this bill to give us some information about this item. It is for a new work, and it seems to me that $35,000 is a very large sum for a carpenter's shop.

Mr. GARFIELD. The gentleman will remember that two or three years ago the Committee on Appropriations undertook a pretty thorough reform in reference to our arsenals. We had at that time twenty-three arsenals; we were appropriating large sums specifically to each arsenal. After a very thorough overhauling of that subject the committee reported to the House a plan for keeping up the continuous construction of three of these great arsenals; one for the Atlantic coast, one for the Mississippi Valley, and one for the Pacific coast. For all the other arsenals we gave a sufficient sum simply to keep the property from wasting. That rule has been followed ever since.

The arsenal on the Pacific coast is at Benicia, California. They need there an arsenal for construction and repair. Although we give them only about one-fourth of what is estimated for, we give them what is the most necessary, a carpenter's shop, where they can make wooden machinery for constructing the other part of the arsenal, and also the carpenter-work for the other parts of the arsenal.

No amendment being offered, the Clerk read the following:

To enable the Secretary of War to purchase Gatling guns for the armament of fortifications, $50,000.

Mr. HALE, of Maine. There is a clerical error in this paragraph which I ask to have corrected. The words "armament of fortifications" should read "Army and Navy." That is as the committee agreed upon it; it was put in this way by mistake.

The amendment was agreed to.

The Clerk read the following:

For conversion and rifling of heavy guns, $75,000. And the Secretary of War is hereby authorized to expend for this purpose an additional sum of $100,000 out of specific appropriations heretofore made for forts in the act entitled "An act making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876," approved February 10, 1875, to be taken *pro rata* from the amount appropriated for said forts. And hereafter the chief clerk of the Ordnance Department of the Army shall be held accountable for the ordnance stores and similar material deposited in the museum, and shall receive the compensation of an ordnance store-keeper, and be subject to the same laws and regulations.

Mr. ALBRIGHT. Before I move to amend this paragraph I desire to ask a question of the gentleman who has this bill in charge. At the beginning of this paragraph I find these words: "For conversion and rifling of heavy guns, $75,000." As I understand it, these guns are converted from smooth-bores into rifles; hence the word "rifling" is surperfluous and unnecessary. I would suggest in place of the word "rifling" the word "tests," so that it will read "for conversion and tests of heavy guns." The word "rifling" does not mean anything; the word "convert" or "conversion" covers the whole ground.

Mr. GARFIELD. There were two things requested of the Committee on Appropriations. One was that we make a very large appropriation for the purpose of converting guns from smooth-bore to rifled guns, enlarging their caliber somewhat, then putting in a jacket of steel, bringing them to a still smaller bore than at first, and then rifling them. The other was an appropriation for experiments; and those experiments, I think, will have the direction to which the gentleman refers more than anything else.

The committee heard the Chief of Engineers, and were of the opinion that we ought to allow the conversion of these guns, and that we ought not to appropriate a large sum of money for experiments. We have been year by year appropriating money for experiments, and the Chief of Engineers informs us that we have not yet reached a method of converting guns that they thought was thoroughly successful. We believed that it would be better to go on and make guns for our armaments than to go on and expend two or three hundred thousand dollars annually for making tests, which are very expensive. What is the use of making a test if we never use it after we have declared it to be satisfactory? The committee were willing to appropriate money for making guns, but not the larger sum asked for making tests.

Mr. YOUNG, of Georgia. Why use both terms, "conversion" and "rifling?"

Mr. ALBRIGHT. Conversion means rifling.

Mr. GARFIELD. Not necessarily. It does in this connection, because the appropriation is for the conversion of smooth-bores into rifled guns; that is the intent and object of it.

Mr. BROMBERG. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BROMBERG. I understood the Chair to rule that after a section was read the Chair would not allow a motion to go back to the beginning to amend it.

The CHAIRMAN. The Chair did not so rule.

Mr. BROMBERG. Did not the Chair rule that an amendment was out of order because the whole section had been read?

The CHAIRMAN. The Chair ruled that the motion of the gentleman from Alabama was out of order for the reason that the provision he moved to strike out had been added by the Committee of the Whole, and it was not competent to move to strike out what the committee had already inserted.

Mr. ALBRIGHT. My amendment is to strike out "rifling" and insert "tests."

Mr. HALE, of Maine. The word "rifling" carries out the intention of the Committee on Appropriations, which is to make this provision definitive, so that whatever conversion of guns may be done shall be in the direction of rifling and none other. The insertion of the word "tests" would subject this appropriation to an objection that has been made to certain other appropriations. There have been certain tests made upon which money has been expended in the Departments, and I believe uselessly. There are certain patents; there is a Norman Wiard patent which I never believed in. I believe it is a humbug, and that the money expended on it has been wasted. The Committee

on Appropriations, at least I as one member of the committee, do not want this word "rifling" struck out and the word "tests" put in so that these expensive performances in the way of ingenious trials shall be made by an expenditure of Government funds. One object is that the money shall be used in converting these old Rodman guns into rifled guns under the direction of the War Department. Let us have no more money expended in tests.

Mr. ALBRIGHT. If it is merely proposed by the committee to convert the smooth-bores now belonging to the Government into rifled guns, then the word "conversion" is sufficient to cover that.

Mr. HALE, of Maine. Does the word "rifling" do any harm?

Mr. ALBRIGHT. It may be construed to cover other guns. Suppose we say "for conversion and rifling of heavy guns belonging to the Government."

Mr. HALE, of Maine. There is no objection to that.

Mr. YOUNG, of Georgia. Is it too late to make a point of order on the paragraph? My point is that the appropriations for forts along the coast have already been made. This proposition is to change existing law by converting to another purpose an appropriation already made.

Mr. HALE, of Maine. That point is too late.

The CHAIRMAN. The point of order, if good at any time, is not good now. As the question has already been discussed, it is too late to raise the point of order.

Mr. COBURN. I move to amend by striking out the last word of the paragraph.

The amendment of the gentleman from Pennsylvania [Mr. ALBRIGHT] is, in my judgment, improper. The Committee on Military Affairs had this matter under consideration upon a recommendation from the President and the Secretary of War; and it was understood in our committee that one hundred and forty of these guns could be converted into rifled guns for $250,000. Here is the language of the Chief of Ordnance:

> I have, therefore, the honor to recommend that an appropriation of $250,000 be made by Congress for converting smooth-bore guns into rifles by lining with wrought iron or steel. The above sum will enable us to convert at least one hundred and forty guns.

Nothing was said about tests. Nobody here, I presume, wants to be going on with these expensive experiments. Enough money has been spent for such purposes. Half of those projects are infamous speculations and swindles. We have been engaged in such things entirely too long; and I venture to say that our democratic friends when they come into power in this House will not let two years pass without some investigation into some of these things. They may do as they please about it, however.

I regard no expenditure of the Government as more wasteful and reprehensible than these appropriations for testing cannon and making experiments in relation to them. While I make no charges against the Ordnance Office, I do say that it is a useless, extravagant, and foolish way of spending money. The President, the Secretary of War, and the Chief of Ordnance all say that we can take these large cast-iron cannon and convert them cheaply into the best kind of ordnance. That is what the Chief of Ordnance asks; that is what the Secretary of War asks; it is what the President asks.

I submit an extract from a special message of the President of the United States on this subject:

> These views gain increased strength and pertinence as the years roll by, and I have now again the honor to call special attention to the condition of the "armament of our fortifications," and the absolute necessity for immediate provision by Congress for the procurement of heavy cannon. The large expenditures required to supply the number of guns for our forts is the strongest argument that can be adduced for a liberal annual appropriation for their gradual accumulation. In time of war such preparations cannot be made, cannon cannot be purchased in open market, nor manufactured at short notice; they must be the product of years of experience and labor.
>
> I herewith inclose copies of a report of the Chief of Ordnance and of a board of ordnance officers on the trial of an 8-inch rifle converted from a 10-inch smooth-bore, which shows very conclusively an economical means of utilizing these useless smooth-bores and making them into 8-inch rifles capable of piercing seven inches of iron. The 1,294 10-inch Rodman guns should, in my opinion, be so utilized, and the appropriation requested by the Chief of Ordnance of $250,000 to commence these conversions is urgently recommended.

Mr. MAYNARD. I rise to oppose the amendment of the gentleman from Indiana, [Mr. COBURN.] The Army and Navy Journal seems to criticise this appropriation as being made for the benefit of one Norman Wiard, of whom we have heard a great deal.

Mr. HALE, of Maine. The gentleman did not hear the statement I made a moment ago, that the object of the Committee on Appropriations in adopting the language of the bill was to prevent this money from going in that direction, so that the Department would take these old cannon belonging to the Government and rifle them without spending any more money in this wool-gathering performance of Norman Wiard.

Mr. COBURN. I withdraw my *pro forma* amendment.

Mr. WILSON, of Indiana. I renew it. I desire to ask the gentleman from Maine [Mr. HALE] where this work is to be done—whether it is to be done by some private individual or in the workshops of the Government?

Mr. HALE, of Maine. I am glad the gentleman has asked that question. The object is (and if anybody has any doubt on the question, I have no objection to inserting a clause which shall make it explicit) that this work shall be done in our own workshops by the Government itself; that there shall be no more experiments, no more tests, no more Norman Wiard follies. Let the language be made as strong as you please to cover that point.

The question recurred on Mr. ALBRIGHT'S amendment.

The committee divided; and there were—ayes 39, noes 73.

So the amendment was rejected.

Mr. WILSON, of Indiana. I move to insert in line 1052 the words "the work to be done at the Government arsenals by the Government."

The amendment was adopted.

Mr. ALBRIGHT. I move to strike out all after the word "dollars" in line 1055 down to line 1066, as follows:

> Out of specific appropriations heretofore made for forts in the act entitled "An act making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876," approved February 10, 1875, to be taken *pro rata* from the amount appropriated for said forts. And hereafter the chief clerk of the Ordnance Department of the Army shall be held accountable for the ordnance stores and similar material deposited in the museum, and shall receive the compensation of an ordnance store-keeper, and be subject to the same laws and regulations.

That, Mr. Chairman, takes money from one appropriation and the Secretary of War is hereby authorized to expend an additional sum of $100,000 out of other appropriations. There was appropriated only $650,000 for fortifications, and this takes away $100,000, so you have left only $550,000 for that purpose. I understand the appropriations have been cut down very much already. Say if you wish to appropriate $100,000 for this purpose, but do not take it from appropriations where the money is needed.

I desire to say furthermore that I am instructed by the Committee on Military Affairs to ask for this amendment striking out the words I have indicated.

Mr. YOUNG, of Georgia. Mr. Chairman, I desire to say to this committee that the gentleman from Pennsylvania [Mr. ALBRIGHT] has been directed by the unanimous vote of the Committee on Military Affairs to make this amendment striking out the words which propose to take away from the appropriations for all the forts along the Atlantic coast *pro rata* and to allow the Secretary of War to use the money in testing guns——

Mr. GARFIELD. Not for testing guns—not a dollar is given for the purpose of testing guns.

Mr. YOUNG, of Georgia. What is it for?

Mr. GARFIELD. For rifling.

Mr. YOUNG, of Georgia. I oppose it. Not in the previous paragraph but in the previous three lines you have appropriated $75,000 for rifling. The Military Committee investigated this subject, and I hope this committee will adopt the amendment moved by the gentleman from Pennsylvania, [Mr. ALBRIGHT.] It is right and proper the appropriations should remain undisturbed which have already been made for the fortifications along the coast.

Mr. ALBRIGHT. I withdraw the amendment and the gentleman from Connecticut will renew it.

Mr. STARKWEATHER. I renew it. Mr. Chairman, since this matter was acted on in the Committee on Appropriations I have been in consultation with gentlemen of the Engineer and Ordnance Corps. It is proposed to take from the small amount appropriated for fortifications $100,000. As the gentleman from Pennsylvania has well observed, the appropriation now is only $600,000. In other words, this proposes to take 15 or 16 per cent. away from that small appropriation. Many of the appropriations for fortifications were only five, ten, fifteen, or twenty thousand dollars. These appropriations were made several months ago. The appropriations for the same purpose were never so small as this year. Since they were made and became the law the Engineer Corps have gone on acting upon the presumption, as they had the right to do, that the money was to be expended as it was appropriated, for this purpose only. I can say for the Engineer Corps they deprecate entirely the interference of another Department—the Ordnance Department—and I can say for the Ordnance Corps they would much rather have a separate appropriation than be brought into collision with the Engineer Corps.

As I have said, the engineers have acted on the presumption they were entitled to it and that no other Department of the Government would come in and take away so large a percentage of their appropriation. I therefore hope the amendment of the gentleman from Pennsylvania will be passed upon favorably.

Mr. HAWLEY, of Connecticut. Let me say a word.

Mr. GARFIELD. I will make a brief statement and then yield the floor to the gentleman from Connecticut.

Mr. STARKWEATHER. I have not yet finished. Besides, these rifled guns spoken of are not fitted for fortifications. The Engineer Corps and Ordnance Corps agree that the small guns they are rifling are not the guns which are wanted upon these fortifications. They want heavier guns. They do not ask for an appropriation for that purpose this year, but when they do get them they want some heavy guns for the purpose.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, I desire to say simply this: The Committee on Appropriations have for several years been of the opinion that we were appropriating for fortifications a sum of money which is useless unless they are mounted with heavy guns. We thought because we could not appropriate the large sum necessary for both purposes, and as we thought heavy guns come in later than fortifications, we would give $75,000 out of the Treasury and allow $100,000 of the sum we appropriated for fortifications, to be used in

arming fortifications, in making heavy 8-inch rifles to be put into them. I thought it was wise. They are both under the Secretary of War. I now yield to the gentleman from Connecticut.

Mr. HAWLEY, of Connecticut. I think the committee was legislating under a mistake when it adopted the amendment that the work should be done in the Government arsenals. In agreeing to this it was legislating without knowledge. The Government has not a single machine fit to rifle these heavy guns; and it would cost anywhere from fifty to one hundred thousand dollars to erect the machinery.

And there is another mistake in the idea that Norman Wiard has anything to do with this. He has nothing to do with it under the sun. Our best ordnance officers are doing this. By appropriations heretofore made you have permitted them to prepare eight guns bored out, lined with steel tubes, rifled, breach-loading and muzzle-loading, for experimental purposes. One of them they have tested, and five more of them are nearly finished. But they do not want to go to work expending heavy sums on rifling smooth-bore guns in general until they are satisfied the thing will work. You do not need to give them the whole $175,000 for converting guns. Better give $75,000 of it for converting guns and $100,000 to finish their experiments with the seven or eight guns you authorized them to make. It costs seventy-five dollars to fire a shot. These eight-inch guns will pierce the heaviest iron-clad.

You have got the whole subject in a muss. What is wanted first is an appropriation for completing the experiments with these eight rifled guns.

[Here the hammer fell.]

The question being taken on Mr. ALBRIGHT'S amendment, there were—ayes 70, noes 25.

Mr. GARFIELD. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Pennsylvania, Mr. RANDALL.

Mr. GARFIELD. This amendment increases the appropriation $100,000.

The committee again divided; and the tellers reported—ayes 55, noes 92.

So the amendment was not agreed to.

Mr. HAWLEY, of Connecticut. I believe now that the paragraph stands as it is in the printed bill, and I wish to offer an amendment to it. But I desire first to ask unanimous consent to strike out the words already adopted requiring this work to be done in the arsenals. I state on the authority of one of the highest ordnance officers that there is no machinery in the Government arsenals to do this, and that it would require an additional $50,000 at least to supply the machinery. It is now done by contract with the Cold Spring factory and other establishments. I ask unanimous consent to strike out the amendment in relation to that.

There was no objection, and the amendment was stricken out.

Mr. HAWLEY, of Connecticut. Now I have an amendment to move. There has been no change made in the paragraph at all. It stands now as it is in the printed bill. I offer the following amendment:

The Clerk read as follows:

On line 1054 strike out the words "this purpose" and insert "testing the experimental guns authorized by existing law."

Mr. HAWLEY, of Connecticut. That will let you spend $75,000 in actually converting guns. It will give the Ordnance Department what it wants to finish all experiments on the eight rifled guns made under the law of a year or two ago.

Mr. COBURN. I make the point of order that the gentleman cannot go back to that section.

Mr. HAWLEY, of Connecticut. We are on that section now.

I wish the committee to understand me, and I am afraid it does not. The Ordnance Department does not ask you to do what you seem to be determined to do. It does not ask you to waste your money in that way. It is not ready to spend three or four hundred thousand dollars in actually converting guns. You have given them already and they have spent a large sum of money in rifling guns of various sizes. One of them they have fired five hundred times. Five of the others are about done. If they can finish the seven, and you let them have this $100,000, they will test the life of the guns. There is no use in spending this money until you have tried how the guns will stand it, and if it will pay to go on. They have fired one gun to death already.

Mr. WILSON, of Indiana. Who fired it to death?

Mr. HAWLEY, of Connecticut. The Ordnance Department.

Mr. WILSON, of Indiana. Not Norman Wiard?

Mr. HAWLEY, of Connecticut. No. This has nothing to do with Norman Wiard.

Mr. COBURN. I wish to call the attention of the committee to the fact that within the last six weeks we have had a special message from the President of the United States, which created some little alarm in the country at the time, asking not for $250,000 to make experiments, but expressly asking in the first part of the message that we give $250,000 to convert these cannon into rifled cannon. That is the very thing that he asks shall be done by experiment. Now the gentleman from Connecticut says that we are getting the cart before the horse, and proposing to make guns before we make experiments. In the name of sense, why is it then that the Chief of the Ordnance Bureau and the President of the United States ask that rifled guns be made instead of the experiments? We are not putting the cart before the horse. The House does understand itself. The House is doing right when it says let us go on and make these rifled guns. The Chief of Ordnance says that it will take this $250,000 to convert two hundred and forty of the large guns into rifled guns; and if he means anything, and if there is any sense in the recommendation, if he is fit for his place, if he is a scientific officer and tells the truth, we ought to go on and manufacture these rifled guns.

Mr. ALBRIGHT. I move to strike out the last word, and I propose to have read what the ordnance officer says on the subject of the experiments. I ask the Clerk to read what I have marked in the document I have sent up.

The Clerk read as follows:

It is expected that by the opening of spring eight guns varying in caliber from eight to twelve inches, and in weight from sixteen thousand to eighty-five thousand pounds, will be ready for firing. The firing of a 12-inch rifle is a very expensive business, each round fired costing about $100. As the gun may stand five hundred rounds, its trial will cost $50,000, and only in a less degree will the expense be in the trial of guns of smaller caliber.

Funds necessary for this purpose should be appropriated; and, added to this, a sum sufficient to provide all the carriages, depressing and others, butts and platforms, and all the appliances, conveniences, and labor required for the prosecution of such exact and important work.

I know of no military or naval power that has not provided an experimental and proving ground with every facility for conducting trials upon a grand scale; and there is no way of avoiding considerable expenditure, while seeking and obtaining the necessary data from which to draw conclusions, that will lead to such large expenditures in the future in arming our fortifications.

I have, therefore, the honor to recommend that an appropriation of $250,000 be made for proving ground and *experiments and tests of heavy ordnance.*

* * * * * * *

The strong assurances offered by our experiments that additional experimental guns of the heaviest caliber now fabricated by civilized nations, constructed on the principle of *combining cast iron with wrought iron or steel lining tubes, and after judicious* and well-authenticated and matured plans, approved by the Department, will, when tested, give successful results, and prove *that an effective, durable,* and economical rifle armament can be secured, lead the board to submit the additional recommendation that Congress be asked to appropriate an adequate sum for further experiments and tests, and especially for the manufacture, *trial, and test of one 10 and one 12-inch experimental rifle,* to be *constructed in accordance with the general plan above suggested.*

Mr. ALBRIGHT. I hold in my hand a list of the guns that are not tested yet, guns that the Government has procured; and unless an appropriation is made for testing them, they will be practically of no value.

The Clerk read as follows:

Twelve-inch gun, Thompson breech-loader.
Nine-inch gun, Sutcliffe breech-loader.
Nine-inch gun, Woodbridge.
Nine-inch gun, Hitchcock's.
Nine-inch gun, converted, steel tube.
Eight-inch gun, converted, steel tube.
Nine-inch gun, converted, wrought iron tube.
Eight-inch gun, converted, (partially tested.)

Mr. ALBRIGHT. Now, I only wish to say that if no means are to be taken to test these guns, what was the object of buying them and having them made? Why should we let them lie idle and not test them?

[Here the hammer fell.]

Mr. HAWLEY, of Connecticut. Notwithstanding what the gentleman from Indiana [Mr. COBURN] says, I reiterate that I understand this subject. I do not know a great deal about it myself, but I get my information ten seconds before I utter it from the assistant chief of the Ordnance Department, who tells me substantially what I am saying here. Here is a proposition to test the guns, and here is a proposed appropriation for the purchase of guns. One is the cart and the other the horse. If the experiments in testing did not show that the guns were worth anything, then other money would not be expended for the conversion. I insist, therefore, upon my amendment.

The question was taken on the amendment; and on a division there were ayes 54, noes not counted.

So the amendment was not agreed to.

Mr. SPEER. I move to strike out all after the word "forts," in line 106, as follows:

And hereafter the chief clerk of the Ordnance Department of the Army shall be held accountable for the ordnance stores and similar material deposited in the museum, and shall receive the compensation of an ordnance store-keeper, and be subject to the same laws and regulations.

Mr. HAWLEY, of Connecticut. I call for tellers on my amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania, [Mr. SPEER,] and he has submitted an amendment.

Mr. HAWLEY, of Connecticut. Well, the House is insisting that the Ordnance Department shall spend money in a manner and for a purpose that it is not yet fully ready for.

Mr. SPEER. I have offered my amendment for the purpose of saying that I think there is a small mouse in this meal-tub. I ask the chairman of the Committee on Appropriations whether the effect of the last clause of this paragraph which I have moved to strike out, commencing after the word "forts," is not to increase the pay of the chief clerk of the Ordnance Department about $600 a year, without imposing on him any additional duties?

Mr. GARFIELD. When I introduced that it was on the recommendation of the gentleman from Massachusetts, [Mr. DAWES,] and I supposed it merely adjusted a difficulty of position. I think the gentleman from Pennsylvania [Mr. SPEER] is right, and that it ought to be stricken out; and I will vote with him.

The amendment was agreed to.

Mr. STARKWEATHER. I now move to strike out the second sentence of this paragraph.

The sentence referred to was as follows:

And the Secretary of War is hereby authorized to expend for this purpose an additional sum of $100,000, out of specific appropriations heretofore made for forts in the act entitled "An act making appropriations for fortifications and other works of defense for the fiscal year ending June 30, 1876," approved February 10, 1875, to be taken *pro rata* from the amount appropriated for said forts.

Mr. STARKWEATHER. When I made my remarks before, it was on the supposition that the amendment of the gentleman from Pennsylvania, [Mr. SPEER]——

Mr. MAYNARD. I rise to a question of order. Has not the committee already refused to strike out that portion of the paragraph?

The CHAIRMAN. The committee has refused to strike out certain portions of it, and the motion now is to strike out the whole of the sentence.

Mr. STARKWEATHER. When the gentleman from Pennsylvania made his amendment I supposed he included in it all that I have now proposed to strike out.

Mr. SPEER. Will the gentleman state what is his amendment?

Mr. STARKWEATHER. It is to strike out of the paragraph all except the words "for conversion and rifling of heavy guns, $75,000."

Mr. SPEER. I agree with that, and think it ought to be stricken out.

Mr. STARKWEATHER. When I made my remarks before I supposed the gentleman from Pennsylvania covered by his amendment that which I now move to strike out. I have but to repeat what I said before. We made this year the smallest appropriations for fortifications that we have made for years; less than we made last year, less than one-third of what we made the year before that, and less than one-third of what we made the year before that. There was no appropriation in the whole lot exceeding twenty or twenty-five thousand dollars, and many of the items were for only five or ten thousand dollars. This portion of this paragraph which I desire to strike out proposes to take away from the small appropriations we have made for fortifications the sum of $100,000.

When that appropriation bill was signed by the President I happen to know that the Engineer Department of the Government went forward with the expectation of relying upon those small sums; they make their arrangements accordingly. Now it is proposed that we shall come in here and take away what we granted them by a previous bill, take away such an amount that they will not be enabled to carry into effect many of their contracts already made and in contemplation, and next year we will have little dribblets coming in here to cover the 15 or 20 per cent. which we now propose to take away from them by this paragraph.

Besides that, this paragraph requires the Ordnance Department to go to the Engineer Department, to trench upon their ground. That is what neither of these Departments desire; if they have anything they want it to themselves, subject to their own arrangement. I hope this portion of the paragraph will be stricken out.

Mr. YOUNG, of Georgia. I rise to say that some of my friends misunderstood the motion of the gentleman from Pennsylvania, [Mr. SPEER.] The amendment of the gentleman from Connecticut [Mr. STARKWEATHER] I think should be adopted.

Mr. RANDALL. I think the gentleman from Connecticut [Mr. STARKWEATHER] has shown this House a way out of the dilemma into which we seem to have placed ourselves. The military men and skilled gentlemen in gun matters do not seem to know what they themselves want. I think, therefore, the House had much better adopt the proposition of the gentleman from Connecticut, strike out of this paragraph what he proposes, and thus save to the Government $100,000 until these military men and these mechanics skilled in making guns shall understand themselves sufficiently to intelligently instruct us.

The amendment was agreed to upon a division, ayes 78, noes not counted.

Mr. KELLOGG. I move to insert in this paragraph in place of what has been stricken out that which I understand will meet the wishes of the Ordnance Department, and also the recommendations of the President of the United States. I move to insert as follows:

For continuing experiments and tests of heavy rifled ordnance under existing laws, $100,000.

That is the amount that was stricken out, and I understand that meets the wishes of the Ordnance Bureau.

Mr. GARFIELD. But not of the Treasury Department.

The amendment was not agreed to.

The Clerk read the following:

And the Secretary of War is hereby directed to cause an examination to be made into the condition of the United States arsenals east of the Mississippi River and to report to the next Congress how many of the same can be sold without interfering with the necessities of the military service, together with an estimate of the amount that can probably be realized from the sale of such of the same whenever such sale shall be directed by Congress.

Mr. YOUNG, of Georgia. I make the point of order that this provision was all attended to last year, and is superfluous in this bill.

The CHAIRMAN. The Chair thinks the point of order is not well taken.

Mr. KELLOGG. Why is this paragraph put in here?

Mr. HALE, of Maine. I move a formal amendment, to strike out the last word, in order to say to the gentleman from Connecticut [Mr. KELLOGG] and the gentleman from Georgia [Mr. YOUNG] that this clause goes further than the provision of the act of last year. This clause provides that the Secretary shall not only make examination as to the sale of useless arsenal property, but shall submit to Congress an estimate of what can be realized from the sale of that property. Some of it is quite valuable and will bring a large sum. The Secretary cannot sell and will not sell between now and the next session of Congress. But it is well to know about what the property is worth.

Mr. COX. What arsenals are they and where are they located?

Mr. HALE, of Maine. I cannot give the whole list; but the Committee on Appropriations believe from examination that only three or four are needed, whereas there are now some fifteen or twenty.

Mr. CONGER. The word "such" where it first occurs in line 1074 should be "each;" so as to read "from the sale of each of the same." I move that amendment.

Mr. HALE, of Maine. There is no objection.

The amendment was agreed to.

Mr. HALE, of Maine. I offer the following amendment:

That the Secretary of the Navy is authorized to dispose of the useless ordnance material on hand at public sale, according to law, the net proceeds of which shall be turned into the Treasury; and an amount equal to the same is hereby appropriated to be applied to the purpose of securing a supply of material adapted in manufacture and caliber to the present wants of the service; that there shall be expended under this provision not more than $75,000 in one year; and in case of sale of like materials in the War Department the proceeds shall be turned into the Treasury and an amount equal to the net proceeds of such sale is hereby appropriated for the purpose of procuring a supply of material adapted in manufacture and caliber to the present wants of the war service, and there shall be expended in the War Department under this provision not more than $75,000 in any one year.

I presume there is no objection to this amendment.

Mr. YOUNG, of Georgia. I make the point of order that it changes existing law.

Mr. HALE, of Maine. It does not change existing law.

Mr. YOUNG, of Georgia. Is the Secretary of War already authorized to do this?

Mr. HALE, of Maine. He is.

Mr. YOUNG, of Georgia. Then why is this provision necessary?

Mr. HALE, of Maine. This is guarded so that whenever the Secretary of War makes sales in accordance with the acts of Congress heretofore passed, the money shall be not used by the Department but turned into the Treasury. Besides that, we provide a limit so that in any one year there shall not be used out of this fund arising from the sale of old or useless material more than $75,000; and that we appropriate in terms.

The amendment was agreed to.

Mr. YOUNG, of Georgia. I move to amend by striking out the whole paragraph. My reason for offering this amendment is that I believe this provision is altogether superfluous in this bill. The facts developed in the investigation concerning these arsenals can all be found in the report of the Chief of Ordnance.

Mr. GUNCKEL. I hope this paragraph will be retained just as the Committee on Appropriations have reported it. During this session and the last, some dozen or more applications have been made for donations of these arsenals. Those applications were referred to the Committee on Military Affairs and investigated by me personally. Unless we adopt some such measure as is here proposed and provide for the sale of these arsenals, they may be given away from time to time, and for useless purposes, the Government losing in this way some hundreds of thousands of dollars, if not millions of dollars, in the aggregate. The Committee on Military Affairs during the last session and the present have in every case voted adversely upon these applications. They think that the right way is for the Government to sell these arsenals and turn the money into the Treasury.

The amendment was not agreed to.

Mr. SPEER. Ought there not to be some limit as to the expenses that may be incurred in making these investigations?

Mr. HALE, of Maine. There has been a partial examination already, and no expense has been incurred. Officers are detailed to do this duty and report to the Secretary of War.

Mr. SPEER. Does not the paragraph authorize the Secretary of War to employ any persons, whether in the Army or not, to make this examination?

Mr. HALE, of Maine. No head of a Department, under such a clause, would ever go outside of the force of his Department.

Mr. SPEER. Could he not do it under the language here used?

Mr. HALE, of Maine. This is a duty laid upon the War Department; and as there is no appropriation whatever, there is no danger that such expenses will be incurred. The examination has already been made in part and by officers of the Army. I assure the gentleman that it will be so done in the future.

Mr. SPEER. Very well; I accept the gentleman's assurance on this subject.

The Clerk read as follows:

SIGNAL OFFICE.

Observation and report of storms: For expenses of the observation and report of storms by telegraph and signals, for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, or repair of meteorological and other necessary instruments; for telegraphing reports; for expenses of storm-signals, announcing probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument-shelters; for hire, furniture, and expenses of offices maintained for public use in cities or ports receiving reports; for river reports; for maps and bulletins to be displayed in chambers of commerce and boards of trade rooms and for distribution; for books and stationery; and for incidental expenses not otherwise provided for, $385,000.

Mr. GARFIELD. I move to amend the paragraph just read by adding:

Provided, That no expenditure shall be made or obligation incurred for any amount in excess of the sum hereby appropriated.

The amendment was agreed to.

Mr. WADDELL. I move to amend by adding to the paragraph, as amended, the following:

Thirty thousand dollars of which shall be expended on the Atlantic coast south of Cape Hatteras.

It is well known to every member of the House that the portion of the Atlantic coast specified in my amendment is one of its most dangerous parts. I know from personal experience that vessels with valuable cargoes and also human lives have been frequently lost for want of knowledge in the city of Wilmington, where I reside, that a wreck had occurred. If we had a single station of this kind so that information could be sent in time to secure relief, valuable property as well as human life might often be saved. Hence I think a portion of this fund ought to be appropriated to signal stations south of Cape Hatteras.

Mr. GARFIELD. I think we ought not to adopt this amendment. We cannot here in Congress enter into a matter of administration like this.

Mr. CONGER. Mr. Chairman, if this marvelous system of following the storms that endanger the lives of our sailors, and at the same time influence agriculture, is to be kept up as it has been begun, a much larger appropriation than that proposed here will be required if any considerable portion of the money is to be diverted to new places.

Now, there is one objection to the amendment of the gentleman. Almost every dangerous storm on the South Atlantic coast comes from the ocean. The misfortune is there are no islands east and southeast of these ports where we have telegraph signal stations, or from which we can get any indication of a coming storm. Therefore the expenditure in that direction will be useless. We must avail ourselves of observations where there may be stations to foretell the coming storms. All the storms dangerous on the South Atlantic coast come from the east and southeast, and we can have no appropriation until we strike the coast, and signal stations are not desirable there beyond what are already given and given by this appropriation.

Mr. WADDELL. I should be glad to have the appropriation increased, but I do not ask for that. I wish that only a part of the money shall be applied to this purpose.

The CHAIRMAN. Debate on the amendment to the amendment is exhausted.

Mr. CONGER. I withdraw my amendment.

Mr. BUTLER, of Massachusetts. I suggest to the gentleman from North Carolina [Mr. WADDELL] to change his amendment. I agree to the desirableness of what he wishes to attain, and I do not think it is appropriated for. If he will offer it so there shall be $30,000 added, I will vote for it with pleasure. And I will tell you the reason why. I agree to what the gentleman from Michigan has said. The matter he wishes to meet is this: not to foretell when a storm is coming, as there is no such system of harbors and stations along the coast where notice can be given by storm signals as on the northern coast. That system should be extended along the southern coast. I think $30,000 would be little enough, and I wish the House would for that purpose allow an appropriation of $30,000 simply to extend the stations where storm signals can be thrown out by telegraphic communication. That would cost on an average seven or eight thousand dollars, giving seven or eight signal stations.

This system is admirable in detecting storms and preventing the mariner getting into trouble, especially where there are no lines of harbors as in the North. I speak with considerable feeling, as I have been twice wrecked on that coast myself.

Mr. WADDELL. I am obliged to the gentleman from Massachusetts. I should like to make my amendment that way. I was only afraid I could not get an increase.

Mr. BUTLER, of Massachusetts. I move to strike out "$385,000" and make it "$415,000," $30,000 of which shall be expended on the southern coast.

Mr. WADDELL. I accept that as a modification of my amendment.

Mr. GARFIELD. Mr. Chairman, in regard to that amendment I wish to call the attention of the House to what I think is a dangerous thing to do in a good cause. I have seen several things since I have been a member of Congress so popular that all anybody had to do was to ask and it went on, and so it continued until the reaction came, and that thing was thrown down by the violence of the recoil. We commenced by giving $25,000 for this purpose. It was opposed, but it won its way. We gave $50,000 the next year, and then it went up to $100,000, and then to $200,000 the next year, and next to $300,000, until now it has finally got up to $385,000. But that, Mr. Chairman, does not represent one-half the cost of the signal service. The Chief of the Signal Office was before us the other day, and we asked what was the entire cost of the signal service, considering the pay of the persons in the employ of that Department, they being paid upon the Army pay-roll, and he told us the total cost was $800,000 a year. You have now an establishment within the War Department on the subject of reporting storms that costs the Government $800,000 a year. We have ourselves put it up $10,000 above what it was last year. The estimate was higher than last year, and we have gone above the estimate. If $30,000 should be added, it is an increase of 20 per cent., almost 30 per cent. of the total amount last year, and this does not show one-half the cost. I hope when a thing is doing so well you will not overdo it and by and by bring reaction and overthrow it all. I do not believe we should go a step further than we have gone in this bill. I have no doubt the Chief Signal Officer, if the facts are presented to him and they are good facts, will take off some lines less important and put on this one now asked for. I think this is as important a line if not more important than some now established. We have the opportunity and the right to establish the service the gentleman asks for by reducing in other places. That I think he ought to do. But I ask gentlemen not to go on in this way plunging this signal service several bow-shots beyond what was ever done before. If this is voted, the service will cost you $1,000,000 next year.

Mr. BUTLER, of Massachusetts. I want to say a single word. The saving of one single steamship, to say nothing of the sice. I want, and property, will pay the whole cost of the signal servd one steamtherefore, to see this thing extended. If you have saved one steamship that otherwise would have been lost, you save more in the goods than what the signal service costs, besides hundreds of valuable lives.

Mr. ROBBINS. I cheerfully support this amendment in order to provide this additional service on the coast; and I call the attention of the committee to the fact that in the arrangement of the signal stations there is a great vacancy in that part of the country which I represent. If you take the stations of Lynchburgh and Augusta and Knoxville and Wilmington, there is an immense area of nearly three States included between these four stations that ought to have a signal station, the central point being about Salisbury, North Carolina. I hope the amendment will be adopted, that we may have not only an additional station on the coast but an additional station in the country, say at Salisbury, for I believe the chief officer of the signal service will establish one there if there is an appropriation. I have had correspondence with him, and believe he will do so if the means are allowed him for the purpose.

Mr. CONGER. I move to strike out the last word.

The CHAIRMAN. That amendment has been proposed and debate on it is exhausted. The question is now on the amendment of the gentleman from North Carolina, [Mr. WADDELL.]

Mr. CONGER. The Chair has not put the question on the *pro forma* amendment.

The CHAIRMAN. The Chair did not do so because it was merely formal.

Mr. CONGER. And because of that formal amendment I could not offer another.

The question was then put on the *pro forma* amendment, and it was not agreed to.

Mr. CONGER. I move an amendment to the amendment by striking out the two last words. I ask the gentleman from North Carolina to add after his amendment these words: "And such of the West India Islands as are connected with the United States by telegraph;" so that we may get observations from those islands.

Mr. BUTLER, of Massachusetts. We get them now.

Mr. CONGER. I think not.

Mr. BUTLER, of Massachusetts. Yes; we get them from Cuba and all the West India Islands. They have their own systems of storm signals now, and we send them our intelligence.

Mr. CONGER. I withdraw the amendment to the amendment.

Mr. HAWLEY, of Connecticut. There is now a storm-signal office at Wilmington, North Carolina. The difficulty about it is that it is twenty-five miles from the bar at the mouth of the river. If this were changed to Smith's Island, where it could command the entrance to Cape Fear River, and information were then telegraphed to Wilmington, the purpose which the gentleman from North Carolina [Mr. WADDELL] has in view might be sufficiently answered. There is no danger in running twenty-five miles down the river. The dangerous entrances are the places where the storm signals are needed. I think if the gentleman cannot have all he wants, it would answer his purpose to have the present storm signal moved to the mouth of the river and warning given to the vessels coming in.

Mr. WADDELL. I think the gentleman from Connecticut misunderstands the situation. There is a long stretch of coast from Cape Hatteras to the mouth of Cape Fear River which is without a signal station; and if the signal station at Wilmington were removed to the mouth of the river we would still be without telegraphic communication to the city. What I want is to have the signal stations along the coast to the mouth of the river with communication up to

Wilmington, so that we could be in communication and know when wrecks occur. As I said before, under present circumstances wrecks could occur along the coast there and before we would get intimation of them there would be great destruction of life and property from the want of telegraphic or signal communication.

The question being taken on the amendment offered by Mr. WADDELL, there were—ayes 84, noes 20.

So the amendment was agreed to.

Mr. HUNTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1092 insert the following:

To provide for such extension of the signal service of the Army as will permit such observations as may be necessary with a view to the public health to be taken at the different stations throughout the United States, to be expended under the discretion of the Secretary of War, $5,000.

Mr. HUNTON. I desire to say in support of that amendment that it embodies the provision of a bill adopted unanimously by the Military Committee. It proposes to appropriate the small sum of $5,000 to aid the signal service, more immediately with a view to the benefit of the public health. We all know what the benefits of this service have been to agriculture, and especially to commerce. The physicians of the country believe it may be made equally subservient to the purposes of public health, and this proposes that the sum of $5,000 be appropriated for that purpose. The physicians of the country have petitioned that an appropriation of this sort should be made.

Mr. GARFIELD. I will not attempt to delay the committee from its manifest purpose to enlarge this branch of the service. But I want to use my privilege once more to warn them what will be the consequences. For the first time there has been introduced into this service the principle of sectional arrangements; that is, naming in the bill the sections of the country where the service is to be extended. The example has just been set, and now another amendment is proposed, and hereafter it will be a regular practice for each man to propose amendments for his own section. It will be a river and harbor bill over again, until the whole matter breaks down by its own weight. I do not believe anything can be done to save this service if we enter upon this practice. I hope this amendment will not be adopted, and I will ask in the House for a separate vote to reject the amendment just adopted.

Mr. HUNTON. Let me say so far as this charge in regard to breaking down the signal service is concerned that this has the express approbation of General Myer.

Mr. GARFIELD. That may be, but the enthusiasm of General Myer is perhaps the most dangerous element in the future prospects of this service.

Mr. HUNTON. I think General Myer knows more about it than the gentleman from Ohio.

Mr. GARFIELD. I am aware that he knows a great deal more about it than I do, but I do not think he sees the danger to the system as I do.

Mr. BROMBERG. I move to strike out the last word. The gentleman from Virginia offers an amendment appropriating $5,000 for a health service, which sum is quite inadequate. It is quite ridiculous and preposterous to attempt to attach a health service to the signal service. If he desires to attain that object he must establish a health bureau. How in the world are the ordinary signal-service sergeants to return health statistics and to make scientific reports? I do not care whether General Myer or any other man recommends it. It ought to be recommended by men who have some medical knowledge, which General Myer has not.

Mr. HUNTON. But the gentleman will recollect that I stated that the physicians of the country have petitioned for this very thing.

Mr. BROMBERG. How in the world are the sergeants who take the observations of the signal service to get together medical data which will be worth one iota that scientific men can rely on? Will they gather the rumors that they may hear?

Mr. HUNTON. If the gentleman will read the report of the Committee on Military Affairs on this subject he will find out.

Mr. BROMBERG. I know all about that, for I have read the report of the Military Committee. But the idea of accomplishing this service by an appropriation of $5,000 is perfectly preposterous. You must have an appropriation of at least from fifty to one hundred thousand dollars, and then you must organize a health board in every town.

Mr. HUNTON. I submit as a part of my remarks the report of the Committee on Military Affairs upon this subject:

From the first successful operation of the signal service in making predictions of weather changes, medical men have suggested its more direct application to sanitary science. The present application, like others which have preceded it, is commended by several considerations bearing directly upon public health.

The influence of atmospheric forces upon the human body has been long recognized. But the great defect in all attempts to advance the public health, through applied meteorological science, has been the lack of statistical evidence of the precise influence of atmospheric conditions on the aggravation or mitigation of disease. The numerical methods of induction, as applied to sanitary reforms, require exceeding care. They must cover an extensive ground of research. And it is obvious that the collection of statistical data commensurate with the importance and variety of the subject is beyond the capability of any individual or local medical society or health board.. The collection and tabulation of such meteorological observations as are required by physicians and sanatarians for the elucidation of problems of public health, must precede any important sanitary reforms; and the existing meteorological bureau is unquestionably the best agency for securing such material.

The association of epidemics with peculiar aërial changes is established by evidence the force of which few would be likely to question. Thus, many diseases which scourge the different parts of the United States appear clearly under the control of temperature. Yellow fever is known to require a temperature of nearly 70° to enable it to assume the epidemic form, and to be arrested by the agency of frost or freezing. Cholera, dysentery, and diarrhea respond to a high thermometer, while other public maladies are affected by the sudden thermal depression. Mortuary statistics in those cities where the greatest exactness is maintained in the registration of births and deaths conclusively show extreme mortality among the aged and infirm whenever a spell of intense cold suddenly bursts upon a locality. The mortality in such cases approximates that of a cholera or small-pox epidemic. On the other hand, the death rate in July, especially among the infantile population of towns and cities, mounts up to truly frightful figures.

Local observations show that the rise and fall of the barometer has a potent influence in checking or facilitating the formation of impure and poisonous gases in the streets and sewers of towns and cities, while a calm and muggy atmosphere is the instrument for accumulating and transporting the deadly effluvia.

The rain-fall is also known to exercise an influential force on public health. Thus, in Philadelphia, in the summer of 1872, under the influence of the combined heat and drought of June and in the early part of July, the death rate rose with startling rapidity from two hundred and forty at the end of the second week in June to five hundred before the end of the first week in July, continuing near this high point till August; the copious rains of that month (though the heat was unabated) caused as rapid a decline, and the mortality became gratifyingly small.

Such and similar facts abundantly attest the importance of affording health boards and physicians generally authentic information which may enable them to forewarn and forearm communities against impending epidemics and dangerous diseases.

It appears that the Signal Office is capable of extension to meet the expressed want of medical and sanitary science. The utilization of its means and force to this end can be accomplished—

1. By correspondence with the sanitary authorities and medical societies of the country, and by furnishing them with a full tabulated data required for testing sanitary regulations now established, and for devising new and better regulations.

2. By forwarding, by telegraph, special health warnings of approaching violent atmospheric changes to metropolitan health officers and to the press. These would be of great utility also to private physicians in their practice and treatment of the sick. Numerous illustrations of this kind of service would suggest themselves, *e. g.*, in notifying authorities of expected heavy snows, which blockade the city streets and avenues, and become fruitful of public discomfort and sickness; in forewarnings of severe and polar cold, which sometimes suddenly sweeps with deadly effect over large and unsuspecting communities; and, in general, in cautioning the public of meteoric phenomena affecting health in a more direct and more precise way than the present weather reports admit of.

3. The same end can be further subserved by causing observations to be taken on the electricity and ozone of the atmosphere. Ozone-bearing winds and the varying electrical conditions of the atmosphere are supposed to exercise a very decisive influence upon health; and if such phenomena were carefully and systematically observed upon an extensive scale, and compared with vital statistics, they would probably afford results of very great value.

4. By securing and publishing climatic means and data for different sections of the country, the medical climatology of the United States would be ascertained and made known. The remedial agencies of some local climates, the deleterious all character of others, the effect of altitude above sea level on consumption and phthisical diseases, as well as upon many of the most epidemical plagues, are matters of great moment to medical practitioners and sanatarians. And, by occupying geographical points selected with a view to such investigations, information of the highest value to the public might very easily be obtained.

Doubtless other lines of usefulness, in a way to benefit public health, would suggest themselves should the signal service be empowered to undertake the new work proposed for it. But enough has been said to show the practicability of granting the petition.

Your committee report the accompanying bill, with a recommendation that it do pass.

The question was taken on Mr. BROMBERG'S amendment to the amendment, and it was not agreed to.

The question then recurred on Mr. HUNTON'S amendment; and on a division there were ayes 28, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For completing the construction, and for maintenance and use of military telegraph lines on the Indian and Mexican frontiers, and for the connection of military posts and stations, for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas, the Territories of New Mexico and Arizona, and the Indian Territory, $88,000: *Provided*, That the Secretary of War be, and he is hereby, authorized to pay the expenses of operating and keeping in repair the said telegraph lines out of any money received for dispatches sent over said lines; any balance remaining after the payment of such expenses to be covered into the Treasury as a miscellaneous receipt; the money received in any one fiscal year to be used only in payment for the expenses of that year. And a full report of the receipts and expenditures in connection with the said telegraph lines shall be made quarterly to the Secretary of War through the Chief Signal Officer. And the Chief Signal Officer shall have the charge and control of said lines of telegraph in the construction, repair, and operation of the same. And so much of this appropriation as may be necessary, not to exceed $30,000 in all, shall be used in constructing a telegraph line from Fort Marcy to Fort Bayard, in New Mexico, and from Fort Bayard to Camp Grant, in Arizona: *Provided*, That no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made.

Mr. COX. I move to strike out the last word. I do not intend to oppose the appropriation, for these military telegraphs are an absolute indispensability to the border. I only wish that some of this $85,000 should be appropriated for the better protection of the Mexican frontier. The House may be aware that this matter of protecting the Mexican frontier was referred to the Committee on Foreign Affairs at the last session of Congress. The House is not, however, aware of the depredations committed on that frontier and the thorough disgust of the ranchmen on that border at the apathy of Congress and the Government for their protection. Why, sir, it was only within a few months that three raids were made across that border, and twenty thousand dollars of property were carried across, and a large amount of other property of all kinds. This Territory lies between the Nueces and the Rio Grande, and is one hundred and fifty miles in extent. These Mexican marauding greasers ride fifty miles inland, and our troopers cannot overtake them. They laugh at us

there. The mayor of Matamoras, General Cortinas, himself a robber, in the employ of the Mexican government, has six ranches stocked with cattle robbed from our side of the Rio Grande.

Mr. DUNNELL. I would like to ask the gentleman from New York if the mayor is in the employ of the Mexican government?

Mr. COX. He is a brigadier-general in the service of the Mexican government.

Mr. DUNNELL. Was he in the service of the Mexican government in these robberies?

Mr. COX. I suppose that if the Mexican government were approached diplomatically on the subject they would disavow these robberies.

Mr. DUNNELL. I do not think the government of Mexico employs him in that capacity.

Mr. MCNULTA. I would like to ask the gentleman a question.

Mr. COX. I cannot yield just now. I want to call the attention of Congress and of the people to the fact that while we are providing a military telegraph we are not giving that protection which these people are entitled to as citizens engaged in business there. In ten years one man, a notorious robber, has stocked his ranche with our property, and there has been no reparation. We sent a commission down there awhile ago, and it reported foolishly a large amount of consequential damages. It was such a ridiculous report that apathy sprung up in regard to this business. But, irrespective of that commission and that report, we have the statement from members here from Texas and the Delegate from New Mexico that the border is at the mercy of these marauding Mexicans.

Mr. GARFIELD. I hope the gentleman will allow us to get through with this bill.

Mr. COX. I call attention to this thing for one purpose; To-morrow I propose to present a joint resolution in the interest of the men on that border. I hope it will pass unanimously upon the remarks I have submitted. The joint resolution which I propose to submit is as follows:

Joint resolution to protect American citizens on the Mexican border.

Whereas it is the duty of the Government of the United States to protect its citizens in their lives, property, and peaceful pursuits against violence and rapacity; and whereas for years past the citizens of the United States living along the valley of the Rio Grande and territory adjacent thereto, have been subjected to oft-repeated incursions of armed bands of marauders from the republic of Mexico, who have by force taken from citizens of the United States their property, and by acts of invasion, robbery, and murder have put in peril the amity and peace of the two republics; and whereas, notwithstanding the action taken by the Government of the United States, these acts of invasion are becoming more frequent, bold, and formidable: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President of the United States, if in his opinion the emergency requires it, be respectfully requested to take such measures, either by diplomacy or otherwise, as will assure the peace of said borders and secure permanent friendly relations and commerce between the two countries and maintain the dignity of the United States Government and the rights of the citizens.

Mr. HAWLEY, of Connecticut. I move to amend the pending paragraph by inserting after it the following:

That the President is hereby authorized to detail or appoint, as assistants to the Chief Signal Officer, eight officers who, while so serving, shall have rank and pay of captains mounted, and eight who shall have the rank and pay of first lieutenants mounted, and the enlisted men of the signal service shall receive pay and allowanecs at the rates formerly fixed for enlisted men of the Signal Corps of the Army of similar grades.

Mr. GARFIELD. I raise the point of order that the proposed amendment is contrary to existing law.

Mr. HAWLEY, of Connecticut. I took the precaution to obtain the consent of the House to offer this amendment. The House unanimously gave that consent.

Mr. GARFIELD. I did not know that. Of course the point of order will not hold.

Mr. HAWLEY, of Connecticut. I not only got that consent of the House, but I asked the gentleman from Ohio where I should offer it, and he told me to offer it at this point of the bill.

I offer the amendment for this reason: I need not argue now the advantage of this service. Three years ago it was regarded as an experiment, and it was conducted by details of officers and surgeons engaged in the old Army signal service. We have now almost forgotten what the old signal service was. The Chief of the Signal Service is now going on without any permanent establishment, by sufferance. This is the way it works: A young lieutenant is brought there and becomes well qualified in the business, which is of itself a profession. He is liable at any time to be returned to his company, perhaps in New Mexico, although he may prefer to be here on the signal service.

The object of this amendment is to make permanent that which the country evidently intends to be a permanent branch of the service. We have now thirteen men regularly at work in this service, trained in the business. My amendment, drawn carefully and upon consultation with the Signal Service Corps, adds but three to the list of officers. It makes sixteen instead of thirteen, which he now has. The difference in the expenditure will be $10,900 for the sixteen officers to be detailed and appointed, and to be considered as belonging to a permanent branch of the service. It is perfectly proper that these officers should be fairly paid and have a fair opportunity for advancement.

As to the enlisted men, it will not do to put an ignorant man at any of these stations. A large portion of the corporals and privates now on service in this corps are well-educated men. They must be such; otherwise their reports would be of no use to the Department or to the country. This amendment proposes to give them pay similar to that which is given in the Ordnance, Engineer, and other branches of the service, which requires such men, those who have had the advantage of a fair education. The rates of pay are similar to those formerly paid enlisted men of the Signal Corps. The standard for admission to the signal service is higher than for any other branch of the Army.

Mr. GARFIELD. I rise to oppose the amendment and ask for a vote.

Mr. CESSNA. I desire to make a parliamentary inquiry. It is whether it will be in order for the committee now to rise, and by a two-thirds vote in the House dispense with all further debate on this bill?

The CHAIRMAN. The Chair can only state that it would be in order for the committee now to rise.

Mr. GARFIELD. We have now been here since half past seven, two and a half hours, and we have still over twenty pages of this bill to pass, and the public printing in the Treasury Department to go back to. I beg gentlemen to be as chary of debate as possible. We must finish this bill to-night or it cannot become a law.

Mr. CESSNA. That is the reason I made the parliamentary inquiry.

Mr. O'BRIEN. I want to move an amendment to the amendment.

Mr. ELLIS H. ROBERTS. I rise to oppose the original amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] has opposed it.

Mr. O'BRIEN. I propose to strike out all of the first part of the amendment offered by the gentleman from Connecticut [Mr. HAWLEY] down to the portion relating to enlisted men. I am in favor of the latter clause of his amendment. The enlisted men should have increased pay, as provided; they render very important service, and should receive corresponding pay. But I am entirely opposed to that portion of the amendment which I have moved to strike out, and for this reason: I do not know whether it is the object of the amendment, but certainly the effect of that portion which I propose to strike out may be to increase the number of the regular Army officers to the extent of sixteen new officers under the authority contained in the provision to appoint. I wish to state to the gentleman from Connecticut [Mr. HAWLEY] and to the House, that under his amendment the President will have power to detail sixteen officers of the regular Army for the signal service, which will be an increase, there now being thirteen. The power is given not only to detail officers from the regular Army, but to appoint new officers; at least it may be so construed. I do not say that such is the purpose of the gentleman from Connecticut in offering the amendment, but it is the legitimate construction of the provision according to the established rules of construction.

Now, Mr. Chairman, this being a fair construction of the amendment, as I understand it, it will involve an additional expense of $45,000 for pay and allowances to these new officers. I wish to say further that if the President exercises this power by appointing these men from the Army into the signal service, he will then have the power to appoint men from civil life to fill these places. That such appointments may not be made, I ask for the adoption of my amendment to the amendment of the gentleman from Connecticut.

Mr. ELLIS H. ROBERTS. I do not wish to occupy any time in discussion; but it does seem to me that a proposition to increase the Army to the extent of sixteen officers ought to command some attention.

Mr. O'BRIEN. For the purpose of allowing the gentleman from Connecticut [Mr. HAWLEY] to reply, I withdraw my amendment.

Mr. HAWLEY, of Connecticut. I renew the amendment for the purpose of making an explanation.

Mr. GARFIELD. I object to the withdrawal of the amendment.

The CHAIRMAN. The withdrawal of the amendment is objected to; and debate having been had upon it, it cannot be withdrawn.

Mr. O'BRIEN'S amendment to the amendment was not agreed to.

The question recurring on the amendment of Mr. HAWLEY, of Connecticut, it was not agreed to.

The Clerk read as follows:

The northern and northwestern lakes:

For continuation of the survey of northern and northwestern lakes, $75,000.

Mr. CONGER. I move to amend by striking out "75" and inserting "150," so as to make the appropriation for this purpose $150,000. I will not detain the House with any remarks. I understand that the Committee on Appropriations are in favor of this amendment.

Mr. GARFIELD. Seventy-five thousand dollars was the amount to which we cut down this appropriation last year, but we have found that it was cut down too much.

The amendment was agreed to.

The Clerk read as follows:

MISCELLANEOUS OBJECTS.

For geographical surveys of the Territories west of the one hundredth meridian, $25,000.

Mr. GARFIELD. As we have increased the appropriations for the other surveys, I move to make this appropriation $60,000 instead of $25,000.

Mr. ALBRIGHT. I move to amend by making the appropriation $90,000. The Committee on Military Affairs have had the subject under consideration. The amount expended upon this survey heretofore has been $115,000. The Committee on Appropriations in this bill

propose to reduce it to $25,000. I am assured that a less sum than $90,000 will not be sufficient. I do not wish to detain the committee or I might refer to the report of the Committee on Appropriations upon this subject.

Mr. GARFIELD. I rise to say a single word. Last year the Committee on Public Lands gave a very full hearing to all these matters of surveys, and adjusted by a report which they submitted to the House the relative proportions of these surveys. The Committee on Appropriations this year undertook to cut them down to a considerably lower grade. But we afterward became satisfied that we had cut too deeply. Hence the appropriation for the Hayden expedition was put up to $75,000; and we propose to put this one up to $60,000. As the latter expedition has besides the appropriation the use of as many officers and soldiers of the Army as it may be necessary to employ, as well as animals, rations, and general supplies, which the other expedition does not have, an appropriation of $60,000 puts this on a full equality with the other, and keeps up the balance of the arrangement of last year in this respect, I hope we shall not make the sum any larger.

Mr. DUNNELL. I wish to make a single statement. The report of the Committee on the Public Lands at the last session could not have furnished any data as to the relative amount to be appropriated for these surveys. That report had no such object in view, and I am satisfied it justifies no such inference.

Mr. ALBRIGHT. There are eighty-six men employed in this survey, only six of whom are officers. I am satisfied that there is no more important survey or exploration than this. The only reason why it has not become popularized as Hayden's survey has is that the reports have not been printed by order of Congress and members have not seen them. If this work is to be done at all it should be done well. I am satisfied that the amount proposed in my amendment ought to be appropriated. The Hayden exploration gets $80,000.

Mr. GARFIELD. No; it does not.

Mr. ALBRIGHT. Well, the Department of the Interior gets $80,000 for these explorations, and you ought to give the War Department at least $70,000.

The amendment of Mr. ALBRIGHT was not agreed to.

The question recurring on Mr. GARFIELD's amendment, it was agreed to.

The Clerk read as follows:

For engraving and printing the plates and atlas-sheets accompanying the reports of the geographical surveys west of the one hundredth meridian, $20,000.

Mr. ALBRIGHT. I move the following amendment:

In line 1129, page 47, after the word "for" insert the word "preparing," so that the line will read "for preparing, engraving, and printing the plates and atlas-sheets."

The amendment was disagreed to.

Mr. SMITH, of New York. I move at the end of line 1132 to add the following:

The Clerk read as follows:

For head-boards and head-stones at the soldiers' graves in Woodlawn cemetery at Elmira, New York, and for the care of said graves, $5,000, or so much thereof as may be necessary; and all that part of Woodlawn cemetery lying north of Sycamore avenue, upon filing in the War Department the consent of the common council of the city or Elmira, is hereby declared a national cemetery, and the headboards at the graves of confederate prisoners shall be renewed as they decay, and the expense thereof shall be defrayed from the annual appropriation for national cemetries.

Mr. FIELD. I raise the point of order on that amendment.

The CHAIRMAN. The rules were suspended making the amendment in order to this appropriation bill.

The amendment was agreed to.

Mr. LOWNDES. I move the following amendment:

For paying to Judge Daniel Weisel, of Hagerstown, Maryland, his account on file in the Treasury Department, for income tax illegally collected on his judicial salaries during the years 1863, 1864, 1865, 1866, and 1867, $413.84.

The amendment was disagreed to.

Mr. ARCHER. The Committee on Appropriations agreed that amendment should come in.

The committee divided; and there were—ayes 20, noes 37.

Mr. LOWNDES demanded tellers.

Tellers were ordered; and Mr. LOWNDES, and Mr. HALE of Maine, were appointed.

The committee again divided; and the tellers reported—ayes 64, noes 78.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message was received from the Senate, by Mr. SYMPSON, one of their clerks, informing the House that that body had concurred in the resolution of the House correcting the clerical error in the report of the conference committee on House bill No. 2093, by transferring the first amendment proposed to section 2, from and after the words "wounds received in action," in the fourteenth line, so it will come after the words "wounds received in battle," in the eighteenth line.

It further informed the House that the Senate had passed a resolution that ten thousand copies of the addresses delivered in the two Houses on the occasion of the announcement of the death of Hon. William A. Buckingham, late a Senator from the State of Connecticut, be printed, five thousand each for the use of the Senate and House of Representatives; in which the concurrence of the House was asked.

It further announced that the Senate had agreed to the conference asked on the disagreeing votes of the two Houses on the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, and had appointed Mr. ALLISON, Mr. LOGAN, and Mr. STEVENSON as managers of said conference on its part.

The message further announced that the Senate had agreed to the conference asked for on the disagreeing votes of the two Houses on the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes, and had appointed Mr. WINDOM, Mr. ALLISON, and Mr. STEVENSON as managers of said conference on its part.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. BABCOCK, his Private Secretary, who informed the House that the President had approved and signed bills and joint resolutions of the following titles;

A joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers;

An act (H. R. No. 1938) to provide for settlements with certain railway companies;

An act (H. R. No. 3700) granting a pension to Teter Wolfgong;

An act (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Regiment Illinois Volunteers;

An act (H. R. No. 3717) granting a pension to Sarah McAdams; and

An act (H. R. No. 796) to protect all citizens in their civil and legal rights.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. SMITH, of New York. I offer the following amendment.

The Clerk read as follows:

Add after line 1132 the following:

To pay John M. Burns, contestee, expenses in contested-election case of Burns *vs.* Young, tenth district of Kentucky, $2,164.65.

To pay Andrew Sloan, contestant, expenses, case of Sloan *vs.* Rawls, first district of Georgia, $2,922.10.

To pay Benjamin F. Martin, contestant, expenses, case of Martin *vs.* Hagans, second district of West Virginia, $981.85.

To pay John J. Davis, contestee, expenses, case of Wilson *vs.* Davis, first district of West Virginia, $1,760.50.

To pay Benjamin Wilson, contestant, expenses, case of Wilson *vs.* Davis, first district of West Virginia, $1,015.91.

To pay J. M. Hagans, contestee, expenses, case of Martin *vs.* Hagans, second district of West Virginia, $900.

To pay M. L. Bell, contestant, expenses, case of Bell *vs.* Snyder, second district of Arkansas, $3,000.

To pay O. P. Snyder, contestee, expenses, case of Bell *vs.* Snyder, second district of Arkansas, $3,000.

To pay Thomas M. Gunter, contestant, expenses, case of Gunter *vs.* Wilshire, third district of Arkansas, $3,000.

To pay John D. Young, contestee, expenses, case of Burns *vs.* Young, tenth district of Kentucky, $1,582.

To pay L. C. Gause, contestant, expenses, case of Gause *vs.* Hodges, first district of Arkansas, $3,000.

To pay Asa Hodges, contestee, expenses, case of Gause *vs.* Hodges, first district of Arkansas, $3,000.

To pay C. Y. Thomas, contestant, expenses, case of Thomas *vs.* Davis, fifth district of Virginia, $773.17.

Mr. SMITH, of New York. I desire to say a single word in support of the amendment. The Committee on Elections has adopted the rule in making these recommendations to recommend the payment of the expenses in no case except where the committee was unanimous.

Mr. SPEER. I want to raise a point of order on the amendment.

Mr. GARFIELD. The rule was suspended to enable the chairman of the Committee on Elections to offer the amendment.

Mr. SPEER. I am aware of that. But my point of order is that it is not in order to put on an omnibus amendment of that kind.

The CHAIRMAN. The rules were suspended for the purpose of allowing this very amendment to be offered.

Mr. SPEER. But not for the purpose of including a dozen men here in one resolution. As I understand it, the rules were suspended to make it in order to offer amendments to pay certain contestants and contestees.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SMITH, of New York. I was saying that the committee went upon the principle of making no recommendation except where the committee was unanimously of opinion that the contest was instituted in good faith and for probable cause, and I submit that the House can adhere to the rule which the committee has adopted with perfect safety.

There seems to be, Mr. Chairman, a misapprehension as to the amendment of the law in the last Congress. There was no provision of law that these expenses should not be paid under any circumstances. But in an appropriation bill a clause was inserted that these expenses should not be paid out of the contingent fund of the House. There were very good reasons for this. The law prescribes that the contingent fund of the House should only be used to pay the ordinary expenses of the House, whereas the expenses

of the contestant and contestee were not among the ordinary expenses of the House. Now, Mr. Chairman, I have only to say that it has been the traditional policy of the Government for nearly a hundred years to pay the expenses of the parties coming here in good faith and with probable cause to contest for seats in this House. It was only in the last Congress that the provision was adopted that these expenses should not be paid out of the contingent fund, and this amendment or provision was adopted without debate. The debates in the Congressional Globe will show that this question has been up for consideration over and over and over again. And the leaders of the House and the ablest statesmen of the House have thought public policy demanded that we should encourage contests, not discourage them, where instituted upon probable cause in the interest of the purity of the ballot-box and the purity of this House.

Mr. GARFIELD. I desire simply to say a single word in reply to the gentleman from New York. After the very deliberate opinion expressed by the Committee on Elections of some four years ago, I think when the gentleman from Iowa [Mr. MCCRARY] was chairman of that committee, that it was found to be a very vicious practice to pay contestants the expenses of their contests and that contests were gotten up more for the sake of the pay than for anything else, and a very large number of contests was thrown upon the House, overburdening our Calendar with work and our contingent fund with drafts—to meet all that it was then declared and made a part of the law as the deliberate judgment of that Congress that contestants should not be paid. Of course if a contestant gets his seat then he gets his pay as a member of Congress. Now, here is an amendment which puts in a group all the men, I believe, that have been unsuccessful contestants in this Congress.

Mr. LAMAR. You are mistaken.

Mr. SMITH, of New York. It includes thirteen out of thirty-four.

Mr. GARFIELD. The amendment includes a very large number. We are asked to put on thirteen men without discrimination, without stating which man has a clear case and which has a less clear. We are asked to put all in a lump and appropriate for them, and thus substantially and virtually break down the law which has been established so deliberately on that subject, changing the policy of four years and opening again the whole subject.

Mr. HALE, of Maine. Let me ask the gentleman a question.

Mr. GARFIELD. I yield to my colleague for a question.

Mr. HALE, of Maine. Let me ask the chairman of the Committee on Elections if there are not some names on the list which has just been read of members who were not only contestants but who are now members of this House and receiving their full pay?

Mr. GARFIELD. I think the gentleman will find upon the list the names of men who were contestants and who are also members of the House and have been receiving pay for the whole time. Now, for instance, a gentleman according to the report of the Committee on Elections is to be between now and the day after to-morrow seated. He has been a contestant up to this time, and is he to be paid as a contestant and also as a member? Is he to be paid $10,000 upon the last day of the term during which he has never served but one day? That may be the case if this principle is carried out, as I hope it will not be.

Mr. SPEER. I desire to say that there are some cases of contestants, and perhaps of contestees, who should be paid, at least in my judgment; but to put them together in an omnibus amendment to this bill and force the House to vote to pay all these men or against paying them all is unfair to the men who should be paid and unfair to the House as to the men who should not be paid.

Mr. SMITH, of New York. I have no objection to a separate vote being taken.

Mr. SPEER. I cannot be interrupted now. Take the case of the Delegate from Utah, [Mr. CANNON,] who is not embraced in this amendment. His seat was contested. He received 18,000 votes out of 20,000, and yet he was put to the expense of taking testimony and securing counsel, and the Committee on Elections did not put his name on this list, although of all the contests before the House his was the most fraudulent and groundless. I find upon this list the name of Mr. HODGES, of Arkansas, whose right to his seat has not yet been determined by the House. There is a majority report of the committee in his favor and a minority report against him, but the House has not yet determined that he is entitled to his seat; and yet we are asked to pay him, in addition to his compensation as a member and his mileage, the sum of $3,000 for the contest. I only cite this case to show that it is manifestly unjust that men who are entitled to be paid should be weighed down by carrying the burden of other men who have no merit in their cases and should not receive one dollar. It is unfair to the House to compel us to vote against men who have merit in their claim in order to strike at men who have not. But I would rather stand by the law of the last Congress; I would rather do wrong to individuals and trust to the future to remedy it than do wrong to my conscience and to the people by giving additional compensation to men who never had any just claim and who have prosecuted or resisted contests from the most fraudulent and frivolous considerations. Let each case stand on its own merits and be fully considered, and not be rushed through at this hour of the night and of the session.

[Here the hammer fell.]

Mr. MCCRARY. I move to strike out the last word. Mr. Chairman, I am very reluctant to antagonize the Committee on Elections, and I should not do so were it not for the fact that during the whole of last Congress I struggled to incorporate into law a provision against the paying of contestants in these cases their expenses. It is true that that provision of the statute only goes to the extent of prohibiting the payment by the House out of its contingent fund of these expenses. It went to that extent only because it would have been useless to have gone further. As a matter of course, it is in the power of Congress at any time by joint action of the two Houses to appropriate money for this or any other purpose, and therefore a provision that no contestant should be paid by an appropriation by Congress would have been entirely nugatory so far as controlling any future Congress is concerned.

The gentleman from New York [Mr. SMITH] says that the provision to which I have referred was adopted without debate. It is true that at the time it was actually incorporated into an appropriation bill there was no debate; but there had been frequent debate during the last Congress, in which this whole subject was thoroughly discussed by a number of gentlemen on the floor; and if gentlemen will take the pains to examine the debates, they will find in those debates a statement prepared by the Clerk of the House, showing the sums of money that had been paid as expenses in these contested-election cases, amounting in the Forty-second Congress to considerably more than $100,000, and in the Forty-third Congress to the same amount. It had become an abuse. The Committee on Elections in the last Congress were satisfied that in a great many instances contests had been instituted more for the purpose of making money than for any other reason.

I know very well the rule of the House was then precisely what the gentleman from New York [Mr. SMITH] says it ought to be now; to pay only those who had probable cause of contest. But it is very difficult to discriminate between the man who has probable cause and the man who has not. The result will be that in every case, with perhaps a very few exceptions, the contestant will obtain his expenses. If he is paid when he fails to establish his right, of course you will pay the sitting member who succeeds in establishing his right.

I do not believe it is necessary in order to encourage men to assert their rights to a seat in this House, that this promise of reward should be held out to them. If a man has an honest case, if he believes he has a right to a seat in the Congress of the United States, he will assert his right and take his chances of making good his claim. In case he succeeds he receives his pay from the commencement of the Congress.

Mr. SMITH, of New York. How much did your Committee on Elections allow during the last Congress?

Mr. MCCRARY. The committee of which I was chairman allowed a large sum, according to the rules established by preceding Congresses. But we abolished the practice of paying contestants, as far as we could possibly do so.

Mr. MAYNARD. I rise to oppose the amendment to the amendment for the purpose of saying that instead of embarrassing or limiting the contesting of elections we ought rather to facilitate it. It is the great means of keeping the ballot-box pure, of protecting the elective franchise. If you lay down the rule here for all time to come that every man who contests a seat does so at his own cost, you will find a great many men in the country who will be unable out of their own pockets to pay even $1,000, to say nothing of $3,000, to carry on a contest for a seat here. There will then be simply a scramble of unscrupulous officers to get a certificate and seat the man that holds it, knowing that that will practically settle the case, and that no one can contest successfully without money to do so.

If we have a Committee on Elections that is worthy the name, that has any title or claim to that high position in the House, after they have heard the investigation they can tell whether the contest was made honestly and in good faith, or whether it was a mere colorable pretext for the purpose of making money. While I have been here I have known I know not how many instances of the committee reporting that the contestant should not be paid, and he was not paid, and many have not been paid to this day.

Mr. SMITH, of New York. The Committee on Elections has reported in favor of only thirteen contestants out of thirty-four. There are perhaps two others that the committee will act upon hereafter.

Mr. MAYNARD. I should be very sorry indeed to see a rule established here to operate for all future time in all future election cases, to the effect that whoever contested a seat in the House should do so at his own personal cost. It would simply be a premium on fraud and dishonesty and all manner of unlawful practices. On the other hand, we ought to invite contests as being the highest and best security of the ballot-box.

Mr. YOUNG, of Georgia. I ask to have read the order of the House which makes this amendment in order.

The Clerk read as follows:

Resolved, That the rules be so far suspended that it may be in order at the time the sundry civil appropriation bill or the deficiency appropriation bill is under consideration in Committee of the Whole to move an amendment thereto to pay the expenditures in whole or part of such parties to contested-election cases in the Forty-third Congress as the Committee on Elections may recommend.

The amendment to the amendment was not agreed to.

Mr. BUTLER, of Massachusetts. I move to strike out the six last words in order to bring to the attention of the committee a view of this matter which has struck me as one worthy of their consideration. If the House shuts down entirely upon paying the expenses of a man who contests a seat, then we will add one more to the things which have a tendeney to bring only rich men into Congress. Rich men can contest seats, but poor men cannot. The poor deserving man who is the choice of his fellow-citizens, and it may be of the poorer class of his fellow-citizens, who has been cheated by the rivalry and corrupt practices of the rich man, will not be able to get the seat that belongs to him because he cannot pay the expenses. He cannot get the money as he can do now, for he can now say to his friends "Raise the money for me, and I shall have it reimbursed to me by the House, for I have an honest case." Elections to the other branch of Congress have now become nothing more than the results of representative caucuses. Here are the Representatives of the people, and anything that keeps the ballot-box free, that puts the poor man on an equal footing with the rich so far as his rights are concerned, that takes away the advantage which the rich man has in matters of election, ought to be cherished in this House. However much the expense may be, no sum in my judgment can be better expended.

I call the attention of this side of the House to the fact that hereafter we may be contestants much more often than we have been. We are setting an example to the other side of the House which when they come into power I hope they will not follow. I say again it seems to me that true democratic republicanism requires us to see to it that the poorest man, if he has a good case to bring before the House, shall be sure to have an opportunity to present that case.

Mr. RANDALL. Does the gentleman believe that his side of the House has done that during the last twelve years?

Mr. BUTLER, of Massachusetts. We have.

Mr. RANDALL. Does the gentleman mean to say that his side of the House has decided election cases upon their merits?

Mr. BUTLER, of Massachusetts. O, no; I never saw an election contest decided on its merits anywhere.

Mr. RANDALL. I believe you will see that in the next House.

Mr. BUTLER, of Massachusetts. I have observed that the democratic minority here always vote for the democratic applicant for a seat, while the republicans, being in the majority, generally vote for the republican applicant, except a few men who claim to be more cautious or more virtuous than the rest. I think generally the vote in such cases has been according to party predilections.

Mr. SPEER. I want to state to the committee just how this matter stands so far as the case of Mr. HODGES, of Arkansas, is concerned. He has drawn $12,082 pay and about $1,000 for mileage and stationery, making $13,000. This amendment proposes to give him $3,000 more, making $16,000, though the House has never yet voted that he is entitled to the seat.

Mr. SMITH, of New York. There has been a report of the Committee on Elections that he is entitled to the seat.

Mr. SPEER. Yes, and a report that he is not entitled.

The amendment of Mr. BUTLER, of Massachusetts, to the amendment was not agreed to.

Mr. HYNES. I move to amend the amendment by adding the following:

Provided, That no sitting member who shall be unseated before the expiration of Congress shall be entitled to the benefit of this appropriation.

I offer this proviso to meet the objection which has been raised by the gentleman from Pennsylvania, [Mr. SPEER.]

Mr. SMITH, of New York. I will not object to that.

Mr. HYNES. I wish to say in general as regards the contest from the State of Arkansas that so meritorious were those contests that two months passed by before the Committee on Elections could determine who were entitled to seats upon the *prima facie* of cases. The question was left so undetermined by the governor with the certificate of election so issued that each man felt that he had a meritorious case of contest. Under such a state of circumstance, it seems to me it would be extremely unjust on the part of the House to refuse to adopt the proposition.

Mr. SMITH, of New York. I accept the amendment of the gentleman from Arkansas [Mr. HYNES] as a modification of my amendment.

The question being taken on the amendment of Mr. SMITH, of New York, as modified, there were—ayes 45, noes 55; no quorum voting.

Tellers were ordered; and Mr. SMITH, of New York, and Mr. SPEER were appointed.

The committee divided; and the tellers reported ayes 90, noes not counted.

So the amendment was agreed to.

Mr. SPEER. I give notice that I shall call the yeas and nays on this amendment in the House.

Mr. CESSNA. I move to amend by inserting the following as a new paragraph after the amendment just adopted:

That so much of section 38 of the Revised Statutes as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elected to Congress those holders of proper certificates whose election he may be notified will be contested, be, and the same is hereby, repealed.

I desire to say that this provision has been unanimously approved by the Committee on the Judiciary; and it would have passed the House yesterday but for the objection of the gentleman from Alabama and the gentleman from Massachusetts, both of whom have since withdrawn their objection.

Mr. SPEER. I suggest a modification of the amendment by striking out "proper" and inserting the word "legal" before the word "certificates."

Mr. CESSNA. I have no objection to that modification.

The amendment, as modified, was agreed to.

Mr. MERRIAM. I offer the following amendment:

Insert at the end of section 5 of chapter 459 of the laws of the first session of the Forty-third Congress, establishing the court of the commissioners of Alabama claims, the following:

Provided, That the aggregate sum paid to said counsellor at law shall not exceed $10,000 per annum.

Mr. GARFIELD. I make a point of order on that.

Mr. MERRIAM. The rules have been suspended to make it in order. I ask the Clerk to read the section which it is proposed to correct.

Mr. GARFIELD. O, let it go.

The amendment was agreed to.

The Clerk read as follows:

For collection and payment of bounty, prize-money, and other claims of colored soldiers and sailors; salaries of agents and clerks; rent of office; fuel, lights, stationery, and similar necessaries; office furniture and repairs; mileage and transportation of officers and agents; telegraphing and postage, $75,000.

Mr. BROMBERG. I move to amend by striking out this paragraph. I make this amendment for the purpose of inquiring how much longer these appropriations of $75,000 and $85,000 are to be made for paying bounties, &c., to colored soldiers. I would also like to know whether any portion of this appropriation is to refund money misused by the managers of the Freedman's Bank, who had charge of this matter.

Mr. GARFIELD. I do not know anything about the mismanagement of the Freedman's Bank. I know that this appropriation is necessary under the law. There are thirty-three clerks and nine messengers employed in doing this work, which is not yet finished. This is the amount which the committee deemed necessary to carry on the work.

Mr. BROMBERG. Does not the gentleman know that this has been done by the Freedman's Bank?

Mr. GARFIELD. I know it was done by the Freedman's Bureau, but not by the Freedman's Bank.

Mr. BROMBERG. It was done by the Freedman's Savings-Bank, and I wish to know what has become of the machinery you are now appropriating for.

The amendment was rejected.

The Clerk read as follows:

For the publication of the official records of the war of the rebellion, both of the Union and of the confederate armies, $50,000; which shall be available from and after the passage of this act; and where extra services are performed after office hours and in addition to other regular duties by the clerks employed upon this work, they shall be paid such reasonable extra compensation therefor as the Secretary of War may determine.

Mr. RANDALL. I move to insert the word "continuing;" so it will read: "For continuing the publication of the official records of the war of the rebellion," &c.

The amendment was agreed to.

Mr. MAYNARD. Does this include the proceedings of the so-called confederate congress?

Mr. GARFIELD. I suppose not. There was a law made last session for publishing the official records of the Army during the late war, including the military records obtained as part of the proceedings of the war, by capture and otherwise, at the close of the rebellion.

Mr. MAYNARD. The reason I ask the question is this——

Mr. GARFIELD. There is a letter on page 28 of the report of the Committee on Appropriations on this bill setting forth the condition of this work which I ask to be read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington City, January 13, 1875.

DEAR SIR: In the sundry civil appropriation bill, approved June 23, 1874, $15,000 were appropriated to enable the Secretary of War to begin the publication of the records of the war of the rebellion—Union and confederate—and he was directed to have copied for the Public Printer all reports, letters, telegrams, and general orders not heretofore copied or printed, and arranged in chronological order.

In his annual estimates for 1875–'76 the Secretary of War asks for $15,000 to continue the work, and in his annual report for 1874 expresses the conviction that the appropriation should be larger than this estimate. Owing to the important and confidential character of the records to be examined, the magnitude of the work, and the value of the documents from which the record will be prepared, the Secretary has been compelled to assign to the duty of preparing them for publication clerks of tried experience, and in whom he has confidence, in order that not only the work may be well done, but that the records may be carefully preserved. In his report the Secretary says that the clerks "to whom the work has been assigned have been chosen on account of their comprehensive knowledge of the records and the events of the war."

While some additional force has been employed to copy some of the records, the greater part of the work is being done by gentlemen who are already in the Department, and who, while they receive only the small compensation of clerks of their grade, have all the responsibility of the work, and none of the men so employed can be given extra compensation on account of existing statutes to the effect that no Government employé can receive any compensation but his regular salary for any public services whatever. The hardship is illustrated by the following case in point: The telegrams of the War Department are embraced in a series of several hundred volumes, which contain material most valuable and confidential—important both to the Government and individuals—with a mass of telegrams unin-

teresting and trifling in their character. But one or two persons in the Department have any intimate acquaintance with these particular records, and access to them is only allowed to those officials in the Department who have the full confidence of the Secretary of War. Under these circumstances it would be highly impolitic to assign the work of preparing them for publication to inexperienced persons or to any of whose integrity and ability the Secretary of War has not had proof. He has therefore assigned to the duty a gentleman of his own immediate office, but who is engaged during office hours in his ordinary duties, and is compelled therefore to assort, copy, and arrange the telegrams long after the customary hours for closing the Department. This work is performed in addition to the duties required of him during office hours, and he cannot receive pay for this extra duty on account of the prohibitions of law, nor, for reasons above stated, would it be advisable to place the work in the hands of those who *could* devote their official time to its accomplishment.

This is an illustrative case, but it applies equally to other individuals. It was for these reasons that the Secretary in his report recommended that when an appropriation for this work is made authority be given to pay them for such extra services in addition to their salary as clerks.

If this recommendation is approved, a proviso could be added to the clause making the appropriation, leaving it to the sound discretion of the Secretary of War to make payments for extra service on this work.

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.

Approved:

WM. W. BELKNAP,
Secretary of War.

Hon. JAMES A. GARFIELD,
House of Representatives.

Mr. GARFIELD. It will be seen he asks for a considerably larger sum than we have given him. The Secretary of War asked for $100,000 and we only give him $50,000.

Mr. MAYNARD. The reason why I asked the question I did is this: A gentleman formerly a member of this House, and an acquaintance of mine, who was a member of the confederate congress, told me the proceedings of the confederate congress were important as a part of the history of the war, and ought to be preserved and published. I move to insert, therefore, that this shall include the publication of the official records of the confederate congress.

Mr. GARFIELD. I hope the gentleman will not insist upon his amendment. That will come in as a separate work.

Mr. MAYNARD. I withdraw the amendment.

The Clerk read as follows:

For payment of costs and charges of State penitentiaries for the care, clothing, maintenance, and medical attendance of United States military convicts confined in them, $40,000.

Mr. GARFIELD. I offer the following amendment from the Committee on Appropriations.

The Clerk read as follows:

And the unexpended balance of the appropriation made by act of June 10, 1872, to provide for the erection of head-stones upon the graves of soldiers in national cemeteries, is hereby continued and rendered available for its original purpose.

Mr. GARFIELD. I presume there will be no objection to that.

The amendment was agreed to.

Mr. POTTER. I send up the following, which will come in as a pertinent amendment at this place.

The Clerk read as follows:

That the sum of $8,000, or so much thereof as may be necessary, be and is hereby, appropriated to pay the expenses of the commissioner appointed by the President, under a joint resolution approved February 16, 1875, to attend the international penitentiary congress to be held next year at Rome.

Mr. GARFIELD. That is all right.

The amendment was adopted.

Mr. HALE, of Maine. I offer the following as an additional section.

The Clerk read as follows:

That section 25 of the Revised Statutes, prescribing the time for holding elections of Representatives to Congress, is hereby modified so as not to apply to any State which has not changed its day of election and whose constitution must be amended in order to effect a change in the day of election of said officers in said State.

Mr. CLEMENTS. I should like to know whether that is in order to this bill?

The CHAIRMAN. The rules were suspended to make it in order.

Mr. HALE, of Maine. The gentleman from Massachusetts [Mr. DAWES] has had the rules suspended and this made in order by a very large vote in the House, and I have offered it, as he is not able to be here. As the House has already passed upon it by a large vote, I will not take time to debate it at length.

Mr. POTTER. This is to make the Maine election in August instead of November, as it ought to be.

The motion was agreed to.

Mr. GARFIELD. I ask unanimous consent that it be added to the end of the bill as an additional section.

There was no objection, and it was ordered accordingly.

Mr. GARFIELD. It is indispensable to the success of this session to get this bill through in order to send it to the Senate by the time of meeting to-morrow. So I hope members will stay here to pass it.

Mr. RANDALL. I am willing for one to stay until twelve o'clock. In all human probability we will be here late to-morrow night, and the next night we will be here all night.

Mr. GARFIELD. I wish gentlemen to remember that the Senate must have a good deal of time to consider this bill.

Mr. RANDALL. Does not the Senate have the tax bill still to consider?

Mr. GARFIELD. They have finished it, and they are now without business until we send them this.

Mr. NIBLACK. I hope the gentleman from Ohio will adopt some method to stop this continuous talk.

The CHAIRMAN. The Chair will make a single suggestion. The Chair will be able to entertain all the motions and to put them through very rapidly if gentlemen will not insist on such interminable talk.

Mr. RANDALL. I think what the Chair says is very true, but he says it from the wrong place. That ought to be said from the floor.

Mr. COBURN. I offer the following amendment:

The Clerk read as follows:

Insert as an additional paragraph:

That the sum of $600 be appropriated to compensate Messrs. Bryant and Rogers, architects, for plans and specifications for a military prison prepared and forwarded to the United States commissioners on said prison at their request, to enable them to complete a report ordered by the War Department, in reference to the construction and cost of said military prison.

Mr. GARFIELD. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

To indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, $250,000.

Mr. GUNCKEL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1154, after the words "late insurrection," add the following:

And for arms and munitions of war taken for said purposes by the United States from any State not in insurrection.

Mr. GUNCKEL. That language will cover the State of Maryland. The claim has been investigated by the Committee on Military Affairs, and is a just one. This amendment does not appropriate more money. It does not say the claim shall be allowed, but simply provides that if at any time it is established to be a proper claim and is allowed it shall be paid.

Mr. HALE, of Maine. I must make the point of order on that amendment.

The CHAIRMAN. The gentleman from Maine will state his point of order.

Mr. ARCHER. The gentleman from Maine is willing to waive the point of order if a limitation be put in that the amendment shall only apply to the State of Maryland.

Mr. HAZELTON, of Wisconsin. There can be no objection to that.

Mr. GUNCKEL. I agree to modify the amendment in that way.

Mr. HALE, of Maine. I do not insist on the point of order.

The question being taken on the amendment of Mr GUNCKEL, as modified, it was agreed to.

The Clerk read the following paragraph:

To provide for the payment, under existing laws, for horses and other property lost or destroyed in the military service of the United States, $50,000. And the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849, is hereby repealed.

Mr. LOWE. I make the point of order on the last four lines of that paragraph that it repeals existing law.

The CHAIRMAN. The Chair rules that the point of order is well taken.

Mr. GARFIELD. I offer the following amendment.

The Clerk read as follows:

Add as an additional section the following:

To alter three stone buildings to fit them for the purpose of a military prison at Fort Leavenworth, Kansas, and to build a suitable wall around the buildings, $100,000: *Provided*, That the amount herein appropriated shall be so expended as to complete the work.

The amendment was agreed to.

Mr. BLAINE, (the Speaker.) I desire to offer an amendment to this bill, if I can get the attention of the committee, which would be liable to the point of order. It is new legislation, and I offer it in the interest of those who may hereafter be officers of the House of Representatives. I am about at the end of my own official connection with the House, and I have in my own person suffered the inconvenience which this section, if adopted, will remedy. It is intended to protect officers who are sued for acts, official acts done by order of the House. I was myself sued for the modest sum of $100,000 for issuing a warrant to put a recusant witness in jail, and it cost a considerable sum of money to defend that suit. The House of course very generously came to the rescue. But I think that officers of the House, acting under orders of the House, ought to be placed on the same basis as that on which the law now places revenue officers. I therefore ask unanimous consent to offer an amendment which has been very carefully drawn by the attorney who has had charge of the suit of Joseph B. Stewart against myself and the Sergeant-at-Arms. It has not been offered on account of any relation to this case. I offer it now because I am entirely out of the wood for the benefit of future officers. If it had any relation to myself I would not have introduced it.

Mr. GARFIELD. You are only out of the wood if the deficiency bill passes.

Mr. BLAINE. Not at all. The House agreed to assume it. If the appropriation is not made now it will be hereafter. I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

Be it enacted, &c., That in any action now pending or which may be brought against any officer for or on account of anything done by him while an officer of

either House of Congress, while in the discharge of his official duty in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section of the act of July 28, 1866, entitled "An act to protect the revenue and for other purposes," and also all provisions of the sections of former acts therein referred to, so far as the same relate to the removal of suits, to withholding of executions, and the payment of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith; and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney-General.

Mr. NIBLACK. Should that not come in as an additional section of the bill?

Mr. BLAINE. It will be so entered.

Mr. COX. I have only to say to the distinguished gentleman from Maine that it is generally supposed on this side of the House that this amendment is offered for the benefit of candidates for the Speakership of the next Congress; and I wish to say that we all thank him very kindly for taking care of us.

The amendment was agreed to.

The Clerk read as follows:

For continuing work on the east wing of the building for the State, War, and Navy Departments, $700,000, to be expended under the direction of the Secretary of War.

Mr. GARFIELD. I offer the following amendment to come in at the beginning of that paragraph:

For completing the south wing of the State, War, and Navy Departments, under the direction of the Secretary of State, $60,000.

The object of that amendment is that there remains that much needed to close up the south wing, which is under the direction of the Secretary of State, and this amount will cover the remaining expense.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

And the Congressional Printer is hereby authorized to print and bind five thousand additional copies of the Medical and Surgical History of the War of the Rebellion; and the Sugeon-General is hereby authorized to continue on duty in his office the acting assistant surgeons now employed on said history until the end of the next fiscal year.

Mr. DONNAN. I offer the following amendment to come in at the end of line 1230:

One thousand of which shall be for the use of the Senate, three thousand for the use of the House of Representatives, and one thousand for distribution by the Surgeon-General of the Army.

Mr. GARFIELD. That is assented to by the Committee on Ways and Means.

The amendment was agreed to.

Mr. FORT. I offer the following amendment to come in at the close of the paragraph last read:

The Congressional Printer is further hereby authorized and directed to print and bind two hundred and fifty thousand copies of the report of the Commissioner of Agriculture for the year 1874, for distribution by Senators and Representatives and Delegates of the present Congress.

Mr. GARFIELD. I must make the point of order on that amendment.

Mr. FORT. What is the point of order?

Mr. GARFIELD. That this appropriation is not authorized by law. The resolution passed the House but not the Senate.

The CHAIRMAN. The Chair decides that the point of order is well taken.

The Clerk resumed the reading of the bill, and read as follows:

For the construction of a pedestal for an equestrian statue, to be furnished by the association hereinafter named, of Major-General James B. McPherson, who was killed at the battle of Atlanta, $25,000: *Provided*, That the design of said pedestal shall be approved by the Secretary of War, the officer in charge of public buildings and grounds, and the corresponding secretary of the Society of the Army of the Tennessee, or a majority of them: *And provided also*, That it shall be erected in Scott Square, in the city of Washington, on or near its center, the ground of which shall be adapted to such erection by the discontinuance of the carriage-way connecting Vermont avenue, now running through said square; and said square shall hereafter be known as McPherson Square.

Mr. FORT. I move to strike out the last two lines. I have no objection to naming a square after General McPherson, but this square is already named after General Scott; and I see no reason for making a change.

Mr. GARFIELD. There is another place named after General Scott, where his statue is.

Mr. O'NEILL. I suggest that we had better put some of these statues east of the Capitol, on the government reservations there.

Mr. HALE of Maine. Let me explain this matter. Scott Square was originally intended as the place where the statue of General Scott should be placed, but the plan was changed and it was placed on what is now known as Scott Circle, and therefore the name of this square should be changed to some other. It is therefore deemed proper that this statue of General McPherson, which we get for nothing, should be placed there and the name changed.

Mr. FORT. I withdraw the amendment.

Mr. BANNING. I move to strike out the proviso, so as to let the association erect a monument wherever they see fit.

The Clerk read the proviso as follows:

And provided also, That it shall be erected in Scott Square, in the city of Washington, on or near its center, the ground of which shall be adapted to such erection by the discontinuance of the carriage-way connecting Vermont avenue, now running through said square; and said square shall hereafter be known as McPherson Square.

The amendment was not agreed to.

Mr. O'NEILL. I offer the following amendment, to come in after the word "erected," on line 1242:

On the public grounds east of the Capitol, and in such place as may be selected by the Secretary of War.

I merely offer the amendment with a view to having some statuary put on the grounds east of the Capitol.

Mr. CLEMENTS. Does not the gentleman know that we have a beautiful statue of Washington east of the Capitol now?

Mr. O'NEILL. Well, then, let us have a beautiful statue of McPherson there also.

The amendment was not agreed to.

Mr. BUTLER, of Massachusetts. I offer the following to come in as an additional paragraph:

To enable the Secretary of War to acquire a full and perfect title to the Brady collection of photographs of the war, and to secure and purchase the remainder now in the possession of the artist, $25,000.

I only wish to say that a portion of this collection now belongs to the War Department and a portion is in the hands of the artist. We desire to get a title to the whole, it being a collection of all the scenes of the war and of the prominent men who had connection with the war. Now is the time to secure it.

Mr. GARFIELD. I hope that amendment will be agreed to.

The amendment was agreed to.

Mr. DUNNELL. I move the following as an additional paragraph:

That the sum of $25,000 be, and the same is hereby, appropriated for the construction of public roads within the limits of Yellowstone Park, the survey of its boundaries, and for such other purposes as may be deemed necessary, in the judgment of the Secretary of the Interior, to accomplish the ends contemplated by this act and that of March 1, 1872; said appropriation to be expended under the direction of the Secretary of the Interior: *Provided*, That the sum hereby appropriated shall first be expended in surveying, establishing, and marking the boundaries of said park, and the residue, if any, used as hereinbefore provided.

The Secretary of the Interior recommended the sum of $75,000 for this purpose. The Senate reported a bill appropriating $25,000 for the purpose, and the Committee on Public Lands of the House recommend that reduced sum. This is needed for the purpose of preserving this park. There is very great need that the boundaries of this Yellowstone Park, this most wonderful section of the country, shall now be ascertained. I hope there will be no objection to this amendment.

Mr. GARFIELD. I rise to oppose the amendment. I think it is too early for this appropriation, and I hope the amendment will not be adopted.

Mr. O'BRIEN. I raise the point of order that this is new legislation.

The CHAIRMAN. The point of order, even if good, comes too late, for two speeches, one for and one against the amendment, have been made. But the Chair would rule that the point of order is not well taken.

The amendment of Mr. DUNNELL was not agreed to.

The Clerk read the following:

For completing the improvement of reservation between Third and Sixth streets, as per plan, $10,000.

For filling and grading reservation on Maryland avenue lately occupied by the Agricultural Department, $8,000.

Mr. RANDALL. I presume these two paragraphs relate to the same piece of ground. And in the second paragraph it should read "Missouri avenue" and not "Maryland avenue." The first paragraph relates to what was known as the "tea garden," I suppose.

Mr. HALE, of Maine. The gentleman, I think, is mistaken. The "reservation between Third and Sixth streets" is one thing, and the "reservation on Maryland avenue" is another thing.

Mr. RANDALL. It is on Missouri avenue.

Mr. HALE, of Maine. I think it touches Maryland avenue.

Mr. RANDALL. I am sure it does not touch Maryland avenue.

Mr. HALE, of Maine. It may be that I am mistaken; I put it in here as it was given to me.

Mr. RANDALL. I will not detain the committee now, but I hope I may have the privilege of correcting it hereafter if I find it to be necessary.

Mr. HALE, of Maine. Very well.

The Clerk read the following:

For improving various reservations, $3,000.

Mr. RANDALL. I move to strike out that paragraph. We have been appropriating in detail for these reservations, and this is a sort of sop for general distribution. I do not think it is required.

Mr. HALE, of Maine. I will tell why we do this. We appropriate in detail for the larger squares. But there are in addition some sixty-odd small reservations, a list of which I have in my hand, and instead of appropriating in detail for those sixty or more little squares fifty or sixty dollars each, we put it in a lump. It does not go to the reservations that are provided for specifically.

The amendment was agreed to.

The Clerk read the following:

For removal of the present iron fence inclosing Lafayette Square, and substituting post and chain, $5,000; and the fences on the eastern and western sides of the Agricultural grounds shall be taken down and removed during the present fiscal year.

Mr. FORT. I move to strike out this paragraph.

Mr. RANDALL. The fence is worth more than the post and chain. We have just put a fence there, and now you propose to take it away and put up a post and chain.

Mr. HALE, of Maine. I have no objection to striking out the part

which relates to the fence around Lafayette Square, if gentlemen think proper to do so. But let me call attention to the portion of the paragraph relating to the Agricultural grounds. The fence which has for so long been along the sides of the Smithsonian grounds, which will be a part of the great park by and by, is to be taken down, so that the drives can be carried through there. And the side fences along the Agricultural grounds should also be taken down. It will do no harm to take them down; no one objects to that. But let the fence remain around Lafayette Square.

Mr. BUTLER, of Massachusetts. Are the fences along the Agricultural grounds of iron or of wood?

Mr. HALE, of Maine. Mostly an old wooden fence.

Mr. GARFIELD. I think I can cure the whole difficulty by amending the paragraph so that it will read:

The fences on the eastern and western sides of the Agricultural grounds shall be taken down and removed during the present fiscal year.

Mr. HALE, of Maine. No appropriation is needed for that.

Mr. GARFIELD. We must put something in; say $100.

Mr. FORT. I accept the amendment of the gentleman from Ohio, [Mr. GARFIELD.]

The amendment, as amended, was agreed to.

The Clerk read as follows:

For new chandeliers for the corridors and passages of the House of Representatives to correspond with those in the Senate, $5,000.

Mr. RANDALL. I move to strike out the clause just read.

Mr. GARFIELD. The Commissioner of Public Buildings came twice before our committee to say that some of the chandeliers about the Capitol were worn out and really in such a condition that the escape of gas was likely to cause serious injury. He asked us particularly to save this clause.

Mr. RANDALL. I withdraw the amendment.

The Clerk read as follows:

Washington Aqueduct: For engineering, maintenance, and general repairs, $15,000; for building an iron truss-roof and for furnishing and setting galvanized-iron cornice on the gate-house at Great Falls, $3,000; for building dwelling and office for gate-keeper at the receiving reservoir, $3,000; for continuing, widening, and macadamizing roadway between the distributing reservoir and the Great Falls, $5,000: *Provided*, That the lands belonging to the United States and lying around the receiving reservoir shall hereafter be controlled in connection with the Washington Aqueduct, and shall be under the charge and control of the officer in charge of said aqueduct: *And provided further*, That the chief engineer is hereby directed to notify the Washington and Georgetown Railway Company to remove their railway-track from the Washington-Aqueduct bridge over Rock Creek, within one year from the date of said notice; and said company shall make such removal within the year aforesaid; and said chief engineer may establish and publish regulations prohibiting the passage of heavily loaded wagons and carriages over said bridge.

Mr. NIBLACK. I make a point of order on the proviso attached to this paragraph.

Mr. GARFIELD. The rules were suspended to make this in order. I move to amend the paragraph by inserting after the word "aforesaid," in line 1360, the following:

And have the right to lay their tracks along Twenty-sixth street from Pennsylvania avenue to M street north; thence along M street into Georgetown, to connect with their tracks on Bridge street.

Mr. HAZELTON, of Wisconsin. Will this prohibit the company from crossing to Georgetown by the present bridge?

Mr. GARFIELD. Yes, sir; on the ground that the great water mains under there are being injured by the shock and jar of those heavy cars going over.

Mr. HAZELTON, of Wisconsin. Will this provision materially impair the connection with Georgetown?

Mr. GARFIELD. Not at all.

The amendment was agreed to.

The Clerk read as follows:

For the navy-yard at League Island: For the continuation of work and removal of property from the Philadelphia navy-yard, $200,000: *Provided*, That the Secretary of the Navy, the Secretary of the Treasury, and the presiding member of the board of revision of taxes of the city and county of Philadelphia, in the State of Pennsylvania, are hereby created a commission for the purpose of making sale and conveyance of all the lands, docks, wharves, real property and appurtenances, rights, interests, and privileges of the United States included within the limits of, and known as the navy-yard in, the city of Philadelphia, in the State of Pennsylvania; that for the purpose aforesaid they shall, if they think best for the public interest, have the said property divided into lots or plots, and laid out into blocks and streets, conforming, as far as the interests of the Government will permit, to the blocks and streets of the said city in the vicinity of the said navy-yard; and they shall have the said property fairly appraised in such lots or portions as they think best, and shall have power to sell the same, or any portion thereof, to be paid for in cash within thirty days after making such sale, and, upon the receipt of such payment, to make good conveyance and title for the property sold and paid for to the purchasers or their assigns; that the money so received, less the necessary expenses of this commission, shall be paid into the Treasury of the United States, and an amount equal to the sum so paid in is hereby appropriated to be expended by the Navy Department in removing the movable property of the Philadelphia navy-yard to League Island, and in building the necessary docks, wharves, shops, and buildings at League Island, and preparing the same for carrying on the business and work of a navy-yard at that place: *Provided, however*, That not more than one-third of the appraised value of the said property hereby authorized to be sold shall be expended within the next fiscal year: *And provided also*, That the said commission shall make a definite and specific report of all their doings under this authority to Congress at its next regular session, and at each regular session thereafter while said sale shall remain uncompleted.

Mr. CONGER. I move to amend by inserting after the words "sell the same or any portion thereof" the words "at public auction."

Mr. RANDALL. I have been before the Committee on Appropriations on this subject; and I think they have an amendment of this sort which is drawn with more fullness.

Mr. GARFIELD. I move to amend by inserting at the point indicated in the amendment of the gentleman from Michigan [Mr. CONGER] these words:

At public auction, after thirty days' notice in three daily papers of the largest circulation in the city of Philadelphia, at not less than the appraised value.

Mr. MYERS. There is no objection to that.

Mr. CONGER. I withdraw my amendment, as this covers the same ground.

Mr. RANDALL. I desire to suggest to the gentleman having charge of this matter that there should be some persons added to this commission. Of necessity the Secretary of the Navy and the Secretary of the Treasury can seldom be present to perform this service; and hence the provision in its present form leaves the whole duty practically in the hands of one man, the presiding member of the board of revision of taxes. I have nothing to say against that gentleman. On the contrary I have everything to say in his favor. He is a very proper person for this duty; but I should like to add two other public officers. I do not care particularly who they may be. I am unwilling to put this entire duty of appraisement and sale and everything connected with it, practically into the hands of one man.

Mr. KELLEY. I wish to suggest to my colleague that "the three members of the board of tax revision" be inserted, with a clause providing that in consultations of the commissioners these three officers shall vote as one; otherwise they would constitute a majority of the commission.

Mr. RANDALL. I accede to that suggestion. It evidently would not be proper that three men disconnected with the General Government should have the power to outvote upon any question the two officers representing the United States.

Mr. KELLEY. That difficulty occurred to my mind; and hence the amendment I have suggested

Mr. HALE, of Maine. I will state the reason for putting the provision in the form in which it stands in the bill. Here is a large property, worth millions of dollars, to be sold for the benefit of the General Government. If we constitute a board, the majority of whom are Philadelphians there will always be a jealousy outside and a fear that the interests of the Government have not been properly protected. Hence the commission was made to consist of the Secretary of the Navy, which was deemed proper as his Department is largely interested, and the Secretary of the Treasury, representing the Treasury of the United States; and then consultation was had as to what officer of the city of Philadelphia would best represent the knowledge appropriate to this particular matter, and it was finally agreed that the president of the board of revision of taxes would be that man, and he would bring to the board just what is needed and the only thing needed, knowledge as to this land. I should object to a board being created the majority of which were Philadelphians. I can trust them as far as anybody, but if I were selling land in Boston or Washington or Annapolis——

Mr. BUTLER, of Massachusetts. Or Portland.

Mr. HALE, of Maine. Or Portland or Lowell or anywhere else, I would jealously care it should only be represented so that knowledge should be brought to the board. I think it better to leave it as now, and the President can take advice and consult with his associates, and other gentlemen will consult with him of course. Depend upon it it will be more satisfactory if there be but one man on the board from the city of Philadelphia. I hope the gentlemen from Philadelphia will not oppose this, because it is in the interest of the Government this land should be sold and a new navy-yard built up.

Mr. MYERS. I suggest that the proposition of my colleague provide they shall all have but one vote. It does not propose each shall vote; but only they shall all have one vote.

Mr. RANDALL. Their judgment is desirable. They are the three officers chosen by law to make assessments throughout the city and county of Philadelphia. I do not care about their voting. I wish their judgment as to the value of this property. The law under which they are appointed provides the three shall not be of the same party. I think, therefore, it is very proper these three men, as suggested by my colleague from the fourth district, should have one vote for the decision of this matter. This is a large sum to be realized. It will certainly be $2,000,000, perhaps $3,000,000. It is an old saying that two heads are better than one, and therefore mathematically three are better than two. I think we should include the whole board of revision of taxes, allowing them one vote.

The committee divided; and there were—ayes 30, noes 43.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL and Mr. HALE, of Maine, were appointed.

Mr. GARFIELD. Does the gentleman ask for a further count?

Mr. RANDALL. I have no idea of putting this in the hands of one man. I do ask for a further count.

The committee again divided; and the tellers reported—ayes 82, noes 67.

So the amendment was adopted.

Mr. STARKWEATHER. I move to insert "and the Chief Engineer of the Navy."

Now, Mr. Chairman, I do not care who he is, provided, he is a man of judgment.

I think it unfortunate property appraised at $2,000,000 should be dis-

posed of by a number of men the majority of whom are Philadelphians. I think it altogether better to have some one outside of Philadelphia on it, so that Philadelphians in reference to property to be disposed of in that city should not have the whole controlling interest.

Mr. HALE, of Maine. I move to strike out the whole clause.

Mr. MYERS. I desire to say in reply in reference to this amendment of my colleague that the three members of this board are only to cast one vote.

Mr. STARKWEATHER. It is apparent to every gentleman, this property being in Philadelphia, these men will be subject to immense pressure from outside.

Mr. HALE, of Maine. This seems to be a Philadelphia matter altogether, and I wipe my hands of it.

Mr. STARKWEATHER'S amendment was adopted.

Mr. HALE, of Maine. I move to strike out the whole paragraph.

The committee divided; and there were—ayes 26, noes 90.

So (no further count being demanded) the amendment was rejected.

Mr. HALE, of Maine. I give notice that I shall call for the yeas and nays in the House on the amendment.

The Clerk read as follows:

To enable the Secretary of the Navy to purchase, in accordance with his public bid therefor, the Stevens iron-clad steam-battery, together with expense of removal to the Brooklyn navy-yard, $150,000: *Provided*, That said battery, after purchase, shall not be fitted up until a specific appropriation therefor is made, unless in case of warlike emergency:

Mr. TOWNSEND. I move to strike out that paragraph, as this Stevens battery is utterly useless for any other purpose than to be sold for old iron.

Mr. HALE, of Maine. This Stevens battery is worth this sum of money for old iron and the Government will lose nothing on that score; but it will probably be worth one hundred times that amount. Nobody can say with authority that it is a failure. It is an immense structure. They have put into it between two and three million dollars. It is there all ready for removal. If it is not bought by us it is likely to be bought by some foreign power and taken away, and at some future day we may be sorry we did not buy it. It was put up at auction and the Secretary of the Navy made a conditional bid, leaving to Congress to pass upon it. Finding this Government was to bid, other governments who had sent agents here did not enter into competition with us. But if we do not take it, then it will be open to foreign powers to purchase it and perhaps make out of it the most formidable structure of that kind that was ever made.

Now I need not go into the question whether if this were a matter of appropriating three or four million dollars this would be a good investment, or whether it would be worth that money. But that it is worth $150,000, and that at that price it is a good investment, I have no doubt. And if the gentleman from Pennsylvania [Mr. TOWNSEND] himself will examine the matter I think he will come to that conclusion. It is not good policy for us when we can get this for so small a sum to let it be taken away from us by some foreign power.

The appropriation has been guarded by the proviso that no expense shall be put upon the battery until Congress appropriates for that purpose.

The question being taken on the motion to strike out the paragraph there were ayes 17, noes not counted.

So the amendment was not agreed to.

The Clerk read the following paragraph under the title "Department of Agriculture:"

And the unexpended sum heretofore appropriated for the purchase of Duby's cryptogamic herbarium, or as much thereof as may be necessary, not exceeding $1,000, is hereby continued and rendered available for the purchase of a collection of fungi or other cryptogams.

Mr. DUNNELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the paragraph just read the following:
For compensation and expenses of Dr. Franklin B. Hough, of New York, to collect statistics and information relating to preservation and cultivation of forests in the United States, the same to be reported to the next session of Congress, $3,000.

Mr. POTTER. Upon my word!

Mr. SPEER. That is too bad.

Mr. GARFIELD. I make the point of order on the amendment.

Mr. DUNNELL. I desire to make one remark, if the gentleman will reserve his point of order.

It will be recollected that at the last session of Congress the President of the United States reported to Congress, by a special message, the deliberations of a scientific association which met in the city of Portland, in which the whole subject of forest culture and preservation was discussed. This subject was brought before the Committee on the Public Lands by instructions of the House of Representatives; and Dr. Hough, of New York, who was then a stranger to the committee, came before it and enabled the Committee on the Public Lands to prepare a report, which was printed, and some six or eight thousand copies of it were sent everywhere throughout the United States. That report has awakened, very properly, a great deal of interest in the very important question how we may preserve the forests of the United States, and how we may cultivate forest trees.

There is everywhere a call for information. This Dr. Hough has made this subject a specialty. He has been in France and in Germany and in other countries of Europe, has visited the schools of forestry there, and is the most intelligent man in America upon that subject. And this sum of money is but a mere trifle compared with the great interests that are involved.

The CHAIRMAN. If the point of order is insisted on, the Chair must sustain it.

Mr. SPEER. It is insisted on.

The CHAIRMAN. The point of order is well taken. The amendment is not in order.

Mr. MACDOUGALL. I offer the following as an additional paragraph.

The Clerk read as follows:

For the purchase of a site and making plans and specifications for a public building at Auburn, New York, $50,000, or so much thereof as may be necessary; the same being in accordance with the recommendation of the Supervising Architect of the Treasury.

Mr. GARFIELD. I make the point of order that there is no law authorizing this appropriation.

Mr. MACDOUGALL. There was a bill reported last session authorizing this building.

The CHAIRMAN. Did it become a law? [After a pause.] As no law is pointed out to authorize the appropriation, the Chair rules that the point of order is well taken.

Mr. COOK. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert as an additional section the following:
For continuation of building for custom-house and post-office at Atlanta, Georgia, the sum of $50,000.

The question being taken on the amendment, there were—ayes 37, noes 60; no quorum voting.

Mr. COOK. I call for tellers; but before they are ordered I desire to say a word.

Congress passed at its last session an act limiting the appropriation for a custom-house and post-office at Atlanta, Georgia, to $250,000. A lot was selected by the architect of the Government as a site, and $60,000 paid for it. This sum provides an appropriation of $50,000 to commence the work on the building.

Tellers were ordered; and Mr. HALE, of Maine, and Mr. COOK were appointed.

The committee again divided; and the tellers reported ayes 66, noes not counted.

So the amendment was agreed to.

The Clerk read as follows:

For continuation of building for custom-house and post-office, Cincinnati, Ohio, $600,000.

Mr. LOUGHRIDGE. I offer the following amendment.

The Clerk read as follows:

Add at the end of the paragraph just read the following proviso:
Provided, That the cost of said building, when completed, shall not exceed the limitation now fixed by law, $3,500,000, exclusive of title. And the Architect of the Treasury shall prosecute the work upon said building upon such plans and specifications as that the same, when fully completed, shall not exceed said limitation.

Mr. BANNING. That is the law now.

Mr. GARFIELD. There can be no objection to that. All that is the law now.

The amendment was agreed to.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer an amendment making appropriations for which the estimates came in after the bill was made up.

The Clerk read as follows:

Insert as additional paragraphs the following:
For completing the court-house and post-office at Indianapolis, Indiana, $12,000.
For completion of building for United States post-office and court-house at New York, including cost of heating and ventilating apparatus, and the cost of area along park front, as per report of the Supervising Architect of the Treasury, $388,160.88.

Mr. RANDALL. I want to put a proviso there that that shall be advertised for and the contract given to the lowest bidder.

Mr. GARFIELD. Mr. Chairman, this is for the completion of the New York building. It would have gone into the deficiency bill but for the fact that the expenditure could not be made within the next year. It is partly a deficiency and partly for completing the work not yet done. Now, if the gentleman undertakes to put on this provision, it will be impossible to arrange the work.

Mr. RANDALL. I am willing to insert "provided it shall not interfere with existing contracts."

Mr. GARFIELD. The gentleman from Pennsylvania will see at once the whole process of this building is on a different plan; and to propose to adopt a new plan now, when they are about putting on the attic story, would be absurd. I hope the committee will not consent to it.

Mr. RANDALL. Go ahead. I withdraw the amendment.

The question was taken on the amendment of Mr. GARFIELD; and it was agreed to.

The Clerk read as follows:

For continuation of building for post-office and court-house, Philadelphia, Pennsylvania, $750,000.

Mr. LOUGHRIDGE. I offer the following amendment:

Provided, That the cost of the said building shall not exceed, when completed, the limitation now fixed by law, and the Architect of the Treasury shall prosecute such work on such specifications as that the cost of the work, when completed, shall not exceed the said limitation of $4,000,000, including the cost of site.

Mr. RANDALL. I now move that proposals be advertised for and the work be let to the lowest bidder. I do not ask for other places what I would not ask for my own city. I think it should be done everywhere.

Mr. GARFIELD. Let it be done, then, upon buildings not already stated.

Mr. LOUGHRIDGE. I will simply say this, Mr. Chairman: For the reason that the Architect of the Treasury now in office may have, and I think has, some delicacy in modifying the plans of his predecessor I offer this amendment, so that he may consider himself authorized to change and modify the plans made with the requirements of law.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his motion?

Mr. RANDALL. No, sir.

The question was taken on the amendment of Mr. LOUGHRIDGE, and it was agreed to.

The Clerk read as follows:

For continuation of building for appraisers' stores, San Francisco, California. $50,000.

Mr. GARFIELD. I move to strike out "$50,000" and insert in lieu thereof "$100,000." I believe that the work can be done during the coming year, and it would be bad economy to let it run on longer.

The amendment was agreed to.

The Clerk read as follows:

For continuation of building for custom-house and post-office, Saint Louis, Missouri, $700,000.

Mr. LOUGHRIDGE. I offer the following amendment:

Provided, That the cost of said building when fully completed shall not exceed the limitation now fixed by law, $4,000,000. And the Architect of the Treasury is required to prosecute said work upon such plans and specifications as that the same shall when completed not exceed said limitation.

Mr. STANARD. I hope that amendment will not pass, for these reasons: It was expected when the site was selected for the purpose of constructing this building in the city of Saint Louis that there would be no difficulty in laying the foundation; but after the work was commenced we found it was quicksand, so that they have had to expend a very large amount of money not contemplated on the work. The truth is that they have been at work for the past year almost exclusively on extra work that was not contemplated on the work, but work that could not be avoided, and I hope that this amendment will not be adopted.

The question was taken, and the amendment was not agreed to.

Mr. PAGE. I offer the following amendment, to come in after line 1499:

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of a site and construction of a building for a post-office and other Government use in the city of Sacramento, California: *Provided*, That the cost of said site and building shall not when completed and ready for use exceed the sum of $100,000.

Mr. GARFIELD. I raise the point of order that there is no law for that expenditure.

Mr. PAGE. There is already a law in existence which brings this amendment outside of the point of order. I ask the Clerk to read it.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to make an examination and report to Congress the terms upon which suitable sites can be obtained for the erection of any needed public buildings in Harrisburgh, Pennsylvania, and Sacramento, California.

Approved June 7, 1872.

Mr. GARFIELD. That does not authorize the building; it merely authorizes an inquiry.

The CHAIRMAN. It only authorizes an examination and report.

Mr. ELLIS H. ROBERTS. I move to amend by inserting after the pending paragraph the following:

For continuation of building for post-office, United States circuit and district courts at Ithaca, New York, $40,000; and the limitation heretofore existing under the act of May 31, 1872, is hereby repealed.

Mr. GARFIELD. I raise the point of order that that work has not been begun at all.

Mr. ELLIS H. ROBERTS. This is $10,000 less than the estimates submitted to the Committee on Appropriations. The land has been purchased in accordance with the law of the date named in the amendment. I think there can be no objection to it. As the chairman of the Committee on Appropriations may see, the Secretary of the Treasury estimated for $50,000, and my amendment asks for but $40,000.

Mr. GARFIELD. I make the point of order that $40,000 is beyond the limitation fixed by the act. The act limits the building and site to $200,000. One hundred and sixty-eight thousand has already been paid for the site, and there remains a balance of $32,000. The amount here asked for exceeds the limitation for the building.

Mr. ELLIS H. ROBERTS. This is according to the law upon the statute-book.

Mr. GARFIELD. And the law upon the statute-book fixes the limitation at $200,000. I am sorry to be ungracious to my very good friend, but I have been obliged to be so to others.

Mr. ELLIS H. ROBERTS. This is the only building that stands upon this footing, except the one at Fall River, which the committee have put into this bill in the identical phrase which I copy here.

Mr. HAZELTON, of Wisconsin. Has any work been done on this building?

Mr. ELLIS H. ROBERTS. The land has been purchased under the law.

Mr. CONGER. I wish to ask the gentleman from New York, [Mr. ELLIS H. ROBERTS,] being on the Committee on Ways and Means, now that the tax bill is defeated in the Senate, as I understand, how he expects to pay for all these appropriations?

Mr. ELLIS H. ROBERTS. In the same way that the river and harbor appropriations are to be paid.

Mr. CONGER. The House will provide that that be done, whether there are more taxes or not.

The CHAIRMAN. The latter clause of the amendment repeals the existing law in terms. It provides that "the limitation heretofore existing under the act of May 31, 1872, is hereby repealed."

Mr. ELLIS H. ROBERTS. Then I will withdraw that clause and ask a vote on the appropriation.

Mr. FORT. Is not the point of order good against the appropriation?

The CHAIRMAN. The Chair understands the gentleman from Ohio to say that there are some $38,000 yet unexpended.

Mr. GARFIELD. The whole appropriation was made last year, and there remains $38,000 unexpended. Not one dollar can now be appropriated without going beyond the limitation of the act.

Mr. ELLIS H. ROBERTS. The gentleman from Ohio waived all that in regard to Fall River.

Mr. GARFIELD. I did not waive it; the committee waived it.

The CHAIRMAN. If the point of order is insisted upon, the Chair cannot see his way except to rule the amendment out.

Mr. ELLIS H. ROBERTS. Then I will reduce the appropriation to $38,000.

Mr. FORT. That is still subject to the point of order, for the gentleman says that the whole amount has already been appropriated.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIAMS, of Michigan. I move to amend by inserting the following:

For a building for post-office and court-house at Grand Rapids, Michigan, $50,000.

Mr. GARFIELD. I reserve the right to raise the point of order until I can see whether there is one.

The CHAIRMAN. Is there a law authorizing this appropriation?

Mr. WILLIAMS, of Michigan. Certainly there is; $70,000 has been appropriated for the site, and my amendment asks for $50,000.

The CHAIRMAN. The amendment comes within the limitation?

Mr. WILLIAMS, of Michigan. It does.

Mr. GARFIELD. There is no point of order that can be made against this amendment. I will say that the Treasury is not in a condition to justify our engaging upon any new buildings.

The CHAIRMAN. That is not a point of order.

Mr. GARFIELD. I know that; I only make it as an argument.

The amendment was not agreed to.

Mr. MACDOUGALL offered the following amendment:

For the purpose of making plans and specifications for a public building at Auburn, New York, $4,000; the same being in accordance with the recommendation of the Supervising Architect of the Treasury.

Mr. ELLIS H. ROBERTS. I suppose the same point of order lies against this which was raised against my amendment.

Mr. HALE, of Maine. As I understand this, it is in reference to plans and specifications in reference to future design and appropriation for a building.

Mr. ELLIS H. ROBERTS. The same point of order made against my amendment is just as applicable to this.

Mr. FIELD. The point of order is good against this amendment.

The CHAIRMAN. If no point of order be made against the amendment the vote will be taken on it.

Mr. FORT. I wish to say that if this is subject to the point of order, I think we should raise it. It has been raised on me every time.

The amendment was rejected.

The Clerk read as follows:

For out-buildings, sewerage, fencing, and grading for building marine hospital, San Francisco, California, $10,709.90.

Mr. GARFIELD. I move to strike out "$10,709.90" and in lieu thereof insert "$15,900." A letter from the Treasury Department will show the reason for this:

TREASURY DEPARTMENT,
Washington, D. C., February 26, 1875.

SIR: Referring to the item in the pending sundry civil appropriation bill, page 62, line 1505, as follows, "For out-buildings, sewerage, fencing, and grading building for marine hospital, San Francisco, California, $10,709.90," I have the honor to inclose a letter from the Supervising Architect, under date of the 23d instant, calling attention to an error in the above amount.

It appears that the original estimate of the superintendent of construction which the Supervising Architect received was for $53,599.46 in gold; the amount appropriated (17 Statutes, 421) was $58,789.56, or $5,190.10 in excess of the above estimate, being its currency value. The estimate of the superintendent for the item in the pending bill was $15,900 in gold; but through inadvertence nothing was allowed by the Department for the difference between gold and currency, and the additional error was also made of deducting the $5,190.10 appropriated originally in excess of the former estimate.

In correction of these errors, I have the honor to recommend that the above quoted paragraph be amended so that provision be made for the appropriation of $17,808 for the purpose specified.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives

The amendment was adopted.

Mr. LOUGHRIDGE. I move the following amendment:

Provided, That where, in the opinion of the Supervising Architect of the Treasury, any public building now in course of construction and for which appropriations are made in this bill, and the ultimate cost of which is limited by law, will, according to the plans and specifications now being carried out, exceed such limitation, the architect shall revise and so modify the plans and specifications as that such building will not exceed, when completed, the limitation fixed by law; and if any such building cannot be brought within such limitation, then no further expenditure shall be made upon the same until authority is given by law.

Mr. CONGER. I desire to speak on that proposition. It is a very good one if the building is just commenced or about to be commenced, but where buildings have been partially erected on plans, and where additional expense is necessary, however small, to complete them, this will authorize the suspension of the work, and there can be no possible necessity for it. Gentlemen have already provided for the large buildings that the plans and specifications shall be limited according to the appropriation by law. This is intended to cover all buildings which have meager appropriations, and it will require the suspension of all work if in the judgment of one man the estimates fall short of the proposed appropriation. There can be no propriety in passing such a provision. The gentleman, in his zeal to secure this limitation to cover all these small buildings, although in reference to the large buildings the limitation has been properly made, may do more injury than good. In reference to the class of small buildings where small appropriations have been made, work upon them will be stopped before the meeting of another session of Congress, and they will be left in an unfinished state. So there will be more damage by reason of the passage of this amendment than the small additional amount which would be required to complete the building.

I oppose the passage of this joint slaughter-house amendment, and hope it will be voted down.

Mr. LOUGHRIDGE. I desire to say one word in defense of the amendment. I presume there is not a public building in the country constructed in the last year which has not cost over two to four times as much as was appropriated by law. The law fixed the limitation at the start in the construction of these buildings. They have gone beyond the limitation of the law almost without a single exception. We appropriated for these buildings, fixing the limit of cost, but uniformly that limit has been exceeded, and buildings have been made to cost from two to four times as much as was originally intended. There has been no respect paid to the law of Congress at all in this respect. It is not right and proper that it shall continue longer. I specially demand, in the name of the people of the country, that something should be done to put an end to this state of things. We want the limit as put by law upon the cost of the building shall be observed by the officers whose duty it is to execute the law and in no case shall the appropriation be exceeded. I hold no officer has the right to exceed the limit of the law any more than he has to take money out of the Treasury without authority of law.

Mr. CONGER. I move to insert the words "hereafter commenced," so the general provision will not apply to any buildings already commenced and partially completed, but to buildings which may hereafter be commenced.

Mr. WELLS. By the adoption of this amendment, Mr. Chairman, we are going to stop the work on the public buildings at Saint Louis. My colleague has already spoken of the extraordinary expenses incurred there in making the foundation. That will increase the cost of the building beyond the limitation fixed by law. The fact is when that bill passed we only expected to have to lay the foundation. The foundation we have there has gone down thirty-eight feet, and instead of finding rock we found quicksand, and the result will be that the great expense of what is now proposed would prevent the Architect from going on.

Mr. GARFIELD. I think we ought not to pass this with reference to buildings in course of construction, except only those so recently begun that the change can be made. I have made the clause apply to new buildings.

Mr. WELLS. There can be no objection to that. The material for this building is nearly all prepared, the foundations are laid, and no changes can now be made unless you abandon the iron work inside and put in wood.

The question being taken on Mr. CONGER's amendment to the amendment, it was agreed to.

Mr. CONGER. Now the whole thing can be voted down.

Mr. LOUGHRIDGE. I desire to be heard. I move to strike out the last word.

I have offered my amendment in good faith, considering it my duty as a member of the House to do what I can to advance the interests of the country. I understood the amendment of the gentleman from Michigan [Mr. CONGER] to be offered in good faith; but after it has been adopted he says, "Now vote down the entire thing."

I have said before, and I repeat it, that the public service of this country has begun to be a disgrace to the country in the way it is carried on by the officers of the Government. The little I have done to-day has been with a desire to recover in some degree that service, and to have it carried on according to law. I may in doing so have contracted the ill-will of some gentlemen on this floor, but I have endeavored to do my duty.

Mr. CONGER. The gentleman from Iowa [Mr. LOUGHRIDGE] having secured a most splendid public building in his own city has no objection to dealing harshly or gently as the case may be with buildings in other cities. And I wish to state another thing. I am very much surprised that a gentleman who has been so many long years in Congress as the gentleman from Iowa has been should plead here his ignorance of what is so frequently done by members in offering an amendment to defeat a bill or another amendment. I have always considered that a member was at liberty to endeavor to defeat a measure in that way or any other way that he found best adapted to his purpose. In this case I wanted first to destroy the life of the amendment and then to defeat it.

The question being taken on Mr. LOUGHRIDGE's amendment, as amended, it was not agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building on which work has not yet been actually begun until after drawings and specifications, together with detailed estimates of the cost thereof, shall have been made by the Supervising Architect of the Treasury Department, and said plans and estimates shall have been approved by the Secretary of the Treasury; and all appropriations made for the construction of such building shall be expended within the limitations of the act authorizing the same or limiting the cost thereof; and no change of said plan involving an increase of expense exceeding 10 per cent. of the amount to which said building was limited shall be allowed or paid by any officer of the Government without the special authority of Congress.

Mr. MAYNARD. This section, after the first clause ending with the words "appropriated therefor," is liable to the point of order, and I make it.

Mr. GARFIELD. The rules were suspended to make it in order.

Mr. MAYNARD. As the law now stands it requires plans and estimates to be approved not only by the Secretary of the Treasury but by the Postmaster-General and the Secretary of the Interior; and it seems to me that this section is letting down the guards heretofore insisted on.

The CHAIRMAN. The rules having been suspended to allow this paragraph to be offered, the point of order is not well taken.

Mr. MAYNARD. I move to strike out all after the words "appropriated therefor" to the end of the paragraph. As the law now stands the plans and specifications must first be approved by three heads of Departments, and I think it is much better that it should stand in that way than that they should be left to the decision of the Secretary of the Treasury alone.

Mr. GARFIELD. I desire to say only a word on this. The committee think that this is most fatal as a new departure in the work of constructing public buildings. The principle embodied here will protect us in the future from the evils most justly complained of in regard to the erection of public buildings according to the methods now in operation.

The first step is for a man to get an investigation for a site. The next is a little appropriation to enable the Government to accept the site and pay the expense of the title. Next year an appropriation is asked to pay for the site, because the people did not give it. The next step is to put on an appropriation for a very small building, limiting the cost to $200,000. Next year that limit is passed. Next year the limit is enlarged. Next year there is an appropriation to finish the building at a cost it may be of a million and a half of dollars. That is a rough and fair history of almost all the buildings we have erected in the last fifteen years. We propose by this that hereafter no money shall be expended, no contract entered into, no indebtedness incurred, no account audited by any accounting officer of the Treasury until plans and specifications and detailed estimates have been made and approved by the proper officers.

Now, if we have left out anything we ought to have put in I would be glad to have that added. But this provides that the plans and estimates shall be made by the Supervising Architect of the Treasury and that they shall be approved by the Secretary of the Treasury. And I hope this will stand as the best piece of protective legislation we have thus far adopted in this branch of the public service.

Mr. MAYNARD. I move to strike out the last word. Does the gentleman from Ohio controvert what I said about the present state of the law?

Mr. GARFIELD. I do not controvert it; I only ask the gentleman to show me the section of the law.

Mr. MAYNARD. I would do it if I had time to look it up.

Mr. GARFIELD. I will hand it to the gentleman myself if I can find it.

Mr. MAYNARD. I will move as an amendment to add after the words "Secretary of the Treasury" the words "Secretary of the Interior and the Postmaster-General."

Mr. GARFIELD. The Secretary of the Interior has nothing to do with any of these buildings.

Mr. MAYNARD. He has charge of the court-houses.

Mr. GARFIELD. O, no; they are under the Attorney-General.

Mr. MAYNARD. I beg your pardon; they are under the Secretary of the Interior.

[Here the hammer fell.]

The CHAIRMAN. Debate is now exhausted on the pending amendment.

The question was taken on Mr. MAYNARD's amendment, and it was not agreed to.

Mr. KELLOGG. I offer what I send to the Clerk's desk as an addi-

tional section, to come in at the end of section 1. I do not desire to have it read. It is the bill that passed the House reorganizing the Treasury Department with two or three slight modifications, which I will state. I will also state the reason why I offer it here. The Senate Committee reported the bill, but they also reported a resolution to provide that a committee of five Senators should sit during the recess and look into the Department. They had not time to take up the bill, but they had time to pass that resolution. I have made the provision for the second deputy commissioner in the Internal Revenue Department to correspond with the appropriation bill, and I have made the salary of the Register of the Treasury $4,500 a year, to correspond with other officers of the same class as arranged last year, and I have made the one hundred counters and copyists as in the appropriation bill. The bill still will require an appropriation of about $10,000 less than was appropriated this year in the legislative bill.

Mr. GARFIELD. If it can be adopted by unanimous consent I will not object. I understand the gentleman from Connecticut to say that it is precisely what the House passed the other day.

Mr. KELLOGG. No; I say this. I say that the Internal Revenue Bureau corresponds as to the second deputy to the provision made in the appropriation bill for that Bureau, and that this bill makes the salary of the Register $4,500 per annum, the same salary that was fixed for the Assistant Secretaries, the Commissioner of Customs, and other officers last year, and to which the Senate agreed. I do not see any necessity for reading the bill. There is a change of divisions in the Second Comptroller's Office, but it does not go beyond the appropriation bill.

Mr. CESSNA. I desire to inquire of the gentleman if the bill is precisely the same bill as was passed the other day with the modifications which he has indicated?

Mr. KELLOGG, It is.

Mr. CESSNA. Then I beg that it be adopte d without reading. It was read and considered section by section the other day, and there can be no necessity for reading it now.

Mr. SENER. I object to its adoption without reading.

Mr. GARFIELD. Then I ask the gentleman from Connecticut to withdraw it and offer it in the House under a suspension of the rules when the committee rises.

Mr. KELLOGG. I call for a vote upon it.

The CHAIRMAN. A single member can insist on the amendment being read.

Mr. GARFIELD. Then I ask the gentleman not to insist on the amendment.

Mr. KELLOGG. The rules were suspended to allow it to be offered.

The CHAIRMAN. That is true. The rules were suspended to allow it to be offered as an amendment, but any gentleman has a right to call for its reading when offered.

Mr. GARFIELD. I hope the gentleman will withdraw it and offer it under a suspension of the rules.

The CHAIRMAN. Is there objection to the amendment being passed on by the committee without being read?

Several members objected.

Mr. KELLOGG. Then I withdraw the amendment for the present.

Mr. FORT. I withdraw my objection to the amendment offered by the gentleman from New York, [Mr. ELLIS H. ROBERTS.]

Mr. ELLIS H. ROBERTS. I offer the following amendment:

For continuation of building for court-house and post-office at Utica, New York, $35,000; and the limitation heretofore existing, under act of May 31, 1872, is hereby repealed.

Mr. MAYNARD. I would like the gentleman to explain how it is that an appropriation of $200,000 for a public building has been so nearly expended on the site?

Mr. WILSON, of Iowa. The point of order on that amendment is not waived.

Mr. ELLIS H. ROBERTS. I will state that a site was purchased, under arrangements which the Architect of the Treasury approved.

Mr. GARFIELD. I will not raise any point of order this time on the amendment.

Mr. WILSON, of Iowa. But I raise the point of order.

Mr. GARFIELD. It is too late; it has been debated.

Mr. ELLIS H. ROBERTS. Debate has been had upon it.

The CHAIRMAN. The gentleman from Iowa raised the point of order long ago.

Mr. ELLIS H. ROBERTS. I desire to say that it has already been ruled that a limitation on an appropriation bill is in the nature of a monition to another, but does not make out of order an additional appropriation; and I ask my colleague from New York [Mr. WHEELER] to give a case bearing upon that point.

Mr. WHEELER. I send to the Clerk's desk to be read a decision of the Speaker during the last Congress, which settles the whole matter so far as this point of order is concerned.

Mr. ELLIS H. ROBERTS. The precedent which my colleague [Mr. WHEELER] cites arose on a public building.

The Clerk read as follows:

The SPEAKER. If the point of order had been raised the Chair would have been compelled to overrule it. As the question will occur again, the Chair wishes to make this statement: Restrictions or limitations of a former Congress have never been taken as the slightest limitation or restriction upon the action of the existing Congress. Such limitations are merely monitions.

Mr. GARFIELD. That is true as a general proposition. One Congress cannot limit the action of another Congress; but when one Congress authorizes a building, and says that the money appropriated for that building shall be expended upon a plan limited to a certain amount, I take it that that kind of limitation will require a change of law to get rid of it.

Mr. ELLIS H. ROBERTS. I ask the Clerk to read the rest of the decision.

The Clerk read as follows:

Mr. DAWES. When Congress created a law that it should be unlawful to expend more than $125,000, and that no more than $125,000 should be appropriated, then when we appropriate the balance of the $125,000 does the Chair rule that there is authority of law for any additional sum?

The SPEAKER. No.

Mr. GARFIELD. Of course; that settles it.

Mr. ELLIS H. ROBERTS. Let the Clerk read on.

The Clerk read as follows:

The SPEAKER. No; but the Chair does this: under the rules of the House appropriations for public works in the process of construction are within the judgment of the House then considering the appropriation bill and not that of any preceding House. No preceding restriction can govern the House.

Mr. DAWES. There is a law that this shall not cost over $125,000, and that any expenditure beyond that shall be unlawful.

The SPEAKER. That is a restriction upon the officers who have the expenditure of the money, and they should be punished for going beyond the requirements of the law.

Mr. ELLIS H. ROBERTS. That shows that the point of order does not lie against the amendment which I have the honor to offer.

The CHAIRMAN. How does this amendment differ from the other amendment of the gentleman on which the point of order was raised?

Mr. GARFIELD. It does not, except as to amount.

Mr. ELLIS H. ROBERTS. I beg leave to call the attention of the Chair to this fact: I introduce this amendment, and cite the authority of a decision of the Speaker of the House to show that a restriction by a former Congress is not binding upon a succeeding Congress.

The CHAIRMAN. The Chair thinks the ruling on this amendment should be the same as on the other.

Mr. ELLIS H. ROBERTS. I ask the Chair to consider the ruling of the Speaker which I submitted to him.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELLOGG. I understand that the objections are all withdrawn to my amendment for the reorganizing the Treasury Department.

Mr. BURCHARD. It does not appear to me, from a hasty reading of the amendment at the Clerk's desk, that this is the same as the proposition that was passed by the House.

Mr. CESSNA. The gentleman from Connecticut [Mr. KELLOGG] has stated that there is no difference, except such as he stated, and which everybody understands.

Mr. GARFIELD. While that is being done, I ask the committee to allow the adoption of the amendment proposed by the gentleman from Tennessee, [Mr. MAYNARD.] He finds in the statute that the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General are a board of officers to approve the plans for public buildings.

Mr. MAYNARD. I ask the Clerk to read section 3734 of the Revised Statutes, and gentlemen will see that it is a more stringent proposition than is proposed here.

The Clerk read as follows:

Before any new buildings for the use of the United States are commenced, the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior, and the cost of each building shall not exceed the amount of such estimate.

The CHAIRMAN. If there is no objection to the amendment of the gentleman from Tennessee [Mr. MAYNARD] it will be considered as adopted. [After a pause.] The Chair hears none.

The amendment accordingly was adopted.

Mr. CONGER. Now for the amendment of the gentleman from Connecticut, [Mr. KELLOGG.]

The CHAIRMAN. Is there objection to that amendment?

Mr. BURCHARD. Upon the assurances of the gentleman I withdraw my objections.

Mr. SHANKS. I want to know of the gentleman how many persons will be turned out of office by this amendment.

Mr. KELLOGG. None at all.

Mr. SHANKS. How do you know that?

Mr. KELLOGG. It decreases only to the extent that there are now vacancies.

Mr. SHANKS. I wish to make this remark. June 23, 1874, Congress provided for paying two months' extra pay to those turned out of office by the effect of our legislation. If this is a measure to turn persons out of office, I insist upon offering an amendment in connection with this matter that the persons so discharged shall receive two months' extra pay.

Mr. CESSNA. There will not be anybody turned out.

Mr. KELLOGG. There will be no trouble about that.

Mr. SHANKS. How does the gentleman know that he is not mistaken in what he states?

Mr. KELLOGG. I know it in this way: In certain branches of the

Department leading officers have stated that they need just so much force and no more, and they have no more there. In some places there are vacancies.

Mr. CESSNA. And they do not want to fill those vacancies.

Mr. KELLOGG. This is the same bill the House has already passed, with the exceptions I have already stated.

Mr. SHANKS. This proposition cuts down the pay of some persons and increases the wages of others; and, as I think, it will discharge some persons from the Treasury Department.

Mr. KELLOGG. It does not cut down the wages of any person, man or woman.

Mr. SHANKS. I have been so informed. I insist that the amendment I have indicated should be added to this proposition.

Mr. KELLOGG. I have no objection to that amendment; but it will be inoperative, because nobody will be turned out.

Mr. CESSNA. It is very easy to provide for a decrease of the force without turning anybody out, because in some Bureaus there are certain vacancies, and this bill is so arranged that those vacancies shall not be filled. Hence the force will be decreased without turning anybody out.

Mr. SHANKS. I concede that there is a marked difference between turning an individual out of office and preventing one from being appointed.

Mr. FORT. Does this amendment correspond with the original bill of the gentleman from Connecticut, or is it the proposition with the amendments adopted by the House, including the one providing that all appointments should be distributed equally among the several States?

Mr. KELLOGG. That provision is included. This is the bill as passed by the House, with the two exceptions I have stated.

Mr. MERRIAM. Does the gentleman suppose it will be possible to carry out that provision in regard to the distribution of appointments?

Mr. GARFIELD. I fear that if this amendment be adopted it will load down the bill and cause too much delay by the additional work it will impose upon our clerks in engrossing it.

The amendment of Mr. KELLOGG was agreed to.

Mr. MACDOUGALL. I move to amend by inserting the following as a new section:

SEC. 3. For the purpose of making plans and specifications for a public building at Auburn, New York, the sum of $4,000, the same being in accordance with the recommendation of the Treasury Department, through the Supervising Architect of the Treasury.

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That to carry into effect the provisions of section 3 of the act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," approved June 20, 1874, the Secretary of the Treasury is authorized to appoint the following force, to be employed under his direction, namely: Two chief clerks, at $2,200 each; eight clerks of class four; nine clerks of class three; ten clerks of class two; thirty-five clerks of class one; seventy-five clerks, at $900 each; six messengers; five assistant messengers; and three laborers; and for stationery and other necessary incidental expenses, $10,000; for which the sum of $177,500 is hereby appropriated out of any money in the Treasury not otherwise appropriated. And at the end of each month, the Secretary shall reimburse the Treasury to the full amount paid out under the provisions of this paragraph by transfer of said amount from the deposit of the national banking associations with the Treasury of the United States; and at the end of each fiscal year, he shall transfer from said deposit, to the Treasury of the United States, such sum as may have been actually expended under his direction for stationery, rent, fuel, light, and other necessary incidental expenses which have been incurred in carrying into effect the provisions of the said section of the above-named act.

Mr. WHEELER. I was deputed by the Committee on Appropriations to make personal examination of the Redemption Bureau and the Banking and Currency Bureau. As the result of my examination, I submit a substitute for the first part of this section.

The Clerk read as follows:

Strike out after the word "namely," in line 7, the following:

Two chief clerks, at $2,200 each; eight clerks of class four; nine clerks of class three; ten clerks of class two; thirty-five clerks of class one; seventy-five clerks, at $900 each; six messengers; five assistant messengers: and three laborers; and for stationery and other incidental expenses, $10,000; for which the sum of $177,500 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

And insert the following:

In the office of the Treasurer: One superintendent, $3,500; two principal tellers and one principal book-keeper, at $2,600 each; one assistant principal book-keeper, at $2,500; two assistant tellers, at $2,200; two clerks of class four; two clerks of class three; four clerks of class two; forty-four clerks of class one; twenty clerks, at $1,000 each; sixty clerks, at $900 each; four messengers; five assistant messengers; and three persons to be employed, at $432 each, for which the sum of $166,656 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

In the office of the Comptroller of the Currency: One superintendent, $2,400; one clerk of class four; four clerks of class one; twenty clerks, at $900 each; and teller and one principal book-keeper, at $2,400 each; one assistant book-keeper, at $2,200; one messenger; for which the sum of $34,840 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MERRIAM. I wish to state to the House that the Comptroller of the Currency in his annual report to this House states that the chief object of the law creating this Redemption Bureau was to purify the currency.

Nothing but stupidity and ignorance can pardon any Bureau officer for telling law-makers what they intended after he failed to comprehend our intention. We aimed at something higher than purification of currency—it was to set at work forces upon society that would compel bank credits only upon industrial products, which will prepare the way to specie payment.

The amendment was adopted.

The Clerk read as follows:

SEC. 3. That for experiments in testing iron and steel, including the cost of any machine built for such purpose, the sum of $50,000 is hereby appropriated; and the further sum of $25,000, provided "for improved machinery and instruments for testing American iron and steel," in the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1874," approved March 3, 1873, is hereby continued and made available for such purpose; and that the President be, and hereby is, authorized to appoint a board, to consist of one officer of engineers of the United States Army, one officer of ordnance of the United States Army, one line officer of the United States Navy, one engineer of the United States Navy, and three civilians who shall be experts; and it shall be the duty of said board to convene at the earliest practicable moment, at such place as may be designated by the President, for the purpose of determining, by actual tests, the strength and value of all kinds of iron, steel, and other metals which may be submitted to them or by them procured, and to prepare tables which will exhibit the strength and value of said materials for constructive and mechanical purposes, and to provide for the building of a suitable machine for establishing such tests: *Provided*, That no officers in the pay of the Government shall be entitled to, or receive, any additional compensation by reason of any services rendered in connection with this board; but one of the civil experts shall act as secretary of the board, and shall be entitled, under this act, to such compensation as the President may deem proper and fit: *Provided*, That not more than $15,000 of the sum herein provided shall be used for the expenses of such board, and the balance shall be used in the construction of the machine aforesaid.

Mr. FORT. I move to amend by inserting after the word "determining," in line 18, the words "under the direction of the Chief of Ordnance." This amendment has been handed to me by a gentleman who has left the Hall.

Mr. GARFIELD. I think we ought not to put this great commission under the control of one person. This provision was adopted after very full consultation with the board of engineers; and if this amendment be adopted, all the officers there will feel themselves subordinated to this one man. Let this be a commission; and let them make their tests as the board in their free choice shall direct.

I hope the gentleman will not insist upon the amendment.

Mr. FORT. I have nothing further to say about it.

The amendment was not agreed to.

Mr. FORT. I move to amend by striking out these words:

But one of the civil experts shall act as secretary of the board, and shall be entitled, under this act, to such compensation as the President may deem proper and fit.

There is no need of having a civilian to act as secretary to this board; an officer can be detailed for the purpose.

I make this motion in behalf of the gentleman from Pennsylvania, [Mr. ALBRIGHT,] who is not now here. There are good reasons which could be given, if necessary—reasons coming from the Department—why the amendment ought to be adopted.

Mr. GARFIELD. I hope the gentleman will withdraw this amendment. This section has been carefully considered. It is a compromise measure, in which a number of interests are involved; and if you now allow one class, namely, the Ordnance Department, to come in and fix it up in this way, it will be likely to disturb the whole arrangement.

Mr. FORT. Why is a civilian put in as secretary?

Mr. NEGLEY. It will cost the Government far less to have a civilian than to detail an officer for this purpose.

Mr. FORT. I learn it takes one or two years to construct this machine.

Mr. NEGLEY. There is no proposition contained in this bill of more importance to the industrial interests of the whole country or to the safety of life and property than this section. I hope the amendment will not be adopted.

Mr. FORT. An officer of the Army detailed for this purpose can act as secretary, and will not cost anything at all.

The amendment was rejected.

The Clerk read as follows:

SEC. 4. To enable the Executive Departments of the Government and the Smithsonian Institution to participate in the international exhibition of 1876, the following sums are hereby appropriated, namely: For the Interior Department, $115,000; for the Treasury Department, $5,000; for the Post-Office Department, $5,000; for the Agricultural Department, $50,000; for the Smithsonian Institution, $67,000; for the United States Commission of Food-Fishes, $5,000; for the War Department, $133,000; for the Navy Department, $100,000; for show-cases, shelving, stationery, postage, telegrams, expressage, and other necessary incidental expenses, $25,000; in all, $505,000; to be disbursed under the direction of the board of Executive Departments appointed in pursuance of the presidential order of January 23, 1874. And authority is hereby given to the heads of the several Executive Departments to display at the international exhibition of 1876, under such conditions as they may prescribe, subject to the provisions of section 7 of the act of June 1, 1872, all such articles in store or under the control of the said Departments as may be necessary or desirable to render such collection complete and exhaustive: *Provided*, That should it become necessary to erect any building or part of a building for said exhibition on the part of the Government, the same shall be paid for *pro rata* out of the sums appropriated to the several Departments, the United States Commission of Food-Fishes and the Treasury and Post-Office Departments excepted, the cost of the building not to exceed $150,000; and at the close of the exhibition said building shall be sold and the proceeds covered into the Treasury as miscellaneous receipts: *And provided further*, That the sums hereby appropriated shall cover the entire expense to which the United States Government shall be subjected on account of said exhibition, except the sum appropriated in this act for printing the certificates of stock of said exhibition; and the head of each Department of the Government is forbidden to expend any larger sum than is set down herein for his Department, or to enter into any contract or engagement that shall result in any such increased expenditure; and no money shall be taken by any Department for the purposes of this exhibition as aforesaid from any other appropriations except the one hereby made.

Mr. GARFIELD. I move in line 42 to strike out the word "is"

and insert "and the board or executive department is." Also in line 43 strike out the word "his" and insert the word "each."

The amendments were agreed to.

Mr. GARFIELD. I move to add to the paragraph these words: "And further provided, that of the sum hereby appropriated the sum of $200,000 shall be immediately available."

Mr. BROMBERG. I move to strike out $115,000 for the Interior Department.

Now, Mr. Chairman, I wish to be heard on this subject. We are asked here to unite in contributing to the centennial exhibition, when these halls have hardly ceased to echo with such denunciations of the people I have the honor in part to represent as, I think, are more suited to describe wild savages than civilized beings. The gentleman from Michigan used words, to say the least, which were wild and violent. The gentleman from Indiana took occasion to speak of the people of Alabama as having no more respect than savages for human rights. But right on the heels of that, gentlemen who have been selected, I suppose, as a type of their party, the one to conduct an investigation and the other to champion the "force" measure, come here now and ask southern representatives to a grand fraternal meeting.

Let me tell you, Mr. Chairman, something of the people who have been talked about in that way. My tongue was tied at the time, by the rules of the House, but now I have the opportunity.

I found to-day in this bill, and I rose to oppose it, but the Chairman cut me off, an appropriation for $45,000 for a hospital for colored people. I take it there is one for white people too in this District. Why are they not in the same hospital with the whites? Eight years ago in my own city, at a time when southern republicans were pulled down——

Mr. McKEE. Who pulled them down?

Mr. BROMBERG. Republicans pulled them down upon suggesting negro suffrage, because it was something that would destroy the republican party of the State of Ohio at that time. At that time, my people, having no regard to color, at an expense of $15,000, increased the city hospital, furnished it in every respect for blacks as for whites, and kind Sisters of Charity nursed at the bedside of the blacks, who lay on beds as pure as any white sufferers. They did these things and never thought they were doing anything extraordinary. Yet gentlemen come back here and tell us these are people who have no regard for human rights! It is a foul slander, and I brand it here as such. There is nothing in the majority report of the investigating committee upon Alabama affairs that is not totally and utterly false.

The CHAIRMAN. The gentleman's time has expired.

Mr. BROMBERG. I withdraw the motion.

Mr. LOUGHRIDGE. I move in line 11 to strike out "33," so it will make the appropriation for the War Department $100,000; and in line 8 to add "$33,000," so as to make the appropriation for the Agricultural Department $83,000 instead of $50,000. It seems to to me this is an exhibition of the arts of peace rather than of the machinery of war, and therefore the necessity for increasing the appropriation for the Agricultural Department.

Mr. FORT. I move to increase the appropriation for the Agricultural Department $100,000, and to leave the War Department just where it is.

Mr. BUTLER, of Massachusetts. That is much better.

Mr. GARFIELD. This has been carefully adjusted by the Committee on the Centennial and the Committee on Appropriations, and I hope it will not be disturbed.

Mr. FORT. In reply, I will say that the Committee on Agriculture were not consulted probably, and they were not there at this conference.

The question was taken on Mr. LOUGHRIDGE'S amendment, and it was not agreed to.

The question recurred on the amendment offered by Mr. FORT; and on a division there were ayes 28, noes not counted.

So the amendment was not agreed to.

Mr. GARFIELD. I have one other amendment to offer. The chairman of the Committee on the Library was authorized, under a suspension of the rules, to offer the amendment which I send to the desk. He is sick and had to go away. I offer it as an additional section.

The Clerk read as follows:

SEC. —. That hereafter no work of art the property of a private individual shall be exhibited in the Capitol, and no room in the Capitol shall be used by artists as a private studio, without permission from the Joint Committee on the Library; and it is hereby made the duty of the architect of the Capitol to carry this provision into effect. All acts or parts of acts inconsistent with this section are hereby repealed.

Mr. FORT. I make the point of order on that amendment.

Mr. CONGER. I hope the amendment will not prevail.

Mr. GARFIELD. I understand that the chairman of the Committee on the Library had this amendment made in order by a suspension of the rules.

Mr. CONGER. I hope that if there should be any chance of some work of art coming into the Capitol to be exhibited, it will not be ruled out. We have nothing here that has ever been adopted by the House or the Committee on the Library that ranks as a work of art.

The CHAIRMAN. The Chair is informed by the Clerk that this amendment was made in order under a suspension of the rules.

Mr. FORT. No; that is a mistake.

Mr. GARFIELD. Take a vote on it; I do not ask anything but a vote.

The CHAIRMAN. The point of order is raised whether this amendment was made in order under a suspension of the rules.

Mr. GARFIELD. The chairman of the Committee on the Library told me that he had had the rules suspended to make it in order. I offer it wholly in his name because he was compelled to leave the Hall on account of sickness.

The CHAIRMAN. The Chair desires to ask the gentleman from Illinois [Mr. FORT] a question. The Chair has inquired of the clerks for the order making this amendment in order and it is not at hand. But numerous gentlemen have informed the Chair and say that the rules were suspended for the purpose of making this amendment in order.

Mr. CLYMER. That is so.

The CHAIRMAN. Is the gentleman from Illinois satisfied with that statement?

Mr. FORT. Of course I am.

The question was put on the amendment, and the Chairman stated that the noes appeared to have it.

Mr. CLYMER. I must ask for a division; it is a very necessary amendment.

The committee divided; and there were—ayes 35, noes 40.

The CHAIRMAN. Unless a further count be insisted on, the amendment will be considered as disagreed to.

Mr. WHITTHORNE. I demand tellers.

Mr. GARFIELD. The gentleman did not rise in his seat.

Mr. ELDREDGE. I would like to know how a man can rise in his seat?

The CHAIRMAN. Does the gentleman from Tennessee demand tellers?

Mr. WHITTHORNE. I do.

Tellers were ordered; and Mr. GARFIELD and Mr. CLYMER were appointed.

The committee divided; and the tellers reported ayes 41, noes not counted.

So the amendment was not agreed to.

Mr. BUTLER, of Massachusetts. I offer the following amendment, to come in as a separate section:

SEC. —. That the Secretary of the Treasury be, and he is hereby, authorized to pay, when discharged, two months' pay to such clerks and employés in the Executive Departments in Washington, District of Columbia, as shall be discharged at the close of the present fiscal year without fault on their part but by reason of reductions made necessary by the legislation of the present session of Congress: *Provided*, That the amount paid under this resolution shall be deducted from the salary of any person receiving the same who shall be reappointed within six months from the date of such discharge; and so much money is hereby appropriated.

We have been cutting down the number of clerks by the reorganization of the Treasury Department; and this is just what we did last year.

Mr. SPEER. I must raise the point of order on that amendment.

Mr. BUTLER, of Massachusetts. O, the point of order comes too late.

The CHAIRMAN. The point of order is never good when debate has been allowed upon an amendment.

Mr. BUTLER, of Massachusetts. The point of order is withdrawn, I know.

Mr. SPEER. The gentleman says the point of order is withdrawn, and for once I agree with him.

The question was taken on the amendment, and it was not agreed to.

Mr. GARFIELD. I ask the committee to turn back to pages 5 and 6 of this bill, to the paragraphs under the heading "national banks" and "national loan," which were passed over at the time they were reached.

The Clerk read the following:

National currency:

For paper, engraving, printing, express charges, and other expenses of making and issuing the national currency, $200,000, to be disbursed under the direction of the Secretary of the Treasury.

Mr. MAYNARD. I offer the following amendment to the paragraph just read:

Provided, That the national-bank notes shall be printed under the direction of the Secretary of the Treasury upon the distinctive or special paper which has been or may hereafter be adopted by him for printing United States notes.

Mr. MERRIAM. I raise the point of order that the amendment changes existing law.

Mr. RANDALL. If the Chair will examine the RECORD he will find that when this portion of the bill was before the committee the understanding was that the whole subject should be considered.

Mr. MAYNARD. This was included in the resolution of the gentleman from Maine, [Mr. HALE.]

Mr. RANDALL. I understand also that action was delayed on this until the reports of the majority and minority of the Committee on Banking and Currency could be laid before the House.

Mr. MAYNARD. If the RECORD of February 23 is sent for it will be seen what the resolution was which passed upon the motion of the gentleman from Maine, [Mr. HALE.]

Mr. BUTLER, of Massachusetts. A House resolution is not law.

Mr. MAYNARD. But it will show how far the rules were suspended.

The CHAIRMAN. The gentleman from New York [Mr. MERRIAM] will state his point of order against this amendment.

Mr. MERRIAM. My point of order is that it changes existing law.

The CHAIRMAN. Is there any law requiring these notes to be printed upon any particular kind of paper?

Mr. MERRIAM. The present law is that the Secretary of the Treasury——

The CHAIRMAN. The Clerk will read the resolution adopted on motion of the gentleman from Maine under a suspension of the rules.

The Clerk read as follows:

Resolved, That the rules be so suspended that the following matters shall be in order as parts of the sundry civil appropriation bill for the next fiscal year, namely: Clauses authorizing the Secretary of the Treasury to accept the gift of sites for life-saving stations; regulating the printing of the national currency, &c.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MAYNARD. I stated the other day that the Committee on Banking and Currency had had this subject under consideration but had not been able to agree upon all the points submitted to it. But upon this point of the printing of the national-bank notes the committee were unanimous.

Mr. HAWLEY, of Connecticut. O, no.

Mr. MAYNARD. I think I have the names here before me.

Mr. HAWLEY, of Connecticut. Well, here is one of them.

Mr. MAYNARD. I have here the report of one portion of the committee, from which I will read:

That the distinctive paper used in the manufacture of the United States notes shall also be used in the manufacture of the notes of the national banks.

CLINTON L. MERRIAM.
JOS. R. HAWLEY.
WM. WALTER PHELPS.
ALEX'R MITCHELL.
M. J. DURHAM.

Then when I look at the bills which were introduced I find that they agree in this, that the national-bank notes shall be printed upon the distinctive paper adopted by the Secretary of the Treasury for the other securities.

Mr. MERRIAM. Does the gentleman propose in all this matter to follow the suggestion of the majority of the Committee on Banking and Currency which did not leave bank-note printing discretionary with the Secretary of the Treasury?

Mr. RANDALL. I would like to correct the gentleman. When the vote was taken in committee——

A MEMBER. You have no right to state what was done in committee.

Mr. RANDALL. Well, it was published in the papers at any rate. What I read in the papers was this——

A MEMBER. What paper?

Mr. RANDALL. The New York Herald. That paper states that on the provision for using a "distinctive paper" nine members of the committee voted for it and two against it. According to the statement of that paper, the gentleman from Connecticut [Mr. HAWLEY] was one of those two; and he does not seem to contradict it.

Mr. MAYNARD. The sixth section of the bill of the Committee on Banking and Currency provides that the national-bank notes shall be printed on a distinctive paper, to be designated by the Secretary of the Treasury. It is well known that the United States notes, the greenbacks as they are called, and the other securities of the Government are printed on a paper that has a fiber running through it—a paper adopted in order to prevent counterfeiting. And the experience of the Treasury Department has been that since this paper has been used no successful counterfeit has been made. The gentleman from Pennsylvania [Mr. RANDALL] has said there were two members who did not coincide in the report on this question; but a majority of the committee were agreed that the national-bank notes should be printed by the Secretary of the Treasury and printed on the same paper as the greenbacks and other securities of the United States.

Mr. HALE, of Maine. Aside from the question of the paper, what was the judgment of the majority of the committee as to the printing of these notes—where it should be done?

Mr. RANDALL. That is the next question. Let us take up these questions *seriatim*.

Mr. MAYNARD. In the two reports and in the bill and amendments submitted by the committee the gentleman will find our views upon that subject.

Mr. HAWLEY, of Connecticut. Mr. Chairman, I do not believe that this "distinctive paper," as it is called, has the advantages claimed for it. The Treasury Department seems to have changed its mind upon the subject from time to time. Step by step it has changed its policy as to the method of securing this distinctive paper. I have seen in the committee-room specimens of "distinctive paper" twenty-five or thirty years old. I can find old bank-notes printed upon paper of this description with a fiber thrown in. I do not believe that the pretended patent for this paper is worth a farthing. I believe the Government is paying more for it than ought to be paid. I do not say that there is any "job" in this matter. I believe Secretary BOUTWELL thought it a good thing for the country to get up that distinctive paper; but I do not believe in compelling the banks to use it if they do not desire it. I think a large majority of them would prefer a fine smooth paper of the old style to this coarse, harsh description of paper on which you cannot write nearly so well as on the other, and which I think has not one-half the advantages claimed for it in economy or any other respect.

Mr. RANDALL. The whole of the testimony went to show that one of the safeguards against counterfeiting was this distinctive paper. I think the difference in cost is very slight.

Mr. TOWNSEND. The safeguard against counterfeiting consists in the fact that it is a violation of law to manufacture any paper like it.

Mr. BURLEIGH. I move to amend by adding this proviso:

Provided, That the paper shall be as good as that furnished the national banks in 1864.

Since that time the paper has very much deteriorated. We do not now get the same paper in our bank-notes. It is not so durable. I think there should be some requirement of law so that this paper shall be of better quality than it is to-day.

Mr. HAZELTON, of Wisconsin. That is a matter of argument to be addressed to the Treasury Department.

Mr. BURLEIGH. I propose the amendment that the paper shall be as durable and as good as was furnished to the banks during the war. The paper on which the national-bank notes are now printed has very much deteriorated, and is by no means as good as the paper which was furnished to the banks during the war.

Mr. BURLEIGH'S amendment to the amendment was rejected.

The question recurred on Mr. MAYNARD'S amendment.

Mr. MERRIAM. I rise to oppose the amendment.

The CHAIRMAN. Debate is exhausted on the pending amendment.

The committee divided; and there were—ayes 81, noes 65.

So the amendment was adopted.

The Clerk read as follows:

For the purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of the same, $50,000: *Provided*, That the above-named notes, currency, and other securities of the United States be executed with not less than three plate printings, at least two of which printings shall be executed by such responsible and capable and experienced bank-note companies as shall contract for the same at the lowest cost to the Government, and at prices not greater than those heretofore paid for the same class of work; no company or establishment executing more than one printing upon the same note or obligation, and the final printing and finishing to be executed in the Treasury Department.

Mr. HUNTON. I move in lines 135 and 136 to strike out the words "at least two of which printings shall be executed," and insert in lieu thereof the following: "and provided further, the Secretary of the Treasury, in his discretion, may have executed one of two of said printings;" so it will read:

Provided, That the above-named notes, currency, and other securities of the United States be executed with not less than three plate printings: *And provided further*, The Secretary of the Treasury, in his discretion, may have one or two of said printings executed by such responsible and capable and experienced bank-note companies as shall contract for the same at the lowest cost to the Government, and at prices not greater than those heretofore paid for the same class of work.

Mr. HUNTON. That amendment provides that the Secretary of the Treasury may in his discretion have all said plate printings executed by said bank-note companies.

Mr. HALE, of Maine. I would like to hear the chairman of the Committee on Banking and Currency on this question. I asked him a question a few moments ago, what was the result of the prolonged investigation of the committee on this matter as to the printing of the currency, how much should be done by outside parties and how much by the Treasury Department. I see the gentleman looking over his minutes reviving his recollection, and I should be glad to have an answer.

Mr. RANDALL. Perhaps I can answer the question of the gentleman.

Mr. CREAMER. This is a matter, as far as I understand, where there is considerable opposition in the lobby or elsewhere in reference to this provision; and therefore I trust order will be observed.

Mr. RANDALL. Mr. Chairman, the majority of the Committee on Banking and Currency are in favor of three plate printings, two to be done by the national bank-note companies, and those two to be done by separate companies. The minority of the committee, consisting of Mr. MAYNARD, Mr. HUBBELL, Mr. FARWELL, Mr. NILES, and myself, agreed to have three plate printings and to have one done outside, upon the allegation that made a check, and to have the other two plate-printings done inside of the Treasury Department. Therefore we say one or more.

Mr. CESSNA. I wish to ask my colleague how the committee stood and what the vote of the majority was?

Mr. RANDALL. There was only one majority, six members against five.

Mr. CESSNA. That is precisely what I thought.

Mr. RANDALL. Now I wish to give my own judgment about this matter.

Mr. HALE, of Maine. I only wish to know precisely the conclusions arrived at by the Committee on Banking and Currency.

Mr. WILSON, of Indiana. I ask for the reading of the one hundred and thirty-fourth rule, in reference to admission to the floor.

Mr. HALE, of Maine. Let me ask the gentleman a question; and it is this: does he not understand if this left to the Secretary of the Treasury he will have one impression done outside and two inside?

Mr. RANDALL. I have no doubt of it.

Mr. RUSK. That is what we want.

Mr. RANDALL. Let me go on. For my own part I never could see any reason why the Government of the United States, with all the checks they have in the Treasury Department, should not do this entire printing of its notes and securities precisely as it does the mint-

ing of its own coin. But there has been a great *furore* here in reference to the safety of the national-bank notes and the greenbacks, and, acting upon the suggestion of Mr. BOUTWELL, in whom I have the utmost possible confidence, to quiet the bankers and to quiet everybody in the country we have agreed to put it in this shape, so the Secretary of the Treasury should be required to have one of these printings outside, or more if he supposed more was necessary. But I will say frankly to the House—and I have nothing to conceal—that the Secretary of the Treasury said distinctly that if left in that way he would do but one printing outside.

Several MEMBERS. And he is right.

Mr. RANDALL. And this one thing more; the Secretary of the Treasury in his report takes the position that all these plate printings of bank-notes should be done inside the Treasury Department.

Mr. DURHAM and Mr. MERRIAM rose.

Mr. MERRIAM. I rise to oppose the amendment, and ask the committee to hear me make a brief statement of facts.

The CHAIRMAN. The floor has not yet been assigned to the gentleman from New York. The committee will come to order. [After a pause.] The Chair will now recognize the gentleman from New York, [Mr. MERRIAM,] after which he will recognize the gentleman from Kentucky, [Mr. DURHAM,] of the Committee on Banking and Currency.

Mr. MERRIAM. My colleague on the committee from Pennsylvania [Mr. RANDALL] has just told us that he followed the suggestion of Mr. BOUTWELL in the bill the minority presented in order to quiet the fears of the bankers, merchants, &c., of the country. I ask the Clerk to read their petition. It is numerously signed by the leading bankers and merchants, the trust companies and life insurance companies of New York City, Philadelphia, Albany, Boston, Chicago, Saint Louis, and Cincinnati, and we can judge if only one printing outside the Treasury will quiet the fears of the bankers and merchants.

The Clerk read as follows:

To the House of Representatives:

Your petitioners respectfully represent that in their opinion it is of great importance that all of the issues of the Government should be so treated during the various processes of their manufacture as to secure them against possible danger of fraud, such as counterfeiting, altering, duplicating, or over issuing; that whereas the Joint Select Committee on Retrenchment, under date of March 3, 1869, reported and recommended as follows, namely: "The highest safety is to be attained by so conducting the work that no one or even two departments should have it in their power to finish any note, bond, or coupon, but that one part of the engraving on the securities should be printed by one establishment, and a succeeding part by another department entirely distinct and separate from the first, and that the final process of sealing and signing should be done by still another distinct and separate department, and in the Treasury. By such methods, each under separate and distinct control, the nearest approach possible to security will be reached;" and whereas this plan was approved and adopted in the report of the Secretary of the Treasury on the state of the finances for the year 1869; and wheras this plan has been dangerously departed from:

Now, therefore, to prevent the possibility of fraud in the preparation of Government issues, and that the confidence of the public, both here and abroad, in their integrity may be strengthened and never impaired—

Your petitioners respectfully request that a law may be passed authorizing and requiring the Secretary of the Treasury, in the manufacture of all Government issues hereafter to be made, to conform to the plan recommended by the Joint Select Committee on Retrenchment aforesaid.

Mr. MERRIAM. I wish this House distinctly to understand that this section, which was drawn up and presented by the Committee on Appropriations and which is now before us for action, is the same as was approved in a bill prepared by a majority of the Banking and Currency Committee, and it exactly conforms with the wishes of these petitioners who represent over $750,000,000 capital of this country, the men who hold our bonds and who influence foreign investors. These men are entitled to dictate to us, as it were, where and how these securities shall be printed, that is so they can judge if there be an overissue or not. It is our duty to so manage our printing that their confidence may not be shaken. It has been conceded by the whole country that only two questions are open for consideration in this discussion, first security and next economy; both are of vast importance. We have had the subject before us nearly a year, and a majority, after patient investigations and examinations, have agreed with former investigating committees as embraced in this bill. As to economy we will take the testimony of the Chief of the Bureau of Printing and Engraving, which shows that it costs more than 33⅓ per cent. more to do it in the Treasury than to employ the bank-note companies in New York. And I will read a few items to show why it is so. Mr. McCartee says:

By deducting the following items, which materially increase the cost in the Bureau, *and do not enter into the cost of the bank-note companies*, namely:

An allowance for—	
Keeping accounts with New York bank-note companies and with the paper agent at Glen Mills, ½ per cent.	$0 27
Making duplicate reports from each division to the Secretary, 1 per cent.	53
Additional labor necessary to insure perfect security, 10 per cent.	5 30
System of watch necessary to insure perfect security, 1½ per cent.	80
Continued employment of operatives (many of whom are destitute widows and orphans of soldiers) at times when orders for work from Secretary and Treasurer are comparatively small, 5 per cent.	2 65
Difference in number of hours which employés of Bureau and bank-note companies work, 4 per cent.	$2 12
Difference in wages paid by the Bureau and by the bank-note companies 10 per cent.	5 30
Extra laborers and cleaners rendered necessary by the occupation of *unsuitable premises*, 1½ per cent.	70
Total deductions	17 67

We need no further testimony as to economy. As to security the bank-note companies have printed more than $10,000,000,000 for this Government without the loss of a dollar to the Treasury, while the joint select committee reports have not accounted for three or four millions lost from the Treasury. These bank-note companies have been organized over fifty years. They represent an American enterprise that we should be proud of. They are to-day printing the paper money of nearly all the South American states and on the continent of Europe. They have gone back to the very home of the arts, and America is to-day printing the currency of Greece. Such American skill and energy should be encouraged by its own Government, not monopolized against.

The patronage of a Government establishment in the hands of an unscruplous head is susceptible of corrupt tendencies at the center of legislation where obtaining office for constituents is almost a necessity. Recent shameful exhibitions of it from the head of this Bureau ought to make us all pause who are independent men and independent legislators.

[Here the hammer fell.]

Mr. DURHAM rose.

Mr. GARFIELD. I should like the committee to come to an agreement as to time when we shall take the vote.

Several MEMBERS. Let it be in ten minutes.

Mr. GARFIELD. I ask unanimous consent that debate on the pending paragraph be limited to fifteen minutes.

Mr. PAGE. I object.

Mr. GARFIELD. Then I will move that the committee rise for the purpose of closing debate.

The CHAIRMAN. The gentleman from Kentucky [Mr. DURHAM] has the floor.

Mr. DURHAM. I desire to have the attention of the committee for a few minutes, and ask that order may be preserved in the Hall.

Mr. PAGE. If the chairman of the Committee on Appropriations allows this debate to run longer, I will move that the committee rise.

The CHAIRMAN. The motion is not in order, the gentleman from Kentucky being on the floor.

Mr. GARFIELD. The gentleman from California [Mr. PAGE] was the only gentleman who objected to limiting debate. I ask unanimous consent to close debate in five minutes.

The CHAIRMAN. The motion is not in order, the gentleman from Kentucky being on the floor.

Mr. DURHAM. I do not wish to prolong the debate, but I think I am entitled to my five minutes without interruption.

Mr. Chairman, there are but two questions involved in this matter now before the House, and they are very grave questions. I know that I cannot explain the whole matter in five minutes. I wish I had half an hour to discuss this question as it is detailed and presented in this volume which I hold in my hand. I think the points can be demonstrated as clearly as testimony can demonstrate anything. The testimony taken before the Committee on Banking and Currency establishes two facts, and those two facts are, first, that a regard for security so far as the engraving and printing of all the securities of the Government is concerned demands that it shall be done in as many parts as possible; secondly, that economy requires also that it shall be done outside of the Department as far forth as it can be done.

On the first proposition permit me to state this: that the majority of that committee, and, as I understand, also a majority of the Committee on Appropriations, have recommended that there shall be three plate printings on all these securities; that two of them shall be done outside of the Department and by different companies, and that the final printing, together with the sealing and numbering, shall be done in the Department. The minority of the committee recommend that there shall be discretion left to the Secretary of the Treasury whether one plate or two plates shall be printed out of the Department; but they recommend certainly that one shall be done out of the Department; and I make the point here that the gentlemen who represent the minority of the committee yield the whole question when they consent that one of them shall be done outside. If there is security in one being done outside there is double security in two. And I will illustrate it. One of the propositions made by the majority of the committee is that one plate shall be done by one company, another by another company, and the third by the Department. Now, what are the chances as to forgery or counterfeiting under these different propositions? Suppose that you had all the printing done in the Department, where all the dies are under the control of one set of operators where all the printing is done, the two printings, the single printing on one side and the two printings on the other side, the sealing and numbering all together, how easy by a combination of operators it would be to forge a large amount of money and put it in circulation.

Now take the other side of the question. You only prepare the die and put it in the hands of one company; and so far as that company is concerned, they have no other die, and although they may strike off millions and millions of dollars of notes they would not pass as money. They hand them over to the second company for that portion of the work which they have to do, and they keep a record of every bill passed over. That company performs its part of the work and then brings it here to the Treasury Department, and they receipt

for it and keep a record of it. Still it is not money, and cannot pass as money. Then in the Department the last printing, together with the sealing and numbering, is put upon it before it can pass anywhere as money. So the chances of combinations between the two companies in New York and the Printing Bureau in this city are far less than could otherwise be made, so far as counterfeiting is concerned. Then I would ask if my colleague on the committee has read the petition representing over $700,000,000, asking that the report of the committee appointed in 1869, which was precisely the same as this report, shall be carried out in this regard.

That is as much as I can say in this respect. So far as security is concerned, there cannot possibly be any combination as between the three different companies for the purpose of counterfeiting, nor can there be any question as to the advisability of the plan recommended by the committee on the score of economy. I hold in my hand the testimony taken before the committee, which I can refer to for but a moment. If gentlemen will turn to page 296 of that testimony, they will find that Mr. George B. McCartee, who has charge of the Printing Bureau here, admits, as stated by my colleague, that it costs 33⅓ per cent. more to do the work here than it does in New York by the bank-note companies.

Mr. GARFIELD. I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the state of the Union on the special order; and pending that motion I move that all debate on the pending and remaining paragraph be limited to five minutes.

Mr. MILLS. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 23, noes not counted.

So the House refused to adjourn.

The motion limiting debate to five minutes on the pending paragraph was agreed to.

The question was taken on Mr. GARFIELD'S motion that the House resolve itself into Committee of the Whole on the state of the Union; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By order of the House all debate on the pending paragraph of the bill is closed in five minutes.

Mr. MAYNARD. I was asked how the different portions of the committee divided in their opinions. By looking at the report, pages 5 and 6, it will be seen that Mr. MERRIAM, Mr. HAWLEY, Mr. PHELPS, Mr. MITCHELL, Mr. DURHAM, and Mr. HUNTER agreed substantially to the proposition of this bill. The other members of the committee whose names I have read agreed substantially to the amendment proposed by the gentleman from Virginia.

Mr. MERRIAM rose.

The CHAIRMAN. The Chair will state that interruptions will be taken out of the gentleman's time.

Mr. MAYNARD. I do not wish to be interrupted. I wish to say on the subject of expense, in the first place, that the proof shows that the work is done cheaper in the Department a great deal than it is by the bank-note companies. I have here the figures for the last year, in which all the expenses of the Bureau were $590,000, while the Government paid the bank-note companies $603,000 besides expressage, and the expressage that was paid amounted to over $100,000 in bringing these securities from New York. It is true the Department says, and these gentlemen say, that they incur expenses which are not borne by the Department; that they pay their employés more, &c. And the bank-note companies have their expenses. They have rent, taxes, profits, and other expenses which are not borne by the Department. As a matter of fact, the work is done much cheaper in the Department than it has ever been done by the bank-note companies. I have a statement here before me of what we have paid the bank-note companies since 1863, and it amounts in the aggregate to nearly $10,000,000.

Mr. HAWLEY, of Connecticut. Did not they earn the money?

Mr. MAYNARD. I have not said anything about that.

Mr. PENDLETON. I move to strike out "may" and insert "shall" in the last proviso, so as to make it obligatory on the Secretary of the Treasury, and not discretionary.

Mr. MERRIAM. The House ought to understand that this cannot be done without another building.

Mr. O'NEILL. I would suggest to the gentleman from Virginia [Mr. HUNTON] to modify his amendment by putting in the words "bank-note engravers" after "bank-note companies," so that individuals who are carrying on this business may have a chance.

Mr. HUNTON. I will modify my amendment as suggested.

The question was upon the amendment of Mr. PENDLETON to strike out "may" and insert "shall."

Mr. RANDALL. Does that word "shall" apply to two printings or to one printing?

The CHAIRMAN. The Clerk will read the amendment as it is proposed to be amended.

The Clerk read as follows:

And provided further, That the Secretary of the Treasury, in his discretion, shall have one or two of such printings, &c.

The amendment to the amendment was not agreed to.

The question was taken upon the amendment of Mr. HUNTON as modified; and upon a division there were—ayes 71, noes 50; no quorum voting.

Mr. DURHAM. I give notice that I will call the yeas and nays on this amendment in the House.

Mr. CREAMER. I raise the point of order that no quorum voted.

The CHAIRMAN. Is not the point too late?

Mr. CREAMER. I raised it as soon as the vote was announced.

Mr. HALE, of Maine. The gentleman did raise the point as soon as the vote was announced.

The CHAIRMAN. Well, the Chair will order tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. CREAMER were appointed.

The committee again divided; and the tellers reported that there were—ayes 97, noes 51.

So the amendment was agreed to.

Mr. GARFIELD. I move that the committee now rise and report the bill, with the amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and had directed him to report the same back to the House, with sundry amendments.

Mr. GARFIELD. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. GARFIELD. I ask that all the amendments made in Committee of the Whole upon which a separate vote is not asked may be considered as concurred in by the House.

No objection was made, and it was so ordered.

Mr. GARFIELD. I now ask a separate vote on the amendment directing $30,000 of an appropriation to be expended in procuring evidence to defeat certain claims against the United States.

Mr. SPEER. I ask a separate vote on the amendment concerning the pay of contestants in election cases.

Mr. ELDREDGE. I call for a separate vote on the last amendment adopted in Committee of the Whole, relating to the printing of national-bank notes, &c.

The SPEAKER. The first amendment to be voted upon on which a separate vote is asked is the amendment in relation to printing national-bank notes.

The question was taken upon concurring in the amendment; and upon a division there were—ayes 79, noes 54.

Mr. MERRIAM. No quorum has voted.

Mr. DURHAM. I call for the yeas and nays.

Mr. GARFIELD. Do not call for the yeas and nays.

The question was taken on ordering the yeas and nays; and upon a division there were—ayes 23, noes 104; not one-fifth in the affirmative.

Before the result of this vote was announced,

Mr. DURHAM called for tellers on ordering the yeas and nays.

The question was taken on ordering tellers; and there were 21 in the affirmative; not one-fifth of a quorum.

The SPEAKER. Tellers have been refused on ordering the yeas and nays, and the yeas and nays have been refused. The point has been raised that upon the amendment no quorum voted. The Chair will order tellers; and appoints Mr. GARFIELD, of Ohio, and Mr. DURHAM, of Kentucky.

Mr. CESSNA. They are both on the same side.

The SPEAKER. Then the Chair will appoint the gentleman from Pennsylvania, Mr. CESSNA, in place of the gentleman from Ohio, Mr. GARFIELD.

Mr. CESSNA. I did not raise the point because I wanted the job myself.

The SPEAKER. The gentleman will take "the job."

The House again divided; and the tellers reported that there were ayes 94, noes 52.

So the amendment was concurred in.

The next amendment on which a separate vote had been asked was read, as follows:

On page 8, line 162, add:

Fifty thousand dollars of which may be expended under the direction of the Attorney-General in procuring evidence for the defeat of fraudulent claims against the United States brought in the courts of the United States: *Provided*, That no part of said sum shall be paid for said evidence, or documents to be used as evidence, unless the claim shall be finally defeated because of the evidence so procured, to which fact the Attorney-General shall certify.

The question being taken on agreeing to the amendment, there were—ayes 46, noes 68; no quorum voting.

Tellers were ordered; and Mr. LEWIS and Mr. BOWEN were appointed.

Mr. BUTLER, of Massachusetts. I ask that the amendment be again read. I do not think it is understood. It was passed in Committee of the Whole by a large majority.

The amendment was again read.

Mr. SPEER. Should there not be an amendment providing that no part of this sum shall be paid to any member of the present Congress?

Mr. NEGLEY. O, no; let some of us have a chance!

The House divided; and the tellers reported—ayes 68, noes 77.

Mr. BUTLER, of Massachusetts. I call for the yeas and nays on this amendment. There is almost a million dollars involved.

The yeas and nays were not ordered, there being ayes 12, noes not counted.

So the amendment was not agreed to.

The SPEAKER. According to the understanding of the Chair, there is another amendment on which a separate vote was asked.

Mr. BUTLER, of Massachusetts. I call for a separate vote on the next amendment.

The SPEAKER. The gentleman has no right to do that, because all the other amendments have been concurred in except one, on which the gentleman from Pennsylvania [Mr. SPEER] called for a separate vote. When the Chair submitted the question as to the amendments on which a separate vote was desired, all the amendments upon which such a vote was not then asked were concurred in. The gentleman from Pennsylvania, the Chair thought, indicated his desire for a separate vote on one amendment.

Mr. SPEER. I did.

Mr. PAGE. In Committee of the Whole to-day I gave notice that I would call for a separate vote on the McGarrahan amendment.

The SPEAKER. The gentleman has not called for it in the House.

Mr. PAGE. I did not call for it because I did not hear any notice given.

Several MEMBERS. Too late!

Mr. PAGE. I do not understand that I am too late to call for a separate vote.

Mr. BUTLER, of Massachusetts. I move a reconsideration of the vote by which the last amendment was disagreed to.

A MEMBER. How did the gentleman vote?

The SPEAKER. No matter about that. There is no record.

Mr. GARFIELD. I move that the motion to reconsider be laid on the table.

The SPEAKER. The Chair will appoint tellers at once. The gentleman from Massachusetts, Mr. BUTLER, and the gentleman from Ohio, Mr. GARFIELD, will act.

The tellers took their stations and the House proceeded to divide.

During the division the following proceedings took place:

Mr. BUTLER, of Massachusetts. I want gentlemen to vote to save nearly a million dollars to the Treasury.

Mr. GARFIELD. I object to the gentleman from Massachusetts discussing the question while acting as a teller.

Mr. BUTLER, of Massachusetts. Read the rule that forbids it.

The SPEAKER. The rule of common propriety forbids it.

After a pause,

Mr. BUTLER, of Massachusetts. Mr. Speaker, may I be dismissed as a teller?

The SPEAKER. Does the gentleman demand a further count?

Mr. BUTLER, of Massachusetts. I do not want this question to be decided without a quorum.

The SPEAKER. That is what the Chair is trying to get.

Mr. BUTLER, of Massachusetts. I do not like to see a great wrong of this sort done at this time in the morning.

Mr. GARFIELD. I object to a teller making remarks on the question which is being voted upon.

Mr. BUTLER, of Massachusetts. I object to being interrupted by my fellow-teller.

Mr. GARFIELD. I rise to a perpetual point of order: that the gentleman should behave with seemly decency in this matter.

Mr. BUTLER, of Massachusetts. Pardon me; it is a very indecent neighbor I have got here, who keeps all the time talking.

Mr. SPEER. I object to debate.

The SPEAKER. The Chair thinks it fair to let the tellers fight it out.

Mr. ELDREDGE. It is proper that they should have seconds?

The SPEAKER. According to the several returns made by the tellers there are 96 in the affirmative and 48 in the negative. Does that correspond with the count of the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I do not think there are quite so many.

The SPEAKER. Two clerks at the desk who kept the tally verify the count.

Mr. BUTLER, of Massachusetts. Is the Speaker satisfied that that is the correct count?

The SPEAKER. He is satisfied so far as to be positively certain. The motion to reconsider is laid on the table.

Mr. BUTLER, of Massachusetts. I move that the House adjourn.

The motion was not agreed to, there being ayes 23, noes not counted.

The SPEAKER. The next question is on an amendment appropriating certain amounts to contestants in election cases. On this amendment the gentleman from Pennsylvania [Mr. SPEER] has demanded a separate vote.

Several MEMBERS. Withdraw the demand.

Mr. SPEER. I cannot withdraw it. If the House refuses the yeas and nays, my responsibility is ended and my duty performed. I demand the yeas and nays.

The yeas and nays were refused.

The amendment was concurred in.

The SPEAKER. The gentleman from California states that he gave notice in the committee he would call for a separate vote upon a certain amendment.

Mr. CESSNA. I make the point of order, and I am sorry to make it, that the gentleman from California did not demand a separate vote in time. When the committee rose the Chair asked if any one desired a separate vote on any amendment he should make it known at that time. All amendments upon which separate votes were not designated were agreed to in gross. It is now too late for the gentleman to ask a separate vote on the amendment. It has been concurred in.

Mr. PAGE. When the committee rose the chairman of the Committee on Appropriations said that he called for separate votes on certain amendments. Of course I expected the votes would be taken on these amendments first, or else I would have risen and demanded a separate vote. I gave notice in the committee that I would ask for a separate vote.

The SPEAKER. That would, perhaps, afford an equitable ground in behalf of the gentleman from California. The Speaker is not presumed to know what took place in committee.

Mr. GARFIELD. I agree with the Chair that he has an equitable ground for his demand, but he certainly did not call for a separate vote in time; and I insist on the point that the demand for a separate vote now comes too late.

The SPEAKER. The claim has an equitable ground, but if gentlemen insist on their point of order the Chair cannot entertain the proposition of the gentleman from California.

Mr. CESSNA. I do insist on the point of order; I do so, or else we will be left here without a quorum, and lose our appropriation bill.

Mr. PAGE. It is as little as the gentleman from Pennsylvania could do to allow the judgment of the House to be taken on the amendment.

The SPEAKER. The Chair is compelled to sustain the point of order.

Mr. FORT. There was an arrangement in Committee of the Whole that I should be permitted to have a vote on the amendment in the House, which I have now reduced to writing, appropriating $5,000 to the Little Sisters of the Poor. It was understood I should have an opportunity to present the amendment to the House for a vote upon it.

The SPEAKER. Upon that statement, that there was an arrangement by which the gentleman was to have a vote on his amendment in the House, the vote will now be taken.

The House divided; and there were—ayes 50, noes 71.

So the amendment was disagreed to.

Mr. BUTLER, of Massachusetts. There is no quorum present.

The SPEAKER. But no further count was asked for.

Mr. BUTLER, of Massachusetts. I rise to demand there shall be a further count. No business shall be passed without a quorum.

Several MEMBERS. Too late! too late!

Mr. BUTLER, of Massachusetts. I got up immediately. I cannot see public property sacrificed in this way. I insist on a division on the Little Sisters of the Poor.

The SPEAKER. The Chair does not think that the gentleman was in time, but as he always says he was he therefore gives it to him. The Chair understands there was an arrangement in the Committee of the Whole by which a vote was to be taken on this amendment in the House.

Mr. GARFIELD. Who says there was such an arrangement?

Mr. FORT. I do.

Mr. GARFIELD. There was not, so far as I am concerned, any such arrangement. I said that when the committee rose the gentleman from Illinois could move to suspend the rules and make his amendment in order. He was ruled out of order in reference to his amendment.

The SPEAKER. In Committee of the Whole?

Mr. GARFIELD. He asked the committee to rise and make the amendment in order. I said, "Do not rise; we will be rising during the evening, and you can try it again."

Mr. FORT. I do not demand a further count.

The SPEAKER. Under that state of circumstances, the Chair cannot entertain a further count on the amendment.

Mr. BUTLER, of Massachusetts. I demand a division.

The SPEAKER. There does not seem to have been any understanding that the gentleman from Illinois should have an opportunity in the House for a vote on this amendment. He therefore cannot entertain any further count.

Mr. BURCHARD. Is it in order for the gentleman to withdraw his amendment?

The SPEAKER. It is entirely in order for him to withdraw it.

Mr. ELDREDGE. Has no other member any privilege except the chairman of the Committee on Appropriations?

The SPEAKER. This seems to have proceeded under a misappre-

hension; as it seems now there was no understanding in Committee of the Whole, a vote should be taken on this in the House.

Mr. FORT. Yes, there was; but I do not want to throw a fire-brand in here.

Mr. ELDREDGE. I insist on it.

The SPEAKER. Insist on what?

Mr. BUTLER, of Massachusetts. I insist on a further count.

The SPEAKER. There is nothing before the House.

Mr. BUTLER, of Massachusetts. The House was dividing.

The SPEAKER. The gentleman withdrew his amendment. The question now is, Will the House order this bill as amended to be engrossed and read a third time?

Mr. GARFIELD. I demand the previous question.

Mr. ELDREDGE. I demand a division on the amendment.

The SPEAKER. The gentleman has withdrawn it.

Mr. ELDREDGE. I renew it.

The SPEAKER. The gentleman from Wisconsin has no right to renew it. The only possible question was whether the gentleman from Illinois had the right to offer it.

Mr. ELDREDGE. The gentleman from Illinois asserted his right to offer it; and if he had not done it, I would.

The SPEAKER. There is no claim that the gentlman from Wisconsin had the right to offer it.

Mr. BUTLER, of Massachusetts. Everybody had the right.

Mr. ELDREDGE. I think everybody had the right.

The SPEAKER. Not at all. Where a gentleman named is given the right to offer an amendment, and he does not choose to exercise it, it is not transferable.

Mr. BUTLER, of Massachusetts. But he did choose to exercise it.

The SPEAKER. And then he chose to withdraw it.

Mr. ELDREDGE. I insist that after a vote was taken he had no right to withdraw the amendment.

The SPEAKER. Not at all. There is nothing to justify that at all. A member has the right to withdraw a proposition until it is disposed of.

Mr. ELDREDGE. Suppose that a member reserves the right to offer an amendment and others relying upon him do not exercise the same right. Relying upon his reservation, we demand the vote upon that amendment.

The SPEAKER. The gentleman is talking now as if it was something regular under the rule. The whole thing was against the rule.

Mr. ELDREDGE. I understand that the whole thing is against the rule. But the gentleman having obtained the right to offer an amendment, had no right to withdraw it.

Several MEMBERS. Regular order!

The SPEAKER. The Chair differs from the gentleman. The question is, Will the House order the bill as amended to be engrossed and read a third time?

Mr. BUTLER, of Massachusetts. Has the previous question been ordered?

The SPEAKER. It has.

Mr. BUTLER, of Massachusetts. I did not hear it. I call for the reading of the engrossed bill.

The SPEAKER. The stage is not reached yet when that demand can be made.

The question being taken, the bill was ordered to be engrossed and read a third time.

Mr. BUTLER, of Massachusetts. I demand that the engrossed bill shall be read.

Mr. GARFIELD. I move that the rules be suspended so as to dispense with the reading of the engrossed bill.

The motion to suspend the rules was seconded; and the rules having been suspended (two-thirds voting in favor thereof) the reading of the engrossed bill was dispensed with.

The bill was read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I move that the rules be suspended and that the bill be printed for the convenience of the Senate.

The rules were suspended (two-thirds voting in favor thereof) and the motion agreed to.

Mr. MACDOUGALL and Mr. PARKER, of Missouri, rose to privileged reports.

Mr. BUTLER, of Massachusetts. I make the point of order that no other business but appropriation bills is in order.

The SPEAKER. That is all the business the Chair will entertain. The gentleman from Missouri [Mr. PARKER] is in order, being in charge of the report of the committee of conference on an important appropriation bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. PARKER, of Missouri. I present the report of the committee of conference on the legislative appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 3818 making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference have been unable to agree.

ISAAC C. PARKER,
GREENBURY L. FORT,
SAMUEL J. RANDALL,
Managers on the part of the House.

A. A. SARGENT,
JOHN A. LOGAN,
HENRY COOPER,
Managers on the part of the Senate.

Mr. PARKER, of Missouri. I move that the House agree to the request of the Senate for the appointment of a new conference committee.

The motion was agreed to.

And then, on motion of Mr. GARFIELD, (at three o'clock and forty-five minutes a. m., Tuesday, March 2,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: Resolutions of the Legislature of Wisconsin, requesting an extension of time for the construction of the railroad from Lake Saint Croix to Superior and Bayfield, to the Committee on Commerce.

Also, resolutions of the Legislature of Wisconsin, asking Congress to straighten the line of land-grant road between Portage City and Stevens Point, to the same committee.

Also, memorial of the Legislature of Wisconsin, for the improvement of lake and river navigation, and for the free navigation of Canadian waters, to the same committee.

Also, memorial of the Legislature of Wisconsin, requesting Congress to authorize the States of Wisconsin, Iowa, and Minnesota to cede to each other, mutually, concurrent criminal jurisdiction over the islands in the Mississippi River lying between them, to the Committee on the Judiciary.

By Mr. BEGOLE: The petition of 83 citizens of Clinton County, Michigan, for the issue of $200 in legal-tender notes to every Union soldier, to the Committee on Military Affairs.

By Mr. BURROWS: The petition of citizens of Van Buren County, Michigan, of similar import, to the same committee.

By Mr. CALDWELL: Resolutions of the Legislature of Alabama, in reference to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. CONGER: Petitions of citizens of Caro, Michigan, and of Huron County, Michigan, asking Congress to give each Union soldier one hundred and sixty acres of land without restriction, to the Committee on the Public Lands.

Also, the petition of citizens of Port Huron, Michigan, for an appropriation to build a harbor of refuge at Au Sable, Michigan, to the Committee on Commerce.

By Mr. COX: Resolutions of the Legislature of New York, for an amendment of the homestead law extending to ten years the time for selecting land by soldiers, to the Committee on the Public Lands.

By Mr. CROUNSE: The petition of citizens of Nebraska, for additional duty on flaxseed and jute-butts, to the Committee on Ways and Means.

By Mr. DANFORD: The petition of citizens of Harrison County, Ohio, for restrictive legislation in reference to alcoholic liquors, to the Committee on the Judiciary.

By Mr. FARWELL: The petition of R. A. Connolly, to be relieved for loss of check burned in the Chicago fire, to the Committee on Claims.

By Mr. GIDDINGS: Resolutions of the Legislature of Texas, relative to the just claims of survivors of the Mexican war, to the Committee on Invalid Pensions.

By Mr. HARRIS, of Virginia: The petition of Peter C. and William B. Warwick, executors of Abraham Warwick, deceased, to be indemnified for a captured vessel, to the Committee on War Claims.

Also, the petition of W. P. & B. Bannock, to be indemnified for captured cotton, to the same committee.

Also, the petition of Charles Bayne & Co., of Baltimore, to be indemnified for spirits of turpentine destroyed, to the same committee.

By Mr. ORTH: The petition of citizens of Dakota Territory, that the Black Hills be opened to occupation and settlement, to the Committee on the Territories.

By Mr. RICHMOND: Resolution of the Legislature of Pennsylvania, in relation to the equalization of bounties, to the Committee on Military Affairs.

Also, resolution of the Legislature of Pennsylvania, in relation to an appropriation for the improvement of the navigation of the Ohio River, to the Committee on Appropriations.

Also, resolution of the Legislature of Pennsylvania, in relation to an appropriation to improve the harbor of Erie, Pennsylvania, to the same committee.

Also, resolution of the Legislature of Pennsylvania in reference to the education of the blind, to the Committee on the District of Columbia.

By Mr. SCUDDER, of New York: Resolutions of the Legislature of New York, in relation to amendments of the homestead law, to the Committee on the Public Lands.

By Mr. WADDELL: Resolutions of the Legislature of North Carolina, requesting Congress to make an appropriation for the erection of two light-houses on Albemarle Sound, to the Committee on Commerce.

Also, resolution of the Legislature of North Carolina, urging repeal of the tax on issues of State banks, to the Committee on Ways and Means.

Also, the petition of depositors in the Freedman's Bank at Wilmington, North Carolina, in reference to the distribution of the funds of that institution, to the Committee on Banking and Currency.

By Mr. WALDRON: The petition of citizens of Hillsdale County, Michigan, that $200 in legal-tender notes be given to every Union soldier, to the Committee on Military Affairs.

By Mr. WILBER: The petition of citizens of Otsego County, New York, for an amendment to the Constitution in reference to the manufacture, sale, and importation of intoxicating liquors, to the Committee on the Judiciary.

IN SENATE.

TUESDAY, *March* 2, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings and was interrupted by——

Mr. ANTHONY. I hope there will be no objection to discontinuing the reading of the Journal.

Mr. KELLY. The Senate is very thin and the Journal had better be read.

Mr. ANTHONY. We can present petitions in a thin Senate as well as in a full one.

The VICE-PRESIDENT. Objection is made, and the reading of the Journal will be proceeded with.

The Secretary resumed the reading of the Journal, and having proceeded for a few minutes——

Mr. PRATT. I ask that the reading of the Journal be suspended, that a little time may be given to the Committee on Pensions for the consideration of private bills.

Mr. SHERMAN. Let us do that.

Mr. PRATT. I have marked forty-five pension bills which I would like to have passed this morning.

Mr. HAMILTON, of Maryland. One moment. I desire to ask the unanimous consent of the Senate to pass the bill for the incorporation of the Louise Home. It is a beautiful charity. Something that ought to be done, and I do not think that any gentleman on this floor will object to it.

Mr. SHERMAN. I think we had better accept the proposition of the Senator from Indiana, and pass the pension bills. They ought to be gotten out of the way.

Mr. HAMILTON, of Maryland. After this little bill is passed, which will not take the whole time.

Mr. FERRY, of Michigan. I want to say to my friend from Maryland that I do not wish to raise an objection here, but I want to remind him that only yesterday or the day before I made an effort to take up a bill that lies on the table merely to concur in an amendment of the House, and the Senator from Maryland objected. I think this practice of objecting to bills that are meritorious, to which there is no real objection, is only excluding necessary legislation. Now I am disposed to take up the bill of the Senator and the bills of other Senators which are meritorious and ought to pass; but if we sit down here according to the old expression, "dog-in-the-manger" style, and refuse to pass these meritorious bills because some other bill may be forced on the Senate, I think it is unworthy of this body. Therefore I withdraw all objection to the bill of the Senator from Maryland and to these other bills being taken up; and if I perchance should happen to ask once more, for the eleventh time, to take up a bill from the table to concur in the amendment of the House I hope the Senator from Maryland will not object.

Mr. HAMILTON, of Maryland. I did not object the other day to the Senator's bill at all. We were then discussing the civil-rights bill, and I thought we should adhere to that. It was not out of any captious disposition to object, because there is no gentleman I presume on this floor who objects less to the business in the hands of other Senators than I do. I am disposed to extend all courtesy to the business of Senators, and when I do object I object conscientiously.

The VICE-PRESIDENT. The Senator from Indiana asks that the reading of the journal be dispensed with, the time to be devoted to acting on pension bills.

Mr. ANTHONY. To the exclusion of morning business?

Mr. LOGAN. How long a time does the Senator want?

The VICE-PRESIDENT. Perhaps fifteen or twenty minutes.

Mr. LOGAN. I do not wish to object to bills of that kind, but this morning belongs to the Committee on Military Affairs.

The VICE-PRESIDENT. Does the Senator from Illinois object?

Mr. LOGAN. I have no objection to taking ten minutes for pension bills.

Mr. SHERMAN. Give the time that it would take to read the Journal to the pension bills.

Mr. LOGAN. I have no objection to giving that time.

The VICE-PRESIDENT. If there is no objection the reading of the Journal will be dispensed with and ten minutes will be given to the Senator from Indiana. The Chair hears no objection.

Mr. HAMILTON, of Texas. With the consent of the Senator from Indiana——

The VICE-PRESIDENT. The Senator from Indiana has the floor.

Mr. HAMILTON, of Texas. I have the consent of the Senator from Indiana to——

The VICE-PRESIDENT. The Chair cannot yield to any Senator.

PENELOPE C. BROWN.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 330.

The motion was agreed to; and the Senate, as in Committee of the the Whole, proceeded to consider the bill (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE A. SCHREINER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3685.

The motion was agreed to; and the bill (H. R. No. 3685) for the relief of George A. Schreiner, was considered as in Committee of the Whole.

It provides that inasmuch as doubts have been suggested whether George A. Schreiner, of Wyandotte County, Kansas, is entitled to the pension of eighteen dollars a month under acts of Congress relative to pensions, and under the act entitled "An act increasing the rates of pensions to certain persons therein described," which last act was approved June 8, 1872, he having lost his right arm in the military service of the United States as a volunteer, and which pension has heretofore been paid to him under a construction placed on the last-named act, the pension of eighteen dollars a month is hereby confirmed to him.

The bill was reported from the Committee on Pensions, with amendments.

The first amendment was in line 10, to strike out the words "as a volunteer" and insert "having been employed as a steamboat pilot;" so as to read:

He having lost his right arm in the military service of the United States, having been employed as a steamboat pilot, &c.

The amendment was agreed to.

The next amendment was in line 18, after the words "pension laws" to insert "said rate to commence from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill be read a third time.

The bill was read the third time, and passed.

WILLIAM C. DAVIS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3698.

The motion was agreed to; and the bill (H. R. No. 3698) granting a pension to William C. Davis, a private in Company B, Eleventh Tennessee Cavalry Volunteers, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William C. Davis, he having served in Company B, Eleventh Regiment of Tennessee Cavalry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROSALIE C. P. LISLE.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 580.

The motion was agreed to; and the bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosalie C. P. Lisle, mother of Joseph T. Lisle, late an assistant paymaster in the Navy.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CATHARINE LEE.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3703.

The motion was agreed to; and the bill (H. R. No. 3703) granting a pension to Catharine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the

pension laws, the name of Catharine Lee, widow of Jesse M. Lee, private Campany B, Second Regiment Ohio Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY E. STEWART.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3704.

The motion was agreed to; and the bill (H. R. No. 3704) granting a pension to Mary E. Stewart was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Stewart, widow of Andrew J. Stewart, late second lieutenant of Captain Bennight's company Dent County (Missouri) Home Guards, as the widow of a second lieutenant, and for a pension to her children under sixteen years of age.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DAVENPORT DOWNS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3276.

The motion was agreed to; and the bill (H. R. No. 3276) granting a pension to Davenport Downs was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Davenport Downs, late a private in Company C, Fifth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM O. MADISON.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3688.

The motion was agreed to; and the bill (H. R. No. 3688) granting a pension to William O. Madison was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. O. Madision, late a private in Company C, Fourth Iowa Infantry, with the right to a pension at the rate of eight dollars a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARTIN D. CHANDLER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3711.

The motion was agreed to; and the bill (H. R. No. 3711) granting a pension to Martin D. Chandler was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin D. Chandler, a private in Company A, First Vermont Artillery, Eleventh Regiment Vermont Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SALEM P. ROSE.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 78.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts. It directs the Secretary of the Interior to place upon the pension-roll the name of Salem P. Rose, of North Adams, Massachusetts, late a private in Company F, Twenty-seventh Regiment Massachusetts Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HANNAH E. CURRIE.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1644.

The motion was agreed to; and the bill (H. R. No. 1644) granting a pension to Hannah E. Currie was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. Currie, mother of Samuel A. Currie, late of the Thirty-third Regiment of Ohio Volunteer Infantry, based on the evidence on file in the office of the Commissioner of Pensions, as case numbered 169,652.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARGARET H. PITTENGER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3706.

The motion was agreed to; and the bill (H. R. No. 3706) granting a pension to Margaret H. Pittenger was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret H. Pittenger, mother of James D. Pittenger, late a private in Company I, Sixty-fifth Regiment New York Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3713.

The VICE-PRESIDENT. The Chair must notify the Senator from Indiana that his time has expired. The Senator from Illinois is entitled to the floor.

Mr. LOGAN. If the Senate would extend my time I would have no objection to the Senator from Indiana going on; but I have had no time for my committee yet.

Mr. PRATT. I hope they will. I omit the Senate bills entirely. I am going through House bills. These bills have been passed by the House, and the labor of the committee in both Houses will be lost unless we act on them.

Mr. LOGAN. I do not believe the Senate will extend my time from what I understand, and I gave way to the Senator from Indiana. I think it is my duty to try to get something done.

CHOLERA EPIDEMIC IN 1873.

Mr. ANTHONY. Will the Senator from Illinois allow me to have passed a resolution objected to yesterday for publishing the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic in 1873. Objection was made to its consideration yesterday; but I understand the objection is withdrawn.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Rhode Island?

Mr. LOGAN. If it is not taken out of my time I have no objection.

Mr. ANTHONY. It is not long enough to get into anybody's time. The objection made by the Senator from Ohio [Mr. SHERMAN] is withdrawn.

There being no objection, the Senate proceeded to consider the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed ten thousand extra copies of the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873; five thousand copies of which shall be for the use of the House of Representatives, two thousand copies for the use of the Senate, two thousand copies for the use of the Surgeon-General of the Army, and one thousand copies for the use of the supervising surgeon of the marine-hospital service.

The Committee on Printing reported the resolution with an amendment, so as to make it read:

That there be printed fifty-five hundred extra copies of the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873; twenty-five hundred copies of which shall be for the use of the House of Representatives, one thousand copies for the use of the Senate, fifteen hundred copies for the use of the Surgeon-General of the Army, and five hundred copies for the use of the supervising surgeon of the marine-hospital service.

Mr. ANTHONY. I hope the Senate will not concur in the amendment, and will pass the resolution as it stands.

The amendment was rejected.

The resolution was concurred in.

L. R. STRAUSS.

Mr. SCHURZ. The Senator from Illinois yields to me to have a bill passed which was reported from his committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri. It directs that there be paid to Leopold R. Strauss, out of any money heretofore appropriated or hereafter to be appropriated for the use of the Quartermaster's Department, $201.90, for clothing furnished the Army in the year 1864, by direction of the commanding general of the district of North Missouri.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, in which it requested the concurrence of the Senate.

CREDENTIALS.

Mr. HAMILTON, of Texas, presented the credentials of Hon. S. B. Maxey, chosen by the Legislature of Texas a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

HOUSE BILL REFERRED.

The bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, was read twice by its title, and referred to the Committee on Appropriations.

ARTIFICIAL LIMBS TO DISABLED SOLDIERS, ETC.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4385) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, and for other purposes, to report it with amendments, and I ask that the Senate proceed to its consideration now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Military Affairs was in section 1, in lines 9, 10, and 11, to strike out the following words:

And such artificial limbs or appliance shall be furnished in kind, or the value thereof in money, and through the Medical Department of the Army.

The amendment was agreed to.

The next amendment was to add at the end of section two the following:

That necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs.

The amendment was agreed to.

The next amendment was to strike out the third section of the bill in the following words:

SEC. 3. That all laws prohibiting the payment of pensions to the soldiers of the revolutionary war and the war of 1812, and their widows, on account of disloyalty, be, and the same are hereby, repealed.

Mr. LOGAN. I will say to Senators, so that it will not be necessary to have any discussion, that that section was put in the bill, does not apply to anything in the bill, and we move to strike it out because it is not appropriate here. It ought to be in a pension bill. This is not a pension bill.

Mr. ALCORN. I trust the section will not be stricken out. I trust it will be retained in the bill. I do think the course of the Government in regard to the soldiers of the war of 1812 has been—I cannot describe it as otherwise than as having been exceedingly harsh. Many of those old men who live in the southern country did not take up arms; some within my own knowledge were in truth loyal to the Government.

Mr. LOGAN. I will lay the bill aside if it is going to provoke any discussion, for I have no time to waste.

Mr. ALCORN. It will provoke discussion if the Senator undertakes to strike out that section.

Mr. LOGAN. Very well, then, go on; we will have it here, and see how it will go.

Mr. ALCORN. Very well; we shall see. The bill ought not to pass without discussion, for it is an outrage——

Mr. LOGAN. I stated to the Senator that that proposition had no relation to this bill whatever.

Mr. ALCORN. Very well; if it has no relation to it, let it stay; it will do no harm. It is only an indication of a disposition on the part of Congress to do these people justice in recognizing them here as not among a people who are to be forever proscribed because they happen to live in a district of country that was in rebellion against the Government of the United States, proscribed as they were simply because they lived south of a particular line; not on account of their disloyalty, but because they resided in States that were disloyal. It does not at all comport with the dignity of the Congress of the United States, in my humble judgment—I say it without any reflection upon the honorable Senator—I am sure, to be proscribing these men and keeping them continually under the ban, these old men of the war of 1812. We have asked nothing for the confederate soldiers; we do not ask that they shall be recognized at all, for they were in the rebellion, but these old men were not in the rebellion; they were too old to be in the rebellion even if they had been so disposed. They who are now bending their steps speedily toward the grave; they are over eighty years of age and upwards; and we only ask you not to stand up here flaunting in their faces the fact that they are not to be recognized. I will not sit here and quietly see legislation of this character continued.

Mr. LOGAN. The remarks of the Senator from Mississippi are certainly very strange. He says he will not sit here and see legislation of this character continued. This is a bill to provide wooden arms and legs for wounded soldiers.

Mr. ALCORN. I am not opposed to that; I am for it.

Mr. LOGAN. There is tacked on to that bill a provision to repeal a law that prevents certain persons from obtaining pensions, and the Senator proposes to retain that in a bill to which it has no application, to which it ought not to be attached. It belongs to a pension bill, and in the general pension law that provision ought to be inserted, if any where. I have nothing to say as to whether it should be retained or not; but on this bill certainly it ought not to be retained. It ought not to have been placed on a bill of this kind merely for the purpose of passing it through irrespective of the opinions of Senators. But the general pension law that has been laid aside and which will probably soon be taken up, as I understand it, contains this very provision. I do not want a provision of this kind tacked on to a little bill for the purpose of forcing it through to which it ought not to be attached; and that is the objection to this section.

Senators need not talk about flaunting this thing in their faces continually. I am trying to prevent it by striking this section out of a bill where it ought not to be; and it is not necessary for Senators to get up here with such pompous airs and talk about the injustice that is done to their people. I do not see any necessity for that; but inasmuch as it is going to provoke discussion, as the Senator has notified me that it will, I will lay the bill aside, and of course in that way we shall get rid of it.

Mr. ALCORN. Let it lie aside then, but I want to say this——

Mr. FRELINGHUYSEN. Can we not have a vote on this amendment?

Mr. ALCORN. I do not know. I want to say a word, if the Senator will allow me.

Mr. LOGAN. Yes, sir.

Mr. ALCORN. I appealed to the Senator from New Jersey. This bill was passed by a republican House of Representatives. This section was placed upon the bill by a large vote there——

Mr. LOGAN. I cannot yield any further of my time. The bill is laid aside. I have only a few minutes left.

Mr. ALCORN. This section is a part of the bill.

Mr. LOGAN. I call the Senator to order. There is no bill before the Senate.

Mr. ALCORN. State the point of order. Let us see what it is.

Mr. LOGAN. There is nothing before the Senate.

Mr. ALCORN. The honorable Senator has talked about pompous airs here; let us see him make the point of order. What is it?

Mr. LOGAN. There is nothing before the Senate.

Mr. ALCORN. You are before the Senate.

The VICE-PRESIDENT. The Chair would suggest——

Mr. LOGAN. I do not think there is any particular wit in the Senator's remark.

Mr. ALCORN. Some truth, if not wit.

DETROIT ARSENAL GROUNDS.

The VICE-PRESIDENT. The Chair will suggest to the Senator from Illinois to state what bill he proposes to call up.

Mr. LOGAN. I move to take up House bill No. 3435.

There being no objection, the bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan, was considered as in Committee of the Whole.

The Committee on Military Affairs reported the bill with amendments.

The first amendment was in line 4 after the word "direct" to strike out the words—

To transfer to the custody and control of the Secretary of the Interior, for sale for cash, according to the existing laws of the United States relating to the public lands.

Mr. LOGAN. I will withdraw the amendment inasmuch as I think the probability is it will not pass the House, and it makes very little difference. "The Secretary of War" was inserted instead of "the Secretary of the Interior;" but rather than have the bill go back to the House with an amendment, I will strike out the amendment and ask that the bill be passsd as it came from the House.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

The next amendment of the Committee on Military Affairs was in line 7, after the word "appraisement" to insert the words "to sell for cash."

Mr. LOGAN. I hope that the amendments made by the committee will not be agreed to.

The VICE-PRESIDENT. The Chair will put the question on agreeing to all the amendments reported.

The amendments were rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ALDREDGE.

Mr. SPENCER. I am directed by the Committee on Military Affairs to report back the bill (H. R. No. 2685) for the relief of John Aldredge, and ask that it be put on its passage now.

By unanimous consent the bill was considered by the Senate as in Committee of the Whole. It provides for the payment to John Aldredge, of McNairy County, Tennessee, such sum, not exceeding $9,606, as the Secretary may deem reasonable, for money paid into the Treasury of the United States by virtue of an assessment made upon the disloyal citizens of and around Henderson Station, Tennessee, to make repayment for the destruction of cotton, the property of Aldredge; the sum so to be paid to be charged to the account of captured and abandoned property.

Mr. CONKLING. Is there a report in that case?

Mr. SPENCER. There is a report.

Mr. CONKLING. Then I ask to have the report read.

The Secretary read the following report, submitted in the House of Representatives on the 27th of March, 1874, by Mr. LAWRENCE:

The Committee on War Claims, to whom was referred the bill (H. R. No. 1104) for the relief of John Aldredge, having had the same under consideration, ask leave to report:

That they find, from the evidence submitted with the bill, that there was an irregular force of rebel troops made a raid upon Henderson Station, Tennessee, on or about the 25th of November, 1862, and captured the post, with the garrison, and destroyed a large amount of public and private property, and that there was an assessment made by proper military authority of the United States upon certain disloyal citizens living in the vicinity of said military post to reimburse the Government and loyal citizens that had suffered by said rebel raid; and that, upon proper investigation, John Aldredge's loss was alleged to be $9,606.36, and that the money was collected; and that part intended to reimburse the Government went into and was used in the military-railroad department, and the remainder, or that part intended to indemnify the loyal citizens who had suffered loss by said rebel raid, went into the Quartermaster's Department, as shown by evidence obtained from the Third Auditor's and Quartermaster-General's Offices, and was accounted for and turned over to the Treasury of the United States. The evidence shows Mr. Aldredge, the claimant, to have been a loyal citizen of the United States during the late rebellion, and your committee are therefore of the opinion that he is entitled to the amount so collected for him and covered into the United States Treasury, and accordingly report back the said bill H. R. No. 1104 with a substitute, and recommend the adoption of said substitute.

Mr. EDMUNDS. I do not understand from that report that it definitely appears that any $9,000 which belonged exclusively to this man was either got or turned into the Treasury. The report does not state how much money was raised by this levy; it does not state how much Government property was destroyed; it does not state how much property of other loyal citizens besides this claimant was destroyed; so that we have no elements in this report, as it strikes me on hearing it read, which would make the general average, as the underwriters would call it, to ascertain whether the full amount of this gentleman's losses ought to be paid out of the Treasury or not. It appears that there were some loyal citizens whose property was destroyed beside that of this man. Now, if the $9,000 is all that we got in reference to private destructions, it would not do to pay it all to him, for the reason that the other loyal citizens whose property was destroyed would have a right to have their proportion of the sum that was received. This House report, as you will see, is exceedingly vague in respect to these aggregates on either side and how much the proportion of the total sum received this gentleman would be entitled to.

Mr. LOGAN. This man Aldredge was an officer in the United States Army. He lived at this point and on account of his having joined the Union Army there was a great bitterness against him. A raid was made there and the raiders destroyed all his property. He belonged to the Sixth Tennessee Cavalry, a regiment raised there by our officers. I was stationed at Jackson, a short distance from this place, at the time the raid was made. An estimate was made on the destruction of his property to this amount, and the money was collected. It was assessed on the citizens of the community and paid into the Treasury of the United States, and we thought it was proper to pay it back to this man inasmuch as it was collected on his property. It was no debt of the Government, but was collected because of an assessment made on the rebellious people in that community, for the purpose of paying him for the outrage perpetrated upon his property. That is all there is in it.

Mr. EDMUNDS. Was he the only loyal person whose property was destroyed?

Mr. LOGAN. There may be others, but I do not know of any others.

Mr. EDMUNDS. That is what troubles me. The report, as I heard it read, states that the raiders destroyed a large amount of public and private property, and that there was an assessment made by proper military authority of the United States upon certain disloyal citizens to reimburse the Government and loyal citizens who had suffered by the raid. That speaks in the plural, as if there may have been several—

and that upon proper investigation John Aldredge's loss was alleged to be $9,606.36, and that the money was collected; and that part intended to reimburse the Government went into and was used in the military-railroad department, and the remainder, or that part intended to indemnify the loyal citizens who had suffered loss by said rebel raid, went into the Quartermaster's Department, as shown by evidence obtained from the Third Auditor's and Quartermaster-General's Offices, and was accounted for and turned over to the Treasury of the United States. The evidence shows Mr. Aldredge, the claimant, to have been a loyal citizen of the United States during the late rebellion, and your committee are therefore of the opinion that he is entitled to the amount so collected for him and covered into the United States Treasury.

The difficulty that strikes me is the want of knowing how much was assessed and got and turned into the Treasury with reference to the destruction of private property. I understood some one to say just now that there was some other citizen.

Mr. LOGAN. There was one other citizen, who has been paid by a bill that passed Congress.

Mr. EDMUNDS. But the trouble is we have no evidence on this report or any of the papers, so far as I know, that there are any others. If this is all the money there is left, we shall have to pay the others out of the Treasury.

Mr. SPENCER. There was a report made by the Senator from New Hampshire [Mr. WADLEIGH] in another case.

Mr. CLAYTON. The report says that the money to cover all these losses was assessed and collected, the whole amount to cover all losses both of the Government and of private citizens, and that the Government's proportion was paid to the Government and the balance turned into the Treasury. This man's losses were found to be $9,000, and therefore it necessarily follows from the language of the report that, the whole amount having been assessed and collected, the balance, after his $9,000 is paid, must be in the Treasury.

Mr. EDMUNDS. Yes; but whatever money was paid into the Treasury it would seem from the report was only this $9,000. Out of that already some other citizen, who we do not know, has made application and been paid something.

Mr. CLAYTON. This report does not say so.

Mr. EDMUNDS. The trouble is that the report does not say much of anything. What I am complaining of is in reference to the difficulty we are likely to bring ourselves into in passing this bill, which may if we knew the exact facts and figures be perfectly correct, when without knowing the exact facts and figures we only commit ourselves to pay this man the total amount of his claim and leave nothing to pay anybody else if there are other claimants, and when for aught we know we have already paid a portion of this very money to an amount which we are not informed to one person who has already made application.

Mr. CLAYTON. I do not understand the report as leading to that inference that $9,000 was the amount paid into the Treasury. It says $9,000 was the amount ascertained to be due this man, but they ascertained the whole amount due, made the assessment, collected the whole amount, paid the portion ascertained to be due the Government, and turned the balance into the Treasury. They find that at the time this ascertainment was made $9,000 was due this man. It does not seem to me from the language of the report that the Senator can draw the conclusion that $9,000 was the amount turned into the Treasury.

Mr. LOGAN. This is about as specific as reports are generally. The report was not made by me, but I do not suppose I should have made it any more specific. The case was examined by the Senator from New Hampshire, [Mr. WADLEIGH,] and it was ascertained in the Third Auditor's Office that a larger amount of money was collected and turned over to the Treasury and Quartermaster's Department, and that of it this amount was due to this man. So far as the facts are concerned I cannot state them, outside of the report, from my own knowledge. I only know that I was there at the time and heard of the circumstance, and know that a much larger amount of money was collected than is mentioned in this report. What the amount was I do not remember.

Mr. SCOTT. Can the Senator state that the aggregate amount assessed and collected of disloyal persons was the amount that was to be paid to loyal claimants.

Mr. LOGAN. Just the amount.

Mr. SCOTT. The Senator knows that?

Mr. LOGAN. I do not state it, because I do not like to state it on my own knowledge; but my recollection is that there was some twenty-odd thousand dollars collected, and the assessment was made for valuable property of this individual, that was destroyed. This man was an officer in the Union Army, who had lived at that town or close to it, and his property was all destroyed, valued at about this amount of money, and the money was collected for him and paid over to the Government.

Mr. SCOTT. Was it not paid to him?

Mr. LOGAN. It has never been paid to him. I cannot explain why it was not.

Mr. COOPER. I can state to the Senate the exact facts in the case. There was a levy made by the Army in charge of the disloyal element of that neighborhood, to the amount of $30,000. That was the amount for those claiming to be loyal, proven before a commission appointed by the then military commander for the district. That amount was levied and collected. Including all, I think it was $30,000.

Mr. LOGAN. It was twenty-nine or thirty thousand dollars, I know.

Mr. COOPER. You will find all the facts given in a report made by the Senator from New Hampshire [Mr. WADLEIGH] at the present session of Congress, in the case of Willis N. Arnold. There were $30,000 collected. The exact amount which was assessed is given and the amount which was found due to loyal claimants in that neighborhood, this amount being then due to the present claimants.

Mr. LOGAN. I want some action taken on this bill; but if it is to be discussed, of course I would rather lay it aside and take up some other bill.

Mr. CONKLING. It seems to me that this bill, were it to become a law, would read very strangely on the statute-books.

Mr. LOGAN. If the Senator will allow me, I will lay the bill aside.

Mr. CONKLING. I beg the Senator's pardon; I want to make a remark about it. Let me read to the Senate two or three lines:

Not exceeding $9,606, as the Secretary may deem reasonable, for money paid into the Treasury of the United States by virtue of an assessment made upon the disloyal citizens of and around Henderson Station, Tennessee, to make repayment for the destruction of cotton, the property of said Aldredge.

The statute on its face would read that Congress has adjudged that an assessment having been regularly made upon the disloyal people in and around a certain place as compensation for a jayhawking irregular rebel raid, a theft, $9,600 of it is to be paid back to this man. That I submit would be very hard doctrine, and it would be very inconsistent upon the face of the bill.

Mr. SPENCER. This man was a soldier in the Federal Army.

Mr. CONKLING. Yes, I understand that.

Now, Mr. President, the Senator from Tennessee refers us, as precedent to this legislation, to a bill introduced by him and reported and acted upon in behalf of Willis N. Arnold. I have that bill in my hand. There are only nine lines of it, and a part of those I want to read to the Senate to see whether it is true that the Senate passed a bill that an assessment having been made upon rebels we were persuaded to pay back $9,000 to a man named. The bill I have now in hand enacts thus:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Willis N. Arnold, of Henderson County, Tennessee, the sum of $6,000—

Being what?——

out of any moneys in the Treasury not otherwise appropriated, it being the amount collected by the military authorities for his benefit—

That is, for Arnold's benefit—

and paid by them into the United States Treasury.

This is a bill to pay to a Mr. Aldredge $9,000 because an assessment was made upon rebels in and around the point named to indemnify

the Government for destruction caused by a rebel raid, irregular at that.

Mr. SPENCER. They destroyed this man Aldredge's property the same as the others.

Mr. CONKLING. Then the two bills are not true. The bills tell wholly different stories. If they are dealing with the same transaction, the proposal is to put on the statute-book a repugnant and contradictory history of it. That is the first objection that I make to this bill.

Now, Mr. President, here are a handful of papers relating to this subject which I have not of course been able to read yet. I have looked into them far enough to find great difficulty in understanding how under any former bill the Senate, inside of sound doctrines and within the precedents that we have sought to observe, could grant this relief. But without going into that, I submit with great confidence that having already passed a bill which gives one version of this transaction, we ought not to pass another which gives an irreconcilable version of the transaction, and which makes a statement which, should it pass into a precedent to be cited hereafter as legislative authority, would lead us I know not where as to the duty by which we should be bound to pay in cases of this kind.

Mr. SPENCER. One is a House bill and the other a Senate bill.

Mr. CONKLING. And my friend observes that one is a House bill and the other a Senate bill. If that affects the argument at all, I give the fact.

Mr. SPENCER. That is, they are different bills altogether.

Mr. CONKLING. Very well.

Mr. SPENCER. I ask that the Senator from New York allow the report made by the Senator from New Hampshire [Mr. WADLEIGH] in the Arnold case to be read.

Mr. CONKLING. I have no objection. I will read it or have it read as part of my remarks.

The Secretary read the following report submitted by Mr. WADLEIGH on the 29th of April, 1874:

The Committee on Military Affairs, to whom was referred the bill (S. No. 574) for the relief of Willis N. Arnold, having had the same under consideration, report as follows:

It appears from the evidence that upon the 25th of November, 1862, a band of rebel guerrillas made a raid upon Henderson Station, Tennessee, and destroyed property of the United States and of loyal citizens to the amount of $26,751.36. Among said property was a lot of cotton belonging to the claimant, which, on its way to Memphis, was seized by order of the officer in command of the Union troops and used for breastworks and fortifications. A military commission was appointed to estimate the value of such property and assess the amount upon rebel sympathizers in that vicinity. The commission attended to its duty, and reported that the value of the claimant's cotton destroyed was $6,000. The whole amount of $26,751.36 was assessed upon certain rebel sympathizers, and all paid to the proper officers, and accounted for in settlement with the Government. The Government, having received the sum of $6,000 upon account of the claimant's property, ought in justice to pay him the amount of his loss, and we report back the bill with the following amendment, and recommend its passage:

Strike out in line 8 the words "ten thousand" and insert in lieu thereof the words "six thousand."

Mr. CONKLING. I call attention to three things about that report. In the first place, a commission having investigated the case found the value of the cotton to be $6,000, neither more nor less. That was its market value.

Mr. COOPER. That was found by the commission appointed by the commanding general.

Mr. CONKLING. That is precisely what I am saying, and the Senator will see why I say it. A commission regularly appointed ascertained the market value of that cotton to be $6,000 in Arnold's case. Thereupon a bill is introduced claiming $10,000 as the bill shows upon its face. That is the first fact to which I call attention. In the next place, it appears now that this cotton was used as breastworks. The Union soldiers stood behind it to protect their lives. That is the second thing that appears from the report. The third thing which appears is the statement over again that the assessment was made upon those who stood at that time as public enemies. The bill before us proposes, referring to that general fact, to pay nine thousand and odd dollars to this man; and who is to come hereafter or where we are to be led, no Senator knows.

I submit, Mr. President, if this is ever to be done, it should be done at some time after the first morning after the report is made and when Senators can have an opportunity of examining this bulky package of papers.

Mr. LOGAN. Mr. President——

Mr. MORTON. I desire to move the second reading of the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. BAYARD. I ask has notice of intention been given to bring in that bill?

Mr. LOGAN. Had I not the floor?

The VICE-PRESIDENT. The Senator from Illinois had the floor during the morning hour; but the Chair did not announce the expiration of the morning hour for the reason that there was no unfinished business.

Mr. LOGAN. I have a word to say, if I may be permitted to do so. This is the second time that I have tried to get up some bills from the Military Committee. I expected just exactly what has occurred here this morning. I expected sufficient opposition to be made to some bill to take up all my time. That has occurred twice. Now, in order that we may settle this question and that we may have bills hereafter drawn precisely correct, so that there shall be no objection whatever to them, let this bill go to the Judiciary Committee. As I stated, although I do not put any evidence in the case and do not propose to do so, I was in command at Jackson, a short distance from Henderson, where this raid occurred, at the time. This assessment was made by order of the general commanding the army there. The assessment was made and levied, and amounted to some twenty-odd thousand dollars. This man Aldredge was an officer in the Sixth Tennessee Regiment, I think, raised in this vicinity. As a matter of course, when the raid was made the rebels took the property of men who belonged to our Army. They destroyed the property of this officer. The commission assessed the value of his property at $9,000. They assessed the value of the property of the other man at $6,000. I thought awhile ago, according to my recollection, that $29,000 was the sum which was collected, but I see from the other report that it was $26,000. I remembered that it was over $20,000. It was every dollar paid to the Government after having been assessed upon the rebels there and collected from them. We ask the Government to pay this man for his property for which the money was assessed on these people, and there is objection made to the bill on account of its verbiage, or some objection prevents it. If when money is assessed upon rebels surrounding the vicinity to pay a man a certain specific amount for his property destroyed because he was in our Army, and he asks that amount, and the bill passes the House almost unanimously and comes here and we report it, what do we find? That that class of claims cannot be paid! If they cannot, I will ask what kind of claims can be paid?

Mr. MERRIMON. Allow me to ask the Senator from Illinois a question for information. Does it appear anywhere in the papers connected with this case that this claimant has passed through the court of bankruptcy, and that he accounted for this claim in his schedule of assets?

Mr. LOGAN. I do not know. It does not appear in the papers that he went through the court of bankruptcy.

Mr. MERRIMON. I understand that point was raised in the other House and discussed there.

Mr. LOGAN. That would be very severe on the people that he owed, perhaps; but the question here is whether the Government proposes to retain money that it assessed for the purpose of paying a man for the destruction of his property, and to refuse to pay it to anybody. If that is the way the Government proposes to get money, it is a new way to me.

But, as I said, I expected opposition to some bill from my committee. I have had it. Each time assigned to my committee I have had two bills passed. This bill is a simple act of justice; but if this Senate are determined to discuss it until my time is out, I would ask that it be referred to the Judiciary Committee, so that they may draught such a bill as will be satisfactory to them, because it seems nothing can pass the Senate unless they have something to do with it. That I am certain of. They must have a finger in it, either by draughting the bill or making an amendment to it or finding something wrong in it. I guess the next thing we shall have to do will be, we shall have to send for some author of a grammar or some book for each man to have, so that he will see that every word is correct and right. I do not think the Senator from New York would need one of that kind, but the rest of us perhaps would.

Now, Mr. President, I ask for a vote on this bill. There has been no amendment offered to it, and I ask the Senate to decide whether they will pay this man or not.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The bill was read the third time.

Mr. CONKLING. I ask for the yeas and nays upon the passage of this bill.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 12; as follows:

YEAS—Messrs. Alcorn, Bayard, Boutwell, Clayton, Cooper, Cragin, Dennis, Eaton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gordon, Harvey, Hitchcock, Kelly, Logan, Mitchell, Morton, Norwood, Oglesby, Pratt, Ransom, Sherman, Spencer, Sprague, and Wadleigh—26.

NAYS—Messrs. Bogy, Conkling, Edmunds, Gilbert, Goldthwaite, Hamilton of Texas, Ingalls, Johnston, McCreery, Merrimon, Scott, and Washburn—12.

ABSENT—Messrs. Allison, Anthony, Boreman, Brownlow, Cameron, Carpenter, Chandler, Conover, Davis, Dorsey, Fenton, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Howe, Jones, Lewis, Morrill of Maine, Morrill of Vermont, Patterson, Pease, Ramsey, Robertson, Sargent, Saulsbury, Schurz, Stevenson, Stewart, Stockton, Thurman, Tipton, West, Windom, and Wright—35.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill of the House (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes; further insisted on its amendments to other amendments of the Senate to the said bill; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. JAMES C. ROBINSON of Illinois, managers at the same on its part.

The message also announced that the House had passed a bill (H. R. No. 4853) to change the name of the pleasure yacht Dolly Varden to Clochette; in which it requested the concurrence of the Senate.

BUSINESS OF MILITARY COMMITTEE.

Mr. MORTON. I desire to move the second reading of House bill No. 4745.

Mr. LOGAN. I do not know whether my time is out or not. I should like to know whether I continue on the floor.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The present occupant of the chair was not in the chair at the time the Senator from Illinois took the floor for the Committee on Military Affairs.

Mr. LOGAN. I was to have an hour for the Military Committee, and there is no unfinished business. I am now acting in behalf of the committee for that purpose. There have been but two bills from that committee acted on. The time has been taken up in debate and I have laid several bills aside to avoid discussion. I desire to have the time allowed to my committee.

Mr. MORTON. I have no desire to antagonize the Senator from Illinois.

Mr. LOGAN. I shall certainly give way to the Senator for that purpose, but I desire to have the time I am entitled to.

The PRESIDING OFFICER. The Chief Clerk informs the Chair that the Senator from Illinois took the floor for business from the Committee on Military Affairs at half-past eleven. It is now twenty minutes past twelve. If that is correct the Senator from Illinois has ten minutes remaining of his hour.

Mr. EDMUNDS. I do not object, but the rule is that you have the residue of the morning hour, which under our rule is not an hour from the end of resolutions, but until twelve o'clock.

Mr. LOGAN. I will then appeal to the Senate. Yesterday morning the Senator from Michigan [Mr. CHANDLER] had the same right that I had this morning, and he occupied the time until after two o'clock by consent of the Senate. Now I ask unanimous consent of the Senate to have thirty minutes.

The PRESIDING OFFICER. The Chair is misinformed as to the position of the Senator from Illinois. It was the understanding, as the Chief Clerk now states, that the Senator from Illinois was to have the remainder of the morning hour from thirty minutes past eleven, so that the time of the committee expired at twelve, but that business has been considered from that time since by unanimous consent.

Mr. LOGAN. Very well, sir. I ask unanimous consent of the Senate to occupy thirty minutes longer. Yesterday morning this courtesy was extended to the Senator from Michigan until after two o'clock. There is no special order this morning and nothing else before the Senate. The Committee on Military Affairs has not had during this session a minute of time given to it except this morning and once before, and there are some matters of importance from that committee that I should like to present to the Senate if the Senate will give me the time to do it.

The PRESIDING OFFICER. Is there objection made to the request of the Senator from Illinois?

Mr. MORRILL, of Vermont. I should like to know what business the Senator desires to bring before the Senate.

Mr. LOGAN. Bills reported from the Military Committee.

Mr. MORRILL, of Vermont. All of them?

Mr. LOGAN. Certainly. I have no other bills except those reported from the Committee on Military Affairs.

Mr. MORRILL, of Vermont. Does it include the bounty bill?

Mr. LOGAN. It includes anything that the Military Committee has reported.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Illinois?

Mr. MORRILL, of Vermont. I object.

The PRESIDING OFFICER. The Senator from Vermont objects.

INVASION OF STATES, ETC.

Mr. MORTON. I move the second reading of the House bill No. 4745.

Mr. BAYARD. What bill is that?

Mr. THURMAN. What motion is it?

The PRESIDING OFFICER. The Clerk will report the bill.

Mr. BAYARD. What is the motion?

Mr. THURMAN. Report the motion.

The PRESIDING OFFICER. The Senator from Indiana moves that House bill No. 4745 be now read the second time.

Mr. BAYARD. What is the bill?

The PRESIDING OFFICER. It is a bill to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. BAYARD. Is this the bill that was read the first time yesterday?

The PRESIDING OFFICER. The Chair is so informed.

Mr. EDMUNDS and others. Second reading of the bill.

The PRESIDING OFFICER. The bill will be read the second time.

The bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections, was read the second time by its title.

Mr. BAYARD. I object to the further reading of the bill.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I am not going to act in any captious spirit, but I want to say to the Senate that I think the treatment that the Committee on Military Affairs has received is rather harsh; at least that is as mild an expression as I can use. Time has been extended to every other committee in the Senate whenever it has asked for it except to that committee. Now, the Senator from Vermont objects as soon as I tell him what I propose to take up. The Calendar is here, and I can read off the titles of the bills reported by the committee; but as objection is made, now for the purpose of satisfying the Senator from Vermont, though I did not intend to call up now the bill that seems to be so obnoxious to him, yet for the purpose of settling the question I now move, as there is nothing before the Senate—and I ask for the yeas and nays on the question—to take up the bill to equalize the bounties of soldiers. I ask that those who were cheated out of their pay may have a right to present their claims to be audited by the proper auditor of the Government. I ask for the yeas and nays on this motion.

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate proceed to the consideration of the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. THURMAN. I shall vote for the motion of the Senator from Illinois, but I wish it distinctly understood that the Senator from Delaware objected to the third reading of the bill, which was read the second time on the motion of the Senator from Indiana.

Mr. LOGAN. That is understood; everybody knows that.

Mr. MORTON. When I ask for the third reading of the bill, it will be time enough to make that objection.

Mr. CHANDLER. I hope the Senator from Illinois will give way until we take up and pass the steamboat bill.

Mr. LOGAN. The Senator will not give way further to any one. I propose to have a vote on this question.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

Mr. SCOTT. I am not rising for the purpose of antagonizing the motion of the Senator from Illinois; but as it is so difficult at this stage of the session even to get the floor upon any question with regard to the order of business, I avail myself, now having the floor, of the opportunity to state what I deem to be due to another committee of the body in allotting the time that is yet left of the session as a reason why a great deal of time ought not to be allotted to any one committee that has had two hearings, although, as the Senator says, both of them have been rather abbreviated hearings. In that I concur with him. There are on the Calendar thirty-two bills reported from the Committee on Claims which have not been acted upon. On the 23d of February there came over from the House a bill providing for the payment of the awards made by the commissioner of claims, what is known as the southern-claims bill, embracing eleven hundred cases and involving about $700,000. That report was sent to the House upon the first day of Congress, and I wish it now noted that the bill reached the Senate on the 23d of February, and, as every Senator is aware, we have been so constantly occupied in the Senate upon bills which required us to be in our places that it has been impossible to give very much time to committee business. To examine eleven hundred cases has been physically impossible. To examine enough of them to satisfy us whether the bill is generally correct we have been unable yet to do. This morning a bill comes to our tables, made necessary by an act of last session, which provides for the payment of claims adjudicated by the Quartermaster and Commissary Generals, a bill covering some eighteen or nineteen pages, simply containing the names of claimants, and that is referred to the Committee on Claims.

Now, it is perfectly apparent with that statement of business—thirty-two bills unacted upon; the southern-claims bill, which we are endeavoring to report and which we hope to report not later than to-morrow morning, and the bill to which I have just referred—that unless the Senate allot to that committee two or three hours, it is idle for Senators to proceed and waste their time in considering these bills. I shall ask, as soon as the Senator from Illinois has disposed of his motion, an opportunity of testing the sense of the Senate upon having time allotted to that committee.

Mr. LOGAN. Now I ask for the yeas and nays upon my motion to take up the bounty bill.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 21; as follows;

YEAS—Messrs. Alcorn, Bogy, Boreman, Carpenter, Clayton, Conkling, Dennis, Dorsey, Ferry of Michigan, Flanagan, Hager, Harvey, Hitchcock, Howe, Ingalls, Logan, McCreery, Mitchell, Morton, Oglesby, Pratt, Ramsey, Ransom, Schurz, Scott, Spencer, Stevenson, Thurman, West, Windom, and Wright—31.

NAYS—Messrs. Allison, Anthony, Bayard, Boutwell, Chandler, Cooper, Davis, Edmunds, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Hamilton of Maryland, Johnston, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Sargent, Sherman, Sprague, and Washburn—21.

ABSENT—Messrs. Brownlow, Cameron, Conover, Cragin, Eaton, Fenton, Gilbert, Gordon, Hamilton of Texas, Hamlin, Jones, Kelly, Lewis, Patterson, Pease, Robertson, Saulsbury, Stewart, Stockton, Tipton, and Wadleigh—21.

So the motion was agreed to.

Mr. LOGAN. Now, the bill being up, I will yield for any formal morning business.

The VICE-PRESIDENT. The Chair will receive morning business, if there be no objection.

PETITIONS AND MEMORIALS.

Mr. GORDON presented the petition of George S. Hawkins, of Florida, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. EDMUNDS. I present the petition of Charles H. Smith, of Virginia, praying for a removal of his disabilities. I ask that it be laid on the table, as I am about to report the bill.

The petition was ordered to lie on the table.

WITHDRAWAL OF PAPERS.

On motion of Mr. McCREERY, it was

Ordered, That John B. Bland have leave to withdraw his petition and papers from the files of the Senate.

ROBERT ERWIN.

Mr. THURMAN. I wish to enter a motion to reconsider the vote by which the bill (H. R. No. 4471) to afford relief to Robert Erwin in the judicial courts was indefinitely postponed yesterday.

The VICE-PRESIDENT. The motion to reconsider will be entered.

REPORTS OF COMMITTEES.

Mr. FERRY, of Michigan, from the Select Committee on the Revision of the Rules, reported a classification of the rules of the Senate; which was ordered to be printed, and recommitted to the committee.

He also, from the Committee on Finance, to whom was referred the bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company, of Omaha, Nebraska, reported it without amendment.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4775) granting a pension to Margaret Pattison, reported it without amendment.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia, reported it without amendment.

Mr. CAMERON, from the Committee on Foreign Relations, to whom were referred the following bills and joint resolutions, asked to be discharged from their further consideration; which was agreed to:

A bill (S. No. 1072) making provision for an Oriental college;

A bill (S. No. 730) to provide for ascertaining the amount of damage sustained by citizens of Texas from marauding bands of Indians and Mexicans upon the frontiers of Texas;

A bill (H. R. No. 3158) for the relief of Enoch Jacobs, United States consul at Montevideo;

A bill (S. No. 919) relating to telegraphic communication between the United States and foreign countries;

A bill (S. No. 824) to encourage and promote telegraphic communication between America and Asia;

A joint resolution (H. R. No. 81) requesting the President to intercede with Her Majesty the Queen of Great Britain for the release of Edward O'Meagher Condon, now confined in prison in Manchester, England;

A joint resolution (H. R. No. 159) referring the claim of Marcus Radich to the Court of Claims;

A joint resolution (H. R. No. 111) authorizing the President to negotiate with civilized powers in regard to international arbitration; and

A joint resolution (S. R. No. 8) recognizing the independence of Cuba.

He also, from the same committee, to whom were referred the following petitions, memorials, and resolutions, asked to be discharged from their further consideration; which was agreed to:

A petition of citizens and a resolution of the Legislature of California, praying the modification of the treaty with China so as to prevent further immigration of Chinese mechanics and other laborers;

A resolution by the Legislature of Minnesota, in relation to the mission to Sweden and Norway;

Various resolutions, petitions, &c., relating to the ratification of the treaty with Canada known as the "reciprocity treaty;"

A memorial of the Chamber of Commerce of the city of New Orleans and a resolution of the Legislature of California, in favor of a convention to adopt reciprocal measures of trade and commerce between the United States and Mexico;

A petition of Seth Droggs, of New York, relative to his claim against the late Republic of New Granada for its quota of a claim against the late Colombian confederacy on account of the ship Good Return and cargo, captured on the high seas;

A memorial of Matilda Leipsker, late of the city of New York, asking that the United States Government shall present to and demand of the Peruvian government satisfaction of her claim for the assassination of her husband, Joseph B. Leipsker;

A petition of William de Rohen, praying remuneration for three ships, alleged to have been taken possession of by the Italian government;

A petition of Margaret G. Meade, administratrix of the estate of Richard W. Meade, praying payment of supplies furnished to the government of Spain, which she alleges was assumed by the United States at the time of the cession of Florida under the treaty of 1819;

A resolution submitted by Mr. HAGER, instructing the Committee on Foreign Relations to advise with the President as to the expediency of a modification or enlargement of the treaty with China, so as to check immigration;

Various petitions of citizens of the United States, praying Congress to take steps to co-operate with other governments in the settlement of international difficulties by arbitration, and that a high court of nations may be established;

A resolution of the Legislature of California, in favor of cheapening telegraphic facilities; and

Petitions of various citizens of the United States, praying compensation for spoliations committed by the French prior to the year 1801.

Mr. SPRAGUE subsequently said: The chairman of the Committee on Foreign Relations this morning reported the joint resolution (H. R. No. 159) referring the claim of Marcus Radich to the Court of Claims, and asked to be discharged from its further consideration. I wish an order of the Senate placing it on the Calendar with the adverse report.

The VICE-PRESIDENT. That order will be made, if there be no objection.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4478) to relieve Charles H. Smith, M. D., of Richmond, Virginia, of all political disabilities, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 917) for the relief of Robert H. Anderson, of Chatham County, State of Georgia, reported it without amendment.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, have directed me to report it back without amendment and without recommendation. The failure last night to pass the bill furnishing funds induces the committee to think that it is not safe to make large appropriations for this object now, without money in the Treasury to meet them.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (S. No. 1271) authorizing the Nebraska City Bridge Company to construct a ponton railway-bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri," reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1102) to promote the efficiency of the light-house service of the United States, submitted an adverse report, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4793) granting a pension to Mercy E. Scattergood, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Jacob Nix, submitted a report thereon, accompanied by a bill (S. No. 1361) granting a pension to Jacob Nix.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 633) for the relief of Randall Brown, of Nashvillle, Tennessee, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the same committee, to whom was referred the following bills, asked to be discharged from their further consideration, and that they be indefinitely postponed; which was agreed to:

A bill (H. R. No. 3181) for the relief of Mrs. Mary A. Thayer;

A bill (H. R. No. 2997) for the relief of George A. Schreiner; and

A bill (H. R. No. 4842) for the relief of J. C. McBurney.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the memorial of F. & J. Rives, praying the purchase by the Government of their buildings and materials used in the publication of the Congressional Globe, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, reported it back with an amendment.

RAILROADS IN THE TERRITORIES.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, having met, after full and free conference have agreed to recommend, and do recommend, as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with amendments, as follows:

Strike out all of section 2 after "defile" on page 2, in line 11, down to and including line 20.

Strike out on page 2, line 23, section 3 of the amendment, "or" and insert in lieu thereof the following:

"And where such provision shall not have been made."

And the House agree to the same.

WM. M. STEWART,
T. O. HOWE,
Managers on the part of the Senate.
W. TOWNSEND,
JACKSON ORR,
W. S. HERNDON,
Managers on the part of the House.

Mr. EDMUNDS. I should like it to lie over a little while until I can look into it.

The VICE-PRESIDENT. The report will lie over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 134) for the relief of Daniel S. Mershon, jr.; and

An act (S. No. 320) fixing the number of paymasters in the Army of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4855) to provide for the protection of witnesses required to attend before either branch of Congress or a committee of the same; in which it requested the concurrence of the Senate.

LARCENY OF GOVERNMENT PROPERTY.

Mr. CARPENTER. I am instructed by the Committee on the Judiciary, to whom was referred the House bill No. 4744, to report the same back with sundry amendments and ask for its present consideration.

There being no objection, the bill (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods, was considered as in Committee of the Whole.

The first section provides that any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and, on conviction thereof before the district or circuit court of the United States in the district wherein the offense may have been committed or into which he shall carry or have in possession the property so embezzled, stolen, or purloined, shall be punished by imprisonment at hard labor in the penitentiary not exceeding five years, or by a fine not exceeding $5,000, or both, at the discretion of the court before which he shall be convicted.

The second section provides that if any person shall receive, conceal, or aid in concealing, or have or retain in his possession, with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined from the United States by any other person, knowing the same to have been so embezzled, stolen, or purloined, such person shall, on conviction before the circuit or district court of the United States in the district wherein he may have such property or wherein he resides, be punished by a fine not exceeding $5,000 or imprisonment at hard labor in the penitentiary not exceeding five years, one or both, at the discretion of the court before which he shall be convicted; and such receiver may be tried either before or after the conviction of the principal felon; but if the party has been convicted, then the judgment against him shall be conclusive evidence that the property of the United States therein described has been embezzled, stolen, or purloined.

The first amendment of the Committee on the Judiciary was in line 11, section 2, to strike out after the word "property" the words "or wherein he resides."

The amendment was agreed to.

The next amendment was in line 18, section 2, after the word "evidence" insert "in the prosecution against such receiver."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHANGE OF NAME OF A YACHT.

Mr. BOUTWELL. There is a bill on the Secretary's table from the House to change the name of a pleasure yacht, to which there can be no objection. I ask for its consideration.

There being no objection, the bill (H. R. No. 4853) to change the name of the pleasure yacht Dolly Varden to Clochette, was read three times, and passed.

ORDER OF BUSINESS.

Mr. WRIGHT. I wish to ask the Senate to take up a bill which is reported from the Committee on Finance, a House bill that has been recommended by the Secretary of the Treasury and also by the Commissioner of Internal Revenue. I should like very much to have the bill taken up, unless I interfere too much with the Senator from Illinois. There are two amendments, which make it necessary to send it back to the House. It is exceedingly important to the owners of the property sold under the direct-tax law. By the provisions of the bill that we reported there is nothing taken out of the Treasury, but the provisions only are that all the money that is necessary for the Government for the taxes shall be retained in the Treasury.

Mr. LOGAN. I will say to the Senator that I have given away already over half an hour's time. I cannot yield any further. I wish to have the bill disposed of. I am going to make no long speech about it.

Mr. WRIGHT. I do not want to interfere with the Senator's time, but I supposed he would give way for the passage of a bill to which there would be no objection.

Mr. LOGAN. I did for one; but the thing has gone too far, and if I give way any further it will only lead to some other measure coming in and cutting this out.

Mr. WRIGHT. I trust I shall have the attention of the Senate, so as to have the bill brought before the Senate immediately after the bounty bill is disposed of. I think it is a matter of importance, and is especially appreciated by Senators on the other side.

Mr. LOGAN. Let the bill be read.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, had agreed to other amendments of the Senate to the said bill with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES N. TYNER of Indiana, Mr. J. B. PACKER of Pennsylvania, and Mr. JOHN HANCOCK of Texas, managers at the same on its part.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution; and

A bill (H. R. No. 4856) to change the name of the port of Noblesborough to Damariscotta.

POST-OFFICE APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives, and the amendments of the House to other amendments of the Senate to the said bill.

On motion of Mr. WEST, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and disagree to the amendments of the House to other amendments of the Senate to the said bill, and agree to the committee of conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

Mr. WEST, Mr. FERRY of Michigan, and Mr. DAVIS were appointed the conferees on the part of the Senate.

EQUALIZATION OF BOUNTIES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

The bill was reported to the Senate without amendment.

Mr. ALCORN. I desire to offer an amendment to come in as an adtional section:

SEC. —. That all laws prohibiting the payment of pensions to the soldiers of the revolutionary war and the war of 1812 and their widows on account of disloyalty be, and the same is hereby, repealed.

In behalf of the amendment I wish to say a word. I shall vote for the bill with a great deal of pleasure. The soldiers of the war of the Revolution are too old to talk about; but those of the war of 1812, assuming that they were twenty years of age at the time the war was closed, were sixty-seven years of age when the war of the rebellion began. To-day they are eighty-one years old, if they were twenty years old at the time the war of 1812 closed and peace was declared. In regard to the soldiers of 1812, I wish to say that I do not know one single one within the State that I represent in part who went into the rebellion; but I do know one at least who was upon the pension-list who was a Unionist and remained so, and who is to-day a poor blind man, maintained by the charity of his friends. I do think that it is an act of injustice to a man like this to cut him off simply because he lived in a district declared to be in rebellion that was in truth in rebellion.

This is an act of justice. I think the bill to equalize the bounties is proper; but I desire to put along with the bill this act of justice toward these old soldiers that will be a solace to them in their old age at least and afford them some comfort before they die. They feel that they are being dealt with unjustly by the Government. I trust the chairman of the Committee on Military Affairs will not oppose the amendment I offer to this bill.

Mr. LOGAN. I shall not detain the Senate longer than a few moments. It is not my purpose to discuss the bill at length. Different bills have been before the Senate and the House of Representatives for the last eight years for this purpose. This bill in its terms will require less money to equalize bounties than any of the other bills

that have been before Congress. In reference to the amount involved no exactly accurate statement can be made by any one, whether it be the Adjutant-General or the Second Auditor. It is an impossibility for any person to make an accurate statement as to the amount of money that a bill of this kind will cost the Government. Before I proceed to make any statement in reference to that, I will say to the Senator from Mississippi that his amendment, however meritorious it may be—and I have nothing to say about that—is calculated to affect this bill, and I suggest to him that his amendment would be much more appropriate to a pension bill. Indeed, it is already ingrafted in a pension bill that is before the Senate. I would prefer, if it is to pass, that it should be in some other bill. I would prefer it on the House bill already pending as to pensions, or on the bill laid aside this morning. I fear it would endanger the passage of any bill to which it is attached, not because it would not be passed in the House, but because of the want of time to take up a bill there now within the two last days of the session. It seems to me amendments ought not to be made for that purpose.

I am not here to say that a proper amendment should not be made to this bill if it needs amendment in the line in which the bill goes. I will not object to that if it is proper. I would consent to a bill being amended at the last hour if it was right to do it. I shall not object to anything of that kind, only suggesting that it might possibly have that effect. I will not object to an amendment on that account if it is a proper amendment and an appropriate amendment to the bill.

But the objection to this bill has always been that it would cost a great deal of money. Some persons say, and it has been said on this floor, that it would cost $100,000,000. In reply to that at the time I said that there are certain officers of this Government who are very much opposed to the passage of a bill of this kind for the reason that it would impose upon them a great deal of labor and it is perfectly natural for persons to try to rid themselves of burdens whenever they can. But to come directly to the point as to the amount this bill will cost, I have an estimate made up by the Adjutant-General.

Mr. MORTON. What document is that the Senator is reading from?

Mr. LOGAN. The document is the report of the Adjutant-General, but I am reading from Mr. GUNCKEL's remarks in the House of Representatives in reference to this bill.

When the Adjutant-General is called upon to give the number of enlistments in the war for the purpose of making an estimate as to the amount of money a bill of this kind will cost, he sends to the House an estimate of all the enlistments that were made during the war. During the war the enlistments amounted to 2,675,000. He makes that report to the House. I have the estimate here, and I will give it exactly as it is given by him. I have the estimates from the War Department and the Second Auditor's Office. I desire to call the attention of Senators to this fact: when he is asked to make an estimate, the Adjutant-General gives the number of enlistments during the war, 2,675,000. You will mark that the number of enlistments during the war is not a proper basis to estimate bounties on; and why? Over one-third of the enlistments during the war were of men who enlisted twice, veterans, and he takes both these enlistments and counts them both to make up the whole number of enlistments. Instead of taking the number of soldiers who were employed during the war, he gives the number of enlistments. When men were first called out they were three-months men; then they enlisted again for a year; when the year was out many of them enlisted for three years or during the war. So it was with the two-years men. They were enlisted, and then at the expiration of that term, the war not having ended, they were asked to veteranize, as it was called, and a majority of them did veteranize. So we find that the number of enlistments which are given by the reports made can be no basis whatever upon which to make an estimate as to the amount of money that the bill will cost. I cannot say myself how many soldiers there were in our Army during the war, neither do we get that official report. We only get a report as to the number of enlistments. My opinion is that there was not more than a million and a quarter of men employed during the war, and yet there were 2,675,000 enlistments. If one man enlisted four times he was counted every time, and so there would be four soldiers enumerated in the list given in as the foundation of the money estimate in reference to the bounties.

But I say there is no basis for the statement that it will cost one hundred and forty-one millions, as estimated by the Second Auditor, or $105,000,000 as estimated by the Adjutant-General, making a difference of thirty-six millions between the two estimates, showing that certainly one or the other works upon a false basis. But suppose we take the whole number of enlistments during the war counting them at 2,675,000, and allow a bounty of $8.33⅓ per month; take the length of time they served, and it will not make anything like $100,000,000 if the bounty is given. For instance, to give the bounty to every soldier who is mentioned, although some of them enlisted three or four times, it would amount to a little over $720,000,000. There were paid to the soldiers during the war as bounties $405,021,000 from the Goverment of the United States. According to the estimate of the Auditor it would require $141,000,000 to pay the bounties of those men who have not been paid; in other words, to equalize the bounties of the soldiers now, counting enlistments, not enumerating the number of men by the number of enlistments, under this bill, which you will perceive provides for paying $8.33⅓ per month, which is a bounty equal to $100 per annum; if you pay every soldier $8.33⅓ per month, as I have said, the total bounties would amount to about $720,000,000. Then under this bill is deducted the bounties that were paid by the States. I have a list of all the States which paid bounties to their soldiers, and the amount was $286,781,256. Add that to the $405,021,000 paid by the General Government and it makes nearly $700,000,000 bounties that were paid by the Government and by the States. We deduct the bounties paid by the States. If a soldier received no bounty from the Government but received a bounty from the State, if that bounty received from the State is equal to the bounty he would be entitled to from the Government then he receives nothing. All these bounties are to be deducted, and he is only to receive the amount which would make him equal to other soldiers who received the full bounty. But it may be argued, and will be if there is an argument made, that the States paid some of them $800, some $500, some $300, and therefore the State bounties were in excess and on that account the whole deduction cannot be made. That is true, but I have considered that in the deduction. Different persons who have computed bounties heretofore have taken off two-fifths, and I have admitted that three-fifths of the amount of money paid by the States for bounties is that much in excess of what should be required to equalize the bounties. Then I have taken two-fifths, believing it to be a fair estimate, and have added that two-fifths to the amount of the bounties already paid, which two-fifths amount to $95,593,900. I have taken that two-fifths and added it to the amount of bounty already paid. That amount of bounty already paid by the States, counting two-fifths of that paid by the States and the bounties of the General Government, make over $600,000,000.

I take the $114,000,000 that they claim and make no deduction from it and add it to the $405,000,000, which makes $546,000,000. Then I add the $93,000,000 to that, making up the bounty, and then deduct that which is left, and it leaves $20,712,552.42. That is my estimate, and that is a fair basis upon which to place the estimate for the equalization of bounties.

Mr. SCOTT. If it does not interrupt the Senator's remarks, I should like at that point to put to him a question. Under the provisions of this bill the amounts paid by the several States to the soldiers are to be deducted. Now if it should turn out, as I have no doubt it will, that some States paid a very much larger amount of bounty to soldiers than other States, then will there not exist a claim upon the part of the States paying the larger amount for an equalization also? Would not that constitute just as fair a basis of claim upon the part of the States, which I understand paid five or six hundred dollars of bounty when another paid $300, as the claim of the soldier to be equalized with those who received more than he did?

Mr. LOGAN. Not at all. It was a mere voluntary act on the part of the States for the purpose of furnishing soldiers, and they have no right to make a claim on the Government or anybody else for it. It was a bounty, a voluntary gift, for which they can make no claim any more than the Government can make a claim on the soldier to pay back his bounty.

But to show that my estimate is a fair one, I may mention that substantially the same estimate has been made frequently. A bill of this character has passed the House four different times. General Schenck, in the Thirty-ninth Congress, estimated his bill at $30,000,000, but his bill did not make the exceptions that this bill does. Henry D. Washburn, in the Fortieth Congress, estimated his at the same amount, $30,000,000. Mr. Krebs, in the Forty-second Congress, estimated a bill similar to this at $20,000,000. Now you will mark that since these estimates have been made in the House of Representatives we have passed various statutes. For instance we have passed a statute giving bounties to a regiment in Connecticut that was mustered in 1861 and under the law was not entitled to any bounty. We gave to that regiment bounty. That takes it out of this bill, for they received their bounty. We gave Indians and colored persons a bounty. That takes them out of this bill. We gave it to what were termed the Sixth Missouri regiments, who were refused bounty for a number of years because they remained in the State of Missouri. We gave to them a bounty, which takes them out of the bill.

Hence, since the estimate of General Schenck some five or six million dollars have already been paid in bounties which at that time were estimated in his bounty bill. So we find that the estimates which have been made at various times come very near the same amount. Now, I will say to the Senate that if you can get an estimate made upon the number of soldiers actually serving in the war and those that have actually been paid, then you can get a fair estimate such as I have made.

Now, I will say to the Senate, passing by this point for the present, why should there be objection to this bill in regard to the fairness of its provisions? The objection to it is because, it is said, it will take money out of the Treasury. That is true. It is said it will take a large amount immediately. That is not true. The Adjutant-General in making his statement at one time said it would require ten years' time to make up all these accounts and pay all these bounties. That calculation was based upon the length of time it has taken heretofore to pay bounties under former laws. The papers of some applicants have not yet been decided upon under the law of 1866. So it would take say ten years. You would divide this expense through that length of time. First we provide that the applications may be

made within five years. Then you run along. Many applications will probably be made the first year, many others the second, and so on; but the applications cannot all be made the first year or the second year or the third year, or, if so, they cannot be examined. It requires time not only to make the applications, but to make the examinations necessary. The examinations have to be made, the evidence has to be compared. It has to be compared with the rolls of the States that paid bounties, with the rolls of the Government paying bounties; and in that way it will take a series of years in order to pass through all these accounts.

Then as to the justice of the claim, let us examine that for a moment. Is the claim just? If not it ought not to be paid. If it is just it ought to be paid. The first soldiers who were employed in the war received no bounty. Many soldiers who were promised a bounty received none. How was that? Many soldiers received during the last year of the war no pay at all as a bounty. For instance, a man who volunteered for three years or during the war or veteranized was entitled to $300 bounty; $100 the first year, $100 the second, and $100 the third. It will be remembered that when the war ended the term of service had not expired, the three years had not expired, and by an order of the Secretary of War these regiments were mustered out of the service, and not having served the full year of the last year they were denied any bounty whatever. Will any Senator say it is just, after a man enlisted for three years under the promise of $300, when he is ready to perform his part of the contract, and by remaining in the field does perform his part of the contract, for the Government to muster him out five days before his time expired and then say, "You have not fulfilled your contract, because you have not served the time that you enlisted for." That is the manner in which many regiments were treated. Many regiments all over the country who served the full time within a few days or a few weeks were denied their bounty upon that theory, that the contract had not been carried out on their part.

That is all there is in this bill. It is to give to these men who received no bounty who saved their country the same amount of bounty according to the length of time they served as was given to those who volunteered, received bounty under the laws, and to fulfill to those regiments that were mustered out prior to the expiration of their time that contract which the Government entered into with them when they joined the service of the United States. I appeal to my friends on both sides of this Chamber to do justice now by these men who are entitled to this pay. They are entitled to it. They earned it; they ought to have it; and let me say to you they will get it. If you do not give it to them now, it will be given to them at some other time. This bill or one like it has passed four times through the other House of Congress. The last bill that passed there, the one that is now under discussion, passed the House by an almost unanimous vote. Nearly all the democrats voted for it; nearly all the republicans voted for it as an act of justice to the soldier. It was not made a party measure in the House at all. It was made a measure for the purpose of doing justice to men who were entitled to claim that justice should be done to them. It was not a measure of party consideration, but was a measure voted for by both sides, considering it as a just act, and I hope it will receive the sanction of both sides of this Chamber to-day, not as party measure, but as a measure for the purpose of doing that justice to these men which becomes a Government that requires justice to be done. In their name to-day—and their name, I remind you, is legion—I appeal to the Senate of the United States to pay them that little pittance which they should have been entitled to when they were mustered out, but were deprived of. I say to you that if you fail to pass this measure now—I do not know that my term will be very long in this body, and it makes little difference to me whether it is or not, but so long as I do have a seat on this floor I will urge this bill the same as I have urged it for the four years I have been here, and in the same way that I urged it when I was in the other branch of Congress where I helped to pass it twice, and urge it because I deem it just, because I deem it right, and for no other reason.

This is all that I care to say on this subject now, as I intended not to detain the Senate at any great length from doing other business that they may deem important to be done.

Mr. SHERMAN. I would ask my honorable friend to point me out the provision of the law under which he claims that this money is due to the soldier.

Mr. LOGAN. I did not hear the Senator.

Mr. SHERMAN. I understood the Senator to say that under the law as it existed when these soldiers were discharged they were entitled to a bounty of $100 a year.

Mr. LOGAN. I said that where they volunteerd for a term they were entitled to a bounty, but many of them were mustered out before their time expired, and therefore that deprived them of having that which they were entitled to under the law; and that was the fact.

Mr. SHERMAN. I should be very sorry if the declaration made by the Senator from Illinois was true. The Government of the United States has fulfilled the legal obligation that was made between the soldier and the United States. I never heard that denied. I never heard a contrary assertion made. Indeed, if the honorable Senator from Illinois is correct that the Government of the United States agreed to pay the soldiers $100 bounty and did not do it, it is a dishonor upon the United States that ought to be promptly rectified; but I never heard it claimed, I never heard it pretended, I never heard it said before that the United States had failed to pay every dollar it had agreed to pay to the soldiers mustered into the service of the United States.

Mr. LOGAN. The Senator will understand my statement. I said this, and this he cannot controvert, because it is the fact: Suppose a soldier was entitled to $100 bounty a year. If he served three years he was entitled to $300; but he was mustered out five days before that time expired; then he lost the $100.

Mr. SHERMAN. If the United States would muster a soldier out under those circumstances and not give the bounty I should consider it a gross wrong.

Mr. LOGAN. The United States did that very thing, and we have tried to correct it, and in one instance it was corrected, where men were mustered out, and regiment after regiment was mustered out in that way and did not get their bounty. I say again it is an outrage. I said so then. Troops were mustered out in that way a few weeks before their terms expired and received not the last bounty that they were entitled to. So it was throughout the entire Army.

Mr. SHERMAN. So far as any legal obligation exists to pay soldiers $100 a year bounty, it ought to be paid, and I will vote for any bill that may be framed by the Senator from Illinois to pay soldiers any bounty which an existing law authorizes to be paid or requires the Government of the United States to pay; and I would frame it upon the broadest principles of equity, on the ground that where a soldier had been discharged, as he says, a short time before the expiration of his term, I would consider that discharge as a full performance of his duties under the enlistment for three years or during the war. But we might as well take the fact as we know it to be, that this is not a claim for a debt due to these soldiers. It has not heretofore been put on that ground. It is not a claim as the money which we agreed to pay in the nature of an obligation, but it is a claim precisely what it is called, a bounty to soldiers. If we were in a condition to pay to the soldiers who served in the Army of the United States $100,000,000, or any other given sum of money, there is no man who would be more ready to give that vote than I. We never can pay these soldiers, if we would pour out not only the Treasury of the country but the property of the country. We never can pay them for their services, because they have preserved us our country. If we undertake to pay out of the Treasury of the United States all that we owe to these soldiers on the broad principles of human obligation, we never can pay them. All the taxes you can levy on your people cannot gather together enough money to pay them. But all that any government in the prosecution of a war can perform is to fulfill its obligation to pay to the soldiers and the citizens all that it has agreed to pay them, and there stop. You cannot go any further. We have agreed to give to the soldiers, their widows and their orphans, pensions, and the pension laws define that obligation, and we now pay $30,000,000 a year to those who have suffered during the war, their widows and their orphans, a larger pension-list than ever was maintained by any nation in the world in any time. This is a part of our obligation, and we pay that because we agreed to pay it—because in our enlistment laws there was a provision made that those who might be wounded in our service should receive pensions, and that their widows and orphans should be provided for. Therefore the pension law has been maintained, and the people of the United States pay with great cheerfulness $30,000,000 a year to meet this obligation, because it was an obligation to the soldiers which we were bound to perform. The question of paying bounties is quite a different thing.

If our land was overflowing with money, if there were no public debts, no duties, no obligations, then we might give the surplus revenue or any sources of revenue to the soldiers and never pay the debt we owe them. But, sir, let us not deceive ourselves. My honorable friend has figured this bill down as a demand on the Treasury to the amount of $20,000,000, and he spreads that over eight or ten years, and thus reduces it to an annuity for eight years of about $3,000,000. My colleague in the House, who had charge of the bill there and is the author of it, estimated that it would require $29,728,000; and after he made that estimate the cost of the bill was increased by various amendments. Certain persons connected with the Second Auditor's Office, who presented a favorable report and who presented the basis of the estimate upon which my colleague in the House based his estimate, estimated the amount to be $59,752,000. We know that the Paymaster-General and the Second Auditor, and two or three other officers who have examined this matter, have put the amount at $100,000,000; but, as the Senator from Illinois says, no man can tell.

Mark it, Senators, this is not a demand to be spread over eight years, but it is a demand to be met within six months. Say not to me that these soldiers, scattered all over our country, who will know of the passage of this law, will not promptly present their claims; but when they are presented they must be paid; they must not be evaded or avoided, delayed or hindered. When you pass this law, the soldiers will be paid. What proportion of the claims will be presented within the next six months? Do we not know that the great body of them will be presented as soon as the claim agents, authorized by this bill to receive $10 for every application, scatter over the country, gather these claims together, and present them? We know how it will be. This bill itself provides that $10 for each application shall go to the claim agent, and no more; and these claim agents will be busy all over

this country to gather in these claims, and they will be pushing them in on the Treasury. Are we prepared to meet them?

Sir, I am tired of this business. It is rather expected of me that whenever somebody ought to speak in behalf of the Treasury of the United States, I should get up and do it. I do not feel myself bound to do it any more than any other Senator. I am as much a friend of the soldier as any man who ever lived. I propose to do as much for the soldief who served under our flag as my honorable friend from Illinois, or any member of this body. I have been willing in the past and am willing now to do it; but when this unexpected demand is made upon us, and Senators almost fear that their motives may be suspected, almost dislike, I may say almost fear, to vote against a bounty bill to soldiers—I say under these circumstances it is our duty to look this thing in the face. I say to you that if this bill passes it puts upon a Treasury, already deficient to meet its current interest and expenses, from eleven to twenty million dollars, according to the statements that were made by us and known by all. It throws upon that Treasury a burden variously estimated by the Senator from Illinois, and others, from twenty to one hundred and forty-one million dollars. Sir, look at the provisions of this bill, that every soldier is entitled to $100 a year bounty; and the whole amount of that bounty, according to the estimates before us, and on which all these calculations are based, is $150,000,000. That is the extent of our obligations.

But it is said that some of these soldiers have been paid bounties by the States and we deduct the amount paid by the States. But, sir, if we owe one dollar of this money we owe $141,000,000, and if the States have come forward and paid this bounty, we are bound to pay the States, because if we owe the debt it must be paid either to the soldiers or to the States, and if you use the bounties paid by the States to pay off your obligation to the soldiers, how can you deny to the States any demand that they may make on you for the return of the bounties paid by them? You cannot do it.

The amount then is $141,000,000. My honorable friend says $20,000,000 of that will go to the soldiers. You will have to provide then for the payment of the balance to the States. How can you answer this? If it is a debt at all, it is a debt for the whole amount, and if a part is already advanced by the States, we owe it to the States, principal and interest. No sooner will this bill pass and large sums be drawn under it from the Treasury of the United States, when demands will come from the States to equalize bounties among them, and then you will have another question to meet. In the State of Connecticut they paid enormous bounties. I believe they gave six or eight dollars a month, a bounty perhaps larger than this, to all the soldiers who served under the call of the governor of the State of Connecticut. Their bounties were very large, far larger than we could afford to pay in the Western States. How can you resist their demand for the equalization of bounties? If Connecticut poured out her treasure freely to induce men to enter the service of the United States, why should you not refund her that money? Thus you introduce a new series of questions involving demands on the Treasury.

I take it that we are practical legislators, that we are willing to take some risk of having our motives misunderstood, that we are willing to oppose popular measures. The Senate of the United States is organized as a body elected each member for six years, for the purpose of checking bills resting upon popular emotion or popular gratitude. We are here as the conservative body to guard the public Treasury, to guard the public honor, to be governed by perhaps a little stronger sense of obligation than may be supposed to rest upon those who spring suddenly from the people, members of the other House. That is the theory of our Government. If the Senate, knowing that there is now a deficiency in the Treasury, knowing that we have already appropriated more money than we have got to pay, is now willing to saddle the Government with this additional debt without any means to provide for it, we do not exhibit those evidences of care and conservatism and forethought which ought to distinguish the Senate of the United States.

I will not vote for the bill; and if I am accused by the soldiers of Ohio—and we had four hundred thousand of them—I will tell them that I believe the Government of the United States has fulfilled to them the legal obligation into which it entered with them when they entered into the service of the United States. We can never pay them by money for their heroism or their sacrifices. We cannot assume this debt again without loading down our people with fresh liabilities and fresh taxes. I therefore will stand in opposition to it, and I appeal to the Senate as the conservative body to meet this bill and at least postpone it to a time when there is money in the Treasury to meet these demands and not pass this law which will make an obligation when there is not money in the Treasury to meet it.

Mr. LOGAN. I do not rise to discuss the question at any length again, but merely to call the Senator's attention to the suggestion I made to him in reference to soldiers, many of whom I did not say were defrauded, but were deprived of what I considered their right under the law. I can give him several instances. Here is one; I quote from the speech of Mr. GUNCKEL, of his State, a very honorable gentleman, who makes these statements:

> Some soldiers of the Thirty-ninth Ohio state their case thus: They enlisted for the term of three years under the President's proclamation of May 3, 1861, before the 22d day of July, 1861; but by the failure of the officer to correctly date their enlistment and of the United States mustering officer to muster them into the service before August 6, 1861, they have received, and under existing laws, as construed by the Treasury Department, can receive no bounty.

There is one case from the Senator's own State where the men served faithfully the whole length of the time, but because the mustering officer did not date their muster correctly they have been denied all bounty by the Treasury Department.

Mr. MORTON. I ask the Senator from Illinois, if he is prepared to do so, to state the different bounty laws which were passed and the amounts given at different times. I would like to understand that.

Mr. LOGAN. I will do that presently; but if I should neglect it, the Senator can call my attention to it. Again, Mr. GUNCKEL said:

> Soldiers from Missouri, Kentucky, Ohio, Indiana, Iowa, and West Virginia who enlisted for six or nine months, or any period less than one year, were excluded on a decision by the War Department that they were not volunteers but militia.

That is what I had reference to when I spoke about the six regiments of Missouri troops. Soldiers from Ohio, Indiana, Kentucky, Iowa, and Missouri have been excluded on the ground that they were called militia, and received no bounty whatever under the decisions of the War Deparment.

Mr. EDMUNDS. Were they not militia?

Mr. LOGAN. How could they be militia when they were mustered into the Army of the United States, armed and clothed and paid under the orders of officers of the Army of the United States? I agree they were militia in one sense, because that term in our Constitution constitutes everybody militia.

Mr. EDMUNDS. The Constitution also provides for raising and supporting armies.

Mr. LOGAN. But it speaks of the President having command of the militia, and the Senator knows it has reference to just such people. Let us go further:

> But it so happened that they were enlisted between two calls—

Mark the reason why they were deprived—

> They were enlisted between the dates of two calls; that soldiers enlisted before and after received full bounties, but they received nothing at all.

Because they were enlisted between two calls of the President some men were denied the right to bounty, while those who enlisted under the two calls, one prior and one subsequent, both got the bounty. Here is another case:

> Some of the enlisted men of the Fourth Iowa Regiment complain that they were enrolled prior to July 22, 1861, but on account of being ordered beyond the limits of the State of Iowa were not regularly mustered into United States service until subsequent to August 6, 1861, and so deprived of bounty.

They were enlisted and ordered out of the State before the mustering officer made out their muster, and because they were under orders and could not be mustered they were denied their bounty, although they were soldiers the same as anybody else and served in the war the same as any one else.

I could give the Senator from Ohio another instance. Here is a Senator [Mr. SPENCER] who was in command of a regiment. They served under me a small portion of the time. That regiment was raised in Alabama. While we were stationed in Northern Alabama we recruited a regiment of cavalry, called the First Alabama Cavalry, and the Senator from Alabama was the colonel commanding that regiment. They served through the war, served as faithfully as any soldiers ever did serve, and they were denied bounty because they were recruited in a rebel State. That is another decision of the War Department.

These things that I speak of I have a personal knowledge of. Let me give you another instance. In New York the United States called for three-years men, authorized by the Congress of the United States. The State of New York did not wait for the call, but her Legislature provided for re-enlisting two-years men, and accordingly thirty-eight New York regiments were re-enlisted into the service of the United States under the act of the Legislature, accepted by the Government under the subsequent call, and yet these thirty-eight regiments have been denied bounty because they were enlisted prior to the call being made, although they were accepted by the Government, and accepted after the call to make up the call. These instances illustrate the inequality that has been done to some of the soldiers who have not had justice. I could go on and give other instances. I could give case after case. Let me give you another case. Suppose a man enlisted for three years. He served out within one day of his first year, which would entitle him to $100 bounty. On that day he is killed in battle; his wife and his children get no bounty, although he is killed. Why? If he had lived his wife and children would have got a bounty; but they are not entitled to any bounty because he was killed just one day before his enlistment expired; and there are thousands of cases of that kind If a man within a week of the expiration of his time was taken to hospital and the surgeon mustered him out of service because he had an incurable disease or wound, that man would get no bounty, although he was wounded and mustered out of the service on account of his wounds. Why? Because his wounds caused him to be mustered out of the service.

These are the cases that I appeal for. These are the cases that we are talking about when we talk about equalizing bounties. It is the case of wounded men mustered out prior to the expiration of their service, of sick men mustered out, of regiments mustered in and serving that have been denied their bounty under the law by a decision of the War Department, which in my judgment is unjust and unfair.

Our friend the Senator from Ohio speaks about appealing to the

soldiers of Ohio. I know he is as patriotic and kind as any one. I claim no more patriotism than he does nor any more than he is entitled to; but when he talks about appealing to the soldiers, let me say that when he appeals to a one-legged or a crippled soldier who was mustered out on account of his wound just one day before his time expired and tries to convince him that he is not entitled to a bounty, his appeal will be in vain. He cannot convince him. When he appeals to the wife of the man who was killed in battle one day before his time expired and tells her she is not entitled to bounty because her husband failed one day of his service, he will have a hard time to make her believe it.

I know something about appeals to soldiers. They are not unreasonable; but when their demands are correct and just, as they are in this particular instance, I do not blame them for not listening to appeals. I do not blame the crippled soldier, and the widow who weeps because she gets no bounty when others are entitled to it, her husband having been killed but twenty-four hours before his time expired, for not being satisfied, and I never will.

But the Senator from Indiana asked me to give the dates of the bounty laws. A one hundred dollar bounty act was passed July 22, 1861; a fifty dollar bounty act passed July 28, 1866; a one hundred dollar act, July 22, 1861; and a one hundred dollar act July 20, 1866. These are the different acts.

Mr. MORTON. Has the Senator the references to the statutes?

Mr. LOGAN. I have not; but I have the volumes here, all marked, and can find them.

Mr. MORTON. I should like to have them read.

Mr. LOGAN. The different statutes that I referred to awhile ago were special statutes that took many cases out of the law we now propose. There was a statute in reference to colored men, in reference to Missouri troops, in reference to Connecticut troops. Quite a number of troops whom the Senator would embrace in his remarks are taken out of this bill by special acts of Congress, and I will turn to the statutes as they were passed, and which I have marked. I happened to turn to one of the last statutes. On July 13, 1868, a statute of this kind was passed:

That the troops recognized in an act entitled, "An act making appropriations for completing the defenses of Washington, and for other purposes," approved February 13, 1862, be, and are hereby, considered as placed on an equal footing with the volunteers, as to bounties; and that all laws relating to bounties be applicable to them as to other volunteers.

I will explain that. The law that this refers to was an act in reference to the defenses of Washington, to which an amendment was offered that authorized the raising of certain regiments, four I think in Maryland and six in Missouri. The six regiments raised in Missouri that this act applies to were refused bounty because, although they were raised under a law the same as other troops, yet the War Department decided that they were merely militia, and therefore not entitled to bounty. This act was passed in 1868 which pays these three regiments their bounty, and therefore I said they were taken out of this bill. The bounties have already been paid to these six regiments under this special act of 1868.

The act of March 3, 1869, is another act that takes a certain portion out of this bill, which reduced it in amount, as I stated to the Senate. I will read it:

That when a soldier's discharge states that he is discharged by reason of "expiration of term of service," he shall be held to have completed the full term of his enlistment and entitled to bounty accordingly.

This act was passed to cover just the case I stated where men were mustered out of the service before their time expired and were denied the bounty; but some of them were mustered out "by reason of the expiration of the term of service," and this statute was passed so that men who were mustered out by reason of their term of service having expired should be entitled to their bounty, and they have received it.

SEC. 2. *And be it further enacted*, That the widow, minor children, or parents, in the order named, of any soldier who shall have died, after being honorably discharged from the military service of the United States, shall be entitled to receive the additional bounty to which such soldier would be entitled if living, under the provisions of the twelfth and thirteenth sections of an act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes," approved July 28, 1866, and the said provisions of said act shall be so construed.

SEC. 3. *And be it further enacted*, That all claims for the additional bounties granted in sections 12 and 13 of the act of July 28, 1866, shall, after the 1st of May next, be adjusted and settled by the accounting officers of the Treasury under the provisions of said act; and all such claims as may on the said 1st of May be remaining in the office of the Paymaster-General unsettled shall be transferred to the Second Auditor of the Treasury for settlement.

SEC. 4. *And be it further enacted*, That all claims for bounty under the provisions of the act cited in the foregoing section shall be void, unless presented in due form prior to the 1st day of December 1869.

There is another exception that is taken out of this bill.

Mr. MORTON. The Senator from Illinois has paid much more attention to this subject than I have, and I want to ask him a question for information. This is a bill to equalize bounties. Have any soldiers enlisted under laws of the United States during the war, or serving as militia, received from the Government of the United States for the time they served bounties at the rate of $8.33⅓ a month as fixed in this bill? For example, have any of the three-year men enlisted in 1862 or 1863 received bounties at that rate for the time they served, from the United States, so that others are to be equalized and receive the same? That is the point.

Mr. LOGAN. I will explain that to the Senator. One hundred dollars per annum was the bounty which was given to persons who served one year. That $100 bounty is just the amount precisely per month named in this bill. The six regiments of volunteers in Missouri received the bounty just in accordance with the other soldiers who received their bounty. They served, I believe, one year, but I am not sure as to the length of time. Does the Senator from Missouri remembers the time those regiments served?

Mr. BOGY. I think six months.

Mr. LOGAN. Then they received fifty dollars bounty. The amount of bounty is not mentioned in the statute, but they received bounty in accordance with other bounty laws. The bounty laws gave just $8.33⅓ per month, but did not give it per month. It amounted to that amount per month, but was given for six months, for twelve months, for two years, and for three years. This bill is in order to give bounty to the men who did not serve out the time on account of sickness or on account of being mustered out shortly before the term expired. If they were mustered out a month sooner than the expiration of the term on account of wounds or on account of sickness, they get $8.33⅓ a month, and so on. That is what we mean by equalization of bounties.

Mr. EDMUNDS. Those who were mustered out on account of sickness and wounds received in the service got a pension, which takes the place of the bounty.

Mr. LOGAN. I beg the Senator's pardon; a pension does not take the place of a bounty, because every man who received a bounty in the war that was wounded received a pension besides. It does not take the place at all; they are entirely different. If an officer of the Army draws a pension, no amount of money paid to him otherwise is taken in lieu of a pension. There is no such thing. A pension is a separate and distinct proposition from bounty or any other pay.

Mr. MORTON. I understand the point to be this: that under the law the bounty was to be paid for a full term of one year, two years, or three years.

Mr. LOGAN. Yes, sir.

Mr. MORTON. But those who did not serve the term out were cut off from any?

Mr. LOGAN. Yes, sir; that is it.

Mr. MORTON. The proposition now is to pay them by the month, so that they may get bounty for the time they served.

Mr. LOGAN. Exactly; that is the proposition; and what I read from these statutes is to show that many persons to whom the Senator from Ohio referred in speaking of the amount this bill would cost have already been paid under special acts of Congress. I said several millions of dollars had been taken out by special acts of Congress from the amount that had been estimated before, to show that I was correct in my estimate. That is the reason I spoke of these special acts, and there are many more of them, but I do not wish to detain the Senate by citing them, though I have them all here. If any person wants to hear them, I will turn to them and read them, as a matter of course.

Mr. President, I do not desire to detain the Senate in the discussion of this measure, but I do appeal to Senators on both sides of the Chamber to do this justice now. They have been asked to do it for the last eight years, and bills have lain upon our table. Four different bills have been reported from the House of Representatives to us and asked to be passed. Two or three different bills have been reported from the Committee on Military Affairs of the Senate, and we have been asked to pass them. Now, if there is not some action taken, if this bill is not passed, those men who are deprived of that which I consider a just demand on the Government will want to know why. As I said, this is not on politics, as to which party shall be for this, or which party shall be against it. It is a question of justice that appeals to all men, irrespective of their party predilections, and all should be willing at least that these men should have justice done them.

At one time during the dark hours of this grand Republic appeals were made on the other side. Different appeals were then made in this Chamber and in the other branch of Congress; not by soldiers, but by men who wanted soldiers to help save the Government. When you appealed to the populace of this land to furnish veterans to save the old flag and the Constitution of this country, that appeal was responded to with such alacrity as has never been witnessed in any land before. By the hundred thousand the soldier went singing "Tramp, tramp." That was his war-cry; and under the flag he enlisted to save the country. That same soldier that you appealed to then, and who listened to your appeal, appeals to you now to do him the same justice that he did your Government when you appealed to him for his service. I say let him not be turned away; I say let not his appeal be answered in coldness and in indifference; but let it be answered by the warmth of heart that ought to belong to every patriotic man in this land, and say to him that justice which man should demand of man shall be done by the Government toward the veteran who saved his country.

Sir, appeals were made from the other side of this Chamber this morning to remember the old soldiers of the war of 1812. While you make appeals for the soldier of the war of 1812, for which we have provided, and for which we intend to provide where the provision has not been made or where it has been cut off, I say forget not the soldier that did much more than he did, although he did his duty,

who, when the country was reeling and rocking as a drunken man, knowing not where it might fall, or whether in the fall it might not be crushed to atoms, came forward to steady the rocking pillars beneath this tottering fabric. He appeals to you. I say let that appeal be answered in all honesty of conscience and justice.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Mississippi, [Mr. ALCORN.]

Mr. EDMUNDS. I move to amend that amendment by adding after the words "war of 1812" the words "and Mexican war." I do not see any ground for making the distinction against the men who were so gallant in the Mexican war. There were a good many of them.

Mr. LOGAN. I hope that amendment will not be adopted. I was a Mexican war soldier myself, and I understand the object too well. I do not want this bill defeated by amendments, and I hope the amendments will not be adopted, either of them.

Mr. EDMUNDS. The Senator says he understands the object. That is not the best possible reason against an amendment to an amendment. If no amendment prevails the Senator might be right, but if we are going to have an amendment, let us have it philosophically. I should like to have the Senator state the grounds of distinction between a soldier of the war of 1812 and one of the war of 1847, against Mexico.

Mr. LOGAN. I want the Senator to understand me. I say I do not want either amendment adopted.

Mr. EDMUNDS. Then, if the Senator does not make a distinction, I suppose it is because he sees there is no distinction; and if there is no distinction, then if we are to have anything, let us have everything which falls within the same principle. The theory of the original amendment is that it is unjust to withhold from people who were engaged in the rebellion against the United States any of the benefits or bounties or gifts that the Government may make to soldiers. Justice does not depend on the age of a man or the length of time ago that he performed some act that entitles him to a grateful recognition by his country. Therefore, if it be right that we shall reopen the pension and the bounty rolls to people who were engaged in the rebellion, and who lost the benefits of such pension and bounty, having been soldiers in the war of 1812, the same principle precisely applies to soldiers in the Mexican war. It may be that a soldier in the war of 1812, if he was an old man, could furnish more in respect of the weight of his influence, his venerable character, to aid the cause of rebellion than a younger man who served in the Mexican war could. It does not depend on age at all. It depends on the fact. Therefore, if the fact of a soldier of the war of 1812 having engaged in the rebellion does not relieve us from any obligation of honor to contribute to his support now, it does not relieve us in respect of a soldier in the Mexican war who did the same thing. If we are acting upon this sentiment, let us act upon it in a logical and philosophical way. That is my proposition. I am not, Mr. President, in favor of putting on to this bill any such proposition; but as long as it is proposed to put on one part of the proposition, I propose to go the whole figure.

Mr. MORTON. Mr. President, I think there is a very material difference between the proposition of the Senator from Mississippi and that of the Senator from Vermont. The soldiers of the war of 1812 were necessarily too old to take an active part in the late rebellion. They were too old to go into the field. But that is not the case with the soldiers of the Mexican War. Very many of them were engaged upon the one side or the other during the late war. That was so in my State. I presume it was so in the Southern States. Therefore the amendment offered by the Senator from Vermont would include many men who served in the confederate army, while that offered by the Senator from Wisconsin would not include those who served in either army. Their sympathies and what influence they had may have been upon the side of the rebellion, but they were not active participants in it. At the same time I hope the amendment of the Senator from Mississippi will be voted down. I hope we shall not encumber the bill with that amendment.

Mr. ALCORN. Mr. President, the Senator from Indiana has anticipated a portion of what I intended to say; but there is another point that I desire to make, showing the distinction between the amendment proposed by the Senator from Vermont and the amendment that I propose. If the distinction that exists is not apparent to him, I do not hope that anything I could say would make that distinction clear; but I think the distinction is broad and well taken. There is no law upon the statute-book and it has not been the policy of this Government up to this time to pension the soldiers of the Mexican war. The soldiers of the Mexican war have not been pensioned. The soldiers of the war of 1812 have been pensioned. I know the law to which I see the honorable Senator [Mr. EDMUNDS] is about to refer, but that will not contradict what I state to be true as a matter of fact. It has been the policy, however, of this Government, and was before the late war began, to pension the soldiers of the war of 1812; and while this law was in existence, while it was in full force and operation the rebellion began and the Government of the United States, in the exercise of an authority which belonged to them and which they had a right to control, saw proper to strike from the roll of pensioners all that body of men who lived south of a particular line. The test has not been applied to them as to whether they were loyal or disloyal. They have not been convicted of disloyalty. They were presumed to be disloyal, because they lived south of a particular line. They have not been adjudged disloyal. The have not had a day in court, but they have been by an act of Congress inhibited from the benefits of a law of Congress simply because they resided in the Southern States.

The theory of the amendment that I propose goes upon this line: that the war has been ended, that amnesty has been granted, that restoration has been consummated, that the past should be forgotten, and that the old soldier who is now taking his departure to

> The undiscovered country, from whose bourn
> No traveler returns—

as he leaves, as he bids us good-by, now above eighty years of age, should be made to feel the fact that while his eyes look still upon the sun of heaven the Congress of the United States has wiped out the distinctions that had been made by reason of the war. It is the theory of the policy of the Government. It is carrying out the policy of reconstruction, the policy of restoration. It is doing simply an act of justice to those old men who are now knocking at your door.

Mr. LOGAN. I will ask the Senator a question if he will allow me——

Mr. ALCORN. Certainly.

Mr. LOGAN. If he does not think it would be fair to withdraw his amendment to his bill and propose it to some other bill? It is in two or three bills now before the Senate.

Mr. ALCORN. I will advise the honorable Senator that the old soldiers have been in the keeping of the able Senator from Indiana, [Mr. PRATT,] who has here put forward their case in language more eloquent than I can repeat. The Senate has not shown a disposition up to this time, nor do I believe there is a disposition here, to make any legislation touching the relief which they pray for. This morning this amendment was here reported, or rather it was in the body of a bill that came from the House of Representatives, and the honorable Senator from Illinois moved to strike it out. I regretted that he did so. I was for that bill. I am for it now. I will not oppose that bill if he will allow it to go as it came from the House of Representatives; but even to repeat the same thing in this bill will do no harm.

Mr. LOGAN. I only say to the Senator, so far as that bill which was reported this morning is concerned, that the same provision is in another bill from the Pension Committee.

Mr. ALCORN. But that will never see the light of day.

Mr. LOGAN. If the Senator will allow me until I get through my statement, this is a bill from the Military Committee, having nothing to do with pensions whatever, and I did not want to ingraft upon such bills that which belongs to a pension bill, and which is already in the pension bill. Hence I moved to strike it out, not on account of any opposition to the particular thing, as I said at the time, but because it did not pertain to that particular bill. Without saying whether I would be for the bill or not, I stated the reason because it did not pertain to and was not germane to that bill, as every one knows. That was the reason I offered to strike it out.

Mr. ALCORN. I think this amendment is germane to this bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road; and

A bill (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes, was read twice by its title, and ordered to lie on the table.

Mr. SHERMAN. I ask for an order to print that bill.

The VICE-PRESIDENT. The Chair hears no objection, and the order to print will be made.

The bill (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road was read twice twice by its title.

Mr. BOUTWELL. That bill has been considered by the Committee on Public Lands of the Senate, unanimously agreed to, and I believe there can be no possible objection to its passage. I hope the Senate will allow it to be passed now.

Mr. EDMUNDS. I think we ought to finish this important measure, particularly as I want to make a little speech just now.

The VICE-PRESIDENT. Objection being made, the bill cannot be considered at this time.

Mr. HOWE. I simply ask that the bill may be allowed to remain on the table for the present.

The VICE-PRESIDENT. The bill will lie on the table.

VISITORS TO MILITARY ACADEMY.

The VICE-PRESIDENT appointed Mr. ALLISON and Mr. RANSOM members of the board of visitors on the part of the Senate to attend the annual examination of the cadets at the United States Military Academy at West Point, New York.

MARBLE ROOM AND CORRIDOR.

Mr. ROBERTSON. I ask that the following order be made:

Ordered, That the Sergeant-at-Arms be directed to exclude from the marble room and adjacent corridor during the session of the Senate, for the residue of the session, all persons not entitled to the floor of the Senate.

Mr. EDMUNDS. That is right.

The order was agreed to.

EQUALIZATION OF BOUNTIES.

The VICE-PRESIDENT. The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. EDMUNDS. Mr. President, the distinction that the Senator from Mississippi and the Senator from Indiana make between people who served in the field in the rebellion and those who did not serve in the field but, still aided it, in my opinion is altogether fanciful and altogether unjust. I think the soldiers of the rebellion who served in the field were just as honorable, and are just as much entitled to sympathy now that the thing is over, and to consideration, as those who did not serve in the field. I should like to have somebody point out to me the difference between the two.

Mr. ALCORN. The Senator will allow me to say that I did not dispute that point.

Mr. EDMUNDS. The Senator says he has not disputed it. If he will read the RECORD to-morrow he will see who disputed it; and the Senator from Indiana too. When gentlemen went into what is now, or was last year, said to be the "lost cause"—whether it was the lost cause or not the future will determine—they went into it, almost all of them, no doubt in the sincere belief that they ought to do so; and let no one tell me that the man who bravely shouldered his musket or drew his sword in defense of what he thought to be State rights and the right to secede, &c., which received large encouragement from men in the North, is not entitled to just as much respect and just as much consideration as those who believed as he did, and, doing what they could do out of the southern army, were entitled to. You cannot stand upon any such distinction. The idea of proscribing a man who had been engaged in the rebellion because he was in the southern army, and doing a favor to a man who was engaged in the rebellion and was not in the southern army, is contrary to all my notions of what people are entitled to who engage in a cause that they believe in. There is not any such distinction. If there be any distinction at all, I should have a higher respect for the man who risked his life on the battle-field in favor of what he believed to be right rather than he who staid at home and aided it in whatever ways he could without running that risk. The distinction, therefore, is totally untenable, and it does not do to say that you will exclude soldiers in the Mexican war from the benefits of this act on the ground that some of them shouldered their muskets in defense of what they called southern rights. It will not stand the test either of justice or of sentiment, in my opinion.

But, Mr. President, the Senators say that after all this class of soldiers of the war of 1812 is a small class. Suppose it be a small class. Does the justice of this bill depend upon the number of people to be benefited by it? I take it not. If it has any justice at all it is upon the ground that the Senator from Illinois puts it, that it is an honorable debt, so to speak; and I never heard that the justice of a debt depended on the number of creditors a man had. It is not so in the part of the country where I reside, nor in any other part of the country that I know anything about.

It is totally impossible, therefore, in my judgment, for Senators consistently to say that they will not do this act of justice, or generosity, or whatever it may be, to a man who engaged in the Mexican war, and who is deprived of his bounty or his pension in consequence of having engaged in the rebellion, and to say that you will do it to the man who was engaged in the war of 1812 and did whatever he could, in the field or out of it, to assist the southern cause. If there is anything in this, it is a thing which covers all classes of our fellow-citizens in the South who engaged in the rebellion, and do not let us stultify ourselves by making fish of one and flesh of the other.

Mr. MORTON. Mr. President, the bill before the Senate is a bill to equalize bounties. It is not a pension bill. A bounty is one thing and a pension is another and a very distinct thing.

Mr. EDMUNDS. Yes; but the amendment is a pension amendment, the Senator will observe.

Mr. MORTON. The proposition of the Senator from Mississippi is to attach a pension measure to a mere bounty bill. His amendment belongs more properly to a bill of a different character.

This bill to equalize bounties, in my opinion, has been very greatly exaggerated. The amount required for the equalization of bounties, I think, will not be nearly so large as has been represented and in fact is commonly understood. I think I have had an exaggerated notion myself upon that subject.

What is the principle of this bill, and when understood who can resist the justice of it for one moment? The Government by three or four bounty laws established the principle of paying bounties at the rate of $100 a year. That is the starting-point. I wish to state distinctly that the Government established the principle of paying bounties at the rate of $100 a year, $50 for six months, $200 for two years, and $300 for three years. But it turned out that owing to the construction of the laws and the rules established by the War Department many honorably discharged soldiers did not receive their bounty at all. Under the rule adopted, if the soldier served five months out of six but was discharged from wounds or other cause, he lost the bounty. So if he served two years and six months, he only got $200 for the time instead of $250. In other words, to get the bounty he must serve out the full term. If he was discharged for misconduct, if he was a deserter, or if he was a shirk, the case is different; but this bill only applies to honorably discharged soldiers. It takes as a basis the rate of bounty provided by law, the rate of $100 a year, but provides that he shall be paid by the month and not by the year, so that if he served two years and six months and was then discharged from sickness contracted in the service or on account of wounds received in battle he would receive bounty for two years and six months, and would not lose the last six months' bounty because he did not serve out the remaining six months.

Now I want to know who can resist the justice of that. It is a simple question of absolute, downright justice. Suppose you hire a man to work on your farm at the rate of $200 a year; he works for you faithfully six months and then dies, perhaps on account of disease contracted in your service, and you should refuse to pay him the six months he has worked because he has not worked out the whole term—there you have got the case exactly. It is a simple proposition to pay a bounty for the time served according to the principle established by the Government for the full term. The Government says, "We will pay you $100 a year, but under the construction given to the law you must serve the year out." We say that is not right. If you serve six months, then you get six months' pay, or if you become sick or fall from wounds or were killed in battle, you should have the benefit of it if alive, or your family if dead. The principle of justice is so absolute and downright, that it seems to me nobody can resist it.

Mr. President, justice to the soldiers cannot be always deferred. It must and will triumph some time. If it does not come this Congress it will come at some other Congress. It is a part of the war debt, as much so as the 5.20 bonds or the 10.40 bonds. It is founded on the same principle of justice. It is an obligation resting upon this nation, and if it takes $20,000,000 or $50,000,000 can make no difference. It is a debt this nation honestly owes and it ought to be paid. In other words, let the bounty be equalized; put all honorably discharged soldiers upon the same basis; pay them at the same rate. They are entitled to it. The justice of it no man can dispute, and that is all that this bill contemplates. I am for it. I vote for it with all my heart.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Senator from Mississippi, [Mr. ALCORN.]

Mr. PRATT. Mr. President, the pending question as I understand it is upon the amendment offered by the honorable Senator from Mississippi. That amendment in part includes the restoration to the pension-rolls of those who were dropped in pursuance of the act of 1862. That act was very imperative in its terms. It has been carried into the Revised Statutes, and I read it in this connection:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Now, sir, that was directed against and was to affect those who were upon the pension-roll, and who were there because of disability, maimed in the service, or because of the death of those through and under whom they claimed pensions. It is upward of sixty years since the close of the war with Great Britain. That war closed in February, 1815, and we are now in the year of grace 1875. Consequently it has been correctly stated upon this floor that there are very few, probably none of the surviving soldiers of the war of 1812 who are not now at least eighty years of age. The law that I have read struck every one of those survivors from the rolls who was drawing a pension in pursuance of law. Let me suppose that he had lost a leg in the service of his country in the war of 1812. He lived in the South and his sympathies were with the South in the rebellion. The law commanded the Secretary of the Interior to strike his name from the pension-roll, although he held his certificate of pension, which in terms entitled him as long as he lived to a pension of ninety-six dollars a year.

Now, sir, however that act may have been justified as a measure of prudence or policy, or what you please to call it, during the war, I have always thought that it ought to have been one of the first acts of Congress after the return of peace to have wiped it from the statute-book. Why do I say so? Because every certificate of pension is a certificate of indebtedness of the United States to the pensioner holding it, certifying absolutely and without condition that on account of the disability that he has suffered in his country's service he shall, so long as he lives, be entitled to receive ninety-six dollars a year. It is just as sacred as one of the Government bonds. Let me suppose that any gentleman holding a registered bond of the United States, if there were such bonds during the civil war outstanding, had happened to live in the South and happened to be engaged in the rebellion or in aiding and abetting it. He held the Government bond for $1,000 which he had purchased with his money, and by it the United

States had promised to pay him or his assignees that sum of money twenty years after date. Does any gentleman suppose that he forfeited his right to his money because of his participation in the rebellion? Has Congress ever attempted to confiscate any portion of the debt the United States owed, the public recognized debt—to confiscate any of its bonds because they happened to be held by rebels? Never. Such a thing was never heard of.

Now this pension certificate is ten times more sacred in its character than any bond that the Government of the United States ever issued. What does it mean? What does it express? It is the indemnity which the nation agrees to pay to this poor, maimed pensioner for the arm or the leg which he has lost in the service of his country. That is the way the contract reads; and no nation can afford to go back upon a contract of that sacred character. And yet the law of 1862 was imperative in its terms and commanded the Secretary of the Interior to strike from the rolls every one of those maimed soldiers of the war of 1812 who held these certificates. Two hundred and more of them were stricken from the rolls in obedience to this rigorous statute. I have before me a letter from the Commissioner of Pensions of a recent date in which he answers the inquiry I made, How many survivors of the war of 1812 are there who were pensioned and who were stricken from the roll? He says that two hundred were stricken from the rolls, and about sixty of this number now survive. In the bill which the Committee on Pensions had the honor to report a few weeks ago, the House bill, we provided in explicit terms for the resumption of payment to these survivors in a section of that bill which is now before me and which I will read:

That the Secretary of the Interior is directed to restore to the pension-roll the names of all persons now surviving heretofore pensioned on account of service in the said war of 1812 whose names were stricken from the roll in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862, and pensions shall be paid to the persons whose names are thus restored from and after the passage of this act.

Full justice, sir, would require this Government to pay the survivors arrears, to take up these certificates from the day the pensions were suspended, and pay every dollar to these old soldiers and their heirs from the time that payment was suspended for causes and considerations probably good enough at the time, and for the reason that this is an obligation of the highest and most sacred character which any government can enter into. It was but the fulfillment of a promise which the Government gave to these soldiers when they enlisted in the service of their country in the year 1812: "If you enter the Army and become disabled we will indemnify you for any disability you may suffer, by giving you an annuity as long as you live;" and this pension certificate expressly certified a fulfillment of that obligation. Hence it was always to me a question not admitting of a doubt that this Government owed it to itself, owed it to its own dignity, owed it to justice, to restore to the pension-rolls these men who were drawing pensions and whose names were dropped under the requirements of this law.

Therefore, so far as the amendment of the Senator from Mississippi reaches the soldiers of the war of 1812 who were drawing pensions, it is eminently proper, and I shall support it with my whole heart.

The case is not so clear as to the proposition which is now pending before the Senate on a bill from the House, that all the surviving soldiers of the war of 1812 who were not disabled in the service shall receive a bounty in the shape of a pension at the rate of ninety-six dollars a year during their natural lives. The law, as it now stands, limits the pension, or the bounty rather, to those who served for a period of sixty days and were loyal, and it excluded those who did not adhere to the cause and Government of the United States during the late war. But that act was an act purely of bounty. It was not strictly a pension law. Congress had fulfilled its contract with the soldiers of that war when it gave pensions to those who were disabled and to the widows of those who were killed in the service or died of wounds received in the service. I repeat, Congress had performed its strict, legal obligation when pensions were thus provided. Therefore the act of 1871 was rather an act of bounty. It gave a pension to all who were loyal who had served for the period of sixty days; but I am not prepared at this time to say how I shall vote on the proposition to open the door to all who served in that war, without reference to their loyalty in the bestowment of this bounty.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

Mr. ALCORN. I shall take the responsibility of withdrawing the amendment I offered, if I have the privilege.

Mr. MORTON. That is right.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. FERRY, of Connecticut. I desire to offer an amendment in the same behalf, in the last line of the third section and the fifth line of the fifth section to strike out the words "or State." As soon as the amendment has been reported I will make a few remarks upon it.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed in section 3, line 6, to strike out the words "or State;" so that if amended that part of the section will read:

There shall be deducted therefrom any and all bounties already paid under the provisions of any United States laws.

And in section 5, line 5, after the words "United States" to strike out the words "or State;" so that if amended that part of the section will read:

That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under the provisions of any United States laws, &c.

Mr. FERRY, of Connecticut. I must confess, Mr. President, that the remarks of the Senator from Illinois by my side [Mr. LOGAN] have thrown a new light upon this bill and placed it in an entirely new attitude in my apprehension; but at the same time it is impossible for me to see how that Senator or any Senator, upon the ground of justice to the soldier, upon which the bill is now placed, can be willing to retain these two words which I move to strike out. As the bill stands, it is provided that from the bounties which shall be paid to the soldiers under this bill shall be deducted any bounties that they may have received under the provisions of any United States or State laws. The State in which I reside contributed very large State bounties to the support of its soldiers and their families during the entire period of the war. None of its soldiers, under this bill, can receive the meed of justice which it is said this bill is intended to confer without first deducting from what is due to them from the United States that which their State gave to them as its bounty.

The bill proceeds upon the theory that the Government of the United States in conferring its bounties of $100 a year really contracted to pay to its soldiers $8.33⅓ per month in annual payments of $100, or semi-annual payments in some cases of $50. It is the theory of the bounty laws that they constitute a contract between the Government of the United States and the soldier that he should receive this payment of $8.33⅓ per month, payable annually or semi-annually, as the case might be. But it is said that where a soldier happened to be killed or disabled by a wound, or, from some other cause, without fault of his, ceased to serve before the annual or semi-annual payment came around so as to be payable, the United States took advantage of that and refused to pay him the monthly amount that was in arrears since his last payment. That is the theory of this bill. If that is so, why in Heaven's name are the soldiers of Connecticut, to whom the United States owes this debt just exactly as much as it owes it to the soldiers of Indiana or Illinois, compelled to deduct the bounty which their State gave to them or their families? I owe the Senator from Illinois $100. He brings an action against me in court, and I reply that you shall deduct the amount which the Senator from Indiana has paid me on a debt which he owed me; and that is the identical proposition which the insertion of the words "or State laws" creates in the third and fifth sections of this bill.

If it is true that the bill stands upon the ground of justice of a debt contracted by the Federal Government and now due to the soldier, due as arrears of monthly payments of bounty, for which he has not received payment simply because he was shot before pay-day came around, most assuredly the Connecticut soldier who was shot before pay-day came around is entitled to receive his pay from the United States, although his family may have been receiving from the bounty of the State of Connecticut something for their support during the time that he was in the service. Upon the theory upon which the Senator from Illinois places this bill it is a monstrous iniquity to deprive the soldiers of the bounty-paying States of a debt due to them by virtue of a contract with the United States because of the bounty paid to them by their States. I do trust that such injustice will not be done to the soldiers of any of the States as to refuse to pay them what the United States owes them because their State has given them a voluntary contribution.

On this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN. Mr. President, I do not see the iniquity that the Senator points out or that he professes to see. I will say—and I desire the attention of the Senator from Connecticut—that little over a year ago his colleague, since deceased, introduced a bill here in the Senate to pay two regiments of soldiers of Connecticut, or probably more, who had received no bounty. I reported the bill from the Military Committee and that bill was passed. That was giving to Connecticut an advantage over almost any other State.

Mr. FERRY, of Connecticut. If the Senator will excuse me, I know about that bill. It was framed by myself, but introduced by my colleague for particular reasons. That bill never passed the House.

Mr. LOGAN. It passed the Senate.

Mr. FERRY, of Connecticut. It passed the Senate. It was only for about two hundred men, one-half or three-fourths of whom were of my own regiment, and the rest of another regiment. But it did not produce the effect the Senator was about to speak of. At the same time, the bill never passed the House.

Mr. LOGAN. I was going to say that it was claimed that those persons did not receive the bounty they were entitled to under the law. I did not know but that the bill was passed; but this bill covers the case in that particular instance anyhow. The particular provision to which the Senator objects is the provision which deducts the bounties paid by the States to the soldiers. I have the data here which I read this morning. I will read the States: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, District

of Columbia, Indiana, Illinois, Iowa, Minnesota, Missouri, and Kansas paid these bounties. Some of them paid a great deal more than others. Some of them paid as high as $800.

Now I ask if any injustice is done to the soldier who got $800 bounty when he was only entitled to $300 by saying he shall keep the bounty he got? It is no matter whether he got it from the State or the Government. It was in order to relieve the Treasury from the embarrassment which has been spoken of that this deduction was made. I do not see that it makes any difference to the soldier whether he gets the bounty from a State, county, town, or the General Government. When we undertake to equalize bounties we try to put all the soldiers as nearly as possible on a par, so that they shall all receive the same amount of money for their service. Although the Senator says it is an outrage, it certainly is not an outrage upon the soldier. So far as the State is concerned and the General Government, that is a question for them to settle. I said here this morning that I do not believe the Government is responsible to the State. I say so again; but my decision is not final as a matter of course. That is only my opinion; but so far as the soldier is concerned, the soldier certainly is not injured. The State may be, but the soldier is not. If the soldier is paid $500 bounty by the State and $300 by the General Government, he is not put on an equality with other soldiers because he receives $500 in excess of other soldiers. That does not put them on an equality. This bill is for the purpose of equalizing the soldiers so far as the pay is concerned, and for that reason I deem it just and proper. I made a calculation of the amount of bounty. I took two-fifths of the amount of the bounties paid by the States and added that to the amount of bounties paid by the Government and found that two-fifths was about the amount that would reduce it down to an equality with that which the Government paid.

Mr. BOGY. I desire to ask the Senator from Illinois a question.

Mr. LOGAN. Certainly.

Mr. BOGY. I wish to know if the States have been reimbursed by the Government the amount of bounty which they paid to their soldiers?

Mr. LOGAN. No, sir; I understand not. I understand the States have been reimbursed for indebtedness they created in recruiting soldiers but not for bounties paid to soldiers. That is about all I care to say about that.

While I am on the floor I will call the attention of the Senator from Ohio to the Adjutant-General's order that I spoke of this morning. The Senator from Ohio said that if the Government had deprived the soldiers of receiving their bounty merely because they were mustered out a few days before the time expired, he thought that would be an injustice; but he thought that I was mistaken. I would not read it but for the objection made by the Senator from Connecticut. Inasmuch as I am on the floor I will now read the order of the Adjutant-General to show the Senator that I was strictly correct in reference to it. I will not read all the order, because it is quite a long one; but I will read two paragraphs referring to the point I made. The order is speaking about how bounties shall be paid. The Adjutant-General says:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 8, 1865.

* * * * * * *

For instance: if the soldier volunteered for two years, and is mustered out before the expiration of the first year of his service, he cannot claim either the second or third installments of bounty of $200, which would have been payable to him had he continued in the service till the expiration of the two years for which he enlisted.

Following that he says:

Only the volunteer who at the time of his discharge has completed one-half the term of service for which he enlisted is entitled to the second installment of one-third the amount of bounty given to him by the act, and he is entitled to no more of that bounty. If he is discharged on the next day after the expiration of one-half of his term of enlistment the second installment of the bounty is due and payable to him, but the discharge precludes him from receiving a third installment, that being due only to a volunteer who may have served his entire term of enlistment.

Mark the language. I said it was a contract with the Government. Now mark what the Adjutant-General says:

If he is discharged on the next day after the expiration of one-half of his term of enlistment the second installment of the bounty is due and payable to him, but the discharge precludes him from receiving a third installment, that being due only to a volunteer who may have served his entire term of enlistment.

That shows if he was mustered out just one day before he could not get a dollar of it. That is what I said this morning when the Senator thought I was mistaken in reference to it.

Now I do hope that this amendment will not be adopted. I do think the provisions of the bill are just, so far as the soldier is concerned. As far as justice to the States is concerned it is a different question. If the States desired to pay these bounties, if they could obtain soldiers in no other way but by paying out bounties, that was their own business; but the soldier is certainly not entitled to receive bounties from the Government and the State too under this bill. It certainly is not just that he should where he has received the full amount that the Government intended he should have.

Mr. FERRY, of Connecticut. Mr. President, this bill is either to pay soldiers a bounty or a debt. The Senator from Illinois in his opening remarks placed his case upon the ground that it was a debt due from the United States to the soldier of the United States, because the Government had contracted to pay him at the rate of $8.33⅓ a month in annual or semi-annual payments, and had unjustly taken advantage of his failure to serve up to the time when the amount became payable, in case he was killed or otherwise prevented from completing his term of service. If it is a debt, as I said before, then it is of no sort of consequence how many persons or States paid him bounties.

Suppose the State of Connecticut had provided to give to every one of her soldiers a gold watch, would the Senator from Illinois deduct from the payment of this debt, as he calls it, due from the United States to the soldiers, the value of the gold watch? If it were a bounty that we are enacting here, then certainly I should be opposed to the entire bill, loading the Treasury with such an amount of money in its present condition; but I take it upon his own ground, that the bill is intended to provide for the payment of the arrears of a debt due from the United States to its soldiers. The Senator asks is it unjust that the Government should refuse to pay this debt because the soldier has received a bounty from some other quarter? I say it is most manifestly unjust. If the Government of the United States contracted with me as a soldier from Connecticut to pay me $100 bounty, and I was disabled by wounds before the amount became payable, it would be a violation of that contract for the Government of the United States to refuse to pay me the *pro rata* amount due to me no matter if the State of Connecticut had given me $1,000 bounty. It is bounty in my State for the encouragement and comfort of its soldiers and of their families while they were in the service of the country. It is contract on the part of the Government of the United States with its soldiers upon which the Senator bases this bill; and if it is not contract, and if justice does not require this, the bill ought not to pass. If it is contract, then the soldiers of the States which gave bounties are entitled to receive from the Government of the United States what it owes them, just exactly as much as they were entitled to receive their arrears of pay. What sort of an answer would it be?

A soldier with six months' arrears of monthly pay is shot. His family receives the arrears of pay. We have laws upon our statute-books providing modes by which, through the proper Departments, those arrears shall be paid, because it is a debt, it is a contract which the Government made to pay him. O, but, says the Senator from Illinois, he is a Connecticut soldier and his State gave him ten dollars bounty, and it is no wrong to him therefore not to pay him his arrears. That is the ground upon which this strange provision is placed.

Mr. LOGAN. I did not say a Connecticut soldier.

Mr. FERRY, of Connecticut. Any soldier. Your State is a bounty State; take any State. To say in one breath that the payment you provide for in this bill is a debt contracted by the United States, and due upon principles of justice to the soldier as much as arrears of pay, and then to say that those who have received bounties from any source whatever, I care not what, shall not receive the arrears of debt justly due to them, I assert is a monstrous injustice. I do think that if this bill shall be passed in this form, there is instantly created by its passage a liability upon the Government of the United States to pay over to the bounty States the whole amount of money which they have thus paid. Why? What you have then done by this bill will be the confiscation of the whole amount of those State bounties to pay these arrears of debt to your soldiers which you refused to pay in instances where the soldiers did not serve out their full term before the annual or semi-annual payment became due. You have perverted the bounties provided for by the States into a means of paying your Federal obligations to the soldiers of the Federal Army. If it be not thus transferred into an obligation upon the Federal Government in behalf of the State, what have you done? You have taxed the bounty States to an enormous amount for the purpose of paying the soldiers of the non-bounty States for the service that they rendered to the Government of the United States. In any way in which I can look at this matter, the only legitimate, just mode of procedure with this bill is to strike out the words which I have moved to strike out; and leave the Government to pay its own debts out of its own Treasury, and not confiscate the State bounties for the purpose of paying Federal debts with them.

Mr. MORTON. Mr. President, I hope this amendment will not be adopted. I think it is as unsound in principle as to some extent my friend's statement is unsound in history. I have a very vivid recollection of the period to which he refers. I was myself occupying a position that gave me a very clear understanding of the difference between the bounty and the non-bounty-paying States; and in one sense this is a bill to pay a debt. By the technical construction of the acts of Congress, unless the term was served out the bounty was not drawn for the year or for the six months; but if anybody else stepped in and paid the debt, the soldier at least could not complain. But I want to say in regard to the bounty that this is rather a bill to do substantial justice among soldiers and to soldiers. The object of it is to place them upon an equality in point of fact if not in point of law; that one soldier who was honorably discharged shall be paid as much as another soldier who was honorably discharged, for the length of time that he served.

Now, Mr. President, this bill might go further than it does, and go further with propriety. When it first came up this morning I had a purpose of offering an amendment to it. In some States, and in my own, there were bounties paid to soldiers that were not in consequence of any State law. In some counties in my State there were voluntary contributions to the amount of thousands of dollars to pay

bounties to soldiers during 1864 and the winter of 1865. Townships were assessed, without any authority of law in many cases, to raise money to prevent the draft from falling on the township. A case of that kind is not covered by this bill, but it only applies where the bounty is paid by virtue of a State law. The bounty-paying States had the advantage of the non-bounty-paying States. My own State was not in a condition to offer bounties. In the first place, the political condition of Indiana prevented her from offering any bounty as a State. In the next place, the State was not nearly so wealthy according to her population as the States of New England, especially Connecticut and Massachusetts.

There were two purposes involved in the paying of bounties on the part of States, counties, townships, and cities. The first was patriotic. I want to give to every State, every county, and every city full credit for patriotism; but there was another purpose behind that, and that was to avoid the draft, because they all knew that if the State or the county in the State did not furnish its quota the draft would fall upon that State or that county, and there was a great desire to avoid that. That was the second purpose after patriotism.

Those States that were able to offer large bounties, like Massachusetts and Connecticut, had the advantage over States that could not do it, because they got many men from other States. I will not say about Connecticut, for I do not know, but as the governor of Indiana during that whole period, I was in a position to know something about it, and I am able to say that more than one thousand men from Indiana went and enlisted in other States on account of the high bounties. I do not say it in discredit of those soldiers at all. They were patriotic, but they naturally went where they could get the largest bounties; and I had official knowledge that over one thousand men were drawn from Indiana to enlist in other States in consequence of the high bounties. Those States that were able to pay those bounties had the advantage of drawing men from other States, and did do so. It was a voluntary matter on their part and they have no claim against the Government for it. This bill will give them no claim; it will give them no equity, none in the world.

The idea of frightening any Senator from the support of this bill upon the ground that it will create a claim in favor of a State that offered bounties seems to me to be utterly without any foundation in reason. Those States that were rich enough to go forward and offer bounties did it upon their own responsibility; and they have no earthly claim against the Government for it, and can have none whether this bill passes or not. They had the advantage of it at the time; they had the credit of it at the time also. States that could offer no bounty, in a different position from Connecticut and Massachusetts and other States, were compelled to struggle to make up their quota, and did raise their quota under circumstances of difficulty and of trial that other States knew nothing or very little about. I speak of the State of Indiana, and I speak from some personal experience on the subject, too.

Then, Mr. President, the purpose of this bill is to do substantial justice between the soldiers and let all be paid bounties at the same rate per month for the time they actually served, at least so far as may be, still leaving to the soldiers of the State of Connecticut the advantage; because when you have applied so much of their State bounty as would equalize their bounties under the acts of Congress, the soldiers of Connecticut still have the advantage over the soldiers of any other State in this Union, except those from Massachusetts.

Therefore, Mr. President, I hope the amendment will not be made.

Mr. EDMUNDS. This is a very extraordinary proposition which the Senator from Connecticut has moved to strike out. It is that the United States are to say to the soldiers of some of the States, "You have been provided for all that you are justly entitled to have by your own States, and we will give you nothing; but we will take those of you who were in the States that did not provide for you sufficiently and we will pay you out of the United States Treasury instead of allowing your States to provide for you themselves;" or else it is saying that by the acts of Congress about bounty there is justly and in good faith due to these soldiers, on account of the understanding between them and the United States, something more, because, as the Senator from Indiana puts it, it was a mere technical construction when you offer a bounty to be paid for a certain length of service if you fail to pay it when that certain length of service is not performed. So that we owe to everybody who enlisted under the laws of the United States, treating him in good faith, a bounty by the month instead of by the year. Then, why do you not pay it? "O, you had friends at home," you say to the First Regiment; "you came from Connecticut or Vermont, and they, seeing that the Government of the United States were not doing all for you and your families that ought to have been done, took care of you in the time of it." Therefore, we will say that under the laws of the United States, which spoke to all alike, not one thing to one State and another to another, but to every soldier of the Republic alike, saying, "If you will serve two years you shall have $200 bounty, and if you shall serve three years you shall have $300; never mind about the contract; never mind about this construction of justice and good faith on the face of the act of Congress; but we will refuse to pay you what we say under our own act is due to the rest, because you had friends at home who, in another way, made up as much to you as we owe you." Well, Mr. President, if that is not robbing Peter to pay Paul, I do not understand what robbery is.

But see how it will work. The State of Indiana, acting in the Congress of the United States by her Senators, proposes coolly to tax the soldiers and the rest of the people of the State of Vermont to help make up what they say is due in justice and good faith to the soldiers of Indiana from the General Government; but to what is due in justice and good faith to the soldiers from Vermont under the very same laws you say we will offset something that Vermont did for you before.

In substance, then, if you apply it to the State of Vermont alone, who paid her soldiers a bounty of $7, all alike, from the very first three months' men who turned out at the sound of the gun at the first instant, to those who served until the 19th of April, 1865, and who, besides that, under authority of law, paid bounties, as the United States did, upon first enlistment; you say to her, who paid this $7 a month bounty, amounting to nearly $10,000,000, to the 35,000 soldiers whom she put into the war. If there is to be $100,000,000 taxation to make up this bounty, we will take $1,000,000 out of the tax-paying soldiers of Vermont, and pay it over to the soldiers of the State of Indiana, under this very act of Congress which gentlemen say requires that you should treat them all alike.

Now, Mr. President, if anything more unjust or monstrous than that can be proposed, as an act of legislation, I do not understand it; and I can tell the Senator from Indiana and the Senator from Illinois that the soldiers of Vermont will not thank them for any bill of this character, under color of patriotism, or justice, or charity, or anything whatever, for perpetrating an act of wrong upon them and upon the other soldiers of the United States who furnished, by their labor and their skill, the wealth upon which tax is enforced. They will not see the justice of it, and they will not be misled by any cry of equality which says that the very same act of Congress means one thing for the soldiers of Indiana and another thing for the soldiers of Vermont.

I hope, therefore, that everybody who is in favor of having equality among soldiers and equality among States whose citizens were soldiers, and who make up the States now, will strike out this provision robbing the States and the soldiers of those States, and what they have done among themselves, in order to make it up to the soldiers of other States.

Mr. OGLESBY. I had not intended to take any time of the Senate in the discussion of this measure. I have had but little hope that we should reach it at all here, and I came this morning not as well prepared as I would have been if I had had any thought to discuss it.

It is very difficult for members of this body living in the West, however it may be in other States of the Union, to make satisfactory answer to the soldiers of the republic, who have served it long and well, as to why they have not received for the time of service they gave the country a bounty in proportion to that time of service rendered by their soldiers. I have found it very difficult to appease these soldier-citizens. There is a large particle of justice as well as equity in their claim against the Government for this bounty. If a man enlisted for three years and served two years, he received the bounty; if a man enlisted for three years and served less than two years, he did not receive the bounty—in full, I mean. If a man was wounded or disabled in the service and discharged from the service in consequence of wounds or from disabilities, he did receive a bounty; but if he was discharged from whatsoever cause, without full term of service, he has not received it. This is an effort now, at this late day, nearly ten years since the close of the war, to render to those men what they believe and what I must say I believe an act of justice.

It is objected to this bill by Senators here that it is not fair in its provisions. One objection prior to that, however, is that it draws a large amount from the Treasury. Very well, Mr. President, it does draw a large amount from the Treasury; but the nation that contains the Treasury has drawn a large amount of blood from these men. There are many men to-day who served this Government three months, six months, twelve months, eighteen months, who have been doomed to poverty since the close of the war because of that service alone; men who went into the war and gave up their callings in life; young men who were cut off from the pursuit of professions and trades in life; men in the flower of youth and bloom of manhood, at the age best adapted for the acquirement of artistic skill, were deprived of the means of entering into competition with the laboring-men of the country in the arts and industries, because their time was given to the nation. They received $8 a month, and then they received $13 a month, and finally $16 a month. Officers of the Army received higher pay, much higher pay. I happened to hold a commission for a portion of the war. All the officers are cut off in this bill, every one of them, high and low. It deals alone with the non-commissioned officers and the privates. It deals alone with the men who bore the burdens of the war with but little of its honors.

It is said that the Government cannot pay this debt; it is a burdensome debt. Some talk has been made about additional taxation this session. A very earnest effort was made to pass a bill within the past twenty-four hours, through this body, imposing additional tariff duties and additional taxes upon the country. I did feel it my duty, under the knowledge and information I possessed upon the subject of that bill, to vote against its passage. If some such measure as this had met the favorable consideration of this Congress, my views upon that subject might have been modified.

But, sir, with no bounties to soldiers; no more payment to them on account of their service to the country; no more payment of the

public debt, or but a small payment of it monthly, to ask us to put additional means at the disposal of the honorable Secretary of the Treasury, a gentleman whom I highly esteem, and who is worthy of the confidence of the whole country, because of his patriotism, his good sense, and his fidelity to his trust; to put more means into the Treasury administered by a republican President, in whom I have the same confidence this hour that I have ever had, for purity, patriotism, and ability, and for fidelity to the best interests of his country—until this hour I have held it to be my duty to vote against that bill. If some such measure as this had met the favorable notice of this body, my views might have been modified. It will take money out of the Treasury, and that money must come out of the people. It does not come from any other source and I know it. It must come through our tariff laws, or through our excise laws, or from what are sometimes called miscellaneous sources. I know where the means come from. Every man and woman in the land is perfectly advertised upon that question.

We all know where the resources of the country come from. They come by tariff and by taxation, or by loan. We are not making any more loans now. We are re-funding our national debt as rapidly as we can. We are lowering the rate of interest upon our national obligations whenever we can find creditors to accept a bond at a lower rate for one at a higher rate. We are doing everything as a party to-day that an intelligent people has a right to expect of us to be done to carry on the Government successfully and wisely; and it will be the gloomiest hour the American people ever beheld if they shall be so forgetful of their best interests as to remove from power the party holding the reins of government to-day, and substituting for it some other concern that nobody knows anything about.

Yes, sir, it takes money out of the Treasury, and if we pass this bill, as candid men on this floor, we must look the fact in the face and prepare to assist the Secretary of the Treasury to find the means to pay these men, if it shall become the law.

I expect to vote for this bill. I am prepared to vote as a Senator here for this bill and to place this demand on the Treasury. I am prepared to vote for this bill and put the soldiers of the Republic upon an equality one with another, as far as this bill goes toward the doing of that thing; and if the money is not in the Treasury, then I will stand here and give my vote to furnish the money to pay the obligation. I will not expect the President to do it; I will not expect the Cabinet of the President to do it; I will not expect the Secretary of the Treasury to do it; but I do understand it is a part of my duty as a Senator here to vote to provide the means to meet these obligations.

Now, sir, that is fair talking and fair dealing. Nobody misunderstands it either here or in Illinois, where I must go in a few days and give an account of my stewardship here; and it is a very much more difficult job to do it there than here.

I shall vote for this bounty bill. The honorable Senator from Connecticut feels that it is an unjust law. The honorable Senator from Vermont feels that it is an unjust law; that it ought to be amended, that the words "or States" or "bounties provided by States," now in the bill, should be stricken out. They urge the adoption of that amendment with considerable zeal, and with considerable force also. Now I will reply to that what they replied to me last night, or what one of the Senators replied to me on this floor. A bill was pending here last night of the utmost significance, of the utmost interest to this country, and the Senator from Vermont who had the bill in charge, [Mr. MORRILL,] on that occasion said that if amendments should be proposed and carried to that bill, he would regard those amendments as fatal to the bill, and therefore such movements as in hostility to the bill. He advertised us of that result, and I tried to help him as far as I could. I voted against the amendments.

Now I say to that honorable Senator, and to the gentlemen who propose amendments to this bill, that this bill, after having, session after session, passed the lower House of Congress, and session after session failed here, comes at the latest days of an expiring Congress to us from the House again, modified, reduced, lessened, cheapened, brought down to the lowest possible dollar, in order that it might pass the House and have some hope of passing here—I say to the honorable Senators from Connecticut and Vermont, and especially to the Senator of the Finance Committee, [Mr. MORRILL, of Vermont,] who reported the late tax-bill, that if you impose amendments on this bill in this body to-day you send it to worse than the tomb of the Capulets, you send it into absolute nonentity; it is the last of the bounty bill. Would you have it go back to the House under the present pressure of affairs, with the expectation of passing it? Never; not if the court understands itself, and it thinks it does.

Mr. HAGER. "She thinks she do." [Laughter.]

Mr. OGLESBY. "I think she do." [Laughter.] I stand corrected by the honorable Senator from California, who was once a judge of a court, and had control of a great many subjects requiring that sort of disposition.

This is the best bounty bill that can be offered. It is not a final bounty bill. I say to the Senator from Connecticut and the Senator from Vermont, it is not a final bill on this subject. It is a bill that provides now for the time being. It does not cut off the claims of other soldiers. It does not include all the soldiers, as they feel they ought to be included. It is no estoppel upon the soldiers in the other States of the Union to come forward at another and more propitious day with a bounty bill that shall do them still more justice. This bill does all the justice, in the estimation of the House, that Congress can do now.

The members who have had this bill in charge in both houses of Congress have felt that to make it acceptable, to give it any show of success, they must put it in the least objectionable shape, and must cut it down to the lowest possible dollar. Senators on this floor, coming from States where large bounties were given or where, perhaps, bounties were given of sufficient magnitude to equalize any bounties their soldiers will receive under this bill, feel that it is an unjust measure. I say to them that Congress has gone as far as it believes it can go now. It does not cut them off for the future. When you ask why not admit them now with others, I say you have kept the others in abeyance ten years. Congress has held these other men back for ten long years.

I could offer an amendment to this bill, and I would be justified in doing it, for my own regiment, that I once had the honor to command, was kept in the service faithfully and against its will long after the day provided in this bill when bounties shall be allowed for regiments and soldiers. For many, many months after the 5th of May, 1865, the Eighth Illinois Volunteer Infantry, with which I started in the war in 1861, was kept in the service; and although governor of the State of Illinois, and appealing to the Secretary of War, the lamented Stanton, imploring him for their discharge over and over again, he denied me, and I remember his reason was that I was governor of the State, and it was my own regiment, and he had no right to take liberties with my regiment. Sir, they would be entitled to bounty for every month they served after the close of the war, and it would be no more than just to amend this bill to include men who were in service after the 5th of May, 1865. But I will not ask it for that regiment or any other. I offer no amendment now, because I will not be the means of delaying justice to these men by putting on amendments here that might be in themselves wise or equitable. I will not venture to do that to-day.

The future is all before us. Perhaps the revenues and resources of this nation may be more abundant hereafter. If the Senators from those States who think the amendment proposed by the Senator from Connecticut should be adopted now, shall feel that this bill has not been just to their soldiers, it is open hereafter for further legislation. We have waited a long time, and do not get now all that the soldiers feel they ought to have. But the chairman of the Committee on Military Affairs in this body, who had reported another and a larger bill than this, agreed to accept this and urge its passage as the best that could be done at this time.

I only want to say, in regard to the amendment pending, that I shall vote against it. I will not stop to discuss whether it is constitutional, legal, or just to cut off these States that have paid the soldiers' bounties, and from which this bill cuts them off in settling in the Treasury Department with the soldiers drawing bounties. I will not debate that measure with them now. I will not say that they are wrong in insisting upon amendments, but I will say to those gentlemen, if the time shall ever come to debate that amendment, there are other arguments to be heard upon both sides, and certainly very strong ones, I think, to be urged against it. But I do not care to debate it now. I only mean to say that if any amendment of any kind is placed on this bill here—I quote the example of the honorable Senator from Vermont [Mr. MORRILL] in his emergency bill last night for what I am saying now on this one—that it is the last of it; it will not go through the House.

Although I am up, apparently, on the question of the pending amendment, I say I do not care to go into an analytical discussion of the reasons for and against that amendment. Many things are to be stated upon both sides of it. This much I will say, in conclusion, that the soldiers who served the nation received only their monthly pay, and nothing more than their monthly pay. They have not received a dollar's bounty to this day, for if they were not wounded or disabled, they received no compensation. If they have been healthy men, they have received nothing but their private soldier's pay. At this late hour in the decade since the close of the war, this is an effort to give them something more; it is an effort by Congress to meet their just claims.

So far as this bill goes, so far as it reaches that class of soldiers, without meaning to discriminate against soldiers from other States, or my own either, if they shall be cut off by the State allowances for State bounties, without meaning to discriminate against any Union soldier who served the country, whether he received a large local or State bounty, without meaning to say any unkind thing of them because of the large pay they received under various circumstances in addition to their monthly compensation as private soldiers, I do say that every Senator here must believe that he will be justified in giving to that class of men what is their due who received neither State, local, nor private bounty, nor anything but their monthly pay.

We shall commit no error, gentlemen, in paying that class of men $8.33 a month for the time they served the country.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Connecticut, [Mr. FERRY,] on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 34, nays 21; as follows:

YEAS—Messrs. Anthony, Bayard, Bogy, Boreman, Boutwell, Chandler, Conkling, Cragin, Davis, Dennis, Edmunds, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Ramsey, Robertson, Sargent, Saulsbury, Scott, Stevenson, Stewart, Stockton, Washburn, and West—34.

NAYS—Messrs. Alcorn, Cameron, Carpenter, Clayton, Dorsey, Ferry of Michigan, Flanagan, Gilbert, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morton, Oglesby, Patterson, Pratt, Schurz, Sherman, Spencer, and Wright—21.

ABSENT—Messrs. Allison, Brownlow, Conover, Cooper, Eaton, Fenton, Hamlin, Howe, Kelly, Lewis, Norwood, Pease, Ransom, Sprague, Thurman, Tipton, Wadleigh, and Windom—18.

So the amendment was agreed to.

Mr. HAMILTON, of Texas. I move to strike out section 9 of the bill, in the following words:

That no adjustment or payment of any claim of any non-commissioned officer, musician, artificer, wagoner, or private soldier, sailor, and marine, or his proper representative, under the provisions of this act, shall be made, unless the application be filed within five years from the passage of the same.

And in lieu thereof to insert the following:

That section 4717 of the Revised Statutes of the United States is hereby repealed, and all widows, dependent fathers and mothers, or minor children, who have been admitted to the pension-rolls, shall receive the rate of pension allowed to them respectively, from the date of the death or disability of the person on whose account the claim was made.

I ask the Clerk to read section 4717 of the Revised Statutes.

The Secretary read as follows:

No claim for pension not prosecuted to successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army, or the Surgeon-General of the Navy, evidence that the disease or injury, which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence, shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed.

Mr. HAMILTON, of Texas. Section 9 of the bill, which I propose to strike out, is precisely of the same character as the section just read in the Revised Statutes. It is a limitation upon the right of parties who are said to be entitled to this money under the laws of the United States. I have no doubt that the bill proposed here is a just one; that the parties are entitled to the money. That seems to be the conviction of all the military men, and, I believe, of the lawyers of the Senate as well. I have heard nobody oppose the bill on the ground that it is not justice to the soldiers.

The ninth section of the bill says that if they fail to file their claims after five years they are cut off and barred forever afterward. So, too, section 4716 operates as a bar against a large class of pensioners, widows, orphan children, dependent fathers and mothers, who have just claims against the Government, and who are just making them out after a lapse of twelve or more years, during which they have been deprived of the stipend which was offered to them by the Government, because they were so unfortunate as not to find the records clearly in their favor, and not able to find witnesses to prove the facts of their case until just now. We are passing every week, almost, a large number of pension cases through the Congress of the United States, because they could not go through the Pension Office under the law. The parties have been unable to procure the testimony, and unless the record evidence shows that the parties are entitled to it, that the soldier was in the service, that he was sick or died, or was disabled, the Pension Office cuts them off.

The rule has been in Congress here for the last three years to pass pension bills to take effect from the date of passage. Occasionally a case comes up that is so strongly urged, and has much political influence, and appeals to the sympathies of Senators so strongly that it is passed without much difficulty. I recollect a case here last winter, of a colonel of a regiment in New England, in the late war, who was wounded at Fort Wagner. He was wounded severely, but he recovered as he supposed; nevertheless, afterward, for ten years he was more or less disabled, on what account he was unable to say. He was a conscientious man, and would not say he was disabled by the wound he received in the war. He would not make the necessary proof to entitle himself to a pension, and never made application for a pension until he was operated upon by a surgeon, and an ounce ball was taken from him that he had been carrying for ten years. Then the difficulty was explained, and his friends brought him here to Congress and asked for a pension, dating from the date of the wound. Everybody said it was so clear and meritorious a case that it went through the House without a dissenting voice, and it went through the committee here, and the Senate likewise.

I say that was a just bill. I looked into it and examined into it; but it was not according to the rule laid down in the law. He was a lawyer himself, and he said he had no case; that he could not go before the Pension Office because he was not a pensioner. He recovered, as he supposed, before he discovered what was the matter with him. No case can illustrate more strongly the injustice of the rule as laid down in the law. I do not believe there is a Senator on the floor that will gainsay the justice of this case. It is the opinion of all that I have talked to on the subject that this will take nine or ten millions out of the Treasury. Suppose it does. As a member of the Committee on Pensions, I do not conceive it my duty to do the work of the Ways and Means Committee of the House, or the Finance Committee of the Senate. I try as near as possible to ascertain what the Government promised to the soldiers during the late war; what is just between the soldier, or his dependent friends and relatives, and the Government, and let somebody else find out where we shall get the money to pay.

For my part, if it takes $20,000,000 out of the Treasury, I feel that it is but justice to those people who cannot have now what everybody admits they are entitled to, that is, pay from the date of the death or the disability of the party on whose account the claim for pension is made. This section of the Revised Statutes stands as a bar to those people. They cannot go before the Pension Office, and when they appeal to Congress, Congress has been in the habit of saying, "Very well, we will be controlled now by the general law in the application of principles to this case, and when they come into our hands we will follow as nearly as possible the rule according to the general law.

I think, Mr. President, that the bill under consideration will take a much larger amount out of the Treasury than the amendment which I propose to add. The claims, to my mind, are exactly alike, so far as the obligation of the Government is concerned, but unlike in respect to the merits of the claims. One party is dependent, absolutely disabled, with no ability to take care of themselves. They are upon the charity of the community or of the Government, one of the two; whereas the other class are in all probability still able to make a living and to take care of themselves, and to take care of their families.

I hope the Senate will put this amendment on the bill. If Senators think it will take too large an amount of money out of the Treasury, I have no objection to laying both on the table; but I should like to see them go all together.

Mr. LOGAN. I have no doubt the Senator would like to see them all go together on the table. I did suppose there was a place somewhere where soldiers' rights could rest secure; but I find there is not. Finding the left of the Chamber are solidly against this bill, and enough republicans, who once cried for help from the soldiers, joining with them to put an amendment on this bill to defeat it, I am satisfied that when you have the service of a soldier once you are done with him. Senators here on this floor, and I call the attention of the country to it, who opposed this bill because it took so much money out of the Treasury, voted for an amendment a few moments ago that added more money to it. There is the consistency of Senators on this floor They oppose the bill because it takes money out of the Treasury, and then vote for an amendment that duplicates the amount of money that is to come out of the Treasury. The meaning of that is to defeat the bill. I prefer to have manhood enough to stand up on this floor and vote squarely against a proposition that I am against rather than to undertake to saddle it with amendments to defeat it. I said to-day that I hoped there was a disposition to help the sick, and the unfortunate, and the crippled soldier, who had been deprived of his pay, as he has been, according to the order that I read to-day, fulminated by the Adjutant-General of the Army, depriving those men of what they were honestly entitled to under the laws of this Government. I did hope there were men enough, friends to the unfortunate, here on this floor to say they would not still deprive them of their rights. In this I was deceived.

We propose to allow the bounties that have been paid by States to be deducted from the bounties that the Government is to pay. I said this morning that that deduction amounted to two-fifths, or over $200,000,000, and yet the Senate voted it on by a solid democratic vote, a portion of the republicans voting with them. I have no fault to find with any man for voting for the amendment of the Senator from Connecticut; Senators had a perfect right to vote for it; but it would have been more manly to have struck the bill right in the face and defeated it than to have tried to defeat it in this way.

Now, I object to the amendment of the Senator from Texas. I object to it because it is unsound in every particular. His theory in reference to pensions is unsound and his theory in reference to this bill is unsound. He says he wants the proviso attached to this bill in reference to pensions so that there shall be no limitation on the granting of pensions. I do not want it for the reason that I do want limitations. There should be a statute of limitations applicable to every sort of claim. A pension claim is a claim the same as any other claim except that it is based upon different principles. There should be a statute of limitations. The statute of limitations is five years. That has been extended to some persons by special act of Congress. Wherever a law is passed allowing persons to apply to the Government for the adjudication or allowance of a claim, there ought to be attached to the same law a proposition depriving them of that claim unless they apply within a certain length of time. The ninth section of this bill is a limitation. It provides that unless the applicant makes the application within five years he shall be debarred from making his application. That is right. There will be but few who will not make their claims within that time. If there are deserving cases in which the application fails to be made, they can be examined by Congress, and by a special act they may be relieved.

I want to appeal to the friends of this bill (what friends it has left)

to stand by it and pass it as it is now with the amendment of the Senator from Connecticut. At the same time I tell them that there is such a thing as a conference committee between the two Houses. There is such a thing as concurring in an amendment by one House to an amendment made by another. This bill passed the House by an almost unanimous vote, and if the opponents of this bill in the Senate Chamber intend to attach more money to the bill to be taken out of the Treasury, let the responsibility rest with them. Let us pass the bill and send it to the House. In my judgment, the House that passed it almost unanimously will agree to the amendment, if it does take double the amount of money out of the Treasury. If gentlemen want to saddle it with that amount of money, I want the Senate to give us a square vote. I want to see the opponents of the bill in the Senate vote solidly against soldiers receiving their just dues, if they have a mind to defeat the bill. It makes no difference, as a matter of course, with them to do it squarely, because they rise above party; they rise above the exigency of the times; they rise above the question of the mere pittance paid to the soldier; they are statesmen of elevated character and great breadth of intellect, and for that reason I give them credit as statesmen, wise men, who are not to be appealed to merely for the pittance that belongs to the poor man. Now, we are willing to be set down by his side, and we are willing for the country to say that, although we are poor in our ability to plead for his rights, yet we do make the plea in sober earnestness, and make it to the best of our ability and according to our best judgment and our conscience in the premises; and when the vote is taken I want to see a full vote. I do not want to see empty chairs on this side of the Chamber, as I have seen nearly all day, with the chairs all full on the other side.

Has it come to this, that the republican party of this country are alarmed; are they afraid to vote; are they afraid to show their hand; are they afraid to deal out justice to men; are they afraid to do their duty in this hour to the men of this country who deserve to have that duty done for and to them? If so, I want to know it. If that is the case I want to be able to tell the four hundred thousand soldiers that have petitioned for this claim before the Congress of the United States that there are some men here who are their friends, although they may be in the minority, and I want to be able to say to them that the men who stood by them in the conflict of arms yet stand by them in the halls of legislation in this country. I want to say to them that the men who falter are men who stood on the other side during the war, are the men who hated the flag and hated the soldier that bore the flag. I want to tell them that the same enemies they had during the war are their enemies now, and that their friends during the war are their friends now. Shall I not be able to say this much to them? If not, I want them to be able to read the names on the record of their country that are afraid to defend their rights in this Chamber.

Mr. ANTHONY. Mr. President, it is manifest that to-night we shall have to have a night session and sit up a great part of the night. There are several committees of conference that are obliged to be out of the Chamber, and the Committee on Appropriations has been obliged to be out for a long time, and will be again. Therefore I move that we take a recess from half past five to eight o'clock.

Mr. LOGAN. I hope we shall not do any such thing. I hope we will get a vote on this bill.

Mr. ANTHONY. I hope we shall before half past five o'clock.

Mr. LOGAN. Let us have a vote, and after that we can move in this matter.

Mr. ANTHONY. I will try the question now. I move that at half past five, to-day, the Senate take a recess until eight o'clock.

The VICE-PRESIDENT. The Senator from Rhode Island moves that at half past five o'clock the Senate take a recess until eight o'clock.

Mr. LOGAN. You may do that, but perhaps I will get the floor on some other bill, and I think I can speak until to-morrow at twelve o'clock.

The VICE-PRESIDENT. The Senator from Rhode Island moves that a recess be taken from half past five until eight o'clock this evening.

The motion was agreed to.

Mr. PRATT. I now move that the pending order be laid aside informally, for the purpose of resuming the consideration of the pension cases upon the calendar. The Senate was kind enough this morning to give me some ten minutes, during which time some twelve private pension bills were passed. There remain thirty-one or thirty-two pension bills; the most of them are bills which have come here from the other House.

Mr. EDMUNDS. The Senator only asks for private bills, I understand.

Mr. PRATT. Only private bills. My motion is that the Senate proceed to the consideration of those bills, and none others. I do not think they will occupy more than thirty or forty minutes.

Mr. LOGAN. Why not take the vote on this bill first?

Mr. PRATT. Because the Senator has had the floor with that bill ever since about half past twelve, and there does not seem to be any better prospect of reaching a vote now than there did during the first hour the Senator had the floor, and called this up as the chairman of the Committee on Military Affairs.

Mr. LOGAN. I beg the Senator's pardon; it was taken up by a vote of the Senate after the morning hour had expired, and is now the regular order.

Mr. SHERMAN. I think I can suggest a compromise which will suit most Senators, because we are all interested in the passage of these little pension bills.

Mr. LOGAN. I know we are.

Mr. SHERMAN. It is that the recess be till half past seven, and the half hour from half past seven to eight to be confined to pension cases. The time can be changed by common consent, and let that half hour be occupied by the Senator from Indiana.

Mr. LOGAN. As a matter of course I must submit to the will of the Senate.

Mr. SHERMAN. I supposed the Senator would agree to that.

Mr. LOGAN. No, sir; I have had but two bills passed in the hour allowed me. This bill was taken up by a vote of the Senate, and is now the regular order of business.

Mr. SHERMAN. I do not wish to displace it at all.

Mr. LOGAN. I shall oppose laying aside this bill until it is voted on, and I take it from the Senator from Indiana as very unfair to make this proposition. I gave way to him this morning ten minutes out of the time that was allotted to me, and then when the time arrived that was allotted to me the Chair cut me off, on objection being made by a Senator that I should not proceed. I then afterward, when there was no business before the Senate, asked the vote of the Senate on taking up this bill, which the Senator agreed to. The Senator from Indiana has had hour after hour, and has passed forty or fifty bills, and he now asks to lay aside this measure which is as important as any that has been before Congress, and is one that has been before it for six years, to take up special cases. I hope he will not press that motion, for I do assure him that he will gain no time by it. I have only claimed the rights and privileges that are allowed to others, and I have not been treated that way on this floor. The time that has been allotted to me has been taken away, and Senators have moved to lay aside the business that came from my committee, and have done it time and again.

Now, if the Senate are opposed to this bill, let them vote it down, and let them record their votes on the record, and not attempt to defeat it by these side moves. I only ask a fair vote on the bill, and let Senators record themselves. If gentlemen think they are going to take time by shoving aside measures that I have charge of, they are very much mistaken, because my physical ability now will allow me to consume just as much time as any other man in the Senate, and I do not intend to be laid aside in this way. If any gentlemen do it, I give them notice that they will gain no time by it.

Mr. PRATT. Mr. President, this movement is not intended to be hostile to the measure which the Senator from Illinois has so much at heart.

Mr. LOGAN. Then let us take a vote on the measure.

Mr. PRATT. You have been four hours trying to get a vote.

Mr. LOGAN. Yes, sir; and there have been bills here five days without a vote.

Mr. PRATT. The Senator speaks about the time given to the Committee on Pensions. Some two or three weeks since that committee was called on, had perhaps two hours, and passed during that time some forty bills. The committee will not be called again this session. Since that period the committee has been busily at work, and examined and reported upon some forty bills.

Mr. LOGAN. I will say to the Senator that, if he will allow this bill to be voted upon to-night, I will stand by him and help him to get time to press his measures before the Senate. I have had no time for my committee. I have had a pile of bills lying on my table that have not been acted upon, and that will not be. This is the only measure of any importance that the Senate has permitted the Committee on Military Affairs to have before it at this session.

Mr. PRATT. The honorable Senator has served himself on the Committee on Pensions, and he knows the character of these private bills, and he knows how disastrous it would be to the beneficiaries of these bills if they should be allowed to fail now at this last moment.

Mr. LOGAN. Yes, sir; but let me say to the Senator that there are nearly 300,000 men interested in the very bill before the Senate now. If the Senator expects to shove them aside with a few pension measures, he is very much mistaken.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Indiana. It requires unanimous consent.

Mr. PRATT. Does it require unanimous consent that the pending order should be laid aside for the purpose of taking up pension bills?

The VICE-PRESIDENT. The Senator can make a motion to postpone; but the Chair did not understand the Senator to make that motion, but to ask that it might be done.

Mr. PRATT. If the Senator will consent that I may have half an hour on the re-assembling of the Senate after the recess to call up these bills, I would gladly agree to defer my motion.

Mr. LOGAN. I will consent. The Senator shall have all the time he wishes, all the session, if he wants it, after this bill is voted on. It will take but a few minutes to vote on it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Texas [Mr. HAMILTON] to the bounty-bill.

Mr. HAMILTON, of Texas. I ask for the yeas and nays.

Mr. LOGAN. I hope the yeas and nays will not be taken. There is no use in deviling a bill to death.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. EDMUNDS. I move an amendment to the bill—

SEC. —. That the Secretary of the Treasury is hereby authorized to borrow, on the credit of the United States, so much money as shall be needed to carry this act into effect, whenever, from time to time, there shall not be in the Treasury not otherwise appropriated sufficient funds with which to meet the payments required by this act.

SEC. —. That for the loans to be made as provided in the preceding section, there shall be issued and disposed of any of the kinds of bonds described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt."

I do not wish to prevent this bill from coming to a vote; and will only say, and to explain the amendment, we have refused to pass any tax-bill. We are facing an empty Treasury. Assuming that those who are in favor of this bill mean not to make a promise to the ear and deny it in practice, and really mean to pay this money as fast as it is ascertained to whom it is due, then we must provide for a deficiency in the Treasury to meet it, if a deficiency should occur. This amendment, therefore, provides that if, whenever any of this money is payable, there shall be no unappropriated money in the Treasury with which to pay it, the Secretary of the Treasury shall borrow money to do it, and then it provides the class of securities, which are the last class, fixed by the act of 1870, so as to make the debts of the United States harmonious, for the purpose of carrying that into effect. On this amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN. I presume the Senator offers this amendment in good faith; and if he will support the bill if it is put in——

Mr. EDMUNDS. Mr. President, I offer it in good faith, but I cannot support the bill, because I believe it to be wrong. If a majority of the Senate believe it to be right, then I believe it to be right in all sincerity that we should see to it that there is money to be had to pay these soldiers.

Mr. LOGAN. I wish to say a word before the vote is taken. I tried this morning to explain to the Senate—I believe I did to the satisfaction of most of them—that this bill would not take more than $20,000,000 out of the Treasury, and it would run along from seven to ten years in doing that; but the amendment voted on by the enemies of the bill and some of the friends of the bill adds to that very much more money, and for it the Senator from Vermont voted.

Mr. EDMUNDS. I certainly did; because it was right, as I thought.

Mr. LOGAN. I do not know how many millions it adds to the bill, but quite a number. Inasmuch as the enemies of the bill have added more money to it than the friends of the bill intended it should take out of the Treasury, for the purpose of giving those who voted against it a chance to have the amount of money that they have added to it paid, I will accept the amendment of the Senator from Vermont.

Mr. EDMUNDS. The Senator cannot accept the amendment, but he can vote for it; and I am very glad that he will do so. Nobody can accept an amendment to a bill, that I know of, but the Senate; but I am very glad my friend is for it. I wish to say one word in respect to what he has said about the enemies of this bill putting on an amendment. The amendment that has been put on was so just, so demonstrably just, that some Senators, who only have public interest and public honor at heart and were in favor of this bill, felt themselves obliged to vote for it. I was glad to see it; I was glad that they were independent of mere considerations of expediency when equality and justice were brought into question. I hope nobody will be disturbed at the suggestion of my friend from Illinois, that this bill has now been put into a shape that if it is to pass it may require more money than it would have required if, instead of having a measure of so-called equality and justice, you had one which was to plunder one part of the soldiers of the United States to pay others.

Mr. LOGAN. That is very nice talk; I am glad to hear it. The Senator talks about maintaining the honor of the Government! Well, I do not claim that I have ever maintained the honor of the Government. I will leave that for other people to say. I will only say to the Senator that before he makes these intimations he had better look and examine other people besides those that he refers to. I have no objection to providing for the payment of this money, and inasmuch as the bill has to go back to the House anyhow, by the amendment already adopted, if it should pass, and I have no knowledge whether it will or not, let it be put on. When I said that I accepted the amendment, I stated it in good faith. I said if the amendment was offered in good faith I was perfectly willing to accept it. I know I have no power to accept it technically unless the Senate shall agree to it, but I stated that merely to indicate to the friends of the measure that I have no objection to it, inasmuch as I was managing the bill. I am willing it shall be adopted. There is no necessity for calling the yeas and nays, as far as that is concerned, for I do not presume there will be any opposition made to the amendment.

Mr. MORTON. There is a tax-bill lying on the table which the Senate can take up and vote upon, which I voted for last night, and would be glad to vote for again to-night, which, if it passes, and I think now, from what I have heard, it will be strong enough to pass, will obviate any necessity for borrowing money for this or any other purpose. But I have this to say, that we borrowed money all through the war to pay bounties and to pay soldiers, and if we have to borrow money there is no more patriotic purpose for which to borrow it than to equalize bounties among soldiers, and pay to soldiers those bounties from which they were cut off by a technical construction of the law.

The Senator from Vermont made a remark a moment ago, speaking of the amendment for which he voted, and which has added many more millions to the operation of this bill if it shall pass—that is, striking out the word "State" and striking out State bounties in stating the accounts of the soldiers—that the bill as it stood before robbed the soldiers of one section of the country to pay others. What justification for that remark was there in the bill? I ask you how any soldiers could be robbed, or how any soldiers could suffer, how any soldier would lose one cent from the bounties paid by States being taken into account. It takes nothing from any man. So far as I am concerned, I will vote for the amendment.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Vermont, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 41, nays 12, as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Chandler, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pratt, Ramsey, Sargent, Schurz, Sherman, Spencer, Stevenson, Stewart, and West—41.

NAYS—Bayard, Bogy, Cooper, Davis, Dennis, Frelinghuysen, Gilbert, Hager, Saulsbury, Sprague, Stockton, and Washburn—12.

ABSENT—Messrs. Alcorn, Allison, Brownlow, Cameron, Carpenter, Clayton, Eaton, Fenton, Johnston, Kelly, Lewis, Pease, Ransom, Robertson, Scott, Thurman, Tipton, Wadleigh, Windom, and Wright—20.

So the amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. EDMUNDS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The CHIEF CLERK proceeded to call the roll.

Mr. HAMILTON, of Texas, (when his name was called.) I am paired with the Senator from Arkansas, [Mr. CLAYTON.] If he were present he would vote for the bill, and I should vote against it.

Mr. SCHURZ, (when his name was called.) On this question I am paired with the Senator from Georgia, [Mr. NORWOOD.] If he were here I would vote "yea," and he would vote "nay."

The CHIEF CLERK concluded the call of the roll, which resulted, yeas 30, nays 30; as follows:

YEAS—Messrs. Alcorn, Boreman, Cameron, Carpenter, Conkling, Conover, Cragin, Dorsey, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Logan, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Scott, Spencer, Wadleigh, West, Windom, and Wright—30.

NAYS—Messrs. Allison, Anthony, Bayard, Boutwell, Chandler, Cooper, Davis, Dennis, Eaton, Edmunds, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Ransom, Robertson, Sargent, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, and Washburn—30.

ABSENT—Messrs. Bogy, Brownlow, Clayton, Fenton, Gordon, Hamilton of Texas, Kelly, Lewis, Norwood, Pease, Schurz, Thurman, and Tipton—13.

The VICE-PRESIDENT. On this question 30 have voted in the affirmative and 30 in the negative. The Chair votes in the affirmative; and the bill is passed.

CRUELTY TO ANIMALS.

Mr. CONKLING. I ask the Senate to take up a bill, which will take but a moment, reported from the Committee on the Judiciary, to prevent cruelty to animals in this District. It is Senate bill No. 1144.

The bill (S. No. 144) to prevent cruelty to animals in the District of Columbia was considered as in Committee of the Whole.

The VICE-PRESIDENT. The bill will be read.

Mr. CHANDLER. I move to postpone that and all prior orders to take up House bill No. 1588.

Mr. CONKLING. I call for the reading of the bill. The Senator cannot interrupt that.

The VICE-PRESIDENT. The bill has been taken up and will be read.

The bill was read.

The Committee on the Judiciary reported the bill with amendments.

The first amendment was in section 1, line 6, after the word "sustenance" insert "or care."

The amendment was agreed to.

The next amendment was in section 1, after the word "weather," in line 16, to insert:

Or drives, or causes to be driven, when the ground, road, or street is slippery from snow or ice, any horse not so shod as to enable him to travel without slipping.

So as to read:

Or unnecessarily fails to provide the same with proper food, drink, shelter, or protection from the weather, or drives, or causes to be driven, when the ground, road, or street is slippery from snow or ice, any horse not so shod as to enable him to travel without slipping, shall, for the first offense, be punished by a fine not less than five dollars nor more than fifty dollars, and for every subsequent offense not less than twenty-five dollars nor more than one hundred dollars.

The amendment was agreed to.

The next amendment was in line 5 of section 2, to strike out the words "by the fine imposed," and insert "as provided;" so as to read:

SEC. 2. That any person or persons who shall cause, procure, or in any way be interested in the procuring of the matching or fighting of any fowls, dogs, or other

animals in any place within the District of Columbia, shall be punished as provided by the first section of this act.

The amendment was agreed to.

The next amendment was to strike out the letter "s" after the word "cow" in line 2, section 3; so as to read:

SEC. 3. That any person or persons who shall have any milch-cow in his control or custody, who shall cruelly or unnecessarily fail to relieve the same of her milk at the proper time, shall be punished for the first offense by a fine of not less than ten dollars nor more than one hundred dollars, and for every subsequent offense by a fine of not less than twenty-five dollars nor more than one hundred dollars.

The amendment was agreed to.

The next amendment was in line 7 of section 4, after the word "warrant" to insert:

Shall be authorized to take possession of the animal or animals in respect of which the violation of this act occurs.

So as to read:

SEC. 4. That any person found violating the laws in relation to cruelty to animals may be arrested and held without a warrant, in the manner provided by the charter of the Association for the Prevention of Cruelty to Animals, granted by an act of Congress approved June 21, 1870; and the person making an arrest, with or without a warrant, shall be authorized to take possession of the animal or animals in respect of which the violation of this act occurs, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for such animals until the owner thereof shall take charge of the same.

The amendment was agreed to.

The next amendment was in line 18 of section 4, after the word "care" to insert:

Provided, That before any such sale shall take place, at least twenty-four hours' notice of the time and place of sale shall be given to the owner, if he can be found in said District, and also by posting written or printed notices thereof, three days before such sale, at three public places near the place of sale; and if the owner disputes the charges for care and provisions, he may require the person charging the same to submit the same to the justice of the peace who issued the warrant, at a specified time; and such justice shall, without unnecessary delay, examine and decide upon the validity and amount of such charges.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEDUCTIONS FROM SENTENCES.

Mr. CONKLING. I move to take up House bill No. 3504, which provides for deductions from the terms of sentence of prisoners in penitentiaries—a very short bill, which will take but a moment. Like the other, there are few to speak for it, and therefore I feel bound to insist on it.

The motion was agreed to; and the bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment, which was, to insert at the end of the bill the following as an additional section:

SEC. 2. That on the discharge from any prison of any person convicted under the laws of the United States on indictment, he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and five dollars in money, for which charge shall be made and allowed in the accounts of said prison with the United States: *Provided*, That this section shall not apply to persons sentenced for a term of imprisonment of less than six months.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TAX AND TARIFF BILL.

Mr. MORRILL, of Vermont. I move to take up from the table House bill No. 4680, to further protect the sinking-fund and provide for the exigencies of the Government.

Mr. SHERMAN. I would like to have the yeas and nays on that motion.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. CRAGIN, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. FENTON.] Were he here I should vote "yea," and he would vote "nay."

Mr. ROBERTSON, (when his name was called.) On this question I am paired with the Senator from Georgia, [Mr. NORWOOD.] If here, he would vote "nay," and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 26, nays 23; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Conkling, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Ramsey, Sargent, Scott, Spencer, Wadleigh, Washburn, and West—26.

NAYS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, McCreery, Merrimon, Ransom, Saulsbury, Schurz, Sherman, Sprague, Stewart, Stockton, Thurman, and Wright—23.

ABSENT—Messrs. Alcorn, Allison, Brownlow, Carpenter, Clayton, Conover, Cragin, Eaton, Fenton, Ferry of Connecticut, Gilbert, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Logan, Norwood, Oglesby, Pease, Robertson, Stevenson, Tipton, and Windom—24.

So the motion was agreed to.

The VICE-PRESIDENT. The bill is before the Senate.

Mr. FERRY, of Michigan. I ask the Senator from Vermont to yield to me to take up a bill from the table.

Mr. MORTON. Let us take a vote on the tax-bill.

Mr. MORRILL, of Vermont. I much prefer to dispose of this bill before the recess. We have but a half hour. All I desire is to take a vote.

Mr. BAYARD. I think the Senator from Vermont will find there will be some discussion about the bill, and if he will permit me to bring in a bill, which he has concurred in, and that is recommended unanimously by the Committee on Finance, I shall be obliged to him.

Mr. MORRILL, of Vermont. I hope the Senator will not ask me to do that, because I have been asked by half a dozen about me, but declined.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. JOHNSTON. I move to postpone the bill indefinitely, and on that motion I desire to be heard.

Mr. FERRY, of Michigan. I ask the Senator from Virginia to yield to me to allow a bill to be taken from the table to concur in a House amendment.

Mr. JOHNSTON. Provided I do not lose the floor.

Mr. FERRY, of Michigan. Certainly not. I ask that the bill (S. No. 420) be taken from the table to concur in the House amendment.

LANDS IN MICHIGAN.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead-entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

The first amendment was in line 16, after the words "restored to market" to insert "offered for sale at a price not less than $2.50 per acre."

Mr. FERRY, of Michigan. I move that the amendment of the House be concurred in.

The motion was agreed to.

Mr. FERRY, of Michigan. There is an amendment reported by our committee, to correct a typographical error changing section 4 to 24. As this bill will necessarily go to the House in case of this amendment, I ask that it be non-concurred in, and I will then follow it with a concurrent resolution instructing the Committee on Enrolled Bills to correct the error. This is to save the bill from going to the House.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. The amendment is in section 2, line 3, before the word "four" to insert "twenty," so as to read "section twenty-four."

Mr. EDMUNDS. What does that mean?

Mr. FERRY, of Michigan. I will state to the Senate, and especially to the Senator from Vermont, that in the original print the land section described in this bill was section 24, but during the process in the House it changed—I do not know how—only I know the fact that section 4 is an error, which was discovered in the Committee on Public Lands of the Senate, and they reported an amendment changing "four" to "twenty-four," as it was originally printed. Now, I frankly say that I desire that the bill shall pass, and I have a concurrent resolution to authorize the enrolling committee to make the correction. I ask that the amendment be non-concurred in.

The VICE-PRESIDENT. The Senator moves that the amendment be non-concurred in.

The motion was agreed to.

Mr. FERRY, of Michigan. Now I offer this concurrent resolution and ask its passage:

Resolved by the Senate, (the House of Representatives concurring,) That the Joint Committee on Enrolled Bills be authorized in examining the enrollment of the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead-entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, to correct a clerical error discovered in the bill after its passage, by inserting in section 2, line 3, after the word "section" and before the word "four," the word "twenty," so that the third line of that section will read, "of range two east, and section twenty-four, in township 47 north."

Mr. EDMUNDS. There is a little objection to that particular concurrent resolution which of course is not of much consequence; and that objection is that it is not true. It states what is untrue on the face of it, that this error has been discovered since the passage of the bill. The bill is finally passed at this moment by concurring in one amendment and receding from another. I suppose it is not of much consequence nowadays, but I will say that I for one put in a protest against this method of doing business. We are in such haste, in our appetite for public lands, that we must pass a bill that we know to be incorrect, and follow it instantly by a concurrent resolution to correct it, asserting on the face of the resolution what is not true, that an error of that kind was discovered after the passage of the bill. I of course do not interpose any objection to it this time, but I think it does not characterize the proceedings of the Senate very highly to be doing business in that way.

Mr. FERRY, of Michigan. I am following the precedent set at this session in two cases before this. I have followed the lead of other Senators.

Mr. EDMUNDS. Such errors have not been corrected when it was known that they existed when the bill passed, and it was publicly stated. Here we have receded from an amendment, knowing that it

ought to be made, as proven by the assertion of what is not true as a reason for changing it a moment afterward.

Mr. FERRY, of Michigan. My conscience will not trouble me. If the Senator does not like it he will vote against it, and I will vote for it.

The resolution was agreed to.

JAMES J. MURPHY, DECEASED.

Mr. CARPENTER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report the following resolution and ask its present consideration. There will be no objection to it, I am sure:

Resolved, That the Secretary of the Senate be directed to pay, out of the contingent fund, to the widow of James J. Murphy, deceased, late a member of the Official Reporting Corps of the Senate, the same amount which was paid to the mother of George S. Wagner, late librarian of the Senate, for funeral expenses and other allowance, under the resolution of December 23, 1874.

The resolution was considered, by unanimous consent, and agreed to.

CHANGE OF NAME OF A PORT.

Mr. HAMLIN. I ask that a House bill be taken from the table changing the name of the port of Nobleborow to Damariscotta.

By unanimous consent, the bill (H. R. No. 4856) to change the name of the port of Nobleborow to Damariscotta was read three times and passed.

REMISSION OF TAXES.

Mr. EDMUNDS. Let us have the regular order.

Mr. BAYARD. I ask the consent of the Senator from Virginia, who has the floor, to pass House bill No. 4833.

Mr. JOHNSTON. I have no objection.

Mr. MORRILL, of Vermont. I hope the Senator from Delaware will be allowed to pass that bill.

The bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan was considered as in Committee of the Whole.

Mr. BAYARD. I may state that the bill is unanimously recommended by the Committee on Finance.

The bill was read. The Committee on Finance reported the bill with amendments.

The first amendment was in line 5 of section 1 to strike out after the word "indebtedness" the words "issued by," and insert in lieu thereof "made against;" so as to read:

and release any claims for tax on circulation of evidences of indebtedness made against any mining, manufacturing, or other corporations, &c.

The amendment was agreed to.

The next amendment was in lines 6 and 7 to strike out the words "(except banks and bankers) in the sixth collection district of Michigan," and in lieu thereof to insert:

other than against any national banking association, State bank, or banking association.

The amendment was agreed to.

The next amendment was in line 14 to strike out the word "either" after the word "construed," and strike out after the word "cases," the words "or otherwise, in such district," and insert "except as to national banking associations."

Mr. EDMUNDS. I would suggest to the Senator from Delaware that the exception ought to be as broad as the prior part of the bill, including State banks and State banking associations. I see no propriety in making this applicable only to national banking associations.

Mr. BAYARD. I believe the amendment, as it stands, to be necessary to reach the relief the committee designed to give. The hardship of this case was that when the parties presented a form of the certificates of indebtedness against the corporation, to the Commissioner of Internal Revenue, he distinctly informed them that a private bank or banker would not be liable to this tax, but that a national bank alone would be liable. Under that the certificates of the corporations were issued, in some cases by State banks. Under the construction of the Commissioner of Internal Revenue the hardship was that after they had allowed these certificates to be issued, or reissued, not being created by themselves, but by these mining corporations, they were then suddenly called upon to pay this constructive tax of 10 per cent. on a large amount, which would be absolutely ruinous. They submitted the matter to the discretion of the Commissioner of Internal Revenue, who stated in the original letter, which I hold in my hand, that the tax would be only applicable to national banks.

Mr. EDMUNDS. May I ask the Senator to send that letter to the desk and have it read? If the Commissioner of Internal Revenue thought the act of Congress did not apply to State banks as distinguished from private bankers, then I must express my surprise; but we will see what the Commissioner does say.

Mr. BAYARD. I send up the letter.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, August 8, 1872.

SIR: D. G. Stone, of Negaunee, Marquette County, Michigan, writes the Office inclosing "a hand-draft for one dollar," which reads as follows:

1 1

Pittsburgh & Lake Angeline Iron Co.

MARQUETTE, MICH., *Sept.*, 1871.

Pay H. Diamond, Supt., or bearer,
One Dollar. 2739.

value received, and charge to account of T. Dwight Ells, Treas. A. Kidder, Agent.

Cleveland, O.

And inquired "whether, when these drafts are used for circulation and received as deposits in banks and paid out, a private bank or banker (as also a national bank) is liable to a tax of ten per cent. on amount paid out, as circulation?"

It would appear from the terms of sec. 6, act March 3, 1865, as amended, that a private bank or banker would not be liable to the said tax, but that a national bank would be liable.

Very respectfully,

B. J. SWEET,
Acting Commissioner.

T. NORTH, Esq.,
Assessor, Vassar, Mich.

Mr. EDMUNDS. It appears, I submit to the Senator from Delaware, that the Commissioner of Internal Revenue does not say that the law does not apply to State banks. He only says it does not cover private banks. My suggestion was, in respect to remitting these penalties, that we ought not to remit beyond the effect of the letter of the Commissioner of Internal Revenue, based upon a misconstruction, as it is claimed. I do not know whether it was a misconstruction or not of the law; and the law, as stated by the Commissioner of Internal Revenue, does not excuse a State bank. He says it excuses the private banker. My suggestion was that after the words "national bank or banking association" the words "or State bank" be inserted, as not falling within this relief, and it ought not to be included, because the Commissioner does not appear by this letter to have misled any State bank upon the topic referred to.

Mr. BAYARD. In the first place, this is a matter of retrospective relief. After the 1st day of November, 1873, the use of these tokens as circulation was not permitted, nor is a tax received from them. It runs during a period of time in which there was a misapprehension on the part of those bankers who passed these tokens over their counter as to the tax to which they were liable. This letter does distinctly say that it is the national bank; it does not say "alone;" but the national bank that is liable to the payment of the tax, and that the private bank is not. In this case none of the tokens which we seek to relieve from taxation were issued by any but these mining and manufacturing corporations. It is not the issues of State banks at all that are sought to be affected. There is nothing in the bill that proposes that. It is the due-bill, the post-notes of the manufacturing and mining corporations alone which are to be relieved, not the issues of State banks; but if these manufacturing and mining corporations' paper was passed over the counter of a State bank, we hold that the State bank, acting under the opinion of the Commissioner of Internal Revenue, should be relieved from the tax as much as the private banker. The question has been submitted to the Commissioner of Internal Revenue. They were not banks of issue.

Mr. EDMUNDS. The bill does not say anything as to whether a bank is a bank of issue or any other thing. It says, that the provisions of section 3412 of the Revised Statutes, shall not be construed, in the pending cases, except as to national banking associations, to apply to this class of things, so that in any prosecution against a State bank of issue, doing a banking business, we are to give this relief. If that is right, very well; but I do not know why it is right. Because a State bank, before this period of time mentioned a bank of issue, not a savings bank, nor a private banker, chose not to pay the tax that it ought to have paid into the Treasury of the United States, why should it be relieved? If this letter of the Commissioner had said that a State bank of issue did not fall within the law, and State banks of issue were, therefore, misled in making these issues, there would be great force in what the Senator says; but the letter does not say that.

Mr. SHERMAN. I think there are no State banks of issue. There are State banks in the nature of savings banks, as I understand, but they are simply incorporated brokers.

Mr. EDMUNDS. Does the Senator mean to say that in the year 1863, or whatever the time was, in the State of Michigan there were no State banks of issue?

Mr. FERRY, of Michigan. Not in the upper peninsula.

Mr. EDMUNDS. But this bill is not confined to the upper peninsula of Michigan. It is broader in its character than that. It applies to the whole State of Michigan, and all other States for aught I know.

Mr. SHERMAN. It reaches cases in the South also.

Mr. EDMUNDS. I do not want to prevent the passage of the bill, the committee having considered it; I only suggest, in the interest of justice to all, that with this exception which now includes national banking associations, should also include State banks of issue.

Mr. SHERMAN. I desire to offer an amendment by adding one word, which my friend will see the importance of. After the word "issued," in the last line, I want to insert the words "or re-issued."

Mr. EDMUNDS. I move to amend the last amendment of the committee "except as to national banking associations," by adding "and State banks of issue," so that they will fall within the exceptions. Senators will see that it does not apply to any existing case.

Mr. FERRY, of Michigan. I hope that amendment will not be made. The object of the bill was to apply specially to the upper peninsula of Michigan, as it passed the House. It came to the Senate

and was referred to the Committee on Finance, and they, in their judgment, saw fit to make it general. Now if, according to the construction of the Senator from Vermont, this latitude is given, it may affect injuriously those who are seeking relief. I hope the Senator from Vermont will not, by any amendment which he insists upon, act injuriously to the interests of these men, who innocently have used this paper, supposing, in good faith, that they were authorized to do it. During all this time, until recently, the Government has never applied to them or made any charge against them for taxation; but when the Government did, they protested against it, and stated that if they had done acts contrary to law it was known to the Government, and the Government should have notified them.

I am not disposed to take up the time. I see the hour for the recess has nearly come. I hope the amendment of the Senator from Vermont will not be agreed to.

Mr. EDMUNDS. I agree with the Senator from Michigan, that it would be right, as he states it, if his case was limited to banks that were not banks of issue, and to private bankers. He says that in the northern peninsula of Michigan there were no State banks of issue. If there were no State banks of issue, the amendment that I propose to the amendment of the committee will not hurt anybody in the northern peninsula of Michigan. I only want to protect the interests of the United States, if I can, so that my amendment is not obnoxious to the objection of the Senator from Michigan.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. SHERMAN. I move to add the words "and reissued," after "issued," in the eighteenth line, so as to prevent the possibility of their coming in and being reissued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read:

"A bill to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes."

RECESS.

Mr. RAMSEY. I move that the Senate proceed to the consideration of the bill for the creation of the Territory of Pembina.

Mr. JOHNSTON. I believe I have been entitled to the floor all this time, and this business has been going on by consent, but the hour for the recess has come.

The VICE-PRESIDENT. The hour of half past five has arrived, and the Senate will take a recess until eight o'clock p. m.

EVENING SESSION.

The Senate re-assembled at eight o'clock p. m.

Mr. JOHNSTON. I believe I am entitled to the floor.

The VICE-PRESIDENT. The Senator from Virginia is entitled to the floor on the tax bill.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SARGENT. I ask that the sundry civil appropriation bill, with the amendments of the Committee on Appropriations, be printed.

The motion was agreed to.

CLERKS OF COMMITTEES.

Mr. RAMSEY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the clerks of the several standing committees of the Senate their usual per diem compensation for the month of March.

PAY OF PAGES.

Mr. TIPTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the pay of the pages of the Senate be continued until the end of the present month, and that the Secretary is hereby directed to allow and pay the same.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 4854) for a ratification of an agreement with the Jicarilla Apache Indians, in which it requested the concurrence of the Senate.

WILLOW SPRINGS DISTILLING COMPANY.

Mr. HITCHCOCK. With the consent of the Senator from Virginia, I move to take up House bill No. 4829.

Mr. JOHNSTON. I cannot yield after this.

By unanimous consent the bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company, of Omaha, Nebraska, was considered as in Committee of the Whole.

It is a direction to the Secretary of the Treasury to credit the Willow Springs Distilling Company, of Omaha, Nebraska, with such amounts as he shall find, on investigation, to be assessed against them, and still remaining payable as taxes upon grain used in excess of the surveyed capacity of their distillery during the months of September, October, November, and December, 1873, and January, February, March, and April, 1874, if the company shall prove, to the satisfaction of the Secretary, that the average production of spirits from each and every bushel of grain used and consumed in the production of spirits by them during the time specified was at least three and one-quarter gallons, and that they have paid the legal tax upon all spirits produced.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TITLE TO ARLINGTON ESTATE.

Mr. HOWE. I ask the Senator from Virginia if he cares to go on for just a single moment? I have in my hand a bill which has passed the House unanimously.

Mr. JOHNSTON. I decline to yield, for I have had half-a-dozen applications.

Mr. HOWE. The Senator declines, I understand.

Mr. PRATT. I wish to make a motion.

Mr. JOHNSTON. The Senator cannot make a motion while I am on the floor.

The VICE-PRESIDENT. The Senator from Virginia is entitled to the floor on House bill No. 4680, which is before the Senate as in Committee of the Whole, the pending question being on the motion of the Senator from Virginia [Mr. JOHNSTON] to postpone the bill indefinitely.

Mr. JOHNSTON. Mr. President, I propose to give a plain and brief statement of the facts and the law in regard to the claim of G. W. Custis Lee to Arlington, in connection with Senate bill No. 661, heretofore introduced by me. Arlington is one of the historical estates of the country. It is situated in Virginia, nearly opposite to Washington, and overlooks that city, and is visible from many parts of it. It was the property of George W. Parke Custis, who died in 1857. By his will, which was duly admitted to probate in the proper court, he devised "to his dearly beloved daughter and only child, Mary Ann Randolph Lee, my Arlington house estate, in the county of Alexandria, containing eleven hundred acres, during the term of her natural life." Mary Ann Randolph Lee was the wife of Robert E. Lee.

The will contained this further provision:

On the death of my daughter, Mary Ann Randolph Lee, all the property left to her during the term of her natural life, I give and bequeath to my eldest grandson, George Washington Custis Lee, to him and his heirs forever, he my said eldest grandson taking my name and arms.

Whether this devise gave G. W. Custis Lee a vested or contingent interest is questionable. If the remainder was contingent, then G. W. Custis Lee had *no estate* in the property till the death of the life tenant. If it was a vested remainder, he had no estate in possession till that event.

After the death of the testator, Parke Custis, Arlington was taken possession of by Robert E. Lee, in right of his wife, who continued to reside there till the war commenced. The property was placed on the commissioner's books in the name of Mary Ann Randolph Lee, and the taxes were assessed against her. She had no trustee, but the devise was to her directly, and the estate held by her.

Robert E. Lee was a colonel in the Army of the United States. He was a Virginian by birth and residence. He was not hostile to the Government of the United States. On the contrary, South Carolina seceded in December, 1860, and he remained at his post. Other States followed, and he still kept his place. Fort Sumter was fired upon, and the troops of the United States had a collision with citizens in the streets of Baltimore, and still he adhered to the United States. But on the 19th of April, 1861, the convention then in session in Virginia passed an ordinance of secession, and that State united herself with her sister States of the South. Colonel Lee believed that his allegiance was due primarily to his own State, and therefore, in the war then impending, he felt impelled to take whatever side his State took. If she had gone for the Union, no doubt he would have done so too.

His espousal of the southern side in the contest made it necessary for him to abandon his home, and his fortunes were followed by his wife and children. Arlington was thrown into the lines of the Union forces, and remained so till the war ended.

On the 5th August, 1861, Congress passed "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," and on the 7th June, 1862, passed "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes;" and on the 6th February, 1863, enacted still another law, entitled "An act to amend an act entitled 'An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes,'" &c.

The first-named law imposed a direct annual tax of $20,000,000 upon the United States, and apportioned to Virginia $937,552.67, and provided all the machinery for assessing and collecting the tax. The tax imposed upon Arlington was $92.07.

The Treasury Department and the commissioners appointed under the law ruled, in construing the statutes, that nobody could pay the

taxes upon property assessed except the person against whom and in whose name the tax was charged. That this was so is proved by the evidence of John Hauxhurst, one of the commissioners at Alexandria, who made the sale in this case, given in the case of Tacey *vs.* Irwin, reported in 18 Wallace, and by the finding of Judge Bond, the circuit judge who tried that case; and by an extract from a letter addressed 30th December, 1874, by the Commissioner of Internal Revenue to the Hon. George E. Wright, of the Senate, in relation to the bill for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States, which is as follows:

The third section provides in certain cases, where the original owners will not, or cannot through disability, execute a quit-claim deed, and where it shall also be shown that the tax commissioners made it their rule not to receive the tax, &c., after advertisement and before sale, unless tendered by the owner, in proper person, the purchase-money may be refunded to the purchaser on condition that he executes a quit-claim deed to the original owner. This provision is intended to afford relief where the titles to United States tax-sale property have become practically worthless by decision of the United States courts, as in Virginia. See opinions United States Supreme Court in Bennett *vs.* Hunter, 9 Wallace, p. 326, and Tacey *vs.* Irwin, 18 Wallace, p. 549. It will be seen that the latter opinion invalidates all those titles in Virginia, as the tax-commissioners testify that their rule as to tender, which the Supreme Court declares illegal, was applied in all cases. The only relief now afforded to purchasers at tax-sale is under the act of May 9, 1872, by which they must have been evicted by judgment of a United States court before their money can be refunded. This section would prevent this useless litigation, which must be more or less collusive, as the judgment of the court is known beforehand.

Mr. Hauxhurst testifies:

Question. How many pieces of property were sold as "belonging to Mr. Dixon?"
Answer. Two.

Q. Was it not a common occurrence for parties to ask you, both in and out of office, whether you would receive payment of the taxes from any one except the owner in person, without any special offer to pay on their part?

A. It was a common occurrence.

Q. Have you any recollection of his (Quesenberry) offering any money in payment of these taxes?

A. I have not. I mean by this answer to say that he did not show me any money or state that he had any.

Q. If Mr. Quesenberry had shown any money, or had stated that he had it, would that have made any difference in the action of the commissioners?

A. It would not.

And here is Judge Bond's statement of the facts proved:

The said commissioners in performing their duties under the said act of June 7, 1862, did not at any time, or in any case, make, or cause to be made, any demand for the payment of the tax, either upon the owner or occupant of the property, respectively, liable therefor, or upon any person whatever; and they made no effort, in any case, of any kind whatever, to collect said tax before proceeding to a sale of the land, except the publication of the said notice of September 11.

On the expiration of sixty days from the 14th of September, 1863, the said commissioners treated all of said property in said city and county, on which the tax then remained unpaid, as forfeited to the United States, and liable to sale under said seventh section of said act of June 7, 1862, and they proceeded, from time to time, to advertise the same for sale accordingly.

Pending the advertisement of the property for sale under the said seventh section, said commissioners, pursuant to a general rule adopted by them to that effect, invariably refused, in all cases, to receive the tax upon property so advertised, unless tendered by the owner in his own proper person; and, notwithstanding the tender of the tax by any agent, relative, or friend of the owner, the commissioners nevertheless treated and sold the property as delinquent.

This rule and practice was established and followed by them pursuant to instructions from some officer of the Treasury Department. Applications were made to said commissioners by the agents and friends of absent owners to pay the tax upon advertised property and save it from sale; which applications, under the operation of said rule and practice, were uniformly refused by the commissioners. No note, record, or memorandum of such applications was kept or made by the commissioners, though such applications were frequent. The premises in the declaration mentioned were sold as aforesaid by the commissioners without the knowledge or consent of the said Dixon, he being absent from Alexandria, and within the confederate military lines, from the —— day of ——, 1861, continuously to the day of his death. Whilst the said premises, however, were advertised for sale, his brother-in-law went to the office of the commissioners to see after the payment of the tax on the property, but made no formal offer or tender of payment, because such offer or tender was, in effect, waived by said commissioners, they declining to recognize any tender unless made by the owner in proper person.

Judgment.

Wherefore it is considered by the court that the plaintiffs do recover of the defendant the premises in the declaration mentioned according to the finding of the court, and that they recover also their costs by them about their suit in this behalf expended.

HUGH L. BOND,
Judge, &c.

NOVEMBER 23, 1871.

As Mrs. Lee did not appear in person to pay the tax, Arlington was sold; not so much of the land as was necessary to pay the small sum of $92.07, but the whole estate, containing eleven hundred acres, and worth many thousands of dollars.

The act of February 6, 1863, contained, among others, the following provision, viz:

And provided further, That at such sale any tracts, parcels, or lots of land which may be selected under the direction of the President for Government use, for war, military, naval, revenue, charitable, educational, or police purposes, may, at said sale, be bid in by said commissioners, under the direction of the President, for, and struck off to, the United States, &c.

Under this provision the President directed the purchase of Arlington "for Government use, for war, military, charitable, and educational purposes," and it was struck off to the United States for the sum of $26,800. The President did not seem to be content to designate one use to which the property should be applied, but wanted it for the various and conflicting uses "of war, military, charitable, and educational purposes."

The purchase having been made, the Government at once took possession of the property, and has held it ever since. About two hundred acres have been made a national cemetery, and the remainder has been leased to freedmen and is otherwise used by the Government.

The State of Virginia was not admitted to representation in Congress till January, 1870, and in consequence the claim of Mrs. Lee was not brought before that body prior to that time. General Lee died 12th October, 1870; and on the 22d January, 1872, I presented to this body the respectful petition of Mary Ann Randolph Lee, setting out the facts of the case, giving her reasons for believing the claim of the Government to Arlington to be invalid, and closing with this statement:

But, assuming the most favorable view for the United States possible under the circumstances, it cannot be doubted but that a serious cloud rests upon the title. To remove this cloud and quiet the title to the property would appear to be the evident interest of the Government of the United States.

Your petitioner, and her son, G. W. Custis Lee, (the owner of the reversion,) are willing to avoid, however, all litigation on the subject, and to have an amicable settlement of this matter. With this in view, they now offer to the Government of the United States, through your honorable bodies, that upon the receipt of three hundred thousand dollars they will execute and deliver such necessary releases and conveyances as may be adjudged sufficient to sanction and quiet any claim which the Government may now have, by making a legal and valid title to the property.

Your petitioner therefore prays your honorable bodies for the passage of a law making the necessary appropriation to secure and effectuate the above offer.

Respectfully submitted.

MARY A. R. LEE.

The petition, upon my motion, was referred to the Committee on the Judiciary, but no report was ever made upon it.

Mary Ann Randolph Lee died in November, 1873, and the claim to Arlington vested in her eldest son, G. W. Custis Lee, and on the 6th of April, 1874, I presented a memorial from him, which was also referred to the Committee on the Judiciary. He also set forth the facts and gave his reasons for believing the sale void, and that the property belonged, in law and equity, to himself. His memorial ends as follows:

The Government by its agents is in possession of the "Arlington-house estate," claiming title under the tax-sale certificate. It has been devoted, as your petitioner is informed, to the purpose, in part at least, of a national cemetery for soldiers who died during the civil war. Your petitioner's remedy through the courts of the country is, as he is advised, clear and complete. But while the associations of his early life would make the recovery of the estate peculiarly agreeable to him, he is frank to say that, as Congress has devoted it to the purpose of a national cemetery, and naturally desires to preserve in their graves, under the guard of the Federal authority, the remains of those who lost their lives in the service of the country, your petitioner is willing to avoid litigation, by the release of his title to the estate, upon the payment of a just compensation. Such a purpose was expressed by Mrs. Mary A. R. Lee, the life tenant, and your petitioner renews the proposal to release and convey to the United States, by valid deed, his fee-simple title of the estate, upon the payment to him of its fair and just value. Your petitioner has thus candidly presented his views of his claim, and respectfully asks for the passage of a law making the necessary appropriation for the purchase of said estate by Congress, upon the execution of a legal deed conveying a complete and valid title to the same to the United States.

All of which is respectfully submitted.

G. W. C. LEE.

And in presenting the memorial, after stating briefly its contents, I said for him and by his authority:

Mr. Lee has been advised that his claim could be enforced in the courts, but he states in his memorial, and I now say for him, that he is not in the least inclined to disturb the purposes to which the property is devoted, and therefore he comes before the Congress of the United States and asks that the Government will cause his claim to be examined, and, if found good, pay him a fair and reasonable price for the estate.

At the same time I introduced a bill, which was also referred to the Committee on the Judiciary, giving the Court of Claims jurisdiction to hear and determine the claim of Mr. Lee. The bill provided that he might commence his suit by a petition in writing, a copy of which was to be served on the Attorney-General, who should defend for the United States; that the proceedings "should be conducted and determined in all respects as near as may be according to the rules and principles of equity practice in other courts of the United States, and that the court should have full power to grant relief in the premises."

It further provided that, in the event the finding was for Mr. Lee, the court should then "proceed to determine what will be a just compensation for the estate, and shall receive evidence by deposition, to be taken by either party to the suit, upon due notice to the opposite party;" and that an appeal might be taken by "either side to the Supreme Court of the United States, which was invested with full jurisdiction to hear and determine the same, in the same manner and with the like effect as in other equity causes from the circuit courts of the United States."

In preparing this bill I pursued the precedents established in the case of *Ex parte* Atocha, (17 Wallace,) and in the act of July, 1870, in regard to the Arkansas Hot Springs, the title to which was claimed both by the Government and by citizens, and made the bill almost a copy of the one to be found in Statutes at Large, volume 16, page 199, giving jurisdiction to the Court of Claims in that case.

It is certainly a matter of importance to the United States that they should have a good title to all the property held by them; and it is not to be presumed that any just government would desire to seize and hold by force and without right the estate even of a rebel. And I did hope that when I suggested, on behalf of Mr. Lee, that he really still owned in law and right the Arlington estate, and believed he could recover it in a court of law, but did not desire to do so on

account of the purposes to which it was now devoted, and gave what seemed to me to be good reasons for doubting the validity of the Government title, and offered to submit his claim, both of title and compensation, to a United States court, to be determined in the end by the Supreme Court, that the proposition was reasonable and fair, and should have been accepted; but the Committee on the Judiciary thought otherwise, and reported against the bill.

Mr. Lee is informed that the tax was actually tendered before the sale on behalf of Mrs. Lee, and has good reason to believe that the tender can be proved.

And now, having stated the facts of the case, I wish to call attention to several provisions of the statutes referred to, and to decisions of our courts, which to my mind clearly establish the proposition that the Government is in fact without any valid title to Arlington.

The acts in question purported to be nothing more than tax laws—laws to provide increased revenues and to pay the interest on the public debt. In the execution of such laws, there should be no discrimination of persons, but assessments and collections should fall equally upon the just and unjust, and should be in all things uniform. But let us see whether these laws were executed by the officers of the Government in that spirit. I quote now from the testimony of John Hawxhurst, one of the commissioners of direct tax at Alexandria, Virginia, given in the case of Tacey *vs.* Irwin:

Question 2. What principle or what consideration governed the commissioners in advertising the property for sale after the expiration of the sixty days provided by law for the payment of the tax? Did they advertise all indiscriminately, or was there any discrimination shown?

Answer. The first list of about fifty pieces of property was selected from the general list of property belonging to those persons who were *supposed to be most offensive to the United States Government.*

And not only was this the spirit in which these new revenue laws were executed, but the statutes themselves contained several provisions very offensive and unjust, and, in my opinion, directly in conflict with the Constitution.

Let it be recollected that Mary Ann Randolph Lee was under the disability of coverture. The third section of the act of June 7, 1862, is as follows, viz:

That it shall be lawful for the owner or owners of said lots or parcels of lands within sixty days after the tax commissioners herein named shall have fixed the amount, to pay the tax thus charged upon the same, respectively, into the Treasury of the United States, or to the commissioners herein appointed, and take a certificate thereof, by virtue of which the said lands shall be discharged from said tax.

And the seventh section of the act of February 6, 1863, has these two provisions, viz:

In all cases where the owner of said lots or parcels of ground shall not, on or before the day of sale, appear *in person* before the said board of commissioners, and pay the amount of said tax, with ten per centum interest thereon, with the cost of advertising the same, or request the same to be struck off to a purchaser for a less sum than two-thirds of the assessed value of said several lots or parcels of ground, the said commissioners shall be authorized at said sale to bid off the same for the United States, at a sum not exceeding two-thirds of the assessed value thereof, unless some person shall bid a larger sum, &c. * * * * *

And provided further, That if the owner of said lots of ground shall be a minor, or non-resident alien, or loyal citizen beyond the seas, a person of unsound mind, *or under a legal disability*, the guardian, trustee, or other person having charge of the person or estate of such person, may redeem the same at any time within two years after the sale thereof, and in the manner above provided and with like effect.

Now, these sections, together with the rule uniformly observed by the commissioners, required the owner to appear in person before the sale and pay the tax and other charges upon the estate. Suppose the owner (as in this case) was a married woman, or a lunatic, or an infant, then the statute and the rules required what might be an impossibility, and what was certainly in contravention of all our ideas of law and right. The commissioners were strict constructionists, and if the owner should have happened to be an infant at the breast its rights were forfeited, and its estate gone, unless it appeared in person and in person paid the tax, "for," said the commissioners, "we will allow nobody to do it for him." Or if the property belonged to a lunatic, who was perhaps confined in some asylum, in order to preserve his estate he had to recover his reason, make his escape from the asylum, and pay the tax, for nobody could do it for him. And so also with a married woman.

This was the case before the sale.

And to add to the enormity and absurdity of the statute and the regulations, while before the sale nobody but the infant, the lunatic, the *feme covert*, could pay the tax, after the sale these persons were not permitted to redeem, but the redemption could only be made by the "guardian, trustee, or other person having charge of the person or estate of such person," &c. The infant in the mean time may have attained majority, but could not redeem, because that could only be done by his guardian. The married woman, by the death of her husband, may have become sole, yet she could not now do what she only could do while she was covert. The lunatic may have become sane, yet he would not be permitted to do what the law allowed nobody else to do while he was a lunatic.

Mary Ann Randolph Lee was a *feme covert*, and only had a life-estate in Arlington. Can the whole estate, as well that of the remainderman or reversioner as of the life-tenant, be sold for the default of the life-tenant in paying the taxes, especially when that life-tenant is under a disability? In any law, even if it had been framed expressly as a punitive law, or intended for confiscation, would it be legal and constitutional to punish one person and subject him to the loss of his property for the default of another? And, especially, should this be done in a bill the avowed purpose of which was to raise revenue and provide for the payment of the interest on the public debt? Yet that is what has been done in this case. The Government not only claims the life-interest of Mrs. Lee, but the entire estate. She is dead; her life-interest has terminated; yet the Government still holds and claims Arlington; and this, too, when the law and the irrevocable rules that governed the commissioners made it impossible for the owner of the remainder or reversion to protect his interest or prevent a sale; because, as the land was charged to Mary Ann Randolph Lee, she was regarded, of course, by the commissioners as the owner, who before a sale could only pay the tax. If G. W. Custis Lee had called in person to have paid the tax, the reply would have been that he was not the owner; that the land was assessed in the name of, and the tax charged to, Mrs. Lee, and that she, and she only, could pay the tax and thus keep off a sale. And if the land had been actually sold, and G. W. Custis Lee had desired to redeem, still he would not have been allowed to do even this, for, by the terms of the law, where the owner was under a disability only a trustee, guardian, or committee could redeem.

I submit it to the candid and fair consideration, therefore, of the Senate whether a law is to be maintained as just and constitutional which produces these results and does such enormous injustice as this.

But if the United States *would* buy this estate, then it ought at least to have put itself in the position of another purchaser, and have done what the law required an individual to do if he had bought. The United States bid in the property for $26,800.

The thirty-sixth section of the act of August 5, 1861, declares:

But in all cases where the property, liable to a direct tax under this act, may not be divisible, so as to enable the collector, by a sale of part thereof, to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold and the surplus of the proceeds of the sale, after satisfying the tax, costs, charges, and commissions, shall be paid to the owner of the property, or his legal representatives, or if he or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the United States, to be there held for the use of the owner or his legal representatives until he or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the Treasury, cause the same to be paid to the applicant.

Then if an individual had bid $26,800, the money, after deducting the tax, &c., would have been placed in the Treasury, for the future use of the owner. Why should not the United States, when it became the best bidders do the same thing and cause the money to be placed in the Treasury also? What is there either in the law or in the justice of the case to make the rule different between the United States and another purchaser, and exempt the former from what the latter would have been required to do? Yet the United States have not done what a citizen who purchased would have done, and though they bid $26,800, have only paid $92.07, with certain charges added, and do not seem inclined to comply with their contract and pay the sum they agreed upon. The property was exposed to open sale; the United States step forward and say, "I will give $26,800," and the bid is accepted. The United States gets the land, yet does not pay the money.

The act of February 6, 1863, contains this proviso, viz:

That the certificate of said commissioners shall only be affected as evidence of the regularity and validity of sale by establishing the fact that said property was not subject to taxes, or that the taxes had been paid previous to sale, or that the property had been redeemed according to the provisions of this act.

The Supreme Court of the United States, in the case of William *et al. vs.* Peyton's Lessee, 4 Wheaton, had decided that—

In the case of a naked power, not coupled with an interest, the law requires that every prerequisite to the exercise of that power should precede it.

In the case of lands sold for the non-payment of taxes, the marshal's deed is not even *prima facie* evidence that the pre-requisites required by law have been complied with, but the parties claiming under it must show positively that they have been complied with.

The provision of the statute quoted last above was, no doubt, an attempt to evade the force of this decision. But is a law entitled to any favorable construction or consideration which attempts to declare that its own requirements shall be not complied with? The law requires certain things to be done before a sale should be made—notably that the time and place of sale should be advertised—a fact easily proved. Yet this might have been wholly and willfully omitted, and the owner, under the law, would not be allowed to prove the omission. There might have been fraud in a sale or misconduct in the commissioners, yet they would not have been given in proof under the statute.

The act of August 5, 1861, only provides, when land is capable of division, for the sale of so much of it only as may be necessary to pay the tax assessed and the charges. And while the subsequent acts of June, 1862, and February, 1863, do not in terms contain this same provision and allow, if they were the only statutes on the subject, the sale of the whole land, no matter how valuable, for the tax, no matter how trifling, yet it is by no means clear that Congress intended to repeal the original law in that respect. In all the history of tax-laws there has been great uniformity of legislation in favor of a sale of no more of the land than is needed for the collection of the tax. It is not to be supposed that Congress intended to pass an act of confiscation, under the disguise of a bill to raise revenue. Tax-laws, which always trench upon private right for the public good, must be construed strictly, and the law must not be stretched in its

administration beyond the limit prescribed by the legislative power. And your petitioner is advised that it was the duty, according to the decision in the case of Bennett *vs.* Hunter, of those who administered and executed the law, to construe the acts of 1861, 1862, and 1863 together, and to give such a construction to them as, while it rendered effectual the collection of taxes, should not destroy or affect private rights further than was absolutely necessary. It was not necessary to sell eleven hundred acres of land to pay a tax of $92.07, when the sale of ten, or at most twenty acres, would have been sufficient for the purpose. The cases of Stead *vs.* Course, 4 Cranch, 403; City of Washington *vs.* Pratt, 8 Wheaton, 681; Mason *vs.* Fearson, 9 How., 248; Bennett *vs.* Hunter, reported both in 18 Grattan and 9 Wallace, show how the Supreme Court, as well as the State courts, strongly uphold the title of the original owner against a vendee at a tax-sale, when it is not made as the necessary and proper means for collecting the tax, and lean against any construction of the laws authorizing it which would pervert it from being an indispensable measure to obtain a tax, into an instrument of forfeiture.

The court of appeals of Virginia, in Bennett *vs.* Hunter, 18 Grattan, 100, decided that "The power of Congress to provide for the sale of land for the payment of taxes is limited to that object, and a law which requires that the whole land shall be sold in all cases, without regard to the fact that it may be divided without injury to it, and the tax may be paid by a sale of part of it, is unconstitutional." And the decision was affirmed by the Supreme Court of the United States on appeal from the same case, reported in 9 Wallace.

The acts of 1862 and 1863 make no provision for the sale of personalty, if any can be found, to pay the taxes assessed upon land, but provided for the sale of the real estate itself, notwithstanding it might be covered over with goods and chattels. But this is in direct contravention of Magna Charta, which was adopted on the 15th June, 1215, six hundred and fifty years ago, and from that day to this has been regarded in England and the United States as the embodiment of civil liberty. That instrument has this clause, viz:

> Neither we nor our bailiffs shall seize any lands or rents for any debt while chattels of the debtor are sufficient for the payment of the debt, &c.

And it was this careful protection of *land*—this guarding by law of the *homes* of the people—that, more than anything else, has given sanctity to Magna Charta and stability to the English government. The Americans are called a land-loving people, and if we wish to make our Government stable and our people contented let us preserve also this same feature in our legislation.

The Constitution of the United States declares that "the Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places *purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.*"

It is well known how jealous the framers of the Constitution were of the power which the Government they were making *might* acquire, and how carefully they endeavored to avoid the granting of any authority to destroy the States themselves or their proper jurisdiction. Therefore, they gave the United States the right to acquire land for such purposes as were necessary and proper to carry on the Government and accomplish the objects for which it was created, but for no other purposes. The United States might acquire land upon which to erect a seat of government; and as the war-making power was in the General Government, and not in the States, it might purchase land for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, but these only because they were necessary to carry on war. But even these things, necessary and proper as they were, could not be done *without the consent of the State in which the land was situated.* But Arlington was not purchased by the Government upon which to build "forts, magazines, arsenals, or dock-yards." It was bought "for Government use, for war, military, charitable, and educational purposes." And the consent of the State of Virginia, in which the land is, was never asked, nor has it ever been given, though at the time of the purchase the government of Virginia, as recognized by the United States, which had its seat first at Wheeling, and afterward at Alexandria, was intensely loyal.

But the purposes for which the purchase was nominally made are most diverse and contradictory. How the Government could use the same tract of land at one and the same time for war and military and charitable and educational purposes, is not easy to see.

A fort and an asylum would not do very well standing side by side, nor would a school be apt to flourish close by an arsenal or a dock-yard. And in this connection it might be pertinently asked, where the power is found in the Constitution for the United States to buy land for charitable and educational purposes? Certainly it was never intended that the United States should own land as a mere proprietor, and on the same terms and for the same uses that a private individual would—that they should raise corn and potatoes, or let the land out to tenants. And yet that is what is done with Arlington, except as to so much as is used as a national cemetery, with which latter purpose it is neither the wish of Mr. Lee nor myself to interfere, nor to raise any question, either legal or constitutional.

If the United States can become a purchaser at its own sale for taxes, and then buy land in any part of the States and continue to hold it as a mere owner, without the consent of the State in which it is, then it is easy to see how any State might be sold out *in toto* and purchased by the Government. It has paid nothing for Arlington; it need only outbid everybody else at every sale, which it could do with safety, because the citizen would have to pay the money on his bid if accepted, but the United States, following the precedent in this case, would pay nothing. A bidder in that happy condition need not be particular as to the sum bid.

In the case of Arlington, it is believed by those who are interested that it can be proved that the taxes were actually tendered before the sale, not by Mrs. Lee in person, but by a friend for her. If this should be the fact, as I confidently believe, then, under the decision of the Supreme Court in the case of Bennett *vs.* Hunter, the sale was void. In that case the court said:

> The case requires the consideration and determination of one point only, namely, whether the commissioners under the act could make a sale for taxes, notwithstanding a previous tender of the amount due? * * * * * * *
>
> But to whom did the right to make this payment belong? The obvious answer is, to the owner, either acting in person or through some friend or agent, compensated or uncompensated. The terms of the act are, that the owner or owners may pay; and it is familiar law that acts done by one in behalf of another are valid if ratified either expressly or by implication, and that such ratification will be presumed in furtherance of justice. * * * * * * *
>
> But it is insisted that the right of payment is limited by the act to the actual owner in his proper person. But we perceive no such limitation in its terms. * *
>
> We cannot doubt that it might be properly exercised by the owner in person, or through any other person willing to act in his behalf and not disavowed by him. * * * * * * * * * * *
>
> The application of these principles decides the case before us. * * *
>
> The sum due the United States for taxes, penalty, and costs was tendered to the United States before sale, and it was their duty to accept it. This tender was not objected to as insufficient, but was refused solely because not made by the owner in person. This refusal not being warranted by the act, the tender must be held good. The certificate of sale under which the plaintiff in error claims title cannot, therefore, be sustained.

But whether any tender was in fact made or not, either by Mrs. Lee in person, or by any one for her, is a matter of no consequence. The commissioners acted under a uniform rule to take the taxes from no one but the owner in person; and the Supreme Court, in the case of Tacey *vs.* Irwin, 18 Wallace, cited above, decided that the mere existence of such a rule of itself made all sales by the commissioners absolutely void. The court said:

> It is difficult to see how, upon the case as found here, the sale can be sustained. * * * * * * * * * * *
>
> If an offer in a particular case to pay the tax before sale, and refused by the commissioners because not made by the owner in person, renders a subsequent sale by the commissioners void, (see Bennett *vs.* Hunter, *supra*,) surely a general rule announced by the commissioners, that in all cases such an offer would be refused, must produce the same effect. Such a rule, of necessity, dispenses with a regular tender in any case. In the absence of any proof to the contrary, it is a legal presumption that the tax in this case, though not actually offered, would have been offered and paid before sale, but for the known refusal of the commissioners to accept any offer when not made by the owner in person.
>
> If so, the commissioners were not authorized to make the sale in controversy, and the judgment must be affirmed.

I insist, therefore, that the sale under which the United States claims Arlington is void, and that the title is still in G. W. Custis Lee:

First. Because any law which requires a sale of a whole tract of land to pay a tax is unconstitutional, if the land can be divided and a part would pay the tax and charges. (Bennett *vs.* Hunter, 18 Grattan, affirmed by Supreme Court, 9 Wallace.)

Second. Because I believe that it can be proved that the tax was actually tendered before sale.

Third. Because the rule acted upon by the commissioners, not to take the tax from any one but the owner in person, made all sales void.

Fourth. Because the United States cannot acquire land in a State, and jurisdiction over it, without the consent of that State.

Fifth. Because in any event, admitting the right to sell land for taxes, only the interest of the party in default should pass, and not that of persons holding a remainder or reversion, and who were unable, under the law itself, to protect their own interest.

The Committee on the Judiciary, no doubt for what they deemed good reasons, have reported adversely on the bill introduced by me to refer the whole question, both of title and compensation, to the Court of Claims.

Mr. Lee confidently believes that the estate is his in law and equity. Having failed in his efforts before Congress, he will have no redress except in the courts. But if he should succeed in establishing his title, he will still come before Congress again and ask that body to compensate him fairly for property to which the courts have declared his right to be valid; but the use to which it is devoted he does not desire to disturb.

Mr. President, I withdraw the motion to postpone indefinitely.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4776) granting a pension to Elizabeth Lanning, reported it without amendment.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3782) for the relief of Sewell B. Corbett, asked to be discharged from its further consideration, and moved that it be indefinitely postponed; which was agreed to.

ORDER OF BUSINESS.

Mr. BOREMAN. I ask unanimous consent to be allowed to take up the bill for the relief of E. Boyd Pendleton.

Mr. MORRILL, of Vermont. I insist on the regular order, and nothing else.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Vermont insists on the regular order, being the House bill 4680, which is before the Senate as in Committee of the Whole and open to amendment.

Mr. BOREMAN. Is it in order to move to postpone that bill?

The PRESIDING OFFICER. It is.

Mr. BOREMAN. I move that it be postponed, for the consideration of the bill I hold in my hand.

The PRESIDING OFFICER. The Senator from West Virginia moves to postpone the pending and all prior orders, to consider the bill indicated by him.

Mr. EDMUNDS. To postpone the present order until when?

The PRESIDING OFFICER. The time is not named.

Mr. EDMUNDS. Is that indefinitely, or to a day certain, as stated in the rules?

The PRESIDING OFFICER. No time is named in the motion of the Senator from West Virginia.

Mr. MORRILL, of Vermont. I hope the Senator from West Virginia will not propose to postpone a measure of public importance for any private bill.

Mr. BOREMAN. It is a bill of merit and I think it ought to pass.

Mr. MORRILL, of Vermont. I have no doubt it is a bill of merit, but there are a great many such, and I think at this time of the night we ought to confine our attention to bills of this importance exclusively, and between this and the taking up some appropriation bills, I hope there will be two or three hours in the course of the night when we may consider these other measures that are pressing on the attention of the Senate.

Mr. SCOTT. I desire to say, on this subject, that the bill which the Senator from West Virginia proposes to take up is a bill reported from the Committee on Claims; it is one which did not receive the unanimous assent of that committee, and I think it will lead to some discussion. I desire to say that in the course of half an hour, at least, I expect to be able to report a bill from that committee for the payment of southern claimants, and we shall then ask for a time for the Committee on Claims, when the bill which the Senator from West Virginia proposes to take up by a vote will have as fair opportunity for consideration as the numerous other bills reported from that committee will have.

Mr. PRATT. Mr. President, I think there was an understanding this afternoon, that after the assembling of the Senate on the expiration of the recess, I should be allowed half or three-quarters of an hour for the purpose of having the Senate consider the private pension bills on the calendar yet remaining undisposed of. I now ask the indulgence of the Senate that I may be allowed to call up these private pension bills.

The PRESIDING OFFICER. The Senator from Indiana is not in order. There is a motion pending.

Mr. PRATT. I move to lay aside that order informally, for the purpose of proceeding to the consideration of these bills.

The PRESIDING OFFICER. That motion cannot be entertained by the Chair.

Mr. PRATT. I move to lay the pending order on the table.

The PRESIDING OFFICER. That motion is already pending.

Mr. THURMAN. Is not a motion to lay on the table always in order?

The PRESIDING OFFICER. It is. The motion of the Senator from Indiana was to lay aside the pending order and proceed to the consideration of pension bills.

Mr. THURMAN. I understood him to move to lay the bill on the table.

The PRESIDING OFFICER. The Chair did not so understand him.

Mr. THURMAN. Then I misunderstood the Senator. What was the motion of the Senator from Indiana?

Mr. PRATT. My motion was to lay the pending and all previous orders on the table for the purpose of enabling me to call up certain private pension bills and put them on their passage.

Mr. THURMAN. It is not necessary to lay all previous orders on the table; the pending order will do.

Mr. PRATT. Well, the pending order.

The PRESIDING OFFICER. The Chair cannot entertain a motion to lay the pending order on the table, and proceed to the consideration of other business. The only motion that is in order under the rule is to lay the pending bill upon the table. That motion can be entertained. Does the Senator make that motion.

Mr. PRATT. Yes, sir; I think there was a fair understanding that after the reassembling of the Senate this evening, I should be allowed to proceed with these pension bills.

The PRESIDING OFFICER. The motion to lay on the table is not debatable.

Mr. MORRILL, of Vermont. I wish to explain to the Senator from Indiana that the only thing proposed to him was to take the half hour from half past seven to eight, but that was not done; and now we are assembled for the sole purpose at this hour of considering this bill, and I trust the Senator from Indiana will not interfere with it.

Mr. SCOTT. Do I understand that it is the motion of the Senator from Indiana to lay the bill on the table?

The PRESIDING OFFICER. The Chair understands that motion to be made.

Mr. SCOTT. Was not a motion made by the Senator from West Virginia to postpone the consideration of the tax bill, for the purpose of taking up his bill?

The PRESIDING OFFICER. It was, but under the rules the motion to lay on the table takes precedence. The Senator from Indiana moves to lay the bill on the table.

Mr. THURMAN called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

When Mr RANSOM's name was called,

Mr. MERRIMON. My colleague [Mr. RANSOM] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.] If the Senator from New Hampshire were here he would vote "nay" and my colleague would vote "yea" on this motion.

Mr. SCHURZ, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. MORTON.] Were he here he would vote "nay" and I should vote "yea" on this motion.

Mr. HAMILTON, of Maryland. Upon this question I am paired with the Senator from Rhode Island [Mr. ANTHONY] until 10 o'clock. I would vote "yea" if at liberty to do so, and he would vote "nay."

The call of the roll was concluded.

Mr. PRATT. Having voted in the affirmative, I am assured by my friends all around me here that these bills will be taken up——

The PRESIDING OFFICER. The remarks of the Senator from Indiana are not in order, the vote not having been announced.

Mr. PRATT. I wish to change my vote; I vote "nay."

The result was announced, yeas 26, nays 30; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Fenton, Goldthwaite, Hager, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Norwood, Oglesby, Saulsbury, Sprague, Stevenson, Stewart, Stockton, Thurman, and Tipton—26.

NAYS—Messrs. Boreman, Boutwell, Cameron, Chandler, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Spencer, Washburn, West, Windom, and Wright—30.

ABSENT—Messrs. Anthony, Brownlow, Carpenter, Clayton, Conover, Ferry of Connecticut, Gordon, Hamilton of Maryland, Harvey, Hitchcock, Lewis, Logan, Morton, Ransom, Robertson, Schurz, and Wadleigh—17.

So the motion to lay on the table was not agreed to.

THE PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia, [Mr. BOREMAN.]

Mr. MORRILL, of Vermont. I hope the Senator from West Virginia will now withdraw his motion to lay this bill aside, and take up a private bill.

The PRESIDING OFFICER. A motion is not in order to postpone one bill to take up another bill. The only motion to postpone the Chair can entertain is to postpone indefinitely or to postpone to a day certain.

Mr. BOREMAN. I do not desire to embarass the bill. I withdraw my motion.

SOUTHERN CLAIMS.

Mr. SCOTT. I am directed to report back from the Committee on Claims the bill (H. R. No. 4692) making appropriations for the payment of claims reported, allowed by the commissioner of claims under the act of Congress of March 31, 1871, with various amendments, and recommend its passage. I am not sure that this bill can be printed in time for action upon it, but the amendments consist simply of striking out a few of the items. I give notice that at the earliest opportunity I shall call the bill up for action.

The PRESIDING OFFICER. The bill will be placed on the calendar.

TAX AND TARIFF BILL.

Mr. MORRILL, of Vermont. Let us proceed with the bill before us.

The PRESIDING OFFICER. The bill (H. R. No. 4680) to further protect the sinking-fund and provide for the exigencies of the Government, is before the Senate as in Committee of the Whole.

Mr. SCHURZ. I move to amend the bill by striking out in the 4th line of the 5th section "on or before the tenth day of February," and inserting "4th day of March."

Mr. MORRILL, of Vermont. I desire to say now once for all that it is apparent that if it was important yesterday to pass this bill without amendment, it is much more important to-day, as we have less time now than we had then, and therefore I hope it will be the pleasure of the Senate to vote down all amendments that may be offered, and when the amendment that was adopted in Committee of the Whole shall be reached in the Senate, I shall then hope that amendment will be rejected, and that we shall pass the bill as it came from the House. I do not intend, myself, to occupy the time of the Senate in further discussion of this measure. It has been amply ventilated from the beginning, and there can, as it seems to me, be no purpose in further amendment or further discussion, except the consumption of time, and time is an important element to this Congress, as every Senator has more or less bills that he is desirous should receive attention, and that will receive attention unless this bill shall unnecessarily consume the time.

Mr. SCHURZ. I think I have shown the Senate, on a good many occasions, that it never has been my intention to consume time merely for the purpose of consuming time. I do not do so on this occasion, but I do not think that the reason given by the Senator from Vermont is valid against legitimate amendments. I think if this bill be amended in the Senate, and then goes to the House, it will be a very easy thing for the gentleman having charge of the bill in the House to ask the concurrence of the House in legitimate amendments, and I suppose the House will not refuse. So that if the bill be made better than it is now, the chances of its passage will be just as good as they are now. I therefore insist upon my amendment.

Mr. FRELINGHUYSEN. I would ask the Senator how that makes the bill any better. The objection to the bill has been that it did not tax stock on hand. The amendment will exempt more stock on hand than if the bill stands as it is.

Mr. BOUTWELL. And it opens the measure to dishonorable, if not dishonest transactions. The date of the 10th of February undoubtedly was placed in the bill so that no goods should be exempt from duty except those that were *bona fide* on board ship for this country prior to the knowledge of the purpose of Congress in regard to this law, and as the British provinces lie so close to some of our States, it may be a very easy matter for persons interested in illicit trade to take goods over from the provinces and have them on shipboard by the 4th of March.

Mr. SCHURZ. It must be patent to every one that goods which are put on ship-board in the British provinces, for the purpose of being conveyed to the United States, must have been in our ports long before this; therefore it does not apply. But I can think it also possible that contracts were made in view of the tariff as it stood before the bill was thought of, and that fair play requires us to make this bill applicable only to such goods as are shipped in full knowledge of this law.

Mr. MERRIMON. I beg to inquire, what is the state of the bill? My understanding last night was that the amendment of the Senator from Virginia was adopted to put whisky and tobacco upon the same footing, and that the bill was reported to the Senate before the motion to lay on the table was carried. I beg now to know the exact state of the bill.

The PRESIDING OFFICER, (Mr. INGALLS.) The amendment offered by the Senator from Virginia was agreed to.

Mr. MERRIMON. Was not the bill reported to the Senate?

The PRESIDING OFFICER. The bill was not reported to the Senate, but is still in Committee of the Whole and open to amendment. The pending question is on the amendment offered by the Senator from Missouri, [Mr. SCHURZ.]

The amendment was rejected.

Mr. SCHURZ. I move to amend the bill by striking out the fourth section.

The PRESIDING OFFICER. The Secretary will report the words proposed to be stricken out.

The Chief Clerk read the fourth section of the bill, as follows:

SEC. 4. That so much of section 2503 of the Revised Statutes as provides that only 90 per cent. of the several duties and rates of duty imposed on certain articles therein enumerated by section 2504 shall be levied, collected, and paid, be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section 2504 shall be and remain as by that section levied, without abatement of 10 per cent., as provided in section 2503.

Mr. SCHURZ. I gave my reasons for striking out this section last night, and I do not want to reiterate them to-night; and in order to show to the Senator from Vermont that I do not act and move amendments for the purpose of consuming time, I shall abstain from all remarks, but simply call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. SCHURZ, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. MORTON.] He would vote "nay" and I should vote "yea," if he were present.

Mr. MERRIMON. The Senator from New Hampshire [Mr. WADLEIGH] is paired with my colleague, [Mr. RANSOM.] My colleague would vote "yea" and Mr. WADLEIGH would vote "nay" on this amendment.

Mr. FENTON. I am paired on this vote with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here he would vote "nay" and I should vote "yea" on this amendment.

Mr. HAMILTON, of Maryland. I have been refraining from voting on that pair on several divisions. Now I shall vote on this proposition.

Mr. MORRILL, of Vermont. I was just informed——

Mr. FENTON. I will withdraw my announcement and vote, or let the pair apply to me.

Mr. HAMILTON, of Maryland. Just as you choose. I would as soon vote, though.

Mr. FENTON. I will vote.

Mr. HAMILTON, of Maryland. Then I announce that I am paired with the Senator from Rhode Island. I should vote "yea" and he would vote "nay" if he were here.

The result was announced—yeas 23, nays 28; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Sprague, Stevenson, Thurman, and Tipton—23.

NAYS—Messrs. Boreman, Boutwell, Chandler, Conkling, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, Washburn, West, Windom, and Wright—28.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Clayton, Conover, Dorsey, Ferry of Connecticut, Hamilton of Maryland, Harvey, Hitchcock, Lewis, Logan, Morton, Ransom, Robertson, Schurz, Sherman, Stewart, Stockton, and Wadleigh—22.

So the amendment was rejected.

Mr. JOHNSTON. I offer an amendment as an additional section.

The amendment was read as follows:

That any manufacturer of tobacco or snuff who shall have given a bond in conformity with the provisions of the internal-revenue law now in force, or which may hereafter be in force, and who shall have otherwise complied with all the provisions of law relating to the manufacture and sale of tobacco and snuff, shall be allowed the privilege, under such rules and regulations, and after filing such bonds as the Secretary of the Treasury may prescribe, of transferring to his manufactory licorice, sugar, gum, and other materials used in the manufacture of tobacco and snuff, directly from any vessel in which said articles and materials have been imported from a foreign country, or from any bonded warehouse in which the same may be in original and unbroken packages, without payment of duties thereon. Every manufacturer of tobacco or snuff, before he shall be entitled to the provisions of this act, shall file with the collector of customs at the port of entry, or at the port of delivery where the vessel entered, or in which the bonded warehouse is located in which the articles or materials subject to impost duties may be, a bond, with good and sufficient sureties, in double the amount of the duties chargeable thereon and uncollected, truly and faithfully to convey or transfer the same to his factory, giving the State, district, and number of his factory, &c., and that he will remove no portion of such articles or materials from his said factory, but will use and consume the entire amount in the manufacture of articles aforesaid; and on the 1st of January of each and every year, or at the time of concluding business, upon the affidavit of the manufacturer that all the articles and materials transferred to his factory as aforesaid have been, during the year, entirely used and consumed by him in the manufacture of tobacco or snuff as aforesaid, and upon the verification of such affidavit of the manufacturer by the collector of internal revenue of the district where such manufacturer has his place of business, from his own personal knowledge and examinations of such manufacturer's stock returns and inventories, the collector of customs as aforesaid is authorized and directed to cancel such bonds.

Mr. JOHNSTON. That amendment, as I understand, was prepared by an officer of the Internal-Revenue Department. I have a letter from the Commissioner on the subject, which I ask the clerk to read.

The PRESIDING OFFICER. The letter will be read, if there be no objection.

The Secretary proceeded to read the letter.

Mr. SHERMAN. I desire to state that that is an old communication which has been printed several times. This whole subject of licorice being admitted free of duty, for the manufacture of tobacco, was fully considered by the Senate a year or two ago, and the proposition voted down by a large majority. Why read the letter again?

The PRESIDING OFFICER. Does the Senator object to the reading of the letter?

Mr. SHERMAN. If anybody wants to be informed, I have no objection.

The PRESIDING OFFICER. The rule is that, when the reading of a paper is called for, and objected to by any Senator, it shall be determined without debate.

Several SENATORS. No one objects.

The PRESIDING OFFICER. If no objection be made, the reading will proceed.

The Secretary resumed and concluded the reading of the letter, as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 27, 1873.

SIR: I have received your letter of the 26th instant, in which you ask for my views with regard to House bill No. 3549, authorizing "manufacturers of tobacco and snuff to transfer to their factories licorice and other ingredients used in preparations of tobacco and snuff, free of duties."

In reply, I have to inform you that I have had no time to give a thorough personal examination of this bill. I am informed, however, by Mr. Kimball, head of division in this office, in charge of tobacco, &c., that he made the draught of this bill, and that its provisions, so far as they relate to the withdrawal from bond, without the payment of customs duty, of imported materials used in the manufacture of tobacco and snuff, are similar to the provisions of section 168 of the act of June 30, 1864, and which are still in force, for the transfer of articles and materials from any bonded warehouse, without the payment of duty, to be used in the manufacture of articles liable to stamp-duties under Schedule C, when such articles are manufactured for export to a foreign country.

This bill seems to me to be drawn with care, and its provisions are such as to guard the Treasury against any abuse of the privilege given to such manufacturers. The entries which the law requires all tobacco manufacturers to make in a book, especially kept for that purpose, of all materials purchased and brought into their factories, their monthly reports to the revenue officers of purchases, production, and sales, with their annual inventories, enable the revenue officers to know at the end of each year the amounts, quantity, and kind of materials purchased, and used or consumed.

I have no means of knowing what amount of customs revenue would be remitted by this bill. But I have reason to believe that the manufacture of tobacco, particularly of plug tobacco, would be greatly stimulated, and as the cost of production would be so much lessened if the manufacturer is allowed to procure his materials free of duty, he is enabled to that extent more advantageously to compete for foreign markets.

A large proportion of the tobacco-crop of this country is now exported in the leaf.

If this crop could be manufactured in this country before exportation, it would greatly benefit the laboring classes, particularly the freedmen, give profitable employment to capital, and double the value of exports of tobacco. So far as this bill tends to promote these results, I deem it worthy of favorable consideration.

Yours, respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. B. T. W. DUKE, *M. C., Washington, D. C.*

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia.

The question being put, there was, on a division, ayes 13, nays 23—no quorum voting.

Mr. MORRILL, of Maine. Let us divide again; there is a quorum here.

The PRESIDING OFFICER. The Chair will again submit the question on a division, upon the amendment of the Senator from Virginia.

Mr. MORRILL, of Vermont. I will merely say——

Several SENATORS. No; not a word.

Mr. MORRILL, of Vermont. Very well.

The amendment was rejected, there being, on a division, ayes 16, nays 29.

Mr. THURMAN. I move to strike out the second section of the bill. The second section is that which imposes an increased duty on tobacco. The amendment of the Senator from Virginia, I understood, was that that section should not operate upon tobacco on hand.

Mr. MORRILL, of Vermont. No.

Mr. THURMAN. Am I mistaken in that?

Mr. MORRILL, of Vermont. It was providing for the use of licorice and other materials in the manufacture.

Mr. THURMAN. No; I mean the amendment adopted last night.

Mr. JOHNSTON. It was that it should only apply to tobacco hereafter manufactured.

Mr. THURMAN. That amendment does not prevent the increase of tax on tobacco hereafter manufactured. Now, in order to prevent that increase of tax on tobacco hereafter manufactured, I move to strike out the section.

Mr. President, it was truly stated by my colleague [Mr. SHERMAN] last night that the present tobacco-tax was the result of a protracted consultation among the persons interested in that interest, and it was supposed that that tax, onerous as it was, would remain steady and fixed for at least a reasonable length of time. This bill proposes to change it, and to increase the tax 25 per cent. at the very least. Tobacco is already taxed from 100 to 400 per cent. upon its value. Now, I put it to the Senate, suppose any other agricultural production was subjected to anything like this tax; suppose it were proposed to tax wheat 50 per cent. on its value, or 25 per cent., or even 5 per cent., what would you hear in this country? Suppose it were proposed to tax Indian corn 10 or 20 or 30 per cent. upon its value, what would you expect to hear from the country? And yet here is a tax now upon an agricultural production, tobacco, ranging from 100 to 400 per cent., and it is proposed to increase that tax.

Mr. President, we cannot look over the legislation of this country without seeing that there is scarcely an agricultural production that is not oppressed by our laws of taxation. Here this very bill proposes to increase by 11½ per cent. the tax on almost everything that is consumed by the agricultural community. It proposes to increase, I say, above the duties now payable, by 11½ per cent. the taxation upon almost everything that the farmers wear, or that the farmers use; and at the same time that it increases the tax upon what they thus consume, it raises the tax upon their products; it raises the tax upon distilled spirits, and thereby discourages distillation and injures the market for corn and barley and rye; it raises the tax on tobacco, already onerous as it is. And yet, Mr. President, we are asked to pass such a measure as this, and that by a Senate which professes to have the interest of the agricultural portion of the community particularly at heart. I hope that this section will be stricken out.

Now, while I am on this subject, let me call the attention of the Senate to what appears in a document that was laid before us only this day. The argument in favor of this taxation, the only argument that I have heard, is that we must make the sinking-fund intact. What does this public-debt statement, laid on our tables to-day, show? It shows that the total debt of the United States is now $2,242,000,000 in round numbers. That shows a decrease of the debt since 1862, when the sinking-fund was provided for, of more than $550,000,000. What further does this statement show? It shows that the decrease of the debt during the past month was $6,680,000; and accompanying this is a call by the Secretary of the Treasury for $5,000,000 of bonds to be redeemed forthwith. And yet, with these facts before us; with a decrease in the last month of more than $6,000,000 of the public debt; with a call for $5,000,000 of bonds, to be paid as soon as they are presented, we are told that the public credit requires that the people of the United States shall forthwith be taxed thirty-odd millions a year. And thirty-odd millions of dollars a year to do what? To protect the bonds that the United States has issued? Those bonds are already at a premium of from 12 to 15 per cent. in gold. Is there a bondholder of the United States who believes that the Government of the United States is bankrupt? Is there a bondholder who believes that the Government is likely to be bankrupt? Is there a bondholder who would not be willing to ask for his bond an additional premium if you would make that bond redeemable at fifty years instead of twenty years, or eighty years instead of forty? Why, sir, so far from these bondholders believing that the sinking-fund is necessary for the payment of their bonds; that the Government will be bankrupt if the sinking-fund is not maintained; that they will not get payment of their bonds unless the sinking-fund remains intact and this sinking-fund loan is executed, there is not one of them who would not this moment be glad to exchange his bond for a bond having twenty more years to run without any sinking-fund provision at all. No, sir; there is nothing whatever in this pretense. The sinking-fund provision was not for the sake of the bondholder at all; it was for the sake of the Government. The sinking-fund provision was to provide that the Government might pay off this debt, but the bondholder does not want it to be paid off. The bondholder's interest is that his bond shall have as long to run as possible; that it shall not be paid off. The sinking-fund provision was simply for the interest of the Government, that the Government might put an end to that indebtedness as soon as it was possible to do it, consistent with the interest of the country; but to say that we shall tax the people of the United States thirty-odd millions a year for the sake of the bondholding fraternity; for the sake of making their bonds good; for the sake of maintaining the public credit when we are paying off the public debt at the rate of $6,000,000 a month, and calling this day for $5,000,000 to be presented that we may redeem them, is, to my mind, the most bare pretense that ever was asserted on this floor.

Now, sir, I ask the Senate, under these circumstances, to strike out this second section of the bill, which increases the already monstrous tax upon one of the agricultural products of the country.

Mr. BAYARD. Mr. President, in the Secretary of the Treasury's report to Congress at the present session, the statement was made on page 6 of his estimates of the receipts of the Government for the fiscal year ending June 30, 1876. His estimate was $293,000,000; and the estimated total ordinary expenditures were $272,778,000. This he states does not include the $32,140,914 required for the sinking-fund, and he estimated $11,920,000 deficiency in the moneys necessary to provide for the sinking-fund. There is no time now, and I have no dispesition, to enter into an arraignment of the Administration for mere extravagance. In order to prevent embarrassment to the operations of the Government, I have steadily and readily voted all sums demanded by those who had charge of the appropriation bills of the Government—voted regularly and steadily for supplies for carrying on and maintaining the operations of the Government, intending, however, that while no embarrassment should come to the country from anything like a factious withholding of means, the time should come when we should hold our stewards to an account. Now, the present bill should be that which it professes, or rather which its advocates profess it to be, a simple bill to enlarge the revenues of the country to meet its required expense. I pass by the phraseology, its choice of names, entitled "An act to further protect the sinking-fund and provide for the exigencies of the Government." It is simply a revenue bill, and I have but this comment to make upon it: that in accordance with almost every bill which has been framed under the present Administration, and those which preceded it for twelve or fifteen years past, it has not been so much a bill to provide revenue to the Treasury, as it has been to create unequal burdens, and to protect favored and special classes. This bill is the last, I trust, that we shall soon see in this country, framed in the direction of those which have preceded it. I trust this is the last bill which, under the false pretense of raising revenue, is only a bill, to continue that unequal system of laying taxes, which shall bring little revenue compared with the tax and cost to the public, while benefit flows to favored and special classes.

Mr. President, the two items selected for the chief advance, distilled spirits and tobacco, alone bring now to the Treasury of this country, spirits, $50,000,000, in round numbers, and tobacco, over $33,000,000. Now it is proposed to take these two staple productions and increase the tax upon distilled spirits 28½ per cent. beyond its present volume, and upon tobacco 20 per cent. beyond its present volume. I have this comment to make, that upon both these articles, upon both of these staples, you have long since passed your revenue point. If the design was to bring money to the Treasury without distress to the people, or favor to other classes, you would obtain more money by a lower rate of taxation. I think these two advances will prove delusive, and I think they are reprehensible. I believe they will overstrain your powers of collection, they will further demoralize your people, and they will not give you the revenue that you expect to derive from them.

When will Senators learn that an overstringent law defeats itself? Laws to be successful must be reasonable. They must be proportioned to the power of the Government to collect without that great excess of inquisitorial power and of annoyance to those who are to be subjected to the tax. Besides, it seems to me that in this matter of taxing distilled spirits there runs that fine vein of morality combined with many views which seems to me so false and so absurd. I do not object to the system, for I think it a true one, of levying your tax upon leading articles, and allowing the tax to rest there until, by its stability, it shall extend itself over all those who consume, and thereby produce equality of taxation; but many are voting this high tax upon whisky, as it is termed, for the purpose of inflicting a high moral punishment at the same time that you exact large sums of money. Such a system of mingling morals and politics is absurd and unsound. It is property which you are taxing, and you ought to view it solely in a commercial sense if you wish to treat it with reason and justice.

At one time it was seen fit by those who controlled the finances of the country to impose a tax of $2 per gallon upon distilled spirits. I do not know that any statistics have yet informed us, I do not know that any statistics can ever accurately inform us, the precise proportion of this commodity which enters into use in the arts and that which is consumed as a beverage. My own impression is, from all that

I have been able to gather, that more is consumed in what may be termed the arts, including the arts of pharmacy and chemistry, than there is as a mere beverage. The fact, perhaps, would not be important except to show——

Mr. MORRILL, of Vermont. About 10 per cent is used in the arts.

Mr. BAYARD. Are the statistics reliable to that effect?

Mr. MORRILL, of Vermont. I think they are, so far as I know.

Mr. BAYARD. I am very much surprised to hear it. I had the impression it far exceeded that. I do know that the most earnest representations which the committee of which the honorable Senator and myself are associates in this body, the Committee on Finance, received against the raising of this tax came from the pharmacists and druggists of the country, and not from those who in any way consume this commodity as a beverage.

But let that go by. I only want to say that when we consider this as legislators, we are bound to consider it in its commercial liability and adaptability to bear a tax and maintain the revenue. When the tax on this commodity is ninety cents a gallon it amounted to over 300 per cent. *ad valorem*, and perhaps 500 per cent. *ad valorem*, upon the cost of the article from which it is extracted. When the duty levied was two dollars per gallon your revenues were $20,000,000 per annum from it. Coming to common-sense upon the subject, reducing your duties to a revenue point, you put forty cents a gallon, one-fifth of the former duty, and your revenues were more than doubled from the lower rate of taxation. Is nothing to be learned from this? I believe to-day, at seventy cents per gallon, it is about 400 per cent. *ad valorem* tax upon the value of the article from which this commodity is extracted. You have exceeded the revenue point.

In regard to tobacco, the same remark applies. It has been stated upon this floor that the tax upon tobacco runs from 100 to 400 per cent. *ad valorem* upon the agricultural product which is made the subject of this enormous tax. You draw $33,000,000 from a single agricultural product, and yet you propose to pack more burdens upon it. Why, Senators, this is not safe. It is not reasonable. It is not, in my opinion, the sound, judicious estimate of the capacity of these two commodities to bear your chief load of taxation, even did the exigencies of the country require it, which I do not admit; for, as was said by my friend from Ohio upon my right, [Mr. THURMAN,] last night, I think, in discussing this bill, you are beginning at the wrong end. It is not retrenchment; it is simply an increase of taxation at a time when retrenchment on every score is peculiarly demanded.

I am perfectly aware, at least I hope the truth is, that the people of this country are suffering under a peculiar and exceptional condition of things; that the depression of their interests is temporary; and that there will be a revival of trade, of commerce, of profit, upon a surer and safer basis than heretofore. It is not worth while to enter at this time into a consideration of the causes of this distress, but if it be true, as I trust and hope, that this depression is but temporary, then your revenues will increase with the return of prosperity. With the return of prosperity, if the stern hand of a fair and honest economy is kept upon the public purse, there will be no occasion for the laying of these increased duties.

Every section of this bill is, in my opinion, objectionable. I said that I believed you had passed the revenue point both on tobacco and upon distilled spirits; and that your revenues would be increased by a lower duty even than that which is imposed to-day. That, I believe, could be demonstrated.

We have an increase of 25 per cent. upon sugar, a necessity of human life which enters into the consumption of every living person in the country. This, too, is upon the lowest grades, which, being imported, give to the country not only employment for its labor, but give it all those grosser products which come from and are included in the lowest grades of sugar as imported.

And here again comes in section 4, the restoration of a horizontal 10 per cent. of the duties stricken off by the law of 1872. In short, Mr. President, from first to last, this bill is entirely a bill in the interests of the protectionists of the country. It is not half so much for revenue as it is for the incidental and gross taxation that is involved in your protective system.

I presume, from the votes we have seen here, and from the pertinacity with which the passage of this bill is pressed, that it will pass the Senate and probably become a law, but I hope and I believe it is the last bill framed in the same spirit, and on the same theory, that the American people will have to suffer from; that the time is to come, and is not far distant, when revenue will be derived in the manner easiest for the people to furnish it in, when this system of unequal laws, this system of illy and unfairly adjusted public burdens will be corrected; and that we shall not again see a bill straining all duties beyond the point of revenue for the sake of creating a system of unequal protection. I shall vote against this bill with great pleasure.

Mr. MORRILL, of Vermont. Mr. President, a single word. The Senator from Delaware belongs to the school which is constantly citing the example of Great Britain as to the way and mode of levying taxes. Now, the tax that we propose to levy upon tobacco is not as much by one-third as that of Great Britain. The tax upon whisky will be but a little more than one-third after the rate is raised to the proposed point; certainly it is not half the amount.

The Senator from Ohio has cited the fact that within the last month there has been a decrease of the public debt. We all understand the reason of that; that since the introduction of this bill in the House a large amount of whisky has been taken out of the warehouses and the taxes paid thereon, which has caused this excess in the last week or two; but we shall undoubtedly experience a deficiency of an equal amount in the future,

Mr. BOGY. I should like to ask my friend from Vermont a question. It grows out of a paper laid on our tables this evening stating that the Secretary of the Treasury desires to redeem $5,000,000 of bonds. Are those bonds to be redeemed out of money arising from the sale of 5 per cent. bonds, or from money already in the Treasury? I ask the Senator if he knows. The law of 1870, I will state, authorizes 5 per cent. bonds to be sold, and the proceeds of those bonds to be invested in the purchase of outstanding indebtedness of the nation. But the fourth section of the law also authorizes the Secretary of the Treasury to invest any surplus funds which he may have on hand for that purpose. This notice does not state whether this amount arises from the sale of 5 per cent. bonds, or from coin which he may have on hand, and as we have not heard recently of any 5 per cent. bonds being sold, as there is no evidence that any have been sold lately, I take it that it is from money already on hand.

Mr. MORRILL, of Vermont. The Senator is mistaken. I have no doubt it is simply an exchange of bonds. The Secretary of the Treasury is authorized to issue the 5 per cent. bonds and to obtain the money for them with which to purchase these or to pay these.

Mr. BOGY. In looking over the statement placed on our tables to-night I cannot come to that conclusion.

Mr. MORRILL, of Vermont. There is no doubt about it.

Mr. BOGY. I come to a different conclusion, that it is from the coin on hand, because there is no evidence of the sale of any 5 per cent. bonds. It seems to me the fact ought to be known before we are required to vote.

The VICE-PRESIDENT. The question is on striking out the second section.

Mr. MERRIMON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCHURZ. On this question I am paired with the Senator from Indiana, [Mr. MORTON.] If he were present he would vote "nay," and I should vote "yea," on this motion.

Mr. FERRY, of Michigan. I will state that the Senator from Louisiana [Mr. WEST] is paired with the Senator from West Virginia, [Mr. DAVIS.] The Senator from Louisiana, if present, would vote "nay," and the Senator from West Virginia would vote "yea," on this motion.

Mr. MERRIMON. I desire to announce the pair of my colleague [Mr. RANSOM] and the Senator from New Hampshire, [Mr. WADLEIGH.] If present, Mr. RANSOM would vote "yea," and Mr. WADLEIGH would vote "nay."

The question being taken by yeas and nays, resulted—yeas 25, nays 31, as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, and Thurman—25.

NAYS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Conkling, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, Washburn, Windom, and Wright—31.

ABSENT—Messrs. Allison, Brownlow, Carpenter, Clayton, Conover, Davis, Dorsey, Ferry of Connecticut, Lewis, Logan, Morton, Ransom, Robertson, Schurz, Tipton, Wadleigh, and West—17.

So the amendment was rejected.

Mr. JOHNSTON. I move to amend the bill by striking out the proviso which commences on the 13th line of the second page, and extends to the 33d line on the third page.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out the following proviso to the second section of the bill:

And provided further, That whenever it shall be shown to the satisfaction of the Secretary of the Treasury, by testimony under oath, that any person liable to pay the increased tax by this section imposed, had, prior to the tenth day of February, eighteen hundred and seventy-five, made a contract for the future delivery of such tobacco, cigars, and cigarettes, at a fixed price, which contract was in writing prior to that date, such tobacco may be delivered to the contracting party entitled thereto, under special permit from the Commissioner of Internal Revenue provided therefor, without previous payment of such additional tax; but the said additional tax shall be a lien thereon, and shall be paid by and collected from the purchaser under such contract before the sale or removal thereof by him, and when demanded by the collector of internal revenue for the district to which the same shall be removed for delivery to the purchaser; and any sale or removal by such purchaser, prior to the payment of such tax, shall subject him and such tobacco so sold or removed to all the penalties and processes of law provided in the case of manufacturers of tobacco so selling or removing tobacco to avoid the payment of tax.

Mr. JOHNSTON. Striking out that part becomes necessary from the fact that the previous proviso has already been amended by a vote of the Senate. This proviso can only have any meaning in the bill in the event the law is made applicable to tobacco on hand. It refers exclusively to tobacco on hand at the time of the passage of the bill. The provision now being to render the law applicable only to tobacco hereafter to be manufactured, this proviso is rendered superfluous and contradictory. Therefore it should be stricken out.

I hope, also, it will be stricken out for the further reason that it undertakes to make a contract between parties, or to vary a contract

already made between parties. It provides that the additional tax shall be paid by the man who has purchased tobacco where there has been a previous sale. I do not understand how Congress can compel a man who has bought tobacco at a fixed price to pay a greater price for it. Suppose a man has bought a lot of tobacco at 25 cents a pound, and Congress comes in and says, "You shall not pay that 25 cents a pound, but you shall pay 29 cents, an addition of 4 cents a pound." I respectfully ask what right Congress has to change a contract between the parties and to compel the purchaser to give more for the article than he had contracted for? I recognize no such authority in Congress as that, nor do I know how Congress is going to enforce it. A person has made a contract to buy tobacco, say at 25 cents a pound. When he comes to take it away, he is required to pay 29 cents—25 cents to the man he bought it of, and 4 cents additional to the Government. This 4 cents additional he was not bound to pay when he bought it. That is put on subsequently to his contract; and Congress undertakes to compel a man who has made a contract at a fair price, what the one party was willing to give and the other party willing to receive, to pay 4 cents additional per pound before he can get the article that he formerly bought. Now, where does Congress get the authority to make such a contract, or to enforce it when made? Suppose the collector demands this 4 cents a pound and the party refuses to pay it; what power has the collector or anybody else to compel the producer to pay this additional 4 cents a pound? The man may refuse to take it, and the tobacco is left on the hands of the man who has perhaps sold it and been paid for it. Suppose a case where there has been a sale of a lot of tobacco and an actual payment of money. The purchaser has paid and the seller has received the money. When the tobacco is being taken away, 4 cents a pound additional is demanded. The producer refuses to pay it. Do not Senators see that suits would grow up between parties? This section will produce litigation all over the country in cases of that sort. Congress is laying the foundation for that sort of litigation by this section, and the proviso ought to be stricken out.

Mr. MORRILL, of Vermont. I trust that this proviso will not be stricken out; and I hope we shall gratify the Senator from Virginia in making the bill symmetrical when it reaches the Senate by nonconcurring in the amendment that was before made in Committee of the Whole.

The VICE-PRESIDENT put the question on the amendment, and declared that the noes appeared to prevail.

Mr. JOHNSTON. I do not want to consume time by calling for the yeas and nays, but I would like to have a division.

The question being put, the amendment was rejected, there being, on a division—ayes 20, noes 21.

Mr. MERRIMON. I have no disposition to prolong this debate at this hour, but this subject is so interesting to my constituents and to two great industries in the country that I feel called upon to do all I can to defeat this measure, in a proper way. I therefore move to strike out the first and second sections, and upon that motion I ask for the yeas and nays.

Mr. MORRILL, of Vermont. I think that motion has already been made.

Mr. MERRIMON. No, sir.

Mr. MORRILL, of Vermont. Was it not made yesterday?

Mr. MERRIMON. I moved it on yesterday, but at the time I moved it it was not in order and the vote was not taken.

The VICE-PRESIDENT. The Senator from North Carolina moves to strike out the first and second sections of the bill, upon which motion he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY, of Michigan. I am requested to state that the Senator from West Virginia [Mr. DAVIS] is paired with the Senator from Louisiana, [Mr. WEST.] The Senator from West Virginia, if present, would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. MERRIMON. I desire to state that my colleague [Mr. RANSOM] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.] If Mr. RANSOM were here he would vote "yea," and Mr. WADLEIGH would vote "nay."

The question being taken by yeas and nays, resulted—yeas 25, nays 33; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, and Thurman—25.

NAYS—Messrs. Anthony, Boreman, Bontwell, Cameron, Chandler, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, Washburn, Windom, and Wright—33.

ABSENT—Messrs. Allison, Brownlow, Carpenter, Clayton, Davis, Ferry of Connecticut, Lewis, Logan, Morton, Ransom, Robertson, Schurz, Tipton, Wadleigh, and West—15.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. The amendment will be reported.

The SECRETARY. The amendment is in section 2, lines 11, 12, and 13, to strike out—

Not apply to tobacco on which the tax under existing law shall have been paid when this act takes effect.

And in lieu thereof to insert:

Only apply to tobacco manufactured after the passage of this act.

Mr. MORRILL, of Vermont. With that amendment I wish to ask the Senate to non-concur. It is of very little importance, but it necessarily sends the bill back to the House of Representatives. I hope it will be the pleasure of the Senate to non-concur in the amendment made as in Committee of the Whole.

Mr. JOHNSTON. I do trust that the Senate will concur in the amendment made in committee, it is so plainly right. It is so manifestly an unjust thing to make these discriminations against the industries of the South, that I do trust the Senate will adhere to its amendment. There is plenty of time. When the bill goes back to the House the friends of the measure can ask that the amendment be concurred in. If that is done the bill is passed. If it is not done a committee of conference can very soon settle it. It will not delay or defeat the bill. I do trust a provision of this sort, that is so oppressive to the South, so discriminating and unjust to the South and to a great interest, one of the greatest interests in the country, will not be retained in the bill. I hope the amendment will be concurred in.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. MORRILL, of Vermont. I ask for a division.

Mr. THURMAN. When this bill was taken up we were given to understand by the Senator who has it in charge, that it was a bill that did not meet with the approval of his own judgment. If I understood him, he gave us to understand that if he had the framing of a bill on this subject, it would be a different bill from that before the Senate. From the expressions of other members of the Finance Committee we learn that this is a bill which never would have been framed by that committee had the duty of framing a bill upon the subject been devolved upon them. But we were given to understand that this bill must be taken, word for word and letter for letter, as it came from the House; in other words, that the Senate were to exercise no judgment whatsoever upon the subject, but that the House by sending this great measure to us in the last days of the session, was to dictate to the Senate what should be the law which we were called upon to enact. Now, after the Senate, notwithstanding that declaration, has amended this bill, and amended it in a way that I am sure commends itself to the judgment of almost every one on this floor, we are again told that we are not to exercise our own judgments; that we are to shut our eyes; that we are to lay aside our intellect, our experience, our judgment, and take this bill precisely as it came from the House.

Mr. President, is that a mode in which the Senate should legislate? Is that a mode of legislation consistent with the dignity and the character of the Senate? Is that performing the duties which the Senate was created to perform? Here is a bill that really never could have passed any committee of this body as an original measure; here is a bill that does not now command the assent of a majority of this Senate upon its merits; and now we are told that after the Senate has amended the bill in a single particular to make the bill consistent, to make it just and fair so far as that amendment can have that effect, the Senate is to become the mere slave of the House and pass this bill, word for word and letter for letter, as it is dictated to us. Sir, for one I am not willing to submit to any such dictation. There is no necessity whatsoever for this hot haste. If the sinking-fund needs to be made intact, if there is any necessity for that, it is but a few months until the next Congress will convene and the work can then be done. There is not a Senator on this floor who believes that the public credit would suffer by that delay. Let this bill go over until the next session; let this bill be defeated, and at the next session, the long session, when there is time to mature a bill on this subject, time to consider it, time to consider it here as well as in the House of Representatives, Congress can do that which the national honor and the national interests require. But to say that at this short session of Congress we shall be coerced into the passage of this bill word for word and letter for letter as it comes from the House, is simply to say that the Senate shall be guilty of an act of self-abnegation disgraceful to it and ruinous to its character and reputation.

Mr. BOUTWELL. Upon this particular amendment I desire to venture the suggestion that the Senate last night voted without understanding precisely the provisions of existing laws. By the existing laws there is a warehouse system connected with the manufacture of distilled spirits, but the warehouse system does not apply to the manufacture of tobacco. Therefore, the tax on all tobacco manufactured must be paid when the manufactured article is removed from the warehouse. The tax on whisky is only to be paid when it is removed from the bonded warehouse. If there is any fault in the system, it was in the act of 1868, by which a distinction was made between the two branches of manufacture in that respect. As the bill states, as it came from the House, the manufacturer of tobacco is required to pay upon the manufactured article before it is removed from the manufactory; and the manufacturer of distilled spirits is required to pay the tax before the article is removed from the Government bonded warehouse. For my part, I see not how any other rule than that which exists in this bill could have been applied to the two branches of manufacture. The bill in this particular is exactly as it should be, as presented to us from the House.

The VICE-PRESIDENT. The question is on concurring in the

amendment made as in Committee of the Whole, on which a division is asked.

Mr. SPRAGUE. I ask for the yeas and nays.

Mr. JOHNSTON. The yeas and nays were called for by the Senator from Vermont, as I understood. If they were not, I call for them.

The yeas and nays were ordered.

Mr. BOGY. I do not wish to detain the Senate. I will only state that I think the Senator from Massachusetts is mistaken. I think the same rule applies to tobacco that applies to whisky. That is my understanding. We have large tobacco factories in my city, and large whisky establishments. I have had much to do as a lawyer with these branches of business, and I think the same law applies, that if tobacco remains in the warehouse——

Mr. BOUTWELL. I will say to the Senator from Missouri that there is no bonded-warehouse system connected with the manufacture of tobacco, but there is in connection with the manufacture of spirits.

Mr. BOGY. Nevertheless, the duty is not paid until it is required for sale. It remains in the factory, under the supervision of an officer of the Government, which is in effect the same thing.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. MERRIMON. My colleague [Mr. RANSOM] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.] If my colleague were here he would vote "yea," and the Senator from New Hampshire would vote "nay."

Mr. FERRY, of Michigan. The Senator from Louisiana [Mr. WEST] is paired with the Senator from West Virginia, [Mr. DAVIS.] If here, the Senator from West Virginia would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. SPENCER. I desire to state that the Senator from Illinois [Mr. LOGAN] is paired with the Senator from South Carolina, [Mr. ROBERTSON.] The Senator from Illinois, if present, would vote "yea," and the Senator from South Carolina would vote "nay."

The question being taken by yeas and nays, resulted—yeas 27, nays 29; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Clayton, Cooper, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, and Thurman—27.

NAYS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Hitchcock, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, Washburn, Windom, and Wright—29.

ABSENT—Messrs. Brownlow, Carpenter, Conover, Davis, Ferry of Connecticut, Harvey, Ingalls, Lewis, Logan, Morton, Oglesby, Ransom, Robertson, Schurz, Tipton, Wadleigh, and West—17.

So the amendment was not concurred in.

Mr. ALCORN. I move to insert as an additional section the following:

That all corporations working mines of gold and silver, unpatented, on the public domain, producing over $100,000 per annum, shall pay a tax of 5 per cent. on their net yield, to be collected under such regulations as the Secretary of the Treasury shall prescribe.

The Government is in a very unfortunate condition when is met with the necessity of taxing the labor of the country. The labor of a country should not, as a principle of government, ever be burdened, but should be let loose and invited to new fields of enterprise. The principle upon which the Government of the United States can tax a commodity produced by the labor of the country in any section of the Union, while it may not be in violation of the Constitution itself, certainly is in antagonism to the spirit of that instrument. The principle once recognized, gives into the power of a section of the country at any time to suppress and destroy the prosperity of an antagonistic section, or a section whose products may not be in accord with the sentiments of the majority. The principle of taxing cotton, for example, at the close of the war, one that the Government of the United States resorted to, underlies to-day the total wreck of fortune, the poverty, and I may say the disorder that exists in the Southern States. The Government of the United States undertook to tax all cotton produced in the United States. Cotton was only produced in certain States. It was the great staple of those States. That tax, which was levied by the Government, reduced the cotton States to the point of starvation, and it was not until the Government of the United States discovered that the people were absolutely in danger of starvation that they withdrew from their statute-book that most pernicious law taxing cotton.

Now, you tax tobacco, you tax whisky, you follow the poor man in his toil, who cultivates the tobacco-stalk, and you tax his labor. You go by the door of the rich; you leave the man whose income amounts to millions, having repealed, under the demands of public sentiment, the law taxing incomes, and say to him, "We will not tax you." You go and find the man who toils in the tobacco-field, and speak to him, saying, "Here the tax shall rest."

If, then, you can go and follow the man who toils in the tobacco-field, if you can go and find the plowman who turns the soil on the prairies of Illinois, and tax thus indirectly his corn, I point you to another field in which your investigations might find a source of taxation. It is upon the public domain, worked by wealthy corporations, who are realizing millions from the public domain, who are exhausting the mines, and who are paying nothing to the Government of the United States. There is a commodity that you may tax which does not tax the consumer. There you may tax what is produced from the soil, for he digs the treasures from the soil, and it is from the soil of the nation. He brings up his millions. It is the product of the earth; it is the property of the nation.

My amendment goes by the poor man who, with his own pick and shovel, is there endeavoring to find for himself a fortune. It leaves the encouragement that exists to-day properly to the enterprise of mining. It touches no man who in his private capacity is toiling for the gold in the mines of Nevada and in the mines of California. It only goes to the wealthy corporations. It goes to the men of strength; it goes to the soulless corporation that digs up its millions, and says, "Pay over to the Government of the United States 5 per cent. of your net earnings, if your products shall be over $100,000 a year. If not $100,000 a year, the hand of the Government does not touch you." It still holds out the encouragement; it still speaks to the enterprising miner, and says, "Go on, go on, in accumulating your fortune."

Mr. President, if this amendment be adopted it will bring into the Treasury of the United States at least $3,000,000 by way of revenue. The Comstock lode alone, within the last twelve months, turned up, as the result of combination, as the wealth of corporations, from the public domain twenty millions of the precious treasure. Other corporations are extended over the country there, and this source of revenue will bring from the rich, it will bring from the strong; it will not tax the consumer, but will put $3,000,000 in your Treasury. How can you meet the man who toils in the corn-fields, who toils in the tobacco-field, who by the sweat of his brow cultivates that which produces the staple that you tax, when you have passed by the mining corporations upon the public domain and have refused to tax them? I know the fact that the masses of men who are agriculturists are patient. They will endure. They are not so jealous of their rights as are the commercial interests of the country. They are patient; they will bear burdens. Burden after burden you may pile on them; but there is a maximum of outrage and oppression that you cannot go beyond; there is a maximum that you cannot overstep. In this tax that you levy now upon the tobacco and whisky, and a tax indirectly upon corn, you are about to go, in my humble opinion, above the maximum, above the line of safety. The principle is one that is dangerous. Suppose you were to levy a tax which would prohibit altogether the cultivation of tobacco. You can do it. If you can tax tobacco twenty-four cents a pound you can tax it twenty-four dollars a pound. If you can tax tobacco, you can tax cotton. If you can tax cotton, you can tax rice; you can tax corn; and thus it is that you assert here a principle by which one section in this country can destroy and impoverish another.

Mr. STEWART. I suppose, of course, the amendment is a joke. I do not suppose anybody is in earnest about an amendment of that kind.

Mr. ALCORN. It may be a joke with my friend; it is a very serious matter with me.

Mr. STEWART. I take it for granted that the Senator from Mississippi is not quite as unfamiliar with public affairs as the amendment indicates.

Mr. ALCORN. I yield to my friend from Nevada in all the accomplishments of statesmanship. I know my extreme ignorance, and am prepared to learn from him now some lessons, if he will allow me to sit and hear him.

Mr. STEWART. I am glad of the acknowledgment that the Senator knows his ignorance. I do not think we needed that declaration further than we got it in the amendment. I think that was a sufficient declaration, without having made any further acknowledgment.

Mr. ALCORN. It is perhaps necessary for me to say so in order that it may be understood. It is not necessary for the Senator from Nevada to say it that his ignorance may be understood.

Mr. STEWART. It is very necessary that the Senator should state that, so that it may be understood.

Indeed, his amendment is a very good commentary on this bill. A portion of this bill protects the miners. It protects them through Pennsylvania. It is for the protection of the miners that you are repealing the 10 per cent. tariff reduction. You are protecting the labor of the miner. That is part of the pretext for passing the bill.

Now, we do not ask any protection with us. We are producing $75,000,000 to $100,000,000 a year, and do not ask any protection. We are paying duty on everything, and the miners are easy. This would put a load on them. I want to call attention to the fact that in this bill miners are protected so that you can pay them higher wages. Our miners are not protected. They will have to rely upon what they can find. The amendment says that if the amount produced is more than $100,000 it shall pay 5 per cent. All the mines, pretty nearly, produce as much as that, if they are worked at all.

Mr. EDMUNDS. Then the tax would be so much the larger?

Mr. STEWART. Very few of them are paying mines. This is to be a tax on the gross proceeds. Any mines if worked at all produce $100,000, but ninety-nine out of a hundred cost more than $100,000 to work them. You have to pay an assessment all the while on them, and if this is on the gross proceeds——

Mr. ALCORN. The Senator is right, on the gross proceeds; but the tax will be 5 per cent. on the net earnings.

Mr. STEWART. It does not make any difference whether it is on the net earnings or on the gross revenues. It would be a very pretty

thing to place in this bill, which protects the miners digging out iron ore in one part of the country, to levy a special tax on those digging out gold and silver. Nevada, California, and all the Pacific coast have generally voted for protection. They pay a very large amount of the revenue that comes from duties. They have generally voted for all the protective tariffs and sustained them during the war, particularly to keep up the credit of the country, for they believed it was absolutely necessary to do so. They have done that constantly, and now it is suggested that you ought to tax them. Let me tell you that there are engaged in hunting for mines some three or four thousand men, who spend their lives in that business, who are poor and who must always remain poor. It is only a few of the lucky ones that you propose to strike down in the amendment. It is the example of the lucky ones that offers the inducement, that continues the prospect of the great West. The mineral resources of the United States are perfectly inexhaustible; but the effort to find them, the effort to obtain the gold from the country, overcoming all the difficulties of transportation, are the only limits to the amount of gold and silver that can be produced. The great mass of men engaged in mining lose money. They sacrifice their whole lives and never reach the reward that they anticipate. That is the fact as to the great mass of them. Here and there there is a strike and a man makes a fortune. That is talked of; but the hundreds of thousands who never reach their reward you know nothing about.

Five per cent. may seem a very little thing; but if you put 5 per cent. tax on the mines that are dividend-paying you would largely diminish the number that pay dividends. You will take away the inducement to find other mines. The slightest embarrassment on it will prevent their reaching the gold. You will cut off the resources altogether. A constant supply of gold and silver is one of the principal supports of your financial system. All that has ever been asked for the miner is to be let alone, not to be harassed. Let us develop the mines. Notwithstanding it costs a dollar to get a dollar, and more too, and notwithstanding mining people are seldom frugal, still there is something fascinating about the chance occasionally to get rich. That is a characteristic of the American people. All people will take chances, and that will prosecute the work; but if you lay the heavy hand of taxation upon them when they have found it, if you interfere with their titles, you will strike a blow at that great industry from which it never can recover. The reason for the success of mining in the United States now, and why we are producing more and more every year, is because we are working under a system of law, because we are protecting prospecting and the developing of mines; because the miners are let alone. They do not ask to be helped by bounties or by tariffs. They do not ask for any tariff to be put upon their wages. If they cannot make it up, they ask nobody to help them out.

Mr. ALCORN. Mr. President, the Senator from Nevada rose to rebuke me as lacking every prerequisite of one who should stand here to judge of the questions that were brought before the Senate for their consideration. I supposed from the advertisement at the time he got up, that he was to illuminate this subject and make it very plain indeed that there was no merit in the amendment that I had offered. If there is a reason why this amendment should not prevail, the Senator from Nevada certainly has not stated it. He did not express, he did not even intimate a reason as to why it should not prevail, except the mere assertion. He does make an argument, however, with regard to taxing this industry which I attempted in the preface of my remarks to show attached to the agricultural products of the country. I had shown that it attached to cotton; that it had prostrated that industry; that it came near destroying the industry; that it reduced the people of the South to starvation and beggary, and that that poverty to which the southern people had been reduced exists to-day among them; that it is one of the reasons why they manifest irritation and discontent. It is because of the poverty of the people of the South. They have not recovered from the blow that was given them when the Government of the United States drew from their poverty $70,000,000 into the public Treasury.

Mr. STEWART. Will the Senator allow me?

Mr. ALCORN. I have not got to your case yet. I will be there presently. But I will hear the Senator.

Mr. STEWART. The Senator is making the argument that this kind of tax would destroy all industry, and as he did not want to destroy it, I supposed he was not serious about his amendment. I supposed it was a joke, and I said if it was not a joke, then it was a very serious thing. I supposed it was a joke, as a matter of course, and if not a joke it was a very stupid thing.

Mr. ALCORN. Yes, in your estimation, certainly, and that is worth a great deal, as is shown by the speech you have made.

Now, Mr. President, the honorable Senator from Nevada starts out by declaring that I am striking here at this industry. Why, said he, how many mines are there that roll out a hundred thousand dollars and yet do not make a cent? Very well, if they do not make a cent this amendment does not tax them. Notwithstanding that the gross earnings may be $100,000, it is a tax of but five per cent. on the net earnings. In that case you are left out, and you go without taxation. But the Senator says that I am after the poor man; that the poor laborer of Nevada, who winds his way among the mountains looking for silver or gold, would go in dread of this amendment if it should be passed by the Senate. It does not touch him unless he belongs to one of these soulless corporations. He has to lose his identity; he has to merge himself into a corporation, before the amendment ever finds him. It taxes nothing that has a soul.

Mr. STEWART. How many mines are being worked by individuals?

Mr. ALCORN. But your tax on tobacco taxes the soul; it taxes the poor man.

Mr. STEWART. How many gold and silver mines are being worked there that are not owned by corporations?

Mr. ALCORN. The honorable Senator wants to lead me into deep water. He is one of the men that understand the mountains of the gold regions. He knows something about them. I know nothing of them except what I have found out in the Committee on Mines and Mining, for when I went there I did not know anything on the subject.

Mr. STEWART. That is just exactly what I supposed.

Mr. ALCORN. I did not know anything about mines, but when I went there I learned something, and I have "panned" out this amendment since I have been on the Committee on Mines and Mining. I have found out that much. Then I say that this touches no man unless he belongs to a corporation, and not the corporation unless it is digging treasures from the public domain. No laborer in Nevada need have any fear of this amendment if it is passed. None will ever feel it except those soulless corporations that go upon the public domain and there exhaust its treasure; and when the earth is left lifeless, robbed of its treasure, they go and seek another place. Does the Senator tell me that these corporations should not be taxed when you have taxed the poor laborer upon the hills of Virginia and Kentucky and Illinois?

The honorable Senator says that these miners have stood by the Government, and that they support the Government. They do contribute their share. The miners are a praiseworthy population. I would not touch one of them. I would not burden one of those poor fellows who go out prospecting for a fortune, but I would bid him God-speed, and say, "Good fortune attend you, my friend, as you dig into the bowels of the earth." I have shown the good faith that was in me, for the other day when a curious man came from Nevada and said he wanted to dig a hole into White Pine Mountain, that had been lying there in its vast proportions since God spoke the world into existence——

Mr. THURMAN. Without a hole in it?

Mr. ALCORN. Without a hole in it. When this man wanted to go and open a hole in the mountain, I said, in God's name let him go, and I trust he will find treasures deeply hidden there. This amendment will not find him, however, unless he shall get out $100,000, and not then unless his net earnings reach that amount, and then he will be ready to pay 5 per cent. But you would not allow him to dig there. You absolutely refused to permit the man to dig a hole in the mountain. You have examined its crust, its surface, have been digging around and found nothing there. That ingenious, inquiring, enterprising, industrious man wants to go and run into the bowels of the earth and see what he can pan out there.

Mr. STEWART. We allow him to go and dig, but we do not want to give him an act of Congress to do it.

Mr. ALCORN. Exactly; you will allow him to dig, but you will not give him an act of Congress authorizing him to go and dig; and there is no other way I know.

Mr. STEWART. That is already allowed by law. The poor fellow is crazy. He is entitled to that now.

Mr. ALCORN. He may be crazy, but it seems that his demonstrations in the way of a hole in that mountain suggest to the Senator from Nevada that he may not, after all, be as crazy as he thinks he is. I do not know what is in him. God knows I do not know what is in the mountain. But I was willing to let the fellow dig there, and so I am willing to let everybody dig.

Mr. President, I do not wish to detain the Senate. I do not wish to debate this question. The amendment only taxes corporations, and not them, unless they have over $100,000 net earnings, and then the net earnings at 5 per cent. I have stated that according to the estimates I have made, though I may be at fault—but I do not think I am—that this measure will bring $3,000,000 into the Treasury. I now leave the question.

Mr. STEWART. One word. The richest man on the Pacific Coast to-day, fourteen years ago was swinging the pick. I have seen him do it many a time. Such examples as his make others work, and produce hundreds of millions.

Mr. ALCORN. Certainly, and there is a reward for his industry and his energy that every man in all the land ought to recognize. I trust there are many more like him.

Mr. STEWART. Such examples sustain the national credit.

Mr. ALCORN. Certainly. I would not strike at that.

Mr. JONES rose.

Mr. ALCORN. I will reply to the Senator's colleague, and then I will yield to him. I did not suppose I was going to get myself into this trouble, but I trust I shall work out of it after a while. The poor man is not touched by this amendment. No man will be deterred from going to Nevada, no man will be deterred from prospecting because of the fact that Congress taxes not the gross earnings of a corporation, but the net proceeds, 5 per cent., and not it until it has got to the point that it realizes $100,000.

Mr. JONES. I would like to know of the Senator if we could not raise more revenue, and just as well, unless there be a particular spite against this industry, by taxing all mines.

Mr. ALCORN. I never had any spite in my life against any industry.

Mr. JONES. Why tax the net income from this particular industry and not the net income from any other industry? If we are going to tax net incomes, let us start with it on everybody. Why select incomes from this one source?

Mr. ALCORN. When looking about for revenue to the Government, if it were to tax my little income, I should have with my own judgment to declare that there was no money in it, but "there's millions" in this other thing. [Laughter.]

Mr. THURMAN. The first thing that strikes one is that the proposition of the Senator from Mississippi is simply to add an additional tax to a bill which already imposes taxes that in my judgment ought not to be levied. He does not propose to substitute a tax on the product of gold and silver, in lieu of any tax contained in this bill. He leaves the tax on the agriculturist, whose labor produces the tobacco, whose labor produces the corn and the rye out of which the spirits are made; he leaves all these onerous and oppressive taxes, and proposes to add another tax to them. That does not strike me as being a remedy for the evils that are contained in this bill.

One word more. Formerly, in Europe, it was an established principle of law that all mines of the precious metals belonged to the King. That doctrine no longer obtains, I believe, in the amplitude in which it once was the law; and yet there is in Europe, in one country and another, a royalty imposed by the government upon the product of the mines of gold and silver; but that has never been the policy of the United States, and so of Mexico, I am told. I do not believe that at any time in the history of this country it has been considered the policy of the Republic to impose a royalty upon the production of gold and silver.

Furthermore, Mr. President, every ounce of gold and every ounce of silver that is produced is the result of labor. There is an equivalent in labor for every ounce of silver and every ounce of gold; and, perhaps, if we take the whole body of men working in gold and silver mines, the product of their industry in mining is not greater than the product of the industry of an equal number of men engaged in raising wheat or corn.

Mr. STEWART. Less proportionably.

Mr. THURMAN. It certainly is not more. Then, if my friend from Mississippi wants to find a subject of taxation that will raise him $3,000,000 a year and more, that will raise him three and one-half millions a year, instead of imposing a tax of 5 per cent. upon the product of the gold and silver mines of the country and discouraging that production, which in my judgment as a hard-money man ought to be fostered, let him propose to levy an additional tax of 1 per cent. on the national-bank circulation, which is an unmitigated and unpaid-for privilege, and he can have three and one-half millions a year.

Mr. STOCKTON. Mr. President, I did not intend to say a word on this question, and I have not yet spoken upon it. I propose now to say only a word, and that word is more by way of suggestion than of fault-finding with anything that has taken place. The subjects of taxation in old times were property. Property is what is protected by the Government, and this should be the subject of taxation. We were taught in old times, and the history has come down to us from our ancestors, that the theory was that it was because we protected property that it was taxed. We have learned from days away behind the Constitution, in the earliest principles of the common law, that were instilled into our minds, that taxation upon one individual at the expense of another; that taxation upon one subject at the expense of another subject, was illegal; to use a common phrase, unconstitutional, and violative of that general principle of equity and justice that is behind the Constitution itself. In making tariffs, we say that this object coming in shall be taxed to this extent, to that extent, or to the other extent. The tariff applies to imported goods. They are subjects which may be imported or not imported. You may tax them as you please; but when you come to tax the products of our own country, when you come to tax tobacco, to tax whisky, to tax silk, to tax any other product of the country, all of which have been brought up in the course of this discussion, I should like to know from some gentleman what authority you have to tax any individual subject. I may be entirely ignorant in regard to the question; I profess no great knowledge of it, but I do not see the authority on which you can tax one subject for the purpose of raising revenue and not tax another. Can you say that every bank in the United States shall pay so much money because you want so much money? Can you say that every railroad company in the country shall pay so much because you want so much?

Mr. President, that was the principle of the income tax. That principle of taxation has created civil war in many countries abroad, and it was so obnoxious to our people that it was repealed as offensive at the very earliest opportunity. If I am not mistaken, it was one of the very earliest taxes that were repealed.

It occurs to me that the principle of taxation is that all shall be taxed alike; that property shall be taxed alike; that if brains are taxed, that brains shall be taxed alike. The equality of taxation is a right that we all possess, and if the enormity of the other principle is not illustrated by what has occurred here in the last two days, and particularly to-night, I am incapable of appreciating what is an enormity. You begin with whisky and tobacco, and try to substitute for them tea and coffee, and then to-night some proposition is made to tax some particular individuals in reference to their business, because, as is openly avowed, they are making a good deal of money. When that is the proposition, it is simple robbery and not taxation; it is doing what you have no constitutional right to do, and, as I said before, away behind the Constitution is the right that you have to prevent unequal burdens being levied upon the people, which was the very doctrine of the Declaration of Independence itself. If you have to raise taxes, raise your taxes by a tariff laid upon all that people choose to import, so far as I am concerned. We can get along without importations; we have done it before.

If you mean to tax our home manufactures, tax them, but tax them equally. Do not tax the cotton in one State, and the whisky in another. Do not go into Ohio and stop all their distilleries, as one honorable Senator from Ohio told you you had done by one single tax, and, as was well said, the tax on whisky was a tax on the raising of corn, a product of the soil. Do not, as has been proposed to-night, tax every man who succeeds by his own industry, and his own energy, and his own brains in developing new products of the soil or developing a mine. Do not tax the man who may be making $50,000 a year and supporting fifty or sixty people by the work of his own brains and his own industry, and has no property to be taxed. Do not do that; but when you come to levy your taxes, levy them fairly upon all the industries of the country.

My proposition may be simplified in one word, strange as it may seem, that a tax upon tea, a tax upon coffee, a tax upon whisky, a tax upon tobacco, a tax upon gold, a tax upon silver, a tax upon incomes, is an outrage on any community that can bear taxation in any other way. Tax the property of your country that you protect. Let that bear the burden of taxation; that is better for the community. If you need an income-tax, if you must go back to the income-tax, do it boldly, bad as it may be; but do not do it in this indirect way, by saying that so much money is made by this interest and so much money by that.

This suggestion I have not made with any object of intruding particularly in this discussion, but for the simple reason that I have felt that it is a view of the case which, according to my own small light on the question, was important for gentlemen to think of. It does seem to me beyond all kind of question that the taxation of individual objects, which affect individual people, is violating a principle of law which forbids the making of special laws. We should make general laws. A law to be a law at all must be a general law. A law of taxation, by the fundamental principles of the British government before our Revolution, must be a general law. It did not apply to Jersey and Guernsey and some other islands, but it applied to every other part of the dominions of Great Britain. The revenue laws were founded on the same principle in old times. I do not mean to say that things are not changed there. I do not mean to dispute with gentlemen better informed than myself in reference to the methods of levying taxation there in later years; but I do mean to say that the great general principle at the bottom and foundation of all taxation is a general taxation that affects all the people of the community as a general proposition, that taxes the property of the country.

In these remarks, as I said before, I have no disposition to comment on a question not before us. The raising of money by a tariff involves a great many other serious questions. When you come to tax your own productions I do say that you have no right to tax one thing at the expense of another. If you do, with all the States we have, with their different interests and their different productions, you will find yourselves in inextricable difficulty. Why, sir, the seed of tobacco called the Connecticut seed is made into a wrapper, the inside of which is grown very largely in my own State and in that vicinity. An immense number of cigars and tobacco in various forms are put up out of it. You run up to Connecticut, you go away down to Florida, with this production. Then take the whisky production; there is hardly a part of this country that is not concerned in it. Every one of these things that you propose to tax affects many portions of the country; but can any man deny that this affects one State a great deal more than another? In my State it may be a trifling matter; in Connecticut it may not be very large; while the tobacco business in Virginia may be immense, and it may be a great wrong to them if you put this tax on. Take whisky, it is precisely the same way.

I am not discussing this thing in the manner it has been discussed before. I am discussing it as a great proposition, as far as my mind will enable me to do. Is it possible for you to form a system of taxation where you want money, when you come in and say, "we must have money, and so we will tax tea, we will tax coffee, we will tax cotton, we will tax whisky, and we will tax tobacco?" The difficulty is that it is unsound in principle; it is unjust in principle; it is a violation of all the laws that have guided taxation for centuries wherever the common law has prevailed. I do not mean to say that there are not a thousand precedents which may be brought up of the violation of these rules, in the corn-tax and in other taxes in England

and other places. I am simply going back, to do the best I can, in the few remarks I make, to the principle that lies behind this thing. I think it would be a great deal better to levy a tax upon the property of the country fairly between the States than to levy a tax upon products that appertain to individual States, and which bears hard upon one and hard upon another, and more lightly upon one and more lightly upon another.

Mr. President, whenever a tariff-bill comes up, you know how it is, I know how it is, we all know how it is. We laugh at one another about it; and that has existed for ages before my time. The free-traders are opposed to any protection at all; but if there is to be a tariff for revenue, they insist upon it that their own State and their own neighborhoods shall not be protected against. Some gentlemen said in the discussion here only last night—I think it was the Senator from Pennsylvania, [Mr. SCOTT,] and he said so very properly; I find no fault with him—that while Pennsylvania was defending her products here, pig-iron and other matters, which are so valuable to this country, other States had their own interests that they were always ready to advance and have protected, and he mentioned some products of my State. It is perfectly true; ever since I have been here, I have been constantly approached, when the tariff question was pending, by gentlemen who have been engaged earnestly and honestly in trying to develop products in my own State, to save and protect them from discrimination against them. I have been so urged in some cases by importers, in other cases by those who were their rivals in business. That comes from every State. That has always prevented us from making a proper tariff for this country, and no right tariff ever will be made for this country that is made upon any such basis. If I am to say that I would like this thing protected in my little town, and I would like that other thing protected in this other part of my State, and the Senator from Pennsylvania, with his honesty and true purpose to his own State, insists that it shall not be discriminated against, and shall show that you are hardly doing them justice, and those of other States do the same whenever the question comes up, what are you to expect? You levy your tariff revenue indiscreetly. You levy it in the heat and hurry of business. You levy it finally by the result of a party vote. You levy it by the arrangement that is made to carry a tariff-bill, not measured by the necessities of the Government, but you levy it by the dictates of a party caucus. After all, that is the way tariffs are made, and that is the way the taxes are laid.

Mr. President, in these perhaps the last words that I shall ever utter in this Senate, knowing as little as I do about this financial question and the methods of raising revenue, I protest against that system altogether from beginning to end. I believe the States of this Union to be perfectly independent in their own matters and affairs that have been left with them by the Constitution and sovereign in their own capacity; but when the representatives of those States, the Senators here, and the Representatives of the people of those States, the members of the lower House, meet together to make a tariff or to make a tax law, they should meet together in some other capacity than as the representatives of their little districts to take care of their small home interests or to see that they do some little good by which they may be enabled thereafter to gain something and be elected again. Far be it from me to insinuate that anybody does that; but may I not utter one word of warning, that we must have some other tariff system and some other system of taxation. Let me say to the chairman of the Committee on Finance of the Senate, to whom I listened for two evenings with so much pleasure on this subject, and to whom I always listen with pleasure, that my object in rising to-night was to suggest to him and other gentlemen, that in the future—I am not speaking particularly to this bill—if you want to make, as you insist on the other side of the house, a nation of this country, you can make a nation of it in this way with the help of a great many democrats.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi, [Mr. ALCORN.]

Mr. MORRILL, of Vermont. I do not suppose the mover of this proposition expected seriously that it would receive any favor at the hands of the Senate, and at half past 11 o'clock at night certainly I shall not occupy any time. It would be just as appropriate to tax the proceeds of a coal-mine, or an iron-mine, or a copper-mine, as of a silver-mine; and perhaps some of them are much more profitable than silver-mines.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

The bill was ordered to a third reading.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. MERRIMON. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. MERRIMON, (when Mr. RANSOM'S name was called.) My colleague [Mr. RANSOM] is paired with the Senator from New Hampshire, (Mr. WADLEIGH.) My colleague would vote "nay," and the Senator from New Hampshire would vote "yea."

Mr. SPENCER, (when Mr. ROBERTSON'S name was called.) I desire to state that the Senator from Illinois [Mr. LOGAN] is paired with the Senator from South Carolina, [Mr. ROBERTSON.] Mr. LOGAN would vote "nay," and Mr. ROBERTSON would vote "yea." Both of the Senators are absent on account of indisposition.

The result was announced—yeas 30, nays 29; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, Washburn, West, and Windom—30.

NAYS—Messrs. Alcorn, Allison, Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Norwood, Oglesby, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, Thurman, and Wright—29.

ABSENT—Messrs. Brownlow, Carpenter, Ferry of Connecticut, Harvey, Hitchcock, Ingalls, Lewis, Logan, Morton, Ransom, Robertson, Schurz, Tipton, and Wadleigh—14.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 4860) authorizing the recorder of deeds for the District of Columbia to appoint a deputy recorder, and legalizing the previous acts of such acting deputy; also providing for the payment of expenses incident to his office;

A bill (H. R. No. 4861) granting a pension to Louis Heinley.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4734) to establish certain post-roads.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two houses on the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army.

The message also announced that the House had passed a bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470 granted to Frederick T. Grant, May 29, 1860, upon a sliver-machine, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (H. R. No. 4734) to establish certain post-roads;

A bill (H. R. No. 4730) providing for the payment of certain employés of the House of Representatives; and

A bill (H. R. No. 4856) to change the name of the port of Noblebo-row to Damariscotta.

DISTRICT TAX-BILL.

Mr. SHERMAN. I move to take up for consideration the bill (H. R. No. 4840) for the support of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes.

The motion was agreed to.

Mr. EDMUNDS. I ask how many times this bill has been read already.

The VICE-PRESIDENT. Twice.

Mr. EDMUNDS. When was it read twice?

The VICE-PRESIDENT. To-day.

Mr. SHERMAN. I desire to state that this bill contains, as I am informed, for I know but very little more about it than other members of the Senate, nothing but the provisions of a law necessary to levy and collect taxes in this District for this year at the rate of one and one-half per cent. Every Senator will see that it is indispensably necessary to pass a bill on this subject. This is a House bill maturely considered, and comes here with the sanction of the District commissioners, after having had a careful examination in the House. Everybody must see that the object of the bill must be accomplished at the present session. I do not think it will take longer than the reading of the bill in order to secure its passage.

Mr. WEST. I have no objection to this bill passing; but I should like to inquire when it came over from the House of Representatives.

The VICE-PRESIDENT. The Chair is informed that it came over to-day.

Mr. WEST. Will an objection carry it over?

Mr. SHERMAN. I hope the Senator will not object to the passage of the bill.

The VICE-PRESIDENT. The bill has been read twice.

Mr. SHERMAN. Let it be passed now. The appropriation bills can come up immediately afterward. This will take as little time now as at any other period. I hope the Senator will not interpose. If the Senator insists now on getting the appropriation bill ahead, that bill will take considerable time, and this bill will only take the time required to read it.

Mr. WEST. It will be too late for me to object after we get into a debate. The Senator knows very well that there is an appropriation bill lying on the table which takes precedence.

The bill (H. R. No. 4840) for the support of the government of the District of Columbia, for the fiscal year ending June 30, 1876, and for other purposes, was considered as in Committee of the Whole.

Mr. ALLISON. That last section, section 18, ought to be amended, It speaks of 3.65 bonds. It provides for the substitution of registered for coupon bonds. It seems to me the word "the" ought to be

stricken out. "That the registered bonds," it reads. There are no such bonds authorized.

Mr. SHERMAN. Certainly it is an advantage to the Government, and to everybody, to have them in the form of registered bonds.

Mr. ALLISON. I do not object to that.

Mr. SHERMAN. That is the policy of the law, to make them registered as far as possible.

Mr. ALLISON. I do not know that it is important to make the amendment I suggested. It is merely verbal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS HEINLEY.

The VICE-PRESIDENT. The Chair will lay before the Senate certain House bills on the table.

The bill (H. R. No. 4861) granting a pension to Louis Heinley was read by its title.

Mr. SCOTT. I ask that that bill be put on its passage. It is simply to correct an error in a bill formerly passed, which the President vetoed for that reason. It puts the right name of the pensioner in the bill.

The bill, which provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louis Heinley, late of Company E, One hundred and twenty-first Regiment Pennsylvania Volunteers, was read three times, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4860) authorizing the recorder of deeds for the District of Columbia to appoint a deputy recorder, and legalizing the previous acts of such acting deputy; also providing for the payment of expenses incident to his office, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 4854) for a ratification of an agreement with the Jicarilla Apache Indians was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 4855) to provide for the protection of witnesses required to attend before either branch of Congress or a committee of the same was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant May 29, 1860, upon a sliver-machine was read twice by it title.

Mr. HAMLIN. I ask that that bill lie on the table until the Senator from New Hampshire [Mr. WADLEIGH] shall be in his place.

The bill was ordered to lie on the table.

PRIVILEGES OF THE LIBRARY.

The VICE-PRESIDENT laid before the Senate the bill (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution.

Mr. HOWE. That bill is just three and a half lines long. I ask the Senate to consider it now.

The bill was read three times, and passed.

WISCONSIN CENTRAL RAILWAY.

The VICE-PRESIDENT laid before the Senate the bill (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road.

Mr. HOWE. I make the same request as to that bill. A bill just like it has been reported by the Committee on Public Lands. It takes no money and takes no land.

By unanimous consent, the bill was considered as in Committee of the Whole. It gives the consent and approval of Congress to the Wisconsin Central Railroad Company to build that portion of their road which lies between Portage City and Stevens Point, on the line adopted by the act of the legislature of Wisconsin approved February 10, 1865, instead of the line adopted by the act of the legislature of Wisconsin April 9, 1866.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. There is a similar Senate bill on the Calendar, the bill (S. No. 1325) authorizing the Wisconsin Railroad Company to straighten the line of their road, which, if there be no objection, will be indefinitely postponed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALCORN, Mr. SCOTT, Mr. ANTHONY, Mr. FRELINGHUYSEN, Mr. MORTON, and Mr. BOUTWELL submitted amendments intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations and ordered to be printed.

Mr. BAYARD, from the Committee on Finance, submitted an amendment intended to be proposed to the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MITCHELL and Mr. KELLY submitted amendments intended to be proposed to the deficiency appropriation bill; which were referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate authorizing the Joint Committee on Enrolled Bills to correct a clerical error in the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

STEAMBOAT LAW.

Mr. CHANDLER. I move that the Senate proceed to the consideration of the bill (H. R. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, to concur in the amendments of the Committee on Commerce.

Mr. WEST. I hope that bill will not be taken up. There is an appropriation bill lying here ready to be acted on, reported this morning.

Mr. FRELINGHUYSEN. I want to appeal to the Senate for one minute. I have here a bill, that will not take one minute to pass, that the Secretary of State is very anxious should be passed, and it is necessary that it should be passed, and go to the House. It comes unanimously from the Committee on Foreign Relations. It is to correct an error in the Revised Statutes. I hope Senators will permit it to pass.

Mr. CHANDLER. The steamboat bill has been read at length, and the amendments only require to be read. It need not take more than twenty minutes to pass the bill.

Mr. WEST. The Senator must be aware that I am constrained to object to that bill being taken up, and other Senators will understand me when I say that it is in violation of what has been understood as the order of business. There is an appropriation bill lying on the table now. The Senator cannot pass his bill in twenty minutes; he cannot pass it to-night, even if we sit here all night.

Mr. CHANDLER. I can pass it in thirty minutes. I shall move to agree to the amendments of the committee *en masse*.

Mr. CONKLING. That will not be in order, and will not be agreed to.

Mr. WEST. If we break the rules for one bill, we shall have to do it for others.

Mr. CHANDLER. I ask for the vote.

Mr. WEST. Very well, then; I call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan moves to take up the bill he has mentioned.

Mr. CONKLING. I shall not object to the steamboat bill, so called, being taken up, whenever it can be taken up and fairly considered. The Senator from Michigan, in reporting the bill, as the Senate will remember, disparaged it, disparaged the work of the committee, and said that if there was anything good left in it, it was some one thing to which he referred. Now he proposes, if I caught his words, to move to concur in the amendments in gross. I take it we all understand what that means. It means to have a committee of conference, and if the committee is as the Senator would like it to be, and concurs in his opinion of the work of the committee, then the report is to come back here, presenting what would be presented if we consider these amendments. Upon that I have a word to say.

I proposed that this bill should be committed for examination to any committee of the body, to a special committee to be moved by the Senator from Ohio, [Mr. THURMAN,] if he would move it. It was the pleasure of the Senate to recommit it to the Committee on Commerce, fixing the time when the committee should report the bill back. The committee thereupon sat down and devoted two entire days, from morning till night, to a patient, careful consideration of this bill. It comes here now, I think, the work of the entire committee, if I except the honorable Senator from Michigan.

That being the process through which the bill has gone, it is fair and right that those amendments should be considered, not to be passed over by a concurrence *pro forma*, and a committee of conference appointed to give them up and bring the bill back; but it is fitting that the judgment of the Senate should be passed upon the amendments to the end that when a committee of conference is appointed, following the parliamentary law, that committee, two of the three, would represent really the judgment of the Senate upon such amendments as are approved by the Senate; and I do not intend for one to forego anything which shall give a fair hearing to the amendments, meritorious as I believe they are, and correcting, as I believe they do, one of the most unjustifiable measures ever submitted to the Senate; and I think the Senate will find that I am by no means alone in the committee in this opinion.

Now, if the Senate wishes to take up this bill, to have it read, to have Senators understand what it is, and to pass on these amendments, and it is supposed we have time to do that, I do not stand here to object; but if it is to be taken up in a mere perfunctory style, and in form these amendments concurred in to the end that we may have the same thing over that we had once before, I shall object to that, and I shall resist it. The measure is too important, it concerns rights which are too sacred, far more sacred than the money involved in it, the lives, to say nothing of the property, of the millions who travel on steamboats; and I intend if I can, when this bill is considered, to secure once the attention of the Senate to it, and not to have it done in a corner by a conference committee, whose report we cannot amend, but must take it all or reject it all.

Now, my honorable friend from Michigan will, I think, acquit me of any disposition to be captious.

Mr. CHANDLER. No, sir; I do not. The Senator from——

Mr. CONKLING. Well, Mr. President, I have the floor at this moment, and if the Senator from Michigan interposes to say what I think is rather a curt thing, I will not yield the floor for that purpose.

Mr. CHANDLER. I do not care whether you do or not, sir.

Mr. CONKLING. Very likely not. Now, I say to my friend from Michigan, and I say exactly what I mean, that I have intended to be courteous to him in this whole proceeding. This bill was considered by the Committee on Commerce the other day for the first time, and then these amendments were reported by the vote of every member of that committee save the chairman of the committee. If that does not vindicate me from the charge of being captious, then I leave the Senate and the Senator to the judgment to be formed on that subject. I was about to say—but it seems I was not warranted in saying that—that the Senator from Michigan would acquit me from all disposition to be unaccommodating or factious in my opposition to this bill. He says he does not, and therefore I withdraw that remark. I trust the Senate will acquit me of that.

I have no interest in this bill which is not the interest of every member of the Senate. A great steamboat interest resides among the people whom I represent. Many persons intelligent on this subject, and largely interested in steamboat property, think as I think of this bill, and have instructed me accordingly. I am no more zealous in resisting some of its proposed provisions than are men who have large sums invested in this property. I will trust to their acquitting me for undue zeal in regard to it. Be that as it may, Mr. President, I will not resist a motion to take up the bill if the understanding is that it is taken up to be fairly and deliberately considered, as its importance deserves; but I do object to its being taken up with any understanding that it is to be huddled away upon a general motion, which would be in violation of the rules of the Senate, to concur *en masse* with forty or fifty amendments made to a complicated bill on the report of a committee, which comes here now to be considered for the first time. That I shall object to; and if it is to be taken up it must be with the understanding that no Senator violates any implied obligation by insisting upon the reading of the bill, and the judgment of the Senate upon these amendments, to the end that a committee of conference may be instructed what they are to stand by when they meet the managers on the part of the House.

Mr. CHANDLER. Mr. President, it will be remembered that I undertook the other day to pass this bill. The Senator from New York from his place in the Senate stated that the bill had never been read in committee, never considered by the committee, and the committee was called to a very severe account for negligence of duty. Now, sir, I owe it to the Committee on Commerce to give a very brief history of this bill; and by the way, before it is rereferred to that committee, the Senator pledged me that he would not occupy ten minutes on the passage of the bill if we would permit it to go back to that committee after its return to the Senate. Those were his words, "I won't occupy ten minutes." Now he says he wants time for a full consideration of the measure.

Mr. President, nearly four years ago substantially this identical bill was brought into this body and referred to the Committee on Commerce. The Committee on Commerce appointed the Ex-Senator from Maryland, Mr. Vickers, the Ex-Senator from Oregon, Mr. Corbett, and the late Senator from Connecticut, Mr. Buckingham, as a sub-committee to examine this bill, and they spent one whole month upon the bill, and worked upon it night and day, worked upon it during the sessions of the Senate. The Committee on Commerce then took the bill and went through it section by section, and discussed every amendment that was proposed. Never did the committee occupy so much time with any bill as it has occupied with the steamboat bill, and I will do the Senator from New York the justice to say that during the six years that he has been a member of that committee he has not expended on an average fifteen minutes a week in that committee-room. He of course did not know what had occurred upon that bill. It was his own fault that he did not know what had occurred on that bill. The bill was thoroughly investigated by that committee, and more thoroughly than any bill that ever came before that committee, and it has been before it for four years.

I have been trying, "in season and out of season," night and day, to get up the bill from the day it was referred and reported back by the Committee on Commerce, and now at the last moments of the session and almost the last day of my life in this body, when I ask that the work of four years be not thrown away, he informs the Senate that he wants time for full consideration, after having pledged himself to me that he would not occupy ten minutes in the discussion of the bill.

Mr. BOGY. It will be remembered by the Senate, Mr. President, that this bill was before us a short time ago, and we spent more than one or two hours in its consideration. Perhaps it was taken up on two separate days; I do not exactly remember as to that; but after being considered for a good while, the Senator from New York moved to have the bill referred to the Committee on Commerce, saying at that time that the bill had never been considered by that committee; that he wanted the bill committed to that committee so as to be read; that is the bill was reported he would raise no further objections to it. He made the statement in the Senate at that time—and he will not deny it now—that he would interpose no lengthy objection; he would merely state his position in a general way, and if it was the wish of the Senate that the bill should pass, he would do no more. The position which he assumes to-night is not in accordance with his statement which he made at that time; and the bill was referred with the understanding on the part of all the friends of the bill that the pledge which he then made would be carried out. The bill was recommitted to the Committee on Commerce, and it came back to us amended; and the Senator from Michigan has made many efforts to have the bill taken up by the Senate since that time and he has not yet succeeded. The Senator from New York now says, in direct contradiction to what he said before, that if the bill is taken up he wants the bill read, and all the amendments fairly and squarely considered. The friends of the measure, although not agreeing to the propriety of all the amendments, are willing at this late hour of the session to take the amendments one and all, as proposed by the Committee on Commerce.

Senators say that this is a great measure, affecting the interest of a very large class of persons. So it is. The great steamboat interest of the entire country, east and west, is affected by this bill. It is a subject which has been considered by them for years, not only in the West but in the East, and every chamber of commerce throughout the West, all the supervisors connected with the administration of the steamboat law, every officer of the Government connected with the steamboat law, is in favor of this bill as it is now. After the proposition made that if the bill was recommitted the Senator would withdraw his opposition beyond merely stating in general terms that he did not approve the bill, I cannot understand how he can now say that he wants the bill read and wants the amendments all fairly and squarely considered. We are willing to take the bill with all its amendments. It is true we have no right to bind the Senate; but it is fair to presume that these persons who have fairly, fully, and lengthily examined this subject, know what they are doing, and are responsible for their action. The majority of the Senate who were in favor of the bill before, are now willing to take it as reported by the Committee on Commerce, and if it is presented to the Senate it will take no time, unless the time is taken up by the Senator from New York, and if he does take it up, he takes up that time in violation of the appeal he made before, when the bill was recommitted to the Committee on Commerce, made in open Senate within the hearing of every Senator on this floor.

Mr. CONKLING. Mr. President, I have been arraigned by two Senators, one on the right and one on the left, and I wish to say a word in reply to both. And first to the Senator from Missouri. He commences with a misstatement and concludes with a misstatement. He commences by saying that I moved to refer this bill to the Committee on Commerce. That motion was made by the Senator from Michigan. He continues by saying that I said that when the bill came back I would confine myself to ten minutes or make no opposition, or some equivalent statement. It will be found that I said that if the Senator from Ohio would move a special committee, or move that the bill be referred to any committee of the Senate, and that committee would come in saying that it had considered and approved the bill, I would confine my opposition to a brief and general statement of my objections, and then the vote might be taken. How far that statement warrants the Senator from Missouri in undertaking to arraign me for a violation of an understanding, will be understood by a body of intelligent men, who know that the case now presented is not the report of a committee approving the bill, but the report of a committee disapproving it in some fifty particulars, which particulars I want considered by the Senate; and I have not intimated that I wished to say a word about them, even for ten minutes, but simply that the rules, the invariable rules of the Senate, shall be observed in hearing the amendments read and having them passed upon, without, as far as I know at this moment, my contributing one observation in their favor. A Senator who, upon such a state of facts, ventured to charge a fellow-Senator with what comes very near bad faith, is just the Senator to rise in the presence of the Senate and gravely insist and assert, as that Senator did the other day, that this bill was referred with an express understanding that it was only to be read in the committee, and that for the committee to amend it was usurpation and a violation of the terms of reference. So much for the Senator from Missouri.

The Senator from Michigan arraigns me for not (if I understand him) being present in the committee-room fifteen minutes a week during six years. Well, Mr. President, I will not enter with the Senator from Michigan into a comparison of his service and mine either in committee or in the Senate. I might possibly be betrayed into something which would look like criticism of those exact and painstaking processes illustrated so fully, perhaps, by no chairman of a committee in this body as by the distinguished chairman of the Committee on Commerce. It has been my pleasure for much more than fifteen minutes at a time to admire the dexterity and prowess, the great celerity of process, and the careful and elaborate and conscientious investigations which for six years have been bestowed for I should think at least fifteen minutes a week by the chairman of that committee upon the complex business which has come before it. As I say, lest I might be betrayed into some remark which would sound like criticism of the successful administration of the Senator, I will not enter into a comparison of his service in the committee and of

my own. I content myself with saying that no measure, not excepting this, was ever committed to a sub-committee of which I was one without receiving consideration and labor as careful and as painstaking as the manifold duties with which we are charged would permit.

This bill was committed to a sub-committee of which I was one; my honorable friend from Massachusetts [Mr. BOUTWELL] was another; our lamented friend who used to sit before me [Mr. Buckingham] was another. We all know his position touching this bill; we all know the language in which he would speak could he speak in regard to it. We all know that while we were engaged diligently in investigating it and by the aid of experts, by an operation on which I will not be tempted to comment even by the harsh language of the chairman and certainly not tempted to imitate him in the betrayal, if I did it truthfully and correctly, of private conversations and upon considerations of personal accommodation which the good-will I bear that Senator and the proprieties of this place forbid me to bring here—I say I will not comment upon the operation by which this bill was suddenly wrested from the sub-committee which had it in charge, taken from them, transported into the Senate, and put upon the docket of the Senate, in order that the members of that committee might be taken by surprise when they learn that it was said that the bill had been reported here for action in the Senate.

Now, Mr. President, the honorable Senator, making an issue very much like one of those peculiar to him, said and repeated that a bill substantially like this had been for four years before the Committee on Commerce. That statement is true or it is false. Bestowing but a very short time upon it, I mean to examine the precise question whether that statement is true or false. In 1871 was passed an act which is there, [exhibiting a volume,] and which is bound in the volumes of the statutes. That is the general steamboat law which now exists, and which was approved on the 28th of February; so that four years from three days ago this act became a law. Does the Senator from Michigan, in the presence of that fact, really believe he was right when he said that four years ago this act, which proposes to run a plowshare over the whole, was before the Committee on Commerce? O, no.

Mr. CHANDLER. Will the Senator allow me to give the exact date?

Mr. CONKLING. Always.

Mr. CHANDLER. On the 8th day of April, 1872, substantially this identical bill passed the House of Representatives and was referred to the Committee on Commerce of the Senate. On the 11th it was referred to the sub-committee, consisting of Messrs. Corbett, Vickers, and Buckingham. On the 9th of May it was reported back to the committee by the sub-committee, examined from the 9th to the 17th, amended, and on the 17th of May, 1872, it passed the Senate. It had already passed the House. It went to a committee of conference and the Senator knows how it was defeated. That was substantially this bill.

Mr. CONKLING. Mr. President, I said that I always yielded to the Senator when he wanted to state anything exactly. I am very glad he has corrected himself. The Senator shows by his own statement how he was in error when he said that four years ago there was such a bill as this before the Committee on Commerce. Four years ago there was no such bill. Three years ago there was no such bill, but there was, as he says, a bill substantially—"substantially" is an elastic word—a bill resembling this, before the Committee on Commerce at the time which he undoubtedly states correctly. I have not denied that; and had the Senator made that statement in the first place he would not have seen fit to challenge any statement I made.

I remember that bill. I remember being present a good deal more than fifteen minutes at such time as the bill was talked about. I do not remember what the Senator stated as to the length of time, because no one can remember; yet he greatly enlarged the length of time which in any sense was bestowed upon it. I do remember that the Senator came in and standing immediately opposite the Clerk's desk—I remember the procedure well and even the gesture which constituted its chief part—moved as he does to-night, that everything in gross should be passed upon by the Senate, and without the Senate knowing about it except the few persons who may have noticed it; and in twinkling of an eye it was done.

Mr. CHANDLER. I made no such proposition, if the Senator will pardon me. I proposed that it should be read.

Mr. CONKLING. If the Senator will pardon me one moment we are dealing with history at this moment. That being done a committee of conference was appointed which went out and dealt with the bill. I have here the report of that committee of conference, and what it did was to recede from everything in substance and bring the same bill back here. When it came back I opposed the passage of the bill without discussion, and it went over and that is the only consideration it ever had in the Senate until this time.

Then it came here, as I have intimated before, by a private request, an understanding, which I do not care to go into—I will not be tempted, even in exoneration of myself, to do it; but should I state the facts I think the Senate would see that I am not to blame, at all events, for the somewhat abnormal and sudden proceeding by which this bill was snatched from the committee while a sub-committee was investigating it, with many amendments to propose to it in committee, and, before it had ever been considered in committee one hour or one minute, brought into the Senate for action.

Now we come to the present session; and this will conclude all I have to say about it. After the committee has thoroughly examined the bill, comparing it with the existing law and devoting two days to it, and after the committee has proposed some fifty amendments, I am perfectly willing that those amendments should be considered fairly at any time and be acted upon, and the Senator will not have occasion to remind me of any remark I made about making my opposition brief, for I have no opposition to the bill if these amendments are fairly acted upon and adopted, so that they shall not be again given away by a conference committee, but shall be acted upon by the Senate. I have no opposition to make for ten minutes, or five minutes, or three minutes. On the contrary, had the Committee on Commerce reported back the bill as it was, or substantially as it was, then I understood perfectly that my declarations in the Senate and my own sense of duty would have led me to assign in brief and in general my objections to it, record my vote against it, and suffer it to pass; but the facts are entirely different. The bill comes here amended, as I have said, in forty or fifty particulars. If the Senate will take it up and consider it, I will waste no time, and considering these amendments and adopting them, I imagine that no other conference committee will go out for a few minutes and almost *en masse* give up all the amendments and come back to the Senate, so that we are to vote on the same bill as prepared by those whom the Senator insists are in favor of it.

Now, Mr. President, if all this has justly subjected me to the somewhat severe comment of the Senator from Michigan and to the somewhat offensive remarks made by the Senator from Missouri, so be it. I am not conscious of having done anything which has justly earned the somewhat free and easy liberty which has been taken on this subject; and, however that may be, I shall persevere in doing what I believe my duty to this bill, leaving every other Senator to judge, as I shall claim for myself the right to judge, upon my oath and my sense of duty, as best I can.

COMPENSATION OF EMBASSADORS, ETC.

Mr. BOGY. Mr. President——

Mr. FRELINGHUYSEN. I wish to say to the Senator from Missouri that I have here a bill which will not take more than a minute to pass, and which it is necessary should go to the House. It comes from the Secretary of State, and he is very desirous that it should be acted upon.

Mr. BOGY. I will yield for that purpose.

There being no objection, the bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill proposes to amend section 1675 of the Revised Statutes, so as to read:

SEC. 1675. Embassadors and envoys extraordinary and ministers plenipotentiary shall be entitled to compensation at the rates following per annum, namely:

Those to France, Germany, Great Britain, and Russia, each, $17,500.

Those to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, each, $12,000.

Those to all other countries, unless where a different compensation is prescribed by law, each $10,000.

And, unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of 75 per cent., chargés d'affaires at the rate of 50 per cent., and secretaries of legation at the rate of 15 per cent. of the amounts allowed to embassadors, envoys extraordinary, and ministers plenipotentiary to the said countries respectively; except that the secretary of legation to Japan shall be entitled to compensation at the rate of $2,500 per annum.

The second secretaries of the legations to France, Germany, and Great Britain shall be entitled to compensation at the rate of $2,000 each per annum.

Also to amend section 1676 of the Revised Statutes, so as to read:

The agent and consul-general at Cairo shall be entitled to compensation at the rate of $3,500 per annum.

Also to amend section 1681, so as to read:

The minister resident to Uruguay, when also accredited to Paraguay, shall be entitled to compensation at the rate of $10,000 per annum.

Also the following be added to section 1682:

And he shall receive compensation at the rate of $10,000 per annum.

Mr. BOREMAN. Mr. President——

Mr. SAULSBURY. I should like the gentleman who introduced the bill to make an explanation of it.

Mr. FRELINGHUYSEN. I would say to the Senator from Delaware that this bill is to restore the salaries the same as they were before the Revised Statutes. In fixing those Revised Statutes there was a change made, so that you cannot get at the percentage which the secretary of legation has unless there be a minister who has a salary fixed. Mr. Fish has sent up to the Senate a full explanation of it, and it has been submitted to the Committee on Foreign Relations and considered by them.

Mr. BOREMAN. That is all I wanted to know. I did not know but that it was to change the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;

A bill (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennesece Cavalry Volunteers;

A bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle;

A bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri;

A bill (H. R. No. 1644) granting a pension to Hannah E. Currie;

A bill (H. R. No. 2685) for the relief of John Aldredge;

A bill (H. R. No. 3276) granting a pension to Davenport Downs;

A bill (H. R. No. 3435) to provide for the sale of the building and grounds known as the Detroit arsenal, in the State of Michigan;

A bill (H. R. No. 3688) granting a pension to William O. Madison;

A bill (H. R. No. 3698) granting a pension to William C. Davis, a private in Company B, Eleventh Tennessee Cavalry Volunteers;

A bill (H. R. No. 3703) granting a pension to Catharine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers;

A bill (H. R. No. 3704) granting a pension to Mary E. Stewart;

A bill (H. R. No. 3706) granting a pension to Margaret H. Pittenger;

A bill (H. R. No. 3711) granting a pension to Martin D. Chandler;

A bill (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery in the district of Pearl River;

A bill (H. R. No. 4853) to change the name of the pleasure yacht Dolly Varden to Clochette;

A bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army; and

A bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876.

STEAMBOAT LAW.

Mr. STEWART. I desire to make a report. I have tried all day to make a report.

Mr. BOGY. Mr. President, I shall not yield.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Missouri declines to yield.

Mr. CHANDLER. Will the Senator from Missouri allow me to make a brief statement about this bill? I have the bill before me. Will the Senator yield a single moment to me?

Mr. BOGY. Go ahead.

Mr. CHANDLER. Most of the amendments are brief. There are about forty or fifty amendments, but the great majority of them are very brief. Occasionally a brief section is cut out. Now I think we can finish this bill and could have got through with it some time ago but for this explanation that has taken place. I hope the Senate will grant me thirty minutes barely to have these amendments read and allow them to be passed and send the bill to the other House.

Mr. STEWART. I want a moment.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. BOGY. A moment is a very indefinite portion of time. I cannot tell how long it is.

Mr. STEWART. I do not want any action.

Mr. BOGY. I shall be very brief. I shall speak but a moment myself. I have not much to say. I see that at this late hour of the session and of the night it will not be very agreeable to detain the Senate. Nevertheless it is due to myself that I should make a short statement.

The Senator from New York has charged me with having made a misstatement, and he proves that misstatement in his own way of proving it, by making himself a direct misstatement. Every Senator on this floor who hears me now and who heard him then will now agree with me in my statement. I did not say that the Senator had pledged himself to speak ten minutes if this bill was referred to the Committee on Commerce. I made no such statement. Yet he charges that as being a misstatement by me, when the statement was not made by me. The Senator knows I made no such statement, but the statement was made directly by the Senator from Michigan, in which he said that the Senator from New York had told him that if he moved to have this bill referred to the Committee on Commerce he would not detain the Senate longer than ten minutes afterward. I did not make that statement, but the Senator from Michigan made that statement, and the Senator from New York has not denied it. He has not denied it and I presume he cannot deny it. But I did make a statement that on the motion of the Senator from New York this bill was referred to the Committee on Commerce. I did not mean it in that way. I knew that the Senator from Michigan had made the motion *pro forma*, but I was informed at that time that it was at the request of the Senator from New York; that although the other Senator made the motion, he being the chairman of the Committee on Commerce and having charge of the bill, it was made at the request of the Senator from New York, who had told him that if he consented to make that motion he would then not speak longer than ten minutes.

The Senator did make the statement in the open Senate that the bill had never been read by the committee, giving the friends of the bill to understand that the object in having the bill referred back to the committee was to have it read, because it had never been read. Such was the impression of the majority of this body at that time, because we had a known majority in favor of the bill. That fact had been tested on more than one occasion, and upon every occasion we had carried a majority of the Senate with us. When the motion was made I objected to its adoption.

Mr. SCOTT. In the interest of the dispatch of business I feel compelled to make a point of order. I believe the motion is to proceed to the consideration of the steamboat bill.

The PRESIDING OFFICER. The motion is to proceed to its consideration. The Senator will state his point of order.

Mr. SCOTT. I raise the point of order that the discussion of what occurred in committee or what occurred in the Senate is not pertinent under the rule, that nothing can be considered except the propriety of the Senate proceeding to the consideration of this bill.

Mr. BOGY. That may be true; but as the Senator from New York charged me with having made a misstatement, I think I have convicted him of making one. I do not charge him with doing it; I think I have convicted him.

Mr. SCOTT. I feel justified in making the point of order for the reason that I am with the Senator in reference to the merits of the bill. I wish to get at the bill, and if we cannot get at that to get something else up and pass upon that.

The PRESIDING OFFICER. The Senator from Missouri will confine his remarks to the subject before the Senate. The merits are not debatable under the rule upon a motion to proceed to the consideration of a bill.

Mr. BOGY. So much for the Senator from New York. I think I have said enough on that subject to satisfy the Senate. He stands before this body in a singular position. The impression was made upon the mind of the Senate that the bill would no longer be objected to if it was referred to the committee and reported back. Such was the general impression. I went to the Senator having charge of the bill, the Senator from Michigan, and objected to the reference. He told me, "Let it be referred, because if it is referred it will be reported right back without amendment, and there will be no longer any substantial objection to it." With that understanding I assented, and with that understanding the bill was recommitted. The bill was reported back on the following Monday, and efforts have been made from that time until to-night to get it before the Senate. There was a majority for the bill. There is a majority for the bill, I presume, now. It is a measure of the very greatest importance to a large class of people. To the entire commerce of the West, and perhaps to the commerce of the East, it is of great importance that a measure of this kind should be adopted. If it has not been here for four years, it has been here for nearly three years. It is an old subject, well understood and well discussed, which has received the opposition of the Senator from New York for years. To that I have no objection. He has a perfect right to object to this or any other bill as he may deem proper. I have no objection to his doing so; but I do object to the mode and manner in which this bill is defeated if it is to be defeated. I hope that the bill will be taken up.

Mr. WEST. I believe the Senate is now about to take a vote on the proposition of the Senator from Michigan to take up what is known as the steamboat bill.

The PRESIDING OFFICER. That is the pending question.

Mr. WEST. When the Senator from Michigan made that proposition about one hour ago, I notified the Senate, as I was fully aware at the time, that if we embarked upon a discussion of that bill we should be engaged here all night. I call to the minds of Senators that there is a bill here, an appropriation bill lying there on the desk of the Vice-President, and it is their duty to act upon such bills in preference to all others. I hope they will stand by me on that proposition and vote down the motion to take up the steamboat bill.

Mr. RAMSEY. What appropriation bill?

Mr. WEST. The river and harbor bill.

The PRESIDING OFFICER. What is the motion of the Senator from Louisiana?

Mr. WEST. I have no motion to make.

Mr. SARGENT. I wish to say to the Senate that I have now, after waiting some five or six hours, received the sundry civil bill. It is absolutely necessary, if we are to consider this bill, that it shall be passed at an early moment. Otherwise it cannot get back to the House and go to a committee of conference and be enrolled, and all our labor will be lost. I would like to say for the Committee on Appropriations, who have worked on it all day long and until late in the evening without going to our dinners, that this bill should have a chance. I wish to call attention to the bill, and I trust the steamboat bill will not be taken up and that the sundry civil bill will be taken up and put on its passage.

Mr. SCOTT. I desire, before any action is taken on that or on the motion of the Senator from Michigan, to obtain consent to call up House bill No. 4850, for the purpose of correcting a mistake in the revision of the laws.

The PRESIDING OFFICER. Is there objection?

Mr. BOGY. I think we shall save time by going on regularly. I would rather the question of taking up the steamboat bill should first be disposed of. If it is the mind of the Senate not to take it up, let that be determined.

Mr. WEST. Let us vote on it.

The PRESIDING OFFICER. Is there objection to the consideration of the bill proposed by the Senator from Pennsylvania?

Mr. CHANDLER. I do not like to object, but we had better proceed regularly.

Mr. SCOTT. I hope the Senator will not object.

Mr. CHANDLER. Very well.

CUSTOMS SERVICE AT PHILADELPHIA.

There being no objection, the bill (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia was considered as in Committee of the Whole.

The bill authorizes the Secretary of the Treasury to appoint three gaugers for the customs service at the port of Philadelphia from the list of officers now under appointment as inspectors, whose compensation shall be the same as that paid to the gaugers at the port of Boston; but the number of officers or employés in the customs service at the port of Philadelphia is not to be increased.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. STEWART. I now ask leave to make a report. I am instructed by the Committee on Railroads, to whom was referred the bill (S. No. 989) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872; and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866, to report it back without recommendation.

The PRESIDING OFFICER. The bill will be placed upon the Calendar.

Mr. STEWART, from the Committee on Railroads, to whom was referred the following bills, asked to be discharged from their further consideration; which was agreed to:

A bill (S. No. 724) amendatory of and supplemental to the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862;

A bill (S. No. 754) to promote commerce among the States and to cheapen transportation of persons and property between the Atlantic seaboard and the Western States and Territories;

A bill (S. No. 788) amendatory of and supplemental to the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862;

A bill (S. No. 796) amendatory of and supplementary to the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and the acts and resolutions additional thereto and amendatory thereof;

A bill (S. No. 932) granting the right of way through the public lands to the Saint John's Railway Company, and for other purposes;

A bill (S. No. 957) chartering a double-track freight-railway company from tide-water on the Atlantic to the Missouri River, and to limit the rates of freight thereon;

A bill (S. No. 1005) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States;

A bill (S. No. 1069) providing for the construction of the Oregon Central Pacific Railway and telegraph line;

A bill (S. No. 1127) to empower the Southern Pacific Railroad Company to change the line of their road, and to construct an additional branch;

A bill (S. No. 1194) granting right of way to the San Pete Railway Company;

A bill (S. No. 1197) to aid in the construction of the Southern Maryland Railroad, and for other purposes;

A bill (S. No. 1199) to survey the Austin-Topolovampo Pacific route; and

A bill (S. No. 1290) to encourage and promote telegraphic communication between America and Asia.

Mr. STEWART. I am also directed by the same committee to report back sundry petitions in regard to these measures. I will not take up the time of the Senate in reading the titles of the petitions, but ask that the committee be discharged from their further consideration.

The PRESIDING OFFICER. That order will be made.

RAILROADS IN THE TERRITORIES.

Mr. STEWART. I ask further, as I have the floor and as I seldom get it, that a vote be now taken on the report of the committee of conference on the right of way bill, which is lying on the table, and which has been read. We agree to the House amendment, and I ask that a vote be taken on that report.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The question is upon agreeing to the report.

Mr. BAYARD. What is the report?

The PRESIDING OFFICER. The Secretary informs the Chair it has been read. It will be again reported.

The Secretary read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, having met, after full and free conference have agreed to recommend and do recommend as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with amendments as follows:

Strike out all of section 2 after "defile" on page 2, in line 11, down to and including line 20.

Strike out on page 2, line 23, section 3 of the amendment, "or," and insert in lieu thereof the following:

"And where such provision shall not have been made."

And the House agree to the same.

WM. M. STEWART,
T. O. HOWE,
Managers on the part of the Senate.

W. TOWNSEND,
JACKSON ORR,
W. S. HERNDON,
Managers on the part of the House.

Mr. BAYARD. Before the report is concurred in I wish to ask the Senator from Nevada whether the Senate has yielded the amendment insisted upon here, that when States formed out of these Territories come into existence as States the control over these railroad corporations should not be affected by anything in this act?

Mr. STEWART. The Senate has given up the whole proposition of forming corporations, and simply accepts the House proposition to grant rights of way, allowing the corporations to be formed hereafter. There is nothing about corporations in the bill.

Mr. BAYARD. Then I understand there is nothing affecting the rights of States to control these matters after the Territories shall become States?

Mr. STEWART. The simple proposition in the bill is to grant the right of way to railroad companies formed in the Territories. It does not deal with the corporations at all nor provide how they shall be formed. They will be formed under territorial laws.

Mr. BAYARD. Reserving to the States formed hereafter the right to regulate these corporations?

Mr. STEWART. The same as before. The Committee on Public Lands granted the right of way, and certainly it is all right.

The report was concurred in.

CIVIL APPROPRIATION BILL.

Mr. SARGENT, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, reported it with amendments.

STEAMBOAT LAW.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Michigan [Mr. CHANDLER] to take up House bill No. 1588.

Mr. SARGENT. I shall consider it my duty to object to everything until I can get up the appropriation bill.

The PRESIDING OFFICER. The question is on taking up the steamboat bill. The Senator from California objects.

Mr. SARGENT. I have to object to everything until I can get the appropriation bill up. I consider that a high duty.

Mr. CONOVER. I hope the Senator will withdraw that objection for a moment. I simply want to take up a House resolution.

Mr. SARGENT. It gives me great pain to object to my friend, but I am charged with a high duty, with an important bill, and I think it more important than any other bill.

Mr. CONOVER. I will move to take up the——

The PRESIDING OFFICER. The question is on taking up the steamboat bill, on which the yeas and nays have been called for.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion to take up the bill.

The motion was not agreed to.

RIVER AND HARBOR BILL.

Mr. CONOVER. I hope the Senator from California will yield to me now for a moment.

Mr. WEST. I move to take up the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. SARGENT. I raise the point of order on that. The Senator is not in charge of that bill and I do not think he should antagonize it with the sundry civil appropriation bill.

Mr. WEST. The Senator from Louisiana may not be in charge of the bill, but the bill is before the Senate and it is competent for any Senator to call it up.

The PRESIDING OFFICER. The question is on taking up for consideration the bill named by the Senator from Louisiana.

The question being put, there were on a division—ayes 14, noes 23.

Mr. WEST. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 28; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Clayton, Conkling, Conover, Dennis, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Hamilton of Texas, Harvey, Howe, Norwood, Oglesby, Pease, Ramsey, Scott, Sherman, Thurman, West, and Windom—24.

NAYS—Messrs. Anthony, Bayard, Boreman, Boutwell, Chandler, Cooper, Cragin, Davis, Eaton, Gordon, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Ingalls, Jones, Kelly, McCreery, Merrimon, Morrill of Maine, Sargent, Saulsbury, Spencer, Stevenson, Stewart, Stockton, Washburn, and Wright—23.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Johnston, Lewis, Logan, Mitchell, Morrill of Vermont, Morton, Patterson, Pratt, Ransom, Robertson, Schurz, Sprague, Tipton, and Wadleigh—21.

So the motion was not agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SARGENT. I move that the Senate proceed to the consideration of House bill No. 4729, the sundry civil appropriation bill.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. The Chair will state the question. The Senator from California moves that the Senate proceed to the consideration of the bill which he has named, the sundry civil bill.

Mr. WEST, (at one o'clock and fifteen minutes a. m. Wednesday.) I move that the Senate do now adjourn.

Mr. ALLISON. I hope not.

Mr. SARGENT. What good does that do?

Mr. WEST. You can vote it down if you please. I have no faith in keeping the body here now.

The PRESIDING OFFICER. The question is on the motion to adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from California to proceed to the consideration of the sundry civil bill.

The motion was agreed to; and the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, was considered as in Committee of the Whole.

Mr. RAMSEY. I appeal to the Senator from California to let me call up the Pembina bill.

Mr. HAMILTON, of Maryland. I appeal to the Senator from California to allow me to take up the Louise Home bill.

Mr. RAMSEY. I beg to say to the Senator from Maryland that I made the first appeal.

Mr. SARGENT. I decline to yield to any such purpose.

The PRESIDING OFFICER. The Senator from California declines to yield. The Secretary will report the bill at length.

Mr. RAMSEY. The Senator then refuses to hear my appeal.

The PRESIDING OFFICER. The Senator from Minnesota again appeals to the Senator from California. Does the Senator from California yield?

Mr. SARGENT. I decline to yield.

Mr. RAMSEY. I know the Senator will allow me to call up the Pembina bill. It will take but a few minutes.

Mr. SARGENT. I decline to yield.

The PRESIDING OFFICER. The bill will be read, and the amendments reported by the Committee on Appropriations will be acted on as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in line 11, to reduce the amount appropriated for the public printing, for the public binding, and for paper for the public printing (including the cost for printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD) from $1,625,507.66 to $1,603,507.66.

Mr. ANTHONY. Why is that amount reduced? The amount that was named in the bill was thought to be insufficient for the proper service of the Government, and I see that it is reduced still further. Will the Senator explain to me why this reduction is made?

Mr. SARGENT. The Senator is very well aware that at the time this bill was considered during this day in the Committee on Appropriations the tax bill had been abandoned and there was no hope of passing it. That will account for many of the amendments which appear in this bill. I myself voted differently in committee from what I was disposed to do, but as a Senator on this floor after the passage of the tax bill I think we can pass this bill in reasonable shape, and pass the river and harbor bill also. I desire to keep whatever faith may be necessary in regard to the appropriations.

If the Senator will look a little further on in the bill, he will find that we reduced this item for the Court of Claims from $12,000 to $10,000, the amount appropriated last year. The committee had no information that it was necessary to increase that amount, and we gave them the amount they had last year. There is the War Department; we gave them for printing $100,000, which was the amount they had last year, striking out the words "and twenty." That accounts for the difference in the printing. If the Senator has any special information that the War Department or the Court of Claims needs this extra amount, I suppose that will influence the Senate to restore those items in the bill as it came to us from the House.

Mr. ANTHONY. I cannot say that I have, but we have applications here continually from the Departments for printing reports and documents at the expense of the general appropriation, which ought to be provided for in their special appropriations. I suppose that these items as they come from the House are based upon recommendations of the executive officers. If the reduction was made because it was apprehended that the tax bill would not pass, as the tax bill has passed I suggest that it be put back again.

Mr. SARGENT. That remark applies generally to the bill, and not particularly to these items; but the item of printing we have to guard zealously. I know that the Senator does so himself in the Committee on Printing, but the Committee on Appropriations have a duty too. There is a disposition to magnify it all the time. This large additional increase of $20,000 for the War Department we did not see was necessary, and therefore we probably would have recommended that it should be cut down in any case; but I am willing to submit the question to the Senate, and do not want to take up time on it.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was rejected.

Mr. SARGENT. The other two amendments in lines 16 and 19 of course will have the same fate.

The next amendment was in line 16, reducing the appropriation for printing and binding for the Court of Claims from $12,000 to $10,000.

Mr. SARGENT. I withdraw that because the other, which was stricken out, was a footing.

Mr. HOWE. Will the Senator from California inform the Senate what printing is done with that $12,000?

Mr. SARGENT. It is for the records of the Court of Claims and the briefs of the Government attorney.

Mr. HOWE. The records of causes?

Mr. SARGENT. The records of the court.

Mr. THURMAN. The reports, you mean.

Mr. SARGENT. No; this item relates to the printing of the records of the court.

Mr. HOWE. The Government, then, pays for printing cases made up against itself?

Mr. SARGENT. In which it is a party.

Mr. HOWE. Made up against itself?

Mr. SARGENT. Exactly. It may be in its favor for aught I know. It is the record in its own cases.

Mr. HOWE. The United States is always defendant in those cases.

Mr. SARGENT. Undoubtedly. We follow the existing law. The law requires this printing; and we make no appropriations except in accordance with law.

Mr. HOWE. What law?

Mr. SARGENT. The statute law of the United States.

Mr. THURMAN. Precisely the same as the record printed in the Supreme Court, and the losing party pays the cost. The record must be printed for the service of the judges; and if the petitioner loses his case the cost of the record is charged in the bill of costs.

Mr. HOWE. I never have seen that statute which requires this printing to be done, and I think it would be a little troublesome to find it.

The PRESIDING OFFICER. The question is on the amendment reducing the appropriation from $12,000 to $10,000.

The amendment was rejected.

The next amendment was in line 19, page 2, to reduce the appropriation for printing and binding for the War Department from $120,000 to $100,000.

Mr. SARGENT. That also comes under the first amendment, which was rejected, and I ask leave to withdraw the amendment, as the footing was changed.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CONKLING. I wish to inquire of the Senator from California whether it would be agreeable to him to have any amendments offered as we go along or to have them withheld?

Mr. SARGENT. I should much prefer that Senators should wait until the committee get through with their amendments.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to strike out lines 54, 55, and 56, in the following words:

For new life-saving stations on Long Island Sound, one at Eaton's Neck, and one at Point Judith, $10,000.

Mr. ANTHONY. I suppose this was stricken out for the reason that the Senator from California stated.

Mr. SARGENT. Partly that and partly because these are new life-saving stations, and the life-saving service, like the signal service, is increasing very rapidly. It is getting to be very expensive, and the committee were conservative upon this point. They thought that unless there was very strong reasons for it this ought not to be allowed. There are light-houses and life-saving stations there.

Mr. ANTHONY. These are very dangerous points, where many wrecks have occurred and many lives have been lost. Certainly we cannot appropriate $10,000 for any better purpose than for the salvation of human life; and as the tax bill has passed, I hope the Senator will allow this amendment to be rejected.

Mr. SARGENT. Very well; I submit it to the Senate.

The amendment was rejected.

The next amendment was after the word "donation," in line 75, to strike out the words "or purchase;" so as to read:

And the Secretary of the Treasury is hereby authorized, whenever he shall deem it advisable, to acquire, by donation, in behalf of the United States, the right to use and occupy sites for life-saving or life-boat stations and houses of refuge, the establishment of which has been, or shall hereafter be, authorized by Congress.

The amendment was agreed to.

The next amendment was on page 7, line 140, after the words "Secretary of the Treasury" to strike out "in his discretion may" and insert the word "shall;" so as to read:

That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies, &c.

Mr. ALLISON. I do not know whether I fully understand that. Does that amendment require that it "shall" be done here?

Mr. SARGENT. The amendment was put on after consideration by the committee, and the Secretary of the Treasury being present, stated that this form of the amendment was just as he desired it.

The amendment was agreed to.

The next amendment was in line 143, before the word "contract" to strike out "shall" and insert "may," and in line 144 after the word "same" to insert "be done within the District of Columbia;" so as to read:

That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same, to be done within the District of Columbia, at the lowest cost to the Government.

Mr. MERRIMON. I desire to ask the Senator from California why it is required this work should be done in the District of Columbia?

Mr. SARGENT. On account of the enormous cost of transportation. The proposition was made by one of the principal bank-note companies of New York to open their establishment here. The cost of transportation is something enormous, and the risk is also something, and they propose to do it in that way. This was done when the Secretary of the Treasury was present with us and he said it was right.

Mr. MERRIMON. Will the effect be to reduce the cost?

Mr. SARGENT. That is what we believe unquestionably.

The amendment was agreed to.

The next amendment was in line 170, page 8, to reduce the appropriation for defending suits and defraying expenses thereof in claims against the United States pending in any Department; and for the defense of the United States in the Court of Claims, to be expended under the direction of the Attorney-General, from $80,000 to $50,000.

The amendment was agreed to.

The next amendment was after the word "dollars" in line 170 to insert the following proviso:

Provided, That from and after the passage of this act, the salary of the district judge of the United States for the eastern district of Wisconsin shall be $5,000 per annum: *Provided, further*, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $10,000 per annum, and eight dollars per diem for expenses.

Mr. ALLISON. I move to amend the amendment by inserting what I send to the Clerk's desk to come in after "per annum" in line 174.

Mr. MERRIMON. I desire to ask the Senator from California why this discrimination is made as to this judge?

The PRESIDING OFFICER. The Secretary will report the amendment of the Senator from Iowa.

Mr. MERRIMON. I thought that was not in order.

Mr. CONKLING. I thought that Senators were to wait until we got through with the committee amendments.

Mr. SARGENT. I only regret that the Senator from Wisconsin [Mr. CARPENTER] is not here to defend this amendment which he sent to the committee. I can only repeat what he stated to the committee, that they had great difficulty in getting a judge there of adequate experience and talent to take this place; that two or three had been nominated who refused to accept, but he had finally succeeded in inducing one gentleman of high character to take the place under promise of an effort on his part to have his salary placed at this figure, and that was the only means by which they could retain a judge there.

Mr. BOGY. That was the argument?

Mr. SARGENT. That argument influenced the Committee on Appropriations.

Mr. MERRIMON. I do not think there should be a distinction made.

Mr. CONKLING. We do not hear over here what Senators say although we try to.

The PRESIDING OFFICER. The Senator from Iowa moves to amend the amendment as will be reported.

The SECRETARY. It is proposed on page 8, line 174, after the words "per annum" to insert:

And the salary of the judge of the district court of the United States for the district of Iowa shall be the like sum of $5,000.

The PRESIDING OFFICER put the question, and declared that the noes appeared to prevail.

Mr. ALLISON. I ask for a division, and I desire to say a word on this amendment. Iowa has but one judicial district. Wisconsin has two. The business of Iowa is more than double the business of the whole State of Wisconsin and the district judge of Iowa has a very large amount of labor to perform.

Mr. SARGENT. I do not wish to be excluded from raising a point of order; and as it is going to lead to discussion, I raise the point of order on the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. SARGENT. That the amendment has not been sent to the Committee on Appropriations for its consideration and is not reported from any standing committee.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. ALLISON. Then I move to strike out on line 170, after the word "provided" down to and including the words "per annum" in line 174.

Mr. CONKLING. Do not move to strike out. Call for a division of the amendment of the committee and vote against the proviso.

Mr. MERRIMON. It is not in yet.

The PRESIDING OFFICER. The Senator from Iowa moves to strike out a part of the amendment.

Mr. SARGENT. A division of the amendment will amount to the same thing.

Mr. ALLISON. The last portion of this amendment I do not object to, but I desire to strike out the portion which increases the salary of the judge in the district of Wisconsin.

Mr. CONKLING. I wish to ask a question of the Chair. This being an amendment of two substantive propositions is it not divisible, and if the Senator calls for a division of the question, does he not enable himself to vote on the first part of it?

The PRESIDING OFFICER. The amendment can be taken together. The Senator from Iowa moves to strike out a part, which is in order. The question is on the amendment to the amendment.

Mr. HOWE. Do I understand the motion of the Senator from Iowa is to strike out that provision for salary of the judge of the eastern district of Wisconsin, and will the Senator be good enough to point out the reason for that?

Mr. ALLISON. I endeavored to point out the reason in offering the amendment which I proposed to the amendment of the committee.

Mr. HOWE. What is that amendment?

Mr. ALLISON. An amendment increasing the salary of the judge of the district court of Iowa to the same sum.

Mr. HOWE. Does the Senator from Iowa think it right to strike down that salary because the salary of the judges of all the States is not raised?

Mr. ALLISON. I take it to be the judgment of the Senate that the salary of this judge ought not to be raised when the facts are that the district judge of Iowa has twice the business, twice the territorial area of the judge of the eastern district of Wisconsin.

Mr. HOWE. I think the Senator from Iowa will not insist on his amendment. I have no facts before me which lead me to doubt that the salary of the district judge of Iowa ought not to be as high as the sum mentioned here. All I can say about it is that I have no information upon the point, but the Judiciary Committee of the Senate has recommended that the salary be $5,000.

Mr. OGLESBY. What is the salary now?

Mr. HOWE. Thirty-five hundred. The Committee on Appropriations has inserted the provision in the bill. I certainly do not think the Senator from Iowa is taking the shortest road to have justice done to the judge of his own State, by stricking out this.

Mr. ALLISON. I was not aware until it was stated now by the Senator from Wisconsin that the Judiciary Committee had made this discrimination in favor of this judge in the eastern district of Wisconsin. If they have, and the Appropriation Committee concur, of course the Senate will not strike it out.

Mr. HOWE. The motion is withdrawn then, I take it.

Mr. WRIGHT. I desire to say one word on this amendment. I have no objection to the increase of the salaries of the district judges if it can be done so as to be just and right to all, but here is a proposition to increase the salary of the judge of the district court of the eastern district of Wisconsin. The circumstances under which this recommendation was made by the Judiciary Committee I shall not refer to. It is not necessary that I should do so.

In the eastern district of Wisconsin it is proposed to increase this judge's salary to $5,000, when I have no question on earth that almost every district judge in the United States has a larger amount of business than there is in that district, and I take my own State as an illustration. All I want is common fairness. If it is right to increase this judge's salary, then it is right to increase the salaries of the other judges as well; and if it is not right to increase the salaries of the other judges, it is not right to increase the salary of this judge; and I say it is unfair; I say it is a discrimination that is not justified upon any principle on earth, to increase the salary of this judge and not give an opportunity to increase the salaries of the other judges. I say strike this out and let all stand alike, or else let others come in and have an equal chance.

The business before the judge of the district court of the State of Iowa is twice that in the eastern district of Wisconsin, and more than there is in the entire State of Wisconsin, and yet it is proposed to increase the salary of this one judge, simply, as I understand, because it is difficult to obtain some man to take the place unless he can get a better salary. But here is a man who has been living upon a starving salary for years and years, and because some other man will not take the place in another State, you increase the salary.

Mr. HAMLIN. Mr. President, I would like to know if there was distinctively any proposition submitted to the Committee on the Judiciary to raise the salaries of other judges?

Mr. CONKLING. No, sir.

Mr. HAMLIN. I understand the Senator from New York, then, that they had only one case before them, which has done injustice to all the other judges in the United States.

Mr. WRIGHT. I have said that the circumstances under which that recommendation was made I shall not refer to here. The chairman of the committee is here, and he can understand as well as myself. Of course I do not intend to say anything about that. I do not want to say anything about it, but I do insist that there is no justice in the proposition to increase the salary of this judge on this appropriation bill.

Mr. SARGENT. I hope we shall have a vote on this. The Senate can very soon decide whether to sustain the committee.

Mr. CLAYTON. I have an amendment to offer, to come in after "per annum," in line 174.

Mr. SARGENT. I believe the order is that the committee's amendments are first to be acted on.

The PRESIDING OFFICER. It is in order as an amendment to the amendment.

Mr. CLAYTON. It has been referred and has been before the Committee on Appropriations.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed, after the words "per annum," in line 174, to insert:

And provided further, That the judge of the eastern district of Arkansas shall be paid at the rate of $5,000 per annum from the date of the resignation of the late judge of the western district of said State, and to continue at said rate while the courts in both the said districts are held by the judge of the eastern district of Arkansas.

Mr. CLAYTON, I desire to say a few words on this amendment.

Mr. SARGENT. I cannot raise the point of order on that, I will say in justice to my friend from Iowa, because it was sent to the Committee on Appropriations.

Mr. CLAYTON. I want to say a word. Here was a proposition sent to the Committee on Appropriations to do what? To pay an officer an extra salary for the performance of double duty. Last spring the judge of the western district of Arkansas resigned. Under the law the judge of the eastern district was compelled to hold the courts of both districts, and he has been doing so from the date of the resignation of that judge to the present time. The districts are eight hundred miles in extent—a larger jurisdiction than any other district in the United States. He has had to travel at his own expense over this district and hold three different courts at three different places.

Mr. BAYARD. On what salary?

Mr. CLAYTON. Thirty-five hundred dollars; in a State, too, where travel is very expensive.

Mr. ANTHONY. And somewhat dangerous.

Mr. CLAYTON. He is performing his duty, and he is doing a service that has cost this Government $7,000 a year to do before. While Judge Story was holding that court and the Government paid for two judges, they paid $7,000 a year for this service, and now Judge Caldwell, of the eastern district of Arkansas, is doing this same service for $3,500 a year. I do claim there is merit in this case, and I do think, while the judge is doing that double service at unusual expense, he should be paid this salary; and I hope the Senate will give it to him.

I am very much surprised, however, to see that while the proposition to increase the salary of this judge in Wisconsin, where it is not shown that any additional labor is required, has been inserted in this bill, this proposition to pay an officer for double service has not been inserted.

Mr. SARGENT. I move that the five-minute rule apply to amendments on this bill.

The motion was agreed to.

Mr. CONKLING. I am surprised somewhat at the view taken of this amendment and at the ground of the opposition to it. The honorable Senator from Maine very naturally asked whether any other case was before the Judiciary Committee, and I am able to say no others case was before the committee. The Senator from Wisconsin, not now in the Chamber, a member of the Judiciary Committee, brought this case to the knowledge of the committee, and it was this case and not some other upon which the committee passed. I have no hesitation in stating one of the chief grounds upon which the committee acted. The judge of this district has resigned recently, the inadequacy of salary doubtless being one of the causes which led him to resign. A man has been nominated who we are told is a distinguished and qualified lawyer, and he was nominated in accordance with a very general wish of the bar. He frankly avowed that he could not take the office and hold it upon the present salary. Very naturally, therefore, in order to secure the services of the man whom the bar and the bench of Wisconsin preferred, the Senators from Wisconsin said they would make an effort to put up this salary. So that, as the Senator from California intimated, the acceptance of the office by one confessedly fit depends more or less on the fate of this amendment.

Mr. President, the Judiciary Committee did authorize this amendment to be reported, and I say to my friend from Arkansas that I am not now engaged in opposing his amendment or reflecting upon it in any way. I am speaking of the amendment reported by the committee. The Committee on the Judiciary, for good reasons as they thought, reported this amendment. There are two very grievous cases in my own State as to which the bar of all parties have been crying out for two or three years. There are two judges there, whose pay is wholly inadequate, and they are greatly worked. I might oppose this because the salary of those judges is not properly provided for, but it would strike me as exceedingly unreasonable. If it is true that a judge in Iowa is not properly paid, move the amendment, and move it in order, as the Senator from Wisconsin, who is now absent has moved this, and let us pass upon that; but shall it be said that we will vote down an amendment which is in order, which is meritorious, which no Senator says is not meritorious, because, forsooth, other amendments were not introduced in behalf of other judges and were not before the committee, and therefore the committee did not, as it could not, pass upon them?

It seems to me that would be a wild Indian justice. Here have been several bills to increase the salaries of judges. We have passed upon them. None of them included, except the bill I offered the other day, which the Senate was good enough to pass, the two cases I referred to; but could I justify myself in sitting here and saying, "I will vote down all these bills, although they be confessedly meritorious, because another judge in Ohio, New York, or some where else has not been included?"

Now I humbly submit, especially in the absence of the Senator from Wisconsin, who has come from home recently, knowing the circumstances of this case, it would be very austere for the Senate to say, "We will strike down this amendment although it is properly here, examined by two committees and reported by two committees, merely because other Senators did not bethink themselves and introduce other amendments relating to other officers, judicial or otherwise." No Senator feels more than I do, in the case of my own State, that salaries there ought to be raised. Judge Blatchford, who, living in New York, sits in court nearly the entire year round, receives $4,000 salary, while judges of city courts in that city receive $17,500. Everybody knows that this is monstrous; but shall I justify myself because of that in voting down this amendment if it prove to be meritorious? Now I venture to suggest that the amendment either ought to be adopted or it ought to stand as it is, we passing over it until our friend from Wisconsin, who happens to be absent and who knows all about this, shall at least have a hearing upon it. Dealing with an absent Senator and a meritorious amendment, I appeal to Senators not to strike it down for some reason which has nothing in the world to do with the case.

Mr. ALLISON. I desire to say one word in justification of my proposition to strike out. Do I understand the Senator from New York to say that the Judiciary Committee sent this amendment formally to the Committee on Appropriations?

Mr. CONKLING. Why, Mr. President, the Senator says "formally." I answer, no, they sent it substantially. The committee received the amendment, it being moved by the Senator from Wisconsin. It was voted upon as the committee vote upon any other amendment after hearing a statement of the case, and the committee's report was in favor of the amendment. It was referred to the Committee on Appropriations and by them reported and ingrafted in the bill. That is not formal, but it is real.

Mr. ALLISON. I will say in justice to myself that my attention was called to the fact that probably an amendment would be offered from the Committee on Appropriations with reference to this subject, but I was not aware until I saw the printed bill at this moment that this amendment was in the appropriation bill, although I was present nearly all the day in the Appropriation Committee, when that subject was considered, and I was only absent for a short time upon a committee of conference.

Mr. SARGENT. If my friend will allow me right there, I will state that there were seven members of the Committee on Appropriations present when this amendment was voted upon.

Mr. ALLISON. I have nothing to say upon that subject; I am only speaking in justification of myself. Now, then, when I propose an amendment providing for an increase of the salary of a judge who has twice the territorial area of this judge and twice the business of the whole State of Wisconsin, I am ruled out by the Senator in charge of this bill because I am not in order. I simply submit that.

Mr. CONKLING. May I ask my honorable friend one question? Is the Senator's being ruled out the fault either of the newly-appointed judge in Wisconsin or of the Senator from Wisconsin who moved this amendment?

Mr. ALLISON. Certainly not, nor the Senator from New York. I am not complaining of them.

Mr. CONKLING. Then I do not see why the Senator should retaliate because the rules of the Senate require an amendment to be reported by a committee and these other amendments have not been reported.

Mr. MERRIMON. I believe the district judges are paid in a very niggardly way; their compensation is not sufficient; but I am not willing to see a distinction made. I move in line 172 to add to the word "judge," the letter "s," and——

The PRESIDING OFFICER. That is not in order, as two amendments are now pending.

Mr. MERRIMON. When it is in order, I will make that motion to amend.

Mr. THURMAN. Is the question on the salary of the Wisconsin judge?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. CLAYTON] to the amendment of the committee.

Mr. THURMAN. I understand that is offered as an amendment to the provision in the bill raising the salary of the judge in Wisconsin.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMAN. I suggest to the Senator who has the bill in charge and to all others, inasmuch as the Senator from Wisconsin, who is absent now, feels a strong interest in this matter, that we pass on to the next amendment, leaving this amendment to be considered hereafter, when he shall come in.

Mr. MERRIMON. I have a suggestion on the amendment. I want to make it so that Senators will think about it. My proposition is to add the letter "s" to the word "judge" in line 172, and to strike out in lines 172 and 173 these words, "for the eastern district of Wisconsin." The provision will then read:

That from and after the passage of this act the salary of the district judges of the United States shall be $5,000 per annum.

Mr. EDMUNDS. I could not see my way clear to favor this amendment, either in the place from which it came or here; but I think the Senator from Ohio states a very proper thing, that the Senator from Wisconsin being absent to-night, it is only a matter of proper courtesy to him, as we should all wish it to be given to us, to let this matter go by for the time being. I am not for it; I never have been for it; but I hope no one will object to letting it be passed by until the Senator from Wisconsin shall come in.

Mr. WRIGHT. Allow me to make one remark. I am quite willing that that shall be done. I do not know that I would want to have this amendment voted on at all in the absence of the Senator from Wisconsin. I think that is eminently proper, but I think it is due to myself that I should say one word. I will not violate any confidence, and I think I shall be sustained in what I say, that the proposition before the Committee on the Judiciary was brought up in rather an informal way about the time it adjourned. The statement in full, of course, is not necessary to be given here. Indeed, I may state for myself that I hardly knew it was agreed upon that it should be reported. I had no knowledge that it had been reported at all until it came here. I spoke to my colleague, or rather sent a note to him to-day, that if anything of the kind was done I wanted attention given to the matter for our own State. It seems until he received the note he had no knowledge anything of the kind was done. I state that much in justification of ourselves in reference to our own judge and in reference to what I believe to be a duty on behalf of a judge who is overworked in my own State. I had no knowledge that this amendment had been offered. I thought indeed the matter had been dropped. If I had known that the amendment would be offered here, I certainly would have offered an amendment for my own State. I think under the circumstances it is hardly just to us to insist that this salary should be increased.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas to the amendment of the committee.

Mr. SARGENT. Does that affect the second proviso? Can the provisos be separated?

The PRESIDING OFFICER. There is an amendment pending to that provision in the bill.

Mr. SARGENT. Not to the second proviso.

The PRESIDING OFFICER. The Senator from Arkansas has moved an amendment.

Mr. SARGENT. Let us pass over the whole thing.

The PRESIDING OFFICER. The whole amendment will pass over if there be no objection. The Chair hears none.

Mr. WRIGHT. I offer as an amendment to the bill the amendment that was ruled out of order, and I ask that it be printed.

The PRESIDING OFFICER. The amendment will be printed and referred to the Committee on Appropriations.

Mr. HAMLIN. I ask the consent of the Senate to send the same committee an amendment to this bill increasing the salary of the district judge of the State of Maine to $5,000.

Mr. EDMUNDS. I ask consent to send to the same committee an amendment increasing the salary of the district judge of the State of Vermont to $5,000.

The PRESIDING OFFICER. The Chair asks the same consent for the judges of the eastern and western districts of Michigan.

Mr. SCOTT. I will ask the same consent on behalf of both the district judges of Pennsylvania, the eastern and western districts.

Mr. SARGENT. The Committee on Appropriations does not meet to-morrow morning and cannot report then.

Mr. EDMUNDS. That does not make any difference.

Mr. MITCHELL. I ask consent to send to the same committee an amendment increasing the salary of the district judge in Oregon.

Mr. HITCHCOCK. I ask the same consent for Nebraska.

Mr. DAVIS. I ask the same consent for West Virginia.

Mr. SPENCER. I move to add the judge of the southern district of Alabama.

The PRESIDING OFFICER. The amendments will be referred if there is no objection.

Mr. CONKLING. I insist that they are out of order.

Mr. EATON. Perhaps I might as well add Connecticut, and for this reason——

Mr. KELLY. I will add Oregon.

Mr. MERRIMON. I will add North Carolina.

Mr. EATON. I will say that the judge in Connecticut serves without pay four months in the city of New York every year——

The PRESIDING OFFICER. There is no amendment pending. The Chair has heard the notice, and it has been referred.

Mr. EATON. I hope none of these will pass. I have simply added that name so as not to fall behind others.

The PRESIDING OFFICER. They have gone from the Senate to the committee. There is nothing pending. The Clerk will resume the reading of the bill.

Mr. BOREMAN, (at two o'clock a. m. Wednesday.) I move that the Senate do now adjourn.

Mr. SARGENT. I desire the Senate not to adjourn until half past two, and then I will make the motion myself. I trust the Senator will stand by me a little longer.

Several SENATORS. Adjourn to ten o'clock to-morrow.

Mr. EDMUNDS. Say nine o'clock.

Mr. SARGENT. I simply say I object to adjourning now.

Mr. BOREMAN. I will not insist on the motion.

Mr. MERRIMON. I offer an amendment to the sundry civil bill which I ask to have referred to the Committee on Appropriations.

The PRESIDING OFFICER. That order will be made.

Mr. SPENCER. I move to amend the amendment of the Senator from North Carolina by adding after the words "North Carolina" the word "Tennessee."

Mr. SARGENT. I move that when the Senate adjourns it adjourn to meet to-morrow at ten o'clock. We have no committee meetings to-morrow and the Senate can meet at ten.

Mr. THURMAN. I hope the original idea of the Senator will be adopted, that we sit here until half past two and then adjourn.

Mr. SARGENT. Very well; let us do that.

Mr. THURMAN. There is more than half the Senate absent.

Mr. HOWE. I ask the consent of the Senate to offer a couple of amendments to this bill and have them referred to the Committee on Appropriations.

The PRESIDING OFFICER. They will be so referred.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out lines 229, 230 and 231; as follows:

For thirty-six hundred copies, including paper, of the map of the United States prepared in the General Land Office, $6,000.

The amendment was agreed to.

The next amendment was in line 244, in the items for the jail of the District of Columbia, after the word "dollars" to strike out the words:

After advertisement, to the lowest responsible bidder: *Provided*, That it does not interfere with existing contracts.

So as to make the clause read:

For kitchen utensils, wash-room apparatus, and driving-engine, $5,600.91.

The amendment was agreed to.

The next amendment was to strike out the following clause beginning in line 251:

For furniture, carpenter, and mason-work and materials, painting, plastering, and other work necessary to the proper repair of the capitol building at Olympia, Washington Territory, $5,274.75, or so much thereof as may be necessary; to be expended under the direction of the Secretary of the Interior.

Mr. MITCHELL. I hope that amendment will not be concurred in.

Mr. SARGENT. I will say to my friend from Oregon that we have struck that out intending to get information on it in the committee of conference. The House committee did not send us the papers in regard to it. Let it go out *pro forma*, and if they shall show proper grounds for retaining it we can retain it at the conference.

The amendment was agreed to.

The next amendment was in line 304, page 13, to strike out "fifty" and insert "twenty-five," and in line 305 to strike out "clerk" and insert "Senate, and twenty-five copies for the use of the House;" so as to make the clause read:

To enable the Clerk of the House to have prepared for the Public Printer copies of all the "summary reports" of the commissioners of claims in cases reported to Congress as disallowed under the act of March 3, 1871, of which twenty-five copies shall be printed and bound for the use of the Senate, and twenty-five copies for the use of the House, $1,000.

Mr. MERRIMON. I beg to ask the Senator from California if there is any real necessity for that?

Mr. SARGENT. I think that these summary reports will be useful to the Committees on Claims of the respective Houses and to Senators who desire to know the summary of such cases.

Mr. MERRIMON. After they are reported adversely, they are out of the way.

Mr. SARGENT. It gives us the reasons. It is a future record so that we may know why the adverse reports are made. It perpetuates testimony.

Mr. DAVIS. It relieves Congress.

The amendment was agreed to.

The next amendment was to strike out from line 307 to line 315, as follows:

To enable the Clerk of the House of Representatives to cause to be erected, in the Congressional Cemetery, monuments in memory of those Representatives who

have died since the erection of those last authorized; said monuments to be of marble or granite, and of uniform size and style with those previously erected, and to be contracted for by him with the lowest responsible bidder therefor, after due public notice, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was to insert after line 333—

Provided, That the last clause of an "Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, amending "An act to extend the laws of the United States relating to customs, commerce, and navigation in the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes," is hereby repealed.

Mr. EDMUNDS. I should like to have that explained.

Mr. SARGENT. I have a letter from the Secretary of the Treasury recommending this on the ground that by a provision put in the bill referred to he was entirely unable to restrain the sale of whisky to the Alaska Indians, producing a great deal of mischief. The legislation was exceptional, and it ought to be repealed. I have here the Secretary's letter of four pages, which can be read if the Senator desires.

Mr. EDMUNDS. Yes, sir.

Mr. SARGENT. If the Senator will turn to volume 17 of the Statutes, page 530, he will find the clause referred to.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 16, 1875.

SIR: I am in receipt of your communication of the 9th ultimo, in which you call attention to the last clause of the act making appropriations for sundry legislative, executive, and judicial expenses of the Government, (17 Statutes at Large, 530,) and inquire as to the operation of the clause in question, and whether in my opinion the provision is judicious.

In reply, I beg leave to say that the portion of the clause which extends the laws of the United States relating to customs, commerce, and navigation over the Territory of Alaska, was taken from the first section of the act of July 27, 1868, (15 Statutes at Large, 240,) which has been reproduced in section 1954 of the Revised Statutes.

The fourth section of the act of 1868, which has been also substantially reproduced in section 1955 of the Revised Statutes, puts the introduction of distilled spirits into Alaska under the control of the President, by empowering him to restrict, regulate, or prohibit their importation into that Territory.

The effect of the provision which extends sections 20 and 21 of the act of June 30, 1834, (United States Statutes at Large, volume 4, page 732,) as amended by the act of February 13, 1872, (United States Statutes at Large, volume 12, page 339,) over the Territory, has been to produce collisions between the officers of the revenue and the military authorities which are incompatible with an efficient administration of the laws. The deputy collector of customs at Fort Wrangle has been recently arrested and imprisoned by a lieutenant of the Army who was stationed at that post; and a claim for damages has already been received by this Department from the master of a steam-vessel bound up the Stikine River, who, being unable to make entry at Fort Wrangle on account of the imprisonment of the deputy collector, was compelled to return to Sitka for that purpose. The collection of the revenue and the administration of the revenue laws is liable, therefore, under the provisions of the clause in question to be at any moment obstructed and for a time suspended by the intervention of the military authorities.

The amendment moreover appears to have caused no diminution of the quantity of spirituous liquors obtained by the natives; and so far as this Department has been able to secure reliable information upon the subject, the introduction of spirituous liquors for the supply of officers of the Army and the troops stationed in the Territory, has had a tendency to favor the clandestine introduction of such liquors and their distribution among the natives.

The character of the population of Alaska is quite unlike that of the Territories to which the act of 1834 was originally intended to apply, and the territory itself, as regards its adaptation to the supply of human wants, has little resemblance to the Indian countries referred to in that statute. The introduction of liquors into Alaska can be effected only through the ports of the Territory, to which it must be brought in coasting or other vessels. These ports being under the supervision of officers whose special duty it is to observe their movements and prevent infractions of the laws relating to importations, it would be seen that those officers are in a position sufficiently favorable to enforce restrictions upon the introduction of liquors without the intervention of a military force.

In my opinion the powers vested in the President by the act of 1868 and section 1955 of the Revised Statutes are adequate for the control of the introduction of liquors or fire-arms; and if in other respects they are insufficient, the remedy is not supplied by the provisions of the clause under consideration.

Very respectfully,

B. H. BRISTOW,
Secretary.

Hon. A. A. SARGENT,
United States Senate.

Mr. RAMSEY. I desire to appeal again to the Senator from California. He evidently cannot get through with his bill to-night. It is a bill of a great many items, and they cannot be considered now. I think if the Senator will be kind enough to give way to me, I can get the Pembina bill passed to-night.

Mr. SARGENT. I have told my friend on the floor of the Senate to-night plainly, I have told him in conversation as plainly, that I should not yield to anything until this bill be passed.

Mr. RAMSEY. I think a remark of that kind is very unkind of the Senator. I have never known such a request as I have made to be refused.

Mr. SARGENT. I call the Senator to order.

The PRESIDING OFFICER. The question is on the amendment.

Mr. EDMUNDS. I am not by any means satisfied that this amendment ought to be adopted. The number of customs officers in the Territory of Alaska, to whom this amendment remits the whole business of excluding the introduction of and traffic in liquors with the Indian tribes and inhabitants of that Territory, is very small. They have no physical force to compel obedience to their commands. There are no courts in that country. It is not an organized Territory; it is a mere wild outlying domain. The law of 1834 respecting intercourse with the Indian tribes outside of Territories attached the countries of those Indian tribes to the adjacent judicial districts for judicial purposes; and the military, as it respects the Indian country, (there being no law in force there in the sense of having any means to administer it,) are authorized to arraign anybody who is violating the intercourse acts by carrying in whisky and fire-arms and take him out of the country to a place where he can be tried before a court for such an offense.

Now the Territory of Alaska, whatever may be the character of its inhabitants, is situated in respect of the means of reaching justice in precisely the same way. There are no means at all there of administering justice. There is no authority that I know of except the act of 1834 which authorizes anybody to seize a person in the Territory of Alaska and carry him either to Washington Territory or to Oregon. So that, with the small number of civil officers of the Government in that Territory, having no powers of a magistrate or to administer oaths except in official cases connected with the customs, such as the officers of the Army by one of the sections in the Army laws, and no means to compel extradition, such as, by the act of 1834 the Army has in taking people out of the Indian country, I very much fear, without having any opportunity of looking at this precise question at this moment, that if we adopt this amendment and put it into this appropriation bill, of course upon hurried consideration, we shall find that we have destroyed the means, as slender as they may now be, of keeping whisky and fire-arms out of that country and away from that people; and I think everybody concurs in the belief that the greatest curse perhaps that can be inflicted upon this people is the introduction of alcoholic liquors.

Now, on account of some little collisions that have occurred by an intemperate Army officer having abused his powers or exceeded his authority, between him and the customs officers, which are vexatious and troublesome for the moment, to set aside this plan which now exists under the law, without being sure that we have an effective provision for taking offenders who bring these prohibited and dangerous articles in there to some place where they can be tried, is in my opinion a very dangerous thing. I think it will result disastrously not only to the little happiness and progress those people are able to have and make, but to the interest of the United States.

I hope, therefore, that in this appropriation bill the Senator from California will not insist that this regulation shall be placed, but will leave it for a little while until a careful investigation into the state of the whole law may enable us to take such measures, if any, as are necessary.

Mr. SARGENT. The original proposition which is sought now to be repealed was put on the sundry civil bill. It certainly was not well considered. Mr. Elliott, of the Smithsonian Institution, who was appointed as Government agent and was for two or three years; in Alaska, a man of very high character, reported when he returned the last time that this provision was working very badly, that the military men would have whisky, the soldiers would get it, that they would give it to Indian men and women, and the result was extremely demoralizing; that the former condition of things before this act went into operation was very much better; that the only way to rescue the Territory from the difficulties which were growing up under the legislation we now propose to repeal was by reverting to the condition of things before and putting it under the control of the Treasury Department. The Treasury Department has its revenue-cutter, which goes from place to place, which can intercept any vessel that is loaded with whisky or that dispenses whisky. Whisky can only be brought into the ports, which are few in number and at each of which there is a revenue officer. He even went further, and thought the presence of the military in the Territory at all was rather demoralizing to the people. Whether that be so I know not except in the incidental case which he mentions, and that is that the whisky seems to have had a very much greater flow among those people than it had before.

The representations of Mr. Elliott came to my ears. I was not willing to trust the expressions of even so intelligent a man as Mr. Elliott, and therefore I addressed a letter to the Secretary of the Treasury who took several weeks to consider the matter and to reply, and did reply by the letter which has been read from the Clerk's desk. The Secretary certainly thinks it is better for the morals of the people of that Territory that this matter should be as is proposed by the amendment offered by the committee. But I do not wish to to take up the time of the Senate; I simply ask for a vote upon it.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. EDMUNDS. I hope the Senator from California will allow me to say a word.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. EDMUNDS. As the Senator knows, I am not drawing this in question for any other purpose than to have what is right done. I have conversed with Mr. Elliott on this subject, and his views are very peculiar. In a great many respects I think he is right. In a great many other respects it would require some further consideration to satisfy me that he is right. He wishes, as the Senator says, to turn out the Army altogether and to have some revenue-cutter to sail up and down there and do the whole business. Now, over this wide extent of coast, hundreds and thousands of miles for aught I know, certainly hundreds and hundreds of miles, with deep bays and long

points and forests, it is totally impossible for any revenue-cutter to prevent liquors being landed at any place other than the ports, and then it comes around and gets through to the settlements of the Indians; and it being there, with no means of proving that it has been smuggled, what is the customs officer under the law authorized to do about it? The customs officer under the law has no authority that I know of—if there is I wish it might be produced—to seize liquors except for a violation of the customs laws. There they are. What are you to do? I have shown you, as I think, correctly, that they have no authority to arrest anybody; they have no authority to take affidavits in support of a prosecution; they have no authority to carry anybody out of that Territory at all.

Under the Indian laws of 1834, giving power to the Army to expel intruders and liquors that are found in the Territory and to arrest offenders and carry them out for trial, you have a means; but wiping these out entirely, you have, so far as I know, no means of doing anything except doing what you can by a ship preventing liquors from getting in; and once in, your power is gone.

Mr. MITCHELL. I should like to ask the Senator from Vermont if it is not the fact that the law of 1834 is absolutely nugatory so far as it has any application to Alaska, in that under that law the military are only authorized to detain a party arrested for a violation of the non-intercourse laws for the period of five days? There are no courts there, and it is perfectly impossible to get to a court in three times five days.

Mr. EDMUNDS. My friend is perfectly right; the law is not right as it is for that very reason; but your customs officer has no authority to detain anybody for five minutes, and he has no authority to carry anybody out of the Territory. If that be so, then the only difficulty as it now stands in respect to getting rid of the offender is that the military authority have not time enough to carry the offender out. They did carry one out, and he was set free in Oregon by Judge Daddy.

Mr. MITCHELL. He was detained in imprisonment two months in Alaska before they undertook to take him to Oregon—a very great hardship.

Mr. EDMUNDS. That was an abuse undoubtedly if the military officer was to blame for it; but if a revenue-cutter goes from Oregon to Alaska only once in three months, what could the officer do? He could not do anything but hold him and carry him to the court. That was a hardship unquestionably. Upon strict Indian principles, the military officer, under the act of 1834, perhaps might have thrown this man into the sea. That would have been harder still. He would have got him out of the Territory in that way if he had thrown him three miles.

Mr. SARGENT. I should like to remind my friend that we are under the five-minute rule.

Mr. EDMUNDS. Very good, if the Senator wishes to make that point. We will wait until to-morrow and see.

Mr. SARGENT. I am not making any point, only reminding him.

Mr. EDMUNDS. I only remind the Senator that he has introduced into an appropriation bill a distinct provision of legislation which has no business here.

Mr. SARGENT. Does the Senator raise a point of order?

Mr. EDMUNDS. I cannot raise a point of order, because for some reason or other——

Mr. SARGENT. The Senator says I had no business to do it. That was the reason I suppose he was transgressing the rule.

Mr. EDMUNDS. No; I am appealing to the Senator on moral grounds that he is loading an appropriation bill—not in an offensive sense.

Mr. SARGENT. I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and twenty-seven minutes a. m., Wednesday, March 3) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 2, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

CHANGE OF NAME OF A PLEASURE YACHT.

Mr. PIERCE. I ask unanimous consent to report from the Committee on Commerce a bill to change the name of the pleasure yacht Dolly Varden to Clochette.

The bill, which was read, authorizes the owner of the pleasure yacht Dolly Varden, of Boston, Massachusetts, to change its name to Clochette.

There was no objection; and the bill (H. R. No. 4853) was received, read three times, and passed.

Mr. PIERCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER. I ask unanimous consent to report back from the Committee on Expenditures in the Department of Justice the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes, with Senate amendments, and to move that the House non-concur in the Senate amendments, and ask for a committee of conference.

Mr. HODGES. I object.

Mr. SENER. I move to suspend the rules for the purpose I have intimated.

Mr. SPEER. I hope this will not be objected to. The bill was unanimously passed by the House.

Mr. SENER. It is only a question of standing by our own action. I move to suspend the rules.

The SPEAKER. The Chair will recognize the gentleman for a motion to suspend the rules when there is a quorum. There is evidently no quorum now.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The Chair announces as managers on the part of the House of the new conference on the legislative, &c., appropriation bill Mr. HORACE F. MAYNARD of Tennessee, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. J. C. ROBINSON of Illinois.

ORDER OF BUSINESS.

Mr. COTTON. I submit the following resolution:

Resolved, That the rules be so suspended as to permit the Committee on the District of Columbia to now report House bill No. 4840, for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes, for consideration in the House.

I will simply say that the gentleman from Pennsylvania [Mr RANDALL] and the gentleman from Indiana, [Mr. WILSON,] have amendments which they wish to offer, and I propose to permit those amendments to be offered for the consideration of the House.

The SPEAKER. Why does not the gentleman get his proposition in shape, so that the House can vote on it directly?

Mr. RANDALL. Allow me to submit a statement. The gentleman from Iowa, [Mr. COTTON,] in charge of this subject, has a long bill, which embraces other subjects than that which relates properly to the taxation of the District. The gentleman from Indiana [Mr. WILSON] has an amendment in the nature of a substitute, which embraces only provisions relating to the taxation of property in the District, both real and personal. I have a further amendment in the nature of a substitute, which was prepared at my request by the board of commissioners, and embraces only taxation on real property. If the proposition of the gentleman from Iowa is brought up for consideration, then the proper plan would be for the gentleman from Indiana to move his amendment in the nature of a substitute for the bill, and upon that I will move a further amendment in the nature of a substitute for that of the gentleman from Indiana.

Mr. SENER. I make the point of order that there is no quorum present.

The SPEAKER. That will be determined by a vote.

Mr. SENER. The Chair made that point upon me without a vote.

The SPEAKER. Very well; there have been a great many members come in since. Besides the gentleman did not have in his hand a bill of one tithe the importance of the bill of the gentleman from Iowa.

Mr. SENER. It was a bill which the House had passed——

The SPEAKER. The Chair must exercise his discretion.

Mr. RANDALL. This whole matter must stand still unless the House act upon it to-day.

Mr. MAYNARD. I suggest that the gentlemen having charge of these matters, or interested in them, entertaining different views upon the subject, might get together informally and agree upon some one proposition that could be submitted to the House.

The SPEAKER. The Chair has urged that for three days; he has urged that some proposition be submitted to the House upon which the House could come to a direct vote.

Mr. RANDALL. We do not want to limit debate; the House can do that by a majority vote.

Mr. THOMPSON. I wish to amend the resolution so as to include House bill No. 4292.

The SPEAKER. Do not mix that with the tax bill.

Mr. THOMPSON. It is as important as the other.

The SPEAKER. What is it?

Mr. THOMPSON. Under the old law the recorder of this District appointed his deputy, who was authorized to administer oaths, take acknowledgments, &c. The new law changed that; but, without being advised of it, the recorder still confided the duty to his deputy, and hundreds of deeds are on record in this District to-day that are void because of that informality. This bill is to cure that defect, and is exceedingly important.

The SPEAKER. Unanimous consent can be asked for that bill afterward. There is no necessity whatever for mixing it with the tax bill. The gentleman from Iowa asks that the rules may be so suspended that the tax bill may be brought before the House for consideration. The question is upon seconding the proposition to suspend the rules.

Mr. COTTON. I am willing to limit debate to an hour.

Mr. RANDALL. The majority can close debate in one minute if they wish.

The SPEAKER. Why not make it a resolution to bring the three propositions before the House to be voted upon?

Mr. COTTON. Very well; I will make that proposition.

The SPEAKER. Is there objection to it? [After a pause.] The Chair hears none.

TAX BILL FOR DISTRICT OF COLUMBIA.

The House accordingly proceeded to the consideration of the bill (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes.

Mr. COTTON. It is unnecessary to take time to read this bill.

Mr. MERRIAM. Is it the bill which we considered the other night or is it a new one the gentleman has brought in since?

Mr. COTTON. It is a new one.

The SPEAKER. The gentleman can state the provisions of the bill.

Mr. COTTON. This bill contains provisions not only in relation to taxing the property of the District of Columbia for the fiscal year ending June 30, 1876, but it contains also some provisions in regard to the board of audit and a provision in regard to the election of a Delegate for the District of Columbia.

Mr. MERRIAM. We do not want that.

Mr. COTTON. I understand many gentlemen are opposed to that provision. The bill is before the House, and the gentleman from Indiana [Mr. WILSON] proposes a substitute which is purely a tax proposition, taxing both the real and personal property of the District. The gentleman from Pennsylvania [Mr. RANDALL] proposes a substitute to tax real estate only. Their propositions relate simply to taxation, while the proposition of the committee contains other provisions.

Mr. WILSON, of Indiana. I hope I may have the attention of the House for a moment. I submit a substitute for the bill of the Committee on the District of Columbia, and if I can have the attention of gentlemen I will explain the difference between the two propositions. The bill of the committee which I hold in my hand contains, in addition to provisions relating to taxing real and personal property, other provisions with reference to a great variety of subjects. For instance, one is a provision for the election of a Delegate for the District of Columbia, the election to be held upon a registration made in 1872, certain provisions being made in reference to the correction of that registration by a board of registration that existed at that time. It contains also provisions in relation to the payment of certain persons for work done by them, and other provisions of that sort.

The bill I offer as a substitute has reference to taxation exclusively, with the exception that it authorizes the board of commisioners to equalize the pay of the employés of the District. This bill contains a further provision that the 3.65 bonds may be issued in denominations of $1,000 and $5,000. It contains also a provision for taxing both real and personal property, setting out machinery by which the latter shall be reached. This is the substance of the bill. I cannot of course go into details. Gentlemen can learn those when the bill is read.

Mr. MERRIAM. What is the proposed rate of taxation?

Mr. WILSON, of Indiana. This bill proposes a tax of 1½ per cent. If the House sees fit to make the rate 2 per cent. there need be no trouble on that point.

Mr. MERRIAM. Will the gentleman accept an amendment to make the rate 2 per cent.?

Mr. WILSON, of Indiana. Certainly I will.

Mr. RANDALL. Whichever substitute may be adopted, that question can be reached.

Mr. WILSON, of Indiana. Let me say further that I have prepared my bill as carefully as I could upon consultation with the commissioners of the District, and I am authorized to say that if the House comes to the conclusion that personal property should be taxed, then the commissioners are entirely satisfied with the substitute which I submit. On the other hand my friend from Pennsylvania has a bill which has been prepared by the commissioners of the District, and which does not tax personal property. If the House should come to the conclusion that personal property ought not to be taxed, then that measure will have the entire approbation of the commissioners. So that by taking up the bills in this way the House will act upon three propositions: first, that coming from the committee, which contains various matters to which I have alluded, then the proposition which is in the hands of the gentleman from Pennsylvania, which taxes real property.

Mr. WILLARD, of Vermont. How much?

Mr. WILSON, of Indiana. The tax proposed in the bill of the gentleman from Pennsylvania is 2 per cent.

Mr. WILLARD, of Vermont. I think it ought to be 2 per cent.

Mr. RANDALL. I offer an amendment in the nature of a further substitute. I wish to say to the House that there is but a single question of difference involved between the substitute of the gentleman from Indiana and the one which I present. The House is called upon to decide, in the first place, whether personal property in this District shall be exempt from taxation. Those who are in favor of such exemption will vote for my amendment; those who believe that both real and personal property in this District should be taxed, will vote against my substitute and for that of the gentleman from Indiana. Whichever of the substitutes may be adopted, or if both are rejected, the question will then turn on the proposition of the gentleman from Iowa, [Mr. COTTON.] We desire, then, that these distinct propositions shall be tested; first, whether the rate of tax shall be $2 or $1.50 on $100; second, whether church property shall be exempt or not——

Mr. MERRIAM. Is personal property exempt in both bills?

Mr. RANDALL. It is in mine.

Mr. COTTON. The House now has the several propositions before it; and after we decide which of these bills we will take, any gentleman can move an amendment as to the rate of taxation. I move the previous question.

The SPEAKER. The previous question is considered as operating.

Mr. SPEER. Is there anything in the substitute of the gentleman from Indiana which limits the rates which newspapers shall charge the District for advertising delinquent taxes?

Mr. WILSON, of Indiana. There is a limitation on that subject, as the gentleman will see when the bill is read.

The SPEAKER. The Clerk will read the substitute of the gentleman from Indiana, [Mr. WILSON.]

The Clerk read as follows:

Be it enacted, &c., That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, there shall be levied upon all real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of $1.50 on each $100.

SEC. 2. That the amount collected under the provisions of this act shall be distributed for the purposes required under the various acts in force in the District of Columbia, upon a just and fair apportionment to be made by the commissioners of the District of Columbia or their successors in office: *Provided*, That before any of said fund shall be expended said apportionment shall be established and published by said commissioners at least six times, consecutively, in a daily newspaper of the District of Columbia; and said published apportionment shall stand as the law for the distribution of the funds herein mentioned: *Provided further*, That deficiencies in any of said funds enumerated in said apportionment may be supplied from any surplus in either of said funds so apportioned; but, unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund.

SEC. 3. That one-half of the tax levied by this act upon real and personal property shall become due and payable on the 1st day of October, 1875, and the other one-half of such tax shall become due and payable on the 1st day of April, 1876; and in every case where the tax levied by this act shall be paid in installments as herein authorized, each of said payments shall be deemed to have been made on the several funds and for the different purposes indicated in the second section of this act; and an equal *pro rata* proportion of the payments so made shall be carried to the credit of the respective funds.

SEC. 4. That if one-half of the tax herein levied upon the real and personal property taxed by this act shall not be paid on or before the 1st day of October, 1875, said installment shall thereupon be in arrears and delinquent; and there shall be added, to be collected with such taxes, a penalty of 2 per cent. upon the amount thereof on the first day of each succeeding month until payment of said insallment and penalty. And if said installment shall not be paid on or before the 1st day of April, 1876, together with the one-half of said original tax due on or before said 1st day of April, a like penalty shall be added on said last one-half of such tax; and the whole together shall constitute the delinquent tax on such part or parcel of land, to be dealt with and collected in the manner prescribed by law.

SEC. 5. That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes, on real property upon which the same are assessed, in arrears on the 1st day of May, 1876; and he shall, within ten days thereafter, publish the same, with a notice of sale, in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District or their successors in office as hereinafter provided, once a week for three successive weeks, giving notice that if said taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction, at the south front of the court-house, in the city of Washington, on the second Tuesday of June following, between the hours of 10 a. m. and 6 o'clock p. m. of said day to the highest bidder or bidders. Upon the day specified, aforesaid, the collector shall proceed to sell any and all property upon which such taxes remain unpaid, and continue to sell the same every day until all the real property as aforesaid shall have been brought to auction. Immediately after the close of the sale, upon payment of the purchase-money, he shall issue to the purchaser a certificate of sale; and if the property shall not be redeemed by the owner thereof within one year from the day of sale, by payment to the collector of said District for the use of the legal holder of the certificate of the amount for which it was sold at such sale, and 15 per cent. per annum thereon, a deed thereof shall be given by the commissioners of the District, or their successors in office, to the purchaser at the tax-sale, or the assignee of such certificate, which deed shall be admitted and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized: *Provided*, That no property advertised as aforesaid shall be sold upon any bids not sufficient to meet the amounts of tax, penalty, and costs; but in case the highest bid upon any property is not sufficient to meet the taxes, penalty, and costs thereon, said property shall thereupon be bid off by the said commissioners, or their successors in office, in the name of the District of Columbia; and if within one year thereafter such property is not redeemed by the owner or owners thereof, by the payment of the taxes, penalties, and costs due at the time of the offer of the sale, and 10 per cent. per annum thereon, a deed for said property shall be made to said District, as in cases of individual purchasers: *And provided also*, That minors or other persons under legal disability be allowed one year after such minors coming to, or being of, full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his her, or their heir, heirs, or assigns, or from the District of Columbia, on payment of the amount of purchase-money so paid therefor, with 10 per cent. per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, 10 per cent. per annum interest on the amount of such taxes and assessments, and also the value of improvements which may have been made or erected on such property by the purchaser or by the District of Columbia, while the same was in his, her, or its possession.

SEC. 6. That the collector of taxes, immediately after he shall have made sale of any property as aforesaid, shall file with the comptroller a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, and the lands so as aforesaid sold to the District. Any surplus remaining after collection of taxes, penalties, and costs on any real estate, shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

SEC. 7. That when the installment of one-half of the taxes on personal property

so as aforesaid due and payable on or before the 1st day of October, 1875, shall not be paid on or before said date, or when the remaining installment shall not be paid on or before the 1st day of April, 1876, then, and in either such event, the collector of taxes may distrain sufficient goods and chattels found in said District, and belonging to the person, persons, association, firm, or corporation, charged with such tax, to pay the taxes remaining due under the provisions of this law from such persons, firm, association, or corporation, together with the penalty thereon and the costs that may accrue; and thereupon said collector shall immediately proceed to advertise the same by public notices posted in front of the court-house and in the office of said collector, and by advertisement three times for one week in some daily newspaper published in said District, as hereinafter provided, stating the time when and place where such property shall be sold, the last publication to be at least six days before the day of sale; and if the taxes and penalty thereon for which such property shall have been distrained, and the costs and expense which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall be not less than ten days after the taking of such property, the collector shall proceed to sell, at public auction, in front of the court-house, to the highest bidder, such property, or so much thereof as may be sufficient to pay said taxes, penalty, and accrued costs and expense of such distraint and sale. The collector of taxes shall be allowed, for making such distress and sale, the same fees as are now by law allowed to the marshal of said District for making levy and sale of property under execution. Said collector shall report in detail every such distress and sale, in writing, to the commissioners of the District, or their successors in office; and his accounts, in respect of every such distress or sale, shall forthwith be submitted by him to the accounting-officers of the District and audited by them. Any surplus resulting from such sale shall be paid into the treasury of the District, and, upon being claimed by the owner or owners of the goods and chattels, shall be paid to him.

SEC. 8. That the property exempt from taxation under this act shall be the following, and no other, namely: First, houses for the reformation of offenders, almshouses, buildings devoted to art or belonging to institutions of purely public charity, houses to improve the condition of seamen or soldiers, free public library buildings and cemeteries; secondly, the lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose and no other; but if any portion of any said building, house, grounds, or cemetery so in terms excepted is used to secure a rent or income or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds; thirdly, such property as is non-exempt from taxation by the laws of the United States; fourthly, goods, chattels, and other personal property owned by persons domiciled in said District, but whose legal residence is out of said District and which property is taxed elsewhere; fifthly, the stock, so far as the individual owner is concerned, of any corporation which is taxed on its capital in said District; sixthly, all property exempt by law from execution, including all libraries or books in use and not held for sale, not over the value of $500, and all household, store, shop, or office furniture or tools, not held for sale, not over the value of $590.

SEC. 9. That from the assessed value of the credits only of any person, there shall be deducted the amount of any valid and bona-fide debt or debts, which any such person shall individually and absolutely owe, upon the same being established by the affidavit of such person claiming deduction, as hereinafter provided.

SEC. 10. That the commissioners of said District, or their successors in office, shall cause to be prepared a printed blank schedule of personal property, including bonds, deeds of trust, mortgages, credits, and all other choses in action or possession, owned or held in trust or otherwise subject to taxation under the provision of this act, together with deductions claimed, to which shall be appended an affidavit in blank setting forth that the foregoing presents a full and true statement of all the personal property, bonds, deeds of trust, mortgages, credits, and all other choses in action or possession, subject to taxation, together with the amount of indebtedness on account of which deductions are claimed; and the assessors provided for in this act shall deliver to each person, or leave the same at his residence or known place of business, one of said blanks, and also to the proper officer of each corporation, and to each guardian, executor, administrator, or firm, and the person to whom addressed shall fill up the same and make and sign the affidavit to the truth thereof as aforesaid before the said assessor, who is hereby authorized to administer each oath without charge, and thereupon said assessors shall assess such property at its fair cash value, and enter the same in a column upon said blank to be provided for that purpose, and the amount thus ascertained, after making the deductions provided in this act, shall be entered upon the books for taxation: *Provided*, That if any person, firm, or corporation shall fail to make the list of his or its said property as in this section provided for, the assessor shall, from the best information he can procure, make an assessment against such person, firm, or corporation, to which he shall add 50 per cent. thereof, and the person so refusing shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding $500, to which may be added imprisonment not exceeding thirty days: *And provided further*, That if any person shall make a false affidavit touching the matters herein provided for, he shall be deemed guilty of perjury, and, upon conviction thereof, shall be subject to the penalties for that offense now provided by law; and if the return provided for in this act shall not be made by any firm, each member thereof resident of said District shall be liable to the penalties of this act.

SEC. 11. That the capital stock of all corporations in said District (not herein exempted) shall be appraised in bulk by the assessor, and the corporation issuing the same shall be liable for the tax thereon according to such value; but from the appraised value of the stock shall be first deducted the value of any real estate of said corporation in said District, which shall be separately taxed against said corporation.

SEC. 12. That the commissioners of the District, or their successors in office, shall appoint five competent persons to be assessors, and to hold office for the term of one year, the salary of each of said assessors to be $750 per annum. Said assessors shall, before the 1st day of May, 1875, under the direction of the superintendent of assessments and taxes of said District, assess the value of all the real and personal property in said District liable to taxation hereunder, and shall state the same separately, in books to be kept in a systematic manner; and such value for taxation shall be the true value, in the lawful money of the United States, of the property so assessed. The assessed value shall have reference to the date of the 1st day of April, 1875. Said assessors shall, between the 1st day of May, 1875, and the 20th day of May, 1875, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuations theretofore made by them. Each assessor shall, at the meetings of the assessors, as aforesaid, make full and detailed reports of his acts as such assessor. And during said period they shall have power to revise assessments theretofore made by them or any of them, by either justly increasing or justly diminishing any particular assessment. Upon the assessments so as aforesaid made and finally revised, the tax hereinbefore provided for shall be levied, and the collector of taxes shall be in readiness to receive payment of the same on and after the 1st day of July, 1875. Said assessors, before entering upon their duties, shall respectively take or subscribe an oath or affirmation, before any officer authorized to administer oaths or affirmations in said District, to faithfully discharge the duties of their said office; which oaths, when taken, shall be certified by the persons before whom the same shall have been taken, and shall be filed with the commissioners of the District.

SEC. 13. That the treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn from the Treasury of the United States only in such sums and at such times as the same shall be actually required, and only for expenditures authorized by law, and only upon warrants of the accounting officers of the District, issued under the direction of the commissioners of the District or their successors in office.

SEC. 14. That the commissioners of the District or their successors in office are hereby authorized to reduce, adjust, and equalize the pay or salaries of all officers or employés payable from the funds of the District government in whole or in part: *Provided, however*, That the aggregate sum of pay and salaries shall not be increased beyond the present aggregate amount of pay and salaries.

SEC. 15. That the third section of the act of the Legislative Assembly of the District of Columbia entitled "An act prescribing the mode of assessment for special improvements, and providing for the collection thereof," approved August 10, 1871, shall be, and is hereby, amended so that the sales under said law shall be advertised twice a week for three successive weeks, instead of as heretofore required.

SEC. 16. The commissioners of the sinking fund of said District shall destroy by burning all bonds, sewer certificates, and other obligations of every kind of the city of Washington, the city of Georgetown, and of the District of Columbia whatsoever heretofore paid or redeemed by either of said boards, under the direction of the Secretary of the Treasury, and shall preserve the evidence thereof as shall be prescribed by said Secretary.

SEC. 17. That section 4 of the act entitled "An act for the government of the District of Columbia," approved June 20, 1874, be, and the same is hereby, amended by striking out the word "March," and inserting in lieu thereof the word "June," so far as the same applies to the tax imposed by said section: *Provided*, That the penalty of 1 per cent. per month shall be added to delinquent taxes under said act until the sale of property under said act as hereby amended shall have taken place.

SEC. 18. That the 3.65 registered bonds of the District of Columbia, authorized by acts of Congress approved June 20, 1874, and February 20, 1875, in lieu of coupon bonds, may be issued in denominations of $1,000 and $5,000.

Mr. RANDALL'S substitute was read, as follows:

That, for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, there shall be levied upon all real estate of said District, excepting only that hereinafter stated, a tax of $2 on each $100 of the assessed value thereof; said assessment to be made subject to provisions of law hereinafter contained.

The following described property shall be exempt from said tax:

All real estate belonging to the United States and to the District of Columbia; all lands used exclusively for burial of the dead, except such as are held with a view to profit, and all buildings belonging to institutions of purely public charity, together with the land actually occupied by such institutions not leased or otherwise used with a view to profit.

The amount collected under the provisions of this act shall be distributed in the same manner as provided by an act of the Legislative Assembly entitled "An act imposing taxes for the fiscal year ending June 30, 1874," approved June 26, 1873; and deficiencies in any of said funds in said apportionment may be supplied from any surplus in either of said funds; but, unless a surplus exists, the resources belonging to one fund shall not be applied to the purposes of any other fund.

One-half of said tax upon each and every part or parcel of real estate shall become due and payable on the 1st day of October, 1875, and the other one-half shall become due and payable on the 1st day of April, 1876.

If one-half of said tax due upon property taxed by this act shall not be paid on or before said 1st day of October, said installment shall thereupon be in arrears and delinquent, and there shall be added a penalty of 10 per cent. to the amount thereof, to be collected with such taxes, and a like penalty of 2 per cent. upon the amount thereof shall be added on the first day of each succeeding month until payment of said installment and penalty. If said installment shall not be paid on or before said 1st day of April, together with the other one-half of said original tax falling due on said 1st day of April, a like penalty shall be added on said last one-half of such tax, and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner prescribed by law.

The collector of taxes in said District shall prepare a complete list of all taxes and property upon which the same are assessed, in arrears on the 1st day of May, 1876; and he shall within ten days thereafter publish the same, with notice of sale, in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District, once a week for three successive weeks; and all the provisions of the act of the Legislative Assembly, entitled "An act prescribing the duties of certain officers for the District of Columbia, and fixing their compensation," approved August 23, 1871, as to the sale of real property and the collection of taxes on real estate in arrears, are hereby made applicable to the tax hereby imposed and in arrears as aforesaid, except as modified by this act, and except that the deed conveying the property so sold shall be executed by the commissioners of the District, instead of the governor and the secretary.

The commissioners of the District shall appoint five assessors to hold office for the term of one year, the salary of each said assessor to be $750 per year. Said assessors shall, before the 1st day of May, 1875, under the direction of the superintendent of assessments and taxes of said District, assess the value of all the real property in said District liable to taxation hereunder, and such value for taxation shall be the true value of the property so assessed, and shall have reference to the date of the 1st day of April, 1875. Said assessors shall, between the 1st and 20th days of May, 1875, hold daily sessions for equalizing the assessments theretofore made by them, and for hearing and determining any and all appeals from the valuations theretofore made by them. And during said period they shall have power to revise assessments theretofore made by them, or any of them, by either justly increasing or justly diminishing any particular assessment. Upon the assessments so as aforesaid made and finally revised the tax hereinbefore provided shall be levied, and the collector of taxes shall be in readiness to receive payment of the same on and after the 1st day of July, 1875, subject to the option of paying installments as hereinbefore provided. Said assessors before entering upon their duties shall respectively file with the commissioners of the District a certificate of a legally-administered oath or affirmation to faithfully discharge the duties of their said office.

The treasurer of the District upon receiving any moneys shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn therefrom only in such sums and at such times as the same shall be actually required, and only for expenditures authorized by law and only upon warrants of the accounting officers of the District, issued under the direction of the commissioners of the District.

SEC. 2. *And be it further enacted*, That the commissioners of the District are hereby authorized to adjust and equalize the salaries of all officers or employés payable from the funds of the District, in whole or in part. But the aggregate sum of pay and salaries shall not be increased beyond the present aggregate amount of pay and salaries.

All advertisements under the third section of the act of the Legislative Assembly of the District of Columbia entitled "An act prescribing the mode of assessment for special improvements, and providing for the collection thereof," approved August 10, 1871, shall be published twice a week for three successive weeks, instead as heretofore required.

The commissioners of the District and the commissioners of the sinking fund shall destroy by burning all bonds, sewer certificates, and other obligations of

every kind, of the cities of Washington and Georgetown and of the District, heretofore redeemed or paid by either of said boards of commissioners, under the direction of the Secretary of the Treasury, and shall preserve such evidence thereof as may be prescribed by said Secretary.

That section 4 of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be, and the same hereby is, amended by substituting the word "June" for "March," so far as relates to the taxes imposed by said section 4 of said act of Congress: *Provided*, That the penalty of 1 per cent. per month shall be added to delinquent taxes until paid, or until sale of the property under said act as hereby amended.

The property of the District shall be exempt from distraint, attachment, levy and sale, or execution or decree of any court, and said District shall not be made garnishee in any suit or action.

That the 3.65 registered bonds of the District of Columbia authorized by acts of Congress approved June 20, 1874, and February 20, 1875, in lieu of coupon-bonds, may be issued in denominations of $1,000 and $5,000.

Mr. RANDALL. The difference between the substitute I have offered and the one offered by the gentleman from Indiana [Mr. WILSON] relates purely to the question whether personal property shall be taxed in this District.

Those who wish that the taxation of this District shall be confined to real estate will vote for my substitute. Those who prefer that the personal property in this District shall be also taxed, will vote against my substitute and for that of the gentleman from Indiana, [Mr. WILSON.] The question of what percentage the tax shall be will subsequently be determined. When that question is presented I will undertake to show the relative amounts that will be raised by a tax of $1.50 and $2 respectively.

Mr. COTTON. The rate of tax will be a separate question after we have decided what property shall be taxed.

Mr. RANDALL. I yield to the gentleman from Massachusetts [Mr. E. R. HOAR] to state a fact.

Mr. E. R. HOAR. The committee which prepared the bill for the government of the District were informed that on one occasion personal property was taxed in this District, and that the total amount of taxes returned from real and personal property together was not as much as the amount that had been realized on real property alone the year before.

Mr. RANDALL. I may state that the amount of tax which it is estimated will be realized from taxing personal property is $100,000.

Mr. MERRIAM. At the present time there is a large amount of moneyed capital, bank stock, &c., in this city.

Mr. RANDALL. I call for a vote.

Mr. WILLARD, of Vermont. I understood that an amendment was to be offered to the substitute of the gentleman from Pennsylvania [Mr. RANDALL] making the tax 2 per cent.

Mr. RANDALL. The bill I have introduced provides only for taxing real estate, and fixes the rate at two dollars.

Mr. WILLARD, of Vermont. Very well.

Mr. RANDALL. The bill offered by the gentleman from Indiana [Mr. WILSON] taxes both real and personal property at the rate of $1.50.

Mr. COTTON. Let me state once more that we are not now settling the rate of taxation. That question will be open after we agree which bill we adopt.

Mr. WILSON, of Indiana. If the amendment of the gentleman from Pennsylvania does not prevail, and if the substitute I have offered is adopted, I propose then to ask the House to vote upon the question, as to whether the tax will be 1½ or 2 per cent.

Mr. SMITH, of Ohio. Why not settle that question first?

Mr. WILSON, of Indiana. We will get along faster, I think, by voting first whether we shall tax personal property or not. That naked question is presented by the amendment of the gentleman from Pennsylvania. If you do not want to tax personal property, vote for his amendment. If you do want to tax it, vote it down. Then, as I have stated, if my substitute is adopted I will allow an amendment to change the rate from 1½ to 2 per cent. So you will get at it all in a logical form.

Mr. RANDALL. I will present the figures showing the exact amount to be realized from taxation at the different rates, after the point is settled as to the property to be taxed.

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) The question is, Will the House substitute the amendment proposed by the gentleman from Pennsylvania [Mr. RANDALL] which proposes to tax real estate only?

The question being taken on Mr. RANDALL'S substitute, it was not agreed to.

The SPEAKER *pro tempore*. The question recurs, Will the House substitute for the original bill offered by the committee the bill offered by the gentleman from Indiana?

The question being taken, the substitute offered by Mr. WILSON, of Indiana, was agreed to.

The SPEAKER *pro tempore*. The substitute of the gentleman from Indiana is now before the House to be considered as the original proposition.

Mr. RANDALL. I propose that we permit the question to be tested between the rate of $2 and the rate of $1.50 per $100.

The SPEAKER. The bill of the gentleman from Indiana fixes the rate on real and personal property at $1.50 per $100. The pending proposition is to make it $2 per $100.

Mr. WILSON, of Indiana. Before the question is put I desire that the gentleman from Pennsylvania shall have an opportunity to present some figures which he has on that subject.

Mr. RANDALL. A reassessment of the property here, which is most desirable, it is estimated will give a valuation of $90,000,000.

Mr. SMITH, of Ohio. That is of real estate.

Mr. RANDALL. Yes. On that a rate of $2 will realize $1,800,000. Allowing 15 per cent. for delinquent taxes, there has to be deducted from that $270,000, leaving the net amount $1,530,000; to which there should be added the amount to be realized from licenses, $175,000, and from water rents $65,000; the whole aggregating $1,770,000.

The estimated expenditures of the District will be $3,120,000, from which deduct $1,770,000, and we have left for the Government of the United States to pay $1,350,000. The amount already appropriated in the sundry civil bill is $1,060,000. The rate, therefore, of $2 will involve a further appropriation by Congress in excess of that in the sundry civil bill of $290,000.

Mr. WILLARD, of Vermont. Then we are to understand that even fixing the tax at 2 per cent. there is still a deficiency of about 300,000?

Mr. RANDALL. Yes; a deficiency of $290,000. A rate of $1.50 per $100 on $90,000,000 should realize $1,350,000. Strike off 10 per cent. for delinquents, $135,000, and the net returns will be $1,215,000. Add $175,000 for licenses and $65,000 for water-rents, and there is an aggregate of receipts of $1,455,000. The estimated expenditures of the District, as I before stated, are $3,120,000. Deduct from that the amount realized from the 1½ per cent., $1,455,000, and there is a deficiency left for the Government of the United States to pay of $1,650,000. The amount already appropriated in the sundry civil bill is $1,060,000; therefore at a rate of 1½ per cent. there will still be required a further appropriation of $605,000.

The judgment of the House has been given that personal property shall be taxed. That of course plays no part in the figures which I have presented. The amounts to be made up by the Government in addition to what it has already voted in the sundry civil bill will be $290,000, on the basis of a tax of $2 per $100 on real property, and $605,000 on the basis of a tax of $1.50 per $100 on real property.

Mr. TREMAIN. How much is it estimated would be realized from personal property?

Mr. RANDALL. The estimate made by the commissioners of the amount to be realized from personal property is $100,000.

Mr. O'BRIEN. At what rate?

Mr. RANDALL. The same rate as fixed for real property in the bill I proposed, to wit, $2 on $100.

Mr. CHIPMAN. I desire the House to yield to me for two minutes. I want to state to the House this fact, that the gentleman from Pennsylvania has left out of his calculations a very important item. The personal property to be taxed will amount to at least $15,000,000.

Mr. RANDALL. I have no means of arriving at that except the estimate formed by the commissioners.

Mr. CHIPMAN. But I have some means. In 1871 the personal property in the District amounted to $11,000,000, and we have had most of our prosperity and growth since that time.

Mr. RANDALL. We can have no dispute about that.

Mr. CHIPMAN. I want to say, in addition to the fact that our personal property adds $15,000,000 to the $90,000,000 which the gentleman assumes as the basis of taxation on real estate, that we have now due in this District over a million and a half of dollars of delinquent taxes. Our people are making every effort possible to pay these taxes, but they cannot pay them. Now you propose to add 2 per cent. more, much of which will fall on the people before that which is now due can be paid. I want you to tax us what we can pay, and no more. We shrink from no proper proportion of the burden falling upon this local government; but we do shrink from a burden which cannot be lifted, and which will only add to the already large delinquent tax. I think that $1.50 will be paid; but I think that all over that will be delinquent, and that you will have to make it up either now or hereafter. I beg the House, as probably my last request of this Congress, in view of all the circumstances, that we be shown that consideration and fairness which I have been so often obliged to acknowledge on the part of the House.

The question was put on substituting $2 in lieu of $1.50, and on a division there were—ayes 52, noes 83; no quorum voting.

Tellers were ordered; and Mr. WILSON, of Indiana, and Mr. GLOVER were appointed.

The House divided; and the tellers reported—ayes 36, noes 112.

Mr. WILLARD, of Vermont. I call for the yeas and nays.

The yeas and nays were not ordered, only 14 members voting therefor.

So the amendment was not agreed to.

Mr. RANDALL. I move to amend the eighth section so as to make the exemption apply "to church property or buildings and grounds actually occupied by churches."

Mr. O'BRIEN. I ask the gentleman to include in his amendment charitable institutions.

Mr. RANDALL. That is already in.

Mr. O'BRIEN. No, it is not; only public institutions. I allude to orphan asylums and institutions of a kindred character.

Mr. KASSON. You do not want the words "church buildings and grounds," but simply "church buildings."

Mr. RANDALL. Well, I will modify my amendment and move to insert the words "church buildings."

Mr. G. F. HOAR. I suggest the word "churches" instead of "church buildings."

Mr. KASSON. "Church buildings" will not do. A church may be a corporation and own other buildings than the church.

Mr. RANDALL. I modify my amendment so as to make it read, "church buildings and the grounds actually occupied by such buildings." And now let me say one word.

Mr. G. F. HOAR. I hope the gentleman will insert the word "churches" instead of "church buildings." A church may own a block of stores.

Mr. RANDALL. No; I prefer the words "church buildings."

Mr. WILSON, of Indiana. I would state to the gentleman from Massachusetts that what he seeks to avoid is already provided for in the bill; and if the House will listen to the reading of a small paragraph from the bill they will see that it is amply provided for. It is as follows:

But if any portion of any said building, house, grounds, or cemetery so in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds.

Mr. CHIPMAN. There are many churches which own whole squares of ground, which are not used for any purpose, and I think that the gentleman from Pennsylvania has the amendment about right now.

Mr. RANDALL. I believe it to be against public policy and good morals to in any manner cripple the churches or the Sunday-schools of the country. I know that a great deal of the good I have in me comes from the fact of my attendance on Sunday-schools when a boy, and that a great deal of the bad I might now have in me is not in me by reason of my attendance on such Sunday-schools.

Mr. COTTON. Let me say one word if I can be heard. I will state to the House one reason why we did not exempt church property, and that is, that the churches of this city have not been assessed a penny for the street improvements made in front of their grounds and buildings, while every lot-owner has been assessed one-sixth of the expense of the work in front of his ground; and in other cities I understand that they are taxed a great many thousand dollars for the improvements. That is one reason why we did not exempt church property.

The amendment offered by Mr. RANDALL was adopted.

Mr. MERRIAM. I desire to offer an amendment to come in in line 22 of section 5, to strike out the words "one year" and insert the words "two years;" so that it will read:

Immediately after the close of the sale, upon payment of the purchase-money, he shall issue to the purchaser a certificate of sale; and if the property shall not be redeemed by the owner thereof within two years from the day of sale, by payment of the amount for which it was sold at such sale and 15 per cent. per annum thereon, a deed thereof shall be given by the commissioners of the District, or their successors in office, to the purchaser at the tax-sale or the assignee of such certificate, which deed shall be admitted and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized.

I propose simply to make the period allowed for redemption two years from the day of sale. I will simply state that there is not a city in the world where the time of redemption is less than two and a half years.

The amendment was agreed to.

Mr. WILSON, of Indiana. Now, the same amendment should be made in line 45 of the same section, to strike out "one year" and insert "two years;" so that it will read:

And if within two years thereafter such property is not redeemed by the owner or owners thereof, by the payment of the taxes, penalties, and costs due at the time of the offer of the sale, and 10 per cent. per annum thereon, a deed for said property shall be made to said District, as in cases of individual purchasers.

The amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSION OF SAINT JAMES, WASHINGTON TERRITORY.

Mr. PRATT. I ask unanimous consent that House bill No. 1450, for the relief of the mission of Saint James, in Washington Territory, be passed.

Mr. COX. I object to that bill at the instance of the Delegate from Washington Territory, [Mr. MCFADDEN.]

Mr. PRATT. I move to suspend the rules and pass it.

Mr. LOWE. From what committee is this bill reported?

Mr. PACKARD. It is the unanimous report of the Committee on Private Land Claims.

Mr. BUCKNER. The committee were unanimously in favor of it.

The motion to suspend the rules was seconded.

The question was put on the motion to suspend the rules; and on a division there were—ayes 74, noes 41; no quorum voting.

Tellers were ordered; and Mr. PRATT and Mr. SPEER were appointed.

The House divided; and the tellers reported—ayes 89, noes 60.

Mr. FINCK. I call for the yeas and nays.

The yeas and nays were not ordered, only fifteen members voting therefor.

So (two-thirds not voting in favor thereof) the rules were not suspended.

ORDER OF BUSINESS.

Mr. MCNULTY, (who stood in the area in front of the Clerk's desk.) I desire to move a suspension of the rules to put on its passage the bill which I send to the Clerk's desk, which is reported unanimously from the Committee on Indian Affairs, and which provides for twelve hundred Indians who are destitute and starving.

Mr. KASSON. I wish to make the point of order that gentlemen desiring to bring bills before the House during these last days of the session should stand so far back from the Chair at least that they may be heard, for it is impossible to hear anything in the confusion prevailing here.

The SPEAKER. If each individual member would make a resolution to help to keep order, there would be no disorder here. The Chair directs the Doorkeeper that every gentleman on the floor not privileged to it shall be invited to retire, and the Chair gives two minutes for the execution of that order; and in the mean time the Clerk will read the rule in reference to admissions on the floor.

The Clerk read as follows:

No person except members of the Senate, their Secretary, heads of Departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress, shall be admitted within the Hall of the House of Representatives or any of the rooms upon the same floor or leading into the same: *Provided*, That ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no persons except those herein specified shall at any time be admitted to the floor of the House.

The SPEAKER. The Chair will state that nothing in these last days of the session shall be submitted to the House without the House thoroughly understanding what it is.

Mr. SAYLER, of Ohio. There is a small delegation of half a dozen members of the house of representatives of the Ohio Legislature and senate present in the city, and I ask that they may be excluded from the order and allowed the privileges of the floor.

The SPEAKER. The Chair would suggest that they be admitted to the members' gallery. There are five hundred gentlemen of that character to-day in the city of Washington.

Mr. SAYLER, of Ohio. I did not know that.

The SPEAKER. It is impossible to obtain order unless the rules are enforced. The Chair, however, will submit the request of the gentleman from Ohio [Mr. SAYLER] that the delegation from the Ohio Legislature may be admitted to the privileges of the floor.

Mr. KASSON. Is it a delegation or is it simply members of the Legislature who are present here?

Mr. SAYLER, of Ohio. They are simply members.

Mr. KASSON. Then I submit that it is not a proper case for dispensing with the rule.

Mr. SAYLER, of Ohio. They are here as a body.

Mr. KASSON. And is not their Legislature now in session?

The SPEAKER. Objection is made to the request of the gentleman from Ohio, [Mr. SAYLER.]

JICARILLA APACHE INDIANS.

Mr. MCNULTA. I am instructed by the Committee on Indian Affairs to report a bill for the ratification of an agreement with the Jicarilla Apache Indians, and I am instructed to ask a suspension of the rules for that purpose. I desire to say that this bill is recommended by the Department, by a large number of the citizens of the Territory, and by the Delegate from the Territory of New Mexico, [Mr. ELKINS,] as will be found by reference to Executive Document No. 138. It also has the unanimous approval of the Committee on Indian Affairs.

The bill (H. R. No. 4858) was received, read three times, and passed under a suspension of the rules, two-thirds voting in favor thereof.

PROTECTION OF WITNESSES.

Mr. E. R. HOAR. The select committee appointed to consider what protection should be afforded to witnesses before either House of Congress have instructed me to submit a report accompanied by a bill.

Mr. HAZELTON, of Wisconsin. I suggest that the bill be read, and the report can be printed in the RECORD.

The report was as follows:

The select committee, to whom was referred a resolution of the House adopted on the 19th of January, 1875, as follows—

"*Resolved*, That a committee of five members be appointed by the Speaker to inquire whether the privileges of this House have been violated by the arrest and detention of Whitelaw Reid, of New York, at the suit of Alexander R. Shepherd, while said Reid was within the District of Columbia under the subpœna of a committee of this House authorized to send for persons and papers, and for the purpose of attending and returning as a witness before said committee, and that they consider and report whether any and what legislation is necessary or expedient for the protection of witnesses coming into the District by the order of either House of Congress"—

have considered the matters referred to them, and report:

It appeared that the attendance of Whitelaw Reid was required before the Committee on Ways and Means, as a witness upon an investigation ordered by this House, in which that committee was authorized to send for persons and papers. He attended accordingly; and after his examination, but before a reasonable time had been afforded for his return to his home in New York, he was arrested and held to bail under a criminal prosecution for a libel, and a summons to appear in a civil suit for a libel was also served upon him. He was not arrested in the civil suit, and has made an application for the protection of the House or for their interference in his behalf.

We are of opinion that his arrest upon the criminal process was lawful; and that if he was entitled to exemption from the service of civil process, he can assert his privilege, if he is disposed to do so, in the court before which such process was made returnable. There is therefore nothing in the case of Mr. Reid which requires the action of the House.

Upon the second branch of the resolution we find that by the settled parliamentary law of England and America a witness in attendance upon either branch of Congress or a committee thereof with power to send for persons and papers, whether regularly summoned or attending voluntarily upon notice and request, is privileged from arrest, except in case of treason, felony, or breach of the peace. This exception is held to include all indictable crimes and offenses. But it is an open question whether a witness coming within the jurisdiction of the courts of a State or of the District, and only amenable to the service of process by reason of his personal presence, is protected against the service of civil process upon him which does not require his arrest or detention. Different courts, of highly respectable authority, have made opposing decisions upon the question. We are not aware that it has ever been determined by the Supreme Court of the United States.

In the uncertainty that exists upon the subject we are unanimously of opinion that it should be settled by legislation, and that the better reason is in favor of extending the protection. It is important to have the attendance of witnesses before committees of Congress whose duty it is to examine them made as easy and safe as is consistent with the ordinary administration of justice. Congress has power to compel citizens of the United States to come in to the District as witnesses from the most distant States and Territories. It is not reasonable or just that a person thus brought within the local jurisdiction of the District courts should have his civil rights affected injuriously, as they obviously might be, if he should thereby be compelled to transfer the defense of a civil suit to a distant forum, and thus be subjected to serious inconvenience and expense. The liability of such a result might often deter witnesses from attending, or induce them to evade a summons. As far as civil rights are concerned, we think the witness brought into the District by a superior power should not be regarded as within it for any other purpose than that of giving his testimony, and that he should not have his condition changed to his prejudice on that account.

We therefore recommend the passage of the accompanying bill.

For the committee:

E. R. HOAR,
Chairman.

Mr. E. R. HOAR. The report is not long, but I did not expect to have it read. I move that the rules be suspended and the bill accompanying the report be passed.

The bill to provide for the protection of witnesses required to attend before either branch of Congress or a committee of the same was read. It provides that no person whose attendance is lawfully required, or who shall be summoned or notified to attend as a witness before either branch of Congress or a committee thereof, or who shall come into the District of Columbia to attend as such witness, shall, while coming or attending or during a reasonable time for his return after his necessary attendance as a witness has ceased, be subject to the service of any civil process upon him within said District upon any claim or cause of action arising before his coming into the District as such witness, so as thereby to give any court of the said District jurisdiction over him in any suit at law or in equity.

The SPEAKER. Is there objection to the passage of this bill?

Mr. LOWE. I object.

The SPEAKER. The question is on suspending the rules and passing the bill.

The motion to suspend the rules was seconded; and upon suspending the rules the ayes were 97 and the noes 17; no quorum voting.

Tellers were ordered; and Mr. E. R. HOAR and Mr. LOWE were appointed.

The House again divided; and the tellers reported that there were ayes 131, noes 33.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 4855) was passed.

WISCONSIN CENTRAL RAILROAD COMPANY.

Mr. ORR. I am instructed by the Committee on Public Lands to report back, with a favorable recommendation, House bill No. 4820, authorizing the Wisconsin Central Railroad Company to straighten the line of their road.

The bill gives the consent and approval of Congress to the Wisconsin Central Railroad Company to build that portion of their road which lies between Portage City and Stevens Point, on the line adopted by the act of the Legislature of Wisconsin approved February 10, 1875, instead of the line adopted by the act of the Legislature of Wisconsin, April 9, 1866, chartering the Portage and Superior Railroad Company, and provides that no portion of the lands belonging to said grant situated south of Stevens Point, and which may be found outside of the ten-mile limits measured from the modified line of said road, shall pass to said company under its grant, but such lands shall revert to the United States and become part of the public domain, to be disposed of as other public lands, and the acceptance of the provisions of this act by said company shall be held to be a relinquishment of the same; and that this act shall not be construed as increasing said grant or as granting to said company any lands within said ten-mile limits not now belonging to said grant.

Mr. WILLARD, of Vermont. What committee is that from?

Mr. HAZELTON, of Wisconsin. From the Committee on Public Lands, and there can be no possible objection to it.

Mr. WILLARD, of Vermont. I would like to hear a brief explanation of it.

Mr. ORR. I will explain it, and then I presume there will be no objection to it. The circumstances are these: The road was compelled by former legislation to run on a circuitous route, and the land grant is on that circuitous route. The Legislature of Wisconsin has passed an act authorizing them to straighten their line, shortening the road about forty miles. The assent of Congress is required before that can be done. The subject came before our committee, and we agreed unanimously that the consent of Congress ought to be given to the straightening of the line, because it is in the interest of the company, of the State, and of the United States. The bill provides that, as the limit of the land grant was ten miles on each side of the circuitous line of the road, when the line is straightened the limit of the grant shall still be ten miles on each side of the road.

Mr. WILLARD, of Vermont. Can it by any possibility interfere with actual settlers?

Mr. ORR. No; because there are very few of them on the land.

Mr. DAWES. Does the company get the grant of land for ten miles on each side of the straightened line?

Mr. ORR. They take all the land of the old grant that falls within the ten-mile limit on the straightened line, but relinquish all that falls outside of that limit.

Mr. SAYLER, of Indiana. What is the net gain to the Government by straightening this line?

Mr. ORR. Some eight thousand acres. The bill is a proper one, and is in the interest of the Government, because the company relinquishes all the land that is included within ten miles of the straightened line of the road.

Mr. DAWES. And the company acquires no new lands?

Mr. ORR. It acquires no new lands.

Mr. TOWNSEND. This bill gives back to the General Government eight thousand acres of land.

Mr. CLYMER. I am satisfied that this bill is perfectly just. As this road was required to be built, its line ran on two sides of a triangle. This bill proposes to allow the company to run the road on the base of the triangle, by which the land grant will be reduced some eight thousand acres. It is expressly provided in the bill that it shall not be construed as making any new land grant.

Mr. BUTLER, of Massachusetts. What obliged the company to take the indirect route?

Mr. CLYMER. An act of the Legislature of Wisconsin.

Mr. E. R. HOAR. This company in the first place adopted the short line which they now ask to have authorized. Afterward that plan was changed, and it was thought best to adopt a circuitous line in order to pass certain towns. Hence the authority of Congress was obtained for that purpose. The company has now concluded that it had better construct its road upon the original straight and short line; and it asks Congress to consent to that.

Mr. CLYMER. According to the original route, it would be a distance of one hundred and fourteen miles to reach the same point which by this act can be reached in seventy miles.

Mr. HOLMAN. This bill has been a subject of conversation in this House for the last two or three years.

A MEMBER. O, no.

Mr. HOLMAN. During the last two or three years this proposition to run a straight line instead of this angular line has been occasionally made. Now, the only question of any importance in connection with the matter is this: I have never known a change to be made in the location of any grant or the route of a land-grant railroad since the time this system first came fairly into operation that did not result in a fraud upon the Government. I ask that those who are opposed to the land-grant policy, and who believe it to be evil in all its parts, will determine that, while the rights already acquired under that policy may be retained, Congress will not take a single additional step in the direction of this kind of legislation. The action in the case of the Missouri and Mississippi grant illustrates the kind of fraud which is perpetrated under this kind of legislation. In that case the original route made a bend. Then there came an act to straighten the line. Congress was assured that by this act over one hundred thousand acres of the most valuable lands would be restored to the Government of the United States. Untimately a fraud was perpetrated by the company obtaining not only the grant on the line actually constructed, but also for lands which had been apparently abandoned, which Congress had supposed were abandoned. Thus by fraudulent means during the last session of this Congress the company obtained an amount of land that Congress never intended. I trust that we shall resolve, as the policy of our legislation upon this subject, that, while the rights already acquired by these companies in various States may be continued, no change whatever in respect to those rights shall be allowed, and that whenever a forfeiture shall be incurred it shall be enforced with the utmost severity.

Mr. WARD, of Illinois. I call for the regular order.

Mr. WILLARD, of Vermont. I wish to ask the gentleman in charge of this bill whether he has any objection to changing the phraseology of the last proviso? It is in this language:

Provided further, That this shall not be construed as increasing said grant or as granting to said company any lands within said ten miles not now belonging to said grant.

Now, I suggest that this proviso be modified so as to provide that this act shall not be construed as granting to the company any lands whatever.

Mr. HAZELTON, of Wisconsin. There is no objection to that.

Mr. ORR. The object of the proviso was that no new land grant should be considered as authorized by this bill. I do not object to this amendment.

The amendment was agreed to by unanimous consent.

The motion to suspend the rules and pass the bill was agreed to; there being ayes 109, noes not counted.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Vermont [Mr. POLAND] and the gentleman from Indiana [Mr. TYNER] both seek the floor, the former upon the Arkansas question and the latter upon the post-office appropriation bill.

Mr. DAWES. There is a little matter from the Committee on Ways and Means which I would like to have taken up. It will take but a few minutes if these gentlemen will yield.

Mr. TYNER. Mr. Speaker, who is entitled to the floor?

The SPEAKER. The questions which the gentleman from Vermont and the gentleman from Indiana seek to present are both highly privileged; and the House must decide between them.

Mr. TYNER. Then I claim the floor to submit the report of the Committee on Appropriations upon the post-office appropriation bill. I want to test the sense of the House as to taking up this matter.

Mr. CESSNA. Is it in order to submit the question of consideration?

The SPEAKER. It is in order to raise that question.

Mr. CESSNA. I wish to submit, in the first place, an inquiry as to whether the bringing up of the post-office appropriation bill will necessarily deprive the gentleman from Vermont [Mr. POLAND] of the right to the floor, or whether he can be entitled to recognition after that bill has been disposed of?

Mr. TYNER. Will the Chair permit me to make a statement?

Mr. CESSNA. If the Chair answers my inquiry, as I suppose he will, I will withdraw any objection to the consideration of the business of the gentleman from Indiana.

Mr. TYNER. I ask the gentleman from Pennsylvania to withhold the question of consideration for one moment. The bill which I desire to report to the House has had a number of amendments of great importance attached to it by the Senate. The probability is that the committee of conference will be occupied some time in the consideration of the differences between the two Houses. There are some features of the bill which no gentleman in the House understands so well as I do. The corpse of my wife's brother now lies in our house to be buried to-morrow, and I wish to attend the funeral. Therefore I make an appeal to the gentleman from Pennsylvania and the members of the House that they will permit me to consider this bill now.

Mr. CESSNA. I did not of course know any of these facts; but I wish to know whether the gentleman from Indiana can be recognized?

The SPEAKER. Why not?

Mr. CESSNA. Is his matter of so high a character that he must be recognized in preference?

The SPEAKER. The Chair has recognized him already.

Mr. CESSNA. Then I have no objection.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER hears no objection to the motion of the gentleman to proceed with the consideration of the amendments of the Senate to a bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

Mr. TYNER. Before the Clerk proceeds with the reading of the amendments of the Senate, I desire to say if other gentlemen will imitate my example there will be little debate on this bill. I am perfectly willing to suspend the rules and adopt the report of the Committee on Appropriations on the amendments of the Senate to this bill, if the House will bear me out.

The Clerk proceeded with the reading of the amendments of the Senate.

The recommendation of the Committee on Appropriations that the second, third, fourth, and sixth amendments should be concurred in, and the first, fifth, seventh, eighth, ninth, tenth, eleventh, and twelfth amendments of the Senate should be non-concurred in was adopted.

The thirteenth amendment of the Senate is as follows:

Strike out the following:

That the certificate authorized to be made by section 13 of the act of June 23, 1874, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875," may be made by any ex-member of Congress or ex-Delegate within nine months after the expiration of his term.

And insert in lieu thereof the following:

That the provisions of section 13 of the act of June 23, 1874, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," shall apply to ex-members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates, and postage on public documents mailed by such persons shall be as provided in said section.

The SPEAKER. The Committee on Appropriations recommend concurrence.

Mr. SPEER. I should like to know from the gentleman from Indiana in charge of this bill what action has been taken in reference to the free transmission through the mails of documents by members of Congress and Delegates.

Mr. TYNER. In reference to this amendment of the Senate, the only reason why the Senate amended the action of the House was that the House, in providing for the extension of the act of 1874, providing for the extension of the act making appropriations for sundry civil expenses of the Government, made a mistake in referring to an act which had nothing to do with this question. We have therefore recommended non-concurrence.

Mr. SPEER. What action has the committee taken in reference to the amendments of the Senate for free transmission of documents through the mails?

Mr. TYNER. The Committee on Appropriations recommend concurrence in the amendments of the Senate on that subject, with certain amendments intended to perfect the manner in which documents should be transmitted through the mails.

Mr. GARFIELD. I desire to say for one that I myself did not concur in that, and I hope the House will not concur, but I will not take any time to debate it. I wish to say for myself, however, that I oppose it, and hope we will not open the franking privilege.

Mr. TYNER. I desire to say, as a member of the Committee on Appropriations, that I do not concur with the action of the committee; but I am not here to debate any of these provisions. I will explain. If gentlemen want to put themselves upon the record they had better have a vote upon some subsequent amendment. The amendment just read by the Clerk is simply that the provision of the act of last session of this Congress which authorizes the sending of public documents at the rate of ten cents postage through the mails shall apply to outgoing members of Congress; that is, that this shall remain a law to the 1st of September succeeding the term of office.

The amendment of the Senate was concurred in.

The recommendation of the Committee on Appropriations that the fourteenth, fifteenth, and sixteenth amendments of the Senate be non-concurred in was adopted.

The Clerk read the seventeenth amendment of the Senate, as follows:

That from and after the passage of this act the CONGRESSIONAL RECORD, or any part thereof, or speeches or reports therein contained, shall be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe; and that public documents already printed for the use of either House of Congress may pass free through the mails upon the frank of any member of the present Congress until the 1st day of December, A. D. 1875.

Mr. TYNER. We have how reached matters in which the House is interested and I hope we will have order. The Committee on Appropriations recommend concurrence in the amendment of the Senate just read, with the following amendments:

The Clerk read as follows:

The committee recommend concurrence in the amendment numbered 17, with the following amendments: After the word "shall," in line 3 of said amendment, insert the words "under the written frank of a member of Congress or Delegate, to be written by himself;" and after the word "printed," in line 5 of said amendment, insert the words "or ordered to be printed;" and after the word "member," in line 7, add the words "and Delegates;" and after the word "Congress," in the same line add the words "written by himself;" and add at the end of said amendment the following words "provided that speeches reproduced and printed otherwise than in the CONGRESSIONAL RECORD and speeches delivered elsewhere than in Congress shall not be construed as public documents or be embraced in the provisions of this section."

Mr. TYNER. Now, Mr. Speaker, if the House will listen to me, I will read the section precisely as the committee propose to amend it. I can probably do it more easily than the Clerk, with the bill in my hands:

That from and after the passage of this act the CONGRESSIONAL RECORD, or any part thereof, or speeches or reports therein contained, shall, under the written frank of a member of Congress or Delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe; and that public documents already printed or ordered to be printed for the use of either House of Congress may pass free through the mails upon the frank of any member or Delegate of the present Congress, written by himself, until the 1st day of December, A. D. 1875: *Provided*, That speeches reproduced from and printed otherwise than in the CONGRESSIONAL RECORD and speeches delivered elsewhere than in Congress shall not be construed as public documents, or be embraced in the provisions of this section.

Mr. GARFIELD. I hope the House will vote down this reopening of the franking privilege.

The SPEAKER *pro tempore*, (Mr. HAZELTON, of Wisconsin.) The question is upon concurring in the amendment of the Senate with the amendment recommended by the Committee on Appropriations.

Mr. GARFIELD. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 27, noes 138; the affirmative not being one-fifth of the whole vote.

Mr. GUNCKEL. I call for tellers on the yeas and nays.

On the question of ordering tellers, there were yeas 28; not one-fifth of a quorum.

So tellers were not ordered and the yeas and nays were not ordered.

The SPEAKER. The question will be taken without calling the yeas and nays, and the Chair will order tellers. The Chair appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Pennsylvania, Mr. SPEER, to act as tellers.

The House divided; and the tellers reported—ayes 113, noes 65.

So the House concurred in the amendment of the Senate with the amendment recommended by the Committee on Appropriations.

Mr. GARFIELD. I move to reconsider the vote just taken.

Mr. SPEER. The gentleman did not vote with the prevailing side.

The SPEAKER. There is no record of the vote to show how the gentleman voted.

Mr. SPEER. I move to lay the motion to reconsider on the table.

Mr. WILLARD, of Vermont. And on that motion I ask the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 39; more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 105, not voting 46; as follows:

YEAS—Messrs. Albert, Arthur, Ashe, Averill, Banning, Barry, Beck, Begole, Bell, Biery, Bowen, Bright, Brown, Buckner, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Carpenter, Cason, Cessna, Clements, Clymer, Stephen A. Cobb, Coburn, Cook, Creamer, Crutchfield, Davis, DeWitt, Donnan, Duell, Dunnell, Durham, Eldredge, Farwell, Finck, Freeman, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, George F. Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hynes, Kelley, Killinger, Lansing, Leach, Lewis, Lofland, Loughridge, Magee, Martin, Maynard, Alexander S. McDill, James W. McDill, Milliken, Mills, Morey, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Packard, Packer, Isaac C. Parker, Pelham, Phillips, Pike, Thomas C. Platt, Ransier, Rapier, Read, Richmond, Robbins, William R. Roberts, Schell, Sener, Sheats, Sheldon, Sloan, Sloss, Smart, William A. Smith, Snyder, Speer, Standiford, Alexander H. Stephens, Stone, Stowell, Strait, Strawbridge, Swann, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Vance, Waddell, Wallace, Walls, White, Whitehead, Whiteley, Whitthorne, Charles G. Williams, Willie, Ephraim K. Wilson, Wolfe, and John D. Young—136.

NAYS—Messrs. Albright, Barnum, Barrere, Bass, Bland, Blount, Bradley, Bromberg, Buffinton, Bundy, Caulfield, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Comingo, Conger, Corwin, Cotton, Cox, Crittenden, Crooke, Crossland, Crounse, Curtis, Danford, Dawes, Eames, Eden, Foster, Garfield, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Kasson, Kellogg, Lamison, Lawrence, Lawson, Lowe, Lowndes, Lynch, McCrary, MacDougall, McNulta, Merriam, Monroe, Morrison, O'Neill, Orth, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Potter, Pratt, Ray, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Sessions, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Charles A. Stevens, St. John, Storm, Townsend, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—105.

NOT VOTING—Messrs. Adams, Archer, Atkins, Barber, Berry, Burleigh, Burrows, John B. Clark, jr., Clinton L. Cobb, Darrall, Dobbins, Field, Fort, Frye, Robert S. Hale, John B. Hawley, Hendee, Hyde, Kendall, Knapp, Lamar, Lamport, Luttrell, Marshall, McKee, McLean, Mitchell, Moore, Niles, James H. Platt, jr., Poland, Rainey, Randall, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Shanks, George L. Smith, J. Ambler Smith, Southard, Starkweather, Sypher, Charles R. Thomas, John M. S. Williams, and Wood—46.

So the motion to reconsider was laid upon the table.

During the roll-call the following announcements were made:

Mr. HARRISON. I desire to state that my colleague, Mr. THORNBURGH, has gone home on account of sickness in his family.

Mr. MARTIN. I desire to state that my colleague, Mr. HAWLEY, is confined to his room by sickness.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments—

A bill (H. R. No. 3685) for the relief of George A. Schreiner; and

A bill (H. R. No. 4744) to punish certain larcenies and receivers of stolen goods.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;

A bill (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late private Company C, Eighth Tennessee Cavalry Volunteers;

A bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle;

A bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri;

A bill (H. R. No. 1644) granting a pension to Hannah E. Currie;

A bill (H. R. No. 2685) for the relief of John Aldredge;

A bill (H. R. No. 3276) granting a pension to Davenport Downs;

A bill (H. R. No. 3688) granting a pension to William O. Madison;

A bill (H. R. No. 3698) granting a pension to William C. Davis, late private in Company B, Eleventh Tennessee Cavalry Volunteers;

A bill (H. R. No. 3703) granting a pension to Catharine Lee, widow of Jesse M. Lee, late private company B, Second Regiment Ohio Volunteers;

A bill (H. R. No. 3704) granting a pension to Mary E. Stewart;

A bill (H. R. No. 3706) granting a pension to Margaret H. Pittenger;

A bill (H. R. No. 3711) granting a pension to Martin D. Chandler;

A bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit Arsenal, in the State of Michigan; and

A bill (H. R. No. 4853) to change the name of the pleasure yacht Dolly Varden to Clochette.

The message further announced that the Senate had agreed to the concurrent resolution of the House for the printing of the report of the Surgeon-General of the Army and the supervising-surgeon of the marine hospital service upon the cholera epidemic of 1873.

APPROVAL OF BILLS.

A message from the President, by Mr. O. E. BABCOCK, his Private Secretary, informed the House that the President had approved and signed the following bills:

An act (H. R. No. 844) to authorize the promulgation of the General Regulations for the Government of the Army;

An act (H. R. No. 677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876; and

An act (H. R. No. 4727) explanatory of the act passed June 20, 1874.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the post-office appropriation bill, with the recommendations of the Committee on Appropriations thereon.

The eighteenth amendment the committee recommend be non-concurred in.

Mr. TYNER. That does not relate to franking or anything of that sort, and the House can have no interest in it.

The recommendation of the committee was agreed to.

The nineteenth amendment of the Senate was as follows:

SEC. 7. That garden seeds transmitted by the Commissioner of Agriculture, or by any member of Congress receiving seeds for distribution from said Department, together with agricultural reports emanating from that Bureau, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge.

The Committee on Appropriations recommend that the amendment of the Senate be concurred in with an amendment, as follows:

After the word "Congress" insert the words "or Delegate;" and add to the section the following:

And the provisions of this section shall apply to ex-members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as members and Delegates.

Mr. WILLARD, of Vermont. I call for the yeas and nays on that.

Mr. MAYNARD. Inasmuch as the Committee on Appropriations recommend some amendments to the new section added by the Senate, I ask leave to suggest a verbal amendment. The section contains these words: "Agricultural reports emanating from that Bureau." The Department of Agriculture is not a Bureau, but a Department created by law. I therefore suggest that the word "Bureau" be changed to "Department."

No objection was made, and the amendment to the amendment was agreed to.

Mr. KASSON. I would inquire whether this section, if adopted, would not authorize the Commissioner of Agriculture to send free through the mails the seeds which he himself distributes? If so, then there is another clause in this bill, if I mistake not, appropriating from thirty to sixty thousand dollars for postage for that very purpose, and it ought to be canceled if this section is adopted.

Mr. TYNER. There is no such appropriation in this bill; one can be found, however, in the legislative appropriation bill. If the appropriation be allowed to remain it will cover the correspondence of the Department independent of and outside of the transmission of agricultural reports and seeds.

Mr. SPEER. I ask the gentleman to make a brief personal explanation of the necessity and effect of the proposed amendment.

Mr. TYNER. The action of the House on the seventeenth amendment of the Senate, just adopted, provides that the CONGRESSIONAL RECORD or any part thereof, or speeches or reports therein contained, shall pass free through the mails under the franks of members and Delegates in Congress. It makes that a permanent provision of law. The next clause of that same section provides that the public documents that are already printed or hereafter may be printed for the use of Congress may pass free through the mails under the franks of members and Delegates until the 1st day of next December. That is a temporary provision of law.

Mr. MERRIAM. Does that cover the members and Delegates going out of this Congress?

Mr. TYNER. It covers the members of the present Congress until the first day of next December. That is a temporary provision of law. The purpose of the Senate in this amendment now under consideration evidently was to provide permanently for the free transmission of agricultural reports and seeds through the mails under the frank of the Commissioner of Agriculture or of members and Delegates in Congress. The House will see that its action already taken, if incorporated into law, will make permanent the practice of transmitting the CONGRESSIONAL RECORD and parts thereof free through the mails, while the provision for the transmission of other documents will be temporary until the 1st day of next December.

Mr. WILLARD, of Vermont. In other words, this is a revival of the franking privilege as regards agricultural reports and garden seeds?

Mr. TYNER. Undoubtedly so. As nearly as I can tell, without further reflection, I will say that if this bill becomes a law it will not permit the transmission free through the mails of everything ordered to be printed by Congress; it will permanently provide for the free transmission through the mails of Agricultural Reports, speeches made in Congress, and the CONGRESSIONAL RECORD, but will not include other public documents that may hereafter be ordered to be published.

Mr. SPEER. And the moment Congress ceases to authorize the publication of the Agricultural Reports the franking privilege, so far as that is concerned, will cease.

Mr. TYNER. That will be the result, if such a thing as that could ever be imagined.

Mr. WILSON, of Iowa. I want the yeas and nays on this attempt to restore the franking privilege.

Mr. SPEER. I wish to ask one question: Are or are no the Agricultural Reports already published or authorized to be published embraced in the amendment which has already been adopted by the House?

Mr. TYNER. Yes; but that amendment does not authorize the Commissioner of Agriculture to send them free through the mails. This provision now pending gives the Commissioner permission to send them free through the mails, and also makes it a permanent provision of law that Agricultural Reports and seeds may be sent free through the mails.

Mr. COBURN. Does not the Commissioner of Agriculture now send them free by mail by reason of stamps allowed to him by law?

Mr. TYNER. For informatiom on that subject I refer the gentleman to the Commissioner of Agriculture.

The SPEAKER. The question is on concurring in the Senate amendment with the amendment recommended by the Committee on Appropriations.

Mr. TYNER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BUNDY. I wish to offer an amendment.

The SPEAKER. No amendment is in order.

Mr. BUNDY. I am very sorry for that. I should like to offer an amendment providing that all sums paid by members of the present Congress for postage on public documents shall be refunded to the members, respectively, upon proper vouchers.

Mr. WILBER. I should like to know how many bushels of grain—rye, oats, barley, wheat, hops, &c.—are now sent through the mails every year.

The question was taken; and there were—yeas 133, nays 94, not voting 60; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Averill, Barber, Barry, Beck, Bell, Biery, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Carpenter, Cason, Cessna, John B. Clark, jr., Clements, Clymer, Coburn, Comingo, Cook, Creamer, Crutchfield, Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, Hereford, Herndon, George F. Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kelley, Knapp, Leach, Lewis, Lofland, Loughridge, Magee, Martin, Maynard, McNulta, Milliken, Mills, Morey, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Orr, Packard, Packer, Phillips, James H. Platt, jr., Thomas C. Platt, Ransier, Rapier, Read, Richmond, Robbins, William R. Roberts, Schell, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Stone, Stowell, Strait, Strawbridge, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Vance, Waddell, Wallace, Walls, White, Whitehead, Whitehouse, Whitthorne, Charles G. Williams, John M. S. Williams, Willie, Wolfe, Wood, and John D. Young—133.

NAYS—Messrs. Albright, Archer, Barnum, Barrere, Begole, Berry, Bland, Blount, Bradley, Buffinton, Bundy, Burleigh, Chittenden, Amos Clark, jr., Freeman Clarke, Conger, Crittenden, Crooke, Crounse, Curtis, Danford, Dawes, Eames, Eden, Fort, Foster, Garfield, Gunckel, Benjamin W. Harris, John T. Harris, Hathorn, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Kasson, Kellogg, Killinger, Lawrence, Lawson, Lowe, Lynch, McCrary, MacDougall, Merriam, Monroe, Niles, Orth, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Poland, Potter, Pratt, Rainey, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, Storm, Sypher, Townsend, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—94.

NOT VOTING—Messrs. Banning, Bass, Burrows, Caulfield, Clayton, Clinton L. Cobb, Stephen A. Cobb, Corwin, Cotton, Cox, Crossland, Darrall, Dobbins, Duell, Farwell, Field, Finck, Freeman, Frye, Gooch, Eugene Hale, Robert S. Hale, John B. Hawley, John W. Hazelton, Hendee, Kendall, Lamar, Lamison, Lamport, Lansing, Lowndes, Luttrell, Marshall, Alexander S. McDill, James W. McDill, McKee, McLean, Mitchell, Moore, Morrison, Page, Isaac C. Parker, Parsons, Pelham, Pike, Randall, Ray, Rusk, Sawyer, John G. Schumaker, Isaac W. Scudder, Sener, George L. Smith, Alexander H. Stephens, St. John, Thompson, Thornburgh, Waldron, Whiteley, and Ephraim K. Wilson—60.

So the amendment of the Senate, as amended, was concurred in.

During the roll-call the following announcements were made:

Mr. MAYNARD. My colleague, Mr. THORNBURGH, is called home by the sickness of his mother.

Mr. MARTIN. My colleague from Illinois, Mr. HAWLEY, is absent on account of sickness.

The result of the vote was announced as above stated.

Mr. TYNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TYNER. I move that the House request a conference with the Senate on the disagreeing votes of the two Houses.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. POLAND obtained the floor.

Mr. KASSON. With the permission of the getleman from Vermont, [Mr. POLAND,] I wish to dispose of a matter that can be disposed of without debate, being simply the resolutions (which are of a privileged nature) reported by the Committee on Ways and Means on the Pacific Mail investigation.

Mr. DAWES. I have been trying to bring in a privileged report, which will not take a minute.

Mr. WARD, of Illinois. I must object. We have been promised repeatedly that this Arkansas question should be considered.

Mr. HARRISON. I rise to a question of the highest privilege.

The SPEAKER. The gentleman from Vermont [Mr. POLAND] is recognized.

HON. SIMON CAMERON.

Mr. SCOFIELD. I ask the gentleman to allow me to offer a resolution which I think will command the concurrence of the House.

The SPEAKER. The resolution which the gentleman from Pennsylvania [Mr. SCOFIELD] desires to submit will be read.

The Clerk read as follows:

Whereas the House of Representatives, on the 30th day of April, 1862, adopted a resolution censuring SIMON CAMERON for certain alleged irregular proceedings as Secretary of War in the matter of purchasing military supplies at the outbreak of the rebellion; and whereas on the 26th day of the ensuing month the then President of the United States, Abraham Lincoln, in a special message to Congress, assumed for the executive department of the Government the full responsibility of the proceedings complained of, declaring in said message that he should be wanting equally in candor and in justice if he should leave the censure to rest exclusively or chiefly on Mr. CAMERON, and added that it was due to Mr. CAMERON to say that although he fully approved the proceedings, they were not moved nor suggested by him, and that not only the President but all the other heads of Departments were at least equally responsible with him for whatever error, wrong, or fault was committed in the premises: Therefore,

Resolved, That this House, as an act of personal justice to Mr. CAMERON and as a correction of its own records, hereby directs that said resolution be rescinded, and that the rescission be entered on the margin of the Journal where said resolution is recorded.

Mr. SCOFIELD. I hope there will be no objection to the passage of this resolution. The facts are all recited in the preamble. It is an act of justice long deferred and should be agreed to without hesitation or dissent.

Mr. HOLMAN. Mr. Speaker, I do not rise for the purpose of discussing this resolution. It refers to a measure of a remote period, when the magnitude of intervening events is considered. The resolution proposed to be rescinded was considered in the House of Reprentatives of the Thirty-seventh Congress, thirteen years ago, and adopted by the House. That resolution of thirteen years ago it is now proposed by the pending resolution to rescind. It is proper for me to say that the facts which were communicated to the House subsequently to the adoption of the resolution by the message of the President of the United States were in the main known to the committee of the House on the investigations of which the resolution was founded. The resolution grew out of the investigations of a special committee of the House, of which the gentleman from Massachusetts [Mr. DAWES] and myself were members. I submitted the resolution to the House. Hon. E. B. Washburne, our honored and distinguished minister to France; Governor FENTON and General Van Wyck, of New York; and Mr. Steele, of New Jersey, then members of the House, were members of that committee. It is not treating the subject or the men who then composed the House (only six members of which are members of this House) fairly or truthfully to assume that that original action was unjust or oppressive. I am not willing by the act of to-day to imply a censure of the men who thirteen years ago adopted that resolution, but I am willing to do what the members who composed that House I believe would now be moved to do after this lapse of time, if still here in this House.

For several years discussions have occurred among individual members of the House (not before the House) on the propriety of rescinding the original resolution. General CAMERON has been long in public life, and since the adoption of that resolution has through the choice of his fellow-citizens held high official relations to our public affairs; a distinguished member of the Senate of the United States, of which he is now a member; a gentleman of venerable age. The resolution and the facts on which it was predicated were incidents of that unhappy and disordered period of intestine war from which we are rapidly receding. I would not for one perpetuate the memory of the unhappy events of that period. I would blot out its animosities and smooth down its asperities and rescind its unpleasant records where justice would permit. Nor am I unmindful, sir, of the possibility of mistakes and errors having occurred in our public proceedings during that unhappy period of our history. In the midst of peace, and now happily remote from the haste and passion incident to a state of war, we may well carefully review any harsh judgments we have pronounced. Indeed, sir, we cannot afford to perpetuate the records of the asperities of the war in the civil service of our Government. We can well afford to invite and cultivate an era of good feeling in public affairs, "with malice toward none, and charity for all."

The American people in dealing with public affairs are magnanimous, and their representatives cannot afford to act in a different spirit. Therefore for one, in view of the turbulent and disordered period when this resolution was adopted, rendering a mistake the more possible; in view of the long period which has since elapsed, during all of which the gentleman whose public reputation is involved has been identified with the councils of the nation; in view, too, sir, and in deference to the wishes of the gentlemen around me, democrats and republicans, representing Pennsylvania constituencies; and because, sir, I am willing that the asperities of the war, the heart-burnings, and bitter memories, so far as may be, may fade into oblivion, I, sir, for one will not object to the adoption of this rescinding resolution.

Mr. SCOFIELD. I now yield to the gentleman from Massachusetts, and will then demand the previous question.

Mr. WARD, of Illinois. I should like to know how it is this matter goes on in this way.

Mr. SCOFIELD. It will occupy a moment.

Mr. WARD, of Illinois. I will yield for a moment. I have been put off by moments for several days.

Mr. DAWES. Mr. Speaker, I was not the author of the resolution which this resolution proposes to rescind, but I gave my vote for it upon what I felt then was a sufficient ground. I shall most cheer-

fully give my vote for the resolution offered by the gentleman from Pennsylvania, and I am glad of the opportunity just at this time and under the circumstances to do what may be in my power to remedy a possible injustice.

It is some twelve years since the resolution was passed. There are but six of us left here in this House who voted for it. Of the others who voted for it and carried it through the House by a considerable majority, many of them have not only left these scenes but all scenes here upon earth. How soon the rest of us may be called to our account we do not know, and we should not lose the opportunity afforded us now to correct an injustice to a member of the other branch who has enjoyed the confidence and honor not only of his own State but of the executive department of the Government in various official positions of trust. Therefore this opportunity the gentleman from Pennsylvania gives me now I most gladly embrace.

I also desire to say, and I entertain no doubt I speak the sentiment of those who voted with me on that occasion, that had the President of the United States communicated to the House of Representatives *before* rather than *after* the adoption of that resolution that he took the whole responsibility of these acts for which the censure was passed upon himself and his administration, and as was his wont, was ready to assume all the responsibility of those acts, the House of Representatives would not have adopted that resolution of censure, singling out one member alone of that administration for censure.

I am further free to say, looking back upon the acts themselves and measuring by the light of what did afterward transpire in the conduct of the war, the necessity that pressed upon the Executive at that moment of resorting to any means in his power and to all the means he could command, without time to judge of the responsibility of men, without knowledge of the efficiency of men charged with duties put upon them on the instant—looking on things then as they now appear, I am free to say, had the President not taken his responsibility I should have been very slow to have voted for the resolution.

But after the President did take that responsibility off the shoulders of Mr. CAMERON I have always felt that the House of Representatives did not do exactly right in singling him out for its censure. And therefore it gives me pleasure not only to vote for the resolution but to leave upon the record this statement in reference to the motives which then actuated me and the reason which moves me to vote to rescind the original resolution.

Mr. SCOFIELD. I now call the previous question.

Mr. NIBLACK. I do not desire to oppose the resolution, but I wish to ask a question before the vote is taken of the gentleman from Pennsylvania who has offered it. It is this, whether we are to regard this as a part of the series of amnesty measures which have followed as a necessary consequence the close of the war; as another olive-branch extended by one side of the House to the other?

Mr. SCOFIELD. The facts recited in the preamble show the propriety and necessity of the resolution. It is not in any sense an act of forgiveness, but a recitation of historical facts.

Mr. NIBLACK. I understand that the Senator from Pennsylvania to whom the resolution refers has been and still is very liberal in regard to granting amnesty to those who were on the other side in the war; and if I am right in looking upon this as a recognition of that liberality on his part, I feel that I ought not to oppose this resolution and will not do so.

The previous question was seconded; and under the operation thereof the preamble and resolution were adopted.

Mr. SCOFIELD moved to reconsider the vote by which the preamble and resolution were adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

AFFAIRS IN ARKANSAS.

The SPEAKER. The gentleman from Vermont [Mr. POLAND] is on the floor to call up the report of the Committee on Affairs in Arkansas.

Mr. GARFIELD. I desire to ask the gentleman from Vermont a question about the order of business. How much time does he propose to occupy with the consideration of this report?

Mr. POLAND. The chairman of the Committee on Appropriations desires to know in advance what time will be taken in the discussion of the report and resolutions from the committee. Two other members of the committee who joined in the majority report besides myself desire to address the House, the gentleman from New Jersey [Mr. SCUDDER] and the gentleman from Ohio, [Mr. SAYLER.] If the House think that time can be spared, I desire that these gentlemen shall have each an hour; and that the gentleman from Illinois, [Mr. WARD,] the minority member of the committee, and such other gentlemen as desire to speak on that side, shall have the same length of time.

I am aware that we are very near the close of the session and have a great many things to do. And although this case which is now coming before the House presents a question of great magnitude, of more importance to this country than any other that has been before Congress for very many years, I suppose that the time for debate upon it must necessarily be short. And if it is thought that we cannot afford more time than that, I suppose it may be limited to one hour on each side before the previous question is ordered. I should be very glad indeed if two hours to each side could be allowed.

Mr. GARFIELD. Allow me to make a very brief statement about the condition of the appropriation bills. There are four bills in the Senate that have not yet come back to the House to be acted upon. One, the deficiency bill, of thirty-four pages, has not as yet been considered here, and it must be sent over in time for the Senate to act upon it; and nineteen hours from now the gavel falls and Congress ends.

Several MEMBERS. Forty-three hours.

Mr. CESSNA. The gentleman has been in the line of reduction all the winter.

Mr. GARFIELD. Sitting up all night, I had lost a day. I hope the House will agree to the shortest time that can be given with reasonable justice to this case.

Mr. KASSON. Let the previous question be seconded at some fixed hour.

Mr. GARFIELD. I hope before the debate commences the House will agree to some hour when the previous question will be ordered.

Mr. SOUTHARD. I rise to a question of order. I cannot hear what arrangement is being made.

Mr. POLAND. I think the magnitude of this question ought to entitle us to the time I suggest—two hours upon each side.

Mr. SOUTHARD. I insist that the Chair shall enforce the point of order. We cannot hear the gentleman from Vermont.

The SPEAKER. The Chair cannot impart more voice to the gentleman from Vermont than nature gives.

Mr. POLAND. My voice would serve a better purpose if other gentlemen kept their voices quiet while I was using mine.

The SPEAKER. What arrangement does the gentleman propose?

Mr. POLAND. That two hours be allowed to each side, and that then the previous question be called.

Mr. TREMAIN. After the previous question shall have been ordered there will be an hour for some one. Who will be entitled to that hour?

The SPEAKER, The gentleman making the report.

Mr. TREMAIN. Then I think the time should be more equally divided.

Mr. HYNES. I understood the gentleman from Vermont to say when this report was presented that the affirmative belonged to the minority. Do I understand that he is to allow the minority to move the previous question?

Mr. POLAND. That will be answered when the time comes.

Mr. CESSNA. I suggest that four hours be allowed for the discussion, and that it be divided equally.

Mr. WILSON, of Indiana. I suggest that the previous question be considered as ordered at half past five o'clock. If it be ordered at five the House will then take a reces until half past seven, and half an hour will be lost that might otherwise be given to this discussion.

Mr. GARFIELD. I hope the hour will be fixed as early as five. I desire to have as much time as possible for the deficiency bill.

Mr. WILSON, of Indiana. I think nothing would be gained for the deficiency bill by ordering the previous question at five and taking the recess then.

Mr. TREMAIN. It should be understood that the time should be equally divided.

Mr. SPEER. It was not equally divided on the force bill.

Mr. POLAND. My desire is that on this question the time shall be equally divided.

The SPEAKER. The Chair will state the proposed arrangement: that the previous question shall be considered as operating at half past five; that under that understanding the time will be alternated on each side until that hour, and the gentleman who makes the report will do as he sees fit with the hour after the previous question is ordered.

Mr. BUTLER, of Massachusetts. Will the gentleman reporting the bill have an hour after that?

The SPEAKER. Certainly; after the previous question is ordered.

Mr. WILLARD, of Vermont. I suggest that at that hour we take a recess without further order.

The SPEAKER. The Chair hears no objection to the proposed arrangement.

Mr. HAMILTON. Yes; I object to the previous question being ordered at any time without a two-thirds vote.

Mr. POLAND. Then I give notice that I will call the previous question at half past five o'clock.

Mr. GARFIELD. I move that the rules be suspended and the proposed order made.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the motion was agreed to.

Mr. COX. Will the Chair now state what the order is?

The SPEAKER. At half past five o'clock the previous question will operate, and at that time the House will take a recess without further order until half past seven o'clock, and the gentleman from Vermont [Mr. POLAND] will then be entitled to the closing hour.

CHANGE OF NAME OF PORT.

Mr. BLAINE, (the Speaker,) by unanimous consent, introduced a bill (H. R. No. 4856) to change the name of the port of Nobleborough to Damariscotta; which received its several readings, and was passed.

REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. E. R. HOAR, by unanimous consent, introduced a bill (H. R. No. 4857) extending the privileges of the Library of Congress to the Regents of the Smithsonian Institution; which received its several readings, and was passed.

REPRINTING OF A BILL.

Mr. BUTLER, of Massachusetts, asked and obtained leave to have reprinted the bill (H. R. No. 2871) to reorganize the circuit courts of the United States.

TIMBER LANDS OF THE UNITED STATES.

Mr. DUNNELL, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 4859) to regulate the survey and sale of the timber lands of the United States; which was recommitted to the committee and ordered to be printed, not to be brought back by a motion to reconsider.

AFFAIRS IN ARKANSAS.

Mr. POLAND. I now yield to the gentleman from New York, [Mr. SCUDDER.]

Mr. SCUDDER, of New York. If the case before the House were not one of first impression and if there were any precedent afforded in the past history of the country, if any occasion had arisen where Congress had been called upon to set aside the constitution of a State, to remove all of its political machinery, to displace all of its officers, I should have felt less difficulty than now oppresses me in approaching the discussion of this subject. Somewhat afflicted by a malady that almost unfits me for the proper consideration of the motion, I must limit myself mainly to the work of the pioneer, to clear away the tangle and obstructions in this matter and present the ground clear and open for the examination and further action of the House. The task would be intolerably painful if it were not relieved by the cheering light that breaks upon me at every advanced step and affords the assurance of a safe and certain rest at the end.

What is this difficulty with Arkansas? Why has Congress been beset by importunities and pressed by demands? Why are recommendations heard and threats uttered? Why does a wandering supplicant sit at our doors and urge his personal claims for State honors upon our generous attention. These questions addressed to the student of political history would lead him to do what we ought to do in this case, examine this subject of Arkansas with calmness, fairness devoid of passion or of prejudice. If matters of supreme moment, not embraced in that class resting for success upon excitement, can ever be discussed in the councils of the nation without frenzied harangues and passionate appeals, this is the hour and this the occasion upon which they should be so discussed and this motion should be superlatively in the order of such discussion.

Let any one familiar with our Federal Constitution and to whom the events in Arkansas of last year up to the date of the constitutional convention should be unknown attempt with candor and intelligence to answer the questions I have just presented, and he would be struck with consternation. He would find the permission given by the Constitution to Congress or the Executive to interfere with the domestic affairs or legislation of a State limited to these conditions, namely: Where a republican form of government had been superseded by one anti-republican in form; where domestic violence of such volume that it threatened the safety of the State existed; or where an invasion of the State had been effected and the State was unable to throw out the invaders. No one of these conditions to-day exists in Arkansas; and I discuss the government of Arkansas as it is to-day, for our action is to be to-day. It is to remain a State, with its general form of government as now existing, or it is to be thrown by the action of this great representative body of the United States into a condition of comparative anarchy.

Its constitution not only vies in republican merit with that of the other States, but is far superior to many in the essential characteristics of republicanism. It has succeeded to one of signally inferior qualities. It provides for the election by the people of over two thousand officers heretofore appointed by the chief executive, thus giving to the people the power of selecting their rulers and officers, where under the prior charter they were the subjects of executive favor. If "republican form of government" has any correct definition it lies right in the line of the present state of things in the State of Arkansas. It is that form of government where the supreme power rests in the people and is exercised by representative agencies of their own selection.

In further support of the resulting, as well as the inhering virtues of the present constitution, let me say that over three hundred of the colored citizens of the State of Arkansas are to-day in possession of offices of various grades and honor, and are discharging their duties in peace and without molestation so far as I know. Of these over one hundred and sixty are justices of the peace, filling that highest of all the low offices of a judicial character; that one judicial office that confers upon the magistrate not only the power of judicial determination, but the magisterial and ministerial authority of suppressing riots and suppressing violence, a power that few appellate magistrates in any State are vested with.

In the Legislature sit eight colored members; so there is in that State to-day a larger representation of that race in whose behalf some are clamoring for this change of the form of government in Arkansas than the entire Southern States have afforded to us in this body.

Passing from the first condition recognized by the Constitution as necessary for congressional action, we may treat the others, domestic violence and invasion, as one in this case.

This age affords such numerous and superior facilities for information that no disturbance even of trival character can occur in a remote corner of the Union and fail to be known and heralded everywhere. If the social system or the political organization of Arkansas were in a state of confusion, irregularity, or anomaly, everybody who can read would know it. Capital shuns scenes of violence. The trader avoids a community where property and personal rights are insecure. The invalid will not seek the comforting airs and waters of localities echoing with cries of distress and calls for help, where murder stalks at noonday with its red right hand upraised and death chokes the sunlight with damps and gloom. But capital goes to Arkansas. The merchants of the great eastern and western cities trade with her people. The worn and wearied invalid leaves the luxurious quarters of his metropolitan home for the Hot Springs beyond Little Rock. Intercourse is free between this and all the other States of the Union. No interruption to travel exists; no sentry is posted at the borders to halt the citizens incoming or outgoing. No armed force traverses the public ways and challenges the right of the wayfarer to free passage over them. A governor fills the executive chair. A Legislature is engaged in the appropriate duties assigned it by the people through a liberal and republican constitution. The courts are open, and the oppressed are free to seek the remedies that enlightened and wholesome laws have afforded. Litigants are heard, and great questions of personal and property rights are of daily disposition. The whole machinery of government moves freely and unimpared. The civil authorities are in supreme control, and the great writ of *habeas corpus*, not yet suspended, insures the speedy relief of a citizen wrongfully arrested.

There is Arkansas as the impartial observer of to-day will acknowledge. No one will deny that this State, like every other, has instances of violence. The human passions rage as fiercely there as elsewhere. Years of disorder have left the fruits of lawlessness. Distinct races thrown within a few years from opposing political and social spheres upon a common plane have not yet reached a community of purpose either in ordinary affairs or those of the State. Personal hostilities are intensified by habits of irregular life and wild action, and terminate in appeals to individual force instead of the orderly movement of the law. Arkansas thus presents the general aspect of a frontier State; and I assert that at this juncture she presents none more offensive or more dangerous.

Sir, we are told that this condition is due to the oppressive suffocation of power; that a state of tyranny prevails in Arkansas; that the people of that State, and more especially the colored citizens of the State, fear to rise and protest against the present government. Let me call attention to the population and the disposition of the population of Arkansas. Four hundred and fifty thousand souls; 124,000 of the colored race; 30,000 of black male citizens over twenty-one years; seventy thousand odd of white citizens over twenty-one. Now, does any gentleman within this Chamber believe for one moment that a constitution begotten in fraud—as has been asserted here—that a constitution which is no constitution, but a sham, a device, and a trickery, can be imposed upon 70,000 whites and 30,000 colored citizens in these United States without the most bitter, the most prompt, and the most decisive resentment? Sir, petitions would roll up from the people in volumes to this Hall. You would hear cries of disturbance and intimidation; you would hear cries of warning such as were never listened to one year ago, when Arkansas presented the characteristics that called for the investigation here.

It is trifling with reason and with good judgment to assert that the community, the entire people of Arkansas may be held in this political bondage—may be held under the machinery of three thousand civil officers. Martial law does not exist there, armed troops are not scouring the fields and imprisoning its citizens. The people acquiesce in the law, they acquiesce in the constitution, and if the argument were that fear of this congressional committee, as has been asserted, is one of the elements that lead to quiet, where in Heaven's name existed that fear when the congressional committee, sitting in the State of Arkansas, find and report abuses—acts of violence—disturbance all through a period of six, eight, or ten preceding months? There seemed to be no fear of the committee then, and it was in the capital of the State.

Sir, the peaceful condition of Arkansas is due to the acquiescence by its citizens in its constitution and its government; and this quiet, this order, this tranquillity are counted as "anti-republican in form!"

With all this, sir, we are called upon to subvert her government and destroy her constitution, displace her judges and her officers, declare her laws void, the acts of her sheriffs trespasses; in short, crush the entire machinery of her administration and in its place put a single man—Joseph Brooks! The resolution of the minority, the message from the Chief Magistrate of the Union, recommend simply the restoration of Joseph Brooks. Where is all the rest of that vast body and material that go to make up a government? If the constitution now existing in Arkansas be as is claimed a mere fraud and sham, and no substitute or succession of the prior constitution, every officer elected under it has no more right or title to his office, nor can any act done by that officer be justified by any prin-

ciple of law, than if committed by a man in Kamschatka. A void constitution is a void everything in a State. There is nothing *de facto* about it; there is no color of title that comes under it. Every decision of a court is waste paper; every decree of a court is a violation of sense and of justice; every act of a sheriff is a trespass. If the sheriff in carrying out the judgment of the court shall have been called upon to execute a criminal, that sheriff is a murderer in cold blood in the eye of the law.

That is the condition gentlemen seek to put upon Arkansas. That is the legal status they advocate here, and that is pressed upon the attention of the nation for the purpose, as it is said, of correcting some fraudulent political operations of that State. I shall have to do with the political operations of that State directly. We are to substitute order by confusion, republican government by anarchy, to sweep away laws and rights and blot out a year of history. It stands us in hand as legislators of a great nation to pause on the verge of this work of destruction, to find good reason for it, and count its cost.

Let me now, sir, review the history of Arkansas for two or three years, and see if even there such facts are presented as may justify us under the Constitution in their proposed widespread ruin. The course of examination will lie along scenes of peculiar turbulence, calamity, and oppression; for this unhappy State less than a year ago was filled with rapine, political corruption, and general dismay.

In 1872 the republican leaders of Arkansas nominated Elisha Baxter as their candidate for governor. A portion of the party, disaffected with its managers, selected Joseph Brooks as its candidate, and the democratic party accepted this movement as its own, and Brooks became their standard-bearer. In the registration that preceded the election and at the election the most amazing frauds were committed. The report details them in part, but their extent must be left to the conjecture of those who participated or those who have joined in similar criminal attempts to destroy the fundamental practical principles of the Republic in the purity and integrity of suffrage. It is humiliating to confess that these frauds were the work of republicans. It is consoling to find that republicans to-day condemn and flout them as they deserve to be condemned and flouted. Of all the various contrivances and resorts, before the election, at the election, and after the election, by which the democratic nominee, Mr. Brooks, should be cheated out, counted out, and not returned as governor, the reports present a sufficiently abhorrent mass. If upon any fanciful sketch of constitutional authority Congress could be supposed to have power over State elections, if the interpretation of the Constitution required any quickening to lead up to such an expansion of its provisions, the absolute lack of honor or moral obligation revealed at this stage of the political history of Arkansas would afford it. Corruption and trickery mark and deface all this page. The election was general, State and national. A Legislature and State officers were to be and were elected. The constitution of the State then existing, and known as that of 1868, provided for the returns to the president of the senate.

And just here, Mr. Speaker, I will ask the Clerk to read from the constitution the provision respecting returns in cases of elections in the State of Arkansas as well as subsequent sections of the law.

The Clerk read as follows:

The returns of every election for governor, lieutenant-governor, secretary of state, treasurer, auditor, attorney-general, and superintendent of public instruction shall be sealed up and transmitted to the seat of government by the returning officers and directed to the presiding officer of the senate, who during the first week of the session shall open and publish the same in presence of the members there assembled. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by a joint vote of both houses. Contested elections shall likewise be determined by both houses of the General Assembly in such manner as is or may hereafter be prescribed by law—*Constitution of* 1868, article 6, section 19.

SEC. 100. All contested elections of governor, except as herein provided, shall be decided by the joint vote of both houses of the General Assembly; and in such joint meeting the president of the senate shall preside.

SEC. 101. If any person contest the election of governor, he shall present his petition to the General Assembly, setting forth the points on which he will contest the same and the facts which he will prove in support of such points, and shall pray for leave to introduce his proof; and a vote shall be taken by yeas and nays, in each house, whether the prayer shall be granted.

Mr. SCUDDER, of New York. Sir, from these provisions the House will understand that the returns of votes cast at the election in November, 1872, for the State officers of Arkansas were to be returned to the president of the senate and were to be by him counted in the presence of both houses by the president of the senate. The returns made were properly made as to form and manner. They were to be counted in the presence of both houses by the president of the senate and were so counted, and upon the count Baxter was shown to have received a majority of 2,958 votes. These returns were made on the first week of the session; and as provided by the law, as well as by the constitution, this legislative body met.

My friend from Illinois and colleague upon the committee in his minority report led men to suppose he had intended to intimate that that early meeting of the Legislature of Arkansas was under military authority and military control. But my friend this morning has assured me that was not his intention. In his report it is stated that soldiers surrounded the halls and passes were required to enter. Upon the examination of the testimony it will simply appear that Mr. Hadley, the lieutenant-governor, before the installment of Elisha Baxter, had asked some soldiers to come in the capacity of policemen, for the purpose of protecting the hall against some invasion of a convention of some sort that had been suggested, but had no relation to the Legislature or its doings, and these were placed at the doors at the time of the convention of the Legislature.

Now, sir, of the votes cast at that election the majority of the committee report and find that Joseph Brooks received the majority. The evidence upon that point I shall not largely discuss, nor does it, perhaps, demand a large discussion in view of the general constitutional principles that apply to the condition of the State in its election. But I am informed since the report was made that some examinations by the Committee on Elections of this House point in the direction of a majority of four votes for Baxter. However that may be, there was just one tribunal on earth designated for the purpose of deciding upon those returns. The tribunal acted upon every return that came to them and declared Elisha Baxter elected governor of the State of Arkansas.

There, with that declaration, it should have forever ended. There everything should have ceased with reference to the governorship on the part of Joseph Brooks. All precedents throughout the country, the principles of law and the principles of construction so determine and so decide. Elisha Baxter is now installed. He is the governor of the State. In April following, under the provision the Clerk has read providing for contested elections of governor, Joseph Brooks properly filed his petition before the legislative body to contest the election of Elisha Baxter. The Legislature considered and rejected it—rejected it by a very large majority—nine only, I think, of the united body voting in the affirmative.

Now, Mr. Speaker and gentlemen, you who have been educated to the bar are aware that if there is a single well-established, fundamental principle of action in the matter of determining the right to an office: it is this, that where the constitution of a State or the statutes of a State commit to a special tribunal or a special body the determination of a particular or special question of right to an office under a contested election, and that body or tribunal acts upon the case and decides the case, it is forever concluded. There is no tribunal in the land that the law recognizes to review that decision. There is no appeal from it. There is no tribunal having co-ordinate jurisdiction. It is lodged in that one body. It is entirely exhausted with the action of that body. The right of the man is estopped and concluded, even if you had not the other principle that I have just pronounced by asserting his claims in that body, and there forever the contest for the position of governor ends, and there this should forever have ended.

There are cases—there was a case in my own State as early as 1799. The most distinguished jurist of his day, John Jay, competing with George Clinton for the position of governor of the State of New York, was deprived of his election in precisely the same manner as Joseph Brooks, if he received the majority of votes in this case, was deprived of his. The returns in the State of New York, as provided by the Legislature at that time, were to be sent by the sheriff of the county to the returning board or council of the State. Some of the returns sent by a sheriff holding over his office with no successor appointed, held to be a *de facto* sheriff, because he had been a *de jure* and a *de facto* sheriff both, were excluded and shut out by the council, and Mr. John Jay lost his election. This was right upon the eve of the adoption of the constitution. This great constitutional lawyer, this great citizen, this man who had been the framer of the first constitution of the State of New York, and who had largely participated in the framing of the Constitution that we are living under, was rejected and refused the possession of the seat of governor of the State of New York. And what did he do? Certainly every principle of construction, all of the views that obtained in the forming of the constitution were fresh in the minds of all. There was no application to Congress and no application to a court. It was held to be final, no matter how wrong. And it should have been so in this case.

But, sir, I advance one step further in the line of showing that Elisha Baxter was really the legal governor of the State of Arkansas. In the supreme court an application was made by Mr. Brooks for a *quo warranto* to determine who was entitled to hold that office. There has been some talk of some of the counsel before us about informations in the nature of *quo warrantos*, and about that being disregarded in the consideration of the question. The point was this: Mr. Brooks wanted the seat that Mr. Baxter held, and appealed to the supreme court of Arkansas for it. If the laws of Arkansas had not contained the permission to go to the Legislature in the case of contests of election, certainly the supreme court would have entertained and would have had the jurisdiction of the case. That application was denied. The court held that it had no jurisdiction. They at that time entertained some respect for an observance of the general principles of law, and declared and pronounced that no court in Arkansas had jurisdiction of the question of contest at that time.

If the first proposition I make could by possibility have anything of weakness in it, certainly the next proposition which I now make that this conclusive decision of the supreme court of the State of Arkansas forever precluded Brooks from office should be final. But, sir, there is no finality in certain attempts and efforts. There is a desire that, impelled by influences behind in part and in part by the inherent and the instinctive aspiration for position, honor, glory, or emoluments of office, or whatever it may be, fills the bosom of the

citizen for the moment which drives it to resources the imagination could never conceive.

We find next that Mr. Brooks was in a low court. The supreme court having absolute jurisdiction over all the courts, having decided his claim against him, he drops down to the very surface of judicial existence and brings action for salary in the circuit court. At the same time another State officer elected on the Baxter ticket and a State officer elected on the Brooks ticket get involved in a squabble about their offices in the same lower court. The officer elected on the Baxter ticket applies to the supreme court for a writ of prohibition. It was instantly granted, the supreme court stating that the lower court had nothing to do in the premises, had nothing to do with the question of the election of State officers, and that there was another tribunal to dispose of their contests, namely, the Legislature.

But following these two decisions comes finally what has brought us to this motion and to the consumption of this time. In this suit in the circuit court, and the time was running along, Baxter was committing acts that no man can justify, coalescing with his opponents of the opposite party in the State of Arkansas, playing the game of double-wabble. The only possible explanation that I have found of the political condition of Arkansas I find in the late message of the President of the United States to the Senate, containing certain information, and as he says "all the information in my possession not heretofore furnished relative to affairs in the State of Arkansas;" and I read only two lines. And what I read is from a letter addressed to the President May 28, 1874: and I read them without reference to any gentleman from Arkansas in this House or elsewhere; but it does furnish me with some sort of solution of the difficulties, troubles, and vices that obtain in that State:

Sir, in brief let me state a few facts in regard to matters in this State. In the first place there is not a man in the State that has as much political sense as an oyster.

You find that Baxter, elected by the republicans, is presently in the hands of the democrats; Brooks, elected by the democrats, presently in the hands of the republicans; and the republicans stood by Baxter until, in 1874, he refused to recognize or sign some railroad bill and appointed democrats to office.

All that sort of things are existing there, all sorts of departures from propriety, honesty, and probity. They are all to be found there strewed over that unfortunate State; and right upon all these troubles comes the decision of the circuit court of Arkansas, upon a demurrer to a declaration in a suit brought by Brooks for his salary, overruling the demurrer and rendering a judgment finally in favor of Mr. Brooks. Upon that Mr. Brooks, with seven unarmed men, as my colleague [Mr. WARD] says, or with seven armed men, as the Attorney-General says, enters the office of Mr. Baxter and expels him from his seat, and assumes the gubernatorial insignia and paraphernalia, and telegraphs to Washington that he is governor of the State of Arkansas, and asks for Federal assistance to secure him in his position.

Now, if the fourth section of the fourth article of the Constitution in relation to domestic violence has ever been considered, it was certainly so in the case of Luther *vs.* Borden, which is familiar to every law student, and that has decided that where domestic violence exists in a State to a degree that the State authorities feel called upon to invoke the Federal assistance, then the President, who may act by himself, or Congress acting through the President, at his request, must recognize a government, and that government recognized there is no further question about it. That is a finality.

Now Mr. Brooks, with his seven unarmed men, ejected Mr. Baxter from his room, and although Baxter, as some witnesses state, had summoned about him a body-guard of desperate young fellows, and he then telegraphed to the Chief Executive of the nation that he was governor of the State of Arkansas.

Sir, I believe that the President of the United States deserves the highest praise for his honorable and intelligent action in that case. He at once submitted the matter to the proper law department, and when the proper and becoming recognition had been made upon him recognized Elisha Baxter. Prior to his recognition of Baxter—and that is a subject which I have overlooked in the run of this discussion—under the old constitution Baxter possessed a power of appointment that few governors of the States possessed and none ever should possess. He filled certain offices with the members of his Legislature. As rapidly as he appointed and accepted their resignation—those members of the Legislature signing resignations at the time of appointments—he declared their appointments vacant, as the law authorized him to do. In September he issued a call for the election of representatives to fill vacancies created by his own act. That election was held. It is said another political bargain was struck between the two parties there, that Baxter had agreed not to call this extra Legislature. But when the emergency was upon him, when the hour of peril and great need was there, when Arkansas was in the throes of this domestic violence and disturbance, when every one doubted whether blood should not run in her streets and pour down her valleys, then Baxter telegraphed to the President, "I propose to convene my Legislature to see if they cannot keep us out of this." This is in the April before the recognition of Baxter by the President. The President's response again comes up to the standard you would look for, and says: "Any method for the peaceful settlement of this great difficulty would recommend itself to my approbation." Upon that Baxter convened his Legislature.

Just there, before I proceed to a further consideration of this question, let me note the effect of the recognition by the President. From 1870 down, all through the State of Arkansas intelligent citizens had complained of the provisions of the constitution of 1868; intelligent citizens had proposed amendments to the constitution; they had proposed constitutional conventions. I think it was in evidence before us that even Mr. Baxter had argued in behalf of a general constitutional convention. However that may be, this subject had been agitated all over the State, and a general constitutional convention was sought and prayed for, for the purpose of revising the constitution, excluding from it this terrible power of appointment to office vested in the governor.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. MCCRARY.) The time of the gentleman has expired.

Mr. SAYLER, of Ohio. I will yield fifteen minutes of my time to the gentleman from New York, [Mr. SCUDDER.]

Mr. WARD, of Illinois. I do not object to the yielding, but under the arrangement the time from this on belongs to me.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. WARD] is entitled to the floor at this time if he claims it, and the arrangement proposed by the gentleman from Ohio [Mr. SAYLER] can be made only by consent. If the gentleman from Illinois does not object, the gentleman from New York [Mr. SCUDDER] will proceed for fifteen minutes.

Mr. SCUDDER, of New York. This great desire for a constitutional convention, for the purpose of the general revision of the constitution of the State, had met with some opposition on behalf of those who preferred the old constitution, and not a new one, that the provision in the constitution for its amendment, limiting the amendment to the Legislature; that the Legislature should act upon amendments once or twice, and then upon submission to the people, and approbation by the people, they would become a part of the great political charter of the State.

I am amazed to find that men of some experience and some reading still cling to that theory, that the political charter of a State, that the constitution of a State, if it contains no provisions for its own general revision and succession, must be revised and amended only by the Legislature. To any one born in the State of Massachusetts; to any one born and reared in the State of New York; to any one born in Maryland, Delaware, or any one of a dozen other States the preposterousness of this proposition would be overcome by the fact that right there before him stood precedents sanctioned by the people, sanctioned by the courts, sanctioned by the great political thinkers, and recognized all over the land through the indirect recognition of the Federal Executive.

The matter of forming a State constitution is with the people of the State. We are departing widely from the early principles and settled convictions of those who considered constitutions in the early days of the Republic. If the proposition be true that the power is inalienably vested in the people, and the other proposition be true that for the purpose of order and quiet you should proceed through legal forms to the amendment of your constitution, then comes this, that that inalienable power, so long as it is quietly exercised—so long as exercised within the limits of ordinary form—can be exercised at any time in pursuance of such forms, and these are conveniences but not restraints. I maintain that if a constitution drops from the clouds upon a great people, if a constitution had dropped from the clouds upon the State of Arkansas, and the people of Arkansas all acquiesced in it, if they favored it, if they adopted it, if they say this is our law and proceed to act under it, that great rule of limitation to disturbance of political powers will obtain, and it becomes the fundamental law.

But it is not necessary to go beyond the ordinary reasoning upon this matter. Massachusetts has done it, my State has done it, other States have done it. Then upon the agitation of this matter of the constitutional convention, Baxter having called his Legislature with the approbation of the President, that Legislature while still in session adopted a resolution providing for a convention of the people to consider a new constitution.

Now, sir, we take once more the recognition by the President. It was coupled with a long, elaborate, well reasoned opinion by the Attorney-General, which I beg leave to have printed with my remarks.

DEPARTMENT OF JUSTICE, *Washington, May* 15, 1874.

SIR: Elisha Baxter, claiming to be governor of Arkansas, having made due application for executive aid to suppress an insurrection in that State, and Joseph Brooks, claiming also to be governor of said State, having made a similar application, and these applications having been referred by you to me for an opinion as to which of these two persons is the lawful executive of the State, I have the honor to submit: That Baxter and Brooks were candidates for the office of governor at a general election held in Arkansas on the 5th day of November, 1872. Section 19 of article 6 of the constitution of the State provides that "the returns of every election for governor, lieutenant-governor, secretary of state, treasurer, auditor, attorney-general, and superintendent of public instruction shall be sealed up and transmitted to the seat of government by the returning-officers and directed to the presiding officer of the senate, who during the first week of the session shall open and publish the same in the presence of the members there assembled. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by joint vote of both houses. Contested elections shall likewise be determined by both houses of the General Assembly in such a manner as is or may be prescribed by law."

Pursuant to this section, the votes for governor at the said election were counted, and Baxter was declared to be duly elected. Said section, as it will be noticed,

after providing for a canvass of the votes, specially declares "contested elections shall likewise be determined by both houses of the General Assembly in such manner as is or may hereafter be prescribed by law." When this constitution was adopted there was a law in the State, which continues in force, prescribing the mode in which the contest should be conducted before the General Assembly, the first section of which is as follows: "All contested elections of governor shall be decided by joint vote of both houses of the general assembly; and in such joint meeting the president of the senate shall preside." Brooks accordingly presented to the lower house of said Assembly his petition for a contest, but by the decisive vote of 63 to 9 it was rejected by that body. Subsequently the attorney-general, upon the petition of Brooks, applied to the supreme court of the State for a *quo warranto* to try the validity of Baxter's title to the office of governor, in which it was alleged that Baxter was a usurper, &c.

That court denied the application, upon the ground that the courts of the State had no right to hear and determine the question presented, because exclusive jurisdiction in such cases had been conferred upon the General Assembly by the constitution and laws of the State. Brooks then brought suit against Baxter in the Pulaski circuit court, under section 525 of the civil code of Arkansas, which reads as follows: "Whenever a person usurps an office or franchise to which he is not entitled by law, an action by proceedings at law may be instituted against him, either by the State or the party entitled to the office or franchise, to prevent the usurper from exercising the office or franchise." Brooks stated in his petition that he received more than 45,000 votes and that Baxter received less than 30,000 votes for governor at the said election, and, after declaring that Baxter had usurped the office, prays that it may be given to him by the judgment of the court, and that he may recover the sum of $2,000, the emoluments of said office withheld from him by Baxter. This presented to the court the simple question of a contest for the office of governor. Baxter demurred to this petition, on the ground that the court had no jurisdiction of the case; and afterward, on the 15th of April, the court, in the absence of the defendant's counsel, overruled the demurrer, and, without further pleading or any evidence in the case, rendered judgment for Brooks in accordance with the prayer of his petition. Brooks within a few minutes thereafter, without process to enforce the execution of said judgment and with the aid of armed men, forcibly ejected Baxter and took possession of the governor's office.

On the next day after the judgment was rendered Baxter's counsel made a motion to set it aside, alleging, among other things, as ground therefor that they were absent when the demurrer was submitted and the final judgment thereon rendered; that the judgment of the court upon overruling the demurrer should have been that the defendant answer over, instead of which a final judgment was rendered, without giving any time or opportunity to answer the complaint upon its merits; that the court assessed the damages without any jury or evidence, and finally that the court had no jurisdiction over the subject-matter of the suit; but the next day this motion was overruled by the court. Section 4, article 4, of the Constitution of the United States is as follows: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence." When, in pursuance of this provision of the Constitution, the President is called upon by the executive of a State to protect it against domestic violence, it appears to be his duty to give the required aid, and especially when there is no doubt about the existence of the domestic violence; but where two persons, each claiming to be governor, make calls respectively upon the President under said clause of the Constitution, it of course becomes necessary for him to determine in the first place which of said persons is the constitutional governor of the State.

That section of the constitution of Arkansas heretofore cited, in my opinion, is decisive of this question as between Baxter and Brooks. According to the constitution and laws of the State, the votes for governor were counted and Baxter declared elected, and was at once duly inaugurated as governor of the State. There is great difficulty in holding that he usurped the office into which he was inducted under these circumstances. Assuming that no greater effect is to be given to the counting of the votes in presence of the General Assembly than ought to be given to a similar action by any board of canvassers, yet when it comes to decide a question of contest the General Assembly is converted by the constitution into a judicial body, and its judgment is as conclusive and final as the judgment of the supreme court of the State on any matter within its jurisdiction. Parties to such a contest plead and produce evidence according to the practice provided in such cases, and the controversy is invested with forms and effect of a judicial procedure.

When the people of the State declared in their constitution that a contest about State officers shall be determined by the General Assembly, they cannot be understood as meaning it might be determined in any circuit court of the State. To say that a contest shall be decided by decision, and then to say after the decision is made that such contest is not determined, but is as open as it ever was, is a contradiction in terms. Can it possibly be supposed the framers of this constitution, when they declared contested elections about State officers, including the governor, should be determined by the General Assembly, intended that any such contest should be just as unsettled after as it was before such determination of it? Manifestly they intended to create a special tribunal to try claims to the high offices of the State. But the tribunal is not special if the courts have concurrent jurisdiction over the subject. Brooks appears to claim that when a contest for governor is decided by the General Assembly the defeated party may treat the decision as a nullity and proceed *de novo* in the courts. This makes the constitutional provision as to the contest of no effect, and the proceedings under it an empty form.

When the house of representatives dismissed the petition of Brooks for a contest, it must be taken as a decision of that body on questions presented in the petition. But it is not of any consequence whether or not the General Assembly has in fact decided the contest, if the exclusive jurisdiction to do so is vested in that body by the constitution and laws of the State. Section 4 of article 5 of the constitution of Arkansas, like most other constitutions, declares that each house of the Assembly shall judge of the qualifications, election, and return of its members, and it has never been denied anywhere that these words confer exclusive jurisdiction. But the terms, if possible, are more comprehensive by which the constitution confers upon the Legislative Assembly jurisdiction to judge of the election of State officers.

Doubtless the makers of the constitution considered it unsafe to lodge in the hands of every circuit court of the State the power to revolutionize the executive department at will, and their will is forcibly illustrated by the case under consideration, in which a person who had been installed as governor according to the constitution and laws of the State, after an undisturbed incumbency of more than a year, is deposed by a circuit judge, and another person put in his place, upon the unsupported statement of the latter that he had received a majority of votes at the election. Looking at the constitution alone, it is perfectly clear to my mind that the courts of the State have no right to try a contest about the office of governor; but that exclusive jurisdiction over that question is vested in the General Assembly. This view is confirmed by judicial authority.

Summing up the whole discussion, the supreme court of Arkansas say, in the case of The Attorney-General *vs.* Baxter, above referred to, "Under this constitution the determination of the question as to whether the person exercising the office of governor has been duly elected or not is vested exclusively in the General Assembly of the State, and neither this nor any other State court has jurisdiction to try a suit in relation to such contest, be the mode or form what it may; whether at the suit of the attorney-general, or on the relation of a claimant through him, or by an individual alone claiming a right to the office. Such an issue should be made before the General Assembly; it is their duty to decide, and no other tribunal can determine that question. We are of opinion that this court has no jurisdiction to hear and determine a writ of *quo warranto* for the purpose of rendering a judgment of ouster against the chief executive of this State, and the right to file an information and issue a writ for that purpose is denied."

Some effort has been made to distinguish this case from that of Brooks *vs.* Baxter in the circuit court by calling the opinion a dictum; but the point presented to and decided by the supreme court was that in a contest for the office of governor the jurisdiction of the General Assembly was exclusive, which, of course, deprived one court as much as another of the power to try such a contest. There is, however, another decision made by the same court on the precise question presented in the case of Brooks *vs.* Baxter. Berry was a candidate for State auditor on the same ticket with Brooks. Wheeler, his competitor, was declared elected by the General Assembly. Berry then brought a suit, under said section 525, in the Pulaski circuit court, to recover the office. Wheeler applied to the supreme court for an order to restrain the proceedings, and that court issued a writ of prohibition forbidding the said court to proceed, on the ground that it had no jurisdiction in the case as to the question of law involved.

The cases of Berry and Brooks are exactly alike. That this circuit court should have rendered a verdict for Brooks under these circumstances is surprising, and it is not too much to say that it presents a case of judicial insubordination which deserves the reprehension of every one who does not wish to see public confidence in the certainty and good faith of judicial proceedings wholly destroyed. Chief Justice McClure, who dissented in the case of The Attorney-General *vs.* Baxter, delivered the opinion of the court in the Wheeler case, in which he uses the following language: "The majority of the court in the case of The State *vs.* Baxter, under the delusion that *quo warranto* and a contested election proceeding were convertible remedies, having one and the same object, decides that neither this nor any other State court, no matter what the form of action, has jurisdiction to try a suit in relation to a contest for the office of governor. As an abstract proposition of law, I concede the correctness of the rule, and would have assented to it if the question had been before us. The question now before this court is precisely one of contest, and nothing else. As to all matters of contested election for the offices of governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction, I am of the opinion that it can only be had before the General Assembly."

He then adds in conclusion: "I think a writ of prohibition ought to go to prohibit the circuit court from entertaining jurisdiction of that portion of Berry *vs.* Wheeler that has for its object a recovery of the office." All five of the judges heard this case, and there was no dissent from these views as to the question of jurisdiction. To show how the foregoing decisions are understood in the State, I refer to a note by Hon. H. C. Caldwell, judge of the United States court for the eastern district of Arkansas, upon section 2379 of the Digest of the Statutes of the State lately examined and approved by him, which is as follows: "By the provisions of section 19 of article 4 of the constitution, the jurisdiction of the General Assembly over cases of contested election for the officers in said section enumerated is exclusive." (Attorney-General on the relation of Brooks *vs.* Baxter, MS. Op., 1873; Wheeler *vs.* Whytock, MS. Op., 1873.)

It is assumed in the argument for Brooks that the judgment of the Pulaski circuit court is binding as well upon the President as upon Baxter until it is reversed; but where there are conflicting opinions, as in this case, the President is to prefer that one which, in his opinion, is warranted by the constitution and laws of the State. The General Assembly has decided that Baxter was elected. The circuit court of Pulaski County has decided that Brooks was elected.

Taking the provision of the constitution which declares that contested elections about certain State officers, including the governor, shall be determined by the General Assembly, and that provision of the law heretofore cited which says that all contested elections of governor shall be decided by the Legislature, and the two decisions of the supreme court affirming the exclusive jurisdiction of that body over the subject, and the conclusion irresistibly follows that such judgment of the circuit court is void. A void judgment binds nobody. Said section 525, under which this judgment was rendered, must be construed with reference to the constitution and other statutes of the State, and is no doubt intended to apply to county and other inferior officers for which no provision elsewhere is made. But the constitution takes the State officers therein enumerated out of the purview of this section, and establishes a special tribunal to try these contested-election cases to which they are parties. The jurisdiction of this tribunal is exclusive. (Ohio *vs.* Grisell and Menlon, 15 Ohio, 114; Attorney-General *vs.* Garragues, 28 Pennsylvania, 9; Commonwealth *vs.* Baxter, 35 *ibid.*, 263; Commonwealth *vs.* Leech, 44 *ibid.*, 332.) Respecting the claim that Brooks received a majority of the votes at the election, it must be said that the President has no way to verify that claim. If he had it would not, in my opinion, under the circumstances of this case, be a proper subject for his consideration.

Perhaps, if everything about the election was in confusion and there had been no legal count of the votes the question of majorities might form an element of discussion; but where, as in this case, there has been a legal count of the votes, and the tribunal organized by the constitution of the State for that purpose has declared the election, the President, in my judgment, ought not to go behind that action to look into the state of the vote. Frauds may have been committed there to the prejudice of Brooks, but unhappily there are few elections where partisan zeal runs high in which the victorious party, with more or less truth, is not charged with acts of fraud. There must, however, be an end to controversy upon the subject. Somebody must be trusted to count votes and declare elections. Unconstitutional methods of filling offices cannot be resorted to because there is some real or imagined unfairness about the election. Ambitious and selfish aspirants for office generally create the disturbance about this matter, for the people are more interested in the preservation of the peace than in the political fortunes of any man. Either of the contestants with law and order is better than the other with discord and violence. I think it would be disastrous to allow the proceedings by which Brooks obtained possession of the office to be drawn into precedent. There is not a State in the Union in which they would not produce a conflict, and probably bloodshed. They cannot be upheld or justified upon any ground, and in my opinion Elisha Baxter should be recognized as the lawful executive of the State of Arkansas.

Since the foregoing was written I have received a telegraphic copy of what purports to be a decision of the supreme court of Arkansas, delivered on the 7th instant, from which it appears that the auditor of the State, upon the requisition of Brooks, drew his warrant on the treasurer for the sum of $1,000, payment of which was refused. Brooks then applied to the supreme court for a writ of *mandamus* upon the treasurer, who set up by way of defense that Brooks was not governor of the State, to which Brooks demurred, and thereupon the court say: "The only question we deem it necessary to notice is, Did the circuit court have jurisdiction to render the judgment in the case of Brooks *vs.* Baxter? We feel some delicacy about expressing an opinion upon the question propounded, but under the pleadings it has to be passed upon incidentally if not absolutely in determining whether the relator is entitled to the relief asked, for his right to the office, if established at all, is established by the circuit court of Pulaski County. We are of opinion that the circuit court had jurisdiction of the subject-matter, and its judgment appears to be regular and valid. Having arrived at these conclusions, the demurrer is overruled and the writ of *mandamus* will be awarded as prayed for."

To show the value of this decision it is proper that I should make the following statement: On the 20th of April, Brooks made a formal application to the President

for aid to suppress domestic violence, which was accompanied by a paper signed by Chief Justice McClure and Justices Searle and Stephenson, in which they stated that they recognized Brooks as governor, and to this paper also is appended the name of Page, the respondent in the above-named proceeding for *mandamus*. Page, therefore, did not refuse to pay the warrant of the auditor because he did not recognize Brooks as governor, but the object of his refusal evidently was to create such facts as were necessary to make a case for the supreme court. Accordingly the pleadings were made up by the parties, both of whom were on the same side in the controversy, and the issue so made was submitted to judges virtually pledged to give the decision wanted, and there, within the military encampment of Brooks, they hurriedly, but with delicacy, as they say, decided that he is governor, a decision in plain contravention of the constitution and laws of the State, and in direct conflict with two other recent decisions of the same court deliberately made. I refrain from comment.

More than once the Supreme Court of the United States has decided that it would not hear argument in a case made up in this way, and a decision obtained under such circumstances is not recognized as authority by any respectable tribunal. No doubt this decision will add to the complications and difficulties of the situation, but it does not affect my judgment as to the right of Baxter to the office of governor, until it is otherwise decided upon a contest made by the Legislature of the State. On the 11th instant, the General Assembly of the State was convened in extra session upon the call of Baxter, and both houses passed a joint resolution, pursuant to section 4 of article 4 of the Constitution of the United States, calling upon the President to protect the State against domestic violence. This call exhausts all the means which the people of the State have under the Constitution to invoke the aid of the Executive of the United States for their protection, and there seems to be, under the circumstances of the case, an imperative necessity for immediate action.

I have the honor to be, with great respect,

GEORGE H. WILLIAMS,
Attorney-General.

The PRESIDENT.

Upon that Mr. Brooks, as a good citizen should do, at once surrendered his authority. Now, I put it to the House that these three adjudications, the first, and I say still the final adjudication, upon all principle and all reason, made by the Legislature upon the contest; the second adjudication made by the supreme court of the State, a court of the highest jurisdiction in that State; and finally the recognition by the Executive of Mr. Baxter as governor of the State—I ask whether there should not have been forever an end to all of this discussion?

In the case of Luther *vs.* Borden this was the principle laid down; this was the proposition. That was a case growing out of the disturbances in Rhode Island, where a set of men, disaffected with the old colonial charter under which that State had been governed long prior to the Revolution down, had formed an assemblage; there was no legislative recognition of it, no legislative call for it, no one asking for it except individual citizens. Their convention met and formed a constitution. The people elected officers and undertook to put a government in motion; but the other government remained there in active existence, vitalized all the time through. Upon the appeal then by Govenor King to President Tyler assistance was promised by the Federal Government. Later came up this case of Luther *vs.* Borden, growing out of it. The parallel of facts between the case of Rhode Island and the case of Arkansas is in some respects singularly striking. Martial law existed in both. In both the citizens were assaulted, beaten, some slain, some driven from the State, some seized and imprisoned and afterward tried, convicted, and incarcerated. The question raised in the case was whether the Government had a right in its recognition to make the choice of one of the two powers in that State; and that was forever settled by the enunciation of this principle, that the political power of a State, the government of a State, must address itself directly for recognition to the great political department of the United States. And here it was either the President or Congress—the President through Congress or Congress at the instance of the President—no matter which. But it was decided that such recognition is absolutely final, and that no court should afterward enter upon the consideration of the propriety of the decision. It was final.

Now I beg to read an extract from the message of President Tyler on this subject, attributed to that able expounder of constitutional law, Mr. Webster. If the minority resolution should pass here, there is no barrier set to the extent of the power of this Congress over the domestic affairs of a State. If we can sit here and, after the determining of a disputed question as to who is governor by the State tribunals, the State Legislature, and the Executive, reverse all that, we can run away down to the fundamental condition of the election in the State. We can decide who are the registers; we can decide whether the polls were properly opened; we can decide whether the ballots were properly printed. In fact we do just this: we assert our right to become the law-makers of the State; for with the control of the election you have the control of the laws.

President Tyler in this message, which I believe is universally attributed to Mr. Webster, dwells upon this very point, and after repudiating the idea that anything in the way of a defect in the constitution of a government or the general condition of the State government could at all influence him in deciding upon his action, says:

> I also with equal strength resist the idea that it falls within the executive competency to decide in controversies of the nature of that which existed in Rhode Island on which side is the majority of the people or as to the extent of the rights of a mere numerical majority.
>
> For the Executive to assume such a power would be to assume a power of the most dangerous character. Under such assumptions the States of this Union would have no security for peace or tranquillity, but might be converted into mere instruments of Executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the State constitutions, and declaring the majority of to-day to be the minority of to-morrow, and the minority in its turn the majority, before whose decrees the established order in the State should be subverted. Revolution, civil commotion, and bloodshed would be inevitable consequences.
>
> The provision in the Constitution intended for the security of the States would then be turned into the instrument of their destruction. The President would become in fact the real constitution-maker for the States, and all power would be vested in his hands.

So here the assertion of this authority on our part would vest all power in our hands.

Now, sir, as to the constitutional convention of Arkansas, there is not sufficient time allowed me to discuss it; but it will doubtless be fully covered by the argument of my colleague on the committee. The constitutional convention was called. There were some irregularities in the matter, some irregularities about registration. I hardly have them sufficiently at my command to state them accurately, and I dismiss them from the consideration of the higher argument with no sort of apprehension that in the mind of any person legally or judicially trained these smaller arguments can affect the main question.

The main question, sir, is that gentlemen must consider whether we have a right to pass into the borders of a State and put our forces at work upon their State elections. That is the point.

I have asserted the present constitution of Arkansas is entirely republican in form. My excellent and beloved friend, whose regard for the colored men almost carries him away from the fine intellectuality he possesses, will coincide with me that the constitution itself is in form republican. I further assert that the government itself is republican; in other words, the machinery, the governor, the subordinate officers, the judicial department, the declaration of rights, all of these things are republican. It came from that constitutional convention.

It is said the constitutional convention engaged in some legislation. No principle can be more accurate than this. No constitutional convention, viewed in the light of principles which now obtain in the construction, disposition, and working of constitutional conventions, has any business with legislation or individuals. It concerns itself with the loftier principles of government. It commits great rules to the people through their representative agents, the legislators. If any legislation was done by the convention, it was of course illegal. But where is the relief for that? Where is the committee, where is the organization of Congress that provides for any consideration of illegality of that kind? Would it go to the Judiciary Committee? How will you enforce your decrees in a State? Will you send your Army there because there chances to be in the constitutional convention illegal action? O, no, Mr. Speaker, that is for the court. That is the province of the judicial forum. That tribunal has charge of it and there it belongs. Everybody knows it and everybody will admit it reasoning it down.

[Here the hammer fell.]

Mr. DONNAN. I ask unanimous consent to make a report from the Committee on Printing.

Objection was made.

Mr. WARD, of Illinois. Mr. Speaker, in the time to which I am limited for the discussion of this question it is impossible to go over the whole subject in such a way as it deserves and is necessary to a complete understanding of the whole case. Indeed, I find myself in the difficult situation of hardly knowing where to begin. There is so much rushing upon me when I remember what has been transpiring in the State of Arkansas, what has been going on there in the last year or two, that it is difficult to know where to commence. But I begin by stating that my friend from New York [Mr. SCUDDER] who has preceded me, in his well-delivered and well-considered speech, fails up to this moment, in my judgment, to appreciate the real ground upon which this whole proceeding is based; and his argument, when it comes to be applied to the facts existing in this case, can have no weight with one who really desires permanency in government and liberty for the people.

This whole affair in Arkansas, commencing with the election of Baxter, is a stupendous fraud. I know there were things done, prompted by republicans, at which I revolt and for which I have no words sufficiently strong in which to express my condemnation. I feel indignant to think anybody in any State should so little appreciate the blessings of the institutions he enjoys as to fail at any time to discharge properly important duties of State as becomes an honest man who fully appreciates the sacred rights of citizenship. Baxter was never elected governor. The majority as well as the minority of the committee are unanimous in that. Having found himself in possession of his office by fraud, ambitious, jealous, vain, as is proven by repeated testimony, weak and corrupt—and I do not use terms worse than those which were used by the witnesses—he sought to perpetuate his power. He knew the people, and that, no matter who had assumed the position of governor, ascertaining that fraud had been committed, they would create about his ears such a racket that to sustain himself in his position was a difficult task. My friend speaks as if I had attempted to mislead him about the way the Legislature of July, 1873, convened. If he had been in Arkansas or if he had read the testimony he would find I have not stated it as strong as it is, as the following extract proves:

LITTLE ROCK, ARKANSAS, *July* 23, 1874.

D. P. UPHAM sworn and examined.

By Mr. RICE:

Question. State your residence.

Answer. I reside in Little Rock.

Q. Were you in command of the militia of this State at the time of the assembling of the Legislature on the 6th of January, 1873?
A. I was.
Q. You had been for some time before?
A. For five years.
Q. State whether the State-house was under your charge as commander of the militia at the time and for a few days previous to the assembling of the Legislature.
A. Yes.

Thus it was convened within the military lines of the major-general of militia, who does not enlist men for the purpose of doing police duty, as intimated by my friend who has preceded me.

When the Legislature convened then and there, it appears—and I believe it is fully sustained by the evidence—a corrupt contract or conspiracy, whatever you choose to call it, was entered into on the part of Baxter and others, who had been parties and beneficiary parties to the frauds by which he had been elected. An agreement was entered into that they would hold possession of the State of Arkansas, and they took hold of it, and up to this time have held possession of the State of Arkansas. It is true there have been some peculiar "flops," some strange transpositions of places. But the same men who conspired then at the convening of that Legislature hold control of the State of Arkansas now. The Legislature convened. Many of its members had never been elected, and had been counted in by the same frauds as those by which Baxter had been declared elected. That this is the case is not controverted anywhere. No man doubts it who examines the evidence, much less those who had the opportunity of going to Arkansas and seeing how things are managed there. When the Legislature convened it appears from the testimony—and I wish I had time to read it—it appears even from that portion of the testimony which is to be found in the report, that I have had the honor to submit as the views of the minority, and it fully sustains the position, that a conspiracy was entered into by Baxter and his friends in the Legislature to support him and keep possession of the State. The committee on elections in the Legislature was made up of men whose seats were contested, and there was an agreement entered into between them, a corrupt agreement that no contest should succeed in the Legislature against the men who held the seats.

It went further. There were mutterings among the people about the conspiracy and the frauds that had been perpetrated, and he was induced to look about elsewhere to see how he could sustain himself in his position; and he thereupon contracted with those same men and agreed with them that in case of a contest being made by Brooks they should see that he should hold his seat, as they had contracted to keep each other in their seats, and he on his part agreed to do certain other things for them, among which, as shown by the testimony, was this, that if he handed over the State to them he was to be Senator.

I regret that I have not time to read the testimony. The Legislature, as we have seen, convened. A petition for a contest was presented. It was rejected without being read. A few days after it was rejected some forty members—I believe five senators and thirty-three representatives—were appointed to office by Governor Baxter, and went home with commissions in their pockets.

Such a conspiracy, such bribery, such corruption for the purpose of perverting justice, I hope have never been presented in any other State on the earth. Then, following the appointment of these men from the Legislature, vacancies occurred, as it was claimed, and a special election was called; and the gentleman from New York [Mr. SCUDDER] has failed to touch the real point, to which I shall endeavor to direct the attention of the House. A special election was called and a new registration illegally ordered by Baxter, without authority of law, as I could show if I had time to discuss it. At that election he promised those who were republicans and had been his friends that under no circumstances would he convene the new Legislature, though every man, woman, and child in the State should petition him to do so. It resulted that the republican voters of Arkansas concluded not to take part in the election, and they did not; and the vacancies were filled by men almost all of whom were partisans of Baxter's, and who became, as it appeared afterward, his willing tools.

Time ran on. Questions arose in the courts, as has been stated by the gentleman who preceded me in this discussion. I wish I had time to examine the proposition he laid down with reference to these courts; and I ask gentlemen before they act on this question to have the kindness to examine carefully the two reports which have been submitted, for I believe that from the majority report itself I could defend every proposition which I maintain here as well as I can by the facts set forth in my report.

The question of jurisdiction has been discussed here. The circuit court of Pulaski County, which the gentleman talked of as being a low court, was really a court of superior jurisdiction. It answered to the circuit courts of most States and to the supreme court of the State of New York, as I understand the organization of the courts in that State, having jurisdiction in nearly all matters and over almost everything. There had been created in Pulaski County a criminal court, to which a portion of the criminal business was directed. But it was really a court of general jurisdiction, having a right to determine these matters, and that, too, in the particular way in which they were determined, without being interfered with as it was interfered with, without being awed as it was awed, without being overthrown as it was overthrown.

I have not time to follow the history of this litigation. It is enough to say that there were several decisions. And if I had time I could demonstrate to any bench of judges, to any jury, to any number of lawyers, or to any community of citizens, that the opinion of the Supreme Court in the *quo warranto* case in no way destroyed the right of Pulaski circuit court to decide the case presented to it. And the gentleman from New York [Mr. SCUDDER] is too good a lawyer, if he understands the case, to deny it. But I hold, with all respect for his judgment, that he does not well comprehend the case.

Now, Mr. Speaker, following on from that point, and this decision having been rendered, what further transpired? This man Baxter called about him a band of the most depraved characters. He declared, and the testimony on that point was uncontradicted, that they were men who would fire upon and disperse the supreme court if necessary. Read the evidence and see whether the statement I make is true, for I have not time to read it myself. I can only make the statement, but you will find that I am correct. That legislature having been elected in the way I have stated, these proceedings in the court followed.

Now, at the time when the special Legislature convened, what do we find? I refer to its action for the purpose of showing what high-toned gentlemen controlled the affairs of the State, the patriotism which actuated them, and the amount of credit it is entitled to. I must refer, I find, to some of the evidence. When the special Legislature convened it was within the military lines of Baxter. There were two State military lines. Brooks was in possession of the State-house and of all the archives and records of the State, and this other concern was over in another place. Now, when the Legislature met on the first day it failed to get a quorum. I must take time to read something about its history:

In violation of his promise and of his "policy," as often stated, and before he had been recognized by the President, on the 22d of April, 1874, Baxter issued his proclamation as governor, convening the Legislature in extraordinary session on the 11th of May, 1874, and *fifteen* members of the house and *four* members of the senate that were elected in November of 1872, and that were in the General Assembly that adjourned on the 25th of April, 1873, met at a place other than the capitol building, (the usual place of meeting,) and within the closed military lines of Baxter, where no man or member of the General Assembly could enter without a pass from one of his military officers, on the 11th day of May, 1874; and said *fifteen* members of the house and *four* members of the senate, not being a quorum in either branch of the General Assembly, instead of sending for absent members and adjourning from day to day as the constitution requires, admitted twenty-seven persons in the house and *ten* in the senate to fill vacancies that did not occur by *death* or *resignation* "during a recess of the General Assembly," and that had never been declared to exist *by the General Assembly*, and at the time the Legislature was convened in extraordinary session by Baxter there was a quorum of each house in existence, about whose right to seats in the General Assembly there was no question; but by the recognition of *twenty-seven* persons as members in the house, and by the recognition of *ten* persons as members in the senate, who were not entitled to seats, each house, on the 13th day of May, 1874, declared itself organized, and so notified Baxter.

The gentleman from New York has spoken in glowing terms of the suspension of the *habeas corpus*. God bless me, why did he not tell in the discussion of this matter that during the extraordinary session of that Legislature among its first acts was a general law passed suspending the action of all the courts of Arkansas, denying their jurisdiction, destroying every tribunal to which the citizens could appeal; and they remained suspended down to the adoption of that constitution which he lauds, and which the majority of the committee approve.

Sir, articles of impeachment were presented in bulk, printed upon blanks, without a particle of testimony or anybody being notified, or anybody told that such articles of impeachment were pending. There were articles of impeachment against judges of the supreme court and State officers and other officers down so far as sheriffs, and the machinery of the government was thus taken possession of by fraud and force of the worst kind and handed over to the tools of Baxter in order to make way for the constitution which received the praise of my friend who preceded me.

Now, following this commenced a reign of terror intended to secure the result of the change of the constitution, and here is where I base my opposition to it. I will not give my approval to a result attained by any such means. The militia of the State was disbanded and then reorganized. Commissions were taken away from men who had been in the Union Army, and then commissions were issued only to those who had either identified themselves with the rebellion as soldiers or as sympathizers, more or less bitter. Sir, if I had time I could read that which would shock anybody, that in a free land like this such things could transpire. Sheriffs, clerks, and other officers were turned out of office. I will read a few names to show what condition of things existed there.

Here they are: The sheriff of Pulaski County, and of nearly half a dozen counties, the superintendent of the penitentiary, the clerks of the courts, were simply notified by Baxter to get up and get out at the point of the bayonet. That is all there was of it. In that way they took possession of Arkansas to pave the way for the state of affairs which produced a constitution which the gentleman from New York [Mr. SCUDDER] says is republican in form and so much to be upheld and praised.

Take these facts. First, that was not legal legislation which called the convention, and that is established by proof; and then tell me how

there is to be a legal expression of the opinion of the people of Arkansas under a void law? Next, during the time this process was going on there was no court to which the citizens could appeal. Then add to it that there were armed bands of marauders all over the State threatening the colored people of Arkansas with all sorts of punishments and inflictions if they attempted to resist the movement for a new constitution. And in all Arkansas few men dared to lift a voice in opposition to a movement which is called a movement of the people in favor of a change of the constitution of that State.

I want the House to bear in mind what is the distinction between this case and others. Here was a case of political intimidation and political persecution above that which exists almost anywhere else. Let me show gentlemen what transpired. I have evidence here of the beauties of the condition of Arkansas during the period of this legislative action to modify the constitution. Here is a notice served upon one man who, I believe was a witness before us, signed with the old insignia of the Ku-Klux, threatening him with death and murder. That is the way with this whole thing, and shows the monstrous purpose of it.

The Legislature, in the act calling a convention, ignored the provision of the constitution which secured the secrecy of the ballot, and ordered the ballots of every man to be numbered, and colored men were notified by threatening letters that if they voted in a certain way they should suffer for it. They were notified that their ballots were numbered and known, and if they voted for any but a democratic candidate, or anything but a call of the constitutional convention they had better go West or say their last prayer.

I ask attention to other facts which I have collected, showing the condition of society in Arkansas during those days.

Mr. POLAND. Does the gentleman refer to anything in the testimony?

Mr. WARD, of Illinois, I have full proof of this.

Mr. POLAND. Was it testified to?

Mr. WARD, of Illinois. The fact that threatening notices were sent to persons was testified to; but the notices themselves I did not obtain until afterward. I have not stated anything that was given in evidence except what was actually testified to. If I refer to anything which is not actually stated in the testimony, I propose to have it certified to from such creditable quarters that it will be entitled to the utmost consideration. I call attention to some of the threatening notices which were sent, as follows:



K. K. K.

JOHN AIKEN: Beware! Beware! All niggers are warned. The ballots are all numbered, and he who votes against the constitution can say his prayers in haste. Go with us and all is well.

Fair warning.

By order of—

W. L.

SAM BOLAND: Beware! Beware! Beware! This is a white man's government, and niggers must not work against it. We are organized, and give you one more chance to go with us; but you must not work against the new constitution or vote against it. Our judges will have every man's number and keep his name, and he will pay the penalty.

K. K. K. LEAGER.

LITTLE ROCK, ARK., *February* 19, 1875.

DEAR GENERAL: I inclose herewith two notices which were received, one by John Aiken, a leading colored man residing on Surrounded Hill, and well known to you, I presume, and the other by Sam Boland, of De Vall's Bluff, just prior to the late election for the ratification of the new constitution. They were intended, I presume, to explain themselves.

I have the names of several others, in various counties, who received similar notices previous to said election, but will not allow their names to be used from fear of the consequences. This Ku-Klux, or White League, is now called State militia, and thereby becomes legalized under the present administration, which accounts for the absence of any Ku-Klux or White League in Arkansas at the present time.

Very truly, &c.,

D. P. UPHAM.

And I call attention to some of the outrages that were committed and the evidence upon which the statements are based. Some of these matters were partially testified to before the committee, and they transpired during the time this constitution was germinating, taking root, or being hatched. It is as follows:

August, 1874.—Two colored men in Perry County, Arkansas, Anderson and his companion, were seized one night at the house of the widowed mother of one of these parties, taken out to the brush to be whipped and where the rods were cut and prepared. They attempted to escape. Anderson succeeded, but the son of the widow woman was shot to death, and his bleeding, lifeless body laid upon the door-step of his mother's cabin.

August, 1874.—A member of one of the militia companies supporting Governor Brooks at the State-house last April and May, for no offense but that his mule jostled the horse of the white Ku-Klux on the road, was taken out and beaten six hundred lashes with the stirrup-leather from one of the saddles. In a half dead condition he was carried home by the colored people of the neighborhood, and afterward recovered.

September, 1874.—An old colored man named Perry, who had participated in the Brooks-Baxter war, remonstrating against the invasion and destruction of his melon-patch by some of the "young men who cannot be restrained," but who were too indolent to cultivate their own melons, was by these young men in Lonoke Township, twelve or fourteen miles from Little Rock, taken out and whipped most brutally and in accordance with the "good old customs" before the war.

November, 1874.—A colored man named Williams, in Ashley Township, twelve miles from Little Rock, was deliberately shot and mortally wounded in the midst of a social gathering by a Garland militia captain named Johnson. Williams had charged the Ku-Klux with stuffing the ballot-boxes at the so-called election upon the constitution.

January, 1875.—A colored man in Little Rock was shot mortally by Deputy Sheriff Parsell, one of Garland's militiamen, after he had been arrested. This is the same Parsell who, a few days before, had shot and killed Henry Thomas under the pretense that he attempted to escape, and for which a coroner's jury exonerated him as having committed the deed in the performance of duty.

January, 1875.—John J. Gibbins, who commanded a Brooks company at the State-house in April and May, 1874, from Perry County, had felt compelled to leave his home and seek, as he supposed, some degree of safety at Little Rock, where one night his door was fired into by a party concealed by the darkness.

February 5, 1875.—At Wild-Cat landing, about thirty miles below Little Rock, a worthy colored man named Magness was shot to death by a desperado from Richwood's. Having a new six-shooter, he proceeded to *try it* by firing at Magness who was adjusting his saddle at the time.

January 24, 1875.—At Waldron, in Scott County, N. A. Floyd, of Waldron, formerly sheriff of that county, and J. H. McClure, formerly sheriff of Sebastian County, were fired upon from an ambush or breast-work of cotton bales while they were on their way home at night from the store of Mr. Floyd. Both are prominent republicans in that section of the State.

This was most clearly the outcropping of the spirit of intense murderous hatred toward republicans and republican institutions on the part of a certain class of people. We do not contend that this spirit is shared by the majority of our political opponents, at least in this part of the State. But, as usual in such cases, the large majority is inert, passive, while the small minority is active, reckless, and does all the mischief.

OUTRAGES BY THE GARLAND MILITIA AND BANDITTI OF ARKANSAS.

January 14, 1875.—One Thomas Parsell, one of Garland's militia, claiming to act as a deputy sheriff, and accompanied by three others fully armed, went after dark to a cabin in the eastern portion of Little Rock and shot a colored man named Henry Thomas, formerly a Union soldier. Parsell had been a confederate, and was exonorated by a coroner's jury under the usual plea that he had arrested Thomas and that he attempted to escape, and also that he shot to scare him without intending to hit him.

Early in February, 1875.—Two militia officers attempted to assassinate ex-State Senator Mallory and William McQueen, supposing the latter to be State Senator Haycock, at Medford station, on the Pine Bluff and New Orleans Railroad. Mallory and Haycock are republicans.

In January—Several colored men in Eagle township, Pulaski County, were fired at and driven from their homes by some militia under one Pennington.

The Little Rock Republican of February 16 publishes the following:

We have before us a letter from Phillips County giving the details of another most dastardly murder committed in that county on the 16th of last month, of which we have seen no public notice. The letter says: "On the 16th of January Noah Clark attached Moore's cotton; Moore took his corn home; at night Clark got Jesse Clopton and four other white men and went to Moore's house; they called him out, telling him they had an attachment for him; when he came to the door the men all fired on him, and his wife, who was standing in the door, was killed. The parties were taken to Helena after the inquest, at which it was proved that they did the killing, and released on bond." These are the facts as stated by Mr. Hill, the party who held the inquest. What is the meaning of this?

PACKING THE GRAND JURY.

By the testimony taken before the committee while in Little Rock it was shown that one Ned Abrams, a colored man, while fastened upon an old mule and in charge of a deputy sheriff, named Beatty, and some twelve or fifteen armed militia, was brutally murdered last August under the pretense that he was attempting to escape. The testimony was very plain and satisfactory that there could have been no such attempt made by the prisoner, and this was corroborated by the evidence of the justice of the peace who acted as coroner in holding the inquest. He directed the constable to summon for witnesses parties who heard the firing, but who were a mile or more distant from the scene of the murder, instead of summoning and examing Beatty and his gang of militia who did the shooting. In January the Garland legislature passed an act for a special sitting of the circuit court in Little Rock. This court had criminal jurisdiction as well as civil, and it was thought necessary that the grand jury should consider and examine into Beatty's conduct at the time of the killing of Ned Abrams. Beatty himself, as I am informed, was the deputy who summoned the members of the grand jury promiscuously from citizens of the city. In a county having one thousand republican majority not a solitary republican was summoned by Beatty as a grand juryman, but sixteen democrats and supporters of the Garland movement were brought into court to constitute the special grand inquest for the county. This grand jury exonerated Beatty, as having performed his duty in shooting the poor prisoner fastened upon a mule and escorted by enough militia to make the idea of his attempted escape preposterous and absurd. This is the grand jury which has been finding indictments for crimes innumerable against republicans, and constituted as that grand jury was, with their hearts full of malice and threatening vengeance as they went, nothing better could have been anticipated from that direction.

CAMPBELL, PULASKI COUNTY,
February 15, 1875.

Editor Little Rock Republican:

On the 3d instant Wilshire telegraphed, "Send the glad tidings to our anxious people," and on the 5th a messenger appeared at Wild Cat landing prepared to fulfill the injunction of the illustrious Wilshire. The "tidings" were manifested in the shape of a new six-shooter and the victim a worthy colored man, well-known in this region, by the name of Magness. The desperado who committed the foul and fiendish deed came from Richwoods, and refused to give his name. After prowling around the landing for a short time he avowed the intention of "trying his pistol," and proceeded to do so by shooting the person referred to, who was adjusting his saddle at the time. Thus, without a moment's warning, was an innocent, law-abiding citizen hurled from time to eternity and for no other reason than that his skin happened to be darker and his heart purer than that of the foul wretch who committed the deed. Now, Mr. Editor, if this is "peace and quiet" give us terrorism. Let the Juggernaut of southern outrage and proscription roll on, claiming its victims as usual. The thirst for innocent blood is insatiable, and the more it manifests itself the sooner will retribution come, and woe unto him then whose house is built upon the sand.

JUSTICE.

LITTLE ROCK, *February*, 1875—12.20 p. m.

Hon. J. D. WARD,
United States House of Representatives:

Jefferson Davis here; two days' close consultation with leading democrats.

E. N. HILL.

FEBRUARY 25, 1875.

Mr. WARD:

Hon. Jefferson Davis, of confederate fame, has been in town for the past two days in secret conclave with leading rebels. He says he came here to inspect the Kellogg lead mines. That is what he says.

To-day twenty Ku-Klux rode into Moark and ordered a man by the name of Lewis to leave town. Also ordered a man by the name of Dan Morris, yard-master Cairo and Fulton Railroad, to discharge a colored woman that was at his house at work for his wife, or they would *visit* him and cook his *goose*. They *were all masked*.

EDWARD WHEELER.

It seems to me I need not go a great way to satisfy everybody that one of the positions I take is incontrovertible: that the Legislature which called the so-called constitutional convention was an illegal body, as I have shown. And yet I did not quite show it, for I got somewhat led off in my argument.

It appears in the evidence that this man Garland, who to-day is governor of Arkansas if this affair is to stand, for the purpose of getting men into the Legislature, certified that certain men had been elected, and appended to the list the ordinary official list. His certificate is as follows:

To the Speaker of the House of Representatives:

I herewith transmit a true and correct list of the members of the Legislature elected to the lower house of the Legislature at a special election held on the 4th of November, 1873, as appears from the returns on file in my office.

JAMES M. JOHNSON,
Secretary of State,
By A. H. GARLAND,
Deputy Secretary of State.

He was examined before the committee in reference to what those returns were, and he states:

Question. Were you in possession of any of the records of the secretary of state's office?

Answer. Yes; they were handed to me by Mr. Johnson, the secretary of state, and Mr. Strong, his deputy, before they left for Washington City.

Q. Did you have before you any official list from the secretary of state's office as to the election of members of the Legislature at the time you made this certificate?

A. None at all. In answer to your question as to having any records, I had some records.

Q. Had you the returns from the election officers?

A. No, sir. I had no records at all in reference to the election of these men. In regard to your first question, I supposed you meant the general records of the office. I had some records of the office, but nothing in regard to the election of these men. I had nothing at all from the office referring to it.

By Mr. HOWARD:

Q. State how, as deputy secretary of state, you did make that list.

A. I made it from the old roll and from the proclamation of Governor Baxter, calling the special elections, and from the returns as published by the newspapers, the Little Rock Gazette and Little Rock Republican. The list was not made from papers on file in the office, but from papers in my possession as deputy secretary of state. Those papers gave me the information on the subject. All of those members who came to take their seats were sworn in. The records were then in the State-house, which was in possession of Brooks's forces.

In that certificate he certifies he had, although he *swears* he had no evidence upon which to base it. And to-day he enjoys his part of the benefits of this great conspiracy by being governor of the State of Arkansas, while Baxter, as is fully proved, is to receive his consideration by being elected to the Senate of the United States in place of one of the present Senators from Arkansas.

Mr. POLAND. Did Baxter so testify?

Mr. WARD, of Illinois. Baxter did not so testify himself, but it is so testified, and was not disputed. The gentleman will remember that Mr. Harrington, the personal friend of Baxter, so stated in his testimony. He says, "These things are well known in Arkansas; they are not disputed."

Now, if I needed to go further, Mr. Speaker, I could refer to an authority which at least the gentlemen on the other side cannot well dispute. I have the report signed by the several gentlemen of the majority, in which they assert some very good things and come to very strange conclusions. They tell the truth about a great many things; in fact, I have no doubt that they intended to tell the truth as they understood it all the while, as I certainly do; but they come to conclusions with which I cannot concur and state propositions which overtop all law so completely, that by reference to them a complete refutation of their conclusions follows. Speaking of the action of the convention when it convened they say:

The objection against the action of the convention goes much deeper than to the action of the Legislature.

Now what was this action of the convention? Even the Legislature, which did have legislative power, did not provide any new means for the purpose of taking a vote upon the adoption of a new constitution. It did take measures for calling a convention but not for the adoption of the constitution. The convention when it got together assumed that which it is not admitted to have even by the gentleman from New York [Mr. SCUDDER] or the chairman of the committee, or any respectable attorney anywhere. It assumed the power to legislate. It went to work, itself an illegal body, called together by an illegal Legislature in contravention of a constitution—it went to work and arrogated a power which is not conceded to exist in any constitutional convention anywhere by any authority. It passed a law creating new sets of officers to hold elections, providing new methods of ballot, prescribing in effect new qualifications for electors, by doing away with the requirements of registration and in other respects changing the law materially. It thus provided in order that its grand scheme of overthrowing a government might not possibly be defeated. The whole people were then bound hand and foot, without a court in the State to which a citizen could apply for redress, without any authority at all to which anybody could appeal, unless he was the partisan of Baxter; for even the militia had been disorganized and reorganized with Baxter's tools at its head.

This was the condition of things when that transpired. And then, in order to insure the success of the conspiracy, they provided the officers that I have described, and, more than that, provided the body which should declare the result.

The election, therefore, by which the constitution was submitted to ratification was an election without the pale of law. The convention had been called without the pale of law and without its sanction; and if there had been no conspiracy, if there had been no fraud, which vitiates all proceedings and which did exist in this case, I declare here upon the authority of the majority report itself, backed up and sustained by authorities too numerous for me in my limited time to mention, that the whole thing was without foundation in law, illegal, and void, from beginning to end.

Mr. Speaker, do I need before gentlemen here, so many of whom are lawyers, to prove the plain proposition decided over and over again that the efficacy of an election depends upon its being held in accordance with law. Nowhere in all the precedents that have been presented have many of the conditions existed which prevail here in Arkansas. Although there have been irregularities, although there have been conventions called in defiance of the provisions of an existing constitution for its own amendment, which I concede, I deny that in the case of any of the precedents which have been established and maintained has a constitution been adopted by a people in the way in which this was adopted, at an election provided for as this was.

Back of that, Mr. Speaker, (and here comes in the duty of Congress to look to it,) outside of these legal propositions there was underlying and permeating the case in every part a vein of fraud, violence, and terrorism which makes it impossible, it seems to me, for this representative body to say that a constitution changed in that way is one that should be recognized, indorsed, and sustained. I wish I had the eloquence and the logic to-day to lift this case out of the rut into which it has fallen and make the representatives of the American people see it as it is.

This is one of the first great steps in the purpose of these men who have overthrown Arkansas to return to the condition of things which you and I and the American people have declared shall not exist in this country. If I had time I could follow it up by showing to you that the Legislature convened under this new constitution has gone to work and done that which Congress would not have permitted to be done, and which, had it been done when it was re-admitted into the Union, it would never have been readmitted.

I know the majority report speaks pleasantly about a surplusage of loyalty in the old constitution of 1868, but what has since happened shows they are disloyal to the core, and that they aim at a purpose which we, in our legislative capacity here, having knowledge of it, cannot approve. They have done many things which indicate their purpose to go back to the condition I have already indicated, which the American people say they shall not do.

Where do you find the authority to see to this? Is there any gentleman on the democratic side of the House or anywhere else who will tell me a government which originated in fraud and conspiracy, which is to-day upheld by fraud and violence, which was born and grew up in corruption and crime all the way, is a government republican in form such as the requirement of the Constitution says shall be guaranteed by the United States to every State? Take the election upon the constitution itself, and what is presented? More gigantic frauds in that election were committed than in any anterior period in the history of that State. Take the circumstances surrounding it, take the history and the figures in reference to the State, take the census and the proportion of voters to inhabitants, and you can come to no other result than that the election itself was a part of the grand machinery of fraud by which the Government was to be overthrown and destroyed.

Now, then, gentlemen say we must let it alone. What are the consequences of letting it alone? There is to be no stability to government, no rights to minorities left. An election may happen to-morrow in any other State, and on the principle of this Arkansas case, the minority, by force and fraud, as Baxter did, may get possession of the machinery of the government, or, without possession of the machinery of the government, may declare they will not stand by the constitution the people have made, and overturn a State, call a convention, (even though it be a mob,) create its own machinery for the purpose of declaring the result, and what is determined upon by the mob be the constitution. That is exactly in Arkansas what is the result and the doctrine which will be incorporated into American law if the precedent there established is permitted to stand.

I feel myself so hurried that I do not know I make myself clear.

What is to follow? The question is, what shall we do? I will tell you what. You never saw a thief whose conviction was sure, but he quailed. Let this Congress pronounce what I think ought to be pronounced, and there will be peace in Arkansas. The gentlemen in possession will yield as peacefully and quietly as children when they are caught in something they had no business to be caught in. They feel themselves they have no right there. Mr. Speaker, how many minutes have I left?

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. WARD, of Illinois. I have promised to yield a portion of my time to the gentleman from Massachusetts, [Mr. BUTLER,] but I do not see him here.

Now, Mr. Speaker, the report of the chairman of the committee speaks of the condition in Arkansas, and says everybody is about as peaceful as they ever have been and therefore it ought to be left alone. But I wish every man upon this floor could understand how much that means, how much even it guarantees to anybody. I have here evidence, which any gentleman is at liberty to examine, of men under oath, but which I do not expect to make a part of my speech, showing the most enormous destruction of life, assaults of man upon man, murders, and violence, enough to shock anybody. Here is the record of it. Much of it is the certified records of courts; the other portion of it certified to in one way or another.

A MEMBER. Is it contained in the report of the committee?

Mr. WARD, of Illinois. No; it is not in the testimony we have taken.

I have secured it since and have a right to use it in my argument. If any man desires to read it I will be glad to let him do so. It shows an aggregate of 1,160 cases of murder and attempts to murder since reconstruction in that State, with a population of only 450,000. Now, that is the kind of peace which the gentleman says is such that we ought not to disturb it.

The report of the majority says that it is as peaceful as at any other time in its history. But I am acting and working, and if I were a praying man I would be praying, for the time to come when a better and a brighter peace than any it has ever enjoyed should prevail in Arkansas. But now it is not peace there. I read from an article in a magazine of recent date. Speaking of the destruction of human life, it says:

This inhuman butchery was not confined to any one locality or single State, but extended with lesser or greater severity over every State recently in rebellion against the Federal Union.

In corroboration of the terrible reality of this statement, we have transferred to the following page a tabulated statement of the murders and assaults with intent to kill in one State alone during the years of reconstruction. Here we have in Arkansas, in a population by census in 1870 of 122,160 blacks and 362,115 whites, *seven hundred and eighty-nine murders and three hundred and eighty assaults with intent to kill!* This deplorable revelation is probably without a parallel in the history of civilization. Certainly the reader will search in vain over the civilized world for its counterpart, except in the adjoining States of Louisiana, Texas, and Alabama, in some of which the number of murders will, it is claimed, be numerically in excess of those committed in Arkansas. We have published the tabulated returns from the latter State only, for the reason that they have been collected with care by the committee appointed for that purpose at the Chattanooga convention of the 13th of October last, and come to us in official and reliable form.

A glance at the table will show the reader that the number of murders and attempts to *murder in Arkansas alone amount, in the aggregate, to eleven hundred and sixty-nine.*

Of these murders and assaults with intent to kill, one thousand and fifty-two were committed by democrats and one hundred and seventeen by republicans. This statement is verified by court-record evidence, and where that could not be obtained the facts come from responsible witnesses, who testify on their personal knowledge. Now, it will be remembered that the so-called "independent" and the democratic press have persisted in charging that republicans were and are the murderers in the disaffected States, and that the democratic element is peaceful and lamb-like throughout the entire South. But here are the facts: There are nine democratic aggressors to one republican. Let assertions go for what they are worth. The official record is here presented for serious contemplation.

But there is another aspect of this black catalogue of crime which the reader will do well to note. *Of those by whom these murders and crimes were committed one thousand and seventy-eight are whites and only eighty-two are blacks.* In this we have a positive and direct refutation of the charges made by democrats and the democratic agents of the Associated Press that the blacks are invariably the aggressors. We most earnestly commend the attention of the public to these statements and to other facts unfolded in the tabulated report. No argument is required; no comments necessary from us. Let the public read and ponder.

Turn now to another feature in this awful revelation of crime. *The victims are eight hundred and sixty-five republicans and three hundred and four democrats, or nearly three to one.* It is proved, too, that in three-fourths of the cases in which democrats were made to suffer they were themselves the aggressors, and were murdered or beaten by their opponents in self-defense. The figures in the table embrace the period from the commencement of reconstruction down to the close of Baxter's administration. The results are deplorable.

But I deny that it meets the legal propositions which I have stated concerning the danger of the precedent which I claim this creates when the gentlemen argue that the condition of Arkansas is such as to justify us in overlooking irregularities of such an enormous character as we find have occurred there.

Another reason I find in his own words, or in the words of the report of the majority, which admits on this point all that I claim:

The committee believe that in Arkansas the mass of the people on both sides are inclined to peace and good government and to allow all the enjoyment of their legal rights.

I do not take issue with that at all. I am happy to say I believe on both sides there are many good men in Arkansas, many inclined to peace and good government, who would do what is best if they could do it, and put an end to the existing condition of things there if they had the power.

But there is a class of men the outgrowth of the former state of society.

And that must have been the time the gentleman referred to when he said the State is now as peaceful as it used to be, because these are—

The outgrowth of the former state of society, "who delight in disturbing and depriving the colored people and northern people of their rights."

I think that to be true with severe emphasis, and it was established before the committee by incontrovertible proofs. These are the "young men who cannot be restrained." And that is what I claim. There is a class of men who cannot be restrained because they are there to-day in control of the government. To a great and wide extent they dictate its policy, declare its officers, and manage its affairs. And it is a government which has been concerned in fraud, as I have said, and is an outgrowth of all sorts of wrong; and if it has yielded such results as are admitted and claimed by a majority of the committee themselves, I declare for my part that I cannot consent to see such a condition of things prevail longer there without such interposition as the Congress of the United States has the right to make.

Now, what is asked? Suppose the plan to be adopted which I have asked. I have not in the resolution which I have submitted declared war against the people of Arkansas. I ask Congress to declare the exact facts and resolve what the members of the majority of the committee say and everybody says, that Joseph Brooks has been elected governor by the people of Arkansas under the constitution of 1868, under which Arkansas was readmitted into the Union, and which has not been abrogated or destroyed by the illegal, violent, and unjust proceedings which are described in the testimony and to which I have referred in my remarks.

I am asked whether the constitution of 1868 did not prescribe the only qualification of voters with reference to registration and ballot. Clearly it did. Every provision of it was violated both by the illegal Legislature which called the convention and by the convention itself.

I had agreed as I have before stated to yield a portion of my time to the gentleman from Massachusetts, [Mr. BUTLER.] He is not now in his seat and there is so much in this case that one scarcely knows where to leave off. I had arranged to leave off about here and I do not care to commence again, as when I have once commenced I may not be able to stop when I wish to. But I desire to impress one more thought upon Congress in this matter. I have no interest in it; everybody knows that and I do not need to state it. I have no purpose to do that which would be unjust to anybody; I seek only to discharge my duty. I certainly feel that I can say, with as much truth as any man living, that when the war was over I was ready to forget and receive back in full fellowship all men in all parts of the country. But there were principles for which during the war I labored for in my way, and which we all struggled for, and which I am not willing to surrender. It was not for mere territorial extension that we battled.

I know that the soldiers of my State never would have gone down to struggle in the South if they had thought that the war merely meant the extension of our lines to the Mexican border. No, sir; what I insisted, and what our soldiers insisted on, was the equal rights of citizens of all classes, of whatever condition, of whatever color, in all parts of the country. Those rights are not enjoyed in Arkansas. The report of the majority tells you it is not so, and I tell you it is not so. The evidence shows it. And I declare here that I believe from the evidence that the purpose of these bad men who control the State of Arkansas is to restore the condition of things which will practically re-enslave the negro. They believe they were robbed of his services by the war, and they have not in good faith accepted the results; and for one I am not willing the fruits of our great struggle shall be practically destroyed in every State where there exists a combination of bad men "who cannot be restrained," such as the majority report states exists in Arkansas, where men of bad character, men of violence and deeds of blood, conspire for the purpose of overthrowing the regular government of the State in which they live.

A government where such things prevail is not republican in form and ought to be rebuked.

Mr. Speaker, whatever time I may have remaining I yield to the gentleman from Massachusetts, [Mr. BUTLER.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon its amendments to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, disagreed to by the House; disagreed to the amendments of the House to other amendments of the Senate, and agreed to the conference asked by the House, and had appointed Mr. WEST, Mr. FERRY of Michigan, and Mr. DAVIS to be conferees on the part of the Senate.

AFFAIRS IN ARKANSAS.

The House resumed the consideration of the report of the Select Committee on Affairs in Arkansas.

Mr. BUTLER, of Massachusetts. How much time remains?

The SPEAKER *pro tempore*. Three minutes.

Mr. BUTLER, of Massachusetts. I do not care to occupy three minutes.

Mr. WARD, of Illinois. I had promised to yield to other gentlemen, and to one who desired to ask leave to print an argument on this question, but as those gentlemen are not here I will surrender the floor now to the gentleman from Ohio [Mr. SAYLER] who is to follow me, and will endeavor to yield three minutes to that gentleman at some other time.

Mr. SAYLER, of Ohio. Mr. Speaker, I approach the discussion of the matter now before the House with a full sense of its gravity and importance. It is no ordinary political question now pending for decision, and by no means a question that should be determined by mere considerations of party policy or by party prejudice and passion. It is a far-reaching question, involving the fundamental principles of our American system and affecting the right of the people of a great and sovereign State of the Federal Union to make their own laws and to have them interpreted, applied, and executed by officers of their own choice. It is a question that forces upon the House directly the decision whether the government of a State which the people have almost unanimously adopted, in accordance with all law and precedent, and which is administered to the satisfaction of very nearly the entire body, with peace and quietness, shall be permitted to stand, or whether it shall be overthrown and destroyed and a government obnoxious to the people forced upon them by Federal arms and sustained by military power. I bespeak for this question, therefore, a fair and deliberate consideration, and shall endeavor to discuss it, not as a partisan, but as one who loves his country and seeks to do justice in his public acts.

The facts in this case, Mr. Speaker, are so fully and distinctly set forth in the report of the committee that I shall not repeat them, except so far as may be necessary for the purpose of the argument I propose to present.

On the 27th day of May, 1874, a select committee was appointed to inquire into the disturbed condition of governmental affairs in the State of Arkansas, and all the facts relating thereto and the causes thereof, and whether said State has now a government republican in form, the officers of which are duly elected, and as now organized ought to be recognized by the Government of the United States.

At the time of the passage of this resolution two different men, Joseph Brooks and Elisha Baxter, each claimed to be the lawful governor of the State of Arkansas; each had surrounded himself with a military force and appealed to arms in vindication of his cause; and each had applied to the President of the United States for aid. The Legislature, then assembled in extraordinary session, under the call of Elisha Baxter as governor, had also passed a joint resolution applying to the President to protect the State against domestic violence, and the President had issued his proclamation on the 15th day of the same month recognizing Mr. Baxter as the lawful executive of the State and commanding the insurgents to disperse and submit themselves to the lawful authority of said executive.

I propose to inquire, first, into the propriety of this recognition of Mr. Baxter on the part of the President, and what right or power to interfere beyond this exists either in Congress or in the executive department of the General Government. Mr. Brooks and Mr. Baxter had been opposing candidates for the office of governor at an election held on the 5th day of November, 1872, in accordance with the provisions of the constitution of 1868, adopted by the people of Arkansas under the reconstruction acts of Congress. Mr. Baxter was the candidate of the republican party and Mr. Brooks of what was known as the reform or liberal party, the democrats having no distinct candidate of their own, but generally supporting Mr. Brooks. In accordance with the provisions of the constitution referred to above, the returns of this election were sealed and transmitted to the seat of government by the returning officers and directed to the presiding officer of the senate, which assembled in January, 1873, and who during the first week of the session thereof opened and published the same in the presence of the members then assembled. The result of these returns of the election for governor was declared to be, for Mr. Baxter, 41,684, and for Mr. Brooks, 38,726; whereupon the president of the senate announced that Mr. Baxter was duly elected governor of the State of Arkansas. The oath of office was administered to him by Chief-Justice McClure, and he entered upon the discharge of the duties of the office and was fully recognized as governor by the Legislature of the State. He continued to discharge the duties of his office without question until the 19th day of the following April, after the Legislature had been in session three and a half months, and within six days of the adjournment thereof, when Mr. Brooks filed his petition, in accordance with the constitution and laws of the State, to contest the election of Mr. Baxter as governor, and praying for leave to introduce proof.

The provision of the constitution of 1868 in this behalf is as follows:

Contested elections shall be determined by both houses of the General Assembly in such manner as is or may hereafter be prescribed by law.

And the provision of the law in this behalf is:

SEC. 100. All contested elections of governor, except as herein provided, shall be decided by the joint vote of both houses of the General Assembly.

SEC. 101. If any person contest the election of governor, he shall present his petition to the General Assembly, setting forth the points on which he will contest the same and the facts which he will prove in support of such points, and shall pray for leave to introduce his proof; and a vote shall be taken by yeas and nays in each house whether the prayer shall be granted.

The petition thus filed by Mr. Brooks, upon a motion that he shall have leave to introduce his proof, was rejected by the house of representatives by a vote of 53 yeas to 9 nays, notwithstanding the fact that thirty-six members of that body had been elected upon the ticket with Mr. Brooks and were identified with the party of which he was the candidate.

It is somewhat remarkable that the filing of this petition should have been so long delayed, and equally so that the vote should have been so nearly unanimous in support of Mr. Baxter and against Mr. Brooks. That Mr. Brooks had strong grounds on which to contest the election of Mr. Baxter there can be no reasonable doubt. The testimony abounds in a detail of most disgraceful frauds upon the rights of the people and upon the rights of Mr. Brooks as one of their candidates. These frauds are the more fully developed, because those who had been the friends and partisans of Mr. Baxter, and by whom these frauds had been committed, had become his enemies, and came before the committee as willing witnesses, unblushingly divulging the rascalities and outrages of which they themselves had been the perpetrators, and by which they themselves, in one way and an other, in high station and low station, hoped to profit.

The entire election machinery of the State—and it was perhaps as unfairly constructed by the constitution of 1868 as that of any State could possibly be—had been in the hands of the republican party, whose candidate Mr. Baxter was. The governor had appointed the registrars, and the registrars had appointed the judges and clerks of election in the various voting precincts; and it is in many instances charged, by those who themselves had been the actors, that registration was refused to large numbers, that large numbers properly registered were stricken from the rolls, that others were not allowed to vote, that the ballot-boxes were stuffed, and that the returns were tampered with. The democrats and conservatives of Arkansas certainly had great reason to complain, for, as the report of the committee well states—

The whole proceeding by many of those having official charge of the registration voting, and returning the votes is characterized by the grossest unfairness and dishonesty, and instead of an honest effort to ascertain the will of the voters, they endeavored by every possible means to secure the ascendency of their own party friends.

As a matter of justice to Mr. Baxter, however, I am compelled to assert that the testimony is singularly free from any evidence connecting him personally with these frauds. He seems to have been then, as he proved himself afterward, an honester and truer man than some of his supporters supposed him to be.

I have no disposition whatever to palliate or excuse these frauds, and the committee has had no disposition to conceal them in their report. I denounce them as a gross outrage upon the rights of the people of the State and upon the rights of Mr. Brooks, and as an everlasting shame and disgrace to the men who themselves perpetrated them, or caused them to be perpetrated by others. I must say, however, that one's sympathy with Mr. Brooks is very much diminished by his present evident alliance with the very men whom he charges with having cheated him out of his office, and through whom he most persistently seeks to perpetrate a greater outrage upon the people than was perpetrated upon himself—

Resolved to ruin or to rule the State—

by his alliance with the very men for whom he had so great affection, that he is said to have declared publicly during the campaign if the people "would only elect him governor he would fill the penitentiary so full of them that their legs would stick out of the windows."

But suppose these statements of frauds are all true, and suppose everything is true that is charged even by the bitterest enemies of the Baxter administration, what case does it present for the interference either of Congress or the President? It is after all but a case of contested election, and not at all different in its essential character from other cases of that kind. Mr. Brooks is not the only man that was ever counted out in a contest for governor; he is not the only man who, by the frauds of those managing the elections, has been cheated out of his just rights. Arkansas is not the only State in which these things have been done. Frauds have been perpetrated in other States, and in other States cases of contested election have arisen. But that Congress has any power to interfere in such cases is too absurd a proposition for grave argument. Congress has no powers except under the Constitution of the United States. These powers are enumerated in the eighth section of the first article thereof, and it will not be pretended by any one that the right to determine the result of a State election is found among them. The proposition that any such right exists, and especially if there be added to it the right to enforce such determination by military power, would be utterly subversive of our whole system of government, and an utter annihilation of all the constitutional rights of the States. I do not believe that in this instance the representatives here assembled, under political pressure of whatever kind, will establish a precedent so fatal and pernicious.

Each State provides for itself a tribunal before which cases of this kind shall be determined. By the constitution of Arkansas, adopted in 1868, as I have already quoted it, and in which respect it resembles the constitutions of most of the other States of the Federal Union, the Legislature had been vested with complete and final authority in the premises; and the Legislature having acted under this authority, their decision, whether right or wrong, is binding upon the State and upon the United States as well as upon the parties to the contest, and cannot be called in question by the Federal Congress or the Executive, nor is it even subject to judicial review by the courts of the State. This latter proposition has often been held by the courts, and is as well established as any other principle:

Contested elections, like all other controversies, must be submitted to the determination of some competent tribunal, and, satisfactory or not, right or wrong, the

decision must be sustained or there can be no end to controversy and no settled government. It is far more important to the people that the executive power should be unquestionable than that any particular person should wield it.

This is a summary of the whole question made by Mr. Cooley, the author of the able work on constitutional limitations.

When on the 19th day of April, 1873, Mr. Brooks filed his petition in the lower house of the General Assembly of Arkansas, contesting the election of Mr. Baxter, he acted entirely in accordance with the constitution and laws of the State. This was the manner of making the contest specifically prescribed by the constitution and by statute. The adjudication then made was final and the mode of it exclusive. This adjudication once made, the courts of Arkansas could neither interfere with nor review. The books are full of authorities to this effect, and I know of none to the contrary. In The State *vs.* Marlow, 15 Ohio State Reports, 134, it was held that—

A specific mode of contesting elections having been provided by statute, according to the requirements of the constitution, that mode alone can be resorted to in exclusion of the common-law mode of inquiring by proceedings in *quo warranto*. The statute which gives the special remedy and prescribes the mode of its exercise binds the State as well as individuals.

So, too, in 28 Pennsylvania State, 9, The Attorney-General *vs.* Garragues, and elsewhere in the decisions of that State, it was held—

That when there are two claimants under the same election for the same office which only one of them can have, it constitutes a case of contested election, which is to be tried in the mode specially provided for in such cases, and not by the ordinary forms of judicial process.

I need not refer to other cases. The doctrine is well established, and has become part of the ordinary teaching of the text-books, that where jurisdiction is specially conferred by the Constitution and laws of a State upon other tribunals, and the mode of its exercise prescribed, it cannot be differently exercised by a proceeding in *quo warranto*, as at common law, nor by the supreme court and district courts under a more general ground of jurisdiction in *quo warranto*. But in this case we are not without the decision of the supreme court of the State of Arkansas itself. Mr. Brooks was not satisfied with the decision of the Legislature in the manner prescribed by the constitution and laws of his State, but determined, against all precedent and all law, to push his case through the courts. Accordingly, after the adjournment of the Legislature, on the 2d day of June of the same year, he procured the presentation of a motion for a writ of *quo warranto* to the supreme court of the State by the attorney-general upon his relation. The filing of this motion was resisted, and after extended argument was, on the 4th day of June, denied by the court, though the written opinion was not filed until the 29th day of September. The refusal of the permission to file the petition for the writ was based upon the ground I have already suggested as general in such cases, that there was no jurisdiction in the court. To use the very clear and concise language of the judge who delivered the opinion:

Under this constitution the determination of the question as to whether the person exercising the office of governor has been duly elected or not, is vested exclusively in the General Assembly of the State, and neither this nor any other State court has jurisdiction to try a suit in relation to such contest, be the motle or form what it may, whether at the suit of the attorney-general or on the relation of a claimant through him, or by an individual alone claiming a right to the office. Such issue should be made before the General Assembly; it is their duty to decide, and no other tribunal can determine that question. We are of the opinion that this court has no jurisdiction to hear and determine a writ of *quo warranto* for the purpose of rendering a judgment of ouster against the chief executive of this State, and the right to file the information and issue a writ for that purpose is denied.

To this opinion Judge McClure dissented.

It has been charged that the judgment in this case was extorted from the court by threats and intimidation of the governor and by the presence of armed men; but the facts in the testimony not only do not show this to have been true, but affirmatively show that the charge is entirely without foundation. More than that, the decision is in entire accord with all the decisions of the courts of other States upon similar questions, and there is no allusion to any intimidation whatever in the long and elaborate dissenting opinion of Judge McClure. There was no necessity for the court to take any action if they were apprehensive of any interference with the dignified and independent discharge of their high prerogative. They might have remained silent. Furthermore, the testimony of Judge Gregg expressly disclaims any impression made by military interference.

The judgment of the court referred to above is elaborately discussed and fully sustained by the Attorney-General of the United States in his opinion addressed to the President on the 15th day of May, 1874, and shortly after it was rendered it was affirmed in the case of Wheeler *vs.* Whytock, known as the "prohibition case." On the 1st day of October, 1873, Stephen Wheeler filed a petition in the supreme court of the State of Arkansas for a writ of prohibition against the circuit judge, John Whytock, commanding him to refrain from considering further a case for the recovery of the office of auditor of the State. This case grew out of the same election as the case of Brooks against Baxter, and the facts were identical. The supreme court affirmed in direct terms the decision given in the case Brooks against Baxter and granted the writ, all the judges concurring in the reasoning upon this point. Even Chief Justice McClure, who had dissented in the former opinion, uses the following language:

As to all matters of contested election for the offices of governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction, I am of the opinion that it can only be had before the General Assembly. I do not believe the Legislature intended to give the circuit court jurisdiction of contested elections, which, by the constitution, were cognizable only before that body. The right to an office comes from the people, and they have the unquestioned power to determine and prescribe the terms upon which it may be enjoyed. When the office of auditor was created, the people declared, as they had an unquestionable right to do, that a contest for it should only be made before the Legislature. To hold that the circuit court has no jurisdiction is not denying the plaintiff in the court below a remedy, nor is he in any manner deprived of a constitutional right.

And Judges Searle and Stephenson, in the same case, use the following language:

The office of auditor being one of those enumerated in the constitution in connection with that of governor, as one the contest for which shall be determined by the General Assembly, we are clearly of opinion that this case falls within the rules of decision laid down in the case cited above. It is true there exists in the case of the governor a statutory mode of procedure relative to such contest, but it is idle to insist that because the Legislature has failed to provide the mode by which the right to the other offices, mentioned in section 19 of article 6 of the constitution, that this neglect on the part of the Legislature can vest the courts with jurisdiction to determine such a contest. If that body had ever desired to do so, and had in terms enacted a law conferring upon the courts of the State the jurisdiction to try and determine such cases, it would have been wholly unwarranted by the organic law, and must, necessarily, have been so decided. The trial of the right to these offices is, in terms, enjoined upon another department of government, and must be exercised by it; and the attempt to impose the duty upon the courts would be as much a violation of the constitution as a failure to perform it altogether.

These two opinions are direct and conclusive of the whole subject-matter. Under the decisions of the Supreme Court of the United States (2 Peters, 492; 1 Wallace, 175) they are binding upon the legal tribunals of the State and upon all the legal tribunals of the country, and even upon the Supreme Court of the United States itself, and were so recognized by the Attorney-General in his elaborate opinion to the President referred to before. In Arkansas they were acquiesced in by all parties in the State. A case that had previously been brought by the Attorney-General in the Pulaski circuit court, under section 525 of the Arkansas code, was promptly dismissed. All parties regarded the question as settled. Even the republican State central committee issued an address on the 8th day of October, 1873, congratulating the people on this settlement of all vexed questions, and using the following words:

By the decision to which reference has been made it is distinctly held that the determination of the question whether a person exercising the office of governor has been duly elected or not, is vested exclusively in the General Assembly of the State, and that neither the supreme nor any other State court has jurisdiction to try a suit in relation to such contest, be the mode or form what it may, whether at the suit of the attorney-general, or on the relation of a claimant through him, or by an individual alone claiming a right to the office. This decision was promptly followed by the dismissal of the suit brought in the circuit court of Pulaski County by the State of Arkansas against Elisha Baxter, and now at last we can congratulate the people of the State upon the undoubted termination of this gubernatorial warfare. The Legislature has acted in the premises; its decision is final; and Governor Baxter's tenure of the office he holds is fixed and irrevocable. The action of the supreme court and the Legislature settles all vexed questions calculated to disturb the peace of the State; and Governor Baxter, reflecting the policy of the republican party, to secure peace, quiet, and order, seized upon this, the first opportunity presented since the organization of the State government, to muster out the entire militia force of the State.

No well-disposed citizen, whatever his political faith may be, can fail to indorse and commend this action of the governor. It attests the good faith and high purposes of the republican party on all questions affecting the interests of the people, and is an earnest of the efforts that Governor Baxter and the republican party are making to bring the State of Arkansas to as high a condition of peace, law, and order as is enjoyed by the most favored State in the Union.

All citizens are therefore called upon to preserve peace in their respective localities. Let no man be jeopardized in property or life. Let the expression of opinion on matters of public concern be free and unrestrained, and the laws vigorously and impartially enforced.

This address is signed by POWELL CLAYTON as chairman, and by STEPHEN W. DORSEY as one of the members of the committee, now and then Senators of the United States from the State of Arkansas.

But Mr. Brooks was still not satisfied, notwithstanding the direct decision of this contest by the General Assembly of the State and notwithstanding the explicit decision of the supreme court that neither it nor any other court of the State had jurisdiction in the case; and on the 16th day of June he entered a suit for the office of governor and the emoluments thereof in the Pulaski County circuit court, under the following provisions of the code of Arkansas:

Whenever a person usurps an office or franchise to which he is not entitled by law, an action by proceedings at law may be instituted against him by the State or the party entitled to the office or franchise, to prevent the usurper from exercising the office or franchise. (Code of Practice, 525.)

To this action, on the 8th day of October, 1873, and after the filing of the written opinion of the supreme court in the case of Brooks against Baxter, a demurrer was interposed. This demurrer was not considered until six months afterward, and the case was allowed to sleep until on the 15th day of April, 1874, in the absence of Baxter and his counsel, at a time when the bar generally understood that no business during the week would be taken up, after a similar case brought by the attorney-general before the same court had been dismissed, and in utter and reckless disregard of the decision of the supreme court, upon the pretense of the submission of the demurrer, this judge of a mere circuit court, whose judgments are subject to review and bound by the decisions of the supreme court, overruled the demurrer to the jurisdiction, and immediately rendered judgment of ouster against Baxter, and declared that the contestant, Brooks, was entitled to the office of governor of Arkansas. This, too, upon the determination of the technicality of the jurisdiction, without testimony heard on the question of the contest for the office of the chief executive of the State; this, too, in direct violation of the laws of Arkansas, that upon the determination of the demurrer "the

party demurring may answer or reply;" this, too, after the decision of the supreme court upon the same question, and between the same parties, the *quo warranto* case having been at the relation of Brooks. And this action was taken under the pleadings filed in the case upon the ground that Baxter had usurped the office which he held.

Whatever may be the facts with regard to the election of 1872, whatever frauds may have been perpetrated, and however clearly it might subsequently be shown that at that election Brooks received a higher number of votes than Baxter, yet Baxter can in no possible legal sense be regarded as a usurper. He held his office under all the forms of law. A usurper is one who seizes an office without right or holds it without color of title.

Of this action of the circuit judge the Attorney-General well says:

That this circuit court should have rendered a judgment for Brooks under these circumstances is surprising, and it is not too much to say that it presents a case of judicial insubordination which deserves the reprehension of every one who does not wish to see public confidence in the certainty and good faith of judicial proceedings wholly destroyed.

It is well enough to add here that even in this very case relied on by Brooks as establishing his right to the office of governor, taken from the Pulaski circuit court on *certiorari* to quash the judgment declaring Brooks governor of Arkansas, the supreme court of that State has recently decided that this circuit court had no jurisdiction over the subject-matter nor of any of its incidents, and that its proceedings and judgment were void, and that the judgment must be quashed. Yet upon this decision thus rendered by the circuit court, and claiming that the judgment executed itself, Mr. Brooks, in April, 1874, immediately proceeded to the State-house, and unlawfully and with force ejected Mr. Baxter, and took possession of the office and records. Then it was that the two parties surrounded themselves with armed forces; then it was that those terrible scenes of violence and bloodshed began which have disgraced the State; and then it was that the two parties made their application to the President for relief against domestic violence.

Matters remained in this condition until the 11th day of May, 1874, when the Legislature, convened in extraordinary session under the proclamation of Governor Baxter, recognized him as governor, and passed a joint resolution calling upon the President for protection; and accordingly, on the 15th day of the same month, the President issued his proclamation recognizing Baxter as the lawful governor and commanding the insurgents to disperse. That proclamation is in the following words:

By the President of the United States of America.

A PROCLAMATION.

Whereas certain turbulent and disorderly persons, pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive, and other authorities of said State; and whereas said Elisha Baxter has been declared duly elected by the General Assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered as the lawful executive thereof; and whereas it is provided in the Constitution of the United States that the United States shall protect every State in the Union, on application of the Legislature, or of the executive when the Legislature cannot be convened, against domestic violence; and whereas said Elisha Baxter, under section 4 of article 4 of the Constitution of the United States, and the laws passed in pursuance thereof, has heretofore made application to me to protect said State and the citizens thereof against domestic violence; and whereas the General Assembly of said State was convened in extra session at the capital thereof on the 11th instant, pursuant to a call made by said Elisha Baxter, and both houses thereof have passed a joint resolution also applying to me to protect the State against domestic violence; and whereas it is provided in the laws of the United States that in all cases of insurrection in any State, or of obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive when the Legislature cannot be convened, to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive and the other constituted authorities of said State; and I invoke the aid and co-operation of all good citizens thereof to uphold law and preserve public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 15th day of May, in the year of our Lord 1874, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

That the President was entirely right in the position taken by him in this proclamation there can be no reasonable doubt. Baxter had been declared elected by the presiding officer of the senate, and had been inducted into office in all due and legal form. He had been recognized as governor by the Legislature of the State, which had submitted to him all its enactments for approval or rejection. He was likewise recognized as governor by all the other officers of the State, and the subordinate officers in the State and in the counties were discharging their duties under commissions received from him. He had been recognized as governor by the supreme court of the State, and with general consent and acquiescence he had discharged all the functions of that office for a period of sixteen or seventeen months. Under these circumstances, that he was not a usurper but governor *de facto* there can be no possible question. I cannot conceive of a stronger case. Acting under this high color of authority his acts are valid and binding upon all, even though in point of fact he may not have received the highest number of votes at the election. (The people *vs.* Cook, 14 Barbour, 259; Ohio *vs.* Jacobs, 17 O. R., 151; Trustees of Vernon *vs.* Hills, 6 Cowen, 23.) This would simply present a case of contest to be decided by the State authorities, and until it is so decided adversely to him by a proper tribunal he remains the true and lawful executive of the State.

That decision as we have already seen in this case had been made. The Legislature of the State had solemnly passed upon the question in accordance with the constitution and laws, and from that date and at the time of his recognition by the President Mr. Baxter was not only *de facto* but *de jure* governor of Arkansas. It was not the duty of the President and it is not within the power of Congress to decide the contest between Brooks and Baxter upon its original merits. Neither the one nor the other has in any way been constituted a tribunal for that purpose. The President could do nothing as Congress can do nothing but recognize the existing *status*. Baxter had been declared elected, had for a long time discharged the duties of the office, had been sustained in the contest before the Legislature, whose decision was recognized as final and conclusive by the supreme court, and the President could not do otherwise nor could Congress do otherwise than recognize him as governor, notwithstanding the decision of an inferior court and which was also void for want of jurisdiction. The President was so advised at the time by the Attorney-General of the United States, who stated explicitly in his opinion that—

When the people of a State declare in their constitution that a contest by State officers shall be determined by the General Assembly, they cannot be understood as meaning it might be determined in any circuit court of the State. To say that a contest shall be decided by a decision, and then to say after the decision is made that such contest is not determined, but is open as it ever was, is a contradiction in terms. Brooks appears to claim that when a contest for Governor is decided by the General Assembly, the defeated party may treat the decision as a nullity and proceed *de novo* in the courts. This makes the constitutional provision as to the contest of no effect, and the proceedings under it an empty form. When the house of representatives dismissed the petition of Brooks for a contest, it must be taken as a decision of that body on the questions presented in the petition. Doubtless the makers of the constitution considered it unsafe to lodge in the hands of every circuit court in the State the power to revolutionize the executive department at will; and their wisdom is forcibly illustrated by the case under consideration, in which a person who had been installed as governor according to the constitution and laws of the State, after an undisturbed incumbency of more than a year, is deposed by a circuit judge, and another person put in his place upon the unsupported statement of the latter that he had received a majority of votes at the election. Looking at the constitution alone it appears perfectly clear to my mind that the courts of the State have no right to try a contest about the office of governor, but that exclusive jurisdiction over that question is vested in the General Assembly. This view is confirmed by judicial authority. (See opinion of Attorney-General, Executive Document No. 51.)

I cannot close this part of my argument, sustaining the action of the President and showing the validity of Mr. Baxter's title to the office of governor, without quoting the peculiarly apposite words of one who stands deservedly high in the councils of the republican party, and who upon another occasion and referring to another matter "presented the consideration that this question involved a great fundamental principle vital to the existence of our Government, which was, "that where a question arose under a State law or under a State constitution, it was to be decided by the State tribunals; and that the decision of the tribunals of the State upon questions arising under their own laws was binding not only upon the people of the State but upon the Government of the United States; that this was the necessary result from our form of government; and that any alleged irregularity, or, if you please, fraud in a State election in the election of a governor or of a State Legislature was cognizable and was determinable by the tribunals of the State, and when the State tribunals had passed upon such questions their decision was binding upon the Government of the United States; and that if the Government of the United States assumed to go behind the decision of the State tribunals to examine into the questions arising in a State election under State laws, if it assumed the right to set aside a State government because of alleged frauds or irregularities in a State election, the assumption of such power was the end of the State governments, and placed every State government in this Union at the will and caprice of the Government of the United States, and that State governments thereafter would exist only by sufferance."

Such, Mr. Speaker, was the condition of affairs in Arkansas up to the time of the appointment of the committee, and such are the grounds justifying the action of the President in his recognition of Mr. Baxter as the lawful governor of the State.

I come now to consider important events which have occurred since that time in that State, and which have resulted in the adoption of a new fundamental law, the election of new officers, and the establishment of a general condition of peace and harmony throughout the State.

At the extraordinary session of the General Assembly of the State which met, as before stated, on the 11th day of May, 1874, there was passed an act providing for a convention of the people of the State of Arkansas to frame a new constitution, and providing for the submission of the question of its adoption to a vote of the people. This election was held on the 30th day of June, 1874, and resulted in a vote of 80,259 for the convention and 8,607 against the convention, being a majority of 71,652. The delegates who were

elected at the same time met in convention at the city of Little Rock on the 14th day of July following, and proceeded to frame a new constitution for the State, which was submitted to a vote of the people on the 13th day of October, 1874, and ratified by a vote of 78,697 in its favor to a vote of 24,807 against it, being a majority for the new constitution of 53,890. At this same election were also chosen all the officers provided for under the new constitution, and including the State, district, county, and township officers, and members of the General Assembly. A. H. Garland was the conservative candidate for the office of governor, and received a vote of 76,453. To him there was no opposing candidate. The other candidates on the same ticket received about the same number of votes. The Legislature chosen at this time assembled at Little Rock on the 11th day of November, 1874, when Mr. Garland was duly inaugurated as governor, and all the State, circuit, county, and township officers, chosen at the same election, entered upon the discharge of their duties. All the former officers gave way peaceably to those who were thus chosen under the new constitution with the single exception of Volney V. Smith, who had been elected lieutenant-governor on the same ticket with Mr. Baxter in 1872, and who at the time of the retirement of Mr. Baxter and the inauguration of Mr. Garland, issued a proclamation calling upon the people to support and obey him as governor. He also made an appeal to the President for military power to enforce his pretensions, to which appeal no attention seems to have been paid. Friends who urged him to this foolish course seem all to have deserted him; no one has appeared before the committee in advocacy of his claims; no one pretends that he has any claims, and his unwise and absurd assumption of right seems to have fallen into merited contempt.

There can be no pretense raised from the facts in the case that the call for the constitutional convention was not made, and the constitution as framed by that convention adopted, and the officers provided for under it chosen, not only by a very large majority of the vote cast, but by a very large majority of the legal voters of the State. There is no pretense, indeed, of unfairness in either of these elections, or that the announced result is not substantially correct. The only objection urged to the election adopting the new constitution and choosing the officers provided for under it was that the formerly existing registration and registration and election officers had been set aside and new ones created. Whatever may be said of the propriety or impropriety of this change of registration and election officers, yet those who served as such officers at this election were certainly officers *de facto*, and as such all acts done by them were good and valid. Acting under this color of authority their acts were binding, even though we may admit the most extreme position of the other side, that in point of law and right they were no such officers. It is not disputed that both of these elections were a fair and full expression of the will of the voters, and, consequently, the technical objection to the character of the election officers, under all the decisions of our courts, falls to the ground. (See 8 New York, 67; 11 O. S. R., 511; 6 Cowen, 23; 12 O. S. R., 16.)

But deeper and more important objections were urged to the validity of the new constitution and of the State government organized under it. It is claimed, in the first place, that Governor Baxter at the time of issuing the call for the convention which framed the constitution of 1874 was neither *de jure* nor *de facto* governor of the State, and consequently that no rightful and lawful authority existed in him to issue such call. This objection has been fully answered in the preceding portion of my argument, in which I have shown that he was in the highest sense governor *de facto et de jure*, not only exercising all the duties of the office of governor and declared to be such by the solemn adjudication of the General Assembly of the State, but also recognized as such by the President of the United States.

It is also claimed that the Legislature itself, which convened on he 11th day of May, 1874, and passed the act providing for the submission to the people of the question of calling a convention to revise the constitution, was not a lawful body, and consequently that its proceedings were void. The objection more particularly urged against it is the fact that subsequent to the election in 1872 and during and subsequent to the session held in 1873 between forty and fifty of its members had been appointed by the governor to executive offices and their places filled at a special election held on the 4th day of November, 1873.

It is not disputed that the governor under the constitution had entire authority to make these appointments. Indeed, this large appointing power vested by the constitution of 1868 in the chief executive was one of its most glaring defects, and one which the people had long desired to have remedied. It is not disputed that the appointments were made, and that the offices were accepted by these several members, nor that the persons accepting them were ineligible under the constitution to have a seat in either branch of the General Assembly. It is not disputed that in case of a vacancy occurring in either house it is made the duty of the governor, under the laws of Arkansas, to issue a writ of election to fill these vacancies. It is indeed urged that there was no evidence of the election of the members who appeared to fill vacancies. This objection is based upon the assumption that, Mr. Brooks having seized the archives of the State and retained them in his possession, no sufficient data could be reached to determine who had been elected. It is a sufficient answer to this that the secretary of state, in accordance with the law, made out the lists of elected members, and returned them to each house, giving the members thus returned a *prima facie* right to their seats, and which lists, upon comparison with the records in the office of the secretary of state subsequently recovered, are found to be entirely correct. The members thus chosen at the special election appeared at the extraordinary session, presented their credentials, and were admitted to seats in the upper and lower houses respectively. The constitution of Arkansas then in force, like the constitutions of all the other States, provided that "each house should determine the rules of its proceedings, and judge of the qualifications, election, and returns of its members." No contest arose as to the seat of any one of the newly-elected members, and of the former members who had accepted other offices no one appeared to assert his right to a seat in the Legislature. This, under all law and all the usages of all the States, was final and conclusive of the whole matter.

There is no evidence whatever and no claim made of fraud at the election of these new members. The election seems to have gone pretty much by default, no one supposing at the time that the Legislature would be convened in extraordinary session.

It is also urged against the validity of the acts passed at this extraordinary session that the Legislature met within the military lines of Governor Baxter. This was indeed true during the early part of the session. But there is no evidence of any attempt being made to control the action of the Legislature by the military power, nor to interfere in any way with the attendance of the members. I cannot do better than quote the words of the report:

> As to the fact of the existence of martial law, and that the Legislature met within Baxter's lines the committee have to say that although these circumstances cannot be considered as favorable to wise and careful legislation, still as no attempt appears to have been made to prevent the attendance of members, or to control in any way their action by military force, they do not consider these facts sufficient to deprive the acts of that Legislature of the ordinary force of such action.

There was no other body of men in Arkansas claiming to be the Legislature of the State except that body chosen at the election of 1872, which first assembled in January, 1873, and subsequently in extraordinary session in May, 1874. There was no contest between rival Legislatures to decide. This was the only body claiming to act in that capacity. All attempts to question the validity of its acts seem puerile and absurd, and no such attempt has been made as to any other one of its acts, except the single one of the submission to the people of the State of the question whether they would revise their fundamental law. Its members passed laws which were signed by the governor, construed by the courts, and obeyed by the people. They elected a United States Senator, who was received without question, and now occupies a seat in that body equally with the Senators from Ohio or the Senators from Massachusetts. There is a general and continuous recognition of it as the Legislature of Arkansas. It discharged all the functions of such a body, and its right to do so was never otherwise called in question. No power can now examine its organization or question the validity of its action.

There can be no question, therefore, as to the validity of the act of Mr. Baxter as governor of the State of Arkansas, calling the extraordinary session of the Legislature in March, 1874, and there can be no question as to the validity of the act of that Legislature submitting the matter of the formation of a new constitution to a vote of the people.

I come now to consider what might be regarded as the most important objection to the validity of the constitution framed by the convention organized in the manner I have indicated, were that question a new one, and had it not already been settled by the decisions of the courts and the usages of the States for a period of more than a half century.

It is objected that the constitution of the State could neither be altered, amended, nor revised, except in the manner expressly prescribed in the then existing constitution, and that consequently the mode adopted for its revision in this instance was revolutionary and void. Article 13 of the constitution of 1868 provides that "amendments to this constitution may be proposed in either house of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published as provided by law for three months previous to the time of making such choice. If in the General Assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such time as the General Assembly shall provide. And if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for the members of the General Assembly voting thereon, such amendment or amendments shall become a part of the constitution of this State." This constitution is silent as to any other method of amendment, alteration, or revision; and it is claimed by the enemies of the new constitution that no other method could therefore be adopted, on the principle of the maxim *expressio unius est exclusio alterius*. But the courts have always held that this maxim is not applicable to the provisions of a constitution, and applies rather to deeds and contracts between private individuals.

Sovereign rights cannot be disposed of in this way. The will of the people cannot be thus hampered in an instrument of limitations. It is contrary to the whole theory of the American system of government. The specific mode set forth in the Constitution for its amendment is permissive merely, and not mandatory or exclusive. A reasonable construction of the thirteenth article would be that it was intended to be confined to changes which are simple or formal, of small importance and few in number, and that it was not intended as a method for a general revision, or even as a method for effecting single, important, and radical changes in the fundamental law of the State. Notwithstanding the presence of a specific mode of amendment in the constitution of any State, the power is still inherent in the people to amend and revise it, through the medium of a constitutional convention. That this power exists and abides with the people of any State, without an express affirmation of it in their fundamental law, is a principle as well established by the decisions of the courts and the law and usages of the country as any other principle of our Government. Indeed, it is a fundamental principle. Says Mr. Webster:

> The people are the source of all political power.

Says Mr. Justice McLean:

> The theory of our political system is that the ultimate sovereignty is in the people, from whom springs all legitimate authority. (1 McLean, 347.)

And again:

> The States are equal, inasmuch as each has by its own voluntary will established its own government and has the power to alter it. This is the principle upon which State governments are established, and consequently they all stand upon an equal footing. They have the same basis, have been framed according to the will of the people, and may be changed at their discretion. (1 McLean, 348.)

The same principle is directly affirmed in the first section of the bill of rights of the constitution of Arkansas of 1868, in these words:

> All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

It being impossible, however, for the people to meet in one place and act without organization, and this power to alter and reform their government being inherent, the question arises, how can they act to this end? To this I answer that the method adopted by the usage of the States almost from the beginning of the Government is that of the constitutional convention, convoked and assembled by the call of the people through the agency of the Legislature.

Says Mr. Webster again:

> When in the course of events it becomes necessary to ascertain the will of the people on a new exigency or a new state of things or of opinion, the legislative power provides for that ascertainment by an ordinary act of legislation.

Mr. Cooley, in his able work on Constitutional Limitations, (page 30,) lays down these two propositions as settled principles of American constitutional law:

> 1. In the original States and all others subsequently admitted to the Union the power to amend or revise their constitutions resides in the great body of the people as an organized body-politic, who, being vested with ultimate sovereignty and the source of all State authority, have power to control and alter the law which they have made at their will. But the people in the legal sense must be understood to be those who by the existing constitution are clothed with political rights, and who while that instrument remains will be the sole organization through which the will of the body politic can be expressed.
> 2. But the will of the people to this end can only be expressed in legitimate modes by which such a body-politic can act, and which must either be prescribed by the constitution whose revision or amendment is sought, or by an act of the legislative department of the State, which alone would be authorized to speak for the people upon this subject and to point out a mode for the expression of their will in the absence of any provision for amendment or revision contained in the constitution itself.

It is not necessary to stop here to discuss two very interesting questions that might arise, to wit, the effect of an absolute prohibition against alteration or amendment save in the manner prescribed by the constitution itself, and the validity of an alteration which has been sanctioned by the people after a fair and orderly submission provided by the legislative power without any other form or ceremony whatever, even though the fundamental law has prescribed a different mode by which amendments may be made and which has not been followed. Very eminent authority maintains the power of the people as against either prohibition or direction. The questions do not arise in this case and therefore need not be discussed; but we are emphatic that the people, convoked by the legislative authority of the existing government, have the inherent power, through the agency of the constitutional convention, to alter or reform their constitution, even though that constitution not only does not specifically give the power and does provide a specific manner in which amendments to it may be made.

Twenty-five conventions in the several States of Georgia, South Carolina, New Hampshire, New York, Connecticut, Massachusetts, Rhode Island, Virginia, North Carolina, Pennsylvania, New Jersey, Missouri, and Indiana, under the general legislative power of these States, without the special authorization of their constitutions, have been called by the people between the years 1789 and 1850, and how many have been so called in these and other States during the last quarter of a century I know not, but do know that it has become a well established and settled usage. Mr. Jameson, in his elaborate work on The Constitutional Convention, in a complete and most satisfactory discussion of this subject, lays down these two distinct and general principles:

> 1. That whenever a constitution needs a general revision a convention is indispensably necessary; and if there is contained in the constitution no provision for such a body, the calling of one is, in my judgment, directly within the scope of the ordinary legislative power.
> 2. That were it not a proper exercise of legislative power, the usurpation has been so often committed with the general acquiescence that it is now too late to question it as such. It must be laid down as among the established prerogatives of our General Assemblies that, the constitution being silent, whenever they deem it expedient they may call conventions to revise the fundamental law.

The convention which assembled in July, 1874, to revise the constitution of Arkansas was called by a large majority of the people of the State, upon the question being regularly and formally submitted by the Legislature thereof, in accordance with all former precedents and the established usage of the country, and is therefore not only not revolutionary, as claimed in the minority report, but is in the highest sense constitutional; and the constitution framed by that convention and adopted by the people of the State government organized under it are as legitimate and well established as those of Illinois or New York. And Mr. Garland, who under this constitution was chosen by the people, is as regularly and legitimately the governor of the State, and as much entitled to recognition as such, as any other chief executive of any other State.

As to certain irregularities complained of in the matter of registration and of registration and election officers, and of the mode provided for the submission of this constitution to the vote of the people in the instrument itself, I can only say that they are of very slight importance of themselves, and inasmuch as it is not only not shown that they did interfere with the popular will, but inasmuch as it is positively shown that the general and almost universal will of the people has in this whole matter been effected, they do not deserve that I should stop to discuss them, and they certainly would constitute most extraordinary grounds on which to overturn and revolutionize an established State government.

It only remains to speak briefly of the constitution itself, which was adopted as the fundamental law of the State by the people of Arkansas on the 13th day of October, 1874. That in many respects it is an improvement on the constitution of 1868, I think no one who will examine the two instruments will pretend to deny. It has diminished the former number of officials, it has taken away the large appointing power before existing in the executive, and has imposed restraints as to the imposition of taxation of the greatest importance to the people. That it is republican in form, and that in this respect it fully meets the requirements of the Constitution that "the United States shall guarantee to every State in this Union a republican form of government," is beyond all controversy or question.

Some of the professions of loyalty contained in the old constitution may not be found in the new, but, as the report made in this matter states, "the substance has been retained." There is certainly nothing in it either monarchical or aristocratic; and the authority of the United States in this guarantee, as Mr. Madison says in No. 43 of the Federalist, "extends no further than to a guarantee of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have the right to do so and to claim the Federal guarantee for the latter. The only restriction imposed on them is that they shall not exchange republican for antirepublican constitutions, a restriction which it is presumed will hardly be considered a grievance." That this constitution meets in this respect every requirement of the Federal Government and that it does not conflict with the limitations made by the Constitution of the United States and the power of the people to amend or revise their constitutions, as I have said before, is so plain upon its face that no one pretends to question it.

Mr. Speaker, if I have accomplished what I proposed to myself in this discussion, I have shown that the merits of the original contest between Mr. Brooks and Mr. Baxter are not subject to decision by Congress or the Executive, but must be determined by the proper State tribunal; that this contest has been so decided by the General Assembly of the State of Arkansas, which decision has been affirmed by its supreme court; that Mr. Baxter was both *de facto* and *de jure* governor of the State, and, therefore, properly recognized as such by the President; that he had a full and complete right as governor to issue the call for an extraordinary session of the General Assembly, and that that body was the duly elected and lawful Legislature of the State, being also the only body claiming authority as such, and had a full and complete right to submit to the people the question of a new constitution; that the convention to frame such an instrument was called and acted in accordance with law and usage; and that the constitution framed by them being ratified by the people became their proper and legitimate fundamental law as much so as the constitution of any other State, and consequently that the officers elected under it by the people are fully and completely entitled to recognition as such.

Moved by what process of reasoning, therefore, or influenced by what considerations, the President should have sought to reverse his opinion, and should have reached the conclusion suggested in his message to the Senate of February last, I certainly am at a loss to conjecture.

Under this constitution and the officers chosen by the people in accordance therewith, the blessings of peace and good government have been restored to Arkansas, and anarchy, lawlessness, and bloodshed have become things of the past. The people are contented and at peace, because they feel that they are living under their own laws executed by officers of their own choice. This, Mr. Speaker, is, in my judgment, the only key to the difficulties existing in connection with the reconstructed States of the South. The people who live in these States must be trusted, and they must be permitted to govern themselves. Harmony can never be restored by arms and hostile legislation. We should seek to elevate these people and not to debase them, to cultivate their high instincts and manly pride and not to humiliate them, to make them in the broadest sense freemen and not slaves. Then shall these States be restored to peace, and prosperity return to them and to us.

What constitutes a State?
Not high-rais'd battlement or labor'd mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crown'd;
Not bays and broad-arm'd ports,
Where, laughing at the storm, rich navies ride;
Not starr'd and spangled courts,
Where low-brow'd baseness wafts perfume to pride.
No; MEN, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or den,
As beasts excel cold rocks and brambles rude;
Men, who their duties know,
But know their rights, and knowing dare maintain,
Prevent the long-aim'd blow,
And crush the tyrant while they rend the chain;
These constitute a State.

Sir William Jones.

Mr. TREMAIN. Mr. Speaker, it is conceded on all hands that wrongs of the most atrocious character have been perpetrated in the State of Arkansas which have resulted in setting up the paper called the constitution of that State and in the election of Garland said to be governor of Arkansas. Those wrongs were marked by bribery, corruption, intimidation, and force, by a reign of terror, and by trampling under foot all the provisions of the constitution and laws of that State that were intended to secure to the electors of that State the enjoyment of the elective franchise, the most valuable privilege of American citizens. If the facts upon which I base this statement were not fully authenticated by the reports which lie on our table, it would not be credited that in any civilized community in the nineteenth century, and among a people that acknowledge, or claim to acknowledge, the restraints of constitutions and laws, such a deplorable state of public affairs could have existed as has been exhibited in that unfortunate and unhappy State during the last two or three years. The simple question presented to this House is whether these wrongs, which have culminated in the present constitution and in establishing Garland as governor of the State, are wrongs without remedy in any court or before any tribunal on earth. If, in this House of Representatives, the people of this State can obtain no relief, no relief can be obtained anywhere. The question therefore presented to this House for determination in my judgment involves not merely the rights of majorities and minorities, but it involves the continuation of constitutional law; it involves the preservation of the dearest rights of the people; it involves the very perpetuity of republican government itself within the States that compose the American Union.

I think the majority and minority reports agree upon every material fact that is necessary to guide this House to an intelligent determination of the questions of constitutional power that are involved. Every member upon this floor is bound by his oath to decide whether any relief can be granted, and it is our duty to determine this question on our own official responsibility. We all have great respect for the gentlemen composing the majority of the committee who have given us their views upon this subject. But when they agree altogether with the minority upon questions of fact, we ought not to be embarrassed in our examination as to whether they are right in their conclusion, that no redress can be obtained for the people of Arkansas by the fact that their opinion is adverse to it. Indeed, the majority of the committee themselves, in the report presented, when they have found the facts, and that fairly and correctly, seem to relieve us from finding shelter behind their opinion, by stating that it is clearly a question of law to determine, because they state as follows:

Your committee have gone over the entire facts in this case with tedious minuteness, and, we believe, with perfect fairness, to the end that our conclusions, if not justified by the facts and not satisfactory to the House, may be easily corrected, and the right determination reached.

What, then, are the questions of fact upon which their conclusions are predicated? These conclusions may be drawn both from the majority and minority reports, and I ask the attention of the House while I state the facts concerning which there is no controversy and no dispute anywhere, as they are gathered from the reports of the committee.

1. In November, 1872, an election was held in Arkansas for governor and other State officers, and the result as appeared by the returns was, for Elisha Baxter, 41,684 votes, and for Joseph Brooks, 38,726 votes; whereupon the presiding officer of the senate opened the returns in the presence of the members of the Legislature, and declared, as the result, that Baxter was elected.

2. In truth and in fact, upon a fair and honest return and count of the votes actually given at the election, Brooks was elected governor, and of right ought to have been so declared. In this conclusion the committee, embracing three republicans and two democrats, is unanimous.

But by a manipulation of the returns, by fraud and falsehood, Baxter, upon a *prima facie* case appearing upon false returns, was declared by the presiding officer of the senate as the governor of the State, when in truth and fact Brooks was elected, and, if he had been allowed to hold the office as he ought to have done, would have held that office to the 1st of January 1877.

3. The Legislature assembled in January, 1873, and being clothed with full power by the constitution and laws to determine a contested election for governor, Brooks presented a petition to the lower house to be allowed to contest the election; but his petition on motion was rejected without any investigation upon the merits. The majority of the committee say that the unanimity of the vote rejecting the petition without a hearing "can hardly be accounted for except upon the supposition that there was some connection between this vote and the appointment soon after by Baxter of more than forty members of this Legislature to various offices in the State."

The argument upon the other side is that because they refused to hear the case without investigation, and this refusal was pronounced by a bribed Legislature, such refusal becomes a conclusive judgment that binds this House and binds the people of this country.

4. Relying upon the statute of Arkansas, which conferred upon the circuit courts full power to hear and determine actions in the nature of a *quo warranto* to determine the title to any office, Brooks commenced an action against Baxter in the circuit court of the county of Pulaski to obtain possession of the office of governor, which he alleged had been usurped by Baxter, and such proceedings were had therein that on the 15th of April, 1874, the circuit court pronounced a judgment in favor of Brooks, who immediately took the oath of office, and thereafter claimed to be governor *de facto* as he was beyond all controversy governor *de jure*.

That is the suit brought in the superior court that we have heard spoken of as a suit to recover his salary. It was a suit brought in the highest court of original jurisdiction in the State to determine his right to office, in which a judgment was obtained in favor of Brooks.

5. Each party thereupon assumed to be governor and was supported by a large body of armed followers, and the President, being appealed to by both parties, and having no power to take testimony or to go behind the certificate of election, did on the 15th day of May, 1874, recognize Baxter as the governor *de facto*, and he was supported by a large body of armed followers. The President, being compelled to act promptly to protect the State from domestic violence, and having no power, as we have, to take testimony and to go behind the certificate of the officers, recognized Baxter as the governor *de facto*.

6. On the 24th of April, 1874, Baxter issued his proclamation for a special session of the Legislature to be held on the 11th of May, 1874, and a body called the Legislature assembled at this special session, and assumed to pass an act submitting to the people the question of calling a constitutional convention to form a new constitution.

Now mark, this is the commencement of the proceedings to destroy the title of Brooks, because Baxter, who initiated these proceedings, knew that he was a usurper, and found it necessary to set in motion some machinery by which the will of the majority of the people of that State could be trampled under foot. And I will be able to prove to gentlemen of fairness and impartiality that every step which resulted in the establishment of the new constitution and the inauguration of Garland has been utterly unconstitutional and void from beginning to end, and that is substantially admitted by the majority of the committee.

7. On the 16th of May when this act was passed there was not a quorum of either branch of the Legislature present, unless the members are included who had been chosen or who were claimed to have been elected at a special election ordered by Baxter to fill legislative vacancies, and which had been held November 4, 1873.

8. In the spring of 1873 Baxter appointed between forty and fifty members of the Legislature, soon after the adjournment, to various offices in the State, and such appointment was made by him the ground, as stated in his proclamation, for ordering an election to fill the vacancies caused by such appointment. The only conditions, however, under the laws of Arkansas where the governor was authorized to act for the purpose of issuing a writ of election to fill such vacancy is contained in the statutes of that State, and, as will be seen, they do not embrace cases where members had accepted offices which were repugnant to or inconsistent with the duties of their offices as such members, much less where they had been merely appointed, which was the only ground stated in the proclamation. Death, resignation, or vacancies occasioned during the session, and notified to the governor by the presiding officer, were the only events which authorized the governor to order special elections.

9. These are the statutes of Arkansas:

SECTION 1. When any member elected to either house of the General Assembly shall resign in the recess thereof, he shall address and transmit his resignation in writing to the governor; and when any such member shall resign during any session, he shall address his resignation to the presiding officer of the house of which he is a member, which resignation shall be entered upon the journals; in which case, and in all cases of vacancies happening or being declared, during any session of the General Assembly, by death, expulsion, or otherwise, the presiding

officer of the house in which such vacancy shall happen shall immediately notify the governor thereof, who shall immediately issue a writ of election to fill such vacancy.

SEC. 2. Whenever the governor shall receive any resignation or notice of vacancy, or when he shall be satisfied of the death of any member of either house during the recess the reof, he shall, without delay, issue a writ of election to fill such vacancy.

9. The republicans did not as a general rule make any nominations for this special election or participate therein.

10. Prior to this special election Baxter, having no authority whatever, ordered new registrations in all the counties where the elections were to be held, and new boards were appointed under his order, superseding the existing board which had been created under the statutes of Arkansas pursuant to the directions of the existing constitution of 1868.

It is entirely clear that the governor had no power whatever to appoint such board, and that the registration made by them was wholly unconstitutional and void.

11. The certificate of the election of members claimed to have been chosen at this special election was made up, not from any official returns, but from information and newspaper reports by A. H. Garland, deputy secretary of state, who is the same Garland now acting as governor of the State.

12. The so-called Legislature of 1874 assembled within the military lines of Baxter, and while martial law, as it had been declared by him, prevailed in Pulaski County, where the capitol was situated. And no man was allowed to go into the Legislature unless he came through these lines with the permission of the military commander.

13. The judges of the election held to determine the question whether a constitutional convention should be held were appointed under the act of the Legislature, which was in direct conflict with the registry laws and the constitution, or, as the majority of the committee express it, "It is plainly an evasion of the requirement of registration at this particular election." The powers of the judges of elections were as follows:

As the electors present themselves at the polls to vote, the judges of election shall pass upon their qualifications, whereupon the clerks of election shall register their names on the poll-books, if qualified, and such registration by said clerks shall be sufficient registration in conformity to the constitution of this State, and then their votes shall be taken.

14. The constitution of 1868 provided "that in all elections by the people the electors shall vote by ballot; the secrecy of the ballot shall be preserved inviolate, and the General Assembly shall provide suitable laws for the purpose." The act of the Legislature calling this convention provided as follows: "The electors shall be numbered, and the number of each elector marked on his ballot by one of the judges when deposited." So that every man voted with the badge upon him, that he might be visited with the vengeance of the party that have shown by their conduct that there was no safety for anybody who stood in their way.

15. The same bogus or rump Legislature preferred articles of impeachment against the judges and all the State officers, except some who resigned to escape impeachment, and passed a law suspending all officers under impeachment from official service while impeachment proceedings were pending. Although Baxter had appointed judges in their places, they would not trust those judges, but tied up their hands in all the courts of the State so that there should be no interruption or interference with the contemplated revolution under the form of a constitional convention. On the 28th of May, 1874, the Legislature passed an act providing that no court in the State should entertain any proceedings to arrest, determine, or try the validity of the elections which they were proceeding to hold. The Legislature would not even trust the judges Baxter had himself put in, because they knew that there was not a court in christendom that would not decide just as the supreme court of Pennsylvania decided in a recent case, when a convention undertook to appoint judges of elections in the city of Philadelphia. The court in that case restrained their proceedings, saying that the convention had no such power. No court would have refused to do that; and to guard against it, this rump Legislature passed a law fettering the power of all the judges in all the courts in that State.

16. The election under this law was held June 30, 1874; and the vote having been declared in favor of the convention, such convention was held July 14, 1874; and although such convention was not clothed with any legislative power and could not be vested with such power, which, as the majority report concedes, belonged under the existing constitution exclusively to the Legislature, yet that convention proceeded to establish a machinery for holding an election upon the ratification of the constitution which it framed. It provided for numbering the votes and voters, dispensing with the secrecy of the ballot. It provided a board of election judges; it provided a board of registration of its own, wholly ignoring the existing registration officers and election officers and existing registration laws enacted under the express mandate of the constitution.

17. The vote upon the ratification of the constitution was taken on the 13th of October, 1874. In September the republican State convention had been held and resolutions and an address adopted advising all republicans not to participate in the election. But how was the vote returned? There were 78,697 for the constitution and 24,807 votes against it, being a total vote of 103,504, or about 40,000 more votes than were cast at the subsequent congressional election, in which both parties participated, but which was conducted in the presence of supervisors appointed in pursuance of the act of Congress, and at which both parties strained their utmost to get out every voter in the State. The return upon the adoption of the constitution shows about the same excess over any preceding election in which both parties had voted.

18. At the same election A. H. Garland, the late deputy Secretary of State, whose extraordinary certificate has been mentioned, was declared elected governor under the schedule attached to the constitution, whereupon Volney Smith, who had been-declared elected lieutenant-governor with Baxter in 1872, issued a proclamation declaring the proceedings to establish the new constitution illegal, treating the retirement of Baxter in favor of Garland as an abandonment of the office and calling upon the people to support him. But a reward being offered for his apprehension, and officers being sent in pursuit of him, he fled from the State. That there has been no acquiescence in the Garland election or in the adoption of the new constitution appears from a statement in the majority report on page 14, where they say that it would have been at the peril of his life for Brooks or anybody else to assert his title under that constitution to the office. Therefore the people have not acquiesced.

19. They also violated the fundamental conditions upon which Arkansas was admitted to representation. The new constitution changes the qualifications of voters by a provision which is not prospective in its operations, although the act of Congress contained a provision against any such change.

20. The old constitution contained a provision declaring the supremacy of the Union and condemning the doctrine of secession, which was struck out in the new constitution. A surplus of loyalty, the majority of the committee say! I say, that these are indications of the disloyal and treasonable character of the men who framed the new constitution, which we are told this Congress has no power to set aside.

21. A reign of terror existed throughout the State during the entire period while the proceedings to form the new constitution were in progress. The testimony will be found abundantly sufficient to support the following conclusions stated in the minority report:

If banditti or a mob of armed men may take possession of a State, depose its officers, arrest its judges, close its courts, intimidate its people through violence and murder, provide its own way of holding and its own officers to hold elections, and its own officers to declare the result, and the fruits of such defiance of all law are binding upon the people of such State and upon Congress, then the present pretended government of Arkansas is legitimate, and must be recognized as such, but not otherwise.

And I have not stated it too strong, for those who will read the extracts I have given from the mass of evidence taken by the committee must be satisfied there was a reign of terror throughout Arkansas during the period in which the so-called Garland government was being formed and set in motion, entirely inconsistent with a full and fair expression of the will of the people on that subject.

The capital city was overrun with the drunken and lawless "governor's guard," which assaulted private citizens, abused and beat negroes, searched and rummaged private houses and private offices, and threatened everybody who opposed Baxter with arrest, imprisonment, or exile from the State.

At and about Pine Bluff, King White, a drunken, reckless man, proclaimed martial law, and arrested and imprisoned the leading men without shadow of cause; and then they were offered freedom on condition that they would support the movement for a new constitution.

North of the capital, in Conway and Faulkner Counties, Jeff K. Jones, upon whose head Baxter himself had set a price as upon an outlaw, for the murders he had committed, had a gang of desperate men committing murders, arson, and violent acts of all kinds upon Union and Brooks men; and Baxter knew of these things and made no attempt to restrain them or to arrest the murderer Jones.

In Hot Springs and Perry Counties like unlawful violent acts occurred. Men in office were impeached without cause or notice, and ejected by military power; property of private citizens was taken illegally and without compensation to the owners.

The judges of the supreme court were arrested by armed force, subjected to insults and abuse, concealed, and finally spirited away to be assassinated if an attempt should be made for their rescue or they attempt to escape.

False charges were made against obnoxious men, and the arrests made thereon were intended for and used to cover cold-blooded and cruel murder, as in the case of the colored man Ned Abes.

Mounted bands of desperate men roamed the country, to awe and intimidate the colored people, even at their barbecues and jubilations.

Men high in command of the so-called militia, and at the head and in presence of a strong force of their own men, threatened quiet and peaceable citizens with death by hanging, as in the case of General Churchill at the barbecue on the 3d of July last.

Baxter himself was daily muttering his curses, and, surrounded by his troops, selected because they were desperate and would fire on the supreme court constantly, uttered his profane threats to arrest and hang or drive from the State the last Brooks man.

And this was the quiet which gave a "fair election"—this the condition of the people when their government was overthrown and a new one set up.

Is there no remedy for these unparalleled outrages and wrongs? There is none in the courts. Gentlemen say, "You must go to the courts." Why, sir, this question came before the Supreme Court of the United States in the case of Luther *vs.* Borden, where an attempt was made in Rhode Island to hold a convention without the form of law, under which Dorr was claimed to be elected governor. In that case, which is reported in 7 Howard, the court use this language:

Indeed, we do not see how the question could be tried and judicially decided in a State court. Judicial power presupposes an established government capable of enacting laws and enforcing their execution and of appointing judges to expound and administer them. The acceptance of the judicial office is a recognition of the authority of the government from which it is derived. And if the authority of that government is annulled and overthrown the power of its courts and other officers is annulled with it. And if a State court should enter upon the inquiry proposed in this case and should come to the conclusion that the government under which it acted had been put aside and displaced by an opposing government, it would cease to be a court and be incapable of pronouncing a judicial decision upon the question it undertook to try. If it decides at all as a court it necessarily affirms

the existence and authority of the government under which it is exercising judicial power.

Moreover, the Constitution of the United States, as far as it has provided for an emergency of this kind and authorized the General Government to interfere in the domestic concerns of a State, has treated the subject as political in its nature and placed the power in the hands of that Department.

The fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government and shall protect each of them against invasion; and on the application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State; for, as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding on every other department of the Government and could not be questioned in a judicial tribunal. It is true that the contest in this case did not last long enough to bring the matter to this issue; and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there, and not in the courts.

So, too, as relates to the clause in the above-mentioned article of the Constitution providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided that "in case of an insurrection in any State against the government thereof it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive (when the Legislature cannot be convened) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection."

By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature and who is the governor before he can act. The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government; and the President must of necessity decide which is the government, and which party is unlawfully arrayed against it, before he can perform the duty imposed upon him by the act of Congress.

It thus appears that the State courts are incompetent to try the question whether the constitution under which the judge sat upon the bench is or is not the constitution of the State. They have sworn to support that constitution, and to go into the courts of Arkansas, when the present judges came in under that constitution, would be a beautiful illustration of judicial impartiality. This case shows that the courts cannot decide against the validity of the constitution under which they hold title to the very offices of which they are discharging the duties upon the bench. You might as well expect a fair trial from that jury that tried a fellow for stealing pork. When he was acquitted his lawyer asked him how it happened that in the face of such clear testimony the jury had decided in his favor. He replied, "Eleven of the jurors had part of the bacon."

The judges have the bacon. They are enjoying the plunder, and yet gentlemen say you must go to the courts of Arkansas to obtain justice.

Now, the next question is, have we the power to determine the question presented to us. This very case, in the opinion of Judge Taney, (which I have quoted,) says the whole question is a political one; that where there are two governors claiming title, or two Legislatures claiming title, it is for the President and for Congress to settle the question. We are the tribunal. When the President is called upon to act, upon the application of the governor, if there is no Legislature, or if the Legislature is in session, he is bound, say the courts, to find out who is the governor and which is the Legislature. At the last election the republicans of the State of Arkansas treated the new constitution as illegal and void and elected members of the Legislature. There they are, two governors, two Legislatures, two sets of officers. Somebody must determine that question. The President refers it to us. We have decided a similar question yesterday in regard to Louisiana. The resolution under which this committee was appointed assumes power and jurisdiction over the subject. The resolution of the majority assumes our power over the subject. They say we shall not only not interfere, but they advise the President not to interfere. That is the substance of it. Everything is so peaceful, so lovely, so quiet, it is proposed that neither this House nor the President nor anybody else should disturb the blessed state of things which exists in Arkansas.

Therefore we all agree that this is the place, and this is the tribunal clothed with power under the Constitution to determine who is governor and which is the lawful Legislature.

But we have the argument *ab inconvenienti*—the horrors of a revolution, disturbing the government—pressed upon our attention. There is no foundation for it in fact. The moment a decree goes forth that the old constitution is in force the old officers will take their places and a new Legislature will come into power. There is no such thing as running away with stolen plunder and covering this all over with their new constitution, saying we have now got it beyond the reach of the great constables of the land, the House of Representatives, which is in pursuit of these spoliators and plunderers for the purpose of having the majority of the people of that State allowed that right which belongs to them, of having a republican government.

Is that a republican government where the vote and voice of the majority are trampled under foot, where a State constitution built up in fraud and conspiracy, wrong and injustice, is to take the place of the constitution established by the people, and officers thrust upon the people are to take the place of those men confessedly elected by a majority of the people? I denounce every step in this system of measures resulting in the adoption of that new constitution as absolutely void; and unless we can declare it, there is no power anywhere to declare it null and void.

I maintain that Baxter was neither governor *de facto* nor *de jure* April 27, 1874, when he called the special session of the Legislature which assumed to authorize the proceeding for a constitutional convention, as he had been removed by judgment of ouster on the 15th of that month. He was not governor *de jure*, we all admit, because he was a minority governor. On the 15th of that month judgment was pronounced against him in the Pulaski circuit court. Brooks had taken the oath of office, and had gone and got possession of the office as far as it was possible to do in consequence of the armed force which surrounded Baxter. Did not this proceeding make him governor *de facto*? What makes a man governor *de facto*? The judgment of a court of competent jurisdiction is the highest evidence. The moment a party comes with that judgment it sets aside the certificate of election. The statute of Arkansas is copied from the code of New York providing that after obtaining judgment and upon taking the oath of office, although the time prescribed by the general statute may have gone by, he shall take possession of the office. If that does not make him governor *de facto*, what does? The judgment of a court is final and conclusive until reversed. The State treasurer, one Page, refused to recognize the warrant of Brooks, and the whole case went to the supreme court, and that court decided in favor of Brooks. The court held that the judgment of the Pulaski circuit court being the judgment of a superior court of general original jurisdiction, was final and conclusive until reversed, and ordered a *mandamus* against Page.

We heard something said about the decision of the supreme court the other way. There never was any. By the manipulations of the Federal judge, who was the friend of Baxter, when a decision was given, refusing to allow a *quo warranto* to issue, on the motion of the attorney-general, the court decided, it is said, that the circuit court had no power whatever to allow the issue of that writ. They afterward got what is called the "fly-leaf" opinion, saying the court had no power to determine the question. It was an extra-judicial remark, binding nobody. Subsequently the judgment in the circuit court, on the application of Mr. Brooks, was decided by the supreme court to be final and decisive.

But it is said this judgment was reversed. When? After the committee went to Little Rock last summer. And by this new court, under the new constitution, the chief justice of which was an ex-rebel, as we learn, who had been the counsel of Baxter in all his proceedings. An argument based upon this decision is to be regarded, because it was made by the court under the new constitution. The question we are considering is whether Baxter was governor in 1874, when he issued his proclamation.

The second proposition, which I maintain, is that the body which passed the law for a constitutional convention was not a Legislature in law or in fact. A special election was held to fill vacancies which was wholly unconstitutional and void. No election can be held except in pursuance of law. If a man had voted a hundred times at that election there was no power to punish him. If he had sworn falsely he could not be punished for perjury. That state of things existed at every election held in reference to this pretended constitution. It existed at the election which was held to decide whether or not a convention should be called.

The governor had no more power to order this special election than any other State officer. We have seen that the statute gave him no power to order any election except in two cases, and the present case was not one of them. The Legislature, when it passed this pretended law submitting the question of electing delegates to the convention to the people, had far less than a quorum in either branch, unless these members elected at this illegal special election were included. Four old members in the senate and fifteen in the house, being less than one-half a quorum in each body, met; and, instead of adjourning or ordering a call of the house, this rump of a legislature proceeded to admit the men who had been chosen at Baxter's special election, and thus the quorum was obtained. The acts of such a body were wholly illegal and void.

The next proposition which I maintain is that the law, so called, which provided for electing members of the convention was unconstitutional and void because it was in conflict with the constitution, both in dispensing with the secret ballot and in dispensing as to that election with the registration law existing in the State and required by the constitution.

That such a statute was void was held in Indiana by the supreme court. Within the last ten days a similar decision has been pronounced in Illinois. I will append to the report of my remarks the opinion of the court. The importance of the secrecy of the ballot is self-evident. I will quote the opinion of Judge Denio, an eminent democratic jurist of New York, on this point:

I have already alluded to the policy of the law providing for a secret ballot. The right to vote in this manner has usually been considered an important and

valuable safeguard of the independence of the humble citizen against the influence which wealth and station may be supposed to exercise. This object would be accomplished but very imperfectly if the privacy supposed to be secured was limited to the moment of depositing the ballot. The spirit of the system requires that the elector should be secured then and at all times thereafter against reproach or animadversion or any other prejudice on account of having voted according to his own unbiased judgment; and that security is made to consist in shutting up within the privacy of his own mind all knowledge of the manner in which he has bestowed his suffrage.

Judge Cooley, in his work on Constitutional Limitations, says:

The mode of voting in this country at all general elections is almost universally by ballot. The distinguishing feature of this mode of voting is that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy in regard to the persons for whom he votes, and thus escape the influences which, under the system of oral suffrage, may be brought to bear upon him, with a view to overbear and intimidate, and thus prevent the real expression of public sentiment.

The next proposition I maintain is that the election upon the ratification of the constitution was void. No statute had been passed providing for such election. The convention assumed to provide for such election, but all legislative power was vested in the Legislature. Authorities in great numbers might be cited to show that the convention possessed no legislative power. It follows that this election was void. Besides this objection, this convention also ignored the secret ballot. It provided for marking the ballot. It also provided for its own election officers. It provided for its own registration; all in direct conflict with the existing constitution. We have thus seen that all the pretended elections which resulted in this constitution were absolutely void. The result of such an election proves nothing. There was no liability resting upon the electors; none on the pretended election officers. If a voter voted who was an illegal voter, he was not liable to punishment. If the pretended officer made a false return, he was exposed to no penalty. Every voter might get a directory and vote under as many names as he could find with entire impunity. Convicts, infants, aliens, non-residents, married women, all might vote, and then the judges in their returns might duplicate the number of votes actually cast, and no criminal liability would follow. No one was authorized to administer an oath to the voter, and no indictment for perjury would lie for false swearing.

It is therefore impossible to know, as this majority report assumes, that a majority of the voters of Arkansas are in favor of the new constitution. All good citizens must be presumed to know that the election upon the question of ratification was wholly unconstitutional, and hence that no rights could be affected by their failure to vote. As the courts have repeatedly held, there is no possible mode known in a free government of determining the views of a majority except at an election held pursuant to law, where the qualified voters alone can vote and the purity of the ballot-box is protected by legal sanction. In Arkansas nothing of this kind was done. The pretended elections were a mockery, a delusion, and a solemn farce.

There are two other objections which may be mentioned. The schedule attached to the constitution provided for the election of a governor and other officers, and declared that the election should occur in October, when the question of ratification was submitted, and that the persons elected should hold their offices for a certain time. The election was made absolute and not in any manner dependent upon the adoption or rejection of the constitution. This is Mr. Garland's title to the office of governor, and of course it is wholly illegal and void.

Another objection which has been urged is that the constitution of 1868 provided a mode for its own amendment, and this excluded all other modes. I do not rely upon this objection. In New York we are living under a constitution, adopted in 1846, in a mode different from that provided for in the constitution of 1822, but then our constitution was framed first by delegates, who were elected under an act of an unquestioned Legislature, held in accordance with existing law where all the usual safeguards obtained and all the constitutional qualifications of electors were preserved, and then was notified at an election held by virtue of an express statute, providing election officers and all the other necessary safeguards. How widely different were these proceedings from those held in Arkansas.

But I turn away from this shameful and sickening record. The history of the country affords no parallel to these revolutionary and illegal proceedings.

But, say the majority of the committee, all is now peaceful in Arkansas. On the next page the kind of peace is indicated in the statement that if Brooks would attempt to assert his unquestioned title by legal means, it would be at the peril of his life! O, blessed peace! It is like the "order that reigned at Warsaw!" It is like the peace of New Orleans after the revolution of last September. It is like the peace of the house at Catskill which was recently entered in the day-time by a band of robbers, who tied and gagged the inmates and robbed the house. These peace-makers are now in State prison, but in Arkansas they are holding high office, and the State is bound hand and foot lying helpless at their feet, and the Ku-Klux and white-leaguers are enrolled in the State militia and aiding in preserving the peace of the State!

Mr. Speaker, there are two great issues which, I regret to say, have assumed a political character, the one relating to the condition of the people in Arkansas and the other Southern States which were lately in rebellion, and the other relating to the financial questions growing out of the public debt and the condition of the currency which resulted from the late war. These questions are now pending before the people, and will enter largely into the next presidential election. Whenever any measure relating to these issues has been introduced during this session by the responsible majority of this House, it has incurred the united hostility of the democratic party. Their claim has been that the republican party has been condemned by the people, and as the democratic party was soon coming into power, no measure introduced into this Congress by the republicans which bore upon these issues should be entitled to favor or even to respectful consideration. Acting upon this theory, the civil-rights bill, the bill to restore specie payments, the recommendations of the President relating to Louisiana, to Arkansas, and every measure intended to secure peace, order, and good government at the South, or to protect white and black republicans in that part of the Union in the enjoyment of their civil and political rights, have been resisted by means wholly unprecedented in the past history of congressional legislation.

Amid the acknowledged difficulties which surround the country growing out of the southern difficulties and the financial questions, it is truly painful to discover that no aid will be afforded in solving these difficulties by our friends on the other side of this Hall. My able and distinguished colleague from New York [Mr. COX] I remember earnestly deprecated and protested against any discussion or agitation of the financial question. As if to add insult to injury, he cruelly proclaimed on this floor that the pending measure was "the dying groan of a dying party." I cannot suppose that a Representative so shrewd and sagacious as my colleague generally is could have intended by that allusion to a "dying party" to refer to the inflationists, for he would not thus slap in the face a very large and powerful portion of his political associates, not only in this House, but also among the members-elect of the incoming Congress. He must have therefore alluded to the republican party.

My colleague knows how it is himself, that a party may seem to be dying for a great many years, and then experience an extraordinary and almost miraculous resurrection. If, however, the republican party is really and truly dying, why will not our friends of the opposition, like true patriots, come to the rescue of a bleeding country? The country is holding its breath in eager expectation, waiting for the development of that wisdom which will save the nation. Must it continue to wait for twelve long months? Can we not be favored with at least some partial installments of that statesmanship which will burst forth in effulgent splendor and glory, with the advent of the Forty-fourth Congress? The only remedy they suggest for this terrible condition of affairs at the South is this: withdraw the troops and allow murder and violence to prevail with impunity.

Since the recent elections we have been constantly assured that the democratic party was able and willing to save the nation and relieve it from all its embarrassments and troubles. The big guns have been fired; the bonfires and illuminations have been blazing away all over the land; the newspapers have been filled with screaming eagles; the democratic cocks have been crowing vigorously; the plebian and the patrician cocks, the common country cocks, and the blue-blooded, aristocratic, congressional cocks without regard to race, color, or a previous condition of fourteen years' servitude, all have been crowing lustily.

The beautiful and rose-colored pictures of the political situation which have been presented to our view since the recent elections by the democratic painters and orators have excited our profound admiration. As Paul Pry says, "I hope I don't intrude" when I venture to congratulate my democratic friends upon the brilliant and attractive prospects before them.

There never were such splendid opportunities presented to a political party for obtaining and holding permanently the power with which it has been intrusted as are now offered to the democratic party, dependent only upon a single condition. That condition is that now and hereafter they shall perform all the promises and pledges which they made when out of power, and that they shall answer the expectations of all those who have contributed to their present election. If the party will do this, the first and most important duty will be to rekindle or help to rekindle the fires in the furnaces throughout the country; to put the forges once more into full blast; to set in motion the mills, factories, and machine-shops now idle; to open investments for the capital now unemployed in our commercial centers; to furnish remunerative employment to the multitude of laborers seeking work; to put an end to the prevailing distrust, commercial embarrassment, and stagnation of business following the great panic of 1873, and to restore confidence, activity, and enterprise in all the pursuits of trade, business, and commerce.

In the second place, they must repeal, or help others to repeal, the pledge given in 1869 that the debt of the nation, wherever it is not otherwise expressed in the bond, shall be paid in coin or its equivalent; also they should at once provide, or help to provide, for the issue of $1,700,000,000 in irredeemable legal-tender notes which the public creditors must accept or receive nothing for their bonds and other obligations. This will immediately relieve the people from all necessity for raising any money hereafter to pay either the principal or interest upon the public debt. In addition to this, Congress should authorize the issue of some four or five hundred millions more of such legal-tender notes, to form a currency in place of the national-bank notes now in circulation.

It is true some little difficulty may be experienced at first from the trifling circumstance that this involves a violation of all the pledges given by the nation to the public creditors during the war; but now that the integrity of the nation has been secured, the rights of creditors must be subordinated to the dictates of self-interest, for charity always begins at home, and the nation which provideth not for its own household is worse than an infidel. It is very true that this action will involve the nation in some little trouble, because it amounts to repudiation; but then, with such marvelous resources and wealth as we possess, what do we care for that? "Let every one take care of himself," as the jackass said when he danced among the chickens.

Should any troublesome objector suggest that such legislation would amount to a confiscation of all Government obligations, unsettle all values, and produce universal bankruptcy, disaster, and ruin, and thus injure the democratic party, he must be silenced at once by the unanswerable argument that it is the bounden duty of the party to fulfill at the earliest moment the pledges upon which the people have placed the power in its hands. The democratic platforms adopted in the State conventions of Ohio, Indiana, Tennessee, and Missouri demand that the proposed measures shall be adopted, and that ends the discussion.

The western and southern democracy having been now satisfied, the next thing in order will be to conciliate the democracy of New York, New Jersey, and New England, who demand a speedy return to specie payments, the ready convertibility of the paper dollar into gold and silver, and a return to rock bottom by putting an end to all further inflations of the currency. These same unreasonable people prate sometimes, too, about the duty of maintaining the public credit and upholding the national honor.

The democratic Representatives from the Eastern and Middle States are not so unreasonable, however, as may be supposed. They have learned that the star of empire is moving westward. They will find themselves in a hopeless and helpless minority at the democratic caucus next winter. They are true patriots. They are not so visionary as to present any factious obstacles to the policy which will secure the next President and bring into fat offices the starved and hungry patriots who have been browsing on the commons for the last fourteen years.

It is believed that they can be easily appeased by a clause in the proposed inflation law declaring that on the 4th of March, 1877, specie payments shall be deemed resumed, and the paper dollar shall be considered as good as gold. They will then be able to show to their constituents that good old principle of equity jurisprudence that whatever ought to be done shall be considered as done. If any democratic voter shall fail to be satisfied by the explanation, he can easily be convinced by a resort to that unanswerable dogma of the democratic financial policy that "the way to resume is to resume."

In this way the seemingly conflicting opinions of the eastern and western democracy will be easily reconciled. There is no solvent for perplexing problems in statesmanship so powerful as a lively sense of favors to come.

This little bit of problem on the currency and financial question having been happily disposed of, the democracy will now be ready for other fields of legislation. The difficulty with the party has been that for the last fifteen years its capacity for wise and efficient management has been restricted within very narrow and limited boundaries, and therefore it has appeared to a disadvantage. It was owing to this impediment that it made such a sorry figure in the city of New York. This was the reason why in that wealthy and powerful municipality the debt of the city has rolled up under democratic control to the sum of $140,000,000. It was owing to this cause that every vestige of local self-government in that oppressed city was crushed out by democratic legislation and more than imperial power was vested in a cabal of democratic chieftains. This was the reason why in that city scandal, reproach, and lasting disgrace have been inflicted upon self-government and upon democratic institutions throughout the world.

It was owing to this same difficulty that when the democratic party acquired power in the State of New York in 1870 it made such a miserable exhibit of its ability. Then it created a deficiency of six or eight million dollars during one winter, it broke into the sinking fund and squandered $6,000,000, lavished the public moneys in sectarian appropriations, authorized the creation of municipal and other public debts, doubled all the expenses of the State, and was finally thrust from power at the earliest opportunity; but all this was because it had so narrow a field for the display of its administrative ability. Now it will be able to maneuver on a broader theater, and as its leaders enter this Hall during the Forty-fourth Congress they may exultingly exclaim—

> No pent up Utica contracts our powers,
> The boundless continent is ours.

The national debt having been paid off by the agency of a huge Government rag-mill, with paper, ink, and pictures of democratic financiers, the work of legislation will be very simple and easily performed. Democratic office-holders will hereafter serve without pay, being more than compensated by the patriotic consciousness that they have performed their duty. Specie payments being now postponed for at least fifty years, everybody can have all the money and more than he wants. The money will be like Colonel Mulberry Sellers's famous eye-water, which had "millions in it." He was to sell a bottle to every one of the four hundred millions of people in Asia, and the more they had the more they would want!

Every laborer will have plenty of work. To be sure the paper money he receives for wages will not be worth anything, but then as there will be no taxes to pay he will not require much. If his money will not buy clothing or flour or educate his children, let the Government step in and compel the merchant to supply these things, the farmer to distribute his products among the poor and needy, and the teachers to instruct the children free gratis for nothing. These will have no right to murmur, because they will be living in a millennial age, when all debts will be abolished, taxes annihilated, and the democracy restored to power!

Permanent and solid peace also will be restored to the South; black and white men shall all be satisfied. For the Africans who have voted for the democracy there shall be civil-rights bills, abundant facilities for education, and full protection for all their rights; for the white men, the hundreds of millions of southern claims which have been knocking for allowance at the doors of Congress until "hope deferred has made the heart sick" shall be at once allowed and paid.

The brain becomes bewildered at the contemplation of all the rivers made navigable, the railroads compelled to carry passengers and freight for reasonable rates, public and private wrongs rectified, and the activity and prosperity which will follow when the democratic promises shall be performed and the expectations created by its return to power shall be fully realized. Neither pen nor tongue can do justice to this glorious theme.

Seriously, however, I will add a few words of unsolicited advice. Let the leaders of the democratic party avoid the fatal error of assuming that the people have intended to reverse the verdicts which they have repeatedly and deliberately pronounced during the last decade. Let them therefore take their stand upon the last three great amendments of the Constitution, and resolve that no part thereof shall be disturbed. Let them determine to treat the newly-emancipated freedmen as entitled to equal civil and political rights with white citizens. Let them use their power in the Southern States to secure to every citizen the full and free enjoyment and expression at the polls, and in every other proper way, of their political opinions. Let them bring about the dissolution of all secret associations banded together for the purpose of securing the success of their political views by armed force or by any other illegal means. Let them act upon the assumption that the people desire no backward steps to be taken, but that they will be conciliated by allowing these beneficent and advanced doctrines of republicanism and human rights which have been proclaimed and sanctioned by the nation in its recent struggles to become absorbed and to form a part of the legal and constitutional system which protects the American citizen.

Then let these same democratic leaders cast aside those obsolete and condemned notions which have so long weighed down their party and obstructed its progress. Let them enter in truth and in fact as well as in theory upon a new departure.

Then let them sternly resolve to bring the country back at the earliest possible moment to the hard-money specie-paying doctrines of Benton and of Jackson. Let them determine to prevent at all hazards any further expansion of the currency. Let them resolve to redeem without unnecessary delay the legal-tender circulation of the country, and to make the paper dollar equal in value to the gold and silver dollar. Let them exorcise the evil spirits of inflation, and adopt substantially as the basis of their legislative action upon the financial question the platform of the New York democratic State convention.

The people have finally decided in favor of the Jacksonian doctrine that the Union is perpetual and must be maintained in opposition to the antagonistic heresy that the States may secede and destroy the Union at will. Accepting this decision as a finality, let the democratic party resolve to maintain at any cost the credit, the honor, and the plighted faith of the nation by utterly crushing out the abominable and pestilential sentiment of repudiation in any and every one of its protean forms. This will require resolution and courage. It is only by pursuing this course that any reasonable hope can be entertained of retaining the support of that large class of independent electors who hold the balance of power, and who are resolved to secure good government upon sound and honest principles.

Let the democratic party also resolve to uphold the supremacy of the General Government in all matters within the sphere of its jurisdiction as well as to sustain the States in the full enjoyment of their independence within their appropriate and constitutional boundaries. Let them guard the Treasury with sleepless vigilance against those numerous and insidious claims which under a thousand specious disguises will be presented to Congress for allowance and payment.

Let them promote economy and reform in the expenses of government and crush out all jobs and schemes of plunder. Let them render powerless for mischief those vigilant plunderers who have brought so much discredit upon the name of democracy and who are now ready to plunge their arms into the public Treasury up to the shoulders.

These are a few of the duties that will devolve upon the party which the people have recently intrusted with power. They seem plain and simple, but they will tax the ability of the party to its uttermost capacity. They must be faithfully discharged, or all expectation of

a continuance in power may as well be speedily dismissed. If these elementary and essential conditions are not sacredly and faithfully observed, then Ichabod will soon be written upon the walls of the democratic tabernacle.

We call, then, upon our friends on the other side of this Chamber to carry out now these great principles. Great light should not be hid under a bushel, but should be placed upon the highest pinnacle. If they refuse to do this now, there is danger that this ostrich-like policy will not prove to be either politic or successful.

There is one small cloud visible in the sky; one grinning skeleton sits at the feast. Before the next presidential election comes off full opportunity will be given for the fulfillment of these ante-election promises made by the now jubilant democracy. The long session of the next Congress will develop the statesmanship of the incoming party. They can no longer content themselves with grumbling or with mere negative opposition. They must show their hands; they must unfold their policy and their purposes; they must take their share of affirmative measures for relief. Woe be unto them if they fail to meet the promises made and the expectations created. No matter how inconsistent these may be nor how impossible of fulfillment; if they fail, better for them that they had remained in a minority. In case of failure, no shadows of Cæsarism or clamors about a third term will ever disturb their peace, for they never will enter upon even the first term! Then that little cloud now no bigger than a man's hand will cover the sky. Rather than fail, it had been better that a mill-stone were hung around their necks and their party cast into the sea; for an offended people will at the next presidential election indignantly hurl them from power, and the places which will soon know them will know them no more during the life-time of the present generation.

In the progress of our debates in the House during the present session honorable gentlemen have expressed their opinions freely concerning the condition or necessities of the republican party. Thus my worthy colleague from New York, [Mr. Cox,] with whom it is barely possible that the wish was father to the thought, alluded to the party as a "dying party," emitting its "dying groans."

It may be after all that the republican party is not in a dying condition, and that the ordinary processes of nature will be sufficient for its restoration without a resort to novel and untried experiments. It may be that the symptoms which honorable gentlemen have erroneously supposed were indications of approaching dissolution are only the signs of that healthful repose which sometimes precedes the advent of new and unprecedented health, vigor, efficiency, and power. He who should pronounce a funeral oration over the body of such a sleeper might be overwhelmed with confusion and ridicule.

Bright and beautiful doubtless are the visions of hope and expectation which are floating in the imaginations of our friends on the other side of the Chamber. These include the White House at one end of the avenue, this Capitol at the other end, Cabinet officers, foreign ministers, and all that numerous and goodly list of dazzling prizes to be found in the Blue Books in our desks, and which have recently acquired such new and unusual interest for the opposition. Prominent among the means by which these splendid results are to be achieved was the revolution under forms of law whereby the rights of the people were trampled under foot effected by the democratic party in Arkansas.

It is within the range, however, of possibilities that these are only the shadowy phantoms which dance through the brains of dreamy and visionary enthusiasts. These golden castles in the air may after all come to naught.

"There 's many a slip
'Twixt the cup and the lip."

Dreams do not always indicate correctly coming events, nor do they constitute the safest and best materials for the construction of political edifices.

True it is that a recent stroke of political success has been achieved by our opponents quite as surprising to them in its magnitude as to the rest of the world. But it was born of the miseries and trials, the pains and sufferings, of a people passing through one of those seasons of commercial adversity and pecuniary difficulties which do occur in our country at rare intervals without fault on the part of the administration. The only wonder in this instance is not that it has occurred at all, but that it had not sooner followed the termination of one of the most gigantic and devastating wars known in the world's history. The party which rises when the country sinks, and sinks as the country flourishes, may not possibly, in a country like ours, count upon a single victory as a certain test of a long and permanent lease of power.

If the republican party shall display anything like the pluck, tenacity, and resolution which have been exhibited by the democratic party during adversity, that person is not yet born who will witness its dissolution or hear its dying groans. Its action upon the Arkansas case will be awaited with great interest, as reflecting some light upon its disposition to grapple with the difficulties which surround the country in a bold, honest, and statesman-like manner. In 1840 the democratic party was swept from power in this country by a popular revolution which was apparently more decisive than the recent elections. The victorious whigs then claimed that the result was due to the popular dissatisfaction with the measures of the administration, prominent among which was the sub-treasury system with which Mr. Van Buren's administration was identified. In truth, however, the real cause of the defeat of the administration then as now was the hard times which succeeded the panics and convulsions to which the trade, business, and commerce of the country had been subjected. The democratic party adhered firmly to its principles, and was soon restored to power again with the return of prosperity. The independent treasury system, with its bonds, oaths, and severe system of criminal responsibility for all public officers intrusted with the care, custody, and disbursement of public moneys, and with its divorce of the Government from banks as its fiscal agents, remained in force and has continued down to this day.

If the republican party shall be so far driven from its moorings by its temporary reverses as to abandon any of those cherished principles which have constituted its glory and its strength; if it shall refuse to carry out those great doctrines of civil and political equality to the success of which it stands honorably pledged before the country; if it shall abandon the cardinal and sacred precept that all citizens, without regard to color or creed, in every part of this Union, shall be protected in the enjoyment and free exercise of their political rights and privileges, including the inestimable right of suffrage, by all the power of this Government, then, indeed, will it deserve the prediction pronounced by the ancient patriarch Jacob upon his first-born son Reuben, "Unstable as water, thou shalt not excel."

But it is not probable that it will adopt a course of conduct so plainly suicidal and unwise. Neither prudence nor wisdom would justify any large investments on the results of recent elections, or the counting with very great confidence chickens that are not yet hatched. Such reverses may serve to impress upon the party in power the duty of self-examination, amendment, purification, and improvement, and thus prove to be blessings in disguise. The chastening rod which the people have applied may increase the devotion of the party to its fundamental and cherished creed. It may be led to strike off all burdens which are calculated to retard its onward and upward progress. The return of national prosperity may speedily put a different aspect upon political affairs. The experience of the people of Wisconsin, who, after a short trial hurled from power the democratic party, may prove to be the experience of the whole people of the country. The recent counteraction in Wisconsin was a repetition of the results which in 1862 and 1863 occurred in New York, Pennsylvania, and Ohio.

"Wherefore let him that thinketh he standeth take heed lest he fall." The republican party is not composed of such perishable elements as to be annihilated by the adverse results of one single campaign. At the hazard of antagonizing the views of eminent political doctors on this floor, I will venture the opinion that the republican party is neither dead nor dying, but that on the contrary it will continue in the future as in the past to hold possession of political power in this country. Called into existence in its origin upon one single great issue, involving the moral sense of the nation, its duties and its power increased until it was compelled to become both the sentinel and the guardian of the unity and integrity of the country against the perils of dissension and war. Cherishing with sacred regard the great truths of freedom and equality which constitute the corner-stone, of our Government, it has steadily labored to give practical success to these doctrines and thereby to strengthen the foundations of the Republic.

Unparalleled success has rewarded its labors. Errors it has committed, but yet the work which it has already accomplished will continue to exist so long as our free institutions shall be perpetuated. It has been strengthened by the sacrifices and trials and cemented by the precious blood of the nation's noblest sons. It represents to-day the aspirations, the hopes, and the political faith of more than twenty millions of free people, who are animated by the purest patriotism and the strongest convictions of duty. When such a party dies, it is not until its work is fully accomplished, (and that work now is only just begun,) or until proving false to its own principles another and a better party shall appear and take its place.

On hearing gentlemen on this floor speak flippantly of this party as being either in a dying or in a dangerous situation, I am induced to suspect one of two explanations: Either they have an intense desire that such a condition should exist, and hence they are led to draw on their imagination for their facts, or they have some patent medicine which they desire to prescribe, and for the purpose of persuading the friends of the patient to adopt it, they misrepresent, perhaps innocently, the diagnosis of the case. Whatever may be the explanation for the erroneous opinion, the fact that it is entirely erroneous cannot be controverted. The recent check has already produced the most auspicious results. The ranks of the republican party are rapidly closing up; unanimity and harmony are everywhere prevailing; judicious counsels are heard and heeded; and its members are preparing to march forward hand in hand, and shoulder to shoulder, with sure and certain but with prudent and careful steps to the return of specie payments, and to the protection of all American citizens in every part of the country.

Gentlemen of the opposition now so jubilant wholly fail to appreciate the height and the depth, the length and the breadth, of the love which millions of the voters in this country entertain for the cherished principles of the republican party. Let them continue to indulge in their vain delusions. They may wake up some fine morn-

ing in the near future to learn that their dreams are at an end, the music has ceased, the banquet hall is deserted, the airy castles are dissolved, and the dying party has been changed into a triumphant and victorious army, while scattered throughout the tents of their sleeping foe may be gathered up these inscriptions:

The best laid plans of mice and men
Gang aft agley,
And leave behind but grief and pain
For promised joy.

If a stranger had entered this Hall during the present session and observed the conduct of the democratic Representatives, he would never have imagined that they belonged to a victorious party. They have been so timid, so reticent, that they would seem to be more like men moving in the dark along pitfalls and upon the edges of dangerous precipices. I have often been impelled to address them in the language of the good old hymn:

What is it that casts you down?
What is this that grieves you?
Speak, and let the worst be known;
For speaking may relieve you.

This Arkansas case comes before this House free from any controverted question of fact. In other Southern States the charges of intimidation, force, and criminal outrages are to some extent denied, but here we have a case free from any such dispute. All the facts of the case are established and found by the unanimous report of the committee; and these reveal a history of lawlessness, oppression, injustice, and wrong such as has never occurred in time of peace in any country since the dawn of creation. Sustain the report of the majority, and this House decides that the greatest political wrongs may be committed, whereby the people of a State may become bound hand and foot and their constitution be overthrown by lawless violence, and yet there is no remedy for such wrongs. It will hold that a constitution of a State is no better than a cobhouse. And yet I know that the democratic party, now as on other questions, will vote as a unit in this House in favor of sustaining the wrongful acts of their political associates. And I regret to add that I fear they will find too many allies on this side of the chamber, among men of amiable disposition, who hate the wrongs that are revealed but are not willing to strike the blow which, while it brings relief, may cause some disturbance, the extent of which, however, I am persuaded is greatly exaggerated in their minds.

And now I dismiss this Arkansas case. I know the odds I am encountering in opposing a report sanctioned by four out of five members, when the four embrace two leading republicans. I know the timid fears which restrain men from declaring the truth without regard to the consequences.

I shall cast my vote in favor of the minority report if I stand alone; and I have no fear that time and events will not fully vindicate my action. I regard the events in Arkansas as indicating that disease prevailing throughout the States lately in rebellion which, unless checked or cured, I fear will prove fatal to my country.

May the precedent to be established by this House not result in the overthrow of all the reconstructed governments throughout these States? May it not be followed by the destruction of all the work of reconstruction by the nullification of the three great amendments of the Constitution, and by placing the emancipated freedmen in a condition worse, more perilous and disastrous than that of African slavery?

In conclusion, I protest against the conclusion of the majority of the committee. I protest against the revolutionary and lawless proceedings of Arkansas which have resulted in the election of her present governor and the setting up of her present constitution. I protest against them on behalf of the majority of the people of that State, who elected Brooks governor; I protest in the name of the four millions of people whom I represent on this floor; I protest in the name of honesty and fair play, in the name of justice and constitutional law.

The following is the opinion of Judge Rogers, of Illinois, referred to in the foregoing speech:

The declaration in this case alleges that on the 4th of November, 1873, at a general election of State and county officers, the plaintiff, being a citizen of and entitled to vote in the first ward of the city of Chicago, delivered to the defendants, who were the judges of election, a legal ballot, and requested them to put it into the ballot-box without marking any number on it, and forbade them doing so; but, notwithstanding his request, objection, and protest, the defendants did mark on the outside of said ballot a number corresponding with the number then and there placed opposite his name on the poll-list, and deposited it so numbered in the ballot-box, by reason whereof it became possible for any person at and after the regular count of the ballots cast at said election to ascertain for whom of the candidates for the several offices the plaintiff had voted, whereby the secrecy of the ballot was violated and he was damaged in his constitutional privileges and franchises.

On the trial a jury was waived and the case was submitted to the court for trial upon the facts as set forth in the declaration, the parties agreeing that they were substantially true.

The statute of elections expressly requires each ticket or ballot to be numbered with a number corresponding with that of the voter on the poll-list, and in doing so in this case the judges of election were justified, unless that requirement of the law is invalid by reason of its conflict with section 2 of article 7 of the constitution of the State, which provides that "all votes shall be by ballot."

If the ballot implies complete and inviolable secrecy, and was so understood by the framers of our constitution when they adopted and used the term, then it is clear that the statute making it the duty of the judges of the election to number the ticket with a number corresponding with that of the voter on the poll-list is unconstitutional and void, inasmuch as it affords a certain means of exposing the vote and depriving the voter of the security and protection of the secret ballot. For the judges of the election in the canvass of the votes upon the closing of the polls are required by the same statute to open and read the tickets in the presence of the clerk, and have only to ascertain the number of a voter on the poll-list and find the ticket with the corresponding number to see for whom the citizen has voted; and then all the ballots, after being read and counted, are to be strung upon a thread, enveloped, sealed up, and returned to the county clerk, by whom the ballots are to be kept for six months, subject to being opened and "referred to by witnesses" in case of a contested election.

Thus, it is seen, the election law requires the identification of every man's ballot, and expressly provides for exposing it to the public. The legislative construction of the constitutional provision, "all votes shall be by ballot," is, that such a vote is not necessarily secret. This is more clearly shown by looking at the action of the Legislature in prescribing the manner of determining a contest for the office of governor or other executive officer. The constitution (section 4 of article 5) provides that such a contest shall be determined by both houses of the General Assembly "by joint ballot, in such manner as may be prescribed by law." Here the ballot is provided for, and the General Assembly, acting under this power and constitutional requirement, has prescribed that, in a contested election of governor, &c., a joint committee shall be appointed which must report the facts, and then a day is to be fixed by a joint resolution for the meeting of the two houses to decide upon the same, "in which decision the yeas and nays shall be taken and entered upon the journal." Here we have another legislative construction of the ballot—joint ballot, and that is, that it is not to be secret, but must be open and public—by yeas and nays entered upon the journal, that all may see and know how the members voted. This, however, has not long been the construction. For the statute requiring the ballot to be numbered and subject to examination, and consequent exposure of the votes of electors, was first enacted in 1861, while the constitutional requirement that "all votes shall be given by ballot" was made in 1848. Before the adoption of the constitution of 1848 all votes in Illinois were given *viva voce*. Such was the provision in the constitution of 1818, and it continued for thirty years. When the convention of 1848 made the change, it did it by using the term ballot—"all votes shall be given by ballot." Neither the constitution of 1848 nor that of 1870 defines the word "ballot," nor prescribes the manner of casting a vote other than by the use of the word ballot. We must then look to its primary meaning and its history to determine whether it implies a secret vote.

Lexicographers define it as a "ball used for voting," "a ticket or written vote given in lieu of a ballot." Anciently the common mode of voting was by casting white and black balls (sometimes pebbles and beans) into a box or urn. This manner of deciding a question, voting upon a proposition, or for or against a particular person, was common in Greece and Rome. Yet in the former—especially in Athens—it does not appear to have been, in fact and seems not to have been, secret; while in Rome it was so designed, and Cicero, we are told, spoke of it at one time as being all that remained of former liberty, while Pliny objected to it as affording a screen to corruption. (See New American Cyclopedia, volume 2, page 540, "Ballot.")

Balls are now used in voting in many societies and organizations, open and secret, and in all, so far as I know, the casting of the balls—the ballot—is intended to be strictly and inviolably secret. In a large majority of the States the ballot is used, not balls but tickets or written votes. The history of the ballot, tradition was and the common understanding of the people justify the conclusion that the term, used in the constitution of our State as designating a mode of voting that is secret and intended to secure to the voter that independence and freedom of action which it is thought should be enjoyed by all citizens in a State recognizing suffrage as the right of all male adult citizens, and pretending to be based on the free and unbiased will of the people. Such has been the construction and judgment of courts in several States having the same constitutional provision as that of Illinois.

The precise question involved in this case arose upon a similar statute and constitutional provision in Indiana, and the supreme court of that State decided the statute requiring the ballot to be numbered with the number of the voter on the poll-list to be unconstitutional and void. (See Williams *vs.* Stein, 38 Indiana; 5 Chicago Legal News, 530, and authorities there cited.)

That the mode of voting by secret ballot has all the advantages claimed for it may well be doubted. It is subject to fraudulent uses by men skilled in the arts of the ballot-box stuffer and in furnishing tickets to the uneducated voter. But corruption will exist in popular elections whatever mode of voting may be adopted while suffrage is the right of the ignorant and the wicked, and as long as the ward bummers and vicious repeaters are supported and courted by the demagogue and professional office-seeker. It exists where the open *viva voce* vote is required, and it reeks in States which boast of the freedom and equality of elections, where the secret ballot is required. The advantage of the ballot is more in the case and convenience with which the election can be dispatched than in the supposed freedom from improper influences which is claimed for it.

But I am satisfied that the ballot does imply secrecy, and that it was so understood and intended by those who incorporated the term in the constitution. Each elector is entitled, therefore, to have his vote kept secret. The Legislature had no power to deprive him of this constitutional right by providing means of exposing his vote to the public, and I must declare the act void.

Finding for plaintiff ten dollars damages.

Mr. TREMAIN. I enter a motion to substitute the minority report for that of the majority.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 3341) to equalize the bounties of soldiers who served during the late war for the Union.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was given to withdraw papers from the files of the House in the following cases:

Mr. PLATT, of Virginia: In the case of Martha J. Jameson.
Mr. COBB, of Kansas: In the case of W. A. Rankin.
Mr. SPRAGUE: In the case of A. W. McCarty.
Mr. LOWE: In the case of C. J. Sands.
Mr. WILLIAMS, of Indiana: In the case of John Campbell.
Mr. DONNAN: In the case of General B. S. Roberts.
Mr. DE WITT: In the case of Peter M. Halwick.
Mr. BUTLER, of Massachusetts: In the case of Mrs. Emma Horton.
Mr. YOUNG, of Kentucky: In the case of A. W. Blair.
Mr. CONGER: In the case of George Wright.
Mr. McCRARY: In the case of Captain Thomas Haggett.
Mr. LAMISON: In the case of Joanna May Paige.
Mr. HOLMAN: In the case of Mrs. Mary L. Woolsey.
Mr. CHIPMAN: In the case of J. H. Merrill; also in the case of Thomas Malone.

Mr. O'BRIEN: In the case of J. Dowling.

Mr. ATKINS: In the case of Meade W. Bledsoe and George W. Harris.

Mr. SMITH, of Virginia: In the case of Will A. Short.

Mr. LANSING: In the case of John McHary.

Mr. ARCHER: In the case of W. M. Wood; also in the case of Stark & Co.

Mr. MYERS: In the case of Joseph Nock.

Mr. LOWE: In the case of H. Inman There.

LEAVE TO PRINT.

Mr. DAVIS, by unanimous consent, obtained leave to print remarks on the subject of Federal intervention in the States. (See Appendix.)

Mr. SMALL, by unanimous consent, obtained leave to print remarks on cheap transportation. (See Appendix.)

Mr. SMITH, of New York, by unanimous consent, obtained leave to print remarks on the election of President and Vice-President. (See Appendix.)

Mr. HARRISON, by unanimous consent, obtained leave to print remarks on the election of President and Vice-President. (See Appendix.)

Mr. CARPENTER, by unanimous consent, obtained leave to print some remarks on House bill No. 4745. (See Appendix.)

Mr. RICHMOND, by unanimous consent, obtained leave to print some remarks on the proper policy of the Government in its dealings with the South. (See Appendix.)

Mr. RAINEY, by unanimous consent, obtained leave to print some remarks on the Freedman's Bank. (See Appendix.)

LEAVE OF ABSENCE.

Mr. FRYE, of Maine, by unanimous consent, obtained leave of absence for the remainder of the session.

And then, pursuant to the order of the House, (at five o'clock p. m.,) the House took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock, Mr. MCCRARY occupying the chair as Speaker *pro tempore*.

AFFAIRS IN ARKANSAS.

The SPEAKER *pro tempore*. The House resumes the consideration of the report of the Select Committee on Affairs in Arkansas, and the gentleman from Vermont [Mr. POLAND] is entitled to the floor.

Mr. POLAND. I have promised to yield to the gentleman from Texas [Mr. HANCOCK] to have some Senate amendments concurred in to a bill in relation to the employés of the House, and I will not yield to anybody else.

PAY OF EMPLOYÉS OF THE HOUSE.

On motion of Mr. HANCOCK, by unanimous consent, the amendments of the Senate to the bill (H. R. No. 4730) providing for the payment of certain employés of the House, were read and concurred in as follows:

In line 10 strike out "six" and insert seven," so that it will read; "for pay of seven folders," instead of six folders.

In line 13 strike out "$3,400" and insert "$3,966.66."

Mr. HANCOCK moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AFFAIRS IN ARKANSAS.

Mr. POLAND. I yield for a moment to the gentleman from Alabama, [Mr. WHITE,] who desires permission to print some remarks.

Mr. WHITE asked and obtained permission to print in the CONGRESSIONAL RECORD, as part of the debate, some remarks in relation to the pending question. (See Appendix.)

Mr. POLAND. Mr. Speaker, I regret that so important and so grave a question as is presented in this case should have fallen to the lot of one so feeble as I am to discuss. And I regret more that it should have fallen upon me to do it in the condition of physical exhaustion I am now in. I ask the patient attention of the members of the House to the remarks that I may have to make upon this subject, although they may not be entertaining, and they will not be methodical, as I have made no preparation for a set speech. But I do trust to be able to throw some light upon this question, and to give some information to gentlemen in relation to what is and will be the proper discharge of their duty in relation to this matter. I shall not be able, sir, to equal the fervid rhapsody of my friend from Illinois, [Mr. WARD.] I never was gifted in that direction, and whatever gift of the kind I ever had has been dissipated by the frosts of time. I was never able, sir, to become eloquent like my friend from New York [Mr. TREMAIN] over a plea in abatement, but in relation to the substantial matters, to the principles upon which this case rests, I think I have given them thought and study enough to be able to afford some information to the judgment of men who have examined it less than I have.

I shall discuss this question, sir, in a somewhat different manner from any of the gentlemen who have gone before, because I do not regard the question of the election of 1872 as at all vital here. Whether Brooks was elected or Baxter was elected in 1872 is not the turning point in this case at all. The real question is whether there is anything in relation to the history of and manner of the adoption of the constitution under which the government of Arkansas now is proceeding, and proceeding peaceably and prosperously, that calls upon Congress or any department of the National Government to step in and wipe out a State constitution and a government peaceably organized under it. The committee have reported that at this election of 1872 Joseph Brooks, one of the candidates, a candidate who was supported by the democrats and Greeley republicans, (the man that so commends himself now to my political friends,) received a majority of the legal votes that were cast, and that Mr. Baxter, who was the regular candidate of the republican party, of what was known in Arkansas as the Clayton party, the regular republican organization, at whose head stood Senator POWELL CLAYTON, and next in command Chief Justice McClure, sometimes designated by the profane and unprofessional man as "Poker Jack," was not elected. These gentlemen and those connected with them were the very men who concocted and designed and carried out this fraud that they have dinned in the ears of every republican member of this House.

Sir, great sympathy is manifested for them, and a good many men have come to me and said that their hearts were almost broken with the wrongs of these people, and that although they could not see any way in which to aid them, they almost thought it their duty to overthrow the constitution, to overturn the principles of the government, because these men were cruelly abused by the fraud in the election of 1872. Sir, these are the very men who hatched the conspiracy and carried it out to its completion and fulfillment.

Sir, I remember the other night that in the discussion on another question my friend from Indiana, [Mr. COBURN,] in a very dramatic way, said to us that the lawful and exiled governor of Arkanas had been stalking like a ghost in our midst for the whole winter. What ghosts accompanied him? Who has marched by his side in his gyrations about this Hall? Why the very men who defrauded him out of his election, the very men who cheated in every possible way, who stuffed ballot-boxes, who figured with the returns, who prevented their being sent in, who kept out the vote of three whole counties and the vote of forty or fifty townships in other counties.

These are the men who come here appealing to republican sympathy to help them. Now, gentlemen, those of you who are going to decide this question on party considerations to help the republican party, I beg you to bear this in mind; I do not think it has influenced my judgment upon this question at all; I have not intended that it should. But to those gentlemen who have such tender republican consciences that they feel bound, for the good of the party and for their party friends, to go almost any length, I beg you to look at those party friends. While one of these eminent gentlemen, who has been here in our midst, stalking like a ghost says the gentlemen from Indiana—and perhaps I ought to take pride in saying that he is a gentleman who originally went from my State; it seems he was the special and trusted friend of Baxter; he was the very man who was elected by this Legislature that they say was not a Legislature, that they say was a Legislature got up by fraud and conspiracy, and was never elected—if you happen to look into this matter, you will see that Mr. Senator DORSEY was elected Senator of the United States by this very Legislature. And by a singular coincidence the same ten men who voted against him were the same ten men who voted in favor of allowing Baxter to petition the Legislature. There are some strange coincidences when you look into the history of this case.

Although there were thirty-six men in that house who were elected upon the same ticket with Brooks, yet when he came to petition that Legislature to allow him to make a contest, only nine men could be found to vote even to allow him to make a contest. And when Senator DORSEY'S election came off before that Legislature he received all the votes of that house except ten, and the very same ten who had voted in favor of Brooks.

Now, I am not going to argue the question whether it belonged to the Legislature to decide this question. I have no doubt that under the constitution and laws of Arkansas it was strictly a question for the Legislature to decide and not for the courts; and they decided in the way they did. They refused to allow him to have a hearing at all. That was the only decision they made. I do not think very much of that decision. But I say, and I say so in the report of the majority of the committee which was drawn by me, that if Congress deemed it their duty to go back into that subject and the election of 1872 and who was elected, that was a question of no moment with us; that this decision of the Legislature, made as it was, should be regarded as conclusive by nobody. While gentlemen upon the other side are arguing so stoutly against this decision of the Legislature, they say they have a solemn judgment in favor of this Mr. Joseph Brooks.

Now, I propose to look at that for a moment; not for the purpose of determining whether it has any binding force, because I do not regard that as a question of the slightest consideration, but to see how very honestly the thing was done. This Mr. Brooks made two applications to the supreme court, or rather one of them was made by the attorney-general in his name—the State of Arkansas, by Joseph Brooks, relator. That supreme court did solemnly decide that the question belonged to the Legislature to decide and not to the court.

"Now," said the gentleman from New York, "they never made any such decision; that point was interpolated into their decision by the

United States district judge." I can only answer that by saying that it is utterly untrue. The decision of the court as written out by the judge who delivered the opinion is put fairly and squarely upon the same ground. But when he came to show it to Judge Caldwell, the United States district judge, he told him that the thing could be stated much more tersely and in better language, and he wrote in about six lines the substance of the whole decision which occupied three or four printed pages, and the judge attached that to his opinion. To be sure, it did state the point very much better than it was stated by the judge; but it stated it no differently, except that the judge had used a great many awkward and improper words to express his opinion.

Then there was another decision of the supreme court. A man who was elected auditor, or claimed to be elected auditor, on the same ticket with Mr. Brooks, brought suit in this same circuit court, before this same Judge Whytock, and the application was made to the supreme court for a writ of prohibition commanding Judge Whytock not to entertain jurisdiction of that case.

And that same immaculate supreme court, presided over by this great judicial luminary that I alluded to before, in both these cases solemnly decided that it was a question that belonged to the Legislature alone, and that no court whatever had any jurisdiction over it. After the decision of the supreme court had been made in this case brought by Brooks against Baxter, which was pending before Judge Whytock, one morning, in the absence of Baxter's counsel, the judge pronounced judgment upon a demurrer that had been filed, and there was undoubtedly a prearranged understanding, because Brooks was there present and marched out of the court-house with some good strong men with him, who went as straight as their legs could carry them to the governor's office and led this Governor Baxter out by the ear.

And this is a solemn judgment of a court of supreme jurisdiction, says the gentleman from New York, [Mr. TREMAIN,] this learned lawyer, and ought to be respected in all places and all countries and all times as foreclosing and adjudicating this case, so that that question never can be inquired into. I do not think, Mr. Speaker, that this decision of the Legislature is entitled to any respect, and this decision of Mr Circuit Justice Whytock is entitled to a great deal less.

But, as I said in the outstart, it is a matter of no very great consideration with me whether Baxter or Brooks was elected in the fall of 1872, because if this Government, or any department of this Government, is going down into that State with its troops to wipe out this new constitution, it is a matter of very little account whether Joseph Brooks is set up as the figure-head by the soldiers or whether it is Elisha Baxter. If the question is to be decided in that way, and the National Government, or any department of it, is to assume that power, it is a matter of no consideration with me, it is a matter of no consideration to the people of Arkansas, whether Joseph Brooks is placed at the head or Elisha Baxter. It will be a government that will be upheld by United States bayonets, and just so long as there are enough of them to uphold it it will stand; the moment they are withdrawn it will vanish like dew in the morning.

The ground that the committee take in reference to the matter is that the constitution has been legally superseded, has given place in a legal way and by machinery sufficiently legal to make it stand as valid, to the constitution of 1874. Not a revolution, not a usurpation, but as peaceful a change from one constitution to another as ever took place in Massachusetts, or Vermont, or New York, or Pennsylvania, or any other State.

Now I will proceed to answer the objections that have been raised to the validity of that constitution. I apprehend, Mr. Speaker, that in this country we do not call the formation of a new constitution a revolution; we do not call it an overthrow of the government. The constitution is part of the law of the State; to be sure not a law that the Legislature can touch, but a law that the people can change; and when they change their constitution, in whole or in part, it is no more a revolution of the government than when they change any of their laws.

Mr. BUTLER, of Massachusetts. Allow me to ask you a question. From all the investigations you made as chairman of the committee, have you now any doubt in your mind that Brooks was elected legally by the majority of the votes duly cast in Arkansas at the time when he was candidate for governor?

Mr. POLAND. The committee have so reported. It is true, Mr. Speaker, all the evidence we had upon that subject was evidence given by one side, but we thought, although the evidence was all of a general character, it was sufficient to establish the fact that Brooks received the most votes and was fraudulently cheated out of the office by the friends of Baxter. I have since learned that in the evidence before the Committee on Elections in contests for seats in Congress, the members of which were elected at the same time, a very different state of facts was disclosed. But so far as the evidence was before our committee, it satisfied us that in the election of 1872 Brooks did receive a majority of votes and ought to have been counted in as governor.

Mr. BUTLER, of Massachusetts. You so believe?

Mr. POLAND. We have so reported.

Mr. BUTLER, of Massachusetts. You so believe?

Mr. POLAND. Yes, sir; I so believe. If I had not so believed I should not have said so in my report, for I am not in the habit of reporting any facts I do not believe.

Now, sir, to begin with, the gentleman from Illinois [Mr. WARD] says this Legislature was fraudulent and wrong from the outset. It did appear when that Legislature was assembled, consisting of eighty-two members, there was ten majority of Baxter men—thirty-six exactly of Brooks men and forty-six of Baxter men—that there were a good many contestants on both sides. The Baxter men contested the seats of the Brooks men and the Brooks men contested the seats of the Baxter men, and there was some evidence tending to show these various contestants got together and agreed they were the best men to fill the places on both sides, and mutually agreed none of the contestants should be successful. The Committee on Elections was appointed by the Speaker of the House, who, as my friend has said, had himself his seat contested. It so happened that presiding officer was at that time one of the very men who entered into these same schemes these other gentlemen did, and adhered, I believe, steadfastly to the same side these gentlemen do now. But the committee on elections made a report to the house, and these contested cases all were decided upon the ground of want of notice—that no legal notice had been given in any one of the cases.

Now, Mr. Speaker, precisely how it is we are to take it upon us here, without any knowledge of the facts in either of these cases, to decide any one of these men was not legally elected to the Legislature, is beyond my comprehension of our duty and power.

That Legislature went on. It assembled and legally organized, sat from some time about the 1st of January until some time in April, and during that time, as I have said already, elected a United States Senator, who is now holding his seat. During that session a quarrel sprang up between Baxter and the men who had cheated him in. There are a great many versions of how that took place. The democrats, the men who became friendly with him, their version is that these same men wanted to carry on the swindling practices they had carried on under that State administration for years, and they had so dissatisfied the people that a portion of the republicans had gone over to Brooks. They expected, with Baxter as governor, they would be able to go on and carry out still greater schemes of fraud than they had perpetrated upon the people of the State before, but Baxter interfered and refused to be a party to it. He refused to aid in carrying it out. That is the theory of one side. The theory on the other side was stated by the gentleman from Illinois [Mr. WARD] that he was afraid by some legal means his title to the office of governor would be brought into question and he might have to maintain himself by force of arms, and he wanted to gather about him the party who were the best fighters. I believe that is the theory of the other side. Whichever way it is, whichever one may be true, or whether one is partly true and the other partly true, a quarrel did grow up between Baxter and those who elected, or rather counted him in.

Gentlemen, if you will look into the evidence you will find that in the fall of 1873 the State republican committee, at the head of which was Senator POWELL CLAYTON, issued an address to the people, saying, now the supreme court had made its decision which settled the question of Baxter's right, everything was going on peaceably and lovely. And both of these Senators, Senator CLAYTON and Senator DORSEY, were at the pains to append to that address by the republican State committee a statement, signed by them individually, saying they had the utmost confidence in the integrity and republicanism of Governor Baxter.

But still, according to my friend from Illinois [Mr. WARD] and my friend from New York [Mr. TREMAIN] everything had been wrong and rotten before that; that in the winter prior to that Baxter had gone over to the democrats, and they were hatching up all sorts of schemes of rebellion, of fraud, and were plotting then a revolution, which, says my friend, they afterward successfully carried out.

Now let me say to you, Mr. Speaker, and to my friends, this question about a new constitution in Arkansas was no new thing. By the constitution of Arkansas the appointing power was vested in the governor of every officer in the State, from chief justice of the supreme court down to the township officers. They want a constitution that is republican in form, says my friend from Illinois, [Mr. WARD.] What sort of republicanism in form is it to have a constitution that puts the appointing power of every officer in the State, great and small, takes it away from the people, and puts it in the hand of the governor? How does it operate? Why, sir, Arkansas is as good an illustration as we shall ever get, probably. One of these gentlemen has taken pains to tell you that out of eighty-two members of the House forty and odd of them were appointed by Governor Baxter to various State offices after the Legislature had adjourned and they had voted Brooks out. Is it any wonder that the people of Arkansas wanted a different constitution?

Why, sir, this Rev. Governor Joseph Brooks had been the great apostle of a new constitution. He had gone through the State in that campaign of 1872 like a fiery cross. He was denouncing CLAYTON and DORSEY and all of them, and telling the people if they would elect him governor he would fill the jail so full of them that their legs would stick out of the windows.

Mr. HYNES. Will the gentleman allow me——

Mr. POLAND. I cannot be interrupted.

Mr. HYNES. To correct a statement.

Mr. POLAND. I cannot be corrected. No, sir.

Now, sir, these gentlemen argue as if this question of a new constitution was a new thing, a new revelation, that dawned all at once under the lead of Baxter and the democrats. Why, the very party, the very men that Brooks led were the great apostles in favor of a new constitution. They had been denouncing the old one all through the campaign of 1872.

Mr. HYNES. I deny that. Having made the canvass myself with Governor Brooks, I am able to say that that was not once discussed in the canvass.

Mr. POLAND. There were other defects in the constitution which I have not time to name.

Mr. BUTLER, of Massachusetts, (interrupting.) I understood the time was to be equally divided. The gentleman from Vermont has spoken one-half of the closing hour.

Mr. POLAND. The Speaker distinctly announced that the hour belonged to me.

Mr. BUTLER, of Massachusetts. Undoubtedly; but I supposed you would divide it. So each of the previous hours belonged to the man who got it, and he divided it.

Mr. POLAND. I have an example on that subject which I intend to follow.

Mr. BUTLER, of Massachusetts. No example where I made an agreement to divide with others.

Mr. POLAND. That is not the case here.

So I say, Mr. Speaker, that this question of a new constitution was one that had been in agitation ever since this constitution which is complained of had been in force. There were very great defects in it, one of which was this appointing power; because I believe, although we had no evidence of any agreement between any member of the Legislature and Governor Baxter that he should vote against Brooks, and for that receive an office, yet those two things came in such juxtaposition that I believed it then and I believe it now. I do not stand here to justify Baxter. I have not any too good an opinion of him. But I have got as good an opinion of him as I have of some other gentlemen who stalk like ghosts in our midst.

This Legislature adjourned in April, and these appointments were made very soon after the Legislature dissolved; and the next fall Governor Baxter ordered a special election to fill the vacancies. Well, they say there was something defective about the registration. Now, the reason he gave—it might not be a good legal reason—but the reason he gave was that, by the constitution of Arkansas, everybody who was concerned in the rebellion was disfranchised. But in 1873 the Legislature had passed amendments to the constitution which enfranchised these people. There were probably twenty thousand men who had become legal voters by the effect of this enfranchisement who were not entitled to vote unless they were registered. So, whether Governor Baxter violated the law in ordering a new registration for these men or whether he did not, he certainly had very good reason—good reason in fact, I am not speaking of legal reasons—for having that new registration.

Now there is some fault found about that election. But, Mr. Speaker, there is not one word of evidence in this whole case, there never was a pretense but that every single one of these men was legally elected. The republicans said: "We did not try to elect anybody; we did not run any candidate; we relied upon Baxter's promise that he would not call that Legislature again together at all;" and they did not suppose he would. There is not the slightest evidence—these men having been elected in November—that Baxter ever had an idea of calling this Legislature together or ever would, had it not been for this snap judgment which this Rev. Mr. Brooks obtained and then set up another governor's shop by his side. And when he did call it together he called it together by the assent and advice of the President of the United States. It is a pretty thing, therefore, for gentlemen to get up here and say that the calling of that Legislature together was a fraud upon the people of Arkansas and a fraud upon the republican party. You just look at the executive document that the President sent in last spring, and you will find that when Baxter suggested calling the Legislature together it met the cordial approval of the President of the United States, and is the President of the United States or anybody else now to stand up and say that it was a fraud to call that Legislature together?

But, says the gentleman from New York, [Mr. TREMAIN,] these elections were illegal because vacancies had not been properly declared. The constitution of the State says that a man who is appointed and a man who holds certain State officers is not eligible to sit in the Legislature. The vacancies really existed. Suppose that in order to be perfectly regular the Legislature should have declared the vacancies and given formal notice of them to the governor; is a State government to be overturned because they did not? Why, the argument of my friend from New York reminds me of a story that I used to hear as long ago as when I was a law student, of a justice of the peace before whom a pettifogger appeared and set up sixteen pleas in abatement, and the justice said that not one of them amounted to anything; that there was so many of them that he thought the writ ought to abate.

Well, this Legislature met in accordance with the advice of the President of the United States. Governor Baxter sent out his proclamation convening that Legislature, and they did meet. There are a variety of quibbles about that. They say that if the men newly elected were legally elected there was not a quorum of the old members to receive them, and therefore they could not get in. But in some way they did get in; they were there. And there is another plea in abatement. They say that although the constitution of Arkansas makes the secretary of state the proper certifying officer of the returns of members he had not proper evidence before him, that he took it from the newspaper reports. Suppose he did? If he gave a legal certificate must not there be some evidence that the men were not elected? Did any man appear in the Legislature to contest the seat of any one, or to contest his right to be there?

Mr. BUTLER, of Massachusetts. Allow me a question right here.

Mr. POLAND. No; I cannot be interrupted. I will take care to meet all the points. The gentleman from Illinois [Mr. WARD] said that there were old members of that Legislature who could not get in. There is not a word in the testimony to show any such thing. On the contrary, it is claimed that the members who were Brooks men were brought in by fraud; that it took several days to get a quorum, and it is asserted that the Baxter men resorted to all sorts of devices to get the Brooks men in. Instead of there being any exclusion, or that anybody was kept out, they undertook to show that fraud was resorted to to get men in, and that is all the evidence of improper conduct on the part of anybody in reference to the Legislature. But there was a legal quorum of that Legislature got together. It may be that they came in at the wrong door. It may be that there were a variety of these irregularities that would have subjected the thing to a plea in abatement. I cannot deny that. But the constitution and laws of the State of Arkansas, like the Constitution of the United States and of all the States, provides that their Legislature shall be the judge of the returns and qualifications of their members. If nobody appears before that tribunal to question the right of members to sit there, I take it that it is not to be questioned anywhere else. That Legislature, it is stated, met under martial law.

It is true that when Brooks obtained his judgment and turned Baxter out of his room in the State-house, he gathered all his armed forces there and there were two rival armies, two or three thousand troops on a side; but as soon as President Grant recognized Baxter as governor, (a most sensible and wise decision and one that our committee endeavored to follow to its legitimate results,) just so soon as that decision was announced the troops were dispersed and went home and there was no more martial law and there were no more military lines; and then this Legislature passed the act calling the constitutional convention.

Now, a great point has been made that where the constitution contained a mode for its amendment, no other mode was admissible. But that has been abandoned. It is laid down now by Mr. Jamieson, the only writer upon this subject, that in a case of that sort, where there is a mode of amendment pointed out by the constitution, it is perfectly legitimate for the Legislature to pass an act submitting to the people the question whether they will have a constitutional convention. It is not irregular in the slightest degree; it has been done by a majority of the States of this Union. If this government in Arkansas is to be wiped out, then the governments in New York, and in Massachusetts, and in Illinois are to be wiped out also.

But they say that there were irregularities in the manner of submitting this constitution; that this constitutional convention, instead of taking the machinery that was already provided, undertook to make machinery of their own. That has been done ever and ever so many times in this country; formerly it was the established practice. If I had time enough I should like to have the Clerk read a volume or two of the speeches of my friend from Massachusetts, made in the constitutional convention of Massachusetts, claiming for that convention altogether broader powers than were exercised by this constitutional convention in Arkansas. The convention provided the machinery that everybody supposed was legal.

Why, sir, in Pennsylvania, in the very case which has been cited here, the constitutional convention containing some of the most eminent lawyers in the whole country, supposed they had the right to do this same thing. The supreme court of the State said it was irregular. But the people down in Arkansas had not become so learned or wise but what they supposed the constitutional convention could frame the machinery for submitting the constitution to the people.

When this question was submitted to the people whether they would have the constitutional convention or not, 80,000 of them against 8,000 voted that there should be a constitutional convention. And when they had framed that constitution and submitted it to the people to be voted upon, they ratified it by a vote of 78,000 to 24,000. Mr. Garland was nominated for governor, with a full ticket of State officers, and received between 76,000 and 77,000 votes, and no votes were given against them. All officers of the government, Governor Baxter and the men who held subordinate offices under him, yielded up their positions quietly to their successors under the new constitution. There was but one government in the State before; there has been but one government in the State since.

Everything has been going on as quietly and peaceably since that time as, and more so than, it ever was before in the State of Arkansas. Since Garland came in as governor of that State it is just as peaceable and quiet as the State of Massachusetts. Not a single instance has been shown of violence since the calling of this constitutional convention except that there was one Ned Abe killed. The whole circumstances show that he had nothing to do with politics in any manner or form, nor had politics anything to do with his being killed.

When my brother WARD was down there taking testimony in July, I believe, a fellow snatched a pitcher of ice-water away from his boy and struck him with his shoe, and my colleague deemed it an important fact to be placed in evidence. But I was down there in November, and I am happy to say on this floor and in the presence of this House and of this Union that the boy was alive and well then.

There is not a particle of evidence, not a scintilla of evidence in this case, that there was a single fraudulent vote cast at either of these elections. There is not a particle of evidence that any single man offered to vote or wanted to vote who did not have an opportunity to do so. But, says my friend from Illinois, the air was full of terror, there was a great cloud of terror resting over the whole State of Arkansas and everybody was under it.

Mr. WARD, of Illinois. You thought so then.

Mr. POLAND. Why, sir, it is the purest piece of fancy that was ever invented; not a particle of truth in it. I know my friend from Illinois is a man of vivid imagination. He easily brings himself to believe anything that he wants to believe. But, as a sober matter-of-fact man, I say that there is not one word of truth in it.

Now what are we asked to do? Here is one government; there is not a vestige, not a shadow of any other government in Arkansas except what we have here. Whatever there is of any government in Arkansas in opposition to the Garland government, we have right with us. It is at present with us as the poor were with the disciples. We are asked to say to the President that he is to wipe out this constitution, and all the officers from governor down to township officers; the whole thing is to be overthrown and he is to send his Army down there and set up a government.

Mr. BUTLER, of Massachusetts. Or let up a government.

Mr. POLAND. Have we any right to do this? I am not going into any disquisition about the respective powers of this Government. I am one of those who believe that in the sphere of the National Government, with those national concerns that have been intrusted to the National Government, the National Government is supreme; it can reach every man. I believe nothing in this old fallacy about this being a partnership of States. The National Government, to the extent of the powers intrusted to it, is a government over every man in this Union, and it may reach every man personally and individually.

Upon the other hand, within that range of powers reserved to the States (and this includes all the range of local government) there power is just as supreme, just as clearly beyond the interference of the National Government as that of the government of Great Britain or of France. And if this nation is to remain intact as a nation, this wise balance of power that our forefathers established must be preserved. We went through a great war to preserve the national life, the national authority, the national power. That is complete and perfect. But it is just as indispensable to the life of this nation, to its perpetuity, that we preserve intact and inviolate the power that has been reserved to the States as that the national life should be preserved. Why, sir, already we cover half the continent of North America; and if we hold together it will not be very many years before we shall probably possess all or nearly all of it. How can this National Government take care of the domestic concerns of the people—their local government? If everything is to be centralized, if everything is to be brought under the hammer of the National Government, so that whenever we please we can put down a State constitution or a State government, farewell to the existence of this nation.

I know the strength of party feeling. I am a party man myself. I never pretended to love my political opponents as well as my political friends. I could always make myself believe they were better men; that they acted upon better principles. But I never could carry my party attachment so far as to be willing to overturn the Government to accommodate my political friends; and certainly if there were any of them that I ever knew that I wanted to do it for, I do not think I should select the particular individuals that are concerned in this case.

I know perfectly well the appeal that has been made to every individual member upon this floor. I have not sat here for the last two months without seeing these ghosts that have been mentioned stalking about this House. I have not failed to hear and see what has been going on. How far these things have influenced the partisan judgments of members I do not know; it is not for me to say; the result of this vote will determine that. But I do appeal to gentlemen upon this floor to look at the consequences of doing what they are asked to do. If men are only actuated by party and partisan motives, then I feel that I can appeal to them. If there is anybody on this floor who is actuated by a baser motive, I do not appeal to him. To any man whose judgment can be influenced by a consideration lower and baser than mere partisan affection and party affiliation, I have no appeal to make. Such men have no right here.

Mr. Speaker, this is undoubtedly the last public political act I shall ever be called upon to perform. After a public life of somewhat unusual length I am about to retire to private life, never again, I presume, to occupy a public position. I never expected to be called upon to confront so monstrous a doctrine as is advanced here. I never supposed that if I lived to the age of Methuselah it would ever be my duty to combat so monstrous, so dangerous a doctrine as that which this House is called upon to establish in this case. But the occasion has arisen. It has fallen to my lot, feeble advocate as I am, to make my protest at least against this doctrine. I am actuated by no other feeling than regard for the welfare of my country and a desire for its future prosperity. I have the same stake in the country that the people generally have. I have children and grandchildren, who I hope are hereafter to inherit their share in this country, and I desire it preserved for their sakes.

For myself, I am influenced by no wish to win a personal or party triumph in this matter. If there had been any reasonable and fair ground upon which I could have obliged party friends, I should have been as delighted to do it as anybody. But I could not go to any such length as we were called upon to go. Therefore, although I have been charged in a variety of quarters with making a pretty long advance and stride toward the democratic party, yet if I never get any nearer to it than trying to preserve inviolate the Constitution, I do not think I shall ever reach that much to be desired goal.

The SPEAKER. The time allowed for debate has now expired.

Mr. WARD, of Illinois. I desire to ask that the gentleman from Florida [Mr. WALLS] have leave to print in the RECORD a speech on this subject.

There was no objection. (See Appendix.)

The SPEAKER. The Clerk will read the resolution of the committee, and also that of the gentleman from Illinois, [Mr. WARD.]

Mr. HYNES. Mr. Speaker, I do not want this case to go off upon a misstatement of its facts, nor determined upon a misapprehension of the principles which it involves, as it certainly would if the judgment of the House were made up from the speeches of the gentlemen from New York, Ohio, and Vermont, [Messrs. SCUDDER, SAYLER, and POLAND,] of the majority of the committee. In listening to the speeches of the first two named, I found it impossible to reconcile them with the report which they have joined in making to this House over their signatures, as the major portions of their speeches were occupied in an effort to controvert what they concede in their report—the better right of Brooks than Baxter or Smith to the office of governor of Arkansas. See page 14 of the majority report, where they say:

> The claim of Smith to the office of governor appears to be subordinate to that of Baxter, *and both to the better right of Brooks.*

But I not only have their own authority for disposing of their arguments here to-day insisting upon the better right of Baxter, without further comment, but I have also the authority of the chairman, [Mr. POLAND,] who dismisses all the State adjudications, whether by the Legislature or the courts, as unworthy of any consideration whatever, and agrees with them in their report as to "the better right of Brooks."

Were it not for the character of speech to which we have been treated by the gentleman from Vermont, [Mr. POLAND,] I should be satisfied with making a few arguments in response to the speeches which have been made upon the other side, correcting their misapprehension of important facts, and presenting as best I may in my feeble way the true issues of this controversy. But the gentleman has seen fit, instead of elucidating and discussing the vast principles at stake, to address himself chiefly to characterization and personal obloquy based upon gross misrepresentations, gratuitous and wholly outside the record, and distinguished by the spleen and acrimony which ever characterize the proselyte in a cause. That this should have been deemed necessary and seemly by the chairman of the committee, whose usual manner is so "childlike and bland," has no doubt surprised the expectations of many, but it is no more remarkable than the fact that the distinguished gentleman should have drawn his conclusions from things not in the evidence, but from things outside of it; from light received not in the investigation of the case, but since the investigation was closed. Yes, Mr. Speaker, even since the arguments before the committee were closed. For that he has about-faced in his conclusions as to the facts, the law, and the public policy in this matter is a fact within my personal knowledge and known to a dozen persons now in this city.

In justice to the history of this important case and for the information of those who may confine their inquiry regarding it to the discussion here, I shall, before attempting any argument, give a brief summary of the facts of its history. Brooks and Baxter were the rival candidates in 1872 for the office of governor of Arkansas of rival factions of republicans. The contest was a local one, and to secure the support of the "liberal republicans," "conservatives," and "democrats" the electoral ticket was pledged to the support of Mr Greeley. The "conservative democratic" convention met and made no nominations, but adopted the "reform republican" or Brooks platform and adjourned, with the understanding that they were to support the Brooks ticket, after a severe contest in the convention and triumph over the Bourbon democracy, who were in favor of Mr. Greeley but opposed to Mr. Brooks. But this democratic minority never loyally submitted nor supported the action or purpose of their convention. They intrigued with the supporters of Baxter, as will be seen by the testimony of Judge McClure, Smithee, editor of the democratic paper, and General Newton, afterward Baxter's general-in-chief, meeting acting Governor Hadley at the residence of Judge McClure for the purpose of effecting some arrangement mutually agreeable.

Mr. Brooks was nominated in May, the democratic convention was held in June, and on the 1st of October, months after, these democratic politicians had reached such an understanding with the promi-

nent supporters of Baxter that they brought out, through the machinery of three persons calling themselves the "liberal republican executive committee," what was known as the Hunter ticket, for the purpose of dividing the supporters of Mr. Brooks, and thereby securing the election of Baxter. Nearly all the prominent supporters of Baxter in his late war with Governor Brooks, and who are the present prominent supporters of the Garland government, appeared then in a card, urging the support of the Hunter ticket.

I state these facts to show that these Little Rock democratic politicians were early and constant in the conspiracy to prevent the accession of Mr. Brooks to power. But the masses of the people were devoted more to the cause of reform than to any set of politicians, and they stood by the reform ticket, indignantly denouncing the Hunter movement as base treachery to their cause. To the lasting credit of the people let it stand that they refused to follow such treacherous leaders or confirm their vile trading of political opportunities, and responded to the action of the Gazette and the Little Rock politicians by burning the former upon the public squares in various towns and cities and denouncing the action of the latter as a corrupt betrayal. The Hunter Bourbon ticket lived but eight days before the wrathful indignation of the masses, when it ducked its head beneath the popular flood and was seen no more.

But the Bourbon coterie had shown their hand, and it had been seen with the assassin's dagger in it for the reform movement, and while from the first they did not believe their personal and political advancement were identical with the success of that movement, after this attempt upon its life under no circumstances could they now afford to have it win. Thus feeling assured of the sympathy of the Bourbon leaders, the supporters of Baxter felt encouraged to commit all kinds of frauds to secure the defeat of Brooks. But with all the frauds in registration and election, covering thousands of votes, the returns showed Mr. Brooks elected. But by further fraud and conspiracy between those whose duty it was to return the vote of the election and those whose duty it was to receive and count the returns and certify the result, only a partial count of the returns was made, by which a false result favorable to Baxter was shown; and all this not by any discretion vested by law in any of these officers returning or canvassing, but arbitrarily and fraudulently in direct violation of the constitution and laws of the State.

Upon this pretense Baxter was put through the forms of inauguration into the office of governor, and recognized by a Legislature thirty-five members of which in both houses of the General Assembly held their seats in defiance of the constitution by the same arbitrary and shameless violations of law which secured the result for Baxter.

In this manner was this outrageous usurpation of Baxter originally inaugurated. Time will not permit me to go into its details: how returns from some counties were suppressed in the office of the secretary of state; how the original returns were sent back to several counties because they showed Mr. Brooks's election, and false and fraudulent returns ordered to be substituted in their place and which were finally counted in their stead; how copies of the fraudulent returns were *borrowed* for some counties for the occasion of the count, and so on to the end of the chapter. It would be interesting to trace the combination and identity of interest between Baxter and the thirty-five fraudulent members of the Legislature in sustaining the outrage by which they were together inducted into office, and show how it was contrived; to dwell upon the incident of Baxter's interview with Martin and his affectionate pressure of Martin's hand when told how the false could be substituted for the true returns from Randolph County; Baxter's computation of the count necessary for his inauguration, as shown by the testimony of Colonel Hill. All this, and a variety of other details equally interesting which I have not time even to mention, will greatly illuminate the mind of any member who will read the testimony as to how a government may be instituted against the will of a large majority of the voters and without the knowledge or sanction of the constitution or laws of the State.

Now the time had come when Baxter's success depended upon the influence of his Bourbon allies. Two-thirds of the duly elected members of the Legislature when the time came for them to meet were to ignore the Baxter usurpation and recognize Governor Brooks, and thus make a case for Federal action under the guarantee section, which they thought would probably eventuate in the recognition of Governor Brooks. They negotiated through Smithee, the editor of the Gazette, as shown by the testimony of Smithee and others, that in consideration of certificates of election to be issued by Baxter to Colonels Gause and GUNTER, the democratic candidates for Congress in the first and third districts, they would induce a sufficient number of the democratic members of the Legislature to go into the Baxter legislature to give it a quorum of duly elected members and break a quorum of the Brooks legislature. Accordingly seventeen of them entered the Baxter legislature.

Whether Baxter ever promised to issue the certificates to Gause and GUNTER, or whether the statement was a mere ruse of the Bourbon politicians to secure the co-operation of those members who were friends of those gentlemen, with nothing more in it, I am not able to say. Smithee swears he did so promise, but if he did, he never fulfilled his part of the trade. But the intrigue proved successful so far as the main purpose of the Bourbons was concerned, which was the defeat of the Brooks or reform movement; their anxiety for which we can the better understand when we bear in mind that they already bore the relation of would-be assassins to that movement. Thus by corruption, chicanery, and treachery the Bourbon politicians of Little Rock, in collusion with Baxter and by the betrayal and desertion of a number of the democratic members of the Legislature, the people were defeated at that time in their effort to secure the government of their election, and prevented from making the issue then before the only tribunal left to them which could afford a peaceable remedy—the Government of the United States. That such a remedy could be found for such a case I cannot stop in the midst of this epitome to argue.

It was before this Legislature, whose majority was thus made up of thirty-five men who held by the same title of usurpation as Baxter himself, and seventeen or twenty democrats who betrayed the reform cause and deserted to Baxter, that Brooks was invited to contest his right. For months the farce of going before usurpers and political traders for the vindication of constitutional government and popular elections was apparent. But at length, when the unholy alliance seemed dissolved and the rogues appeared to have fallen out among themselves, he was persuaded to present his petition to the Legislature, setting up the facts of his election and Baxter's usurpation, and asking that he be permitted to prove them. But the power of patronage and the selfish, unprincipled influence of the Bourbon politicians were more potent in controlling their action than the great equities of his case or their oaths to support the constitution, which gave him the right of trial there, and they refused him his constitutional right to contest; his right to a trial of his cause—even the poor right to be heard. Of this the committee say in their report:

> The singular unanimity of this vote can hardly be accounted for except upon the supposition that there was some connection between this vote and the appointment soon after by Baxter of more than forty members of this Legislature to various offices in the State.

And yet this is what the gentleman from New York [Mr. SCUDDER] and the gentleman from Ohio [Mr. SAYLER] urge upon us as a final adjudication by the proper tribunal of the State, which concludes everybody on the subject—Mr. Brooks, the State herself, and the United States. Here, again, I leave them to reconcile their speeches with their report and with the opinion of their chairman, who treats this "adjudication" as not worth consideration.

Having thus bribed the legislative tribunal and supplemented and supported usurpation by bribery and corruption, we are somewhat prepared for the measures which he adopted when the State herself sought her remedy by *quo warranto* in the supreme court. Without dwelling upon many interesting features of that proceeding showing his willingness to corrupt the court, as shown by the testimony, sufficient for this narration that he garrisoned the State-house in which the court was held with the most desperate spirits of the democracy, men who, as he told Major Harrington, were willing to resist the process of the court and shoot down its officers and be glad of an opportunity. The understanding was given out that if this decision were adverse to his claims he should proclaim martial law and arrest the court. By his own testimony he had a proclamation of martial law in his pocket ready to fulminate in case the court should assume jurisdiction of the case. Is it surprising under these circumstances that the court should deny the attorney-general leave to file a motion for a writ? For that was all that was decided in that case; and months afterward the opinion was filed as a "put-up job," if you will allow the expression, to meet his further requirements in this case, signed by one of the three old judges and two new judges, whose right to sit upon the case grew out of the same fraud and usurpation on which Baxter's own title rested. The gentlemen on the other side quote this "decision" by the supreme court in support of Baxter's claim, as though it were worthy of any consideration at our hands.

Next came the adjudication of the circuit court, which decided that Mr. Brooks was the lawful governor and upon which he took possession of the office and was recognized by all the officers of the State, (except the secretary,) including all the courts.

Although this was the only adjudication of the case ever had, I deem it unnecessary to discuss the force of this decision, as the committee agree in their report, page 5—

> Should Congress conclude that the National Government has a duty to perform to the people of Arkansas in guaranteeing them a republican form of government, and in performing that duty it becomes important to know who was elected governor in 1872, they would hardly feel estopped from finding the truth on account of any adjudication it has received.

Taking this, in connection with the "better right of Brooks" on which the committee agree, it would be supererogation on my part to go further to establish the "better right of Brooks" to the office of governor if the government of which he is the legitimate head has not been superseded by the Garland government.

Let me then briefly give the remaining facts of this case and how it comes to be here. The success of Mr. Brooks in finally gaining the position to which he had been so overwhelmingly elected was hailed with gratulation by the best elements of both parties throughout Arkansas. But the Bourbon democracy rebelled and forced Baxter to resistance. The State capitol became a military camp. Both sides applied to the President for recognition. While matters thus stood this House inquired of the President about it. He sent in all the information he had upon the subject, and the House referred it to the Judiciary Committee. But while it was under consideration there the situation in Arkansas became threatening; the direst conse-

quences were imminent; and the President was forced by this imperative situation to decide the case *prima facie* before Congress had time to inquire into its merits, and he recognized Baxter. But, Mr. Speaker, while humanity and order required the prompt decision of the *prima facie* case by the President, justice and the spirit of the Constitution required that the Government of the United States should discharge its full duty by inquiring into and deciding the case upon its merits. Accordingly the Judiciary Committee, to which the matter had been referred, reported a resolution to the House, which was adopted May 27, 1874, twelve days after the President's proclamation recognizing Baxter, appointing a committee of five to inquire into the full merits of the question and report to Congress.

I have thus far summarized the facts up to this point in the history of the case as shown by the testimony taken before the committee, and as to the merits of the case up to this point the committee are unanimous in their report, if not in their speeches, on the "better right of Brooks" to the office of governor.

But, Mr. Speaker, what next do they find and report? It is what follows that presents to us a constitutional issue of the greatest magnitude, and one on which our most illustrious statesmen, I am glad to find, whether North or South, have been all upon one side.

The Bourbon Baxterites, knowing that their title would not stand investigation, and borrowing a lesson from the plunderer who burns to the ground the house which he has robbed in order to destroy the evidence of his theft, conceived the idea of destroying the constitution and tearing down the whole structure of the government and erecting upon its ruins a brand-new revolutionary government in its stead, which programme has been consummated in the Garland establishment.

When Brooks took possession of the State-house in April, 1874, it was during the vacation of the Legislature, each house organized and having a quorum. A few days after he was ousted of his office Baxter issued a call for the Legislature to assemble in extraordinary session on the 11th of May. There was at the time two allegiances, in fact, one allegiance to Baxter, the other to Brooks. A full senate consisted of twenty-six senators and a full house of eighty-two members, fourteen senators constituting a quorum of the senate and forty-two members a quorum of the house. Of the quorums existing of both houses at the time, not more than nine senators and twenty-four members, I believe, ever appeared at the extraordinary session, the others refusing to recognize Baxter's call or declining to sit within his military camp by the favor of his pass.

But in order that we may understand how Baxter supplied the deficiency of his rump legislature and made up a quorum in numbers if not in members, we shall have to go back some months prior to this occasion. In harmony with his unbridled career of usurpation he assumed to declare over forty vacancies in both houses of the Legislature. To show the character of this usurpation let me cite two instances in the senate. He declared the seat of Mr. HODGES, who had been elected to Congress, vacant months before he took his seat in this body, and without any resignation or color of authority for so doing. He declared the seat of Senator Caraloff vacant on the ground that he had removed from his district, because he had accepted a clerkship in one of the Federal Departments, when everybody knows that a clerkship in one of these Departments does not necessarily disturb a citizen's political residence, and when we know as a matter of fact that many of them go home to their respective States at every election to vote.

But without dwelling upon this usurpation so dangerous and repugnant to representative government—the assumption of authority by the executive to declare who are and who are not members of the Legislature—let me proceed to show the utter lawlessness with which he followed it up. He ordered a new election to fill those vacancies. The law provided for special elections to fill vacancies. If vacancies existed they must be filled according to law. The election laws of the State provided for the appointment of judges of election before each *general* election, and provided further:

SEC. 6. The judges of election appointed as aforesaid shall continue to be judges of *all elections* within their respective election districts *until the next general election.*

SEC. 7. If the county court shall fail to fix a place at which elections are to be held in any election district, or the board of registration fails to appoint judges of election, or those appointed fail to act, it shall be the duty of the sheriff to fix a place for holding the elections, and the voters, when assembled, may appoint the judges.

So that it will be seen that the terms of office of the judges of election were fixed by law, and as much beyond the reach of the governor as those of any officer of the State. And what class of officers was it more important to have beyond executive control? But, in keeping with his customary usurpation, which now had become his rule of action, he set aside the election laws of the State, ignored the officers and machinery of elections by law existing, and set up machinery and officers of his own creation. Such an election was of course ignored by the people, not more than 10 per cent. of them participating, the republicans disregarding it altogether. Indeed in several of the counties in which the election had been ordered no votes were cast or returned at all. Into no legislative body in the world, I venture to say, having the slightest regard for its character and law, would such claimants be admitted as members. Indeed none of them seems to have expected any such result, for not one of them had possessed himself of any credentials whatever. With this crop of usurpation did Baxter supply the deficiency in his rump legislature and eke out in numbers what he lacked in members to make a quorum.

And here let me correct a mistake into which the committee have fallen by getting our statutes confused, lest it may mislead the House as it has the committee into a vital error. On page 9 of their report they say:

The new members in both houses were admitted on the certificate of the secretary of state to a list furnished by him to each house, which appeared to be the *prima facie* evidence to a right to a seat by the law of the State. The new members were admitted to seats and sworn without a question, and no other persons appeared to claim the seats occupied by them.

The list of the secretary of state was *not* "the *prima facie* evidence of a right to a seat by the law of the State," nor any evidence at all of the right to fill a vacancy in an organized Legislature. The list of the secretary of state of Arkansas is analogous to the list of the Clerk of this House upon its organization. It is *prima facie* evidence of the right to a seat in this House until it is organized, and to partici pate in its organization when we first assemble. But who ever heard of it being introduced as the credential of anybody to fill a vacancy after the House had been organized! But a few weeks ago we saw the gentleman from Illinois [Mr. FARWELL] present the credentials of his colleague [Mr. CAULFIELD] to fill a vacancy, not in the form of a roll from the Clerk, but a certificate of election from the proper officer of his State. The law of Arkansas is as follows:

SEC. 54. It shall be the duty of the secretary of state, on the *first* day of each *regular session* of the General Assembly, to lay before each house a list of the members elected agreeably to the returns.

But when they came together in extraordinary session the secretary of state and his list had no more to do with the filling of vacancies in the Legislature than the Clerk of this House and his list had when we assembled for the second session on the first Monday in December last, when we had a number of vacancies in our body. I might say, if it would not disturb his dignity, that it had no more to do with the Legislature than the gentleman from Vermont and his wash-list would have. The *prima facie* evidence for such a case would be found under the following section of the statute:

SEC. 43. It shall be the duty of the clerk of the county court to furnish each person elected a member of the house of representatives in the General Assembly from his county a certificate of election under his official seal.

This certificate none of them had. They were taken in by the twenty-four members of the house and the nine members of the senate of Baxter's following without any credentials whatever, and without a particle of evidence, *prima facie* or other, that they had any right there; and in point of fact, as I have shown, they had no more legal right to seats in the Legislature than any other citizens of Arkansas.

Nor is it candid in the committee to report that "the new members were admitted to seats without question" when the evidence shows that there were none present to "admit" or "question" them except the supporters and co-operators in Baxter's usurpation. But, say the committee, with equal candor, "No other persons appeared to claim the seats occupied by them." Certainly not, if vacancies existed which had not been legally filled; and where vacancies did not exist the rightful members would not recognize the authority of Baxter who called it or the validity of the body thus convened, and hence were they uncontested as the committee must know from the testimony.

But, say the committee, because the constitution makes each house of the General Assembly the judge of "the qualifications, election, and returns of its members" they therefore "regard all questions made as to the validity of the election of the new members and the regularity of the organization as covered and concluded by the action of the Legislature itself." This would certainly be true if twenty-four members constituted the house of representatives and nine senators constituted the senate of the Arkansas Legislature, or if such number of members belonging to each house can combine with enough other persons to constitute the number of a quorum who are not certified elected by anybody, bearing no credentials from anybody, and having no right from any election to a seat in either body, can call itself a Legislature. But as nobody would insist upon either of these propositions, therefore nobody will hold, in the light of these facts, that the Legislature of Arkansas ever said or did anything regarding this matter, or that the Legislature of Arkansas ever met in extraordinary session at all.

This body, known as "Baxter's extraordinary," assembled under martial law, sat under martial law, and adjourned leaving martial law in force. Conscious of its own usurpation, as well as Baxter's, they commenced their distinguished career by impeaching the judges of the various courts by the batch, from the supreme court down, all who would not join in their usurpation or bow to it without taking any evidence or asking for any, and then assuming the power to suspend their functions, adjourned without giving them trial. This was "Baxter's extraordinary," which passed the act for the constitutional convention, of which the committee say, on page 11 of their report, "It is plainly an evasion of the constitutional requirement of registration," a destruction of the constitutional requirement of "the secrecy of the ballot;" and, say they:

If this question was raised before a judicial tribunal to determine the validity of the act in a suit between private parties, *it would necessarily have to be decided unconstitutional.*

So fully were they conscious of the unmitigated usurpation and lawlessness of their course, that they took pains to admonish even the courts of their own procurement in no manner to test their proceedings or anything which might flow from them by the touch-stone of the constitution or law. But on this subject I will let the committee speak for me. I read from page 12 of their report:

The house of representatives preferred articles of impeachment against the judges of the supreme court and other State officers, (except some who resigned to escape impeachment,) and also passed a law suspending all officers under impeachment from official service while impeachment proceedings were pending. Governor Baxter thereupon filled the places of judges and State officials by *ad interim* appointments. This judiciary might have been supposed to be reasonably safe, but the Legislature, on the 28th of May, 1874, passed an act, the first section of which provides "that all judges of this State are prohibited from issuing any writ or process whatever, or taking any action, or assuming any jurisdiction in, or about, or in connection with, the election provided for in the act to which this is supplementary and amendatory, except in so far as may be necessary for the preservation of peace and order and to secure the holding of such election: *Provided, however*, That the provisions of this section shall not be construed so as to amend, or in anywise impair, the jurisdiction of criminal and circuit courts, as specified in the act to which this is supplementary and amendatory.

This act effectually closed the door to all remedies by judicial action to restrain proceedings under and in the manner provided by the Legislature and by the convention. Nothing can, therefore, be claimed in their favor on the ground of acquiescence or waiver of anything irregular or illegal by not attempting to stop it or by allowing it to proceed.

In this manner was brought forth what they were pleased to call a "constitutional convention." This in turn followed up the revolutionary programme, passed its own election laws, appointed its own election officers—under which its work was submitted to the people—and followed the example of "Baxter's extraordinary" in ignoring the constitutional requirements of registration and a secret ballot. To these proceedings and the election under them, by which it is claimed the Garland government has been elected and the new constitution adopted, the committee say: "Any objection would lie that would be available against the act of the Legislature." "But," say they, "the objection against this action of the convention goes much deeper than to the action of the Legislature," for "this convention had no legislative power whatever."

The committee continue on pages 13 and 14 of their report:

Although there has been great diversity of opinion and practice by such conventions formerly, we think it must now be regarded as settled that no legislative power is inherent in such conventions, and none can be delegated to them by the Legislature. (Jameson on Constitutional Conventions, 387; Wells *et al. vs.* Election Commissioners—Pennsylvania case.)

The convention might doubtless have fixed a time for the election, and made any other mere regulations in regard to it, but if they submitted it to the people for ratification they should have done it under the existing law, and to be conducted by the existing officers of the law.

There was an existing registration, there were existing officers of registration and election, and the convention had no power to displace them and provide others.

In the Pennsylvania case above cited, the convention provided for a new board of election officers in the city of Philadelphia to superintend the election. On application to the supreme court, they enjoined the new officers, and unanimously decided that the convention had no power to create them, and that the election must be conducted by the officers provided by law.

This case seems exactly to apply to the action of the convention in this case, and if application could have been made to a proper court, the same result would have been reached in the same way.

We have then, Mr. Speaker, the following cardinal points of unanimous agreement among the committee, in their reports, upon which to base our discussion of the principles, which they present:

First. The election and "better right of Brooks" to the office of governor of Arkansas; and that we are not estopped by any adjudication which that question has received from so declaring, if we conclude that Garland is not the governor.

Second. That the act providing for a constitutional convention and the election under it were in conflict with the constitution, and therefore void and of no legal effect.

Third. That the election for the Garland government and the new constitution was without constitutional or even legislative warrant, but on the contrary unknown to and in violation of alike the constitution and laws of the State.

Fourth. That the people and authorities were cut off from all legal recourse and remedy in the State by the inhibition or suppression of the courts.

Fifth. That nothing can be claimed in favor of those proceedings "on the ground of acquiescence, or waiver of any illegality, by not attempting to stop it or by allowing it to proceed," and that no one could have tested the question "without great danger to his life, and therefore ought not to be treated as having surrendered any right by acquiescence." (Majority report, pages 12, 14.)

I have already exposed the mistake of the committee arising from a confusion of our statutes as to the organization of "Baxter's extraordinary legislature," and what constituted evidence of a right to a seat in the General Assembly, *prima facie* or other, and have shown, I think, conclusively, that "Baxter's extraordinary" is no more entitled to consideration as a Legislature than his body-guard of militia.

What have we got, then, to confront the right of Brooks? "Baxter's extraordinary," a body without authority, orders an election outside of and unknown to the constitution or laws of the State, and in a manner in conflict with them, for a convention which assembles. This convention in its turn orders an election for a new government and submits a new constitution for adoption at said election, it is agreed, without constitutional or even legislative warrant or authority, but in conflict with the explicit requirements of the constitutional and statutory law of the State, and all without participation by the supporters of the Brooks government but ignored by them as void. On this election the Garland government is inaugurated. This is its title deed, this its claim.

If the committee believe as they report that this convention could exercise no legislative power whatever, how do they discover that the Garland government was elected? Could their proclamation for an election and the rules and officers which they appointed for its management have any more force or effect than the same emanating from a political convention? For the committee say one has as much legislative power as the other—none at all. Hence there could have been no election for a government under those circumstances on the 13th of October last; there was no election for a government and there was no government elected on that day in law. I ask, under what law was it elected? The committee answer me, under no law. Under which constitution, the old or the new? Under neither. Certainly not under the old, and as surely not under the new; because the election for the Garland government took place on the 13th of October while the old constitution was the unquestioned law of the State, and two weeks before the new constitution became the law according to its own provisions. And I call attention to the fact that this election was not even made contingent upon the adoption of the new constitution, but was ordered in the exercise of that plenary power which was claimed by the convention and which they held to be supreme, above all law; that they were a law unto themselves—unto the government and the people of the State; indeed that they were the people, as it were, gathered together in one place and the embodiment of all sovereign power unrestrained by constitution or laws, and whose mandate was sufficient warrant for anything. This being the case, it was not deemed necessary to make the Garland government contingent upon the adoption of the new constitution; indeed they were not so much after a new constitution as they were after a new government. So we should have had the new Garland government whether the new constitution had been returned defeated or adopted; for Garland had it all to himself, just as Dorr had in Rhode Island—no one having run against him—the republicans ignoring the proceedings as void.

Suppose the convention had simply ordered the election and not submitted or framed any constitution, or had submitted it at some subsequent time, what right would the persons elected at such election have acquired to the offices for which they were candidates? Precisely the same right which the Garland government acquired at the election held on the 13th of October—held under neither constitution and under no law but such law as the convention could give, which the committee agree was no law at all.

That I may not be thought to be overstating the principle upon which the Arkansas convention acted and on which this Garland government rests, let me give two or three illustrative facts which will make it clear. Acting upon this conception of its powers, one of the first acts of the convention was the assumption of power to appropriate to its own use the school fund of the State, which the constitution held sacred to school purposes. They abolished by order of the convention the constitutional office of lieutenant-governor and also the constitutional office of superintendent of public instruction. Of course, if they could thus wipe out, not by amendments to the constitution, but by their simple fiat, constitutional offices, they had the same power to create them to the extent of a full new government, and select them by popular election or elect them themselves, as they might choose.

Here, then, is the principle on which this new government rests: a claim based upon an uncontested popular election, held without any authority of law, but in defiance of the constitution and laws of the State, upon the authority of a convention created in precisely the same way. It is for us to say here and now, as the highest tribunal in the land to which the question can be presented, whether this is our theory of government; whether this principle is to be accepted or rejected from our American system; whether a majority of the male adults constitute the sovereign State, or whether it is all the people acting under constitutional warrant through the modes and channels which they have agreed upon for their government, and bound to act within the restraints of their constitution and laws.

The correct determination of this question, Mr. Speaker, involving as it does the most vital and important principles—as I believe the great conservative force—of our system of government, in harmony with the Constitution and in consonance with the spirit of our American institutions, is of far greater moment to the country than the possession of the offices by any set of persons, and transcending in its results all personal or party consequences, or any consideration whatever transitory in its character. In this spirit I hope and believe I have approached this case, and shall cast my vote with a full sense of our solemn responsibility.

But, Mr. Speaker, this doctrine of the Arkansas convention and of the Garland government is not new in this country. If it were either new or local, we might contemplate it without alarm. It was asserted in 1786, by the Shay rebellion in Massachusetts and by two-thirds of the people of Rhode Island in the Dorr movement of 1842. It has been advocated by jurists like Judge Wilson, it has been enthusiastically urged by no less a statesman than George M. Dallas, and I judge it is not without the respectable support, to some extent at least, of the majority of this committee, although their speeches rather concealed than presented the issue in this case.

Justice Wilson, like the honest man that he was, goes squarely to the logical conclusion of this principle, and declares that—

A *revolution* principle certainly is and certainly should be taught as a principle of the Constitution of the United States and of every State in the Union.

George M. Dallas, in a letter to the Pennsylvania convention on the subject of its powers, thus glories in its unbridled sovereignty:

A convention is the provided machinery of peaceful revolution. It is the civilized substitute for intestine war, the American mode of carrying out the will of the majority, the unalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper. When ours shall assemble, it will possess, within the territory of Pennsylvania, every attribute of absolute sovereignty except such as may have been yielded and are embodied in the Constitution of the United States. What may it not do? It may reorganize our entire system of social existence, terminating and proscribing what is deemed injurious and establishing what is preferred. It might make our penal code as bloody as that of Draco; it might withdraw the charters of the cities; it might supersede a standing judiciary by a scheme of occasional arbitration and umpirage; it might prohibit particular professions or trades; it might permanently suspend the writ of *habeas corpus* and take from us the trial by jury. These are fearful matters, of which intelligent and virtuous freemen can never be guilty.

Such is the theory with which we are confronted in this case; on this doctrine did the Arkansas convention proceed, and upon it is the Garland government erected. Upon the same principle the Dorrites acted in Rhode Island. They called a constitutional convention by an overwhelming majority of the people. This convention submitted a constitution, which was adopted by an increased majority of the people and declared in force. Under this constitution the Dorr government was elected through regulations and machinery provided by the convention, and undertook to set itself up against the charter government of Governor King. The Dorrites of that day, like the Garlandites of this day, were not without their supporters and defenders. In that case, as in this, a majority of the committee of this House reported in their favor, although the House never passed upon the report. Angry speeches were made in the Senate by zealous democrats in behalf of Dorr; a great Tammany meeting was held in New York, and all condemnatory of President Tyler, who had early thrown the weight and authority of the United States on the side of Governor King and constitutional government for the suppression of the Dorr government or Dorr rebellion.

Public sentiment ran very much then as it runs to-day, not only in Rhode Island, but throughout the country. But public sentiment, Mr. Speaker, seldom stops to think about constitutional questions, the balances or powers of government. It concerns itself more with ends than means, and hence the wild danger of this doctrine, and the necessity of the great conservative principle for which I am contending as vital to the stability and security of constitutional government, ay, to the very foundations of society itself. For without government society cannot exist, and without this principle restraining the majority, free government is but the crystallization of chance, to dissolve again at the first impulse, and recrystallize who knows when or how.

President Tyler in the Rhode Island case, as President Grant in the Arkansas case, had to brave the animadversions of the democratic press and democratic orators for the vindication of this principle and the discharge of his high responsibility, sustained and advised, however, by a Cabinet headed by Mr. Webster. From a speech of Henry Clay, delivered in the fall of 1842 at Lexington, Kentucky, after indorsing the action of the President in the Rhode Island case, I learn the following:

The leading presses of the democratic party at Washington, Albany, New York, and Richmond, and elsewhere, came out in support of the Dorr party, encouraging them in their work of rebellion and treason. And when matters had got to a crisis, and the two parties were preparing for a civil war and every hour it was expected to blaze out, a great Tammany meeting was held in the city of New York, headed by the leading men of the party * * * with a perfect knowledge that the military power of the Union was to be employed, if necessary, to suppress the insurrection; and, notwithstanding, they passed resolutions tending to awe the President and to countenance and cheer the treason.

Thus you see what Clay thought of this doctrine of the Dorrites and the Garlandites. He denounces it as "treason," "insurrection," and "rebellion." Hear him discuss the principle itself in this same speech and whither it would necessarily lead us:

How is this right of the people to abolish an existing government and to set up a new one to be practically exercised? Who are *the people* that are to tear up the whole fabric of human society whenever and as often as caprice or passion may prompt them? When all the arrangements and ordinances of existing and organized society are prostrated and subverted, as must be supposed in such a lawless and irregular movement as that in Rhode Island, the established privileges and distinctions between the sexes, between the colors, between the ages, between natives and foreigners, between the sane and insane, and between the innocent and the guilty convict—all the offspring of positive institutions—are cast down and abolished, and society is thrown into one heterogeneous and unregulated mass. And is it contended that the major part of this Babel congregation is invested with the right to build up at its pleasure a new government? That as often and whenever society can be drummed up and thrown into such a shapeless mass, the major part of it may establish another and another new government in endless succession? Why, this would overturn all social organization; make revolution—the extreme and last resort of an oppressed people—the commonest occurrence of human life, and the standing order of the day. *How such a principle would operate in a certain section of the Union with a peculiar population you will readily perceive.*

Why, Mr. Speaker, so far is this from being the American principle of government, that it was the very danger which this doctrine threatened that led to the adoption of the Federal Constitution. The Shay rebellion broke out in Massachusetts asserting this communistic principle. They talked about community of property, voted taxes unnecessary burdens, the courts intolerable grievances, the legal profession a nuisance, and demanded the abolition of the Senate and a general revision of the government in accordance with these notions. George Ticknor Curtis, (good democratic authority,) in his history of the Constitution, says:

It was but a short time before that the people of this country had shed their blood to obtain constitutions of their own choice and making. Now they seemed as ready to overturn them as they had once been to extort from tyranny the power of creating and erecting them in its place. It was manifest that to achieve the independence of a country is but half of the great undertaking of liberty; that after freedom there must come security, order, the wise disposal of power, and great institutions, on which society may repose in safety.

So thoroughly was Washington and the country impressed with this new danger that it was expected he would have to leave his retirement at Mount Vernon and take an active part in the support of order in Massachusetts. He wrote to Henry Lee, in Congress, October 31, 1786:

You talk, my good sir, of employing influence to appease the present tumults in Massachusetts. I know not where that influence is to be found, or, if attainable, that it would be a proper remedy for the disorders. *Influence* is not *government*. Let us have a government by which our lives, liberties, and properties will be secured, or let us know the worst at once.

It was because impressed by this situation, and alarmed at the danger threatened by this revolutionary doctrine, that Washington threw the whole weight of his influence in favor of the Federal Constitution, and went himself into the convention to frame it, feeling the absolute necessity for a general government with powers and strength enough to maintain constitutional government in the States.

That such was the purpose of the framers of the Constitution we gather also from Mr. Madison in the Federalist, No. 43, where he argues—

Why may not illicit combinations for purposes of violence be formed as well by the *majority of a State*, especially a small State, as by a majority of a county or a district of the same State? And if the authority of the State ought in the latter case to protect the local magistracy, ought not the Federal authority in the former to support the State authority?

So we see that Madison did not think that a majority was the State. Indeed, in defining a "faction" he says it may be "a *majority* or minority of the whole, who are united and actuated by some common impulse of passion or interest adverse to the rights of other citizens or to the permanent and aggregate interest of the community," and adds:

To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which alone this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

How thoroughly Madison was convinced of the supreme importance of this constitutional principle to the foundations of free government and social order we learn from No. 51 of the Federalist, where he discusses this question at considerable length. I give one sentence to show the current of his argument:

In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature where the weaker individual is not secured against the violence of the stronger.

Thus we learn from the framers and founders of our institutions the spirit, the reasons, and principles of their establishment. American liberty is liberty regulated by law, and majorities are as subject to it as individuals. There are many things which majorities may lawfully do; but they can do them only because the law of the *whole people* permits them to do them. They can elect their government at stated times and in a stated manner, and can change their laws by the modes already prescribed. But whence is this right of the majority derived? From the organization and law of our government. They have no more right outside of that law to rule the minority than a strong man has to rule a weak one. Their right is derived from the civil compact defined and limited by the Constitution and laws; and any act outside or in conflict with the terms of that compact is purely revolutionary and without authority or lawful effect. That such is the American theory of government we are taught not only by its founders, as I have shown, but also by its most distinguished expounders, however widely they may have differed on other questions of government. Calhoun in his letter to Hon. William Smith, of Rhode Island, after discussing the difference between the natural state in which every man is sole master of his own actions and the political state in which he becomes a member of the body-politic or state, says of the latter:

It is in this state, and this only, that majorities and minorities are known or have as such any rights. Whatever rights they possess are political rights—the whole class of which are acquired and are called conventional; that is, rights derived from agreement or compact. How absurd, then, is it to suppose the right of a majority to alter or abolish the Constitution is a natural right! * * * *

The right of altering or changing constitutions is a conventional right belonging to the body-politic and subject to be regulated by it.

But my democratic friend from Ohio [Mr. SAYLER] flies in the face of this high priest of democracy with the declaration that—

Sovereign rights cannot be disposed of in this way. The will of the people can not be thus hampered in an instrument of limitations. It is contrary to the whole theory of the American system of government.

Why, sir, the very opposite is the American theory as I have shown. Mr. Webster, in discussing this very point, says that—

It is one principle of the American system that the people limit their governments, national and State—

And another—

equally important that they *limit themselves*. They set bounds to their own power. They have chosen to secure the institutions which they establish against the sudden impulses of mere majorities. All our institutions teem with instances of this. It was their great conservative principle in constituting forms of government that they should secure what they had established against hasty changes by simple majorities.

Nor does my friend need to urge, as though there were any one to dispute it, that "the people are the source of all political power." What he needs to establish is that a majority are the people, and that the right of the majority to govern proceeds from the consent of the majority and not from the "consent of the governed."

Why, sir, Mr. Calhoun, after announcing the doctrine of constitutional limitations which I have just quoted, continues:

I am far from denying that the people are the source of all power, and that their authority is paramount over all. But when political, and not natural rights are the subject, the people, as has been stated, are regarded as constituting a body-politic or state, and not merely as so many individuals. *It is only when so regarded that they possess any political rights.*

And so, Mr. Speaker, it is in this character—as all these eminent expounders of our system of government agree, and as reason and reflection must approve—that the people are contemplated as sovereign, capable of altering or changing their constitutions and governments at will, that is by their legal, political will. Mr. Webster agrees with Calhoun that this is the true idea of a state. It begins in suffrage, he says, and of that suffrage he adds, as a "great principle of the American system," that—

Its qualifications shall be prescribed by previous law; the time and place of its exercise shall be prescribed by previous law; the manner of its exercise, under whose supervision, (*always sworn officers of the law,*) is to be prescribed.

And in speaking of the limitations which the people have imposed on themselves as to whom they may elect, &c., he continues:

They have also limited themselves to certain prescribed forms for the conduct of elections. They must vote at a particular place, at a particular time, and under particular conditions, or not at all. It is in these modes that we are to ascertain the will of the American people; and our Constitution and laws know no other mode.

So, Mr. Speaker, these two great expounders of the Constitution, each recognized as foremost by the section from which he hailed, and differing as widely as the poles on other questions, are agreed and emphatic in supporting my position here. With Washington, Madison, Clay, Webster, Calhoun, and a whole galaxy of founders and teachers of American republicanism; with reason and experience, all admonishing us of the absolute necessity of this principle as the foundation of social order, the only sure basis on which free institutions can find any permanence or security, and as Madison puts it, "by which alone this form of government can be rescued from opprobrium and recommended to the esteem and adoption of mankind"—for it is the only rein which can restrain liberty from running into anarchy—can any member here, appreciating the gravity of this issue, hesitate for which principle he shall cast his vote? I apprehend not, Mr. Speaker, and I have no fears for the issue if gentlemen shall understand what they are doing. Here, sir, we have two governments, one confessedly elected and representing the constitution and laws, the authority of the whole people—the State; the other representing a popular movement outside and in contravention of the constitution and laws of the State, its claim resting upon the right of the revolutionary principle. Which shall we recognize as the *State?* Which principle shall we assert as the law of the American system? Mr. Webster says:

The Constitution does not proceed upon the *ground* of revolution; it does not proceed upon any *right* of revolution.

So say all the high authorities I have quoted; so held the supreme court of Rhode Island in the Dorr case, and so held the Supreme Court of the United States in the case of Luther *vs.* Borden growing out of it. So said the President of the United States in 1842 when he decided the law of this country, the law of the American system, against Dorr and the revolutionary doctrine; against the roar of the democratic press and the demands of the party politicians of the democratic party; against the resolutions of the great Tammany meeting in New York City; against the votes of two-thirds of the people of Rhode Island. And, sir, there is not a citizen of that State to-day who is not grateful that it was so decided against them, and who does not attribute to that decision the stability of the government and the order of society in Rhode Island.

But, Mr. Speaker, there is a difference between the Dorr movement in Rhode Island and the Garland movement in Arkansas, and that difference is all in favor of the former. They are alike in that both are popular movements, unknown to the constitution and law, in contravention of the authority of the State, and revolutionary in character.

But, sir, the Dorr movement was the culmination of years of agitation for a liberal reform for the extension of suffrage and political privilege. The Arkansas movement was the sudden expedient of revolution, not for reforming the law but to get possession of the government, and has curtailed the suffrage and narrowed political privilege. A convention to revise the constitution had never been moved in the Legislature nor called for by any party or other convention of the people, State, district, or county.

The gentleman from Vermont declared in his speech that Mr. Brooks had gone all through the State in the canvass of 1872 the great apostle of a new constitution. If I may borrow phraseology from the gentleman, I will pronounce that statement "untrue, not a particle of truth in it." I was on the ticket with Mr. Brooks in that race for the seat which I occupy here for the State at large, and made the canvass with him, and am therefore able to say that it was never once discussed in that canvass, nor was it even suggested in any of the platforms. I asked the gentleman to allow me to correct him when he made that statement, but it did not answer his purpose to be corrected, and he declined.

But, sir, this is not the only difference. The Rhode Island movement was conducted in peace and order and made no man afraid. In Arkansas it was inaugurated in the midst of turbulence and disorder and marked by the closing of the courts, the imprisonment of its opponents, and the reign of martial law. Governor King, regardful of his oath of office and his obligation to the *State*, surrendered not his trust but defended it against the revolution, calling upon the President of the United States to sustain him, which he did. Baxter, who should have done the same, forgetful of his oath and faithless to his trust, conspired with the revolution, organized and armed the State militia that should defend, from the revolutionists who would tear down the State, and, having placed her enemies on guard, surrendered his trust to Garland and placed the revolution in power over the prostrate form of the State.

Suppose, Mr. Speaker, that Governor King had organized his militia from the Dorrites, and so had become the commander-in-chief of the enemies instead of the defenders of the State, and had corruptly vacated his office of governor and commander-in-chief in favor of Dorr, and the law-abiding people of Rhode Island and the deputy governor had protested and called upon the United States to defend and maintain the *State* against the double danger of executive treason and revolution; does anybody suppose that the duty of the General Government in the premises to the *State* of Rhode Island would have been changed or any different from what it was? Or will somebody hold that the treason and faithlessness of the governor would have cured the title of the revolution and stood like a sacred shield between it and the Federal guarantee? Yet this is the Arkansas case with the exception of the fact that the governor who did this was a usurper himself.

I have not deemed it necessary, Mr. Speaker, to question the vote for the Garland constitution and government, because for the principles involved and for which I am contending it makes no difference whether that vote was honest or fraudulent. But I must say regarding it that I was somewhat surprised to hear the gentleman from Vermont declare with an air of triumph that there was not a word of evidence impeaching it. He showed singular forgetfulness for a mind like his when he neglected to add that he peremptorily refused to take a word of evidence on the subject, and declined to go into that question, on the ground that the issue in this case would be determined before they reached the question of that vote. Nor did it answer his purpose to state to the House that at the congressional election three weeks afterward, *conducted in the presence of United States supervisors*, with both parties in the field and a hot contest in three out of four of the districts, the vote of both parties was less by forty thousand than the vote returned by the convention machinery at the Garland election, with only one ticket in the field, without contest, and without canvass.

But, Mr. Speaker, the committee say that they do not see what the United States, what Congress, can do about all this in the absence of domestic violence. Why, sir, on the Hot Springs road in our State, during the past year, a number of men, four, I believe, stopped thirty persons traveling in stages to that healthful resort. They ordered the thirty to raise their hands in the air, and while in that position disarmed them and rifled their pockets of such valuables as they had. When they had possessed themselves of the property they talked to them most pleasantly. There was no violence; there rarely is, Mr. Speaker, in such a case, for the plundered do not wish to lose more than their property by suicidal resistance. Yet the law did not think that that fact aided or confirmed the robbers' title to the property.

The committee are unanimous in saying that there has been no acquiescence on the part of the State authorities, and that they could not have tried titles with the revolution without great danger to their lives. But, sir, is the monstrous doctrine to be maintained that nothing but blood can open the treasury of Federal powers; that to secure the Federal guarantee a State must order throat cutting to commence; that she must come with arms in her hands or she cannot be heard; that it takes powder and ball to make a case before this tribunal; and this in our enlightened day, when it is sought that arbitration may take the place of war? Why, sir, to state it is to refute it, the doctrine is so abhorrent to every idea of civilized government. No government is organized upon the idea that its powers of protection cannot be exercised until the injury has been done nor after it has been consummated. The power to protect involves the power to prevent and the power to restore, whether it be the protection of an individual or of a State. It was in this spirit that the guarantee section was placed in the Constitution. We see that from the letter of Washington which I have already quoted, from the writings of Madison, Webster, and others of like weight and authority. Calhoun, in the letter already referred to, discussing the first of the guarantees, says:

I hold that, according to its true construction, its object is the reverse of that of protection against domestic violence, and that instead of being intended to pro-

tect the *governments* of the States, it is intended to protect each *State* against its government, or, more strictly, against the ambition or usurpation of its rulers. That the objects of the Constitution, to which the guarantees refer, and liberty more especially, may be endangered or destroyed by rulers will not be denied. But, if admitted, it follows as a consequence that it must be embraced in the guarantees.

So we see that even though the Government itself, that is, the rulers in power, should conspire with treason, revolution, or other usurpation to subvert the *State*, it would still be within the power and duty of the United States to exercise the guarantee and protect and maintain the *State*, and that without domestic violence or even the application of the authorities of the State; because, says he, "it would be a perfect absurdity to expect such rulers to make application on behalf of the State for protection against themselves."

Mr. Charles O'Connor, the most eminent lawyer to-day in the democratic party, says that where the President has acted in a case like this, and discovers afterward that he has acted erroneously, he has the power to review his former decision in the light of his additional information, and reverse it if it shall seem to have been in error. Surely, sir, the interposition of that reversal is not to depend upon domestic violence. The Supreme Court of the United States say on this point:

Undoubtedly, if the President in exercising this power shall fall into error, it would be in the power of Congress to apply the proper remedy.

But, sir, would their power to apply it depend upon the existence of domestic violence at the time in the State? No, sir; the fathers placed that power here, that every State and the people of every State may have a peaceable remedy for usurpation, and protection against revolution; that we may know no ways but the ways of peace and no government but a government of law; not a government of the *majority*, but a government of the *people;* not for the greatest good of the greatest number, but, as the distinguished gentleman from Georgia [Mr. STEPHENS] has expressed it on this floor, the greatest good of all. That the power and duty is with us to decide this question we are told by the Supreme Court in the case which I have before cited. In discussing the guarantee section when it is called into exercise where there are two governments presented for recognition, protection, or action of any kind, they say:

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantees to each State a republican government, Congress most necessarily decide what government is established in the State before it can determine whether it is republican or not.

"The right to decide is placed there," say the court. The established government; established how? Established by law, of course, not by usurpation or revolution. Nor are we left without distinguished democratic advice *how* we should decide as between these two governments. Mr. Calhoun again, in discussing a hypothetical case—such a case as we have presented here, where the government of a popular movement, constructed outside of the law, in a manner unknown to the law, sets up its authority against that of the old constitutional State government—says:

It would be the duty of the Federal Government to grant protection to the old instead of the new; and on its application to put down those who might attempt to subvert it under the authority of the new.

And adds, that if he were President he would enforce the guarantee and protect it to the extent of the authority vested in him by the Constitution and laws.

But, say the committee, the new *constitution* is republican in form. In answer to that I cannot do better than to suppose a case which the gentleman from Vermont [Mr. POLAND] put to a citizen of my State while he was at Little Rock, when asked how that would change the case, if at all. My distinguished friend, availing himself of the privilege of a Yankee, answered by asking the Arkansasan: Suppose he (Mr. POLAND) should frame a constitution in his library, better in every respect than the present constitution of Vermont, and should submit it to the people of his State for adoption, appointing a day and designating the persons to take the sense of the people on it, and a large majority of the people should be reported in favor of it, would it be then the constitution of Vermont? It would undoubtedly be republican in form; and would be just as much the constitution of Vermont as the new constitution is the constitution of Arkansas.

But, Mr. Speaker, I cannot in this limited opportunity do more than present the leading points in this case, without dwelling upon many interesting and instructive features which it presents. I should like to have time to show up the character of Baxter's administration which received such hearty support from the Bourbon democracy of Arkansas, securing for him the nomination for governor as their first choice. I could cite a hundred things that would satisfy this House that it was at once the most corrupt, selfish, and impotent administration that has within my knowledge ever cursed a State of this Union, marked by bribery, fraud, malfeasance, misfeasance, peculation, usurpation, and treason, which shames the name of government and tends to the utter demoralization of popular institutions. I should like to show all these attributes which distinguished this administration which has enshrined itself in the affectionate approbation of Arkansas Bourbons, to show this House that the revolution was not for reform but for office; that it was not to relieve the people of any grievance which could not be reached by legislation, but to advance the interests of a coterie of selfish politicians. I might open the eyes of this House to the animus of this movement, to its moral character, by holding up the record of some whom it has honored with preferment—if such thing can be honor—covered all over with the leprosy of corruption, honeycombed with fraud, and reeking with public plunder. But, sir, all this I must pass by and close what I have to say.

Here then, Mr. Speaker, is the issue presented to us between two governments—one the government of the *State* unquestionably elected by the people, resting its title upon the constitution and laws and represented by Governor Brooks. The other, represented by Mr. Garland, born of an unauthorized popular movement outside of all law, reached through a long series of usurpations, intimidation, and fraud. Which government shall we recognize? I protest in the name of the peace and order of Arkansas against any evasion of the question. We want it settled here and now, and settled definitely. You are called upon by the President of the United States to say which of these principles he shall understand from Congress is the foundation principle of American institutions. Are our methods of government constitutional or are they revolutionary? Is the security of established institutions and law a delusion and a snare, or does American liberty and government mean the liberty and power of the majority? Or shall we hold that majorities have no powers to govern except such as the minority have agreed with them to have in their common constitution? Are the conservative guarantees of written constitutions mere myths, or do they furnish a barrier against the passion or caprice of faction be it large or small, in or out of power?

It is the old, old issue, Mr. Speaker, between the constitutional and the revolutionary principle; between the majesty of the law and the absolute, unrestrained power of numbers. Either of these doctrines is a political heresy under our system. Which is true, and which is false? Never in the history of this Government has statesman or soldier been called upon to discharge a more solemn duty than this question imposes on us. Our present Executive, rising to the statesman's view of it, and full of the sense of his high responsibility, has told us what he thinks. He sees the precipice on which we stand if the revolutionary doctrine is to be the theory of our government, and warns us in time.

Say here and now, Mr. Speaker, that all political power is *inherent* and not conventional; in other words, that it is purely natural and unlimited by constitution or law, and you say that a man has the same political power the day before that he has the day after he becomes twenty-one years of age. Inherent rights are natural rights, or rights which inhere in the *nature* of a person, innate and inseparable from it, and not vested by the law as a man becomes vested with the right to vote when he attains the age of twenty-one. And announce further by the recognition of the doctrine asserted in this case that *all political power is inherent in the majority*, and I warn you gentlemen of the East and of the West that you are living upon the precarious crust of a volcano. Tell it to the trades unions and the labor associations; preach it to the starving miners of Pennsylvania, who cry for food at the doors of stately mansions of proud millionaires whose untold wealth is secured to them only by conventional law; teach it to the pinched poverty of your city slums, that shivers and dies in the shadow of profligate luxury protected by law; let it be known to the drivers on your carriages, the workmen in your shops, the laborers in your fields, the delvers in your mines, that the *inherent power of the majority* is the fundamental law of the land, and then, gentlemen, prepare to welcome the commune for your government.

As the minority report to this House in the Rhode Island case warned the country, should this theory become the law, "the wildest theories of the insanest period of the revolutionary frenzy of France lead not to consequences more detestable and abhorrent." Once countenance this doctrine—arm discontent with the potency of a right to do as it wills, and the destinies of this country are easily predicted: First civil confusion; internal discord; paralysis of industrial effort; warring and contending faction; reason, order, and justice banished; the will of the multitude the direction of government and the law of society—all running the inevitable course to the end of established despotism. We may thus become the last (happily not the first) who find a refuge from the wild confusion of anarchy in the quiet of absolute rule.

Which shall be our law, Mr. Speaker: the "*inherent power of the majority*," or the will of the *whole* people acting through their Constitution and laws? Have we a government of laws, or are we but organized anarchy? Do the pillars of our institutions rest upon the granite of binding and paramount law, or are they built upon the earthquake? Let us answer by our votes here and now. One of these doctrines was planted by the fathers to last all time, and we are sworn to protect it; the other is a noisome weed, which has grown up beside it. And O, Mr. Speaker, when we do decide, let us be sure that we pluck up the dangerous weed, and not the wholesome plant, hung with such glorious memories and which has cost so much of blood and treasure to secure.

The SPEAKER. The Clerk will read the resolution reported by the committee.

The Clerk read as follows:

Resolved, That the report of the Select Committee on the condition of Affairs in the State of Arkansas be accepted; and in the judgment of this House no interference with the existing government in that State by any department of the Goverment of the United States is advisable.

The SPEAKER. The gentleman from Illinois [Mr. WARD] moves to substitute for that the following, which the Clerk will read.

The Clerk read as follows:

Resolved, That Joseph Brooks, having been by the people of Arkansas elected to the office of governor of said State under the constitution of 1868, for the period of four years, ending in January, 1877, and said constitution never having been legally overturned or abrogated, and being still in force, he is the lawful governor of said State of Arkansas.

The SPEAKER. As gentlemen have expressed some dissatisfaction with the ruling of the Chair he will only say that if the motion for a suspension of the rules could be made by the gentleman from Arkansas in order to permit him to speak on this question, a suspension of the rules would be in order to allow the same privilege to every other member in the House.

Mr. BUTLER, of Massachusetts. Why not, if the House desires it?

The SPEAKER. Simply because the House does not wish to commit an absurdity after having seconded the previous question and ordered the main question. It would put it in the power of one man to detain the House here until noon on Thursday next by moving to suspend the rules that each member of the House should have the right to speak. It would of course be the greatest absurdity.

Mr. POLAND. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. TODD. I desired to discuss this question, but being cut off by the order of the House I ask leave to print as part of the debates the remarks which I have prepared.

There was no objection, and it was ordered accordingly.

The SPEAKER. The question now recurs on the resolution moved as a substitute by the gentleman from Illinois, [Mr. WARD.]

The question was taken; and it was decided in the negative—yeas 79, nays 152, not voting 56; as follows:

YEAS—Messrs. Barry, Bass, Begole, Biery, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Conger, Crooke, Curtis, Darrall, Donnan, Dunnell, Field, Fort, Harmer, Hathorn, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Howe, Hurlbut, Hyde, Hynes, Lawson, Lewis, Lofland, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, MacDougall, McNulta, Moore, Myers, Negley, O'Neill, Orth, Packard, Isaac C. Parker, Pelham, Phillips, Thomas C. Platt, Pratt, Rapier, Rusk, Sawyer, Scofield, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, Snyder, Sprague, Stowell, Sypher, Taylor, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, White, Wilber, William Williams, and James Wilson—79.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Cannon, Caulfield, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Cotton, Cox, Crittenden, Crossland, Crounse, Danford, Davis, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Finck, Garfield, Giddings, Glover, Gunckel, Gunter, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hubbell, Hunton, Kasson, Kellogg, Killinger, Knapp, Lawrence, Loughridge, Lowndes, Luttrell, Magee, Marshall, McCrary, James W. McDill, McLean, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Packer, Hosea W. Parker, Perry, Pierce, Poland, Potter, Randall, Ransier, Ray, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Stone, Storm, Strait, Charles R. Thomas, Christopher Y. Thomas, Thompson, Vance, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, and John D. Young—153.

NOT VOTING—Messrs. Albright, Barber, Buffinton, Bundy, Burrows, Clinton L. Cobb, Coburn, Corwin, Creamer, Crutchfield, Dobbins, Duell, Farwell, Foster, Freeman, Frye, Gooch, Hagans, Robert S. Hale, John B. Hawley, Hendee, Herndon, Hunter, Kelley, Kendall, Lamar, Lamison, Lamport, Lansing, Leach, McKee, Mitchell, Morey, Niles, Nunn, Page, Parsons, Pendleton, Phelps, Pike, James H. Platt, jr., Rainey, John G. Schumaker, Isaac W. Scudder, Small, George L. Smith, J. Ambler Smith, St. John, Strawbridge, Swann, Thornburgh, Waddell, Waldron, John M. S. Williams, Jeremiah M. Wilson, and Pierce M. B. Young—55.

So the amendment was rejected.

During the vote,

Mr. FOSTER stated that he was paired with Mr. BURROWS, who would vote in the affirmative, while he would vote in the negative.

Mr. ALBRIGHT stated that he was paired with Mr. LAMAR, who would vote in the negative, while he would vote in the affirmative.

Mr. FORT stated that his colleague, Mr. HAWLEY, was detained from the House by sickness.

Mr. CONGER stated that his colleague, Mr. WALDRON, was detained at home by sickness.

Mr. DAWES stated that his colleague, Mr. GOOCH, was detained at home by sickness in his family; and that the condition of health of his other colleague, Mr. BUFFINTON, was such as to prevent his being present.

Mr. WARD, of New Jersey, stated that his colleague, Mr. SCUDDER, had been called home by sickness in his family.

The vote was then announced as above recorded.

Mr. POLAND moved to reconsider the vote by which the substitute was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I desire to submit this proposition to the House——

Several MEMBERS. Regular order!

The SPEAKER. The question now recurs on agreeing to the resolution reported by the committee.

Mr. TODD demanded the yeas and nays.

The yeas and nays were ordered.

Mr. MAYNARD. I move to lay the resolution on the table.

Mr. BUTLER, of Massachusetts. That is it; lay it on the table.

Mr. SHANKS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 147, not voting 46; as follows:

YEAS—Messrs. Albright, Barber, Barry, Bass, Begole, Biery, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Clayton, Clements, Coburn, Conger, Crutchfield, Curtis, Darrall, Donnan, Dunnell, Field, Fort, Hagans, Harmer, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hunter, Hurlbut, Hyde, Hynes, Kelley, Lawson, Lewis, Lofland, Lowe, Lynch, Martin, Maynard, MacDougall, McKee, McNulta, Moore, Myers, Negley, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Phillips, James H. Platt, jr., Thomas C. Platt, Pratt, Rapier, Ray, Rusk, Sawyer, Scofield, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, Snyder, Sprague, Stowell, Sypher, Taylor, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, White, Wilber, Charles G. Williams, William Williams, and James Wilson—94.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Cannon, Caulfield, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Comingo, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Crounse, Danford, Davis, Dawes, DeWitt, Dobbins, Durham, Eames, Eden, Eldredge, Finck, Garfield, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hubbell, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamar, Lawrence, Lowndes, Luttrell, Magee, Marshall, McCrary, James W. McDill, McLean, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Speer, Standard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, Stone, Storm, Strait, Charles R. Thomas, Thompson, Vance, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—147.

NOT VOTING—Messrs. Buffinton, Bundy, Burrows, Clinton L. Cobb, Corwin, Creamer, Duell, Farwell, Foster, Freeman, Frye, Gooch, Gunckel, Robert S. Hale, John B. Hawley, Hendee, Herndon, Kendall, Lamison, Lamport, Lansing, Leach, Loughridge, Alexander S. McDill, Mitchell, Morey, Niles, Nunn, Parsons, Pike, Rainey, Ransier, Richmond, John G. Schumaker, Isaac W. Scudder, George L. Smith, J. Ambler Smith, St. John, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Waddell, Waldron, John M. S. Williams, and Woodworth—46.

So the House refused to lay the resolution on the table.

During the call of the roll the following announcements were made:

Mr. FOSTER. I am paired with the gentleman from Michigan, Mr. BURROWS. If he were here on this question he would vote "ay," and I would vote "no."

Mr. ASHE. My colleague, Mr. WADDELL, is confined to his room by sickness.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company of Omaha, Nebraska.

The message further announced that the Senate had passed the bill (S. No. 1144) to prevent cruelty to animals in the District of Columbia; in which the concurrence of the House was requested.

The message also announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, authorizing the Joint Committee on Enrolled Bills to correct a clerical error in the enrollment of the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

AFFAIRS IN ARKANSAS.

The SPEAKER. The question recurs on agreeing to the resolution reported by the majority of the Committee on Arkansas Affairs.

Mr. CESSNA. I would suggest that as we have just had a test-vote the taking of the yeas and nays which have been ordered on agreeing to the resolution may be dispensed with by unanimous consent.

Mr. TODD. I object.

Mr. BUTLER, of Massachusetts. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. MAYNARD. I hope not. Let us have the yeas and nays.

The question being put on the motion of Mr. BUTLER, of Massachusetts to reconsider the vote ordering the yeas and nays; it was not agreed to.

The question was taken, on agreeing to the resolution reported by the committee, and there were—yeas 150, nays 81, not voting 56; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clymer, Stephen A. Cobb, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crooke, Crossland, Crounse,

Danford, Davis, Dawes, DeWitt, Dobbins, Durham, Eames, Eden, Eldredge, Finck, Freeman, Garfield, Giddings, Glover, Gunckel, Gunter, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hubbell, Hunton, Kasson, Kellogg, Killinger, Knapp, Lamar, Lawrence, Lofland, Lowndes, Luttrell, Magee, Marshall, McCrary, Alexander S. McDill, James W. McDill, McLean, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Alexander H. Stephens, Charles A. Stevens, Stone, Storm, Strait, Charles R. Thomas, Thompson, Vance, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—150.

NAYS—Messrs. Albright, Barry, Bass, Begole, Biery, Roderick R. Butler, Carpenter, Cessna, Coburn, Conger, Crutchfield, Curtis, Darrall, Donnan, Dunnell, Field, Fort, Harmer, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hunter, Hurlbut, Hyde, Hynes, Kelley, Lawson, Lewis, Lowe, Lynch, Martin, Maynard, MacDougall, McKee, McNulta, Moore, Myers, Nunn, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Phillips, James H. Platt, jr., Thomas C. Platt, Rusk, Sawyer, Scofield, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Small, Smart, A. Herr Smith, Sprague, Stowell, Sypher, Taylor, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, White, Wilber, William Williams, and James Wilson—81.

NOT VOTING—Messrs. Barber, Buffinton, Bundy, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Clayton, Clements, Clinton L. Cobb, Corwin, Duell, Farwell, Foster, Frye, Gooch, Hagans, Robert S. Hale, John B. Hawley, Hendee, Kendall, Lamison, Lamport, Lansing, Leach, Loughridge, Mitchell, Morey, Negley, Niles, Parsons, Pike, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, John G. Schumaker, Isaac W. Scudder, George L. Smith, J. Ambler Smith, John Q. Smith, Snyder, Starkweather, St. John, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Waddell, Waldron, Charles G. Williams, John M. S. Williams, and Woodworth—56.

So the resolution was agreed to.

During the roll-call the following announcements were made:

Mr. FOSTER. On this question I am paired with Mr. BURROWS, of Michigan. If he were here he would vote "no," and I should vote "ay."

Mr. WHEELER. I desire to state that my colleague, Mr. HALE, if present would vote "ay."

The result of the vote was then announced as above recorded.

Mr. POLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREDERICK T. GRANT.

Mr. EAMES. I ask unanimous consent to report from the Committee on Patents a bill to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470 granted to Frederick T. Grant, May 29, 1860, upon a sliver-machine.

The bill, which was read, authorizes and directs the Commissioner of Patents to examine the application for an extension of the patent granted to Frederick T. Grant, May 29, 1860, No. 28470, and if in his judgment the said application should be allowed, to sign the certificate of extension of the same as if the time limited in the sixty-third section of the act of July 8, 1870, had not expired, provided the Commissioner shall act upon the case within ninety days, and provided that no person shall be held liable for the infringement of said pattent, if extended, for making or using said invention since the expiration of the original patent and prior to the date of the extension.

Mr. W. R. ROBERTS. Does not that require unanimous consent?

The SPEAKER. The gentleman from Rhode Island asks leave to report it from the Committee on Patents.

Mr. W. R. ROBERTS. For what purpose?

Mr. EAMES. This bill is reported by direction of the Committee on Patents, and has the unanimous recommendation of that committee. The letters-patent expired on the 29th day of May, 1874. An application to the Commissioner of Patents for an extension made in due time was acted upon favorably, but the notice to the agent of the petitioner, who resided in Portland, was not given until the 26th day of May, and was not received in time to forward the final fee of fifty dollars before the patent expired. It was sent to the Commissioner in a few days after the patent expired, and the Commissioner now has the fee. The bill authorizes the Commissioner to extend the patent with the same effect as if the fee had been paid before the patent expired.

Mr. POTTER. I call for the reading of the report.

Mr. MYERS. It is not a congressional extension of a patent and there can be no objection to it.

The Clerk commenced to read the report.

Mr. W. R. ROBERTS. I believe I was the only objector, and I withdraw the objection.

No further objection being made the bill (H. R. No. 4858) received its several readings, and was passed.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER. I desire to report back from the Committee on Expenses in the Department of Justice the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes, with the amendments of the Senate thereto, and I ask a non-concurrence in the amendments, and that a conference be asked on the disagreeing votes of the two houses thereon, and upon that motion I call the previous question. The committee has a right to report on it at any time.

Mr. BUTLER, of Massachusetts. I move to suspend the rules and pass the motion which I send to the Clerk's desk.

Mr. SENER. No, sir; the gentleman cannot make that motion, for I have leave to report at any time.

The SPEAKER. But the gentleman can be taken off of his feet at any time by a motion to suspend the rules.

Mr. SENER. I move then to suspend the rules and adopt my motion.

Mr. BUTLER, of Massachusetts. What is it about?

Mr. SENER. The western district of Arkansas.

Mr. BUTLER, of Massachusetts. The bill is so amended that the marshal may call out the military down here.

Mr. SPEER. It is a very important bill and ought to be passed.

Mr. SENER. I object to debate. It merely carries out the action of the House heretofore.

The motion to suspend the rules was seconded.

The question recurred upon the motion to suspend the rules; and being put, on a division there were—ayes 91, noes 46; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. SENER were appointed.

The House divided; and the tellers reported—ayes 97, noes 83.

Mr. SENER. I demand the yeas and nays so that the House and the country may know who is opposed to this measure.

Mr. BUTLER, of Massachusetts. I move that the bill be referred to the Committee on the Judiciary.

The SPEAKER. That motion is not in order pending a motion to suspend the rules.

The yeas and nays were ordered, there being on a division—ayes 29, noes 101.

Mr. ELDRIDGE. I ask that the bill be reported with the amendments.

Mr. BUTLER, of Massachusetts. The judge is gone, you drove him out.

Mr. SPEER. You were with us last session.

Mr. BUTLER, of Massachusetts. I know I was, but the judge has resigned, and I made him clear out. You have a copperhead judge there and you want to keep him, but I do not.

Mr. SENER. I ask that the House bill be read in full, and then the Senate amendments.

Mr. GARFIELD. I object.

The SPEAKER. The amendments of the Senate will then be read.

The Senate amendments were read.

Mr. SPEER. I desire to make a parliamentary inquiry. It is, what is the question now submitted to the House?

The SPEAKER. The gentleman from Virginia [Mr. SENER] moves to suspend the rules so that the disagreeing votes on this bill of the House and the Senate may be sent to a committee of conference.

Mr. SHANKS. I desire to say that if this bill shall pass there are people who will have to go from five to six hundred miles to attend court.

Mr. SENER. Not at all; the courts are not abolished.

Mr. SHANKS. I know exactly what I say; they will have to travel from five to six hundred miles to attend court.

Mr. SPEER. If the House shall not suspend the rules for this purpose what will be the effect?

The SPEAKER. There will be no effect.

Mr. SPEER. Will not the bill be lost?

The SPEAKER. The bill will not be passed at this time.

The question was taken on the motion to suspend the rules; and there were—yeas 85, nays 132, not voting 70; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cannon, Caulfield, Amos Clark, jr., John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, DeWitt, Eden, Eldredge, Finck, Fort, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Kasson, Lamar, Loughridge, Luttrell, Magee, McCrary, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phillips, Randall, Read, Robbins, William R. Roberts, Milton Sayler, Sener, Sloss, H. Boardman Smith, Southard, Speer, Standiford, St. John, Stone, Vance, Wells, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, James Wilson, John D. Young, and Pierce M. B. Young—85.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Benjamin F. Butler, Cain, Carpenter, Cason, Cessna, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crooke, Crutchfield, Curtis, Danford, Dawes, Dobbins, Donnan, Dunnell, Eames, Farwell, Field, Foster, Garfield, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Moore, Morey, Myers, Negley, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Scofield, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, William A. Smith, Snyder, Sprague, Stanard, Charles A. Stevens, Stowell, Strait, Sypher, Charles R. Thomas, Todd, Townsend, Tremain, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, Jeremiah M. Wilson, and Woodworth—132.

NOT VOTING—Messrs. Banning, Buffinton, Bundy, Burrows, Roderick R. Butler, Chittenden, Freeman Clarke, Coburn, Crounse, Darrall, Davis, Duell, Durham, Freeman, Frye, Gooch, Eugene Hale, Robert S. Hale, Hancock, John B. Hawley, Hendee, George F. Hoar, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Leach, Marshall, McKee, Mitchell, Monroe, Niles, Nunn, Packer, Phelps, Pike, Poland, Potter, Pratt, Rainey, James C. Robinson, Sawyer, Schell, John G.

Schumaker, Henry J. Scudder, Isaac W. Scudder, J. Ambler Smith, John Q. Smith, Starkweather, Alexander H. Stephens, Storm, Strawbridge, Swann, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Tyner, Waddell, Waldron, Wallace, Wheeler, Whitehead, George Willard, William B. Williams, Wolfe, and Wood—70.

So the rules were not suspended.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;

An act (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers;

An act (H. R. No. 580) granting a pension to Rosalie C. P. Lisle;

An act (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri;

An act (H. R. No. 1644) granting a pension to Hannah E. Currie;

An act (H. R. No. 2685) for the relief of John Aldredge;

An act (H. R. No. 3276) granting a pension to Davenport Downs;

An act (H. R. No. 3435) to provide for the sale of the building and grounds known as the Detroit arsenal, in the State of Michigan;

An act (H. R. No. 3688) granting a pension to William O. Madison;

An act (H. R. No. 3698) granting a pension to William C. Davis, a private in Company B, Eleventh Tennesse Cavalry Volunteers;

An act (H. R. No. 3703) granting a pension to Catharine Lee, widow of Jesse M. Lee, a private in Company B, Second Regiment Ohio Volunteers;

An act (H. R. No. 3704) granting a pension to Mary E. Stewart;

An act (H. R. No. 3706) granting a pension to Margaret H. Pittenger;

An act (H. R. No. 3711) granting a pension to Martin D. Chandler;

An act (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, a port of delivery in the district of Pearl River; and

An act (H. R. No. 4853) to change the name of the pleasure-yacht Dolly Varden to Clochette.

Mr. DARRALL, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2093) for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army;

An act (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876; and

An act (H. R. No. 4734) to establish certain post-roads.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] desires to make a proposition relative to going to the Speaker's table after the deficiency bill is disposed of.

Mr. RANDALL. I hope the gentleman will not press that now. Let us proceed with the deficiency bill. It is the only appropriation not yet acted on, and it must pass to-night. If it be not immediately taken up its consideration will run into the middle of the night.

Mr. KASSON. I must ask to be permitted to call up the report of the Committee on Ways and Means upon the Pacific Mail investigation. I wish to say in this connection that no member of the committee proposes to engage in debate; therefore it is hoped that the report will be disposed of immediately and by a *viva voce* vote.

Mr. GARFIELD. I cannot yield; I must try the sense of the House on my motion.

The SPEAKER. The Chair will allow the gentleman from Massachusetts to have his proposition read, for this reason: The Chair is continually asked by members to allow specific bills to be taken from the Speaker's table. There are a great many upon it; and gentlemen who have served in the House heretofore know that at the close of the session it is not the habit of the Chair to allow bills to be picked out. He cannot sit in judgment upon the relative merit of bills. The Chair does not know, of course, what mode the House may adopt; but some mode must be adopted to put all bills upon the Speaker's table on an equality.

Mr. BUTLER, of Massachusetts. There never has been such an accumulation of bills upon the Speaker's table.

Mr. RANDALL. I suggest that the gentleman from Massachusetts defer his proposition until the morning.

Mr. GARFIELD. Let it be read now, so that it can go into the RECORD.

The Clerk read as follows:

That the rules be so suspended that the House shall proceed to business on the Speaker's table; the civil-rights bill of the Senate to be taken therefrom and referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider; all the remaining bills on the Speaker's table be considered under a five-minute debate *pro* and *con*, subject to all points of order; and upon a point of order being sustained, a motion to suspend the rules and pass the bill may be made.

Mr. COX and Mr. RANDALL objected.

Mr. GARFIELD. Let this be considered as a notice that the gentleman from Massachusetts will offer this proposition.

The SPEAKER. The Chair understands that the purpose is to have this order operate after the deficiency bill is disposed of.

Mr. BUTLER, of Massachusetts. I am content with that.

Mr. COX. I must still object. Some of the worst bills ever introduced in this House are now on that table.

Mr. BUTLER, of Massachusetts. Some gentlemen want me to press the proposition now. I will try it upon a standing vote on suspension of the rules.

Mr. RANDALL. I desire to suggest a modification of the order proposed by the gentleman from Massachusetts.

Mr. COX. I object to any modification.

Mr. BUTLER, of Massachusetts. I move to suspend the rules. Let the sense of the House be tried by a standing vote; if the proposition cannot secure two-thirds of the House, I will not press it.

Mr. RANDALL. I shall call for the yeas and nays.

Mr. ELDREDGE. Before the vote is taken let me ask what particular bills there are upon the Speaker's table that ought not to receive our consideration?

Mr. HOLMAN. There are certainly several in particular.

Mr. ELDREDGE. There are bills upon the Speaker's table that we have been during this entire Congress maturing. Why should we not consider some of them?

Mr. RANDALL. If the gentleman puts that question to me I will answer it.

Mr. ELDREDGE. I am not putting it to the gentleman in particular.

Mr. RANDALL. I am the one who objected.

Mr. ELDREDGE. There are some bills on the Speaker's table that certainly ought to be passed.

Mr. HOLMAN. I will not object to the usual practice at this stage of the session of going to the Speaker's table and passing such bills as are not objected to.

The SPEAKER. The Chair thinks there is some misapprehension in regard to the effect of this order. If adopted, any bill making an appropriation of money or property will be subject to the point of order.

Mr. SPEER. It seems to me the proposed order may work disadvantageously in this way: there are some bills on the Speaker's table that ought to be passed, and can be passed under a suspension of the rules.

The SPEAKER. Every bill will have its opportunity when it is reached.

Mr. SPEER. But the reservation of points of order will defeat such bills and send them over entirely.

The SPEAKER. Either the gentleman from Pennsylvania or the Chair does not understand the effect of the proposition. The Chair will endeavor to explain the proposition as he understands it. Suppose a bill, when reached, is liable to the point of order that it contains an appropriation of money or property, then such a bill must receive a two-thirds vote or it cannot pass.

Mr. RANDALL. Some bills that are not liable to a point of order ought not to pass. Therefore I suggest that we proceed to the Speaker's table in this mode——

Mr. COX. I object.

Mr. RANDALL. Not until you hear me, I hope. I propose that we proceed to take up bills upon the Speaker's table; that when not objected to they shall be passed, and that when objected to they shall be subject to a two-thirds vote in their order, one after another, as they are reached.

Several MEMBERS. O, no; that would not be fair.

The SPEAKER. As many as are in favor of the proposition will say "ay."

Mr. RANDALL. I move to modify it.

The SPEAKER. It cannot be modified. By the sound the Chair does not think two-thirds have voted in the affirmative.

Mr. RANDALL. I demand a division.

The House divided; and there were ayes 81, noes not counted.

The SPEAKER. Evidently two-thirds have not voted in the affirmative.

Mr. GARFIELD. I move to suspend the rules, to go into the Committee of the Whole on the deficiency appropriation bill.

Mr. KASSON. I appeal to the gentleman to let me have a vote on the Pacific Mail resolutions. They will be disposed of without debate. The House ought not to adjourn without acting on the resolutions.

Mr. DAWES. If the House would hear the resolutions I do not think there will be any objection to voting on them.

Mr. GARFIELD. If the gentleman will put the resolutions to a vote at once I will yield for that purpose.

Mr. KASSON. I propose to do it.

Mr. ELDREDGE. I move to suspend the rules in order to go to the business on the Speaker's table and consider such bills to which there may be no objection.

Mr. POTTER. That has been already voted down.

Mr. KASSON. I move to suspend the rules and pass the resolutions in reference to the Pacific Mail subsidy.

Mr. ELDREDGE. What becomes of my motion?

The SPEAKER. The gentleman from Iowa has the floor.

Mr. ELDREDGE. I moved to suspend the rules, which takes the gentleman from Iowa off the floor.

The SPEAKER. The gentleman from Iowa himself is making the motion to suspend the rules.

Mr. ELDREDGE. He proposed to bring forward his resolution by unanimous consent, and I moved to suspend the rules before he did.

The SPEAKER. The gentleman from Wisconsin was not recog-

nized, and he has to be recognized before he can move to suspend the rules.

Mr. ELDREDGE. I understand we cannot make a privileged motion unless the Chair says so.

THE ADJUTANT-GENERAL'S DEPARTMENT.

Mr. MACDOUGALL. I rise to make a privileged report, which I ask the Clerk to read. I insist on its being made at this time.

Mr. KASSON. Just wait a moment.

Mr. MACDOUGALL. No; I have been put off already a good many times.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on House bill 3912, to reduce and fix the Adjutant-General's Department of the Army, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the bill of the House, and agree to the same.

C. D. MACDOUGALL,
W. G. DONNAN,
J. W. NESMITH,
Managers on the part of the House.

JOHN A. LOGAN,
GEO. E. SPENCER,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. MACDOUGALL. I move the adoption of the report.

The motion was agreed to.

Mr. MACDOUGALL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. Mr. Speaker, I do not yield to the gentleman from Iowa [Mr. KASSON] to move to suspend the rules and pass the resolutions. I said I would yield if the House was brought to a vote without delay.

Mr. KASSON. I insist on my right to make the report.

Mr. GARFIELD. I insist on my right to go into Committee of the Whole on the deficiency bill.

Mr. KASSON. The motion has been put to the House.

The SPEAKER. If the gentleman from Ohio yielded under misapprehension he has the right to correct it. He had moved to suspend the rules to go into Committee of the Whole on the deficiency bill, and yielded to the gentleman from Iowa to ask unanimous consent.

Mr. GARFIELD. I cannot yield.

Mr. ELDREDGE. I desire to know if a request for unanimous consent takes precedence of the motion to suspend the rules?

The SPEAKER. It does not.

Mr. ELDREDGE. I have made my motion to suspend the rules.

The SPEAKER. There is a motion to suspend the rules pending.

Mr. O'BRIEN. I think unanimous consent ought to be given to the gentleman from Iowa. Does the gentleman from Ohio decline to yield?

Mr. GARFIELD. I do.

The SPEAKER. Then the Chair will submit the question on the motion to suspend the rules to go into Committee of the Whole.

Mr. GARFIELD. I move that all general debate in Committee of the Whole on the deficiency bill be limited to one minute.

The motion was agreed to.

The motion to go into Committee of the Whole on the deficiency bill was adopted.

POST-ROADS.

The SPEAKER. The bill (H. R. No. 4734) to establish certain post-roads has come from the Senate with amendments embracing other post-roads, containing no general legislation whatever, and if there be no objection the bill will be taken up and the amendments of the Senate concurred in.

There was no objection, and the amendments of the Senate were concurred in.

A. G. BATCHELDER ET AL.

Mr. SAYLER, of Indiana, by unanimous consent, from the Committee on Patents, reported adversely on the memorial of A. G. Batchelder and Mrs. Alsie M. Thompson, widow of Lafayette F. Thompson, deceased, for the extension of a patent for an improvement in railroad-car brakes; and the same was ordered to lie on the table, and the accompanying report was ordered to be printed, and also to be printed in the CONGRESSIONAL RECORD.

The report is as follows:

To the House of Representatives:

Your committee, to whom was referred the memorial of A. G. Batchelder and Mrs. Alsie M. Thompson, widow of Lafayette F. Thompson, asking for the extension for the term of seven years of a patent for "an improvement in railroad-car brakes," reports as follows, to wit:

Said invention was patented on the 6th day of July, 1852, the patent for which being issued in the name of Henry Tanner, as assignee, pursuant to an arrangement made with said Tanner prior to that date by said Batchelder and Thompson, deceased, the alleged inventors of said improvement. In July, 1866, said patent was extended by the Commissioner of Patents for the term of seven years, for the benefit of said Batchelder and the widow and children of the said Thompson, deceased.

You committee do not consider it necessary to follow said patent through its many transfers, by assignment, in whole or in part, during its existence. It has met with persistent litigation from the first, which has greatly retarded and reduced remuneration to the inventors and owners thereof. The said inventors, however, have received and secured to them not less than $50,000 from said invention, while the public has paid a very large amount therefor, the approximate amount of which your committee is not satisfactorily informed. Not long since a decree was entered in the United States circuit court in the city of Chicago, Judge Drummond presiding, in favor of said patent, measuring the damage to said patent for its infringement at $455 per car per annum, on which said patent or any infringing patent is used. What further steps have been taken in relation to said decree your committee is not informed. Not less than ten thousand cars in the United States have said patent, or some patent claimed to be infringing patents of said patent, attached. On the basis of said decree the measure of damages for a single year in the United States amounts to the enormous sum of $4,550,000, and in seven years to more than $31,000,000. The United States does not undertake that any inventor shall receive any given sum of money for a given invention, but does undertake to give to inventors the opportunity to reap a reward from their inventions. In this case the patent has been in existence for twenty-one years. Said device has been open to public use since the 6th day of July, 1873, the date of the expiration of said patent. Many manufacturers, corporations, and other persons have engaged in the manufacture and use of said device since said expiration, investing a large amount of capital therein. The device has gone into almost universal use. Every condition of any reasonable character has been complied with by the Government, and the parties owning the patent have an immense fund of damages for infringement of said patent out of which to secure an ample remuneration for said invention, provided said invention is a valid one. If said invention should be invalid, it ought not to be thrust further upon the public by an act of Congress.

In any and every view of the memorial your committee are of the opinion that its prayer ought not to be granted, and therefore recommend that the memorial do lie on the table.

WESTERN DISTRICT OF NORTH CAROLINA.

Mr. SPEER, by unanimous consent, from the Committee on Expenditures in the Department of Justice, submitted a report in regard to expenditures in the western district of North Carolina, concluding with the following resolution; which was read and agreed to:

Resolved, That the Committee on Expenditures in the Department of Justice be discharged from the further consideration of the resolution directing them to inquire into the expenditures of the public funds in the western district of North Carolina since its organization in 1872.

The report was ordered to be printed and to lie on the table.

HENRY MEYUELL.

Mr. MARTIN, by unanimous consent, from the Committee on Invalid Pensions, reported adversely on the petition of Henry Meyuell; and the same was laid upon the table, and the accompanying report ordered to be printed.

CORRECTION OF ENROLLED BILLS.

On motion of Mr. BRADLEY, by unanimous consent, the following Senate resolution was taken from the Speaker's table and concurred in:

Resolved by the Senate, (the House of Representatives concurring,) That the Joint Committee on Enrolled Bills be authorized in examining, the enrollment of the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, to correct a clerical error discovered in the bill after its passage, by inserting in section 2, line 3, after the word "section" and before the word "four," the word "twenty;" so that the third line of that section will read: "range 2 east, and section 24 in township 47 north."

DISTRICT RECORDER OF DEEDS.

Mr. THOMPSON, by unanimous consent, from the Committee on the District of Columbia, reported a bill (H. R. No. 4859) authorizing the recorder of deeds for the District of Columbia to appoint a deputy recorder, and legalizing the previous acts of such acting deputy; also providing for the payment of expenses incident to his office; which was read a first and second time.

The bill was read. It directs the recorder of deeds for the District of Columbia to appoint a deputy recorder, who shall be empowered to perform the several functions of the recorder in case of his absence on account of sickness or other necessary causes.

The second section legalizes and approves all acts and functions heretofore performed or exercised by George Schayer in the capacity of acting deputy recorder as if he had been previously appointed and authorized as such deputy by law; provided that the act shall not affect cases already adjudicated.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was according read the third time, and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUIS HEINLEY.

The SPEAKER. The gentleman from Pennsylvania [Mr. SMITH] asks unanimous consent to introduce for present consideration a bill heretofore passed granting a pension to Louis Heinley. The name was mispelled so that the pensioner could not get the benefit of it. The President sent the bill back, and this is a bill to correct that error.

There was no objection.

Mr. SMITH accordingly introduced a bill (H. R. No. 4860) granting a pension to Louis Heinley; which was read three times and passed.

FILING CLAIMS FOR ADDITIONAL BOUNTY.

Mr. COBURN. I desire to report a bill from the Committee on Military Affairs to extend the time for filing claims for additional bounties. The time has expired in which claims could be filed. The extension has been made once before. The bill does not give one cent more. The time for filing claims is merely extended.

Mr. GARFIELD. I must object. I cannot yield any further.

Mr. COBURN. I wish to have it understood that the gentleman from Ohio [Mr. GARFIELD] objects to a bill for filing claims for additional bounties, which could be passed by the House in one minute.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

An act (H. R. 4730) providing for the payment of certain employés of the House of Representatives; and

An act (H. R. 4856) to change the name of the port of Nobleborough to Damariscotta.

DEFICIENCY APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. HAZELTON, of Wisconsin, in the chair,) and proceeded to consider the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes.

Mr. GARFIELD. I ask unanimous consent to dispense with the first formal reading of the bill.

Mr. HOLMAN. The bill is quite short. I hope it will be read.

Mr. GARFIELD. I ask the gentleman not to insist on his objection. It is a bill of thirty-four pages.

Mr. HOLMAN. I withdraw the objection.

The first reading of the bill was dispensed with.

Mr. GARFIELD. In the minute allowed for debate, I will state that if gentlemen will send for Report No. 270 they will find there a full collection of all documents on which the bill is based. It is a document of fifty pages. I desire to call the attention of the Committee of the Whole to the fact that the Committee on Appropriations has inaugurated what I think is a wise arrangement in regard to these bills, of printing all the various departmental documents that come to us asking for appropriations in any bill; so that all the members of the House may have before them the same data on which the committee proceeded.

I ask now that the Clerk proceed with the reading of the bill by paragraphs for amendment.

Mr. PELHAM. I object to dispensing with the first reading of the bill.

The CHAIRMAN. The first reading has been dispensed with by unanimous consent.

The Clerk proceeded to read the bill, and read as follows:

For reporting proceedings and debates of the Senate to the close of the current fiscal year, $8,125.

Mr. CANNON, of Illinois. I offer the following amendment to come in at the close of the section:

To make up deficiency for Capitol police for the fiscal year ending June 30, 1875, as follows: For one captain, $88; for three lieutenants, $200 each, $600; for twenty-seven privates, $184 each, $4,968; and three privates in charge of the Botanical Garden, $184 each, $552; making, in all, $6,208.

Mr. CANNON, of Illinois. By the act of May 2, 1828, the presiding officers of the two Houses were authorized to fix the compensation of the police of the Capitol, (4 Statutes at Large, 266.) By virtue of that authority the pay of the captain was fixed at $1,740; private, $1,100. By act of April 23, 1854, 20 per cent. "upon their present pay" was added thereto, (10 Statutes at Large, 266.) By the act of July 28, 1866, 20 per cent. upon their present pay is allowed, (14 Statutes at Large, 323.) The effect of the proposed amendment is simply to appropriate a sum sufficient to pay the compensation now due under existing laws, the appropriation at the last session of Congress being that amount less than they are entitled to.

I have a statement here in reference to this subject which I will send to the Clerk's desk, if any gentleman desires it to be read, but as no gentleman calls for the reading, it need not be read. I apprehend it will not be disputed that these men have not been paid the amount due them by law. The act of March 3, 1873, increased their pay 15 per cent., and by the act of January 20, 1874, the act of March 3, 1873, was repealed, thus providing that the pay of the Capitol police should be the same as it was before the act of March 3, 1873, was passed.

Sir, I would be as unwilling to appropriate money for any other officers of the Government, as to fail to pay these employés the amount to which they are fairly entitled under the law. If they get too much, then repeal the law; but so long as the law remains, let us pay them what they are entitled to.

The amendment was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To enable the Clerk of the House of Representatives to pay counsel fees in the cases of J. B. Stewart *vs.* James G. Blaine, J. B. Stewart *vs.* N. G. Ordway, and the *habeas corpus* case of R. B. Irwin, namely: to William E. Chandler and A. J. Bentley, $1,500; Samuel Shellabarger, $1,000; George P. Fisher, $1,000; and J. O. Clephane, court stenographer, for reporting, $271.50; in all, $3,771.50; the same to be disbursed under the direction of the Committee on Accounts, and to be added to the miscellaneous item of the contingent fund of the House.

Mr. DONNAN. I offer the following amendment, to come in immediately after that paragraph:

To enable the Clerk of the House of Representatives to pay the temporary clerks to committees their full compensation from January 20, 1874, to the 1st day of April, 1875, under a resolution of the House of Representatives of December 9, 1875, $6,000, or so much thereof as may be necessary.

The amount to be paid to the temporary clerks to committees is determined not by law but by resolution at the commencement of each Congress. At the commencement of the present Congress temporary clerks were authorized by a resolution of the House to be employed at such compensation as was paid to the clerks of these committees in the last Congress. That pay was $5.52 per day until the repeal of the law. It is claimed that 15 per cent. should be deducted from the pay of these clerks to committees; but these clerks were employed under a resolution of the House alone, and the repeal of the law does not affect them for the reason that they do not stand on any law but on a resolution of the House, and so long as that resolution remains unrepealed their pay is just as specified. This House at the present Congress has agreed to pay them $5.52 a day.

Mr. HALE, of Maine. I desire to ask the gentleman from Iowa a question. Does this proposed amendment restore these clerks to the same pay that the increased-salary bill gave them before its repeal?

Mr. DONNAN. It proposes to pay the clerks precisely what we agreed to pay them on the 9th of December last.

Mr. HALE, of Maine. I will put the question in another form. We passed a bill increasing our salaries and those of certain officers of the Government. We afterward repealed that bill, thereby reducing those salaries. Does this bill put the salary of these employés where the salary bill put them?

Mr. DONNAN. I have no doubt it is. The bill repealing the salary act provided that the pay of officers, &c., should be as fixed by the law at the time the salary act was passed. The resolution by which these clerks were employed was passed by this House subsequent to that time, and stands as the contract under which we employed them on the 9th of December, 1873.

Mr. GARFIELD. The Committee on Appropriations are opposed to this.

Mr. HALE, of Maine. All the rest of us had our pay cut down.

Mr. MAYNARD. I would like to ask the gentleman whether this puts our clerks at a less rate than they were entitled to receive by the salary law?

Mr. DONNAN. My opinion is that they are still less than that, though I cannot answer the gentleman definitely.

Mr. GARFIELD. This amendment restores their pay to the rate which was repealed.

Mr. HOLMAN. I understand the point now. It is proposed to pay these clerks just what they would have received if we had not repealed the law of March 3, 1873.

Mr. GARFIELD. Yes; and let us vote it down.

Mr. HOLMAN. I desire to say a word on that point, and probably for the last time that I shall speak upon this bill. I do not think this is an act of good faith. When the eye of the public was right square upon us and there could be no dodging, we did not hesitate to repeal all of the act of March 3, 1873, which we had the power to repeal. There was not a gentleman who came into this House who was not returned here upon the pledge of its repeal.

Mr. MACDOUGALL. O, yes there was.

Mr. HOLMAN. I never heard of a man defending that act before the people. I do not regard this increase proposed here as required by good faith. The amount involved, to be sure, is very little. Yet the people are demanding a reduction of the expenses of the Government and not an increase of them. And how the gentleman from Iowa, [Mr. DONNAN,] who I know cheerfully voted for the repeal of the act of March 3, 1873, can come forward here now and move a restoration of any of the salaries increased by that act is something more than I can account for. The gentleman generally acts with the utmost degree of fairness, and I do not think he can stand upon this proposition.

Mr. DONNAN. I stand upon the position which I take upon this amendment.

The CHAIRMAN. No further debate is in order.

The question was taken on the amendment of Mr. DONNAN; and upon a division there were—ayes 30, noes 23; no quorum voting.

Mr. GARFIELD. I shall be obliged to call for tellers. This proposition takes one set of clerks, and makes them a specialty in preference to the rest.

Tellers were ordered; and Mr. GARFIELD and Mr. DONNAN were appointed.

The committee again divided; and the tellers reported that there were ayes 74, noes not counted.

So the amendment was agreed to.

Mr. GARFIELD. I give notice that I will call the yeas and nays on this amendment in the House, for it is thoroughly outrageous.

The Clerk read the following:

For salary of the assistant postmaster of the House for the current fiscal year, $288.

Mr. CRITTENDEN. I move to amend by inserting after the paragraph just read the following:

To enable the Clerk of the House to pay the clerk of the Committee on Invalid Pensions one month's extra compensation, $180.

Mr. RANDALL. He ought to have it; that is right.

The amendment was agreed to.

Mr. PRATT. I move to insert after the amendment just adopted the following:

For salary of the seven messengers of the post-office of the House of Representatives for the current fiscal year, $228 each.

Mr. GARFIELD. I rise to a point of order on that amendment. The law of last year fixes the salary of these post-office messengers, and this is an increase beyond the amount fixed by that law.

Mr. SESSIONS. The rule allows that precisely.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PRATT. I notice that the Committee on Appropriations report a deficiency of $228 for the assistant postmaster of the House of Representatives. By the same rule these messengers in the post-office are entitled to the same increase. Either this increase ought to be allowed as proposed in the amendment I have offered or the provision for the assistant postmaster of the House should be stricken out. By the law of last year these messengers are allowed $1,500 each. Before that time, if I am correct in my information, they received $1,728 each. My amendment is a proposition to restore to them the salary they were entitled to by the law, precisely as the paragraph last read provides for restoring to the assistant postmaster of the House his salary. I think it is just, for I cannot see the justice of allowing a salary to an officer and then refusing to appropriate the necessary amount of money to pay him. I hope the committee will adopt the amendment.

Mr. STORM. I desire to say this in regard to these clerks in the post-office: For several years they complained of the amount of salary paid them. There were two classes; one class of $1,600 and another of say $1,200 each. It was shown here in debate that those of the lower class were doing just the same kind of service as those of the higher class, and that in this way there was an injustice. After full discussion a compromise was agreed upon; and I trust that we shall not now attempt to restore the salaries of those whose pay was reduced at that time, unless we reduce the pay of those whose salaries were then raised. It was a fair compromise in regard to the different clerks in the post-office. To restore those who were reduced and say nothing about those who were raised at that time would be unjust. I do not say whether the pay of the assistants should have been raised or not; but this case only shows the mistake we make in attempting to raise any man's salary, because at once it is made the lever by which to raise everybody else's pay to the same point.

Mr. GARFIELD. I wish to say but a single word on this question. Last year, after full consideration in the Committee on Appropriations and in the House, the pay of these two classes of employés in the post-office of the House was adjusted, a portion of them being raised, the others slightly reduced so as not to appropriate a larger sum in the whole than was appropriated before. The general understanding in the House was that the law as then fixed was to be a permanent arrangement in that respect. The proposition now is to raise the salaries which were then reduced without bringing down those that were then increased. The effect of this would be to permanently increase the total amount appropriated beyond anything we have ever had in that office. Of course, if this is done, it breaks down all possible efforts ever to adjust salaries; for we may expect all reductions to come back again in the form of deficiencies. I hope that the amendment will not be agreed to.

The amendment was not agreed to.

The Clerk read as follows:

For folding documents, including pay of folders in the folding-rooms and materials, $6,200.

Mr. BURCHARD. I move to amend by striking out "6" and inserting "16" so as to make the appropriation $16,200. I wish to call the attention of the chairman of the Committee on Appropriations to the fact stated to me by the superintendent of the folding-room that the amount here proposed to be appropriated will not be sufficient, provided the Senate should concur in the resolution of the House to print the Agricultural Report, which I have no doubt will be done. In the last year and the previous year those reports were not printed, and not folded for the use of the House.

Mr. GARFIELD. This appropriation was made on a letter from the Clerk of the House. I am disposed myself to believe that there is more need of increased force in the folders' room under the Doorkeeper than in perhaps any other place. I think there ought to be an additional sum appropriated for that folding-room. But if the amendment prevails, it ought to be in the form of an additional appropriation of $10,000 for the folding-room under the Doorkeeper.

Mr. BURCHARD. I have no objection to modifying my amendment in that form.

The amendment of Mr. BURCHARD, as modified, was read, as follows:

And $10,000 for the folding-room under the Doorkeeper.

The amendment was agreed to.

The Clerk read as follows:

To the miscellaneous item of the contingent fund, $10,000.

Mr. PARKER, of Missouri. I move to amend by inserting after the clause just read the following:

For salary due FRANK MOREY as a member of the House of Representatives in the Forty-first Congress, $3,000.

Mr. SPEER. On this amendment I raise the point of order that there is no law authorizing any such payment.

Mr. PARKER, of Missouri. In reply to the gentleman I state that the rules were so suspended as to make this proposition in order.

The CHAIRMAN. Can the gentleman refer to the order of the House on that point?

Mr. PARKER, of Missouri. Yes, sir. On the 19th of February this resolution was offered:

Resolved, That the Committee on Appropriations be directed to ascertain whether there is rightfully due to any member of the Forty-first Congress from Louisiana any part of his salary as such member; and, if so, it shall be in order for such committee to report as part of the deficiency appropriation bill, such appropriation as shall be found due on such salaries.

Then upon the motion of the gentleman from Indiana [Mr. HOLMAN] the proposition was so modified as to make in order any amendment covering the subject-matter of the resolution.

The CHAIRMAN. That is broad enough.

Mr. SPEER. I desire to hear some explanation from the gentleman.

Mr. PARKER, of Missouri. With the permission of the Committee of the Whole I desire to make a statement in reference to this case, and if gentlemen will indulge me I cannot present the case better than by following the presentation of it which has been made by another gentleman.

It will be recollected by the House that Mr. MOREY claims this compensation by virtue of his election to the Forty-first Congress; and if gentlemen will turn to the resolution of the House, to be found in the seventy-ninth volume of the Globe, page 4019, they will find that Mr. MOREY was paid as a contestant for a seat in the Forty-first Congress the sum of $3,000.

The presentation I allude to was as follows:

By a close vote the House decided that no valid election of any one had been held in their districts, and the seats were declared vacant, and a new election was ordered; which was held, and both were duly elected in November, 1870, and both were awarded their seats in December, 1870, and served to the end of that Congress.

By volume 82, page 66, you will see that when the House came to act upon the pay of these men as members of the Forty-first Congress they did not allow them for the full Congress, but allowed that less the $4,000 and the $3,000 above named, which they had received as expenses of contest.

The questions which this application present are, therefore, not mere questions of equitable discretion addressed to the conscience of the House, though in this view the claim is vindicated by the whole history of the House. But while the claim is thus supported in equity, it is also vindicated by law, constitutional and statutory, which is not liable to be set aside by the action of either House alone.

I state the proposition of law on which I base this claim (in addition to its equities) as follows:

1. The Constitution, for wisest reasons—reasons disclosed by the constitutional debate—and by the use of the most unmistakable words, took away from each House the power to fix, change, add to, subtract from, or withhold any part of the compensation of members, which was done in these words, (article 1, section 6:) "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States."

Mr. SPEER. From what is the gentleman reading?

Mr. PARKER, of Missouri. From a brief which I adopt as my argument in this case, because it is a better statement than I could make.

2. This requirement of the Constitution having been complied with, and such compensation of the Forty-first Congress being then fixed by law, the sole possible question left to be decided in disposing of this application is whether, according to the true interpretation of such law, so fixing such salary, these members have received their full statutory salary.

In other words, the question is what is the time at which the salary or "compensation" of the member begins, as "ascertained by law," (for the Constitution will not suffer the House to ascertain it,) who is elected after the term begins to which he was elected? Does the law make the salary begin from date of election or from date of the beginning of the term, or from date of vacancy where the election is to fill a vacancy?

These questions have often been answered by the law committee and other committees of the House, and nearly uniformly answered in accordance with our claim here made.

I need not cite you to the scores of precedents by which this law has been uniformly construed to make the salary begin from the first of the term——

The CHAIRMAN. The gentleman's time has expired.

Mr. PARKER, of Missouri. I would be glad if the committee would permit me to present one or two remarks further.

Mr. SPEER. I do not object.

Mr. PARKER, of Missouri. Let me read further:

I need not cite you to the scores of precedents by which this law has been uniformly construed to make the salary begin from the first of the term, and not from the date of election, where the election is for a full term, and where to fill a vacancy from the date of the vacancy.

This case, Mr. Chairman, is precisely analagous to the case of General Young, of Georgia, who was elected about the same time to the same Congress. The House declared he was not entitled to his seat. He went back and was elected by the people of his district and was admitted on that election, but the House afterward decided he was entitled to it from the commencement of that Congress. Nevertheless, he had been paid the amount of the expenses of his contest. The law was settled by the Judiciary Committee of the House in that case; and if the House will bear with me, as this question is of some importance, I will read further from the document from which I have already quoted:

In the case of Mr. Young, of Georgia, (see 84 Globe, pages 1924-1926,) it will be found that the eminent law committee of the House and the House itself sustain the exact doctrine on which this claim of the Louisiana members rests. In that case they, "after an investigation long and painful," reached the conclusion reported in their resolution. That resolution paid Young in full for the entire Congress, though, precisely as in the present case, he had (1) claimed a seat in the Forty-first Congress in virtue of a former election; (2) was declared not so entitled, and his seat was declared vacant; (3) was elected by a new election, November, 1870, long after the term began, and (4) took his seat late in the Congress.

Judge Peters and General BUTLER rightly state the law and practice on page

1925, vol. 84, Peters, in these words: "According to the precedents,—almost invariable, I believe—if a man is elected to Congress, although it is after a part of the term of Congress has passed, he receives compensation for the whole Congress." * * * "Mr. Young has been twice elected," (just as Morey.) "He was here all last session. He holds two commissions," &c., &c. So of these Louisiana members; they were here during the whole Forty-first Congress.

General BUTLER says: "This question was referred not by our wish to the Committee on the Judiciary, and we found the law to be that a man was entitled to his salary from the time there was a vacancy in his district."

Suppose in this case Mr. MOREY went back, and instead of being elected Mr. Smith or some other was elected; does any gentleman believe in this House, if Mr. Smith had come here, he would not have got his pay for the entire Congress?

[Here the hammer fell.]

Mr. O'BRIEN. Will the gentleman from Missouri accept an amendment to pay members of the Fortieth Congress who were admitted to have been elected and who have never received a single dollar?

Mr. PARKER, of Missouri. I have no objection to the gentleman offering that as an amendment when this amendment is adopted.

Mr. SPEER. Mr. Chairman, I feel as all members on this floor must feel in cases of this kind, involving compensation to gentlemen with whom we have been associating for years. It is personally unpleasant to oppose a proposition of this kind, but this amendment of the gentleman from Missouri is so devoid of every semblance of justice that in my opinion it is my duty and the duty of every man here to protect the Treasury against such attempts to take out this amount.

What are the facts? Mr. MOREY and Mr. SYPHER (because an amendment will follow this one to pay Mr. SYPHER three or four thousand dollars) were elected in November, 1870, to serve in the Forty-first Congress until the end of that session. They came from the State of Louisiana here in December and sat during the months of December, January, and February, and that Congress expired on the 4th of March. They then rendered service for three months. One of them drew $7,000 and mileage and $4,000 for expenses, making $11,000 and mileage, the mileage amounting to ten or fifteen hundred dollars; I do not know the exact amount. The other drew $7,000 for service for three months and $3,000 for election expenses, making $10,000 and mileage. So they have both been paid actually twelve or thirteen thousand dollars for three months' service.

Now, what is the proposition? That the Forty-third Congress in the last hours of its existence, both gentleman having been members of the Forty-second Congress, and having failed to get such a proposition through that Congress, shall pay them $3,000 additional, one three and the other four thousand dollars; or, in other words, that we shall pay them for twenty-one months as members of Congress, when they were only elected four months before the Congress expired and served only three.

Mr. PARKER, of Missouri. I will ask the gentleman a question with his permission.

Mr. SPEER. Certainly.

Mr. PARKER, of Missouri. I ask the gentleman whether the same rule of which he complains does not apply as well to Mr. COX, of New York?

Mr. SPEER. I cannot say. That rule may have been adopted by the House; but it was never justly applied to any man, democrat or republican. And in the last Congress, when an attempt of the kind was made to pay Mr. WHITELEY, of Georgia, and one or two others, and it passed the House, I fought it to the last moment. I yielded only because I was compelled to yield to superior numbers.

No number of precedents can justify a wrong of this kind. And I say frankly to the gentleman from Missouri that no such proposition shall pass this Congress without a quorum in the Hall. I cannot consent to it, Mr. Chairman. I have no personal feeling toward these gentlemen, but I feel they should not permit such a proposition as this to be submitted to the House when for three months' service—while for all that appears they were engaged at home the rest of the time in their legitimate business, perhaps both of them filling other public offices; I do not know how that is—for three months' service they each received from the Treasury twelve or thirteen thousand dollars. They should not ask this additional compensation. They never earned it. And we as trustees of the people's money have no right to vote it to any man, friend or foe. There is no law, there is no justice, there is no merit in this case.

The House which knew all the facts, which passed on the rights of these gentlemen to their seats, declined to pay them. And now, nearly five years afterward, almost at midnight in the expiring hours of our session, with the Hall thin, the members here having but little personal acquaintance with the facts, we are asked to take six or seven thousand dollars out of the public Treasury and pay it to these gentlemen. I say that only a quorum shall do that public wrong; and I shall resist it to the last.

Mr. LOUGHRIDGE. I move to strike out the last word.

It may appear somewhat ungracious for any gentlemen to rise here to make an objection to paying an amount of money to a colleague on the floor. But I have endeavored as far as I could to look into this question fairly and candidly, and I do not think it would be right to pay this money. I will read the resolution passed by the House on the 12th of December, 1870. It was offered by Mr. DAWES, of Massachusetts. It seems that these two gentlemen had contested their seats here and the House had decided that neither of them had been elected; and they went back and were elected. They came back at the beginning of the December session, 1870. The question of their pay came up. I read from the Journal.

Mr. DAWES submitted the following resolutions; which were read, considered, and agreed to, namely:

Resolved, That the Sergeant-at-Arms be directed to pay Hon. J. HALE SYPHER and Hon. FRANK MOREY, Representatives from the State of Louisiana, their salaries and mileage from the beginning of this Congress, whenever they shall refund to the contingent fund of the House the amount paid to them respectively as contestants under the resolution of the House of June 2, 1870, which amount so refunded the Clerk of the House is hereby directed to deposit in the Treasury of the United States to the credit of the contingent fund of the House of Representatives.

That Congress then passed upon this question. They decided there that until these gentlemen refunded to the Treasury that money they would not be paid their salary for the entire term.

Now, it seems to me that to come in here four or five years afterward and ask Congress now to reverse the judgment of that House I submit to gentlemen is not good legislation. The gentleman from Missouri [Mr. PARKER] refers to a precedent in the case of the gentleman from Georgia. I do not know but that is a precedent; but as the gentleman from Pennsylvania [Mr. SPEER] stated, it is always better to shun a bad precedent than to follow it. If it is a precedent, it is a very bad one, and should not be followed.

Mr. PARKER, of Missouri. The gentleman from Iowa seems to think that because the House by a resolution may have done certain things that settles the question legally. I beg to say that the Constitution declares that the compensation of a member of Congress shall be ascertained by law. A resolution of this House is not a law. Therefore whatever action the House may have taken by simple resolution is in direct violation of the constitutional provision which requires that the compensation of a member should be ascertained by law. That compensation was at that time ascertained by law. The Judiciary Committee of this House after a careful examination settled the question, and the House by adopting the resolution in the Young case settled that the pay of a member of Congress commenced from the beginning of his term of office.

Now, it was a good thing to see my friend from Pennsylvania [Mr. SPEER] growing so eloquent on this question; but I should have been glad to have heard his eloquent voice when the case of General YOUNG, of Georgia, was here for settlement. It is precisely analogous. The facts in the case correspond precisely to those. Thus the principle was settled there, and I assert under the Constitution settled rightfully, that pay commenced from the commencement of the term. The House agreed to that proposition. That gentleman was rightly under the law paid and received this amount of money. All that I ask is that the principle settled in accordance with the Constitution in that case shall be made to apply to others who may be surrounded by the same facts.

[Here the hammer fell.]

The question was taken on the amendment offered by Mr. PARKER, of Missouri, and on a division there were ayes 11, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill and read as follows:

For paying-teller for the Sergeant-at-Arms, House of Representatives, $300 for the fiscal year ending June 30, 1875, and $300 for the fiscal year ending June 30, 1876.

Mr. GARFIELD. I offer the following amendment, to come in after the paragraph:

To enable the Clerk of the House of Representatives to pay to the Sergeant-at-Arms of the House of Representatives for the use of horses and carriages for the past and present fiscal years, $1,825.

My friend from Pennsylvania [Mr. SPEER] suggests that a part of the paragraph just read is in the legislative bill. I shall ask permission, if we find that the committee of conference on the legislative bill leaves that in, to make a change in the clause.

The amendment was agreed to.

Mr. GARFIELD. Now if the Clerk will read the clause in reference to the District of Columbia I will move that the committee rise.

The Clerk read as follows:

DISTRICT OF COLUMBIA.

To refund to the commissioners of the District of Columbia the amount paid by them on behalf of the United States from the treasury of the District, to be expended by them, $46,202.70.

Mr. HOLMAN. I move to strike out that paragraph.

Mr. LOUGHRIDGE. I rise to a question of order.

The CHAIRMAN. What is the question of order?

Mr. LOUGHRIDGE. I desire to make a point of order on that paragraph of the bill.

Mr. HOLMAN. If it is subject to a point of order, I hope the gentleman will insist upon it.

Mr. LOUGHRIDGE. Before I make the point of order, I ask the gentleman from Ohio [Mr. GARFIELD] to state on what this paragraph is founded.

Mr. GARFIELD. If gentlemen will turn to pages 33 and 34 of the report which accompanies this bill, they will see a letter from the commissioners of the District of Columbia giving a detailed statement of the elements of which this sum is made up. They were all put in one paragraph, rather than to make a large series of paragraphs. On the thirty-second page, in the middle of the page, gentlemen will find this:

The commissioners of the District hand you herewith a communication addressed to them by the auditor of the District, showing the amount of $46,202.70 paid

by them from the treasury of the District, which we respectfully ask Congress to refund to the District.

Then there is another letter from the commissioners of the District of Columbia, setting forth in detail those expenditures which the commissioners of the District understand to be properly payable by Congress. By the law creating the District commission a great many matters of detail had to be left with them, and they are gentlemen, I believe, entirely trustworthy; and the Committee on Appropriations thought it our duty to report these recommendations. They are the recommendations of our own officers, and of course authorized by law of Congress. I do not think that any point of order can lie against this paragraph in any way. If there be anything against it, it must be upon its merits.

Mr. LOUGHRIDGE. I make the point of order that this paragraph is not only without authority of law but against law. The items are as follows:

On account of salaries of the commissioners of the District of Columbia to January 1, 1875, $7,528.66.

I think that would be in order.

On account of salaries of assistant engineers to January 1, 1875, $1,736.16.
On account of expenses of the board of audit, including salaries of the clerks, &c., to January 1, 1875, $25,486.63.

Now, the law expressly says that the expenses of the board of audit shall be paid by the District of Columbia from the taxes and revenues of the District of Columbia.

On account of printing and trimming 3.65 bonds, act June 20, $11,451.25.

The law expressly says that those bonds shall be paid for by the District. I refer to the act of last session, on page 120, which is as follows:

And they are hereby authorized to allow for the services of such accountant or accountants and assistants such sums as they may deem proper, which shall be paid by the board of commissioners out of the revenues of said District.

Again:

Each of the said officers constituting said board shall be paid the sum of $2,000 for his services under this act, out of the funds of said District, in addition to his present compensation.

The law provides that these bonds shall be exempt from taxation by Federal, State, or municipal authority, and that the expense of engraving and printing them should be paid by the District of Columbia.

The CHAIRMAN. What is the point of order?

Mr. LOUGHRIDGE. It is that each one of the items I have indicated should be paid by the District of Columbia. It is therefore contrary to express statute to pay them out of the United States Treasury, unless the law is changed for that purpose.

The CHAIRMAN. The Chair will overrule the point of order for the present, until he is informed specifically in regard to it.

Mr. GARFIELD. We must sit here all night to-morrow night; we sat here all of last night. I am sure we will do more and better work if we get some sleep to-night. I therefore move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CESSNA having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 4840) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the bill of the Senate (S. No. 420) to amend an act entitled "An act for the restoration to homestead entry and to market of certain lands in the State of Michigan, and for other purposes."

The message also announced that the Senate had passed, without amendment the bill (H. R. No. 4856) to change the name of the port of Nobleborough to Damariscotta.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. No. 3504) to provide for deductions from the sentence of United States prisoners.

LEAVE TO PRINT.

Leave to print, as a portion of the debates of the House, remarks prepared upon the subjects indicated was granted as follows:

Mr. MCCORMICK, upon the interests of the Territories, &c. (See Appendix.)

Mr. GARFIELD, upon the political subjects lately considered by the House. (See Appendix.)

Mr. SMALL, upon the subject of cheap interstate transportation. (See Appendix.)

Mr. GARFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at eleven o'clock and twenty-five minutes p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *March* 3, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Mr. PRATT. I move to dispense with the reading of the Journal this morning for the purpose of calling up the remaining pension cases, private pension bills, some thirty odd in number. I hope there will be no opposition to this. It is the last opportunity I shall have.

The VICE-PRESIDENT. The Senator from Indiana asks that the reading of the Journal of yesterday may be dispensed with in order to put on their passage several pension bills. It requires unanimous consent.

Mr. EDMUNDS. Let the question be divided.

Mr. SARGENT. I object to the motion.

Mr. EDMUNDS. I do not object to dispensing with the reading of the Journal; and then we can see what we shall take up.

Mr. SARGENT. I ask that the morning business may be dispensed with to enable us to proceed with the sundry civil appropriation bill. I would remind Senators that this bill is ninety-eight or one hundred pages, and has to pass the Senate, and then the clerks are compelled to take an hour or two to inform the House of our amendments in the ordinary manner; that then the House is to pass upon them *seriatim*, which will take several hours longer, and after that the committee of conference acts and reports, and then this large bill has to be enrolled; and unless we can put it through early to-day I fear all our labor on it will be lost.

The VICE-PRESIDENT. The Senator from California asks that the reading of the Journal be dispensed with for the purpose of acting upon the sundry civil appropriation bill. Is there objection?

Mr. SARGENT. I trust not.

Mr. CRAGIN. The residue of the morning hour to-day after the regular morning business belongs to the Committee on Naval Affairs, according to the order of the Senate. The committee has four House bills that can be passed in ten minutes, if the committee is allowed that time. My proposition would be to extend the rest of the morning hour to the Committee on Pensions.

The VICE-PRESIDENT. Is there objection to the proposition of the Senator from California?

Mr. HAMLIN. I want to say one word in relation to these pension bills. The enrolling clerks must have some time to enroll them. Less than an hour, probably half an hour, will dispose of all of them. This appropriation bill is going through; there is no trouble about it. The pension bills are cases that appeal to our sympathy; they appeal to our humanity; they are the cases of poor widows mainly, who want the pittance that our Committee on Pensions, rigid as it has been, says they are justly entitled to. Now, I say it will be a crying shame, nay, I hold that it will be a sin, if we do not give a passage to these bills. A few moments will do it. I do hope my friend from California, who has charge of the appropriation bill, will give half an hour for that purpose.

The VICE-PRESIDENT. The Chair hears no objection to the proposition of the Senator from California.

Mr. HAMLIN. I object.

The VICE-PRESIDENT. Objection is made, and the Secretary will read the Journal of yesterday.

Mr. SARGENT. I shall object to anything then except the ordinary morning business.

Mr. HAMLIN. Well; let us have it.

Mr. EDMUNDS. I ask consent that the reading of the Journal be dispensed with; and when we get that done we shall see what we can do next.

Mr. HAMLIN. I withdraw my objection. I will not follow the example of others. I will not be captious.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Vermont that the reading of the Journal be dispensed with? The Chair hears no objection, and the reading is dispensed with.

Mr. SARGENT. Now I believe there is no objection to the Committee on Appropriations proceeding.

Mr. SCOTT. I do not want to object. I want that done; but before I give my consent I wish to ask unanimous consent that after the sundry civil and the river and harbor bills shall be out of the way at least one hour shall be given to bills of the Committee on Claims. I deem it my duty to ask that in view of the two appropriation bills reported from the committee.

Mr. SARGENT. I have no objection to that.

Mr. HAMILTON, of Maryland. I hope that one hour or half an hour will be given to the Committee on the District of Columbia. It is too bad that we have not passed a single measure for the people of this District.

Mr. CRAGIN. Before I give my consent I want it understood that the Committee on Naval Affairs shall have fifteen minutes, as we are entitled to this morning hour, in preference to any other business after the appropriation bills are disposed of.

The VICE-PRESIDENT. Is there objection to the proposition that after action on this bill the Committee on Naval Affairs shall have fifteen minutes?

Mr. CRAGIN. For House bills simply.

Mr. SCOTT. Is my request granted that when the river and harbor bill and the sundry civil bill have been disposed of one hour shall be given to the Committee on Claims?

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. EDMUNDS. Subject to conference reports and other things about appropriation bills.

Mr. SCOTT. Very well.

The VICE-PRESIDENT. The Chair hears no objection to giving the Committee on Naval Affairs fifteen minutes.

Mr. HITCHCOCK. Is it understood also that the Committee on the District of Columbia shall have half an hour?

Mr. EDMUNDS. No, sir.

Mr. HITCHCOCK. Then I ask for that.

The VICE-PRESIDENT. The Senator from Nebraska asks for half an hour for the Committee on the District of Columbia.

Mr. HITCHCOCK. We have bills that will not create debate which have passed the House already, that no one will have any objection to, and I ask that at least a few minutes be given to the Committee on the District of Columbia.

Mr. EDMUNDS. The District Committee has had its hour or half hour since the Judiciary Committee had. We have reported a considerable number of bills for gentlemen who are anxious to have their disabilities removed. There are a great many other bills. I think the best way will be to take the Calendar by unanimous consent, when we have any time, and consider the unobjected cases.

The VICE-PRESIDENT. The appropriation bill is before the Senate.

Mr. PRATT. I wish to make a single observation before the reading of the bill commences.

Mr. SARGENT. Is there any question before the Senate?

The VICE-PRESIDENT. The appropriation bill is before the Senate.

Mr. SARGENT. Let the Clerk report the pending amendment.

Mr. PRATT. I wish to make a single observation.

Mr. SARGENT. Let the amendment be reported, and then the Senator can make his observation.

Mr. PRATT. Very well.

The VICE-PRESIDENT. The pending amendment will be read.

AMENDMENT TO APPROPRIATION BILLS.

Mr. SPRAGUE and Mr. DAVIS submitted amendments intended to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce.

Mr. STEWART and Mr. ANTHONY submitted amendments intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations.

Mr. ROBERTSON and Mr. HARVEY submitted amendments intended to be proposed to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; the pending question being on the amendment reported by the Committee on Appropriations to insert the following proviso after line 333:

Provided, That the last clause of an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes, approved March 3, 1873, amending an act to extend the laws of the United States relating to customs, commerce, and navigation in the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes, is hereby repealed.

Mr. SARGENT. The chairman of the Committee on the Judiciary, in whose judgment on all legal propositions I have great confidence, thinks this amendment ought not to be in the bill. The committee desire to withdraw the amendment.

The VICE-PRESIDENT. The amendment will be withdrawn.

Mr. PRATT. Now, Mr. President, I wish to make a single observation. The bills that I proposed to submit to the Senate this morning are bills that have passed the House of Representatives. They have been carefully considered by the Committee on Pensions of this body. They are highly meritorious. The class of persons that will be relieved have been aptly described by my friend from Maine. This is the only opportunity that we shall have for considering these bills. These people are scattered all the way from Maine to Nebraska, from the lakes to the Tennessee and to Arkansas and to North Carolina. I believe there is but a single beneficiary under these bills in my own State. It would be a very great hardship and misfortune if these bills should fail.

The VICE-PRESIDENT. The reading of the appropriation bill will be continued. The Chair will not receive any more propositions.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to insert after line 385 the following:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000; and the said bonds are hereby made payable, principal and interest, in gold. And the 3.65 registered bonds of the District of Columbia, authorized by act of Congress approved June 20, 1874, and February 20, 1875, in lieu of coupon bonds, may be issued in denominations of $1,000 and $5,000: *Provided*, That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act, within ninety days from the passage of this act, and, as to certificates of dates subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund, acting as treasurer thereof, shall be $1,000 per annum.

Mr. SHERMAN. This change of the character of a bond or security of the United States in an appropriation bill it seems to me is a dangerous precedent, and I trust that for that reason alone the amendment will be modified. This provision changing the interest and the character of these bonds, in an appropriation bill at this hour of the session, it seems to me is totally unjustifiable. I do not want to consume much time about it, but I will do so if it be necessary. I move to strike out the words "and the said bonds are hereby made payable, principal and interest, in gold." That is to add really one-eighth or one-sixth to the whole burden of the obligation of the United States on these bonds.

Mr. BAYARD. I hope that amendment will prevail.

Mr. EDMUNDS. I am very glad the Senator from Ohio has made this motion. I had marked the printed bill at this point to make it myself. As it looks to me, it comes very near being an outrage to do this thing. I know the committee did not intend anything of the kind; but here certain people have been compelled to take these 3.65 bonds for their claims; they have been obliged to sell them; they have been shaved and they have gone into the hands of moneylenders; and now we have an arrangement by which these moneylenders will make more profit yet. If there is any necessity for having any part of this amendment, I hope the motion of the Senator from Ohio will be agreed to.

Mr. SARGENT. I am willing the matter shall go into the Senate. This part of the amendment was at the suggestion of one of the members of the committee who investigated this matter fully last year. I do not pretend to know much about it myself. I am willing to take the vote of the Senate. My impression is that the bonds are much less in value than it was alleged in the debate of last year that they would be.

Mr. BOUTWELL. The facts on which the value of the bonds was predicated have not changed and ought not to be changed by Congress.

Mr. BAYARD. If the motion to strike out is carried, I shall be satisfied; but I cannot allow the amendment to be acted on without debate unless that is done.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the committee as amended.

Mr. SHERMAN. I have not had time to read the whole amendment carefully. I would like to have it passed over for a moment.

Mr. SARGENT. I have no objection.

The VICE-PRESIDENT. The amendments will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to insert after line 411:

And section 4 of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be, and the same hereby is, amended by substituting the word June for March, so far as relates to the taxes imposed by said section 4 of said act of Congress: *Provided*, That the penalty of 1 per cent. per month shall be added to delinquent taxes until paid or until sale of the property under said act as hereby amended.

Mr. EDMUNDS. What is the effect of that.

Mr. SARGENT. By the present law these parties will be sold out I think this coming month. The Senator is aware, unquestionably, that by the tax of 3 per cent. and then 5 per cent. put on coming close together a great many of our people in the District will absolutely lose their property and cannot raise this money.

Mr. EDMUNDS. It extends the time for the payment instead of the levying of taxes.

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. All right.

The amendment was agreed to.

Mr. SHERMAN. I ask the Senate to go back to the amendment just passed here. That proviso is inconsistent with the act passed at the last session. We have provided by an act introduced by the Senator from Maine [Mr. HAMLIN] for the extension of the time for presenting these claims, which is the 1st of July. That bill has passed both Houses. This provision is inconsistent with it, and ought to be struck out.

Mr. HAMLIN. Is the Senator sure that that bill has passed the other House?

Mr. SARGENT. I wish the Senator would take more time about this.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 445 to reduce the appropriation "to enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved" from $15,000 to $10,000.

Mr. SARGENT. The committee withdraws that amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 481, to reduce from $75,000 to $45,000 the appropriation for every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 516, to reduce from $13,600 to $10,000 the appropriation for rent of buildings numbered 211 South New Jersey avenue, and 215 South Capitol street, (except such small portions as are occupied for the preservation and preparation of standard weights and measures,) for offices, work-rooms, and work-shops in Washington.

The amendment was agreed to.

Mr. SARGENT. In the next clause, in line 517, after the word "building" the words "205 South New Jersey avenue" should be inserted to designate the building. I move that amendment.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 530 to strike out "ten" and insert "eight;" so as to read:

For the transportation of instruments, maps, and charts, the purchase of new instruments, books, maps, and charts, and for gas and other miscellaneous expenses, $8,000.

The amendment was agreed to.

Mr. SARGENT. The amendments in the next four paragraphs cutting out those items were reported on account of the absence of a tax bill. I now desire to withdraw the amendments in those paragraphs.

The VICE-PRESIDENT. These amendments will be considered as withdrawn.

Mr. SHERMAN. My friend need not be troubled about that, because all the produce of the tax bills in my judgment will be consumed in bounties.

Mr. SARGENT. I dare say that may be; but the Coast Survey is a very important branch of the service and we hated very much to cripple it. We withdraw the amendments striking out from line 532 to line 548.

The VICE-PRESIDENT. Those amendments will be regarded as withdrawn.

The paragraph from line 549 to line 560 was read.

Mr. SARGENT. There are some verbal corrections in the paragraph. In line 553 I move to strike out "5" and to insert "15," and strike out "New Jersey avenue" and insert "Capitol street," so as to read "No. 215 South Capitol street."

The amendment was agreed to.

Mr. SARGENT. After the word "rooms," in line 554, I move to insert "in building No. 205 South New Jersey avenue."

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line 567 to reduce the appropriation for "seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of twenty-three light-ships and eight relief light-vessels," from $230,000 to $217,732.

The amendment was agreed to.

The next amendment was in lines 577 and 578 to strike out "including rewards paid for information as to collisions, four" and insert "two;" so as to read:

For expenses of visiting and inspecting lights and other aids to navigation, $2,000.

Mr. EDMUNDS. Is the intention not to authorize any reward to be paid?

Mr. SARGENT. That is not the intention; but this is a new item in the bill, never in appropriation bills before. We do not see any particular necessity for putting it here.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out lines 608, 609, and 610, in the following words:

Steam-tender for fifth district: For building a new steam-tender for light-house service in the fifth light-house district, $50,000.

The amendment was agreed to.

The next amendment was to strike out lines 614, 615, and 616, as follows:

Steam-tender for seventh district: For building a small steamer for use in construction and repairs in the seventh light-house district, $50,000.

Mr. SARGENT. I am satisfied that that amendment ought not to be adopted. There are three steamers provided for in the House bill, all of which we struck out; but on investigation into the seventh district I think they need it, because they are constructing an iron light-house on the Florida reef, about one hundred and twenty-five feet high, and they require this steamer to run off and back. Therefore the committee withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 677, 678, and 679 in the following words:

Steam-tender for Pacific coast: For building a steam-tender for light-house service on the Pacific coast, $100,000.

And in lieu thereof to insert—

For steam fog-signal for Yerba Buena, California, $5,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to strike out from line 841 down to and including line 848, as follows:

To enable and authorize the Department of Justice to aid the Commissioner of the General Land Office to recover certain lands and the rents and profits thereof, known as the Rancho Panoche Grande, in California, as provided in the resolution passed by the House of Representatives on the 26th of January, 1875, $5,000, or so much as may be necessary therefor.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in line 875, to strike out "fifty" and insert "forty;" so as to read:

For surveying the public lands in Montana Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $40,000.

The amendment was agreed to.

The next amendment was in line 897, to strike out "forty" and insert "thirty;" so as to read:

For surveying the public lands in New Mexico Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $30,000.

The amendment was agreed to.

The next amendment was to insert after line 940:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted said company, be, and the same is hereby, repealed, and no cost for surveying shall be collected from said company.

Mr. DAVIS. I should like to have the attention of the Senate to this amendment. I was unable to agree with the amendment of the committee. The amendment, as the Senate will see, repeals certain sections of the law now in force which require the Northern Pacific Railroad Company to pay their portion for the surveys of the public lands along their line. I was unable to agree with the committee upon this amendment, and do not think it ought to be adopted.

Mr. SARGENT. Only a word of explanation. The attorney for the Northern Pacific Railroad Company appeared before the committee and he showed us that a requisition which was put in an appropriation bill two years ago, requiring as a preliminary to the patents for the company that the company should pay for the surveys, was a violation of the original charter we granted to the company. That is clearly demonstrated by a citation of the statutes. At any rate it was so in the opinion of the committee. He asked on behalf of the company that this prerequisite, which prevents their getting their lands for the amount of road which they have really built, be repealed. The committee, after hearing him, thought that this provision of the former appropriation bill should be repealed, because it is a violation, as they understood it, of a legislative contract. That is all there is about it, and I would like to have the Senate pass upon the question without too much debate on the proposition.

Mr. PRATT. This same question was considered by the Senate at the last session, and this provision of the appropriation bill of 1871 was repealed. At that time the charter and the amendment to the charter of the Northern Pacific Railroad Company were submitted to the Senate; and it was clearly shown that the company was entitled to receive a patent for these lands as it progressed with the work, which contemplated, of course, that the Government should survey them; because otherwise how could the Government convey them by patent to the company?

Mr. BAYARD. At this session of Congress there has been a proposition to aid in the construction of the Southern Pacific Railroad, and Congress has denied it; and now having denied that aid—and I for one was not in favor of the extension of the aid—I do not think it just or right that a company which has received already a perfect empire in the way of territory should be exempted from the ordinary fees of surveying. The lavish generosity, in my opinion the criminal generosity—to use the word generosity in connection with such an adjective—to the Northern Pacific Railroad ought not to be pursued any further. There is no reason why with the lavish grants of land to this company they should be subject to the present provisions of law; and I hope the amendment will not be agreed to. I understand the cost of these fees will be something like a million dollars.

Mr. SPRAGUE. The empire referred to by the Senator from Delaware is perfectly useless to this company with this provision. They have not the means to pay for the surveys. The original act, the charter granting them their franchise, and acts granting the franchises of the other Pacific railroads exempted them from the cost of survey. Subsequent legislation upon an appropriation bill obtained under the spur of a momentary excitement repudiated or set aside this pro-

vision of the original law. The law in this case, as has been reported upon by one of your committees, states explicitly that this company should be relieved of that cost. I care nothing about it, but that is your law.

Mr. DAVIS. I do not want to take up the time in discussing this matter, for we have very little time; but if the law now exempts this company from paying these fees there is no use in this amendment. I hope, therefore, the Senate will not agree with the committee.

Mr. SARGENT. Let us have the question.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The next amendment of the Committee on Appropriations was to strike out from line 950 to 979, as follows:

For the survey of Indian reservations and subdividing portions of the same, $191,820: *Provided*, That the sum of $100,000 thereof, or so much thereof as may be necessary, be applicable to the payment of such surveys executed prior to the end of the fiscal year ending June 30, 1875.

For surveying confirmed private land claims in California at legal rates, including necessary office expenses, $20,000.

For surveying confirmed private land claims in Colorado Territory, at a rate not exceeding fifteen dollars per linear mile, $10,000.

For surveying confirmed private land claims in New Mexico, at a rate not exceeding fifteen dollars per linear mile, $10,000: *Provided*, That the provisions of the third section of the act entitled "An act to reduce the expenses of the survey of the public lands in the United States," approved May 30, 1862, requiring that the cost of survey and platting shall be paid by the claimant for any private land claim before a patent therefor shall be issued, be, and the same is hereby, repealed.

For survey of the boundary between New Mexico and Arizona, being so much of the thirty-second meridian west from the Washington observatory as lies between the parallels of thirty-one degrees and twenty minutes and thirty-seven degrees of north latitude, at a rate not exceeding seventy dollars per linear mile, $27,370.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment was in line 989, to strike out "fifteen" and insert "thirteen;" so as to read:

For expenses of depositing moneys received from sales of public lands, $13,000.

The amendment was agreed to.

The next amendment was to strike out lines 990 and 991, as follows:

To meet the expenses of suppressing depredations upon the timber on the public lands, $5,000.

Mr. SARGENT. There is a little doubt about that, but it is the annual appropriation. Thinking we might have very little money coming in we struck it out, but I will withdraw the amendment, if there is no objection.

Mr. EDMUNDS. I hope the appropriation will be made, for you will save three times the amount in saving live-oak in the South.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. EDMUNDS. The question should be put and the amendment disagreed to, so as to make the Journal right.

The amendment was rejected.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to insert after the appropriation for improvement of the Capitol grounds, clause in line 999, the following:

Which sum shall be available from the passage of this act. And the telegraph companies having offices in the Capitol are directed to take from the Capitol grounds and the streets around the same all telegraph polls, and connect these lines with the Capitol by means of cables laid under ground; and, further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol grounds and relay the same as may be directed by the officers in charge of the improvements of the Capitol grounds. And the Architect of the Capitol is hereby directed to move from the Capitol grounds all stables, workshops, and other buildings which may be in the way of the improvements of said grounds.

Mr. SARGENT. In the haste of getting this bill to the printer I find some verbal errors. The House say "of which sum $50,000 shall be immediately available," while the Senate committee intended to recommend that the whole sum should be available from the passage of this act. In order to carry out that purpose, I move to strike out in lines 998 and 999 the words "of which sum $50,000 shall be immediately available," and then in the language of the committee to say:

Which sum shall be available from the passage of this act.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to insert after line 1013:

For stable for mail-wagons, &c., for Senate, to be erected on lot at the north of the Capitol, recently purchased by the United States, $10,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 1016:

For repairing steam-boilers and for steam-traps for Senate wing, $3,500.

The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was to strike out from line 1060 to 1071 the following words:

By the cities of Washington and Georgetown, and the county of Washington, beyond the limits of said cities, in the District of Columbia, in the proportion corresponding to the number of privates allotted severally to said precincts; and the corporate authorities of said cities and proper authorities of the District of Columbia are hereby authorized and required to levy a special tax, not exceeding ½ of 1 per cent., which shall be specially deposited once in each week, as such collections are made, to be appropriated and expended for said purpose only, for the service of the fiscal year ending June 30, 1876.

And in lieu thereof to insert:

Out of the treasury of the District of Columbia: *Provided*, That the duties devolved and the authority conferred upon the board of Metropolitan police by law, for police purposes in said District shall extend to and include all public squares or places; and said board are hereby authorized and required to make appropriate rules and regulations in relation thereto.

So as to make the clause read:

Provided, That a further sum amounting to $102,635 shall concurrently be paid to defray the expenses of the said Metropolitan police force, out of the treasury of the District of Columbia: *Provided*, That the duties devolved and the authority conferred upon the board of Metropolitan police by law, for police purposes in said District shall extend to and include all public squares or places; and said board are hereby authorized and required to make appropriate rules and regulations in relation thereto.

The amendment was agreed to.

The next amendment was to strike out from lines 1078 to 1085, as follows:

To enable the proper accounting officers to settle the accounts of Binger Herman, late receiver of public moneys at Roseburgh, Oregon, the sum of $545.77 is hereby appropriated, of which the sum of $116.53 only may be repaid from the Treasury as balance due him for overpayment on account of sales of public lands.

The amendment was agreed to.

The next amendment was to insert after line 1102:

For the extention of the building for the Government Hospital for the Insane, $125,000.

Mr. SHERMAN. I ask the Senator from California what is the necessity for that large sum?

Mr. SARGENT. The Government Hospital for the Insane takes care of the insane of the Army and Navy and of the indigent insane of the District of Columbia. There are accommodations for somewhat over five hundred patients. They have over seven hundred patients, and the number constantly increases. The corridors and all the wards are full and even the floors, so that a person going around at night is in danger of stepping on persons on the floors. They are liable to hospital diseases, which of course, being in so crowded a building, would have a very frightful effect. Dr. Nichols, who is a very careful physician, who has charge of this institution, narrated these facts to the committee, and we thought that the only appropriate remedy was to authorize this extension. The extension will cost $375,000, of which we propose to give one-third only during the next fiscal year. I think these reasons are strong enough to justify the action of the committee. I trust the Senator will not object.

Mr. SHERMAN. I wish to state that in my deliberate judgment this appropriation bill has not been reduced sufficiently in view of the condition in which we are now placed, and that these additional appropriations for public buildings ought not to be made. I am not going to contest the matter, but I state the fact to the Senate. Here is the commencement of a building which is to cost $375,000 which I think can be just as well postponed.

Mr. MORRILL, of Maine. I desire to say one word. This Committee on Appropriations have been as reluctant as any committee possibly could be to increase the appropriations in any direction whatever, either for public buildings or for any other purpose; but from a careful examination of this question as presented by the superintendent of the institution, a most estimable gentleman as everybody knows, and upon the recommendation of the Interior Department, the committee came to the conclusion that it was a matter of necessity to make this appropriation. The capacity of the institution at the present time is between five and six hundred persons. There are some fifty or sixty persons there more than there are reasonable accommodations for. There are some fifty or sixty persons who are now quartered in the corridors or crowded into rooms in a most inconvenient and uncomfortable way.

I think it cannot be doubted that this question presents us with one of absolute necessity so far as the accommodations of the institution are concerned. It is conducted in the most economical and proper way. To postpone this another year is simply to postpone it under circumstances which I think would be very unfriendly to the institution. I wish to say further as an additional reason why this should be done that by a recent act of Congress we have ordered all the insane sailors in addition to the Government officers in all directions in the service of the country to be sent to this institution.

Mr. SPRAGUE. I desire to call the attention of the Senate to the alarming fact which this appropriation indicates—the increase of insanity. These are but straws that indicate the underlying condition. There were in New York City seven hundred cases of manifestations of this disease during the past year.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to; there being on a division—ayes 33, noes 8.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I ask the Senator in charge of this bill to yield to me to make a conference report.

Mr. SARGENT. Certainly.

Mr. WEST. I submit a report which I ask to have read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 11, 12, 14, 15, and 16.

That the House recede from their disagreements to the amendments numbered 1 and 18.

That the House recede from their disagreements to the amendments numbered 7, 8, 9, and 10, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out by amendment numbered 8 the word "not," and strike out the word proposed to be inserted; and in lieu of the word "Baltimore" in said amendment insert "Washington;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the seventeenth amendment of the Senate, and agree to the same with an amendment as follows: Strike out the word "written" where it first occurs in the House amendment, and strike out the proviso from the same; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the nineteenth amendment of the Senate, and agree to the same modified by striking out the word "garden;" and the House agree to the same.

J. R. WEST,
T. W. FERRY,
H. G. DAVIS,
Managers on the part of the Senate.

JAS. M. TYNER,
J. B. PACKER,
JOHN HANCOCK,
Managers on the part of the House.

Mr. SAULSBURY. I should like some member of the conference committee to explain the report.

Mr. WEST. What point does the Senator desire explanation upon?

Mr. SAULSBURY. I do not know what the amendments are.

Mr. WEST. It is the report on the post-office appropriation bill. There is a Senator near the Senator from Delaware who can give him any explanation he may require.

Mr. DAVIS. Substantially as the Senate passed the bill it now returns from the conference committee. There are some verbal changes, but it is substantially as the Senate agreed to the bill.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia.

The message also announced that the House had passed the following resolutions; in which it requested the concurrence of the Senate:

A resolution for the printing of Henry W. Elliott's report on the seal islands of Alaska, with illustrations; and

A resolution for the printing of additional copies of the report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army; and

A bill (H. R. No. 4829) for the relief of Willow Springs Distilling Company of Omaha, Nebraska.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I will take advantage of this opportunity to make some reports, if there be no objection. ["Go on."]

The VICE-PRESIDENT. The Chair hears no objection.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4559) to remove the political disabilities of George S. Hawkins, of Florida, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1280) to remove the political disabilities of S. D. Lee, of Mississippi, reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration; which was agreed to:

A bill (S. No. 57) to remove all political disabilities;

A bill (S. No. 1235) to remove the disabilities of R. H. Logan, of Roanoke county, Virginia;

A bill (S. No. 1148) to remove the political disabilities of James E. Slaughter, of Alabama;

A bill (S. No. 1151) to remove the political disabilities of D. B. Conrad, of Virginia;

A bill (S. No. 1155) removing the political disabilities of W. E. Wysham;

A bill (H. R. No. 3780) to remove the political disabilities of Robert Tansill, of Prince William County, and Marcellus P. Christian, of Lynchburgh, Virginia;

A bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities;

A bill (H. R. No. 2652) relieving the legal and political disabilities of John J. Guthrie;

A bill (H. R. No. 3520) to remove the political disabilities of General George E. Pickett and Dr. Charles H. Williamson, of Virginia; Thomas Hardeman, jr., and James Jackson, of Georgia; and John H. Reagan, of Texas;

A bill (H. R. No. 3607) for the removal of the political disabilities of George S. Shryock, of Saint Louis, in the State of Missouri;

A bill (H. R. No. 4561) to relieve Thomas Boyd Edelin, of Prince George's County, Maryland, of all political disabilities; and

A bill (H. R. No. 3221) to relieve Raphael Semmes, of Alabama, of political disabilities.

Mr. EDMUNDS. In these cases we report adversely because there were no petitions, and because in several of the instances the officers were dismissed from the Army instead of having their resignations accepted. As to the case of Raphael Semmes of the Alabama, being House bill No. 3221, we report adversely not because the Kearsarge sunk his ship, but because it appears from testimony before the court of commissioners of Alabama claims (which may turn out to be explainable, and we hope it may) that this person was guilty of some cruel conduct to some American seamen in the Indian Ocean or somewhere; and until that is explained satisfactorily it is out of the question to remove his disabilities.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the petition of Annie C. Grant, praying for the passage of an act to allow the Commissioner of Patents to sign the certificate of the extension of letters-patent granted to her husband, deceased, on the 29th day of May, 1866, submitted a report thereon accompanied by a bill (S. No. 1362) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28,470, granted to Frederick F. Grant May 29, 1860, upon a sliver-machine: which was read and passed to a second reading.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAMLIN, it was

Ordered, That Levi Washington have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. CRAGIN, it was

Ordered, That Walter Cable have leave to withdraw from the files of the Senate his petition and papers.

On motion of Mr. PRATT, it was

Ordered, That Francisco Quesada be allowed to withdraw his papers from the files of the Senate.

On motion of Mr. JOHNSTON, it was

Ordered, That Harvey Lull have leave to withdraw his memorial and accompanying papers from the files of the Senate.

On motion of Mr. WRIGHT, it was

Ordered, That the heirs of Brigadier-General B. S. Roberts have leave to withdraw from the files of the Senate his petition and papers, copies to be left with the Secretary.

PETITIONS AND MEMORIALS.

Mr. ALCORN presented the memorial of Samuel W. Lancaster, of Madison County, Mississippi, praying compensation for certain property taken and used by the United States troops during the late war, or that his claim be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

He also presented the memorial of Consider Parish, of Hinds County, Mississippi, praying compensation for certain cotton and other property taken by the United States authorities during the late war, or that his claim be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

He also presented the memorial of William H. Whitefield, a British subject, formerly residing near Fort Smith, Arkansas, praying compensation for certain property taken from him by the United States authorities during the late war, or that his claim be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

He also presented the memorial of Nelson Potter, praying compensation for certain property taken and used by the United States authorities during the late war; which was referred to the Committee on Claims.

Mr. RAMSEY presented a letter of C. F. Macdonald, superintendent of the money-order office of the Post-Office Department, addressed to the chairman of the Committee on Post-Offices and Post-Roads of the Senate, touching the operation and cost of the money-order system; which was ordered to lie on the table and be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to strike out the following clause from lines 1106 to 1112:

For the purpose of paying the State lunatic asylum for insane convicts at Auburn, New York, for the keeping of George Sheppard and James Blowers, United States convicts, who became insane while undergoing sentence, and who were kept and maintained in said asylum after their term of sentence had expired, the sum of $5,009.46.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 1127:

To complete the purchase of the ground around Columbia Hospital, $25,000; which shall be available immediately.

The amendment was agreed to.

The next amendment was to insert after line 1151:

For the National Association for the Relief of the Colored Women and Children of the District of Columbia, $10,000.

The amendment was agreed to.

The reading of the bill was continued to line 1171, on page 48.

Mr. LOGAN. I desire to move an amendment to the third paragraph in the items for Rock Island arsenal on page 48. I will not detain the Senate, but I have a letter from the Secretary of War recommending it.

Mr. SARGENT. Will the Senator send up his amendment?

Mr. LOGAN. It is that $150,000 of the appropriation shall take effect immediately after the passage of the act. My amendment is to come in after line 1171.

Mr. SARGENT. But the amount of that line is only $18,500.

Mr. LOGAN. But I mean it to apply to the three items.

Mr. EDMUNDS. Let us go through with the committee's amendments.

Mr. SARGENT. Let the Senator put it in writing and bring it up by and by.

Mr. LOGAN. All the three items belong to the work of the arsenal.

Mr. SARGENT. I hope the Senator will prepare the amendment.

Mr. LOGAN. I have it ready.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out from the items for Benicia arsenal, California, line 1215, as follows:

For grading grounds, $3,000.

The amendment was agreed to.

The next amendment was to strike out lines 1222 and 1223, as follows:

To enable the Secretary of War to purchase Gatling guns for the Army and Navy, $50,000.

Mr. CRAGIN. I hope the amendment will not be adopted.

Mr. FERRY, of Connecticut. I understand the committee do not desire to have that amendment carried.

Mr. SARGENT. The purpose of the amendment is not to reflect on the Gatling gun, which I suppose is a very good article; but it is reported on account of the condition of the Treasury and the fact that we have not a very lovely prospect by the statement of the chairman of the Committee on Finance of getting any money from the tax bill and at the time this bill was considered in the committee there was not hope even of passing that bill. From motives of economy we struck out this item, thinking there was no immediate prospect of a war requiring the Navy to use this gun during the fiscal year and that we could wait a year before buying more of these guns. That was the reason.

Mr. CRAGIN. This is used both by the Army and Navy.

Mr. SARGENT. I am aware of that.

Mr. CRAGIN. It is a very valuable arm, an American invention, and foreign nations are adopting it everywhere. I think our Government ought to avail itself of it.

Mr. MORTON. It seems to me the appropriation ought not to be stricken out.

Mr. SARGENT. I am willing to submit it to the Senate.

Mr. EATON. I hope the clause will not be stricken out.

The amendment was rejected; there being, on a division—ayes 19, noes 21.

The reading of the bill was continued. The next amendment was after "necessary," in line 1292, to strike out the words "not to exceed $30,000 in all;" so as to read:

Provided, That the Secretary of War be, and he is hereby, authorized to pay the expenses of operating and keeping in repair the said telegraph lines out of any money received for dispatches sent over said lines; any balance remaining after the payment of such expenses to be covered into the Treasury as a miscellaneous receipt; the money received in any one fiscal year to be used only in payment for the expenses of that year. And a full report of the receipts and expenditures in connection with the said telegraph lines shall be made quarterly to the Secretary of War through the Chief Signal Officer. And the Chief Signal Officer shall have the charge and control of said lines of telegraph in the construction, repair, and operation of the same. And so much of this appropriation as may be necessary shall be used in constructing a telegraph line from Fort Marcy to Fort Bayard, in New Mexico, and from Fort Bayard to Camp Grant, in Arizona: *Provided*, That no money hereby appropriated or any unexpended balance of former appropriations for the erection of military telegraph lines shall be expended upon any line that cannot be completed by such appropriations herein or already made.

The amendment was agreed to.

The next amendment was in line 1307, to strike out "sixty" and insert "twenty-five;" so as to read:

For geographical surveys of the Territories west of the one hundredth meridian, $25,000.

The amendment was agreed to.

The next amendment was to strike out line 1312 down to and including line 1322, as follows:

For head-boards or head-stones at the soldiers' graves in Woodlawn Cemetery, at Elmira, New York, and for care of said graves, $5,000, or so much thereof as may be necessary. And all that part of Woodlawn Cemetery lying north of Sycamore avenue (upon filing in the War Department the consent of the common council of the city of Elmira) is hereby declared a national cemetery; and the head-boards at the graves of confederate prisoners shall be renewed as they decay; and the expense thereof shall be defrayed from the annual appropriations for national cemeteries.

Mr. CONKLING. I wish the Senator from California would state why the committee propose to strike that clause out of the bill.

Mr. SARGENT. I will ask the Senator a question. Is this a national cemetery?

Mr. CONKLING. I have in my hand a statement in regard to it, but in one word I will answer the Senator's question so far as I can. At Elmira was a prison-camp in which a large number of prisoners of war captured from the other side were detained. Those who died were buried there, the city of Elmira giving for nothing the land in which they were interred, it being a cemetery in which all others paid for lots. Head-stones were put at the graves of these dead prisoners of war. Those head-stones as I imperfectly called them, for I believe they were boards, have decayed, and this portion of that cemetery is not only unsightly but a distressing spot. Those who gave the land in which the interments took place think that the Government should re-erect these head-stones and that the city of Elmira should not be called upon, after having given the ground, to re-erect them.

The Senate will see that the case is exceptional. The graves are those of confederate dead and of men who died while in our custody as captives of war. I am not making an argument; but at the request of my colleague in the other House who represents that district and who has given me a more particular statement, with which I do not detain the Senate, I feel bound to bring the facts to the notice of the Senate.

Mr. SHERMAN. As this is the first of numerous cases likely to be brought to the attention of the Senate, I wish to read the law on the subject that Senators may see whether under the circumstances the provision ought to pass. A similar bill from Pennsylvania was brought here and referred to the Committee on Military Affairs and was not reported by that committee. Perhaps I am not at liberty to say more than that the Military Committee after examining it has not reported it, and it still stands in that condition. But this case from New York presents the same question the Pennsylvania case did, and now I wish to state the objections to entering on this system of adding to the national cemeteries.

Mr. CONKLING. Will the Senator let me interrupt him? I find that I made a misstatement about this case, in answer to the Senator from California. I observe by the memorandum of my colleague this, to which I ask attention:

By act of the last session this was made a national cemetery for the erection of head-stones at the soldiers' graves, and proper care thereof, but it turns out that under the law as it stands no head-stones can be erected. The graves are confederate graves.

Mr. SHERMAN. I will refer the Senate to the law which governs the national cemeteries and they will see whether it is wise or not to extend this system to the cases I will mention. The first law for the establishment of national cemeteries was in an appropriation bill in 1866, and is as follows:

To establish national cemeteries and purchase sites for the same at such points as the President of the United States may deem proper, and for the care of the same, $50,000.

At the following session, while this appropriation was being expended, an act was passed on the 22d of February, 1867, "to establish and protect national cemeteries," which declares:

That in the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small head-stone, or block, with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the office of the Quartermaster-General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or, if unknown, it shall be so recorded.

Section 2 provides:

That the Secretary of War is hereby directed to cause to be erected at the principal entrance of each of the national cemeteries aforesaid a suitable building to be occupied as a porter's lodge; and it shall be his duty to appoint a meritorious and trustworthy superintendent, who shall be selected from enlisted men of the Army, disabled in service, and who shall have the pay and allowances of an ordnance sergeant, to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same. The Secretary of War shall detail some officer of the Army, not under the rank of major, to visit annually all of said cemeteries, and to inspect and report to him the condition of the same, and the amount of money necessary to protect them, to sod the graves, gravel and grade the walks and avenues, and to keep the grounds in complete order; and the said Secretary shall transmit the said report to Congress at the commencement of each session, together with an estimate of the appropriation necessary for that purpose.

Then the third section goes on and protects all these national cemeteries by extending over them the jurisdiction of the United States, requiring punishment in the proper courts of the United States for any mutilation of these head-stones or any trespass on the grounds. It extends over them for that purpose the jurisdiction of the United States. I will say to my honorable friend from New York that under this authority there were a few cemeteries established in the United States in places where great numbers of Union dead soldiers were buried, like the one across the river near here. I do not know the number of cemeteries in all; perhaps my friend from California can tell; but at any rate quite a number have been established to carry out this law. Whenever you add to the number of national cemeteries, you have to provide for marble head-stones at a pretty large cost, to be renewed from time to time; you have to provide for sodding the ground, fencing the ground, building a porter's lodge, station-

ing at each one of these cemeteries a sergeant to guard them, and you require a major to go every year and inspect them and an annual appropriation is to be made for them, and you extend over them the jurisdiction of the United States both civil and criminal.

Is it wise for us to enter upon this? In the State of Ohio we have at least six just such cemeteries, only much larger than the one described in the bill at Elmira. For instance, we have one at Johnson's Island, where the confederate prisoners were kept. We have one in Cincinnati, one in Columbus, one at Camp Dennison. Indeed, we have at least ten places where soldiers are buried, but they are not national cemeteries. There is not a town in the State of Ohio of ten thousand inhabitants where a certain portion of the public ground in the cemetery has not been set apart for soldiers' graves, and in many cases expensive monuments have been erected over them and the people of the locality take pride in preserving and caring for these monuments and cemeteries for national soldiers. Now, if you establish the precedent in this case in New York you cannot refuse to extend it elsewhere.

I beg the Senate to pause now before they establish this precedent. I should like, as a matter of course, to pay due honor to the dead buried in this cemetery in New York and so in the case in Pennsylvania; but if you once establish the principle, you ought to adopt it as a general rule, to be applied to at least five hundred or a thousand places in the United States. Will you adopt a general law extending over these grounds the jurisdiction of the United States, the requirement to fence them, to build a house at each, to put a sergeant at each to guard it? I do not think you have as many sergeants in the Army of the kind named in the law as would be required to take care of all the cemeteries covered by such a provision. Then you have to send a major to inspect them, you will make annual appropriations for them, and so extend the system further than was contemplated originally.

I hope that the dead who are now buried in their honored graves will not be allowed to be made the pretext for a bad and dangerous example of trenching upon the rights of the living.

Mr. CONKLING. Mr. President, I am aware of the force of the Senator's remarks and I am not insensible to the fact that he discharges a duty which it is not altogether pleasant to discharge in making this objection, and yet I venture to say that the Senator somewhat misconceives the force of these words and attributes to them an effect which they cannot have; and I think I can show the Senator now, since looking at the facts and at the law, that the case does stand upon exceptional ground. I ask the Senator first to hear me read a statute passed at the last session of Congress:

It is hereby declared that the northern part of Woodlawn Cemetery, in the city of Elmira, in the State of New York, occupied by soldiers' graves, shall be deemed a national cemetery so far only that the head-stones of said soldiers' graves shall be renewed and maintained and the graves cared for under the provisions of law applicable to national cemeteries.

I think I am not mistaken in supposing that it is too late for us to say that the four acres of ground in question, gratuitously given by the city of Elmira for the interment of confederate dead, is not in this regard a national cemetery. It is, I submit, by law which has already passed beyond our reach. These men died and were interred far from home, far beyond the reach of their friends. They could be cared for only as they were, being captives of the Government at the time. Woodlawn Cemetery, which is a beautiful spot, was, north of a certain avenue, made over, as I repeat again, gratuitously for this purpose. The head-stones were perishable in character; they were made of wood. They have in truth decayed, and an act of Congress has declared that they shall be restored. Now what is the question before us? First having accepted the gift of this ground for this purpose, having said by law that it should be maintained as a national cemetery and not turned into an unsightly and disagreeable blemish in the city of Elmira, nor plowed over, nor desecrated, it turns out that there is a technical difficulty in the way of executing the law. To remedy that technical difficulty these words were put in the bill.

Mr. SHERMAN. The technical difficulty to which the Senator refers is just the one I am commenting on; that is a limited extension of the law as to national cemeteries only for the purpose of erecting the head-stones. But this amendment makes it a national cemetery for all purposes.

Mr. CONKLING. Then I suggest to my friend that he ought to amend the clause so as to restrict it, and not vote it down altogether.

Mr. SHERMAN. The only object of this provision here is to change that law and make it a national cemetery not in the restricted sense of that law authorizing head-stones to be erected, but to make it a national cemetery in the full volume that I have already read. That is, a sergeant must be there and the graves must be sodded and fenced——

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The time of both Senators is exhausted.

Mr. SARGENT. I desire to say but a single word. The dead soldiers of the late war are scattered in all the cemeteries and grave-yards of the nation. There is no spot in any grave-yard of the North as old as the commencement of the rebellion where do not lie the bodies of those who fell in that struggle or died from diseases contracted in it. All our towns have some spot which they hold hallowed on account of these precious ashes reposing in them. There are, however, some great collections of bodies made by the Government of the United States in national cemeteries, originally so-called, which the Government walls about very durably at large expense. To the graves of the soldiers therein buried it has put stone monuments in place of the wooden ones which were erected to mark the graves when the burials were first made; and in order that there might be no desecration of those graves, and that the large and precious deposit made there might be preserved from depredations or sacrilege, a person is kept in charge at very large expense, the expense being warranted on account of the size of the cemeteries and the very large number of persons buried in them.

Now comes year by year a pressure to get town grave-yards declared national cemeteries because within them lie graves of men who died in a most honorable cause, and precious deposits they are where they lie; but the Government cannot afford to make national cemeteries of all these grave-yards or of the portions of them which contain the remains of soldiers. If that were done, the cost of the national cemeteries would be most disproportionate. It would be very much better, if it is necessary for the Government to become the custodian of these honored dead, that they should be taken up and removed to some central place, where the service of the person in charge would be commensurate with the duty he performs and the trust in his hands. But to provide in the various localities everywhere for keeping up national cemeteries, with all the expense that is paid for the Arlington Cemetery or these other great institutions which we have found it necessary to create, is simply to involve the Treasury in enormous expense.

If this were a single proposition only, I might perhaps not be so earnest; or had I been persuaded by the appeal from the town of York, in Pennsylvania, and if that were not to be followed next year by one from Chicago, and the next year by one from Newburyport, Massachusetts, and perhaps the next year by one from Sacramento, California, and I know not to what extent—perhaps from as many places almost as there are names of post-offices in the Post-Office Gazette—if there was not danger of our entering upon an expenditure of that kind I might yield. If this were the only instance, I might not so strenuously oppose it; but I do strenuously oppose it, because if we make this appropriation it will be entering on an inclined plane which carries us farther and farther from economy in this particular. If we ought to take care of these dead, let us exhume them tenderly and with care and put them in our large cemeteries, where we have large areas unoccupied, where we have a corps of officers to take charge of them; but we cannot afford to take every little grave-yard in the country and make it a national cemetery, put a lodge there, erect walls there, have a sergeant in charge, have it visited every year by a major, with all the enormous expenses of beautifying the graves and making green-houses for flowers and shrubs and beautifying the grounds, because the expenditure would be beyond anything the Treasury could bear.

Mr. LOGAN. I wish the attention of the Senator having charge of the bill, as I have to leave the Chamber to go to a committee of conference. On page 57, in the clause from lines 1381 to 1388, I desire to offer an amendment. An amendment of the Senate committee proposes to strike out that clause.

Mr. SARGENT. The Senator desires to non-concur.

Mr. LOGAN. Yes, sir.

Mr. SARGENT. I have no objection to withdrawing that amendment if the Senate will consent to our doing so.

Mr. LOGAN. Very well. Then on page 71 I wish to offer an amendment, and inasmuch as I have to go now to a committee of conference I ask to have the amendment as to the Chicago custom-house building on that page passed over until I return.

Mr. SARGENT. Unless the House appropriation is restored. In that event the Senator does not desire to have it passed over.

Mr. LOGAN. There is another matter there besides the amendment, and that is changing the structure of the building. I merely wish to have it passed over until I return.

Mr. SARGENT. That will depend on whether we get through the bill or not before then.

Mr. CONKLING. The amendment of the committee is to strike out the words from line 1312 to line 1322. I wish to perfect them before they are stricken out, and therefore I move to strike out lines 1319 to 1322 and to insert in lieu of those words these:

In so far only as declared by the act of June 23, 1874, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes."

The Senate will see if this amendment prevail that it obviates the objection insisted by both the Senators who favor removing the provision altogether from the bill. They speak of lodges, of hot-houses, of sergeants, and so on. The Senator will see that with this amendment the only effect will be to carry out the law as it stands now, which is to renew these head-stones.

I ask the Senate to allow me to make only one further remark, and to it I ask the attention of my friend from California. He says this will bring in a brood of other cases. If he is right in that, the objection is a grave one, and I beg the Senator to remark that that cannot be, and for this reason: This was a confederate prison, a large number of confederate soldiers being confined there, so many that I think four thousand is the number of those dead. Now surely the Senator cannot say that the case in York, Pennsylvania, and the other

cases to which he has referred are such cases. I am not at this moment insisting that this is more meritorious by the distinction I make; I am only insisting that it is not to stand at the head of a row of precedents upon similar facts. These men were far distant from home, captives, interred there. Does the Senator know of any such case in a northern State?

The Senator says these sacred deposits could be tenderly taken up and transferred to national cemeteries. So they could, but the Senator knows better than I do that the expense would be vastly greater than that of putting up one stone to mark each of these spots and to stand as long as stone will last.

Mr. SARGENT. The Senator asks me if I knew of others. I could name Johnson's Island and a number of others.

Mr. CONKLING. I have no doubt there are some others; but when I ask him if he knows of others, I mean to inquire whether he knows that in York, Pennsylvania, and in Massachusetts and Ohio and all about where we speak of national cemeteries, this is true. Now, I ask the Senator what provision has been made at Johnson's Island?

Mr. SARGENT. I cannot tell; but if this provision be made now I can tell him what provision will be made for a thousand cases in a year or two.

Mr. CONKLING. O, no, not a thousand cases. I ask a vote on my amendment to the clause.

Mr. SARGENT. I do not desire to delay the Senate, because if I were to debate every amendment the bill would fail; but I do beg the Senate not to enter upon this new expenditure.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York to the clause proposed to be stricken out.

Mr. CONKLING. If amended as I propose, the clause will read in this way: "All that part of Woodlawn Cemetery lying north of Sycamore avenue (upon filing in the War Department the consent of the common council of the city of Elmira) is hereby declared a national cemetery in so far only as declared by the act of June 23, 1874, entitled," &c.

Mr. SARGENT. There is no necessity for that amendment.

Mr. CONKLING. Certainly there is necessity for it.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations to strike out the clause.

The amendment was agreed to.

Mr. SARGENT. The next following lines down to line 1365 relate to the same subject, and can only be passed upon on a knowledge of the individual cases. I ask the Senate to consent that these items go out of the bill, as recommended by the committee, and leave them to be considered in conference. They all relate to payments to contestants and contestees to seats in the House of Representatives. I ask that all these amendments be agreed to without reading them.

The PRESIDING OFFICER. If there be no objection, that will be done.

Mr. SARGENT. That strikes out from line 1332 to 1365.

The PRESIDING OFFICER. The motions to strike out all those lines are agreed to.

BRIDGE AT DUBUQUE.

Mr. ALLISON. I ask consent to take up the Senate bill No. 1230, on which a motion to reconsider is pending.

Mr. SARGENT. If it leads to no discussion, I will not object.

Mr. ALLISON. It will lead to no discussion whatever.

The PRESIDING OFFICER. The motion is to reconsider the vote on the passage of the bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa.

Mr. ALLISON. The Senator from Wisconsin [Mr. HOWE] authorized me to withdraw his amendment. Let the bill be considered as passed without the amendment proposed by him.

Mr. WINDOM. I withdraw the motion on that understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order is made. The amendment is withdrawn and the bill passed without it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The following clause was read, being lines 1366 to 1371:

That so much of section 38 of the Revised Statutes as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elect to Congress those holders of legal certificates whose election he may be notified will be contested be, and the same is hereby, repealed.

Mr. WRIGHT. As I understand by the law at present, on evidence being presented to the Clerk of the House and notice of a contest, the pay is withheld from the holder of the certificate.

Mr. SARGENT. That is very true; but this provision comes from the House and it relates to their own members, and for that reason we deal a little more leniently with this clause than we otherwise might; but I would remark that it has been found in practice that the provision referred to is entirely useless, because the member holding the certificate is entitled to be sworn in and is sworn in no matter what contest is pending, and the moment he is sworn in he goes and gets his pay. That has been so all the time, and the only effect is to keep these persons out of their pay during the recess.

Mr. WRIGHT. All I want to do is to call attention to it, and I doubt not the attention of the committee may have been directed to it. As it occurs now, after to-morrow the persons who may hold certificates will draw pay from now until Congress shall meet in December; and if it shall occur that the contestant shall succeed, the contestant will get paid for the same time.

Mr. SARGENT. This law does not affect that. I think myself that is an abuse, but it would require a very different legislative provision from anything that exists now or that this bill proposes to cover that subject. I am very glad the Senator's attention is directed to that matter, and I think some good legislation can come out of it. This does not affect that. A Senator whose election is contested may hold his seat until the day before the Congress expires, and on that day he may lose his seat and the other man come in. He will have received his pay all that time, and the one who comes in of course will receive pay from the time he should have come in; and that makes duplicate pay. This does not affect that.

Mr. WRIGHT. But this makes it so that a person can draw his pay from to-morrow until next December, and then, if his seat is contested and his contestant be adjudged entitled to the seat, he will draw pay also, I understand.

Mr. SARGENT. Unquestionably that is so.

Mr. MORTON. I understand the effect is to place the rights of a contesting member of the House on the same ground as those of contesting members of the Senate.

Mr. SARGENT. Certainly.

Mr. MORTON. As the law now stands, if a member's seat is contested, the one holding the certificate and *prima facie* entitled is kept out of his pay all that time. It works a great hardship.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out in line 1375 the words "mileage and" before "transportation;" so as to read:

For collection and payment of bounty, prize-money, and other claims of colored soldiers and sailors; salaries of agents and clerks; rent of office; fuel, lights, stationery, and similar necessaries; office furniture and repairs; transportation of officers and agents; telegraphing and postage, $75,000.

The amendment was agreed to.

The next amendment was to insert after line 1370:

For the payment of bounties to sailors and marines under existing laws, $50,000, or so much thereof as may be necessary.

Mr. SHERMAN. I will inquire of the Senator from California whether this is not paid out of the permanent naval pension fund?

Mr. SARGENT. The amendment is to carry out the provision of law. I made inquiry on that matter, not having time to hunt it up, and it resulted in the information that it is not paid out of the naval pension fund.

Mr. SHERMAN. There must be some mistake about that, I think.

Mr. SARGENT. The amount recommended by the Department was $100,000. The committee in a fit of economy cut it down to $50,000. I think it had better be $100,000.

Mr. SHERMAN. If this is not to be paid out of the Navy pension fund, my remark does not apply. I know nothing about the amount to be paid for this bounty, and if it is not paid out of the Navy pension fund, I have nothing to say.

Mr. SARGENT. The information given to me is that it is not paid out of the Navy pension fund. I do not see any objection to paying it out of the Navy pension fund, but the law does not so provide.

Mr. SHERMAN. I think it would be better to pay it out of the Navy pension fund, which is ample, which is $14,000,000 or $15,000,000. I move to amend by adding "to be paid out of the Navy pension fund," which is amply sufficient.

Mr. CRAGIN. I hope not. The Navy pension fund is a sacred fund set apart for a special purpose, and should not be used for the payment of bounties or anything of that kind. The Navy pension fund now in the Treasury is drawing but 3 per cent. interest. That fund was set apart for a special purpose. It has been diverted from that purpose already.

Mr. SARGENT. Will the chairman of the Committee on Naval Affairs inform me whether these bounties have heretofore been paid out of the Navy pension fund.

Mr. CRAGIN. They have not, and never should be.

Mr. SHERMAN. I withdraw my amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the following clause from line 1381 to 1388:

For continuing the publication of the official records of the war of the rebellion, both of the Union and of the confederate armies, $50,000; which shall be available

from and after the passage of this act; and where extra services are performed after office hours, and in addition to other regular duties, by the clerks employed upon this work, they shall be paid such reasonable extra compensation therefor as the Secretary of War may determine.

The PRESIDING OFFICER. The Chair understands that this is the amendment to which the Senator from Illinois [Mr. LOGAN] referred.

Mr. SARGENT. I stated that I was willing to withdraw it.

The PRESIDING OFFICER. The amendment will be regarded as withdrawn by the committee, if there be no objection.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was after the word "insurrection," in line 1414, to strike out:

And for arms and munitions of war taken for said purposes by the United States from the State of Maryland, $250,000.

Mr. SARGENT. The words in line 1416 by the print are improperly stricken out. The amount should be left. I withdraw that portion of the amendment.

The PRESIDING OFFICER. The amendment is simply then to strike out the words:

And for arms and munitions of war taken for said purposes by the United States from the State of Maryland.

Mr. SARGENT. Yes, sir.

Mr. HAMILTON, of Maryland. I propose to amend the proposition to strike out. Objection is made to naming a State, as I understand, and the motion to strike out is because of that. I propose to make it general, so as to read:

And arms and munitions of war taken for said purpose by the United States from States not in insurrection.

Mr. SCOTT. Were there any taken from any other State?

Mr. HAMILTON, of Maryland. I do not know. This State certainly was not in insurrection. I can tell the Senator from Pennsylvania that they were not taken, but these arms were got from the State; they were not properly taken. If there be anything wrong the Department will take care of that. I think the objection was not to the appropriation itself but to the character of the appropriation, that it was appropriating it to a specific State. Sixty-four thousand dollars is the whole sum claimed by Maryland, and that we propose to submit to the Department if an appropriation is made by this bill that will cover it.

Mr. SCOTT. I do not know how this provision got into this bill embracing the State of Maryland; but I will say for the Senator's information that a claim for arms alleged to have been taken from the State of Maryland was introduced by itself and referred as a private claim to the Committee on Claims and was under examination, but has not been reported upon. I think it would be altogether appropriate that instead of going into an appropriation bill it should go, like other claims, through the regular course of examination.

Mr. HAMILTON, of Maryland. That is well enough in itself, and I do not object to that, and for that reason I am perfectly willing that the name of the State of Maryland shall be stricken out and a general appropriation made. Hitherto, as determined by the Secretary of the Treasury and also the Second Comptroller of the Treasury, it was decided that under existing law this claim could not be paid by the regular accounting officers of the Treasury, and therefore in the House it was without any trouble in the world put in, and there it was proposed to be put in in this way:

And for arms and munitions of war taken for said purposes by the United States from States not in insurrection.

Objection was made there that the State should be specifically named if there were one from which arms were taken, and the State of Maryland was put in there for the purpose of obviating this general objection. Now I am perfectly willing that the State of Maryland shall be stricken out and that the clause shall read "from States not in insurrection," so as to make it general in its terms, and under this amendment if we can get the $64,000 (because it is no more) to which we are entitled according as the Department shall adjudge upon the justice of the claim, very well. We want nothing decisive here. We will go to the Department to determine our rights under the general appropriation, and I am sure making it general in this way will obviate the objections of the honorable gentleman from Pennsylvania and those of others as to its being a private claim and intended for Maryland alone.

Mr. SCOTT. I think the Senator would hardly get much benefit from the amendment if he had it in the bill.

Mr. HAMILTON, of Maryland. I am satisfied with it if it is put in the bill.

Mr. SCOTT. My impression is that there is no other case to which this could apply than the State of Maryland. The case was so far examined that instead of the language here, "taken from the State of Maryland," applying, I think the facts show that the arms were voluntarily delivered by the then governor of Maryland to the United States. I think it had better take the usual course of reference to a committee of the body, as it now has taken, and be disposed of regularly, rather than to go into an appropriation bill.

Mr. SARGENT. Then the Senator had better move to strike out the whole paragraph.

Mr. HAMILTON, of Maryland. My amendment comes first. My amendment is in lieu of "the State of Maryland" to insert "States not declared in insurrection."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chair will call attention to the fact that concurring in the committee's amendment strikes out the words after "insurrection," and the words inserted by the Senator from Maryland did not include all those. Will the Senator from California state how he wishes it to stand?

Mr. SARGENT. Incorporating the amendment of the Senator from Maryland, which I understood to be adopted, is to make the clause read:

To indemnify the States for any expenses incurred by them in enrolling, equipping, and transporting troops in defense of the United States during the late insurrection, and for arms and munitions of war taken for said purpose by the United States from States not in insurrection, $250,000.

The PRESIDING OFFICER. Then the question is on the amendment in that shape.

The amendment, as amended, was agreed to.

Mr. SARGENT. Now, to save time, I move to omit the reading of the amendment striking out lines 1417 to 1434, as the committee report.

The PRESIDING OFFICER. The Chair hears no objection. The reading of that amendment will be dispensed with.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1459, to reduce the appropriation for continuing work on the east wing of the building for the State, War, and Navy Departments from $700,000 to $400,000.

Mr. SARGENT. The recommendation of the committee was to reduce the appropriation from $700,000 to $400,000. That was under peculiar circumstances, and I desire consent to withdraw that amendment and let the appropriation stand at $700,000.

The amendment was rejected.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to strike out from line 1461 to line 1467, as follows:

To enable the Secretary of War to pay George W. Seibert for grading streets and sidewalks in front of the United States arsenal grounds in the city of Indianapolis, Indiana, $658; and to pay Michael Faust for grading and graveling the same and in the vicinity thereto, $1,014.99.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1476 to line 1493:

The following sums, or so much thereof as may be necessary, are hereby appropriated for the purchase of the following sites for forts in the State of Texas, in accordance with the resolutions and recommendations of the board of officers appointed under act of March 3, 1873, entitled "An act to provide for the purchase, by the Secretary of War, of land for the United States for the sites of forts and military posts:" Fort Brown, $25,000; Fort Duncan, $10,000; Ringgold Barracks, $10,000: *Provided*, That before the payment of the money hereby appropriated good titles shall be made to the United States for such land as contemplated by said act and said report; and no more than the amount appropriated shall be paid for such sites. And the Secretary of War is hereby authorized to accept for the United States, and free of expense to the same a conveyance of the site of Fort McIntosh.

The amendment was agreed to.

The next amendment was in lines 1512 and 1513, in the clause relative to the McPherson statue, to strike out the words "Scott Square" and insert "P-street Circle," so as to read:

And provided also, That it shall be erected in P-street Circle, in the city of Washington, &c.

The amendment was agreed to.

The next amendment was in line 1513 to strike out after the word "Washington" the words:

On or near its center, the ground of which shall be adapted to such erection by the discontinuance of the carriage-way connecting Vermont avenue, now running through said square; and said square shall hereafter be known as McPherson Square.

The amendment was agreed to.

The next amendment was to strike out lines 1519 to 1522, as follows:

To enable the Secretary of War to acquire a full and perfect title to the "Brady collection of photographs of the war," and to secure by purchase the remainder now in the possession of the artist, $25,000.

The amendment was agreed to.

Mr. SARGENT. From line 1525 to line 1540 there are some little amendments that refer to improvements about the Executive grounds, &c., in the city of Washington, which we proposed under very considerable stress of weather. The items are very small, and I think they had better remain in the bill. Therefore, with the consent of the Senate, I withdraw the amendments striking them out.

The VICE-PRESIDENT. The Chair will put the question on the amendments striking out the items referred to.

The amendments were rejected.

The next amendment was in line 1554, to reduce the appropriation for the purchase and repair of tools for public buildings and grounds in and around Washington from $2,000 to $1,000.

The amendment was agreed to.

The next amendment was in line 1565, to reduce the appropriation for cages and boxes for sparrows from $500 to $400.

Mr. SARGENT. I withdraw that amendment.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

The next amendment was in line 1773, to strike out the following clause:

For completing the improvement of reservation numbered 3, Monument grounds, as per plan, $20,000.

Mr. SARGENT. I withdraw that amendment also.

The VICE-PRESIDENT. The Chair will put the question on the amendment.

The amendment was rejected.

The next amendment was to strike out lines 1584 and 1585, in the following words:

For fountains and watchman's lodge in Judiciary Square, $5,000.

Mr. SARGENT. This is in the same category. We do not ask the adoption of this amendment now.

The amendment was rejected.

The next amendment was to insert after line 1587:

For improving various reservations, $15,000.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill to the end of line 1634.

Mr. SARGENT. On further consideration of the paragraph on pages 66 and 67, and in order to get full information in the committee of conference, I move to strike out all after the word "aforesaid" in line 1628 down to and including the word "street" in line 1632. That is, to strike out the words giving the Washington and Georgetown Railway Company the right to lay tracks across the Aqueduct Bridge over Rock Creek.

Mr. SHERMAN. I suggest we had better strike out the whole proviso, because as the railroad company are required to place their tracks on what is called the Aqueduct Bridge, they must have some other place.

Mr. SARGENT. I am inclined to think they ought to be required to build their own bridge. As by this arrangement we furnish them a bridge, the Aqueduct Bridge, it will be of no use then to the public or scarcely of any use on account of continual passage of cars there. I think they ought to build their own bridge, but I want to inquire more particularly into it.

Mr. SHERMAN. You had better strike out the whole proviso and send the whole to a committee of conference. It seems to me it would be very hard to touch on the subject unless you legislate on the whole.

Mr. SARGENT. That gives us jurisdiction of the whole. I have no objection, however.

Mr. SHERMAN. I move to strike out all from the word "that" in line 1623 down to "street" in line 1632.

Mr. SARGENT. Very well.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

Mr. SARGENT. On page 68, line 1651, I move to strike out the word "members" and insert "chairman," and in line 1653 to strike out the words "three to cast but one vote in said board."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 1692 to reduce the appropriation "for repairs at the different navy-yards and stations, and preservation of the same," from $500,000 to $200,000.

Mr. SARGENT. That amendment we withdraw.

The VICE-PRESIDENT. The Chair will put the question on the amendment.

The amendment was rejected.

The next amendment was to strike out the following clause, from line 1696 to 1702:

To enable the Secretary of the Navy to purchase, in accordance with his public bid therefor, the Stevens iron-clad steam battery, together with expense of removal to the Brooklyn navy-yard, $150,000: *Provided*, That said battery, after purchase, shall not be fitted up until a specific appropriation therefor is made, unless in case of warlike emergency.

Mr. CRAGIN. I hope the Senator from California will withdraw this amendment.

Mr. EDMUNDS. He cannot withdraw it.

Mr. CRAGIN. Then I hope it will be voted down.

Mr. FRELINGHUYSEN. I wish to say in reference to that amendment that this battery which has been constructed for the purpose of the defenses of the harbor of New York by Stevens cost, as I am informed, about three and a half million dollars. I suppose that it was very extravagantly constructed, but it could not have been produced for less than $2,000,000. There are in it very valuable engines, as I am informed. It was put up for sale, and the Secretary of the Navy bid it in at one hundred and fifty to two hundred and fifty thousand dollars, subject to the approval of Congress, which approval is asked by this appropriation.

Mr. EDMUNDS. Where did the Secretary of the Navy get the authority to bid at all?

Mr. FRELINGHUYSEN. The authority is to be given now. I said that his bid was subject to the approval of Congress. Therefore he needed no authority. I suppose that my friend from Vermont might buy anything subject to the approval of Congress, and if Congress did not give the approval it would not amount to anything.

Mr. EDMUNDS. Yes, but I am not the Secretary of the Navy.

Mr. FRELINGHUYSEN. Now I suppose that it is certainly to the interest of the Government to pay this sum of $150,000 for that vessel. I have no idea that the vessel is worth anything like what it cost; perhaps it may not be worth more than $1,000,000; but certainly it is worth for the purposes of defense $150,000. I believe there are members of the Committee on Naval Affairs who have examined the vessel and who can speak in reference to it.

Mr. ANTHONY. This is a very formidable vessel. It has cost two or three million dollars certainly. It has had a million dollars laid out upon it within a few years. The engines cost some $750,000. It is offered to us now at about the price of old iron, and there is a provission here that no money shall be laid out upon it by way of repair or improvement unless some warlike emergency should arise. I think the Government will lose an opportunity of what we Yankees call a great bargain if we do not buy this vessel. We can sell it for old iron for about what we give for it. It is a very formidable battery for harbor defense at any rate.

Mr. EDMUNDS. Is there any special necessity for the Navy Department or Congress going into the business of buying old iron?

Mr. ANTHONY. No, sir; but there is a special propriety in buying a formidable vessel of war when you can buy it at the price of old iron. I wish you could buy a whole navy at that rate.

Mr. EDMUNDS. There is exactly where the question comes in that I would like to have explained. If this is a formidable vessel of war of course it is cheap at $150,000. If it is an elephant invented by a man of genius and enthusiasm and extravagant notions, that is good for nothing to anybody, and which has been turned over to the State of New Jersey—was it not the State of New Jersey?

Mr. ANTHONY. It was bequeathed to somebody there to finish it.

Mr. EDMUNDS. It was bequeathed to somebody, one of those legacies that everybody is anxious to get rid of. Then it is open to some question whether there is any great object in buying it.

Mr. WEST. "There's millions in it."

Mr. EDMUNDS. My friend from Louisiana says "there's millions in it;" and so the Senator from New Jersey says "there's millions in it."

Mr. FRELINGHUYSEN. I would not want to give millions for it, but I think it is cheap at $150,000.

Mr. EDMUNDS. Well, it may be cheap for old iron, as my honorable friend so well puts it.

Mr. FRELINGHUYSEN. I did not put it in that way.

Mr. EDMUNDS. I am addressing myself to my friend from Rhode Island, as we are in the old-iron business in New England and we understand that subject too. It is a question possibly very important for us to determine whether it is for purposes of defense on a harbor or a raft they call a battery.

But seriously the question I want to know is, when we are endeavoring to curtail expenditures, what definite evidence have we that this vessel, or battery, or whatever you call it, has any thorough or intrinsic value as a means of offense or defense. The history of it, as I have seen it in the newspapers ever since I can remember, is very interesting indeed—the expenditure of vast sums upon some ingenious theory that never so far has been able to be made to work; and I think this thing, when Mr. Stevens died, in some way was turned over to the State of New Jersey. Am I right about that? Was it not turned over to the State of New Jersey in some way? My friend from New Jersey can tell us its history.

Mr. FRELINGHUYSEN. I think it was bequeathed to the State of New Jersey since the death of Mr. Stevens. I think the will of Mr. Stevens required it to be completed, and I think quite a million dollars, or nearly a million, has been expended on it since his death.

Mr. EDMUNDS. The will required that the thing should be completed and then given to the State of New Jersey. I suppose, then, the State of New Jersey, as the residuary legatee, would be entitled to receive this $150,000. If the thing is worth that, not for old iron, but as a necessary and valuable means for defending the harbor of New York, then there is some force in this proposition of the House to buy, with all the forts and batteries that line the lower part of the harbor of New York, this thing, which I take it cannot ride at sea in rough weather, and which can only be used inside of the fortresses in New York harbor proper. Why, Mr. President, after an enemy's fleet had got by all these forts, and had therefore brought the town directly under the fire of their guns, the notion that this battery or any other amount of floating batteries is going to do anything is open to a great deal of question. If this is a valuable ship for purposes of war—and we had a letter from the Secretary of the Navy stating that on an investigation by naval officers this is a valuable war vessel—then there would be some force in this proposition of the House of Representatives; but to pay $150,000, or any other sum, with a provision that we need not pay any more until it is necessary, it seems to me is a present waste of the public money.

This vessel does not appear to have been completed yet. How many more hundreds of thousands, how many more millions of dollars are to be required to make it what its inventor intended it to be, no man knows. I for one, in this state of things, am not disposed to take $150,000, with these future contingencies in view, out of the Treasury of the United States to pay for what my friend says is at least good old iron.

Mr. ANTHONY. I do not think the Senator from Vermont man-

ifests his usual candor. Because I used an extreme illustration, that this vessel, even for old iron, would be worth $150,000, he therefore assumes that I want to buy it for old iron and go into the old-iron business. If he desires the opinion of the Secretary of the Navy, I will give it to him. It is the opinion of the Secretary of the Navy that it would be a great mistake for us to omit the purchase of this vessel.

Mr. EDMUNDS. Is that opinion in any official communication to us?

Mr. MORRILL, of Vermont. He made a public bid for the battery.

Mr. ANTHONY. When the Secretary of the Navy went and bought it himself subject to the approval of Congress, it was supposed he committed himself about as fully as he could. I know that is his opinion; I have talked with him upon this subject; and I know it is the opinion of naval officers, who know much more about the naval armaments than any of us can, that this is an exceedingly desirable thing for the Government to buy. I do not say that if we were obliged to buy it or construct it at the price it cost it would be desirable to do it, but here we buy for almost nothing a vessel that cost four or five millions in all, and that could not be built to-day for two millions. The engines alone are worth $750,000, and we buy the whole thing for $150,000; and because I say it is worth that for old iron, it is hardly fair to say that I would buy it for old iron.

Mr. SCOTT. I would like to ask the Senator from Rhode Island, as he is a member of the Committee on Naval Affairs and apparently familiar with the history of this matter, were there any other bidders at this public auction at which it is alleged to have been sold than the Secretary of the Navy; and further, should this $150,000 be appropriated, who is entitled to receive the price?

Mr. ANTHONY. I cannot answer that question. Perhaps the chairman of that committee can. But who but the Government could buy a vessel of war? Who is going to buy a vessel of war? What gentleman would want it for a pleasure yacht? Who would want it for a fishing vessel or a passenger vessel?

Mr. EDMUNDS. How would my friend expect to have a bidder then? What sort of auction was this where there was only one bidder?

Mr. ANTHONY. I did not say there was but one bidder. The Government bought it perhaps a little above the price of old iron to prevent people from taking it for that purpose.

Mr. SCOTT. I understood the statement to be made that there was in this battery one engine worth $750,000.

Mr. ANTHONY. It cost $750,000. It would not be worth that for any other purpose. It cannot be made to work for a stationary vessel. The engines cannot be made available as engines for any other purpose probably.

Mr. CRAGIN. In answer to the inquiry of the Senator from Pennsylvania, I will say there were several other bidders. One man in New York bid $100,000 for this vessel to cut it up for old iron simply. I know very well that the Navy Department think it is important that this vessel be purchased at the bid which was offered, not that they would be willing to pay what this vessel has cost, but they consider it very cheap at the price bid for it, and very desirable that the Government should have it under its control. It may not be known to Senators, but such is the fact, that the Government already appropriated and paid toward the construction of this vessel some years ago $700,000, and now if we can obtain it for $150,000 I think it is a most desirable offer.

Mr. BAYARD. Mr. President, here is a work upon which upward of $3,000,000 were expended under the intelligent plan and supervision of two such engineers as Robert L. and Edwin A. Stevens, and which by the will of the survivor has been continued under the charge of one of the first engineers of the country, General McClellan. It seems to me it would be a very unwise thing to allow the fruits of so much expenditure and so much ability, designed with such purely patriotic intent as the defense of the great commercial port of the Union, to pass away for so comparatively small a sum as we now are asked to pay to secure it. I admit that it would have been far more satisfactory to us if those who represent the Administration and the Navy Department here had offered us the survey of a board of competent engineers, stating the capacity of this floating battery for the defense of the port of New York. I take it for granted it is not meant for exterior service at all; it is entirely meant for what you may call still-water defense; but I cannot believe that so much ability, so much high character, and so much money could all have been dedicated to the creation of this work to produce something not worth the sum we are now called upon to give for it.

I hope this battery will pass into the hands of the Government. I believe no loss could accrue, because the mere material of which the battery is constructed is said, and I have no doubt perfectly truly, by the Secretary of the Navy to be worth more than the sum which we are asked to give for it. I do not know how valuable it may be as a harbor defense, but I believe it is admitted that it is of some value. If it be valuable as a sea-going vessel, then this price is a mere bagatelle compared with its absolute value to the Government, and I trust there will be no hesitancy on the part of the Senate to follow the action of the other House on this subject.

Mr. MORTON. It has been said in the public papers that this floating battery was a total failure and had been abandoned. Now, if our naval authorities have made an examination of this battery and are satisfied that it can be put to any available use for the defense of the harbor of New York, if we have any report of that kind from the Navy Department, then we might buy it as a very cheap defense; but if we have no report of that kind the money invested in it is a loss. The engines are said to be worth $750,000, or to have cost that. What can the Government do with them? It cannot put them into a ship of war. They would not be adapted to any other vessel, would they? They may be ever so good for the purpose and ever so powerful, but the Government can make no use of them except to propel this very vessel. If there is no report showing that this ship can be made available either with the present expense incurred or by incurring a million dollars more of expense then the $150,000 is thrown away.

Now, if there is any evidence before us that this vessel can be made available for the defense of that harbor in its present condition or by an additional expenditure I am willing to vote this $150,000; but in the absence of it I will not, because the money will simply be lost if the vessel cannot be so used. We ought not to expend $150,000, I think, without knowing something about it.

Mr. ANTHONY. If we should have a war to-day and it was a question whether we should have that vessel or not, we would give all it cost rather than have it go out of the Navy.

Mr. MORTON. I would ask the Senator if there is any report furnished by naval officers showing that the vessel is now available or could be made available by expending half a million or a million upon it? I would like to know something about it. I am willing to vote the money.

Mr. ANTHONY. I do not know of any written report, but I know that is the opinion of the Secretary of the Navy, founded upon the opinion of the best officers of the Navy, that it is a very valuable vessel for harbor defense. Otherwise he would not have made the bid he did for it. The Senator who has charge of this bill lately inspected the vessel and knows better than any of us, and I shall put him on his candor, not as having charge of this bill but as a member of the Committee on Naval Affairs, to state what he knows in regard to the vessel.

Mr. MORTON. I will take his opinion on the matter.

Mr. SARGENT. As a member of the Committee on Naval Affairs, at my own expense I went to New York and examined this vessel fully in reference to this question. I went to all parts of the vessel from the bow to the stern and from the deck to the bottom of the vessel, examined the machinery, &c. I do not think my opinion is worth much as an expert, but I do know that I was greatly impressed with the idea that it was a strong and powerful vessel and that it would be a good sea-going vessel and most admirable for harbor defense, if that were necessary. The vessel is complete except putting on its armor and sails; but the material is all there.

Mr. MORTON. How much would it cost?

Mr. SARGENT. Probably, to put the vessel in a thorough state of efficiency, $750,000.

Mr. MORTON. Additional?

Mr. SARGENT. Additional, utilizing the material that is there; but that ought not to be done unless some emergency arises, and Congress in view of that would appropriate to require it to be done. I assented, however, to the action of the Committee on Appropriations in striking this out, although I thought if we had the money to spare we could not better use it than for this purpose. The committee moved to strike it out, and I shall vote in accordance with the action of the committee to strike it out, although I think the money would be well expended.

Mr. EDMUNDS. I think there is no pressing public emergency which makes it necessary for us to buy this year this gift bequeathed to the State of New Jersey. My friend from Rhode Island alluded to the fact that at this auction we did not have a foreign government bid and take the thing out of the country. If this thing has been constructed as I have been told it is and all know it was, it could not go five miles outside of Sandy Hook without going to the bottom.

Mr. MORTON. The Senator thinks it could not get away?

Mr. EDMUNDS. So unless some foreign government should think they had an international right to keep this battery of their own inside of the harbor of New York to have it on an emergency to fight us with there would not be any great danger of its going into the hands of foreign purchasers. That, Mr. President, I think ought to settle that suggestion; so that what we ought to do, I think, is to wait until next December and have an official report from the Secretary of the Navy that he is officially responsible for, and in which I should have great confidence—and I say that with pleasure and with sincerity upon this subject—so that the records will show what the state of the case is.

Mr. MORTON. Has not the Government already some stock in that vessel?

Mr. EDMUNDS. The Senator from New Hampshire says it has.

Mr. MORTON. How much?

Mr. EDMUNDS. The Senator from New Hampshire says three quarters of a million.

Mr. SHERMAN. That was surrendered.

Mr. EDMUNDS. I know; but he says that would not prevent our buying it back and paying $150,000 more. So I hope we shall agree to the amendment striking this out, and I ask for the yeas and nays on it.

Mr. MORTON. I would not take up the time of the Senate by a call. Take a division.

Several SENATORS. Let us take a division.

The yeas and nays were not ordered.

The PRESIDING OFFICER. A division is called for. Senators in favor of the amendment will rise and stand till counted.

Mr. EDMUNDS. I call for the yeas and nays.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) They were called for, but the call was not sustained.

Mr. EDMUNDS. I should be glad to appeal to the Senate of the United States to put itself on record when we are on the subject of economy to see who is really in favor of this thing and who is not. If there is any subject upon which we ought to have the yeas and nays it is this one, as it appears to me, and I ask again for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY. I am very much obliged to my friend from Vermont for giving me an opportunity of putting my name on record in favor of buying for $150,000 a vessel which we could not build for $2,000,000, and which in my opinion, and in the opinion of men who know much more about naval affairs than I do, is a great bargain. I know very little, and my opinion is derived from what I hear from those who do know, and in their opinion it is a very valuable vessel for defense, which would be of very great use to us in an emergency.

Mr. President, this is precisely the time to buy this vessel at $150,000, having the material on hand and all the opportunities to finish and perfect the vessel if the necessity should arise. It is precisely the kind of naval armament that we require. We want the materials of a navy; we want the workshops of a navy; and we want the *personnel* of a navy; but we do not desire to have a large navy afloat. I wish we could buy fifty vessels like this at such a small present expenditure, and which by a larger expenditure when an emergency arises would enable us to put afloat a large armament for defense.

Mr. SARGENT. I hope we shall now have a vote.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. SARGENT. I was only going to implore the Senate to vote. It is getting very late.

Mr. BAYARD. I think it will be a very great mistake if Congress shall not buy this vessel.

The PRESIDING OFFICER. The yeas and nays have been ordered and the Secretary will call the roll.

Mr. ANTHONY. I understand those in favor of buying the vessel vote "nay."

The question being taken by yeas and nays resulted—yeas 36, nays 17; as follows:

YEAS—Messrs. Bogy, Boreman, Boutwell, Clayton, Cooper, Davis, Edmunds, Fenton, Ferry of Connecticut, Goldthwaite, Hamilton of Texas, Harvey, Ingalls, Johnston, Jones, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Robertson, Sargent, Schurz, Scott, Sherman, Sprague, Stewart, Tipton, Wadleigh, Washburn, West, Windom, and Wright—36.

NAYS—Messrs. Anthony, Bayard, Conkling, Conover, Cragin, Dennis, Eaton, Flanagan, Frelinghuysen, Gilbert, Hager, Howe, Kelly, Patterson, Pease, Ransom, and Stockton—17.

ABSENT—Messrs. Alcorn, Allison, Brownlow, Cameron, Carpenter, Chandler, Dorsey, Ferry of Michigan, Gordon, Hamilton of Maryland, Hamlin, Hitchcock, Lewis, Logan, Pratt, Ramsey, Saulsbury, Spencer, Stevenson, and Thurman—20.

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was after line 1702 to insert:

For clothing for the Navy, $150,000.

The amendment was agreed to.

The next amendment was in line 1709, in the appropriations for the improvement of grounds of the Department of Agriculture, to reduce the item for labor from $6,000 to $4,000.

Mr. SARGENT. The reductions in the Department of Agriculture embrace in all about $4,000. As the pressure is taken off requiring an absolute reduction, with the consent of the Senate I will ask that they non-concur in the present amendment in line 1709.

The amendment was rejected.

The next amendment was after the word "dollars," in line 1713, in the appropriations for the Department of Agriculture, to strike out the following items:

For planting and completing improvement of new grounds, $1,000; for two flights of stone steps in front of the conservatory, $680; for two small fountains, $360; for purchasing and laying pipes, $1,350.

The amendment was rejected.

The next amendment was in line 1719, after the words "in all" and before "dollars," in line 1720, to strike out "$11,990" and insert "$7,600."

Mr. SARGENT. That is the footing. I withdraw it.

The amendment was rejected.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was to strike out in the appropriations for the Department of Agriculture, lines 1721 to 1725 inclusive, in the following words:

And the unexpended sum heretofore appropriated for the purchase of Duby's cryptogamic herbarium, or as much thereof as may be necessary not exceeding $1,000, is hereby continued and rendered available for the purchase of a collection of fungi or other cryptogams.

The amendment was agreed to.

The next amendment was after line 1738 to insert:

For continuation of building for custom-house at New Orleans, Louisiana, $100,000.

Mr. SHERMAN. That is the amendment which the Senator from Illinois asked to be passed over.

Mr. SARGENT. No, the next one, relating to the building at Chicago. With reference to these buildings which are commenced at Cincinnati, Chicago, and Saint Louis, I propose to restore the amount which the House allowed, because they are great public works and I think ought to be completed. I will take them in their order.

Mr. SHERMAN. I have consulted the chairman of the committee, and in my judgment all these provisions as to limitation ought to be stricken out. The proviso as to Chicago is somewhat similar.

Mr. SARGENT. I have no objection to that, and I think it is the best thing we can do.

Mr. SHERMAN. Very well.

Mr. SARGENT. I will make that motion on the first question that comes up.

The next amendment was in lines 1742, to reduce the appropriation for continuation of building for custom-house and sub-treasury at Chicago, Illinois, from $750,000 to $500,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. I move to strike out the proviso to the Chicago appropriation, beginning in line 1743, in the following words:

Provided, That the limitation upon the cost of said building, heretofore fixed by law, is hereby extended to $4,000,000, exclusive of the site, but the same shall in no event, when fully completed, exceed that sum; and the Architect of the Treasury is required to modify the specifications and plans of said building, if necessary to comply with this provision, and so that the cost of the same shall not exceed this limitation.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1752, to reduce the appropriation for continuation of building for custom-house and post-office at Cincinnati, Ohio, from $600,000 to $400,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. I move to strike out the proviso in regard to that building from line 1753 to line 1759, inclusive, as follows:

Provided, That the cost of said building, when completed, shall not exceed the limitation now fixed by law, $3,500,000, exclusive of cost of site; and the Architect of the Treasury shall prosecute the work upon said building upon such plans and specifications as that the same, when fully completed, shall not exceed said limitation.

The amendment was agreed to.

The next amendment was in lines 1767 and 1768, in the appropriation for continuation of building for custom-house and post-office at Fall River, Massachusetts, to strike out the following words:

And the limitation heretofore existing under act of May 21, 1872, is hereby.

Mr. SARGENT. I withdraw that amendment and ask that the word "repealed" may be written in there, as I suppose it is in the original bill.

The PRESIDING OFFICER. The Senator from California moves to insert the word "repealed" after "hereby."

The amendment was agreed to.

Mr. SARGENT. Now I withdraw the amendment of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee to strike out the clause.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was in line 1779, to reduce the appropriation for continuation of building for court-house and post-office at Hartford, Connecticut, from $100,000 to $50,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

The next amendment was in line 1781, before the word "building" to insert the words "completion of the;" so as to read:

For completion of the building for post-office and custom-house, Parkersburgh, West Virginia, $18,000.

Mr. SARGENT. The words "completion of the" were put in there by mistake. I desire the Senate to non-concur in that amendment.

The PRESIDING OFFICER. If there is no objection, the words will be stricken out.

The amendment was not agreed to.

Mr. SHERMAN. Something ought to be put in there. It ought to be "for a building."

Mr. SARGENT. It is for "a" building. The building is nearly finished.

Mr. SHERMAN. It is for "the" building, then.

Mr. SARGENT. This is really to pay for the site, although the building is nearly finished. I think by mistake, or without any proper

construction of the law, the money appropriated for the site was taken to pay the cost of building, and it is nearly finished.

Mr. SHERMAN. Then you want to put in the word "the."

Mr. SARGENT. Very well; leave the word "the" in, striking out "completion of."

The PRESIDING OFFICER. If there is no objection, that modification will be made.

The next amendment of the Committee on Appropriations was in line 1785 to reduce the appropriation for continuation of building for post-office and court-house at Philadelphia, Pennsylvania, from $750,000 to $500,000.

Mr. SARGENT. I withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. I move to strike out the proviso beginning after the word "dollars" in line 1786, as follows:

Provided, That the cost of said building shall not exceed, when completed, the limitation now fixed by law. And the Architect of the Treasury shall prosecute said work upon such plans and specifications as that the cost of the building when fully completed shall not exceed said limitation, being $4,000,000, exclusive of the cost of site.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

Mr. SARGENT. In lines 1797 to 1801 inclusive, after the appropriation for continuation of building for court-house and post-office at Raleigh, North Carolina, I move to strike out the proviso, as follows:

Provided, That the cost of said building, including the site, shall not exceed, when entirely completed, the sum of $250,000; and if necessary, the plans for said building shall be so revised as that the sum appropriated shall complete the building.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1807 to reduce the appropriation for continuation of building for custom-house and post-office at Saint Louis, Missouri, from $700,000 to $500,000.

Mr. SARGENT. I desire to withdraw that amendment.

The amendment was rejected.

Mr. SARGENT. After the word "dollars" in line 1817 I move to insert the words "to be available immediately;" so as to read:

To cover the expenses incurred by reason of the fire at the Navy Department on the 25th day of January, 1875, $12,000, to be available immediately.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and read lines 1834 to 1838, inclusive, as follows:

And no change of said plan involving an increase of expense exceeding 10 per cent. of the amount to which said building was limited shall be allowed or paid by any officer of the Government without the special authority of Congress.

Mr. MORRILL, of Vermont. I suggest that there should be an amendment in this clause that no change of any plan should be made without the approval of the same authority that was required for the commencement of any plan.

Mr. SARGENT. I raise the point of order that the amendments of the committee must be acted on first. We shall soon get through with the committee's amendments.

Mr. MORRILL, of Vermont. Very well; I will not press an amendment.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was in line 1841 to reduce the appropriation "for furniture and repairs of the same, and for carpets, for public buildings under the control of the Treasury Department" from $200,000 to $150,000.

The amendment was agreed to.

The next amendment was in line 1846 to reduce the appropriation "for fuel, light, and water, and miscellaneous items required by the janitors and firemen in the proper care of the public buildings under the control of the Treasury Department" from $300,000 to $225,000.

The amendment was agreed to.

The next amendment was in line 1850 to reduce the appropriation "for heating-apparatus, and repairs of the same, for public buildings under the control of the Treasury Department" from $200,000 to $175,000.

The amendment was agreed to.

The next amendment was in line 1854, to reduce the appropriation "for vaults, safes and locks, for public buildings under the control of the Treasury Department" from $100,000 to $75,000.

The amendment was agreed to.

The next amendment was to strike out lines 1861 to 1865, inclusive, in the following words:

For the purpose of making plans and specifications for a public building at Auburn, New York, the sum of $4,000; the same being in accordance with the recommendation of the Treasury Department, through the Supervising Architect of the Treasury.

The amendment was agreed to.

The next amendment was to strike out section 2 of the bill.

Mr. WRIGHT. That is the section providing for the reorganization of the Treasury Department?

Mr. SARGENT. In regard to section 2, I think the amendment proposed by the committee to strike it out will meet the approval of the chairman of the Committee on Finance, and we want more time than we have had to examine this matter and compare it with the present statutes. The Senate is aware that we got this bill out at a very late hour, being at work all of the night before last and yesterday to get it before the Senate at all. I want to compare the section with the present law, and in conference committee we can fix it up. My impression, and I believe it is that of the Senate, is that it is impossible at this time to go into a reorganization of the Department. I want to look into the details of this matter. Therefore I ask the Senate to allow it to go out *pro forma*. I will either report it back as it is here or with such modifications as may be proposed and adopted.

Mr. WRIGHT. I was about to make that exact proposition that this section be allowed to go out *pro forma*. I think that is the most expeditious way of disposing of this question. I think it is very important that this provision should be retained in the bill. It has the concurrence of the Treasury Department and of the Committee on Civil Service and Retrenchment; and I hope it will be understood that it goes out *pro forma* with the understanding that it will be considered in conference.

The PRESIDING OFFICER. The question is on the amendment of the committee striking out the second section.

The amendment was agreed to.

The next amendment was to insert as section 2:

That the Secretary of War be, and he is hereby, authorized and directed to detail one medical officer of the Army, who shall, under the direction of the Surgeon-General of the Army, investigate carefully the matter of said reports, and who shall, if said reports be found to be based upon facts, through the Surgeon-General give due and timely notice of the advance and spread of the disease. Should an epidemic of cholera invade the United States during the present year, it shall be the duty of said officer to compile complete records of the epidemic and report the same through the President to Congress. That to defray the necessary expenses of this investigation, the sum of $5,000 is hereby appropriated, or so much thereof as may be required, to be expended under the direction of the Surgeon-General of the Army.

Mr. SARGENT. In lieu of that I offer from the committee the following amendment:

That the Secretary of War be, and he is hereby, authorized to detail a medical officer of the Army to investigate and report upon the reported existence and spread of cholera in Mexico and near the frontier of Texas; and should such an epidemic invade the United States during the present year, it shall be the duty of such officer to give timely notice of the advance and spread of the disease, and compile complete records of such epidemic, and to report the same through the President to Congress; and to defray the necessary expenses of this investigation the sum of $5,000 is hereby appropriated, or so much thereof as may be required, to be expended under the direction of the Secretary of War.

The PRESIDING OFFICER. Is that offered as a substitute for the amendment reported from the committee?

Mr. SARGENT. I offer it as a substitute for the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in line 34 of section 3 to strike out "paragraph" and insert "section;" so as to read.

The Secretary of the Treasury shall reimburse the Treasury to the full amount paid out under the provisions of this section, &c.

The amendment was agreed to.

The next amendment was to strike out the fourth section of the bill, in the following words:

SEC. 4. That for experiments in testing iron and steel, including the cost of any machine built for such purpose, the sum of $50,000 is hereby appropriated; and the further sum of $25,000 provided "for improved machinery and instruments for testing American iron and steel," in the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1874," approved March 3, 1873, is hereby continued and made available for such purpose; and that the President be, and hereby is, authorized to appoint a board, to consist of one officer of engineers of the United States Army, one officer of ordnance of the United States Army, one line officer of the United States Navy, one engineer of the United States Navy, and three civilians who shall be experts; and it shall be the duty of said board to convene at the earliest practicable moment, at such place as may be designated by the President, for the purpose of determining, by actual tests, the strength and value of all kinds of iron, steel, and other metals which may be submitted to them or by them procured, and to prepare tables which will exhibit the strength and value of said materials for constructive and mechanical purposes, and to provide for the building of a suitable machine for establishing such tests: *Provided*, That no officers in the pay of the Government shall be entitled to or receive any additional compensation by reason of any services rendered in connection with this board; but one of the civil experts shall act as secretary of the board, and shall be entitled, under this act to such compensation as the President may deem proper and fit: *Provided*, That not more than $15,000 of the sum herein provided shall be used for the expenses of such board, and the balance shall be used in the construction of the machine aforesaid.

Mr. ANTHONY. I think the appropriation in the fourth section is an exceedingly valuable one for testing the tenacity of iron. I hope that the Senator from California in charge of the bill will consent to let that appropriation stand.

Mr. SARGENT. I have no objection. I think it is a very valuable thing.

Mr. WEST. It was stricken out under the circumstances that controlled us in regard to the tax bill.

Mr. SARGENT. I have no objection to non-concurring in the amendment of the committee.

The amendment was rejected.

Mr. ANTHONY. In the section just retained with the assent of the Senator in charge of the bill I desire to call his attention to line 32, which provides:

And the balance shall be used in the construction of the machine aforesaid.

I have been informed that this is intended for the benefit of some particular machine. Is that so?

Mr. SARGENT. I do not know that it is.

Mr. SHERMAN. Strike it out.

Mr. ANTHONY. I think it would be best to leave the selection of the machine entirely to the control of the board, and therefore to strike out in line 32 after the word "board" the words which I have read.

Mr. SARGENT. I have no objection to that. That will give us jurisdiction of the section in committee of conference and we shall have to examine the whole section.

The amendment was agreed to.

The next amendment was in line 2 of section 7 to strike out "two" and insert "one" before "months;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized to pay, when discharged, one month's pay to such clerks and employés in the Executive Departments, &c.

The amendment was agreed to.

The reading of the bill was concluded.

The Committee on Finance proposed to amend the bill by adding as a new section the following:

SEC. 8. That the Secretary of State shall cause the Statutes at Large enacted by each Congress, which shall be edited and printed pursuant to the provisions of section 7 of the act entitled "An act for publication of the Revised Statutes and the laws of the United States," approved June 20, 1874, to be stereotyped and offered for sale in the same manner and on the same terms as is provided in and by section 9 of said act herein mentioned in respect to the laws of each session of Congress. That the provisions of section 2 of the act entitled "An act providing for the distribution of the Revised Statutes," approved February 18, 1875, shall apply to the Statutes at Large enacted by each Congress and to the laws of each session of Congress, to be published pursuant to said act of June 20, 1874, in the same manner as if specially mentioned therein. That the Congressional Printer be, and he is hereby, directed, in causing to be printed and bound an edition of the laws at the close of the session for the use of the Senate and House of Representatives, to print the same from the stereotype plates of the edition prepared under the direction of the Department of State, with the index thereof; and so much of the act entitled "An act to expedite and regulate the printing of public documents, and for other purposes," approved June 25, 1864, as requires the preparation of an alphabetical index, under the direction of the Joint Committee on Printing, be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. SARGENT. I have three amendments, which I send to the clerk, to come in after line 468, on the twentieth page of the bill. I send the first amendment to the desk.

The PRESIDING OFFICER. The amendments will be reported.

The CHIEF CLERK. It is proposed, after line 468, on page 20 of the the bill, to insert:

That the Secretary of State be, and he is hereby, authorized to rent, furnish, and occupy suitable buildings, with grounds appurtenant at Pekin, for the use of the legation in China, at an annual cost not exceeding $5,000; that the period of such lease shall be for two or more years, and with renewals as the Secretary of State shall determine; and that the sum of $5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. SARGENT. The committee instruct me to offer one other amendment. This amendment is like the bill which on motion of the Committee on Commerce, reported by the Senator from Massachusetts, [Mr. BOUTWELL,] passed yesterday, I think. It has not yet passed the House, and may not. This is the provision which the Senate made with reference to the subject. At the request of Mr. BOUTWELL, and by the instruction of the committee, I offer the following amendment, to come in after the amendment just adopted, on page 20:

That hereafter the salary of the supervising surgeon of the United States marine-hospital service shall be paid out of the marine-hospital fund, at the rate of $4,000 per year, and the supervising surgeon shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

Mr. MORTON. I desire to have the attention of the Senator from California to part of the bill that we have passed over. I refer him to page 60. Beginning at line 1461, I ask if the amendment striking out that clause was adopted?

Mr. SARGENT. It was adopted.

Mr. MORTON. I ask that that vote be reconsidered. I have here the papers in regard to that provision. It simply authorizes the Secretary of War to settle with Mr. Seibert.

Mr. SARGENT. Was this necessary for grading streets in front of the United States arsenal grounds?

Mr. MORTON. Yes, sir.

Mr. SARGENT. I think it is right to retain the paragraph. I have no objection to a motion to reconsider.

Mr. MORTON. I make that motion.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which lines 1461 to 1467, inclusive, on page 60 of the bill, were stricken out.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. MORTON. Now I ask the Senator to allow me to offer an amendment.

Mr. SARGENT. I shall be through in a very few minutes.

Mr. MORTON. Very well.

Mr. SARGENT. On page 74, after line 1803, I move to insert the following amendment, which is according to the estimates recommended by the Department, and ought to be adopted:

For completion of building for custom-house and post-office, Trenton, New Jersey, $100,000.

That completes the building, and the appropriation ought to be made.

The amendment was agreed to.

Mr. SARGENT. I am instructed by the committee to offer the following amendment, which can come in anywhere under "miscellaneous," say on page 19, after line 435:

That the accounting officers of the Treasury Department be, and they are hereby, directed to examine, adjust, and settle the claim of the State of Kentucky for tollage on the use of slack-water navigation of Green and Barren Rivers from November 1, 1861, to June 30, 1865, by the United States Government, the settlement to be made on principles of equity and justice; and that the Secretary of the Treasury be, and he is hereby, directed to pay to the State of Kentucky the amount found due said State on this account out of any money in the Treasury not otherwise appropriated: *Provided*, That said amount shall not exceed $140,000.

Mr. SCOTT. Is that reported by the committee?

Mr. SARGENT. Yes, sir; it is reported by the committee.

Mr. SCOTT. I should like to have an explanation of that. Do I understand it is for tollage because of the use of slack-water navigation by the troops during the war?

Mr. SARGENT. Yes, sir. I would like to have the Senator from Kentucky explain this amendment. He is much more familiar with it than I am.

Mr. STEVENSON. This amendment was adopted by the committee and was suggested by a recommendation of the Secretary of War. I will read what the Secretary of War says:

WAR DEPARTMENT,
Washington City, February 18, 1875.

SIR: I have received your communication of February 17, in which you state that you "have an amendment to the civil miscellaneous appropriation bill directing the accounting officers of the Treasury to examine, adjust, and settle the claim of the State of Kentucky for tollage for the use of slack-water navigation of Green and Barren Rivers from November 1, 1861, to 30th June, 1865, by the United States Government, the settlement to be made on principles of equity and justice; and that the Secretary of the Treasury be, and he is hereby, directed to pay to the State of Kentucky the amount found due said State on this account out of any money in the Treasury of the United States not otherwise appropriated, provided that said amount shall not exceed $140,000;" and you request to be informed if there is any evidence of this claim and of the service rendered and if it meets the sanction of this Department, &c.

In reply I have the honor to say that the claim to which you refer has been under examination for some time in the office of the Quartermaster-General, and he has made a communication to me, from which it appears that while the claim of the State of Kentucky against the United States is a good and valid one, the amount due thereon cannot be ascertained until a large number of vouchers and papers in connection therewith have been examined. This will require time. Hence in my judgment it would be advisable for Congress to authorize the accounting officers of the Treasury to settle, adjust, and pay the claim in accordance with the terms proposed by you.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. J. W. STEVENSON,
United States Senate.

WAR DEPARTMENT,
Washington City, February 20, 1875.

DEAR SIR: In connection with the claim of the State of Kentucky, about which I addressed you in reply to your communication a few days since, I herewith transmit a preliminary report upon the subject to-day received from the assistant judge-advocate-general, to whom the papers have been referred.

Yours, very respectfully,

WM. W. BELKNAP,
Secretary of War.

HON. J. W. STEVENSON,
United States Senate.

WAR DEPARTMENT, *February* 18, 1875.

In the matter of the claim of the State of Kentucky for tollage for use of slack-water navigation of Green and Barren Rivers by the military authorities of the United States.

To the honorable the Secretary of War:

The State of Kentucky claims tollage for use of slack-water navigation of Green and Barren Rivers by the military authorities of the United States from November 1, 1861, to June 30, 1865, being three years and eight months, at $40,000 per annum, $146,666.66⅔.

The auditor of that State certifies that the locks and dams on those rivers were constructed at a cost of $859,126.79, and that the tolls were regulated by a board of internal improvement.

Lieutenant-Colonel J. A. Ekin, deputy quartermaster-general at Louisville, Kentucky, having been directed to investigate the claim, reports as follows:

"That the United States did use the locks and dams of Green and Barren Rivers in the movement of large bodies of troops and transportation of great quantities of military supplies there can be no doubt. But he adds, 'It is impossible from the testimony submitted to arrive at the number of troops or the quantity of stores passing the locks and dams on Green and Barren Rivers, for which tollage is claimed."

It appears, therefore, that the claim is not in a condition for settlement; but it is believed to be sufficiently established to warrant legislation for its examination and payment. I have no doubt that the State of Kentucky is entitled to just compensation for the use of its improvements; but there being no appropriation available for this purpose, Congress alone can grant relief.

W. M. DUNN,
Assistant Judge-Advocate-General.

On that recommendation the committee put on this claim.

Mr. SCOTT. My attention was arrested by the nature of this claim. It seems that the War Department have been of opinion that they have so far jurisdiction of this claim that they have already entered upon its examination and have so far progressed in the examination that they are inclined to think the claim is just, but that it will be necessary to make an appropriation in advance before they have ascertained the amount. That is one thing that strikes me as peculiar upon hearing the letter of the Secretary of War. But another is this: How was this property occupied? Was this slack-water navigation taken possession of by the Government for the pur-

pose of moving these troops or were vessels owned by the company taken possession of? How was this? What were the circumstances connected with it? I remember very well that the turnpikes of Kentucky were also traversed by the Army of the United States, and in one or two instances it became necessary for the Government to build bridges for the purpose of repairing the devastations that had been made by flood in the State of Kentucky.

Mr. SARGENT. I appeal to the Senator not to delay the bill by debate on the amendment.

Mr. SCOTT. The Senator must excuse me. This claim comes with a recommendation from the Committee on Appropriations. I think the committee would make a point of order if it came in any other way, and there is nothing left to me but to discuss the proposition.

Mr. STEVENSON. I will say to my friend from Pennsylvania that if the Government does not owe five dollars, if it does not owe anything, this amendment does not authorize anything to be taken from the Treasury.

Mr. SCOTT. This is the objection: this is a private claim. The policy of the Senate excludes private claims from general appropriation bills, by a general rule, and I for one am not content that we shall begin to put on the sundry civil bill all the private claims that could secure favorable attention in committee. If we can do that, I would like the privilege as chairman of the Committee on Claims to move every private claim bill that has been examined, reported, and found to deserve payment.

Mr. STEVENSON. This is very extraordinary. Here is the Secretary of War who has undertaken the examination of a claim and who has reported to the Senate Committee on Appropriations that this case ought to be provided for, and that he cannot settle it without this provision. Is there any objection to the settlement of the claim? Is there any objection to auditing it? I hope not.

Mr. BOUTWELL. If I understand the condition of this case, so far as these are vouchers and evidences the officers of the Treasury have the power to pay now. But this is a proposition to allow payment upon the judgment of the officers of the Treasury, without the evidence usually required to substantiate claims against the Government, upon what is called a very indefinite phrase, and a dangerous one in my opinion, in which claims are allowed to be settled "upon the principles of justice and equity." If everything were settled at the Treasury Department on principles of equity and justice, without regard to evidence, you have the action of the officers under whatever influences may be applied to guide and direct and control their conduct.

Mr. MORTON. I hope that this claim will be postponed for the present. I think I know something about this matter, and before there is any appropriation made for the payment of the claim I think it ought to be considered. I hope it will be rejected at this time.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was rejected.

Mr. SARGENT. On page 12, in line 272, after the word "dollars" I move to insert "to be available on the passage of this act." It relates to the appropriation for continuing the inquiry as to the decrease of food-fishes.

The amendment was agreed to.

Mr. SARGENT. I now wish to call up the amendment we passed over on page 8.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. The Committee on Appropriations proposed to insert after the word "dollars," in line 170 the following words:

Provided, That from and after the passage of this act, the salary of the district judge of the United States for the eastern district of Wisconsin shall be $5,000 per annum: *Provided further*, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $10,000 per annum and eight dollars per diem for expenses.

To this an amendment was proposed by the Senator from Arkansas [Mr. CLAYTON] to insert after the words "per annum" the words:

Provided further, That the judge of the eastern district of Arkansas shall be paid at the rate of $5,000 per annum from the date of the resignation of the late judge of the western district of said State, and to continue at said rate while the courts in both the said districts are held by the judge of the eastern district of Arkansas.

Mr. SARGENT. This is to be followed by an amendment to make the salaries of all the district judges $5,000 per annum.

Mr. CARPENTER. Will that be in order?

The VICE-PRESIDENT. It would not be in order as an amendment to this.

Mr. SARGENT. In my judgment it would not be in order, as it is not reported from a committee.

Mr. CARPENTER. The judgment of the Senator is affirmed by the decision of the Chair, so that that objection is disposed of.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Arkansas to the amendment.

Mr. CLAYTON. At the time the amendment was proposed last night there was a very thin Senate, and I want to repeat what I said then, that this is a meritorious case. The judge of the eastern district of Arkansas is now performing the double duty of judge of the eastern and of the western district since the resignation of Judge Story. He is now performing a service which the Government has paid heretofore $7,000 per annum for. The territory over which he is holding court is the largest judicial district in the United States. In holding the different courts he has to travel some five or six hundred miles. In going from Little Rock to Fort Smith he has to travel upward of three hundred miles, and the most of this traveling is done by stage. He holds court at three different places. The jurisdiction of the western judicial district of Arkansas is very varied, it is very large, the duties of the judge are very onerous; and it seems to me that while he is performing this double service of holding the courts in his own district and the courts in the other district, where a vacancy exists, he should be paid some additional compensation. I hope no Senator will object to it.

Mr. MORRILL, of Maine. I ask if this is recommended by any committee of the body?

Mr. CLAYTON. It was referred to a committee.

Mr. MORRILL, of Maine. Has it been recommended by any committee?

Mr. CLAYTON. I think not. It strikes me as very peculiar that the committee should recommend an increase——

Mr. MORRILL, of Maine. I raise the question of order.

Mr. CLAYTON. I was going to say that it struck me as being strange that the salary of the district judge of Wisconsin, who has no increased duties, should be raised to $5,000 per annum, while as to this judge who has these increased duties the committee should not report any additional compensation.

Mr. MORRILL, of Maine. I raise the point of order on this proposition.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment of the Senator from Arkansas, as it increases the amount of the appropriation, is not in order.

Mr. EDMUNDS. I wish to say upon this subject, as I suppose the amendment recommended by the committee is still pending, so that the Senator from Arkansas and other Senators may understand my position, that this amendment reported by the Committee on Appropriations does not meet my approval. I do not think it the way to legislate in respect of salaries to stuff them into appropriation bills. I have always thought so, and whether it worked well or ill for particular friends and constituents of mine or not I have endeavored to stand by it. The district judge of Vermont ought to have his salary increased, as he thinks, and as a great many other people do. He has to hold court a large part of the time out of his district in the city of New York. But the appropriation bills are no places to adjust those affairs. I wish my friend from Arkansas and other gentlemen to understand why I do not concur in this amendment.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

Mr. CARPENTER. I ask for the yeas and nays for the purpose of making a few remarks in order.

The yeas and nays were ordered.

Mr. SARGENT. I wish to make one remark. The last proviso I suppose nobody objects to, ["Yes," "yes,"] limiting the compensation of our counsel before the Alabama claims commission. If we do not limit it, it will be five times that amount.

Mr. MERRIMON. I offered an amendment last night which has not yet been read as far as I know.

The VICE-PRESIDENT. It was not in order.

Mr. MERRIMON. I offered it as an amendment to the amendment.

Mr. CONKLING. The Senator will remember that his amendment was not in order. There were two amendments pending, and it was so announced, and then the Senator gave notice that he would at a future time offer the amendment that he now refers to.

Mr. MERRIMON. I think it is in order now to offer it.

Mr. CLAYTON. I understood the Chair to decide that the amendment I offered was out of order for the reason that it increased the appropriation. I would call the attention of the Chair to the fact that it does not increase the appropriation. The appropriation remains the same. If the Chair will examine the amendment, I think he will see that it does not increase the appropriation. There is a certain amount appropriated for this purpose. I should like the Chair to examine that matter and see if this point is not well taken. If the amendment does increase the appropriation, of course it is out of order; but if it does not increase the appropriation, it does not come under the prohibition of the rule.

The VICE-PRESIDENT. The amendment now before the Senate is the one reported from the Committee on Appropriations.

Mr. MERRIMON. I move an amendment to that amendment.

The VICE-PRESIDENT. The amendment of the Senator from North Carolina will be read.

Mr. MERRIMON. I move to amend in line 172 by adding after the word "judge" the letter "s" and striking out in lines 172 and 173 the words "for the eastern district of Wisconsin;" so that it will read:

That from and after the passage of this act the salary of the district judges of the United States shall be $5,000 per annum.

Mr. SARGENT. I raise the point of order that that increases the appropriation and has not been recommended by any committee.

The VICE-PRESIDENT. The Chair rules that the point of order is well taken.

Mr. CLAYTON. Do I understand the Chair still to decide that the amendment offered by me is out of order?

The VICE-PRESIDENT. The Chair so decided and adheres to its decision.

Mr. CARPENTER. Mr. President, I ask the indulgence of the Senate for a few moments in the consideration of this amendment to pay the district judge of the eastern district of Wisconsin a salary of $5,000. I shall be very brief. I know there are some Senators who are opposed to raising the salaries of any of the judges; others think the salaries of the Federal judges in their own States ought to be increased, and will perhaps attempt to add to this bill provisions in their behalf.

In the eastern district of Wisconsin, on the death of Judge Miller, a short time since, the vacancy was filled by the appointment of Hon. James H. Howe; but, on reflection, he concluded he could not afford to serve for such a nominal salary as $3,500, and resigned and entered into other business, which I suppose pays him more than three times as much.

The bar then, almost unanimously, recommended the appointment of Hon. Charles E. Dyer, but he declined, not feeling able to give up a practice worth from six to ten thousand dollars annually for a position on the bench at $3,500. He was prevailed upon, however, by the bar to accept the position, in the hope and with the assurance that they would exert themselves to procure an increase of compensation. He is now in office and will adorn the bench, if such compensation can be provided for him as will enable him to remain there.

He is about thirty-five years of age, every inch a lawyer, a scholar, and a gentleman. He has the admiration of the bar and the confidence of the community. He will make a model judge. I am very anxious to have his compensation fixed with some proper regard for the value of his services. I concede that the salary should be fixed for the office and not for a particular occupant. But I submit that I have described the kind of a judge who ought always to be on the bench in that district; and that the salary proposed by this amendment, which has been recommended by the Senate Committee on the Judiciary and by the Committee on Appropriations, is necessary to insure such a judge at all times.

Wisconsin belongs to the same circuit with Illinois and Indiana. It is impossible for the circuit judge to hold all the terms of the circuit court in our district, and they must be held by the district judge. This makes it important that we should have a good district judge, and less than $5,000 is not an adequate compensation.

I hope the Senate will stand by the two committees and agree to this amendment.

Mr. BAYARD. Is the question upon the first part of the amendment or upon the whole, as reported by the committee?

The VICE-PRESIDENT. Upon the entire amendment.

Mr. CARPENTER. I ask for a division of the question. Let the question be first put on fixing the salary of the judge in Wisconsin.

The VICE-PRESIDENT. The Senator from Wisconsin asks for a division of the question.

Mr. WRIGHT. That question was raised last evening and it was decided that it was not in order to take a division, and my colleague moved to strike out that part of the amendment so as to raise the question.

Mr. CARPENTER. I think it is in order to have a division. The questions here are two separate provisions relating to totally different subjects.

Mr. WRIGHT. It was decided otherwise yesterday. My colleague therefore, for the purpose of raising the question, moved to strike out so much of the amendment as related to the judge in Wisconsin, and that brings up the question directly.

Mr. CARPENTER. Very well.

Mr. SARGENT. I give notice that I shall move to lay it on the table if we do not come to a vote very soon.

Mr. WRIGHT. I only desire to say a word. I have no disposition at the proper time to interpose any objection to a proper increase of judicial salaries; but it is proposed to increase the salary of the judge in this district beyond that of any other judge in the United States, save one in the State of California. In every other State there is no salary exceeding $4,000. Thirty-five hundred or four thousand dollars is the largest amount elsewhere. In the great State of Pennsylvania, in New York, in Indiana, in all the other States the largest salary is $4,000. Now, it is proposed to make the salary of this district judge $5,000, more than in any other State except the State of California. I am exceedingly anxious to accommodate my friend from Wisconsin, but I do think this is a distinction invidious in its character, and I do not think it ought to be recognized by the Senate.

The case of Arkansas, that was referred to by the Senator from Arkansas, is one of glaring wrong, where the judge, I feel bound to say, has five times the amount of work that a judge can have in Wisconsin, and I doubt not it is so in the State of Indiana, and I know it is so in my own State. If the Senate are prepared to make this distinction, and all other States are to be kept out upon a point of order, then let them take the vote.

Mr. MERRIMON. The Senator from Indiana a moment ago took the exception that the amendment I offered was a sort of general legislation and not appropriate to an appropriation bill. I think he is correct in that, but there are a great many precedents to the contrary. Now, I beg to raise a point of order. The Chair ruled a while ago that my amendment was out of order because it increased the appropriation. With all deference to the Chair I think that is a mistake. I do not propose to increase the amount appropriated by this bill one single dollar. I simply propose by a general provision to increase the salaries of the judges. There is no provision in this bill at all appropriating for salaries of judges. It is a clause of general law to be incorporated into an appropriation bill. I maintain, therefore, that my amendment does not increase the amount of money appropriated, and therefore is not obnoxious to the objection which was sustained by the Chair.

Mr. SARGENT. Unless we can have a vote I shall move to lay all the amendments on the table.

Mr. HAMILTON, of Texas, and others rose.

Mr. SARGENT. I see several Senators are rising to speak. I move to lay the whole amendment on the table.

The VICE-PRESIDENT. The motion is to lay the amendment on the table.

Mr. CARPENTER called for the yeas and nays, and they were ordered.

Mr. CONKLING. I wish to ask a question of the Chair. Does this motion, if it prevails, carry the whole amendment from line 170 to 180, not only that touching Wisconsin but also touching the court of commissioners of Alabama claims?

Mr. SARGENT. It is very easy to offer the other part of it, as it has been ruled we cannot dissever and divide the amendment.

Mr. HAMLIN. Let us have that ruling corrected, because it is not parliamentary law.

Mr. SARGENT. Is this discussion in order? The motion is to lay on the table.

Mr. CONKLING. It is in order to ask a question of the Chair.

Mr. SARGENT. It is no more use to pass a provision for a judge's salary in this bill if you cannot pass it in half an hour, than it is——

Mr. CONKLING. The Senator is now out of order himself. I simply asked the question of the Chair what is the motion?

The VICE-PRESIDENT. The Chair understood the motion was to lay on the table that portion of the amendment which the Senator from Iowa [Mr. ALLISON] moved to strike out. The Chair may be misinformed.

Mr. CONKLING. Then, although not divisible, you can move to lay part of it on the table?

Mr. SARGENT. I do not know what the question is now.

Mr. SHERMAN. The motion only carries the first proviso to the table.

Mr. WRIGHT. I should like to know exactly what the question is.

The VICE-PRESIDENT. The question is on laying the amendment on the table.

Mr. SHERMAN. What part of the amendment?

The VICE-PRESIDENT. That part which the Senator from Iowa [Mr. ALLISON] moved to strike out, which will be reported if desired.

Mr. MORTON. I desire to ask a question. Is the motion to lay on the table applicable to the whole amendment of the committee or only to a part of it?

The VICE-PRESIDENT. To the portion that the Senator from Iowa moved to strike out.

Mr. EDMUNDS. That part relating to Wisconsin?

The VICE-PRESIDENT. The Chair understood the motion was to lay that portion on the table.

Mr. SARGENT. I moved to lay on the table. I did not move to lay any such motion on the table. I moved to lay the whole amendment on the table; not the motion of the Senator from Iowa to strike out, but the amendment read by the Clerk. I want to lay the matter itself on the table.

The VICE-PRESIDENT. The Senator from California states that he moved to lay the whole on the table, and the Chair will put the question in that form.

Mr. HAMLIN. Now I ask for a division of the question; and let us here and now have that matter decided. The Senator from Iowa said that it was ruled last night that it was not in order to divide this amendment. I did not understand any such thing. There was an intimation from the occupant of the chair that it was in order, and it was rather acquiesced in. Any proposition, whether it be an amendment to go into the bill or be a clause in the bill to be stricken out, which contains two or more distinctive propositions can be divided. I therefore move to divide the question of laying upon the table, first the part which relates to the salary of the Wisconsin judge.

Mr. SARGENT. I have no objection to that, if we can do it without wasting time.

The VICE-PRESIDENT. If there be no objection the question will be taken in that form. The question is on laying that part of the amendment relative to the judge of the eastern district of Wisconsin on the table.

The question being taken by yeas and nays, resulted—yeas 31, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bogy, Boreman, Boutwell, Cameron, Clayton, Davis, Edmunds, Ferry of Connecticut, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Kelly, McCreery, Merrimon, Norwood, Oglesby, Pratt, Robertson, Sargent, Scott, Sherman, Sprague, Wadleigh, Washburn, and Wright—31.

NAYS—Messrs. Bayard, Carpenter, Conkling, Cooper, Dennis, Dorsey, Eaton, Ferry of Michigan, Flanagan, Frelinghuysen, Gordon, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Maine, Patterson, Ransom, Saulsbury, Spencer, Stevenson, Stewart, Tipton, West, and Windom—27.

ABSENT—Messrs. Brownlow, Chandler, Conover, Cragin, Fenton, Gilbert, Johnston, Lewis, Morrill of Vermont, Morton, Pease, Ramsey, Schurz, Stockton, and Thurman—15.

So the motion to lay on the table was agreed to.

The VICE-PRESIDENT. The question recurs on the residue of the amendment.

Mr. CARPENTER. The question is on agreeing to that part of the amendment which was not laid on the table, I take it.

Mr. SARGENT. Yes, sir.

Mr. CARPENTER. Let us have that question.

Mr. BAYARD. I wish to offer an amendment to the amendment.

Mr. CLAYTON. Let us have the amendment read.

Mr. BAYARD. I move to amend in lines 178 and 179 by striking out the word "ten" and inserting the word "eight," and striking out in line 179 the words "and eight dollars per diem for expenses."

The VICE-PRESIDENT. The question is on the amendment of the Senator from Delaware to the amendment. The amendment and the amendment to the amendment will be read.

The SECRETARY. The amendment of the committee is as follows:

Provided further, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $10,000 per annum, and eight dollars per diem for expenses.

It is proposed to amend by striking out "$10,000" and inserting "$8,000," and also by striking out "and eight dollars per diem for expenses."

Mr. BAYARD. I wish merely to state that the present amendment will give the counsel before that court a salary of $12,500 a year. As the salaries of each of these judges is $6,000 a year and as the salary of the Attorney-General of the United States is $8,000, I propose to put that counsel on a level with the Attorney-General of the United States, a Cabinet officer, and to pay him a salary of $8,000, which it seems to me is enough for his services.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment as amended.

Mr. SARGENT. The word "further" should be stricken out after the word "provided."

The VICE-PRESIDENT. That verbal amendment will be made. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

Mr. SHERMAN. I wish to offer an amendment from the Committee on Finance as an additional section.

Mr. SARGENT. Let us act upon the amendment passed over on page 17.

Mr. SHERMAN. The provision from line 392 to 397 is in the District bill passed last night. Therefore it ought to be stricken out.

Mr. SARGENT. Has that passed both Houses?

Mr. SHERMAN. Yes, sir; it is the law now.

The VICE-PRESIDENT. The amendment will be reported.

Mr. SHERMAN. Line 392 to 397 is now in the law.

Mr. SARGENT. Down to the word "provided," in line 397?

Mr. SHERMAN. Yes, sir. So the clause on page 18, from line 412 to 420, was in the same act passed last night, and consequently it ought not to be repeated here.

Mr. SARGENT. I have no objection on that statement that both these clauses be stricken out.

The VICE-PRESIDENT. The lines mentioned by the Senator from Ohio will be stricken out if there be no objection. The Chair hears none.

The CHIEF CLERK. The amendment which was passed over, as now amended, reads, beginning with line 386 on page 17:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000: *Provided*, That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act, within ninety days from the passage of this act, and, as to certificates of date subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund acting as treasurer thereof shall be $1,000 per annum.

Mr. SHERMAN. Yes; that is right.

The amendment was agreed to.

Mr. SHERMAN. Now I offer the following amendment from the Committee on Finance as an additional section:

SEC. —. That the Secretary of the Treasury is hereby authorized, at such times as may be necessary, for the purpose of obtaining bonds for the sinking fund, in compliance with sections 3694 to 3697, inclusive, of the Revised Statutes of the United States, to give public notice that he will redeem in coin, at par, any bonds of the United States bearing interest at the rate of 6 per cent., of the kind known as five-twenties; and in three months after the date of such public notice the interest on the bonds so selected and called for payment shall cease.

The explanation is this: Under the existing law, if the Secretary wishes to buy bonds for the sinking fund he has to go into the market. He cannot buy any bonds at less than par now, and he has to pay more than par for them, while he has a right under a general law to pay off some of the five-twenties.

The amendment was agreed to.

Mr. EDMUNDS. I rise to make an inquiry. I wish to inquire of the Chair if on page 18 lines 412 to 420 are now stricken out?

The VICE-PRESIDENT. The Chair is informed they are.

Mr. LOGAN. On page 16 the paragraph from line 380 to 385 reads:

To pay on behalf of the United States, as a portion of the general expenses of the District of Columbia, to be expended by the commissioners of said District, $1,060,000, only to be drawn successively; no salaries to be changed from the standard fixed under act of June 20, 1874.

I move after the words "1874" to insert:

Provided, That the amount of $100,000 hereby appropriated shall be used for the payment of the laborers of the board of public works and the laborers of the contractors and sub-contractors of the board of public works and of the District of Columbia, and the comptroller of the District of Columbia is hereby appointed the disbursing officer to see that the amount of $100,000 is expended according to the provisions of this amendment.

Mr. SARGENT. I am very much afraid that these propositions come from claim agents; that is, from men who make a percentage on the laborers on the ground that they render meritorious services in preventing money from passing away from them. I believe the commissioners of the District will honestly pay this money out to the laborers and everybody else. It may be that this proposition covers—I do not say it does, but I had a suspicion last year from something I knew, and I have now from something I heard of it this year—that this proposition covers 5 or 10 per cent. assessment on laborers to whom this money is due. I think we had better leave it in the hands of the commissioners rather than put in this provision.

Mr. SHERMAN. On account of the tax bill for the District passed last night, which postpones the enforcement of the old tax until the 1st of July, it will be necessary to have a portion of this appropriation made available during this fiscal year; and I desire to offer at the same time a provision that $300,000 of this appropriation be made available from the passage of this act.

Mr. LOGAN. In answer to the remark made by the Senator from California, I wish to say that so far as I am concerned I am certainly not prompted by any claim agent or any persons having claims. The way I came to offer this amendment is this: An old colored man came to me, and has been to me a dozen times, I suppose, stating that he had employed, I do not remember the number, but I think about a hundred hands under a contract, and he stated that he had not been able to pay his men one dollar, and he had been sued three hundred times. I do not know anything about the statement, whether it be true or false, but that is what he stated to me. He said that it was impossible for him to pay his men, and he was sued time and again by different men because he could not pay them, not having got a dollar on his contract. I was prompted by that statement by this man and similar statements from other laboring men who told me that they had not got a dollar, and I thought it would be fair at least that some portion of the $1,000,000 appropriated here for the benefit of the city, to be disbursed by these commissioners, should be used to pay some of these men who are entitled to pay for their labor in the District. So far as the contractors are concerned, I know nothing about them and care nothing about them or the claim agents either. Under this proviso the auditor would be authorized to pay, not claim agents, but the men to whom money is due for their labor. All the interest I have in it is to try and see that these men are paid at some time by somebody. I was prompted by the statement of these men to me to ask that a portion of this money at least be paid to these laborers. I do not know anything about the contractors.

Mr. ALCORN. I am very much inclined from what I know to support the amendment of the Senator from Illinois; and unless the matter is explained satisfactorily to me to show that it is not proper, I shall support it. Complaints have been made to me that the laborers have been badly treated; that the poor colored men and the Irish who labor for their bread have not been paid, while those who have large interests have been looked to. I am here to represent that class of people who have been overlooked, if they have been overlooked in truth, and to see that the laborer here who has been denied his pay shall be recognized as having a demand upon the Government for the money that is due him. I ask the Senator from Ohio who suggests that these people have been paid to explain the case to us; and if it is not proper that this amendment should prevail, that we should be given the reasons why.

Mr. THURMAN. I want to call the attention of my friend from Illinois first to the fact that the law gives ample authority to the commissioners to pay these laborers, to pay all laborers out of any means within their control, so that no change in the law is necessary. In the second place, I am authorized by the commissioners to say that they have paid all debts for labor that have been presented to them and are prepared to pay the accruing wages of laborers as they may become due. The effect of this amendment, if adopted, would be to say that this money shall be applied in a particular way, when it may not be needed for any such purpose, and would in effect therefore be to destroy the appropriation to that extent.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Illinois, [Mr. LOGAN.]

The amendment was rejected.

Mr. SHERMAN. I now offer the amendment I suggested, to insert after line 385—

That $300,000 of said sum shall be available from the passage of this act.

Mr. SARGENT. Say "available immediately."

Mr. SHERMAN. "Available from the passage of this act." I explained the reason of that.

The amendment was agreed to.

Mr. EDMUNDS. I wish to ask the Senator in charge of the bill what is the meaning of the words "only to be drawn successively," on line 383.

Mr. SARGENT. That is the language used by the House. I understand it to mean that the money shall only be drawn as it is necessary to use it. If it means anything more than that, I shall be obliged to the Senator to explain it or to try if he cannot make the language more apt. This language is in the original House bill and I understand that to be the meaning of it.

Mr. THURMAN. I understand the meaning is that they shall not draw it all at once but only as they need it.

Mr. SARGENT. I think that is the meaning of it.

Mr. EDMUNDS. I move to strike out the word "successively" in line 383 and insert the words "as needed for immediate use," so that there will be no mistake.

Mr. SARGENT. That is good.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. No. 459) for the relief of William J. Patton;

An act (S. No. 674) to relieve C. D. Anderson of his political disabilities; and

An act (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis.

The message also announced the President had this day approved and signed the act (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayment of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President.

LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. CHARLES O'NEILL of Pennsylvania, and Mr. JAMES C. ROBINSON of Illinois, managers at the further conference on its part.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

Mr. MORRILL, of Vermont. I offer an amendment to insert after line 1008:

For terrace, with vaults, on west face and north and south returns to porticos, and solid wall for the remainder, according to plans and under the direction of Fred. Law Olmsted, to be expended by the Architect of the Capitol, $300,000, which sum shall be available from and after the passage of this act.

Several SENATORS. All right!

Mr. MORRILL, of Vermont. I will not say a word if all are in favor of it.

A division was called for.

Mr. MORRILL, of Vermont. This is for the completion of the western front of the Capitol. It is in accordance with the plans that have been seen by most Senators and I think approved by every one who has seen them, made by Mr. Olmsted. It is to have a terrace extended on the western front and the ends, so that it will be fifty feet wide and it will cover vaults to the number of fifty-six, forty feet in length and ten feet wide, that will answer for the storage of half a million documents, which room is very urgently needed both by Congress and by the Departments that have accumulated large amounts of documents which need to be stowed away. It will require something more than another year to finish it. This will finish the two ends and the front as far as the center part, leaving the center part to be appropriated for hereafter.

I trust that, having increased the appropriations for public buildings in the various cities, we shall be willing to take this small amount comparatively to what we appropriated for Cincinnati, for Chicago, for Saint Louis, for Philadelphia, and for New York, for the final completion of this Capitol.

Mr. THURMAN. I wish to put a question to the Senator from Vermont. This appropriation that is suggested, if I understood the reading of the amendment, is $300,000?

Mr. MORRILL, of Vermont. It is.

Mr. THURMAN. To improve the grounds on the west end of the Capitol, in pursuance of the plan of Mr. Olmsted. Am I right in that?

Mr. MORRILL, of Vermont. It is for the terrace.

Mr. THURMAN. Three hundred thousand dollars for the terrace?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. THURMAN. For the terrace alone?

Mr. MORRILL, of Vermont. And vaults; and I will say that if we appropriated a proper sum merely for the taking care of these documents it would require a building that would cost a larger amount than all that I ask for at the present time. This has been recommended unanimously by the Committee on Public Buildings and Grounds. I have never yet seen a republican or democrat of either House that did not approve of the plan. I have never seen an architect that did not approve of the plan. I have no doubt that the Committee on Appropriations would have brought it back here included in this bill if we had passed the tax and tariff bill before they considered the subject.

Mr. THURMAN. If these $300,000 were to be expended in beautifying the Capitol or the grounds on the west of the Capitol——

Mr. MORRILL, of Vermont. Perfectly plain work.

Mr. THURMAN. Then there might be something in this in the eye of an artist; but if we are to expend $300,000 to make some damp vaults to stow away old documents to feed rats, I think we shall be throwing away our money just about as foolishly as any one can possibly suppose.

Mr. EDMUNDS. Has the Senator seen the design as it is prepared by Mr. Olmsted?

Mr. THURMAN. No, sir, I have not seen it, and I do not like to vote in the dark on what I have not seen.

Mr. EDMUNDS. I think if the Senator had seen the design he would have been satisfied that it is a very great improvement in the appearance of the Capitol, to say nothing of the vaults.

Mr. THURMAN. But I did not understand the Senator's colleague as advocating it on the ground of improving the appearance, but he wants to save these old documents.

Mr. MORRILL, of Vermont. No, Mr. President; I had supposed that the Senator from Ohio had seen the plan and understood it, and that he knew that in addition to being a great improvement to the Capitol it would also serve the useful purpose which I suggested.

Mr. THURMAN. The useful purpose of putting these old documents where the moth doth corrupt and where the rats do eat and thrive. [Laughter.]

Mr. MORRILL, of Vermont. The Senator cannot be unaware that at the Treasury Department the corridors are completely filled with documents that must be preserved for generations, and there must be room made for them. They have got to be supplied with some place. We can also take all the inferior copyright books, the duplicate books, and stow those away.

Mr. THURMAN. When the proper time comes I shall endeavor to show that what has been said by other Senators is strictly correct, that you must have some other place to keep the books; but a cellar or a vault is not the place to keep books. At all events, when you are taxing the people thirty-odd millions, now, in the present condition of the country, I am not willing to vote $100,000 to make a cellar to keep old books in.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

Mr. STEVENSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON. I would like to say a word before the yeas and nays are taken. Happening to be a member of the Committee on Public Buildings and Grounds, I have become acquainted with this subject. The witticisms of the Senator from Ohio have entirely changed the current on this question here. He has made the Senate believe that this is a mere convenience for keeping documents. It is no such thing. It is an improvement necessary for the protection of the Capitol, to add to its beauty. This Capitol cannot be perfect, as the architect says and as the experienced gentleman who is employed to take care of the grounds says, without this expenditure. The making of the vaults is not merely to take care of the documents. The vaults will be there and if by those in authority it is deemed necessary to put documents there they will be placed there; but if there was not a document to be cared for this expenditure is necessary to make this Capitol perfect, and I am sure that every Senator feels an interest in the beauty, the strength, and the perpetuity, I was going to say, of this Capitol, for I trust it will live as long as time shall last.

Mr. ALLISON. I only desire to say one word in reference to this proposition. The Committee on the Library have had under consideration the extension of the west front some thirty-four feet. Now, as I understand it, this proposition of a terrace will interfere with that question of the extension of the west front. I think we ought not to engage in the construction of this terrace until we have settled finally the question of improving the Capitol on the west front. Therefore I hope the amendment will not be adopted.

Mr. MORTON. To test this question I move to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 23, noes 18.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I suppose I may have consent to submit a conference report on the Indian bill?

Mr. SARGENT. Certainly.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3821, making appropriations for the current and contingent expenses of the Indian service for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 26, 31, 32, 33, 34, 57, 58, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 35, 49, 51, and 54.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment, as follows: Strike out the words "seventy-five" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 28, and agree to the same with an amendment as follows: Strike out the words proposed to be inserted and insert in lieu thereof the word "for," and after the following words, "one hundred," insert the word "fifty;" so it will read "four hundred and fifty thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 34, and agree to the same with an amendment, as follows: Strike out the word "thirty" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: Strike out the word "twenty" and insert in lieu thereof the word "ten" and at the end of said amendment insert the words "which shall be available at once."

That the House recede from its disagreement to the amendment numbered 52, and agree to the same with an amendment, as follows: Strike out the last word of said amendment, and insert in lieu thereof the words "reduced to one thousand acres, to be selected by the Secretary of the Interior, and in such manner as not to include the claim of any settler or miner;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 53, and agree to the same with an amendment, as follows: In lieu of the word "fifty" insert the word "forty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 63, and agree to the same with an amendment, as follows: Strike out the entire paragraph; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the thirty-ninth amendment of the Senate, and agree to the same.

That the Senate recede from its disagreement to the forty-first and forty-fourth amendments of the House, and agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment, as follows: At the end of said amendment add the following: "And the United States assistant treasurer at Saint Louis, Missouri, be, and he hereby is, authorized to open and keep accounts with the duly constituted treasurer of the Cherokee, Creek, Choctaw, and Chickasaw Nations of Indians, the same as with Government agents and disbursing officers;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same, so that it shall read "$1,000."

That the House recede from its disagreement to the amendment numbered 80, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 84, and agree to the same.

WILLIAM WINDOM,
WILLIAM B. ALLISON,
J. W. STEVENSON,
Managers on the part of the Senate.
WILLIAM LOUGHRIDGE,
J. C. PARKER,
JOHN HANCOCK,
Managers on the part of the House.

The report was concurred in.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. McCREERY submitted an amendment intended to be proposed by him to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OFFICER. House bill No. 4729 is before the Senate as in Committee of the Whole.

Mr. CHANDLER. I offer this amendment, to come in after line 603:

For rebuilding light-house at Windmill Point, at the entrance to Lake Saint Clair, Michigan, $18,000.

Mr. SARGENT. Is that reported from a committee?

Mr. CHANDLER. Yes, sir; from the Committee on Commerce; and here is what the Light-House Board say——

Mr. SARGENT. When was the report made?

Mr. CHANDLER. Made yesterday, or the day before, by order of the Committee on Commerce.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. FERRY, of Michigan. I offer the following amendment, to be inserted after line 1805:

For continuation of building for custom-house and post-office at Grand Rapids Michigan, $50,000.

I am not disposed to take up the time of the Senate at this late hour. I will merely state that this is in pursuance of a recommendation of the Treasury Department, and I hope the amendment will prevail.

Mr. SARGENT. I oppose the amendment. I do not wish to talk.

The question being put, the Chair declared that the noes appeared to prevail.

Mr. FERRY, of Michigan. I ask for the yeas and nays.

Mr. SARGENT. I ask for a count, to see whether the yeas and nays are ordered.

The PRESIDING OFFICER. The Chair will direct the Clerk to count the Senators who second the call for the yeas and nays. Those who do so will rise.

Seven Senators rose to second the call.

The PRESIDING OFFICER. The yeas and nays are not ordered, one-fifth of the Senators present not seconding the call.

Mr. FERRY, of Michigan. Now, Mr. President, I will say a word; I will not take up time. The State of Michigan is divided into two judicial districts. This amendment is to supply a court-house in a city of thirty thousand inhabitants where a court is held. Of course the building is necessary also for post-office purposes and for the pension agent and the collector of internal revenue. The Department have recommended it. The building proposed is authorized by the law to cost $200,000. I deferred before asking for an appropriation and I referred this amendment to the committee, but for some reason the committee did not consider it, or at least it does not appear in the bill in the Senate.

I think the Senator from California in his haste to refuse the yeas and nays upon this question has not been entirely courteous. He seems to think that there has been a disposition to consume time. I wish to say that so far as I am concerned I have done all I could to facilitate the progress of this bill, and I think it hardly courteous on the part of the Senator from California to shut out this amendment. I say it in good temper—and especially when my little amendment is sandwiched between an appropriation here for California of $100,000 and one for Missouri of $500,000. It seems to me the Senator could very easily swallow this. Without saying anything more, I ask for a vote.

Mr. SARGENT. The provisions in the bill to which the Senator refers came from the House of Representatives; I am not responsible for them in any way, and unquestionably they are for the public service. The same committee that reported them examined the Senator's proposition and rejected it, not at my instance; I do not know who is to blame for it. I know it is not recommended by the Committee on Appropriations of the Senate. I simply stated that I opposed it. Now I do not know whether Senators want this bill to pass or not. The Senator says he did not intend to be discourteous to me. I will simply say that I consider it my duty, as having charge of this bill, if it is to be passed, to object to everything and not take up time in trying to persuade Senators, and I think that when the Senate by a full rising vote shows just what it wishes in reference to amendments, that is a fair taking of the question without consuming time in taking the yeas and nays.

Mr. FERRY, of Michigan. Now, if the Senator is sure——

Mr. SARGENT. No, sir; I am not sure. I move to lay the amendment on the table.

Mr. FERRY, of Michigan. Will the Senator give me one minute? I think I have not occupied on this bill over three minutes.

Mr. SARGENT. I have not spoken about the merits of the proposition at all, and I do not care to discuss personal matters with a Senator when he states that he does not desire to be discourteous.

Mr. FERRY, of Michigan. Will the Senator give me one minute? Then I will ask for a vote, and I think the Senate will sustain me.

Mr. SARGENT. What does the Senator desire? I do not understand him. I will give him a minute, of course.

Mr. FERRY, of Michigan. If the Senator shows the same spirit that I show and that should be shown to his peers here, I think he will get along sooner with this bill. I will merely say the Government has purchased this land, and the erection of the building is recommended by the Department. All I ask is a fair vote on the question.

Mr. HAMILTON, of Maryland. The Senator said this is to cost $200,000 for a court-house in Michigan. That means $400,000.

Mr. FERRY, of Michigan. That is settled by law. This structure is to cost not $500,000 nor $1,000,000, but it is $200,000; that is the limit authorized by law; and the amendment asks for but $50,000 in order to prosecute the work. I ask for a vote.

Mr. SARGENT. Now if we can have a vote I will withdraw the motion to lay on the table.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 31, nays 18; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Conkling, Conover, Cooper, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Harvey, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Scott, Stevenson, Wadleigh, and Windom—31.

NAYS—Messrs. Alcorn, Allison, Clayton, Eaton, Ferry of Connecticut, Goldthwaite, Hamilton of Maryland, Jones, Kelly, McCreery, Merrimon, Morrill of Maine, Norwood, Robertson, Sargent, Sprague, Stewart, and Washburn—18.

ABSENT—Messrs. Bayard, Bogy, Brownlow, Carpenter, Cragin, Davis, Dennis, Edmunds, Fenton, Gilbert, Gordon, Hager, Hamlin, Johnston, Lewis, Saulsbury, Schurz, Sherman, Spencer, Stockton, Thurman, Tipton, West, and Wright—24.

So the amendment was agreed to.

Mr. SCOTT. I offer an amendment by instruction of the Committee on Finance, of which notice has been given.

The amendment was read, as follows:

SEC. —. That the Secretary of the Treasury be, and hereby is, authorized to purchase, for the use of the United States, the building occupied and owned by the Freedmen's Savings and Trust Company, in the city of Washington, District of Columbia, together with other real estate adjacent thereto, running about one hundred and sixteen feet on Pennsylvania Avenue and about one hundred and thirty-six feet on street numbered Fifteen and a half, being the west half of lot No. 3, all of lots 4 5, 6, 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city, supposed to contain about twenty-three thousand feet, be the same more or less; and for this object the Secretary of the Treasury is hereby authorized to issue and dispose of United States 5-per cent. bonds, heretofore authorized by law, at not less than par in gold, and to use the proceeds in paying for said real estate at a price not exceeding $315,000: *Provided*, That no payment shall be made of the same until after the Attorney-General shall be satisfied that an indefeasible title to the said real estate will be conveyed to the United States.

Mr. SCOTT. I desire to make a very brief explanation, and then I shall not detain the Senate. Quite a number of petitions were presented asking that the Government indemnify the depositors who have lost by the failure of the Freedman's Savings and Trust Company. A bill was introduced for that purpose. I reported it adversely from the Finance Committee. Here is a property situated immediately opposite the Treasury building, a portion of which is now occupied by the Attorney-General's Office, and for that portion alone $17,000 a year has heretofore been paid annually in rent. This proposes to buy the whole, at a sum not exceeding $315,000, by the sale of bonds at par in gold for that amount, the interest upon which will really be less than the rent that has heretofore been paid for one portion of the property. The Committee on Finance have deemed this a proper thing to do, and have instructed me to report this amendment to this bill for that purpose.

Mr. SARGENT. I move to lay the amendment on the table.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from California moves to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 31, noes 14.

Mr. MITCHELL. I offer the following amendment, and shall ask the attention of the Senate for about one minute. After line 1738, on page 71, I move to insert:

For continuation of building for custom-house, post-office, and other public offices in Portland, Oregon, and for furniture for the same, $40,000.

Mr. SARGENT. I rise to a point of order on that amendment. That has never been reported by any committee.

Mr. MITCHELL. I beg pardon; it has been referred to the committee.

Mr. SARGENT. Not reported by any committee.

The PRESIDING OFFICER. Has it been reported from any standing committee?

Mr. MITCHELL. It has not been.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MITCHELL. I appeal to the Senator from California whether he will raise a point of order——

Mr. SARGENT. I appeal to my friend from Oregon whether he is willing to lose all the appropriations in the bill for Oregon by an effort to get this.

Mr. MITCHELL. I do not care a cent if that be the result when we are treated with contempt.

Mr. SARGENT. I do.

The PRESIDING OFFICER. The point of order must be decided without debate. The Chair sustains the point of order.

Mr. CAMERON. I offer an amendment to come in at the end of the bill:

That the piece or parcel of ground ceded to the United States lying within the inclosure of the Prospect Hill Cemetery, at York, Pennsylvania, on which soldiers of the United States from sixteen States of the Union have been interred, and on which a monument has been erected by the said Monumental Association of York, Pennsylvania, be constituted a national cemetery, and cared for as other cemeteries of the United States, and that head-stones be provided for the graves of the soldiers therein interred, as in the case of other national cemeteries under existing laws, excepting the building of a house and putting a fence around the inclosure.

Mr. SARGENT. I move to lay that on the table.

Mr. CAMERON. I appeal to the Senator from California to let me say a word at least.

Mr. SARGENT. I will yield to let the Senator say a word on that, of course.

Mr. CAMERON. I have only to say that this whole thing will not cost more than $1,600. The State of Pennsylvania has very little in this bill, if anything at all. This is a matter which interests sixteen States of the Union, and the Senator from California is the last man I expected who would have objected to so small a thing as this. I only ask Senators to vote. I will not say anything more.

Mr. SARGENT. I renew the motion to lay the amendment on the table.

Mr. CAMERON. I ask for the yeas and nays.

Mr. SARGENT. I hope not.

Mr. CAMERON. I should like to see why.

Mr. EDMUNDS. It is taking up time to be calling them.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. CAMERON. I trust there will be enough Senators to give me the yeas and nays.

The PRESIDING OFFICER. Are Senators disposed to sustain the call for the yeas and nays? Those who sustain the call will rise.

Seven Senators rose, not one-fifth of the Senators present.

Mr. HOWE. I offer an amendment to come in after line 445:

And no work of art not the property of the United States shall be exhibited in the Capitol, nor shall any room in the Capitol be used for private studios or works of art, without permission from the Joint Committee on the Library given in writing; and it shall be the duty of the Architect of the Capitol Extension to carry this provision into effect.

Mr. SARGENT. I have no objection to that.

The amendment was agreed to.

Mr. HOWE. I offer another amendment:

For this amount, to be expended under the direction of the joint standing committee of the two Houses of Congress on the Library and the Senate Committee on Public Buildings and Grounds for the proper accommodation of the Library of Congress by the extension of the west front of the Capitol so far as said committee shall deem necessary and expedient, not exceeding thirty-four feet, $500,000, to be paid on vouchers approved by the Architect of the Capitol Extension under such regulations as shall be established from time to time by the chairman of the Committee on Public Buildings and Grounds of the Senate and the chairman of the Committee on the Library.

Mr. SARGENT. From what committee does that come?

Mr. HOWE. The Library.

Mr. SARGENT. I suppose the Senator is entitled to the floor to speak, but I shall move to lay it on the table.

Mr. HOWE. I do not want to debate the question for only a moment. I wish the Senator would tolerate us for twenty or thirty minutes.

Mr. SARGENT. I cannot.

Mr. HOWE. I want to hear the opinion of other Senators more than I do my own. I once said to the Senate that it seems to me a measure of absolute economy for you to make some sort of provision for the accommodation of your books, for which you have now no accommodation whatever.

Mr. MORTON. We have no time for it this afternoon.

Mr. HOWE. I shall not take up the time.

Mr. SARGENT. I move to lay the amendment on the table.

The motion was agreed to.

Mr. BOUTWELL. I move to strike out of the bill, on page 71, lines 1728 to 1731, inclusive. I have only to say that there was an appropriation made about two years ago for the purpose of completing the building at Boston and acquiring a small parcel of land adjacent to it. The owners of the land were unwilling to sell. Proceedings are now pending in court under the law for the purpose of condemning it and taking it. The effect of this text which I propose to strike out is to deprive the officers of the Government of the power to take this land if the proceedings should result satisfactorily to the officers of the Government. Therefore I move that this clause be stricken out.

Mr. SARGENT. If that were so, the language left in would be entirely deceptive, because it says, "for completing the present buildings," whereas the Senator desires hundreds of thousands of dollars paid for a lot, whatever is left unexpended of the appropriations to be used for that purpose. If we are to pay for a lot we had better make a direct appropriation for that. This as it now reads plainly says, to complete the building, which is now nearly done, enough of the unexpended appropriation shall be used; and that is all that ought to be done and all that was intended either by the House or by the Committee on Appropriations. I move to lay the amendment on the table.

Mr. BOUTWELL. I wish a moment.

Mr. SARGENT. I yield.

Mr. BOUTWELL. The Senator is in error about that. The appropriation was made either one or two years ago in one sum for the two-fold purpose of finishing the building and paying for the land that was desired, and proceedings are now going on for the purpose of condemning the land; and the effect of this bill is to limit the expenditure merely to the completion of the existing building. The city of Boston has expended a large sum of money in widening the streets and leaving a park in front of the building in the expectation that the ground would be required.

Mr. SARGENT. I renew the motion to lay the amendment on the table.

Several SENATORS. It is to strike out the item.

Mr. SARGENT. I do not object to striking out the whole paragraph.

Mr. BOUTWELL. That is my motion.

Mr. SARGENT. I do not object then.

The PRESIDING OFFICER. The question is on the amendment to strike out lines 1728 to 1731.

The amendment was agreed to.

Mr. LOGAN. I desire to call the attention of the Senator from California having charge of this bill to page 48, line 1165, where the clause is-

For Rock Island Arsenal, Rock Island, Illinois:
For shop A: For a wood-working and gun-carriage shop for arsenal, $178,000.
For shop F: For a rolling-mill and for a forging-shop for the armory, $75,000.

I move to amend by inserting after the word "dollars," in line 1169, the words "$100,000 of such appropriations for shops A and F shall be available immediately after the passage of this act."

Mr. SARGENT. That simply makes it available.

Mr. LOGAN. One hundred thousand dollars of it available now.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I move to strike out on line 23 the word

"fifteen" and insert "twenty-five," in the printing clause; so as to read:

For the Agricultural Department, $25,000.

This comes from the Committee on Agriculture, and the committee were satisfied that $15,000 was not enough to defray the expenses of printing for the Agricultural Department.

Mr. SARGENT. I move to lay the amendment on the table.

The motion was agreed to.

Mr. FRELINGHUYSEN. On page 70, after the word "labor," in line 1709, I move to strike out "$6,000" and insert "$12,000." That is an increase of appropriation for the labor in consequence of the additional grounds which have been added to the Department, and it is necessary that the amendment should be made in order to accomplish the work.

Mr. SARGENT. I move to lay the amendment on the table.

The motion was agreed to.

Mr. FRELINGHUYSEN. I am instructed by the Committee on Agriculture to offer these amendments, and I must offer them. I now move one whch I hope will be adopted. It is only two or three hundred dollars. It is to insert after line 1713:

For constructing a gasometer of suitable capacity for the daily supply of gas to the building, $1,200.

Mr. SARGENT. I move to lay the amendment on the table.

The motion was agreed to; ayes 28, noes not counted.

Mr. FRELINGHUYSEN. I have one more amendment from the Committee on Agriculture. On page 70, at the end of line 1720, I move to insert:

For the museum in charge of Professor Glover, $1,500.

Mr. SARGENT. I do not like to put these things down by mere force, by weight. The museum there is appropriated for in the legislative bill, and all its employés. It is a very beautiful place there, well swept and garnished with beautiful figures. I do not see any reason for this additional appropriation.

Mr. FRELINGHUYSEN. This appropriation is not made in any other bill for the museum under the charge of Professor Glover.

Mr. SARGENT. The employés of the museum are provided for, I am satisfied. I move to lay the amendment on the table.

The motion was agreed to.

Mr. HAMLIN. Mr. President, during the war all the benevolent institutions of this District were improvised into hospitals for the care of the soldiers and sailors. There was a propriety in placing them, therefore, at that period of time, under the Secretary of War. At the last session of Congress, at the request of the Secretary of War himself, I submitted a motion transferring the care of the Freedmen's hospital, which was under the Secretary of War, to the Secretary of the Interior. I did it because it ceased to be military at all in its character. I thought at that period of time it was the last hospital here in charge of the Secretary of War, but I find in this bill, on page 47, a provision for the "care, support, and medical treatment of seventy-five transient paupers." There is nothing of a military character about it, and yet it is put under the Secretary of War. To make the legislation of the country harmonious, this, I believe, being the very last vestige, I move to strike out "War," in line 1136, and insert "Interior," so that this will be transferred to the Secretary of the Interior, it being of that character which belongs to that Department.

The amendment was agreed to.

Mr. HAMLIN. I have one other amendment which I offer, to come in on page 20 after the word "dollars" in line 468:

That section 8 of the act approved June 23, 1874, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," be, and the same is hereby, amended as follows: Insert the word "ounce" in lieu of the words "two ounces."

Mr. SARGENT. I move to lay the amendment on the table.

Mr. HAMLIN. I ask the Senator to give me my five minutes.

Mr. SARGENT. I cannot take that away; but the Senator had resumed his seat.

Mr. HAMLIN. I was trying to find a memorandum which I mislaid. I will state what the proposition is.

Mr. SARGENT. Of course I cannot make the motion if the Senator wishes the floor.

Mr. HAMLIN. This is an appropriation bill. The amendment which I offer and which is now before the Senate is to replenish your Treasury; and I think at this period of time, when the revenues of your Post-Office Department are running so low, the amendment which I offer is one that should commend itself to the judgment of every Senator here.

In 1872 we passed a law fixing the rate of postage upon what was called transient matter of the third class. The question has been submitted to the Post-Office Department in relation to a change of that law, and I have here an express recommendation of the Postmaster General in favor of the amendment which I submit. I have a full knowledge of this law. I was a member of the Post-Office Committee when the plan of transmitting other than mailable matter proper through the mail was adopted. It fixed the rate of postage upon each two ounces. It has been carried up to four pounds. It was an experiment. I do not seek to change that experiment, but I do seek to place upon it a rate of postage which, if the statements from the Post-Office Department be correct, will give you $2,000,000 of revenues in the coming year. It will operate as no hardship whatever upon persons whom we design to benefit by allowing merchandise to go through the mails. We support the mail Department proper upon postage at six cents per ounce. This will still allow merchandise, samples, to go through your mails for one cent an ounce, at such low rates that any person who desires to avail himself of the transmission of the mails for such a purpose will have no reason to complain of our increasing the rate.

The Postmaster-General tells us it should be done. Mr. Bangs, whom I regard as one of the very best officers in that Department—he is careful, he understands his business—has made the statement that it will give to us $2,000,000 of revenue if we adopt the amendment. I trust the Senator from California will not move to lay such an amendment on the table but will let it go in and help replenish the Treasury; or if he does so move, I hope the Senate will vote down the motion.

Mr. SARGENT. Very well; let us have the vote now.

Mr. WEST. I should like to ask the Senator from Maine what the amendment means in reference to the charge upon merchandise conveyed in the mails? It is now eight cents a pound and this proposes to make it sixteen cents.

Mr. HAMLIN. Yes.

Mr. WEST. It is always a misfortune and always objectionable to legislate with reference to statutes upon an appropriation bill. The Committee on Appropriations have examined that subject. They have no such information from the Postmaster-General.

Mr. HAMLIN. I have it and can get it for the Senator.

Mr. WEST. Then it has come in since.

Mr. HAMLIN. No, sir; before.

Mr. WEST. The Senate ought to be aware that this is one of the very things they voted down when the post-office appropriation bill was up when it came from a different quarter entirely. It is making the carriage of merchandise in the mails sixty-four cents on four pounds instead of thirty-two. So far as the Committee on Appropriations were concerned they had no such information.

Mr. HAMLIN. I want to say to the Senator that there is another committee in this body that sometimes has subjects before it that relate to the Post-Office Department.

Mr. WEST. I wish they would take them all.

Mr. HAMLIN. The Committee on Appropriations does not absorb all the information there is in this body and in the country upon all subjects. [Laughter.] In other words, I want to say that while I concede that they know everything, I am not quite willing to admit that there is not anybody else who knows anything. [Laughter.] Now I will read what the Postmaster-General says——

The VICE-PRESIDENT. The Chair will remind the Senator that his time has expired.

The amendment was agreed to.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I observe that in making the report of the committee of conference on the Indian bill a few minutes ago the clerk omitted one portion of the agreement. I move to reconsider the vote of the Senate upon the report of the committee.

The motion to reconsider was agreed to.

Mr. WINDOM. I now move to recommit the report to the committee.

The motion was agreed to.

Mr. WINDOM. I now report the agreement of the conferees on the Indian appropriation bill.

Mr. SARGENT. It is unnecessary to read more than that part which was omitted before, I suppose.

Mr. WINDOM. There is no necessity for reading anything but the last paragraph.

The Chief Clerk read the last paragraph of the report, as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 65, and agree to the same.

Mr. EDMUNDS. What is that?

Mr. WINDOM. It is an important amendment, and I desired to call the attention of the Senate to the entire report when it was made a few moments ago, but several Senators suggested not, and I omitted it. I will send to the Secretary a letter from the President stating what the appropriation is. Before the reading of the letter, however, let me say that the Senate added an amendment appropriating $50,000 for the Kiowas, Comanches, and other Indians, and the House, upon the recommendation of the President and the Secretary of the Interior and the Commissioner of Indian Affairs, struck out the $50,000 appropriation and made it $300,000. The grounds upon which that action was taken are as briefly stated in the letters of the President and the Secretary as I can state them, and I will have those letters read.

The Chief Clerk read as follows:

EXECUTIVE MANSION,
Washington, February 27, 1875.

SIR: I respectfully suggest to you and to the conference committee on the Indian appropriation bill that $300,000 be added to the appropriation as at present reported to feed and clothe something over three thousand Indian prisoners, captured and surrendered to the Army during the past winter. These Indians are now under guard and really without law and appropriations for their support. They embrace about all that are inclined or can give us trouble south of the Union Pacific Railroad.

This appropriation if made should be available at once, and is estimated to answer for the remainder of this fiscal year and all of next. These Indians would then be brought to Fort Leavenworth and would be under military control until it might be deemed safe to place them on reservations.

Very truly yours,

U. S. GRANT.

Hon. JAMES A. GARFIELD.

WASHINGTON, *March* 2, 1875.

SIR: General Pope telegraphed the War Department yesterday that the remaining warlike and troublesome Cheyennes, Comanches, Arapahoes, and Kiowas had surrendered as prisoners of war.

These, with those heretofore surrendered, number about three thousand, and constitute all of the turbulent Indians west of the Missouri River and south of the Pacific Railroad.

On consultation with the President and Secretary of War it was deemed best to adopt General Pope's advice, to place these Indians under military force sufficient to guard them at Fort Leavenworth, and provide for them through the Army until they were fit to go upon a permanent reservation.

The President therefore advised that an application be made for an appropriation of $300,000, to feed and clothe and otherwise provide for these Indians at Fort Leavenworth, or such other place as he may select, for the next ensuing sixteen months, which include the current and the next fiscal year.

No doubt is entertained that this discipline will entirely subdue these Indians, and they being subdued all hostile Indians south of the Pacific Railroad and west of the Missouri River may be regarded as out of the way. It is deemed of the utmost importance that this appropriation be made in accordance with the President's suggestions, and it is believed that it will settle all danger of future depredations in Texas and New Mexico, and practically settle the Indian question in the region of country referred to.

On application to the Appropriation Committee of the House of Representatives based upon the forgoing statement an appropriation in accordance with the recommendations of the President was agreed to, and it is to be hoped that your committee will concur in recommending its adoption by the Senate.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. WILLIAM WINDOM,
Chairman Committee of Conference.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4862) to amend an act entitled "An act to incorporate the Washington Market Company;" in which it requested the concurrence of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

Mr. RAMSEY. I desire to offer an amendment to come in on page 20, line 468, after the amendment offered by the Senator from Maine, [Mr. HAMLIN.] It is on the same subject-matter—the weight of miscellaneous and third-class matter in the Post-Office.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 20, after the amendment just adopted, it is proposod to insert:

That section 8 of the act approved June 23, 1874, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes, be, and the same is hereby, amended as follows: Insert the word "two" in lieu of the word "four," so as to read "two pounds."

Mr. RAMSEY. Have I the privilege of explaining the amendment?

The PRESIDING OFFICER. Certainly.

Mr. RAMSEY. Then I desire to say that the amendment simply proposes to reduce the weight of the packages carried as miscellaneous matter from four ponnds, as fixed by the act of 1874, to two pounds. As I explained to the Senate the other day, before that time the limitation was three-fourths of a pound, or twelve ounces. I think it was unwisely raised to four pounds by the legislation of 1874. That legislation has been abused and the Department has been made a common-carrier for merchandise, and it is a great wrong. We failed the other day in attempting to reduce it to twelve ounces, the old standard. I now ask that it may be reduced from four to two pounds, which is amply sufficient to carry every reasonable amount of merchandise, patterns, &c.

Mr. WEST. A few moments ago I rose to take some exception to the action of the Post-Office Committee in intruding all their legislation for the last two years upon the Appropriation Committee, and I commented upon the Appropriation Committee as not possessing all the knowledge of post-office matters contained by this Senate. The Post-Office Committee should keep within their province and not intrude their business on the Appropriation Committee. If it had not been for their intrusion the Appropriation Committee would have been more comfortably off. Now, the Senate having already duplicated the price, this amendment proposes to curtail the rate, and the same proposition is moved on this bill which was voted down a few days ago on the post-office bill. I move to lay the amendment on the table.

The motion was agreed to.

Mr. FENTON. I offer an amendment to come in after line 224, on the tenth page. One word, Mr. President, in sending up this amendment. I have conferred with the Senator from California having charge of this bill, and the chairman of the Committee on Appropriations, and to this amendment they have made no objection. It does not make an appropriation, as will be seen, but continues over an appropriation to the next fiscal year. I think there will be no objection on the part of anybody.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. On page 10 of the bill, after line 224, it is proposed to insert:

That for printing the preparatory circulars, and for printing and binding at the Government Printing Office the report on life-insurance statistics, made under the authority of the eighth national statistical congress, by William Barnes, one of the official delegates, in accordance with the plan of publication adopted by said congress, under the direction of the Secretary of State, any unexpended balance of the appropriation for the above purpose made in the act of March 3, 1873, is hereby continued and rendered available.

Mr. SARGENT. I raise the point of order on that. It increases the appropriation and is not reported from any committee.

Mr. FENTON. No; it does not increase the appropriation. It proposes to carry over an appropriation already existing to next year.

Mr. SARGENT. That is the same thing. It has not been reported from a committee.

Mr. FENTON. My friend from California will bear in mind that this is the amendment to which I called his attention.

Mr. SARGENT. I know it. A great many Senators have called my attention to amendments. I am trying to get this bill through.

Mr. FENTON. I understood that it had the Senator's assent at the time. I do not see what objection can be made to it.

Mr. EDMUNDS. Let us have the point of order decided.

The PRESIDING OFFICER. If the point of order is made, the Chair sustains it.

Mr. ANTHONY. I move an amendment from the Committee on Printing, to come in after line 33, on page 2. This is to enable the signal service to carry on its operations. I had the honor to appear before the Committee on Appropriations, and I certainly thought this amendment was agreed to and supposed it was in the bill; but somehow it is not.

Mr. SARGENT. Let it be reported, and I will see what it is.

Mr. ANTHONY. I thought the committee agreed to it.

The CHIEF CLERK. It is proposed to insert on page 2, after line 33, the following:

For printing and binding one thousand copies monthly of the Daily Bulletin of the Signal Service, United States Army, $15,000.

Mr. ANTHONY. I think the committee agreed to it.

Mr. SARGENT. They did not.

Mr. ANTHONY. Then I will say that it is necessary to the efficiency and the success of the signal service.

Mr. SARGENT. I do not know that. The signal service is growing wonderfully. We all like it. It has been a favorite with us all. We are appropriating hundreds of thousands for a service that four years ago had no existence, and that will grow so fast that we shall have to let it go, I fear. This is too big a baby for us to hold.

Mr. ANTHONY. And every month it saves all it costs every year.

Mr. SARGENT. That may be, but it takes it out of the Treasury of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island.

The amendment was rejected.

Mr. ANTHONY. I offer another amendment, that does not make any appropriation.

Mr. EDMUNDS. It cannot be germane to this bill if it does not call for money.

The PRESIDING OFFICER. The amendment offered by the Senator from Rhode Island will be reported.

The CHIEF CLERK. It is proposed to insert as an additional section the following:

SEC. —. That it shall be the duty of the Commissioner of Patents to furnish, free of cost, copies of the bound volumes of specifications and drawings of patents published by the Patent-Office to each of the Executive Departments of Government upon the request of the head thereof.

Mr. SARGENT. That was adopted by the committee.

Mr. ANTHONY. Is it in the bill?

Mr. SARGENT. The committee recommended it, but by some accident, owing to the late hour and in the hurry, we did not incorporate it. I do not see that it is in the bill, but we intended to report it.

The amendment was agreed to.

Mr. ANTHONY. The Committee on Printing reported a resolution of the House of Representatives to print a number of copies of the report of the Commissioner of Education. It was objected to on the ground that some of the copies were for distribution by members of Congress, and that there was no mode of transmitting them free through the mails. The Commissioner of Education assures me, and manifestly it is so, that it is impossible for him to carry on the operations of his Bureau unless he can have these reports to send to those persons from whom he receives important information.

Mr. SARGENT. Let the Senator propose his amendment.

Mr. SHERMAN. What is the use of attempting to put it on an appropriation bill?

Mr. ANTHONY. We cannot get it through by itself and none of the copies are to be distributed by members of Congress. I move to insert as an additional item the following:

For printing at the Government Printing Office ten thousand copies of the report of the Commissioner of Education, for the use of the Commissioner of Education, $5,000.

Mr. SARGENT. Where is it to come in? It can come in at the end of "miscellaneous."

Mr. ANTHONY. Let it come in on page 2, after line 33.

Mr. SHERMAN. What is the necessity of ten thousand copies? It is an enormous number.

Mr. ANTHONY. Make it seventy-five hundred copies, if you prefer.

Mr. SHERMAN. Make it five thousand.

Mr. ANTHONY. Well, make it whatever you please; but either abolish the Bureau or give it the opportunity of carrying on its operations.

Mr. SARGENT. Make it five thousand copies and reduce the footing to $2,500.

Mr. ANTHONY. Very well; I accept that, if it is the disposition of the Senate.

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment was agreed to.

Mr. ANTHONY. I offer the following amendment, which is recommended by the Secretary of State:

For expenses of the official delegates from the United States to the ninth international statistical congress, $5,000.

Mr. SARGENT. I raise the point of order on that.

Mr. ANTHONY. What is the point of order?

Mr. SARGENT. That it has not been referred to or reported from the Committee on Appropriations.

Mr. ANTHONY. It was referred to the Committee on Appropriations, and comes from the head of a Department.

Mr. SARGENT. It was not reported from the committee.

Mr. ANTHONY. I cannot help it if the committee did not choose to report it. It was referred to them.

Mr. SARGENT. Then the Senator could get in as an amendment any bill that he saw proper to send to the committee. It would be perfectly in order, and all he would have to do would be to refer it.

Mr. ANTHONY. If it is recommended by the head of a Department and has been referred to the committee, it is in order, is it not? Here is the letter from the Secretary of State.

Mr. SARGENT. I move to lay the amendment on the table.

Mr. ANTHONY. I suppose I am entitled to my five minutes, but I will only take two. Will the Senator allow me?

Mr. SARGENT. I will withdraw my motion to allow the Senator to make his remark, but I almost despair of passing this bill.

Mr. ANTHONY. I will only remark that we sent delegates to the statistical congress, last year and certainly the congress was a very useful body, and our representatives did great credit to the Government and have brought back to us useful statistics. Now there is to be another session of the congress. We have sent delegates to all these congresses, to the penitentiary congress, to the post-office congress, &c., and this is merely to continue what has been done heretofore.

Mr. SARGENT. It is a very admirable way for gentlemen to travel in Europe at the public expense. I am opposed to the whole system.

Mr. ANTHONY. Every government sends them. It is done by civilized governments everywhere.

Mr. SARGENT. Let the vote be taken. I renew my motion to lay the amendment on the table.

The motion was agreed to.

Mr. ANTHONY. I have some more amendments, but I think I will give it up. However, I want to offer one more and I will explain what it is. The RECORD is now printed at the Government Printing Office and has been for this whole Congress with very great success. It has undoubtedly been an improvement in style and a great improvement in economy. It would be a very convenient thing and it would be a very economical thing if we could have immediate communication with the Government Printing Office, and certainly no man can appreciate that better than the Senator who has charge of this bill. For that purpose we require a pneumatic tube. There was an appropriation made for a pneumatic tube two years ago, and the Committee on Printing have labored as much as they could to find out what became of it. It was very unfortunately administered. Here is an amendment properly guarded, and I do hope the Senator will not object to it.

Mr. SARGENT. How much is it?

Mr. ANTHONY. Fifteen thousand dollars.

Mr. SARGENT. I think it necessary. I will raise no point of order.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as an additional item the following:

To enable the Architect of the Capitol, under the direction of the Joint Committee on Printing, to construct a pneumatic tube between the Capitol and the Government Printing Office, $18,000, or so much thereof as may be necessary: *Provided*, That the tubes used shall be purchased of the lowest and best bidder for the interest of the Government.

Mr. STEVENSON. I would like to ask the Senator from Rhode Island if we did not waste about that much money before on an attempt to make a pneumatic tube?

Mr. ANTHONY. We did.

Mr. STEVENSON. I hope we shall not try it again, then.

Mr. ANTHONY. We shall not waste it again if it is done under the direction of the Joint Committee on Printing.

Mr. STEVENSON. It was stated to us again and again that it would be a success. Our money is gone, I do not know how much, and I hope these experiments at the expense of the public Treasury, with taxes as high as they are, will stop.

Mr. ANTHONY. So do I. The former pneumatic tube was an experiment proposed in a mode contrary to the wishes of the Committee on Printing. This is not an experiment. It is what has been done for years in more than half the cities of Europe.

Mr. THURMAN. May I inquire whether the Committee on Printing are experts in the matter of pneumatic tubes?

Mr. ANTHONY. We are experts in the matter of spending money, but not wasting it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island.

The amendmont was agreed to.

Mr. ANTHONY. I have another amendment to offer, but I suppose it is no use to offer it. I will give it up.

Mr. HITCHCOCK. I move on page 36, after the word "lines," in line 879, to strike out "50" and insert "100;" so that the clause will read:

For surveying the public lands in Nebraska, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $100,000.

The object of this amendment is simply to allow the Secretary of the Interior to complete the surveys in my State within two years. The same appropriation was made in Kansas for the same purpose last year, and those surveys are closed. It is a matter of economy, and will secure the discontinuance of the office and the discharge of the employés. At the same time it will relieve the Treasury from incidental expenses, making this a matter of economy. It is recommended by the Secretary of the Interior, and I hope it will pass.

Mr. SARGENT. That is $40,000 more than the estimates.

Mr. HITCHCOCK. Here is the letter of the Secretary of the Interior recommending it. His attention was not called to the matter any more than mine until very recently. He shows the particular reason for it.

Mr. SARGENT. Let us take the vote.

The question being put, there were on a division—ayes 20, noes 21.

Mr. HITCHCOCK. I ask for the yeas and nays.

Mr. SHERMAN and others. O, no.

Mr. EDMUNDS. You can renew it in the Senate.

Mr. HITCHCOCK. Very well; I withdraw the call.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn, and the amendment is not agreed to.

Mr. STEWART. I offer the following amendment, and I will say that it has been recommended two years in succession by the Secretary of the Navy, and it is in my opinion a very important thing to be done. I will not elaborate upon it, but I believe it will strike the good sense of every one and that the Senator having charge of the bill will approve of it after he hears it:

For the building or purchase of two three-masted schooners, with their equipment, for the prosecution of hydrographic surveys under the Navy Department, $60,000; and for the prosecution of the survey of the Pacific Ocean, under the Bureau of Navigation, Navy Department, $40,000.

I do not think the Senator having charge of the bill will resist that amendment. I think he has been in favor of it for some years.

Mr. SARGENT. I have no doubt there is a necessity for it, but it is not recommended by the committee. I have not raised the point of order on it nor moved to lay it on the table. I am willing to let the vote be taken fairly.

The amendment was rejected.

Mr. STEWART. While I am on the floor, I ask as a privileged question to correct a mistake in a matter of conference between the two Houses.

Mr. SARGENT. In relation to this bill?

Mr. STEWART. No; in reference to a conference report.

Mr. SARGENT. I want to get through with this bill first of all.

Mr. EDMUNDS. Is it the railroad conference?

Mr. STEWART. Yes, sir.

Mr. EDMUNDS. You cannot fix that now.

The PRESIDING OFFICER. Objection is made.

Mr. CRAGIN. I move to amend the bill on page 67, at the end of line 1648. I presume there will be no objection to this amendment, as it makes no appropriation. My amendment is to insert after the word "dollars," in line 1648, the words—

Which sum shall be available from and after the passage of this act.

This is to enable the appropriation for the continuation of work and removal of property from the Philadelphia navy-yard to be used immediately.

Mr. SARGENT. That is right.

The amendment was agreed to.

Mr. CONOVER. I offer the following amendment:

For the erection of a post-office, court-house, and other public buildings at Tallahassee, Florida, $50,000.

Mr. SARGENT. I raise the point of order on that, that it is not recommended by the Committee on Appropriations and was not reported back from that Committee.

The PRESIDING OFFICER. That being the case, the Chair sustains the point of order.

Mr. FLANAGAN. On page 53 I move to strike out from line 1291 after the word "same" down to and including line 1300. I am asking for no additional appropriation. It is only to properly protect one that is already contemplated for building telegraph lines, &c., in Texas.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed on page 53 after the word "same," in line 1291 to strike out the following words:

And so much of this appropriation as may be necessary shall be used in constructing a telegraph line from Fort Marcy to Fort Bayard, in New Mexico, and from Fort Bayard to Camp Grant, in Arizona: *Provided*, That no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made.

Mr. SARGENT. You do not want to strike out the proviso.

Mr. FLANAGAN. Strike it all out.

Mr. SARGENT. The proviso is well enough.

Mr. FLANAGAN. No, sir; I move to strike it all out.

Mr. SARGENT. I object, and move to lay the amendment on the table.

Mr. FLANAGAN. I have my five minutes, I suppose?

Mr. SARGENT. I withdraw the motion to allow the Senator to explain it.

Mr. FLANAGAN. The explanation, if I can give it, is this: there is an appropriation here of $88,000—

For completing the construction, and for maintenance and use of military telegraph lines on the Indian and Mexican frontiers, and for the connection of military posts and stations, for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas, the Territories of New Mexico and Arizona, and the Indian Territory, $88,000: *Provided*, That the Secretary of War be, and he is hereby, authorized to pay the expenses of operating and keeping in repair the said telegraph lines out of any money received for dispatches sent over said lines; any balance remaining after the payment of such expenses to be covered into the Treasury as a miscellaneous receipt; the money received in any one fiscal year to be used only in payment for the expenses of that year. And a full report of the receipts and expenditures in connection with the said telegraph lines shall be made quarterly to the Secretary of War through the Chief Signal Officer. And the Chief Signal Officer shall have the charge and control of said lines of telegraph in the construction, repair, and operation of the same.

Now it will be seen that there are telegraph lines already established but not completed, and this appropriation has been made with the view of completing those that have been commenced. But this proviso gives the Government officers the power to withdraw the money from that original purpose and apply it to another and a different matter, and I am only asking that it be controlled where it is legitimately placed without the proviso. It is simple and clear, and a matter of sheer justice to the State of Texas.

Mr. HAMILTON, of Texas. I suggest that instead of that amendment, the Senator from California who has charge of this bill will perhaps accept this amendment; I move to disagree to the amendment proposed by the committee and then to strike out the last proviso. That will relieve the difficulty under which the appropriation is now. The Secretary of War tells me that he will not attempt to expend the appropriation at all under this proviso because he does not know that he can complete the work with it. It is very important that the work should be completed. There was an appropriation of $100,000 made last year, and the work is now in course of construction. They have bought the wire and all the materials, and all that is needed is to put up the telegraph-posts and the wire. The Signal Service Bureau has made an estimate of $58,000 to complete the work, and the way it is hampered here we are going to lose the work altogether I am afraid.

Mr. SARGENT. I will accept the suggestion in regard to that. It will be necessary to retain the clause:

Not to exceed $30,000 in all—

And then strike out the proviso after Arizona:

Provided, That no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made.

The PRESIDING OFFICER. Does the Senator from California agree to that?

Mr. SARGENT. I agree to that.

The amendment was agreed to.

Mr. FENTON. The honorable Senator in charge of the bill has withdrawn his objection to the amendment I offered to come in after the two hundred and twenty-fourth line on the tenth page, to continue an appropriation over to the next fiscal year.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

Mr. BAYARD. I am instructed by the Committee on Finance to offer an amendment, to insert on page 92, after line 29, the following:

That section 2688 of the Revised Statutes of the United States be amended by inserting at the end thereof as follows:

That hereafter the maximum compensation of each surveyor of customs performing the duties of collectors of customs shall be $5,000 a year, out of any and all fees and emoluments by him received.

Mr. SARGENT. Does that increase the compensation?

Mr. BAYARD. It does not.

Mr. SARGENT. Very well.

The amendment was agreed to.

Mr. THURMAN. I am instructed by the Committee on Private Land Claims to move the following amendment, to come in at the end of line 468 on page 20:

To pay the clerk to the Committee on Private Land Claims, $2,220.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment in line 915, on page 38:

Strike out the word "sixty" and insert "seventy."

So as to make the clause read:

For surveying the public lands in Oregon, at rates not exceeding fifteen dollars per linear mile for standard lines, fourteen dollars for township, and twelve dollars for section lines, and for heavily timbered lands lying west of the Cascade Mountains, at augmented rates, not exceeding eighteen dollars per linear mile for standard, sixteen dollars for township, and fourteen dollars for section lines, $70,000.

I simply desire to state in reference to this amendment that it is to correct the bill so as to correspond with the estimate of the Department. The amendment was introduced some days ago and referred to the Committee on Appropriations. Of course they have paid no respect to it, as they are opposed to amendments of this kind, I presume, but it is in accordance with the estimate of the Department. I desire to have it adopted. I will simply state that the settlements in Oregon are very far in advance of the surveys.

Mr. SARGENT. That is the estimate. I have no objection to putting it at $70,000.

The amendment was agreed to.

Mr. MERRIMON. I am authorized by the Committee on Post-Offices and Post-Roads to offer this amendment to come in as an additional section after section 3, on page 81:

To pay arrearages due to mail contractors for carrying the United States mail before the 1st day of June, 1861, $372,000; and all laws and parts of laws forbidding the payment of the same are hereby repealed.

Mr. SARGENT. I raise the point of order on the amendment.

The PRESIDING OFFICER. What is the point of order?

Mr. SARGENT. That it is a private claim.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MERRIMON. I insist that the point of order is not well taken, for the reason that the amendment simply provides for the general purposes of the Post-Office Department. Besides, there are repeated precedents for this. Just two years ago an amendment was offered and adopted to a bill like this providing for the payment of arrearages due to assistant marshals who aided in taking the census of 1860. The appropriation is not for a private claim, but it is for the general purposes of the Post-Office Department.

Mr. LOGAN. This is to pay all the rebel contractors.

The PRESIDING OFFICER. Does the Senator from California insist on the point of order?

Mr. SARGENT. I do.

The PRESIDING OFFICER. The Chair sustains the point.

Mr. MERRIMON. I trust the Senator will not insist on the point of order.

Mr. SARGENT. I must insist.

Mr. MERRIMON. I do insist that the point is not well taken. I do not like to appeal from the decision of the Chair to the Senate. I appeal to the Senator from California to withdraw his point of order.

Mr. SARGENT. I cannot withdraw the point of order; I am acting under a sense of duty. As a matter of courtesy, I would desire to withdraw it, but I cannot do it.

The PRESIDING OFFICER. The Chair has sustained the point of order.

Mr. COOPER. I offer the following amendment as an additional section:

That for the purpose of securing the construction of a new and reliable fire-alarm telegraph for the cities of Washington and Georgetown, and for the better protection of the public buildings and archives in the District of Columbia, and to aid in the construction of the same, the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary under the provisions of this act; such payment to be made to the party or parties entitled thereto for the work, on the approval of the District commissioners, board of fire commissioners of the District of Columbia, and the engineer in charge of public buildings in the said District, and on their certificate that the work has been completed in accordance with the terms of such proper contract as may lawfully be made in pursuance of the terms of this act, and that at least twenty signal-boxes shall have been placed in and for the use of the public buildings in the said District, in such manner and at such points as the said engineer in charge of the same shall have designated: *Provided*, That no payment shall be made out of this appropriation until the entire work shall have been completed and accepted by the officers herein designated; and any balance remaining unexpended after the completion of the work and the final payment therefor shall be immediately covered into the Treasury: *Provided further*, That the whole work of constructing the fire-alarm telegraph provided for by this act shall be under the direction of the commissioners of the District and the board of fire commissioners of the District of Columbia and the engineer in charge of public buildings in the said District: *And provided further*, That one-half of the expense attending the construction of this fire-alarm telegraph shall be borne by the District of Columbia and be refunded to the Treasury by said District out of appropriations hereafter made by Congress to defray the proportional part of the expenses of said District government on behalf of the United States: *Provided further*, That the contract which may be awarded under this act shall be only for the erection of the most approved system of fire-telegraph, which shall include the best apparatus known to the art: *And provided further*, That under no circumstances shall the entire cost of construction and completion of the same exceed the sum of $100,000.

I report that from the Committee on Public Buildings and Grounds. I have communications from the heads of the different Departments

and also from the commissioners of the District of Columbia recommending that the appropriation be made as provided in the amendment, which I will have read if the Senate desires. They all state that it is absolutely essential that a new fire-alarm telegraph should be erected in order to preserve the public buildings and other property of the cities of Washington and Georgetown. I hope the Senate will agree with the Committee on Public Buildings and Grounds as to the propriety of this amendment.

Mr. SARGENT. I move to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The amendments made as in Committee of the Whole will be concurred in in gross, excepting those which may be reserved for separate votes.

Mr. EDMUNDS. I wish to reserve the amendment agreed to in committee on page 70, line 144, which the Senator from Maine would have reserved himself if I had not.

Mr. CONKLING. I wish to reserve the amendment on page 46, from line 1106 to line 1112. I also wish to reserve, unless some other Senator has done it, the amendment on page 17, by which the words "in gold," relative to the 3.65 bonds, and perhaps other concomitant words, were stricken out.

Mr. FRELINGHUYSEN. I wish to reserve, on page 8, from line 174 to line 179, the amendment introduced by the Senator from Delaware, [Mr. BAYARD.]

Mr. MITCHELL. I wish to reserve the amendment on pages 44 and 45 from line 1078, on page 44 to line 1085 on page 45, in relation to the settlement of the accounts of Binger Herman, late receiver of public moneys.

Mr. PRATT. I wish to reserve on page 39, commencing in line 941 and terminating in line 949, the amendment put on the bill by the Committee on Appropriations but struck out by the Committee of the Whole.

The PRESIDING OFFICER. The Chair understands that amendment was not made to the bill, and it cannot be reserved.

Mr. PRATT. Then I can move it, I suppose.

The PRESIDING OFFICER. The Senator can move it again.

Mr. BAYARD. I understand the Senator from Vermont [Mr. EDMUNDS] has reserved the amendment I desired to reserve on page 7, line 144. If not, I ask that it be reserved.

Mr. HITCHCOCK. I wish to reserve the amendment offered by me on page 36.

The PRESIDING OFFICER. If there be no other reserved amendments, the amendments not reserved will be concurred in in gross.

All the amendments not reserved were concurred in.

The PRESIDING OFFICER. The first reserved amendment will be reported.

The CHIEF CLERK. On page 7, line 144, the Senate inserted, as in Committee of the Whole, after the word "same," the words "to be done within the District of Columbia;" so as to make the clause read:

That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same, to be done within the District of Columbia, at the lowest cost to the Government.

Mr. FRELINGHUYSEN. Mr. President, the Senator from Vermont, who made that reservation, is not now in his seat. I think that it had better be passed over.

Mr. SARGENT. I would like to say that this amendment was made when the Secretary of the Treasury was in the room of the Committee on Appropriations. It was read to him and put down exactly as he wanted it; and after the language was put down his attention was again called to it, and he said it was just what he wanted.

Mr. CONKLING. Which one?

Mr. SARGENT. This one on page 7 in reference to the matter of printing. I trust without information it will not be changed by the Senate now.

Mr. FRELINGHUYSEN. I remember that the Senator from Vermont made an elaborate report on this subject some three or four years ago, after an investigation, and it was thought very desirable that this printing should be done in different places. I hope the amendment will be passed over until he is here.

Mr. CONKLING. I want to say one word on this amendment.

Mr. MORRILL, of Maine. Let it go over until the Senator from Vermont comes in.

Mr. CONKLING. I have no objection to that.

Mr. SARGENT. Pass it over, then.

The PRESIDING OFFICER. The amendment will be passed over and the Secretary will report the next reserved amendment.

The CHIEF CLERK. On page 8 the Senate, as in Committee of the Whole, inserted the following proviso:

Provided further, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims approved June 23, 1874, shall not exceed $8,000 per annum.

Mr. FRELINGHUYSEN. I move to strike out that proviso.

The PRESIDING OFFICER. The question is on concurring. The Senator will reach his object by voting to non-concur.

Mr. FRELINGHUYSEN. I supposed that I could reach it in either way. I think that that amendment ought not to be adopted. Congress at the last session, after careful consideration, adopted the rule that the counsel should be paid such compensation as was fixed by the court; and if this amendment is not agreed to that rule will apply.

It is no argument to say that the salary of the Attorney-General is only $8,000 a year. That is a continuous office. It is an office having with it a certain dignity and is desirable. You can hardly find a first-class lawyer who would undertake to work the year through in heavy and important cases for $8,000 a year. I think we had better leave it where Congress fixed it last year, to be determined by the court.

Mr. BAYARD. There should be proportion in all things. In this case Congress has given to the judges of this court, who for a period of two or three years, for this commission only, are taken from their professions and who are required certainly to be good and able lawyers, segregated entirely from other pursuits, forbidden to practice their profession, a salary of $6,000 a year, and yet it seems to be a tolerably fair one. Our Committee on Appropriations proposed to pay the counsel who appears before this commission $12,500 a year as his salary, and yet he is left to practice as a lawyer in all the courts where he may see proper to practice. I say, Mr. President, that when we fixed the pay of this counsel at the same rate that the Attorney-General of the United States gets, $8,000, it certainly was fair and liberal. It is $2,000 more than the judges get, and I do say there will be no difficulty in obtaining counsel able, amply able, to fill this place for the fee of $8,000 a year; for remember he is not engrossed by this duty, nor is he segregated from other professional pursuits. It strikes me as being disproportionate entirely to the scale of compensation that we fix to other officers. We allow the Solicitor-General $7,500 and demand his entire time; the assistant attorneys-general $5,000; the Attorney-General himself $8,000 a year; and surely if this gentleman, whoever he may be, who appears as counsel before this court, receives the same pay as the Attorney-General, the first law officer of the Government, he is amply paid.

Mr. SHERMAN. In dealing with this subject we are dealing with a fund that is as sacred as any that could possibly be put in our possession. We are dealing with the money of other people; $15,000,000 belonging to the sufferers by the depredations of Great Britain. Now, the law as it stands requires the court to award to the attorney acting on behalf of the United States, but really on behalf of these claimants, a percentage or compensation to be allowed and paid in each case. If but 1 per cent. is allowed, it makes the whole sum of money $150,000 for the compensation of an attorney. It is not right, and I think when we give to the gentleman who is employed to protect the interest of the Government and the interests of these claimants as large a compensation as is provided for the highest law officers of this Government, we do full and substantial justice. We ought not to throw on the court the most onerous and unpleasant duty of fixing the compensation of an attorney employed in a case. The true way is to fix the compensation by your law, whatever is reasonable and right, and I am willing to vote for any sum that is reasonable and right, and no more.

Mr. CONKLING. The Senator from Delaware reminds us that the members of the court receive $6,000 a year, and the proposition is to pay the counsel more. Is that unusual? Is it not universal in practice? Is there any judge sitting in the State of Delaware whose salary for deciding causes is at all equal to the earnings of leading counsel who practice before him?

Mr. BAYARD. The Senator recollects that these judges are appointed for but a matter of one or two years.

Mr. CONKLING. I am coming to that, if the Senator will allow me. These judges are appointed to do comparatively a very light duty, assuming that the counsel practicing before them do their duty. The duty which they discharge is quite unlike that of a faithful advocate, of a proctor, who investigates and brings together all the facts and all the law which should be presented to the court. Therefore, if he receives more than the judges it is the old story over again, as told in every court in which law is practiced, throughout all the country.

If I understood the honorable Senator from Ohio he said it imposed upon the tribunal an unpleasant or objectionable duty. Why, if I may ask my honorable friend? This is a trust fund. Does not the Senator know, and do not I know, that where costs are to be paid from a trust fund it is, I might say, the almost universal practice for the court to fix the amount which shall come out of that fund? Every man who has practiced law is familiar with this rule.

The judges sit there; they know the extent to which the counsel devoted himself to this business; they are better able than anybody else to say what is the hire of which the laborer is worthy. It is no disagreeable duty. They are administering a trust fund in this respect between different claimants. A B, a ship-owner, receives an award, and the question is what percentage of that trust money shall be deducted to pay the expenses of administering the trust. Every court is accustomed to that, and it is not an onerous or disagreeable duty for any court to determine.

I submit, in conclusion, that when we say that any man fit to represent the United States before that tribunal temporarily, as he does, and his whole time being occupied, as I am told it is, for $8,000 a year, every lawyer in the Senate knows that we are fixing a rate of compensation beneath the capacity of any man in the country practicing law who is fit to practice there. However he may spell his name, he may go into the courts of his own State, unless his State be one of which I know nothing, and earn a larger sum, and with less labor than he

performs if devoting his whole time, as I am told he does, in this case, to the business, he acquits himself creditably of the labor laid upon him.

Therefore I should be willing to vote, if Senators prefer to pay the counsel in this case the sum reported by the committee, and without expenses, if you please. You may have his clerk hire, his stationery, his fuel and his lights, or whatever this money is given for, audited precisely and paid exactly. I agree with my friend from New Jersey in thinking it would be still better to allow this court like other courts, where a trust fund is chargeable with the costs and counsel fees, to tax those costs, they knowing better than anybody the service that has been rendered.

Mr. FRELINGHUYSEN. One word. I suppose if the Senate does not concur in the amendment the result will be that we fall back upon the amendment as it was reported by the committee, $10,000 a year and eight dollars a day for expenses. That, I suppose, would be the result.

Mr. SHERMAN. The text of the proposition is now the amendment. The Senator would have to move to increase the amount to have that done.

Mr. FRELINGHUYSEN. I think not.

Mr. CONKLING. O, no.

Mr. SHERMAN. The amendment reported is the amendment adopted in Committee of the Whole. The amendment of the Committee on Appropriations has gone out of sight, as a matter of course.

Mr. CONKLING. May I have permission to ask a question of the Chair? Is not the motion whether the Senate will concur in the amendment as amended? Now if we non-concur in that amendment it goes out, and then we fall back upon the existing law.

Mr. SHERMAN. I ask the reading of the existing amendment, and you will see that I am right.

The SECRETARY. The Senate as in Committe of the Whole, inserted the following proviso:

Provided further, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $8,000 per annum.

Mr. CONKLING. Now if we non-concur it leaves it where the law leaves it.

Mr. FRELINGHUYSEN. The suggestion of the Senator from Ohio that this might be a matter of $150,000 is very wide of the mark. Not to concur would make it $10,000, and even if that was voted down we would be left to the law as it was passed last year. We know that the court would make no allowance of $150,000 or $50,000 or $20,000. That is all fancy.

Mr. SARGENT. Will my friend from New Jersey allow me a moment? I would like to state that if the amendment is non-concurred in we fall back on the previous legislation on this subject. There is nothing then in the bill in relation to this subject, and it goes back to the former legislation.

Mr. SHERMAN. There is no limit then.

Mr. FRELINGHUYSEN. Very, well; if this is not concurred in it is very easy to move again the same amendment that was reported by the committee. In reference to that amendment I have to say that I understand that was just the compensation which had been fixed for Mr. ROBERT S. HALE for his services in the Court of Claims when employed by the Government, $10,000 a year and $8 a day for expenses. I do not think there is any lawyer of position who would undertake to give a whole year's work to important questions involving millions without a compensation equal to that.

Mr. MORTON. The most extravagant fees that are paid in this country are paid under the direction of courts in the administration of trust funds. Although this is in one sense a trust fund, yet if there is anything left after paying the Alabama claims, that goes into the Treasury of the United States, and it is just the same thing as if this salary was to be paid out of the Treasury of the United States. In substance, therefore, there is no difference.

Eight thousand dollars is $3,000 more than a Senator gets. It is equal to the salary of a Cabinet officer, without the labor and without the public responsibility of a Cabinet officer. Eight thousand dollars is a good compensation for a first-class lawyer who has the honor of an appointment of that kind. It requires no better lawyer, and the distinction is quite as great, than the judge upon the bench who decides upon these claims. There are some first-class lawyers in full practice that can make more than $8,000 a year, but very few lawyers who have been out of practice six or ten years can make five or eight thousand dollars the first year on resuming practice.

Mr. MORRILL, of Maine. It is due to the committee that I should say a word perhaps about these counsel fees. They are on a different scale entirely from what applies to legislative bodies. We work for the glory of it, as my honorable friend is well aware. We do not care anything about the salary. That is the answer, I think, to that. There is no comparison at all. Now, by the act by which counsel was authorized to appear before the court established in the Alabama cases he is allowed such fee in each case as shall be determined upon by that court. It was said that that compensation would amount to forty or fifty thousand dollars. I suppose the limitation which the House of Representatives intended to put upon this bill was in consequence of some scandal or impression that was abroad that that was the fact. At any rate there is no limitation on the compensation which the counsel may receive, and the House of Representatives thought it advisable to fix it. They did fix it at $10,000 a year. It was not put upon that bill, and so it appears as an original proposition, as a Senate amendment here. It did not get in the bill by accident, although put upon it. It was not engrossed in the bill, so it appears as an original proposition here. It was sent over to the committee and ingrafted upon the bill as having been enacted.

Now, upon the information the committee had that this was precisely what was paid to another gentleman for similar services, the committee considering this a very large and decided limitation on the compensation that was fixed for this counsel, it seemed to us reasonable, as there was a precedent, that we should follow that precedent. That is the whole of this case, all there is of it, and it seems to me upon this reasoning it should be adopted. Otherwise strike it all out and stand by the original proposition under which this counsel was appointed. Now that is the way it seems to me and the way it seemed to the committee. It is a very short story, and there ought not to be any difficulty about it.

Mr. STEWART. I am decidedly of the opinion that there should be legislation on this subject. It is not right here to say that counsel in a case like this, appearing in this way for the Government, should stand exactly in the position of an ordinary attorney, making such a contract with his client as he may. There ought to be a difference, and there is a difference. The same remark applies to this to a certain extent that applies to high law officers of the Government. I am not particular whether the amount is $8,000 or $10,000. It ought to be a fixed sum, so that in no event should there be a scandal with regard to the administration of these funds, nor should responsibility be thrown upon the judges, in which they might be embarrassed. It ought to be a fixed sum, and I think Congress is the proper authority to fix the amount. Let it be fixed liberally. I do not say it should be regulated entirely by the criterion of permanent officers like the Attorney-General, nor should it be in the same catagory with attorneys who have as large amounts as they can contract for. It stands rather between the two.

Mr. FRELINGHUYSEN. I would say to the honorable Senator from Nevada that if this is not concurred in we then can adopt the amendment reported by the committee; and I would ask him whether the amount involved, $10,000,000 or $15,000,000 and the amount of expense, is not a fair item to consider in determining the rate of compensation, whether there is any lawyer who would undertake to try causes continually for a year involving $15,000,000, for less than $10,000 a year and his expenses.

Mr. STEWART. It does not involve that amount; there is only a part of it, two or three million dollars, that is to be distributed by this commissioner, though I do not know the exact amount; but it is to be administered by the Government of the United States. The Government is a trustee to make the distribution. The Attorney-General appears in all Government cases in the Supreme Court, no matter what their magnitude, and his compensation does not compare in magnitude with the fees he could contract for. The dignity and honor of the office are elements that enter into fixing the amount, and to some extent the same rule applies here. It is a high and honorable distinction to be appointed to this place, and a man should not expect the same amount of money that he would if he was contracting with private parties. It is a different thing. He acts for the Government in a high official position.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. ALCORN. I trust the amendment made in Committee of the Whole will be concurred in, striking out the appropriation of "$10,000" and inserting "$8,000." Eight thousand dollars is a sufficient compensation, in my humble judgment, for a lawyer who is ready to leave his practice, if he has one, and come here for the honor of an appointment on the part of the Government to defend the Government against these claims. As has been said by the honorable Senator from Indiana, it is what the Cabinet officers receive; it is more than a Senator in the Congress of the United States receives. It is enough in my judgment for a lawyer who has been out of practice for a number of years, who plays politician for a while, and then comes here and receives an appointment. If it is not enough, let him resign the place and let somebody else take it. I guarantee that a lawyer can be had of equal capacity who will represent the Government with equal fidelity for the $8,000 a year. The original proposition was to allow him $10,000 a year, and $8 a day for expenses. What expenses? He is furnished clerks. The court has its clerks. Where will you find room for eight dollars a day if an economical, faithful attorney represents the Government of the United States in the defense of claims that are brought against this fund? Eight thousand dollars in my judgment is enough. I shall vote for it.

Mr. SARGENT. I hope we shall have the vote.

The amendment was concurred in; ayes 31, noes not counted.

The PRESIDING OFFICER. The next reserved amendment will be read.

The CHIEF CLERK. The next reserved amendment is on page 17. The Senate, as in Committee of the Whole, inserted in the bill the following clause:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000: *Provided*,

That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act within ninety days from the passage of this act, and, as to certificates of date subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund, acting as treasurer thereof, shall be $1,000 per annum.

The PRESIDING OFFICER. The question is on concurrence.

Mr. CONKLING. I understood that the words "and the said bonds are hereby made payable, principal and interest, in gold," were stricken out.

Mr. SHERMAN. That is true.

Mr. CONKLING. These words being stricken out, I want to take the question upon them in proper form. I was not in at the moment the Senate passed upon this section in Committee of the Whole, and therefore I do not know precisely what was done by the Committee of the Whole; and either by moving to replace these words or by taking the question on concurrence, the point may be raised.

The PRESIDING OFFICER. The Senator can move to insert the words.

Mr. CONKLING. I do move to reinstate these words: "and the said bonds are hereby made payable, principal and interest, in gold" after the word "dollars."

Mr. SHERMAN. Unless the Senator simply wishes to move the amendment formally, I desire to state that the addition of these words will add to the burden of these bonds now 14 per cent. It will change the contract under which the bonds were issued. They are now currency bonds. Many of the bonds have been issued to poor people and have been sold; they have changed hands; and now to change the character of $8,000,000 of bonds of the United States from currency to gold on an appropriation bill at this hour of the session it seems to me would be very extraordinary. I trust the Senator from New York will satisfy his sense of duty by letting the amendment go as adopted, because his amendment would be so great a departure from the terms and conditions on which the bonds were issued and are now outstanding that it would create serious opposition to the whole amendment.

Mr. HAMLIN. The Committee on Appropriations in the amendment which they reported inserted these words. I hope they will remain; I think they should remain. I believe it is just. When the debts due to various individuals were scaled upon bonds called three sixty-fives, it may not have been hard upon a large proportion of those who had moneys due to them; but I speak for a large class of men in my own State who had furnished materials at the very lowest rate, and when they took 3.65 bonds they suffered the loss of a percentage as honestly due them as was ever anything to any person in the world.

Now I am told that if these bonds can be made gold-bearing, they will find a market abroad, by reason of which the men who hold them will suffer much less than they otherwise would. I am aware of what has been the decision of the Supreme Court, and pay it all respect, but I still hold that we should regard the desire of moneyed men to treat all bonds of the Government in the same light; and we all hope that the period is not far distant when our currency shall be the equivalent of gold; but during the intervening time the sacrifice is made under your laws and under the decisions of the courts that these are not gold-bearing bonds and that leaves the holder to fail in finding a foreign market. I have looked at the matter in this light, and I believe it is a thing eminently just and right to be done. I think we ought to treat all our bonds as of that character, and in saying so in words we shall soon do justice to them, and if it does increase their value for the time being, it enables the holder to realize some benefit; but when the paper of this country shall be the equivalent of gold, we sustain no loss. I hope the amendment of my friend from New York will be adopted.

Mr. MORTON. That ought to have been the original provision for these bonds; but the bonds have been received in payment by contractors and laborers with a currency interest. The most of them have been compelled to sell them, and they are in the hands of men who bought them to hold them for speculation, and the laborers and contractors who were compelled to take a 70-cent bond at par for debt that they were entitled to 100 cents for, parted with them and the benefit of this is to go to the speculator.

Mr. HAMLIN. Let me say to the Senator that half of them have not been issued.

Mr. SHERMAN. But many of them have been sold.

Mr. CAMERON. I think the Senator from Indiana is entirely mistaken. Most of these bonds were not sold. Some of the men who received them were compelled to sell them; but that is a part of the question with which we have nothing to do. We ought to have given these parties a bond bearing 5 per cent. interest in the first place. We forced them to take these bonds, and some of them not having credit beyond their contracts, were compelled to sell them for what they could get. It is our duty to pay the bonds without regard to whose hands they may have got into. We have nothing to do with the sale or use of them by the persons who received them. They did their work, and we forced them to take this kind of pay. The least we can do, in my judgment, is to give these men the same sort of pay we give to other creditors of the Government. The Government has assumed this debt, and why should we not pay these contractors and laborers as we do others? I trust the amendment will be adopted.

Mr. PRATT. I should like to ask the Senator from Pennsylvania at what rate these bonds drawing a currency interest are kept now?

Mr. CAMERON. I do not know anything about the quotations. Some of the holders have been compelled to sell these bonds; and if I had been disposed to speculate, or other Senators, they might have bought them at a low price. But that would not alter their character. Of course nobody here has anything to do with them; but we have assumed this debt and we ought to pay it.

[Mr. DORSEY addressed the Senate. His remarks will appear in the Appendix.]

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 21, 1875.

DEAR SIR: In answer to your inquiry, we have the honor to send herewith a communication from the board of audit, showing the amount of the indebtedness of the District, audited and certified to the 20th instant, is $7,586,660.37; also a communication from the commissioners of the sinking fund, showing the amount of 3.65 bonds issued to-like date is $3,648,200.

In regard to the interest the certificates of the board of audit bear, to which you called our attention, the board is not prepared to give an opinion.

We accompany this note with a copy of an opinion of the Attorney-General relating to the interest on certificates of the auditor of the late board of public works, which does not apply to the matter of interest on certificates of the board of audit, and may be of no importance to your present inquiry.

Permit us to add that we hope Congress will approve your suggestions to us for defining the time within which the certificates of the board of audit may be converted into 3.65 bonds. Ninety days from the date of the certificates seems to us long enough time within which the conversions shall be made.

We inclose also a printed copy of our communication to Congress relative to appropriation for payment of interest on the 3.65 bonds and note of board of audit, to which we invite your attention.

We trust Congress will provide for the payment of the interest on the 3.65 bonds in coin, agreeably to our suggestion in our report of the 5th ultimo, and of the commissioners of the sinking fund in their annual report. This, with the perfecting of the guarantee of the United States, as provided for in the bill which has passed the House of Representatives, will materially advance the market value of the bonds, quoted in to-day's papers at 69½, which is much less, you are aware, than was expected by Congress on the passage of the act of June 20, 1874, which authorized the issuing of the bonds.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. W. B. ALLISON,
United States Senate.

Mr. HAMILTON, of Maryland. I have a word to say on this question. As a member of the Committee on the District of Columbia this proposition was brought to my attention. It did not take any examination on my part for a question of this kind; I never entered into an inquiry as to how many of these bonds were sold, how many were in the hands of the original parties. I did not make any inquiry of the kind. I supported the proposition; I did not want to know anything beyond what the face of it showed. Something was said that speculators had a portion of these bonds. I do not doubt it. I do know individuals who as original parties have bonds, and some too I know who in fact have not yet converted their accounts into these bonds at all. It was only sufficient for me to know that they were bonds to be paid by the Government of the United States, and I determined that they should be paid in gold, as I ever shall and ever will; and the original law never would have received my vote if I had thought at the time these bonds were not to be paid in the only constitutional currency of the land, as I regard it. I do not want this Government to pay in two kinds of currency, to start with, one paper and the other gold. To your domestic creditors you pay paper, and to your foreign creditors you pay gold. I do not want anything but coin paid upon any of the bonds of the United States. I do not want two modes of payment—one of currency and one of coin. I want it uniform; and now upon this occasion, when we have an opportunity of placing the United States in proper position, we should do it. I shall never by my vote recognize that this Government is to pay its bonded indebtedness in paper or the interest in paper. I know it has been done; but so far as I have been concerned personally I have always opposed it and will always oppose it, and no measure sanctioning such a policy shall ever receive my support; and therefore I shall vote for this proposition without reference as to who has the bonds, whether they are in the hands of the original parties or of others.

Mr. FRELINGHUYSEN. I do not rise to debate this question. I think that everybody in the Senate understands it. It is getting to be quite late, and I am sure that we are imperiling this bill if these questions are to be discussed at length.

Mr. MORTON. I hope we shall vote.

Mr. MORRILL, of Vermont. I am satisfied that we are imperiling the bill. I have several amendments that I shall refrain from presenting, because I do understand that the bill is now in danger of not getting through the other House.

Mr. EDMUNDS. You shall vote in half a minute as far as I am concerned, or less. The Senator from Maryland says he is not in favor of anything being paid by the Government but in coin. Does he apply that to his own salary?

Mr. HAMILTON, of Maryland. I apply it to everything in this country that is to be paid, any public or any private indebtedness.

Mr. EDMUNDS. So I understand; but we cannot apply it to our

own salaries, and we cannot apply it to the ordinary affairs of life. We have done all that we can do about this business, and I hope that Senators will not give a vote which shall aid speculators and shavers and that sort of people to make money on this gold basis, but leave this as it has been construed to be, and concur in the amendment made as in Committee of the Whole.

Mr. CONKLING. I ask for the yeas and nays on this question. I will say nothing.

The yeas and nays were ordered.

Mr. BAYARD. I want it to be understood that I am not behind any man in this country in regard for the public credit; my votes in this body will in some degree establish that fact; but it is too late to talk about our having two kinds of currency. Congress years ago ordained it, and they have refused to take steps to bring their paper to a level with gold. In this case, after the contract has been made in the full face of existing facts, why do you select this one class of public creditors and say, "We will pay you in a commodity that has more value than the paper we owe;" and to another class, "We will pay you in paper," which has not the value of the commodity in which you propose to pay the rest? Sir, it is not just. These bonds were issued for the debt assumed by the Government of the United States, incurred in this District by agents of the Federal Government. Ten million dollars were issued. There is no more reason why the $365,000 to be paid yearly by the people of the United States for the interest on the debt of this District should be made $400,000, because that would be the equivalent of $365,000 in gold; I speak roughly, of course, without stopping to compute the exact figures. If this be honest, if honesty demands the payment of it, begin to-day; but do not say that these bonds shall have by the act of Congress a value they did not have at the time they were given to the parties who took them. They were issued for better or for worse upon the credit of the Government, and I trust the day may come when all parties will concur in endeavoring to make the basis of our currency, our legal-tender notes, that in fact which we profess them to be by name; but in the mean time let them all stand on the same basis.

Mr. CAMERON. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania occupied his time before on the same amendment. The question is on the amendment to the amendment.

Mr. LOGAN. I desire to know what the question is.

The PRESIDING OFFICER. The amendment of the Senator from New York to the amendment made as in Committee of the Whole, by inserting "and the said bonds are hereby made payable, principal and interest, in gold."

Mr. LOGAN. I am opposed to that amendment, and I desire to say but a word. It is not necessary certainly for us to say that these bonds shall be paid in gold if they did not say so on their face at the time they were issued and went into the hands of persons who were contractors, who had to take them at sixty-five or seventy cents on the dollar. Doubtless they are now held by speculators, bankers who purchased them at those low prices, expecting Congress to do the very thing we are asked to do now, and put them at par in gold. I think it is not the business of Congress—it ought not to be at least—now to advance the interests of those men by a provision declaring these bonds payable in gold. They took them payable in whatever the bonds said at the time, and let them stand so.

I agree with the Senator from Delaware that there is nothing in the argument about two kinds of currency. We have the two kinds of currency; and while we have them every person who takes bonds takes the responsibility as to whether they are payable in gold or currency and should stand by it, and not expect legislation for the purpose of legislating money into his pockets. I knew my friend from Maryland would naturally insist on having these bonds payable in gold. A banker always has that kind of tendency to have everything run into gold, and generally gets bonds that are.

Mr. HAMILTON, of Maryland. I am no banker and have no bonds or obligations, or anything of this kind. I am no banker.

Mr. CAMERON. I wish you were.

Mr. HAMILTON, of Maryland. I have the old, plain democratic notions once entertained by the honorable Senator from Illinois; and that is gold and silver in the payment of all obligations now and hereafter.

Mr. LOGAN. All I have to say is that I am glad I brought out the Senator unwillingly. I have nothing to say in reply to him. I am very sorry to learn that he is not a banker; I supposed he was. But that is immaterial.

I do not wish to detain the Senate. I merely rose to say that I am opposed to putting money in these speculators' pockets by an act of Congress, and for that reason I am opposed to the amendment.

Mr. CONKLING. Having offered this amendment and not occupied one moment, I wish now to occupy half a minute by the clock, because the Senator from Illinois repeats over again what other Senators have said so much about—speculators. I wish to say two things: First, the truth as shown by a letter from the commissioners, is that not one-half these bonds have ever been issued yet, and not one-third, my friend from Maine [Mr. HAMLIN] says, to those originally entitled to them. That is one pretty bad fact in the way of this speculator argument. The other fact that I wish understood is that there are a large number of men, constituents of my own, who furnished material at the market price in cash, expecting to be paid for it in cash. Those men have been compelled to take these bonds which, when they were issued, were held out with an expectation that in place of being worth only 65 they would in truth be worth more. I heard it argued here on this floor that it was absurd to suppose that they would be worth only 65. They were compelled to take them. Some of them have the bonds; some of them still hold certificates on which as they are advised the law is they can sue and recover a judgment which will bear 6 per cent. interest. I make no argument, but I simply expostulate against those men being ranked or branded as speculators or shysters. They are men who gave a fair day's wages for a fair day's work where they employed others; men who furnished material at the market value and were entitled to one hundred cents in the dollar and they have received some of them sixty-five and some of them seventy——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CLAYTON. I want to say only about three words. It has been argued here that these bonds are all out and hence that they must be in the hands of speculators. I understand that the bonds are not out; that the certificates of indebtedness are out, which are funded into the bonds.

Mr. MORTON. And sold at the price of bonds in the market.

Mr. CLAYTON. What difference does it make whether the certificate or the bond is out in the hands of the speculator?

Mr. CONKLING. It makes just this difference: If a man who furnished material and took certificates has stood upon his rights and refused to take a bond, he is the original holder of the indebtedness, and no speculator has stepped in to profit.

Mr. CLAYTON. But suppose he has sold the certificate to the speculator with the view of its being put into a bond?

Mr. CONKLING. That is not the case I am talking about.

Mr. CLAYTON. It is the case I am talking about.

Mr. EDMUNDS. Suppose he has not stood upon his rights, but stands upon them now; he is not bound to take these bonds at all. Let him stand on his rights if he wants to.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment to the amendment.

Mr. MORTON. I understand that those who are in favor of paying the bonds in gold vote "yea" on this question.

Several SENATORS. Yes.

The question being taken by yeas and nays, resulted—yeas 15, nays 31; as follows:

YEAS—Messrs. Anthony, Cameron, Conkling, Conover, Dennis, Dorsey, Ferry of Michigan, Hamilton of Maryland, Hamlin, Mitchell, Morrill of Maine, Sargent, Spencer, Tipton, and West—15.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boutwell, Clayton, Cooper, Eaton, Edmunds, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hitchcock, Ingalls, Johnston, Kelly, Logan, McCreery, Merrimon, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Robertson, Saulsbury, Schurz, Sherman, Sprague, and Stevenson—31.

ABSENT—Messrs. Allison, Boreman, Brownlow, Carpenter, Chandler, Cragin, Davis, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Harvey, Howe, Jones, Lewis, Norwood, Patterson, Ramsey, Ransom, Scott, Stewart, Stockton, Thurman, Wadleigh, Washburn, Windom, and Wright—27.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be read.

Mr. EDMUNDS. I understood that the reserved amendment on page 7, line 144, was passed over.

Mr. SARGENT. That was laid over until the Senator could come in.

Mr. EDMUNDS. I supposed that disagreeing to it was satisfactory to the committee. I consulted with the chairman, and understood that disagreeing to that particular amendment was agreeable to the committee.

Mr. SARGENT. On the contrary, the committee has not had a meeting. The Secretary of the Treasury was present at the time this proviso was changed from the House provision and suggested these changes, and after they were made it was read over to him and we inquired of him if that was right, and he said it was. I have no new light since that time. I put a great deal of reliance on the Secretary of the Treasury in this matter, as it is under his charge.

Mr. EDMUNDS. Let the amendment be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted on page 7, line 144, the words "to be done within the District of Columbia."

Mr. CONKLING. I suggest that the Secretary has not reported the whole amendment. In line 140 the words are stricken out "in his discretion may" and in the next line the word "shall" inserted.

Mr. EDMUNDS. That was not reserved; so that that part of it is agreed to. The only thing open is the amendment in line 144.

Mr. SARGENT. On the contrary the whole is all one amendment. It was all reserved.

Mr. EDMUNDS. I beg the Senator's pardon. So far as I am concerned I stated—and the reporter's notes will show that I am correct and the Secretary's minutes, too—that I only reserved the amendment in line 144, and I ask the Chair whether I am correct or not.

Mr. SARGENT. I do not know that the Senator wants to take a technical advantage. I noticed that the amendment on page 7 to this paragraph was said to be reserved by the Chair. I was satisfied with the reservation. Subsequently, when it was called up in the Senator's absence, I had it laid over till he could be here.

The PRESIDING OFFICER. The minutes of the Secretary confirm the statement of the Senator from Vermont.

Mr. EDMUNDS. I do not wish to take technical advantages; but when I state in the Senate in clear and loud language, as strong as my lungs will permit me to speak, that I reserve a particular amendment which appears in a particular line of a particular bill, I do not think that anybody can justly accuse me of being technical when I say I did not reserve anything else. If I am obnoxious to objection under that state of circumstances, I should be glad to know the reason of it; but I do not want to spend time about that. If there is any misunderstanding about it, of course the Senator from California can ask consent to have it corrected. I had the impression that these prior amendments which had been recommended by the committee, and which it appeared to me were wise enough, did not disturb the question whether we should compel the Secretary of the Treasury to have this work done in the District of Columbia. That is the point. I suppose every Senator within the hearing of my voice knows perfectly well that reading between the lines, as the saying is, "in the District of Columbia" means and reads "in the workshop of the Columbian Bank-note Company." There is not any other engraving and printing establishment in the District of Columbia that ever I heard of, except that in the Treasury Department.

Mr. SARGENT. Will the Senator allow me?

Mr. EDMUNDS. If it does not come out of my time.

Mr. SARGENT. I will not ask it.

The PRESIDING OFFICER. It would come out of the time of the Senator from Vermont.

Mr. EDMUNDS. Then I will not allow him.

Mr. SARGENT. If that is an imputation on the committee—

Mr. EDMUNDS. Not by any means an imputation on the committee. The Senator is altogether too ready to suspect, beyond what he knows of something not expressed——

Mr. SARGENT. I am not ready; but I understand the English language.

Mr. EDMUNDS. I have not the slightest criticism in the world to make on the committee either in feeling or innuendo or any other thing, but I say that we all know I suppose that there is one bank-note company in this town within a quarter of a mile of the Treasury Department. Now, what was the idea in the previous management of this affair in order to secure the United States? There are three prints to be made—the backs and the tints and the face printing, as they call it. In order to make security against unlawful issues, it has been thought for years, upon careful consideration, desirable that these separate pieces of mechanical work should be done in as widely separated places as possible, and the farther you get them apart the better it is for the safety of the people. It costs expressage, it is true; it costs a little inconvenience, it is true; but how does that weigh in comparison, in these vast issues and reissues, with making the Treasury and the tax payers and the holders of these securities perfectly safe in respect to the genuineness of the issues that they have in hand. The effect of this amendment, as reported by the committee, is to have all these three things done within a quarter mile's space. You might as well say they shall all be done in the Treasury Department, and then you would have the old dangers and the old abuses and the old frauds that did exist when all was done in the Treasury Department, as it appears to me.

If you disagree with this amendment, you still leave with the Secretary the discretion, if he thinks it wise to reduce this geographical area, to do so; and if he thinks it not wise, then he can employ companies in Chicago or Philadelphia or New York or Boston, or wherever, in order to keep up the theory of geographical separation to avoid fraud. I hope this amendment will not be concurred in.

Mr. SARGENT. I now know, I think for the first time in my life, the name of the bank-note company here. The Senator mentions it; he says it is the Columbian. He knew better than I did. I could not have given the name. I had been informed that there was one company here. The largest company in New York made an offer to the Committee on Banking and Currency of the House, who examined the matter at great length, to bring their establishment here. The amount of transportation paid now is very large indeed. The Senator does no more than justice when he says it is a very important subject. I think it is so important that this cost should be saved if it be possible. I do not believe that entirely separate and distinct establishments would be likely to lead to frauds; but I do believe that it would be perfectly safe if all of it was done by the Treasury Department, and that no frauds would arise from it.

But I do not wish to take up time in debate. I have sat here now for nearly eight hours in this chair, scarcely getting out of it except to speak for a few moments at a time, and I am too weary to make a fight. I only say that the Secretary of the Treasury fixed this clause to suit himself and recommended it to the committee. I myself read it to him after it was done, and he said "that is just what I want." It is on that faith I am proceeding. If he knows that the Columbian Bank-note Company is intended to be read between the lines here, he must take the responsibility.

Mr. SHERMAN. If these words are left out, the Secretary of the Treasury can contract with any company in the United States. This is a limitation on his discretion. I do not think under the circumstances it ought to be in. It think it is better and safer to leave this matter open to the competition of all bank-note companies in the United States.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment?

Mr. CONKLING. I want to know what amendment we are going to vote on. I did understand, as the Senator from California did, that the change in this paragraph was reserved, although the Senator from Vermont is no doubt right in saying that his mind was upon a single line, and I should like to know before we go further on what we are to vote.

The PRESIDING OFFICER. The vote is to be taken on the words in line 144, "to be done within the District of Columbia." That was the reservation made by the Senator from Vermont when he asked that the amendment be reserved.

Mr. CONKLING. Then I wish to inquire of some Senator whether the word "shall" in the line above being stricken out and the word "may" inserted, it will not be inharmonious. Let us see how it will read:

That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same.

Mr. MORTON. It is all harmonious.

Mr. CONKLING. He shall have it done by such company as may contract.

Mr. EDMUNDS. That is, it excludes one from the Treasury; he only does one in the Treasury, or two, at his discretion.

Mr. CONKLING. Then the Senator's idea would leave nothing to his discretion except as to the person with whom he should contract, and that might be in the District or out of it.

Mr. EDMUNDS. That is all.

Mr. CONKLING. I am not prepared to say that that is unwise as we stand, although if we had the section as it passed the House I think we should be better off than we shall be with that; but I make no objection.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was non-concurred in.

Mr. SARGENT. Now I ask that the other amendments in the same paragraph be non-concurred in.

Mr. EDMUNDS. No; those have been concurred in. It is just right now. The Senator himself will be satisfied, on examination, that it is right.

Mr. SARGENT. Very well.

Mr. BAYARD. I propose to amend the bill on line 141, page 7, by striking out the words "one or;" so as to make the clause read:

That the Secretary of the Treasury shall have executed two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same, &c.

Mr. President, one of the evils of a paper currency, of a paper money, and not one of its least evils, is the fact that not having one particle of intrinsic value, being simply good paper spoiled by the characters impressed upon it, and its whole value existing in the credit of the United States, which impresses its insignia upon it, the importance arises of having the accuracy and verity of these impressions protected; because if you shall put it in the power of any set of officials to create at their will, without proper checks and guards, this paper currency, you will find the whole discredited by having part issued without authority.

One method of preserving the reputation of your currency, and of course its value, will be by having the public assured that none is issued except that which is legitimized; and every safeguard that shall tend to produce that impression in the public mind and secure that as a fact should not be and cannot be properly disregarded. Therefore it is that the different processes whereby the insignia of the Government credit are stamped on blank paper should be conducted in different places and by totally different hands. No man should be intrusted to perfect the printing of the Government paper in his own hands. There must be a check by having part of the process of printing executed at one place and part at another, and the whole perhaps more safely brought together in the Treasury to receive the final seal of approval from the proper official hands.

The object of this amendment is to prevent the possibility of any portion of the notes, bonds, and other securities of the Government ever being perfected by a single hand or at one place, but to secure, by the partial creation of this paper money in one place, the check consequent upon its perfection in another place. The amendment that I have offered I believe works this result. It was the substance of the bill as originally introduced into the House of Representatives, which was changed in the House and came to the Senate in a different form. The Senate amendment has again changed that, and we have partially brought ourselves to the position taken by the House.

Now, Mr. President, that was not simply the action of that House committee, but it was the result of a most laborious and careful investigation by two committees of the different Houses, one of them I think, lasting for two years, from 1867 to 1869, of which the honorable Senator from Vermont was the chairman, making a most laborious

and thorough report upon the subject, which leads to the result of the amendment which I have indicated here. I trust some heed will be paid to this.

Mr. BOUTWELL. I have to say that when the Senator from Delaware refers to the proceedings of the committee of 1867 and 1868, he speaks of a condition of things that has since been entirely changed. This bill as it stands does provide that at least one impression shall be made elsewhere than at the Treasury, and that is all the security that is necessary as a matter of fact or to satisfy the public opinion of the country. Inasmuch as I for one, concurring with the Senator who has charge of this bill, fear that we are periling the bill by debate, I move to lay this amendment on the table.

Mr. BAYARD. I hope that motion will not prevail.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 20, noes 18.

Mr. BAYARD. I consider this amendment all-important to the people of this country; and although the honorable Senator from Massachusetts——

Mr. BOUTWELL. I rise to a question of order.

The PRESIDING OFFICER. The Chair has announced the decision.

Mr. BAYARD. I forgot the rule on that subject. I ask for the yeas and nays on the question. ["Too late!"]

The PRESIDING OFFICER. The amendment has been disposed of, and the Chair cannot entertain the call for the yeas and nays. The next reserved amendment will be read.

The CHIEF CLERK. The next reserved amendment is on page 36, in the clause commencing on line 172, to strike out "50" and insert "40."

Mr. SARGENT. That was not reserved.

The PRESIDING OFFICER. The Chair understands that the Senator from Nebraska [Mr. HITCHCOCK] reserved it.

Mr. SARGENT. The Senator was mistaken in his reservation. He supposed that because he offered an amendment in Committee of the Whole which was not adopted, it could be reserved in the Senate.

Mr. HITCHCOCK. Very well; let it go.

The PRESIDING OFFICER. The next reserved amendment will be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out the following items on pages 44 and 45:

To enable the proper accounting officers to settle the accounts of Binger Herman, late receiver of public moneys at Roseburgh, Oregon, the sum of $545.77 is hereby appropriated, of which the sum of $116.53 only may be repaid from the Treasury as balance due him for overpayment on account of sales of public lands.

Mr. MITCHELL. I will state that this amendment consists in striking out five or six lines inserted in the bill by the House of Representatives. Mr. Herman was receiver of the land office at Roseburgh, in Oregon, and he was also disbursing agent. By an overpayment into the Treasury there was a balance to his credit as receiver of $545.77, and there was also a balance against him as disbursing agent of $429.34, leaving a net balance due him of $116.53. The first sum, however, has been covered into the Treasury, and it is necessary, in order to enable his accounts to be settled, to have this provision made. The item is recommended by a letter from the Commissioner of the General Land-Office, which I have in my hand, and which I send to the Secretary and ask to have read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 13, 1875.

SIR: I am in receipt of your note of the 11th instant, accompanied by House bill No. 4175, for the relief of Binger Herman, late receiver of public money at Roseburgh, Oregon. In answer I have to state that it appears from the records of this office that, in consequence of an overpayment into the Treasury, there is a balance to his credit as receiver under bond of 4th of March, 1871, amounting to $545.77; and a balance against him 30th of June, 1872, as disbursing agent, $429.24; leaving a net balance due him of $116.53. The sum first named appears to have been regularly covered into the Treasury, and cannot be legally withdrawn therefrom, except by special legislation. Hence, in order to close his account, both as receiver and disbursing agent, this office would suggest that the act for his relief shall cover the sum of $545.77, the amount due him as receiver, of which $429.24 can then be carried to the credit of his disbursing account, leaving $116.53 to be remitted to him by Treasury draft.

I am, very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

ROBERT J. STEVENS, Esq.,
Clerk to Committee on Appropriations, House of Representatives.

Mr. MITCHELL. I hope the amendment will not be insisted upon on this showing.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The Chief Clerk read the next reserved amendment, which was to strike out the following clause on page 46, from lines 1106 to 1112:

For the purpose of paying the State lunatic asylum for insane convicts at Auburn, New York, for the keeping of George Sheppard and James Blowers, United States convicts, who became insane while undergoing sentence, and who were kept and maintained in said asylum after their sentence had expired, the sum of $5,009.46.

Mr. SARGENT. That we struck out for want of information.

Mr. CONKLING. It should not be stricken out.

Mr. EDMUNDS. Why not?

Mr. CONKLING. For a very obvious reason. When I say it should not be stricken out, of course there can be but one reason. These were two convicts who, as recited here, became insane while undergoing sentence. In this charitable institution, after their sentence expired, they were maintained on account of the United States as insane persons.

Mr. MORTON. For how long?

Mr. CONKLING. I cannot tell the Senator from Indiana that.

Mr. MORTON. It seems to be a pretty good price.

Mr. CONKLING. Whatever the appropriation here may be—and I am told by one of my colleagues in the other House that it is the proper amount—I take it the accounts will be audited and only the exact sum due will be paid.

Mr. EDMUNDS. Were these citizens of New York, or were they sent there from some other place?

Mr. CONKLING. I understand they were sent under contracts from some other place, I cannot tell where. They were strangers, sojourners, where they were confined.

Mr. SARGENT. I suggest to the Senator from New York that he had better let this go to a committee of conference, and I will ascertain the facts.

Mr. EDMUNDS. Is there any report from the Secretary of the Interior, or whoever has charge of this question, on the subject?

Mr. SARGENT. None in the Senate. We struck out the item because we wanted information about it, and we may obtain that information in a committee of conference.

Mr. CONKLING. This is not of any importance to me, and certainly I am not going to throw myself at the feet of the Senate to do anything about it. I hope the Senate will do exactly what it thinks right; but it is my duty to state the facts as I have them from my colleague in the other House who represents this district, who presented them to the committee of the House, which that committee examined and adjudged upon. He gives this statement, that these persons under the circumstances I have described were maintained by this charitable institution on account of and under a contract with the United States. What other fact can there be about it, unless the veracity of this statement is disputed? If I had supposed it were necessary for me to send and get here the papers upon which the House committee acted, of course I might have done that; and perhaps I am derelict that I did not do it; but it did not occur to me.

Mr. SARGENT. That would have been better before our committee.

Mr. CONKLING. I have only to say that if in all cases the House committee, on a recommendation or statement of a Department, inserts an item which recites on its face exactly what it is, the committee here is so particular as to require not only the word of the committee of the House, the word of the member who knows the facts, but the original vouchers and evidence sustaining all that, I will award it the praise of saying that it is the most careful committee I have ever heard of in either House of Congress.

Mr. SARGENT. The Senator will allow me to say that none of those things were before our committee.

Mr. CONKLING. So I supposed, but they were before the committee of the House, and it was put in, and the Senator says the committee here struck it out for want of information. Now I tell the Senator that the member of Congress from that district and from that place came to me to-day and told me that it was all as recited on the face of this enactment and that there was and could be in truth no answer to it. I think that is enough *prima facie*, supplementing the action of the committee of the House and the House itself.

Mr. EDMUNDS. Then the case stands as it stands in the bill. The member of the House says that what appears on the face of the bill is so; and that is, that there were insane convicts who were convicted by the courts of the United States and kept in this institution. Whether they were transferred from the prison in which they were undergoing sentence as convicts, on some humane process of the laws of Congress, being citizens of the State of New York, to this place, or how, we are not informed.

Mr. CONKLING. I beg the Senator's pardon. I answered the latter of those questions, and I said that they came from some other State than the State of New York, but from which State I did not inquire. And as I am up, I will also say that they were transferred, as I understand it, after their sentences had begun and not very long after, they then becoming maniacs and being transferred as other convicts are.

Mr. EDMUNDS. Yes; but the misfortune is that we are here establishing what may be a very dangerous precedent. If these convicts were brought from some other State to this penitentiary at Auburn, under the laws of the United States, and of course by the consent of the State of New York and its authorities, then there might be some equity in saying that the United States should either get them back again to the place of their homes, they being insane, that they might be supported there, or something of that kind. But in order to do this, we ought to know upon the record—although of course my friend knows it; I do not doubt his belief or the belief of his member of Congress—but we ought to have from the proper Department, not in the House of Representatives but here, the precise facts of the case. If we are to say where convicts under the laws of the United States, sent to a penitentiary and becoming insane, are transferred to an asylum when their term expires, that the United States is under an

obligation to provide for such people all the rest of the days of their lives, it is a very dangerous thing to say because, Mr. President——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONKLING. I believe I did not consume the whole of my time.

Mr. EDMUNDS. Have I consumed my time?

The PRESIDING OFFICER. The Senator from New York has one minute left.

Mr. CONKLING. Suppose it is true that the committee ought to have had this evidence before it and did not send for the evidence, does it follow logically that we ought to strike this out and deprive the institution of the money because the committee did not send and get the evidence at the Department?

Mr. FRELINGHUYSEN. I think there is a general law on this subject passed at the last session of Congress. As I recollect it, the law is that when convicts of the United States become insane in any of the prisons to which they are committed, they are brought to the asylum within the District until that is filled, unless they prefer being sent to an asylum near their friends in some State. I know there is such a law, for I was on the conference committee that agreed upon it; and I remember at that time, as that law is only prospective, of hearing, I think from one of the Representatives from New York, of this case, but what the amount was I do not know.

The PRESIDING OFFICER. The question is on concurring in the amendment made in Committee of the Whole striking out the clause.

The amendment was concurred in.

Mr. HAMLIN. I believe that is the last of the reserved amendments.

The PRESIDING OFFICER. There are no other reserved amendments.

Mr. HAMLIN. I move that the bill be amended on the forty-seventh page by adding after the word "Washington," in line 1133, the words "or in the District of Columbia." Some of the hospitals are in the city and some in the District outside of the city limits.

The amendment was agreed to.

Mr. PRATT. I move to amend the bill, commencing at line 941, on page 39, by inserting what was stricken out by the Senate in Committee of the Whole. I ask that the Clerk read the words.

The CHIEF CLERK. The amendment is to insert after line 941 the following words:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted said company, be, and the same is hereby, repealed, and no cost for surveying shall be collected from said company.

Mr. PRATT. I wish to explain the amendment; it will not take me very long. This matter was brought to my attention by the attorney of the Northern Pacific Railroad Company, a gentleman very well known to this body, a member of it for eighteen years, who presided over its deliberations for two or three years. At the last session this amendment passed this body. It is an act of simple justice, as I will endeavor to show in a very few words.

In 1870, six years after the Northern Pacific Railroad had been chartered, Congress, in an appropriation bill similar to the one we are considering now, enacted as follows:

For the survey of the public lands within the limits of the land grant to the Northern Pacific Railroad Company in a direct line extending from Du Luth, on Lake Superior, to Georgetown, on the Red River of the North, $95,980: *Provided*, That $5,000 of this appropriation shall be expended for office work by the surveyor-general of Minnesota: *And provided further*, That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest.

Under the provisions of this law this company is required as a condition to receiving the lands earned by the construction of the road to pay the entire cost of the selection, survey, and conveyance of the lands. This, the company think, is in direct derogation of their rights under their charter. The company claim that by their charter they are entitled to have these lands surveyed by the Government and conveyed by the Government without any expense to the company, and I think that they are right in it. I have the charter before me, and, with the permission of the Senate, I will read those provisions that bear directly upon this question.

The third section makes the grant a grant of each alternate section for twenty miles on each side of the road where it runs through the Territories, and for half that distance on each side of the road where it runs through the States, odd-numbered sections. Then the fourth section provides—

That whenever said Northern Pacific Railroad Company shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workman-like manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States—

Mark what follows now—

and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to and coterminous with said completed section of said road; and from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid.

Can anything be plainer than that?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYARD. It would be very difficult to find any disinterested person to say that there was any justice in first giving a man a farm and then having to pay yourself for having the lines of it surveyed. I spoke this morning on the subject of the munificence of the grant by the Congress of the United States to this railroad company; and it does seem to me that when there was no agreement that this thing should be paid, certainly now what it is proposed to express by a new law is utterly unreasonable and unjust. I trust the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana, [Mr. PRATT.]

The amendment was rejected.

Mr. CRAGIN. I offer the following amendment to come in at the end of page 53. It is reported from the Committee on Commerce. Whatever may be its fate, I offer it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed after line 1300 to insert:

For the establishment of a signal station at Star Island, Gosport, New Hampshire, under the direction of the Signal Service Bureau, $10,000.

The amendment was rejected.

Mr. MERRIMON. I feel constrained to offer again an amendment which I offered in Committee of the Whole.

Mr. SARGENT. I raise the same point of order.

Mr. EDMUNDS. It may not be the same thing. Let it be read.

The CHIEF CLERK. The proposed amendment is to insert:

To pay arrearages due to mail contractors for conveying the United States mail before the 1st of June, 1861, $372,000; and all laws and parts of laws forbidding the payment of the same are hereby repealed.

Mr. CONKLING. Is that in order?

The PRESIDING OFFICER. The Chair will submit the question to the Senate whether the amendment shall be received.

Mr. MERRIMON. Let me state the ground on which I act. I say this is not an appropriaton for the benefit of a private claim, but is an appropriation for the general service of the Post-Office Department of the Government.

Mr. EDMUNDS. I think it has been ruled out at a great many sessions as a private claim, on the ground that if it were to pay one man it was a private claim; and because you put twenty or one hundred together, it makes it no less so.

Mr. MERRIMON. It is an appropriation for the general purpose of the Post-Office Department. Two years ago an appropriation like this went on a similar bill. If the exception is good in this case, it would be in many others.

Mr. CONKLING. I raise a question of order. Has this been reported by any committee?

Mr. MERRIMON. Yes, sir.

Mr. CONKLING. By which committee?

Mr. MERRIMON. The Committee on Post-Offices and Post-Roads. They authorized me to report it.

The PRESIDING OFFICER. It comes within the rule except as to the question of being a private claim, and the Chair will submit that question to the Senate.

Mr. MERRIMON. If the exception taken here is good, it seems to me it would apply to nearly every item of appropriation contained in the deficiency bill, for the appropriations made in the deficiency bill are to pay arrearages that have not been paid.

Mr. EDMUNDS. To save all questions of order, I move to lay the amendment on the table.

The PRESIDING OFFICER. It is moved to lay the amendment on the table.

Mr. MERRIMON. I call for the yeas and nays.

The yeas and nays were not ordered.

The motion to lay the amendment on the table was agreed to.

Mr. MITCHELL. I offer the following amendment to be inserted after line 1783:

For the completion of the building for a custom-house and court-house in Portland, Oregon, $40,000.

When the Senate was in Committee of the Whole I offered this amendment. The Senator from California [Mr. SARGENT] raised the point of order. The present occupant of the chair sustained the point, which he would not have done unquestionably if the facts had been known. I now desire to state simply that some three years ago the Government authorized the construction of a public building in Portland, Oregon. That building is about completed. I hold in my hand an estimate from the head of the Treasury Department showing that $40,000 are necessary to complete that building.

That is all there is of this amendment. It was stated by the honorable Senator from California who has charge of the bill that the committee made no appropriations, as I understood him, for the continuation of buildings. I find an amendment on page 71 like this:

For continuation of building for custom-house at New Orleans, Louisiana, $100,000.

Mr. SARGENT. Did the Senator understand me to say that we had made no appropriations for continuing buildings?

Mr. MITCHELL. I understood so.

Mr. SARGENT. I did not say that. There are a number of those in the bill.

Mr. MITCHELL. I ask that this amendment be adopted. The amendment was proposed and referred to the honorable Committee on Appropriations. No attention was paid to it. It is only on a line with similar amendments which have been adopted by the Senate since this bill has been reported. I simply desire to say that I hope it is not the intention of the Senate to make fish of one and flesh of another.

Mr. SARGENT. There is no fish or flesh about it. I make the point of order. I make the point of order as I have on other amendments.

Mr. MITCHELL. What is the point of order?

Mr. SARGENT. The point of order is that this is not reported by any standing committee.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. MITCHELL. I appeal from the decision of the Chair, and I desire to be heard on that point. This is in pursuance of an estimate from the head of the Department, and for that reason I insist that I have a right to offer it here, notwithstanding it has not been reported from the Committee on Appropriations.

Mr. SARGENT. It is not in the book of estimates at all.

Mr. MITCHELL. I hold in my hand two estimates by the Department urging the appropriation.

Mr. SARGENT. That is not an estimate.

Mr. MITCHELL. The rule does not say it must come in the book of estimates. I will read the rule:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments.

Now I say that I have an estimate from the head of the Treasury Department. The rule does not say it shall be in the book of estimates, but that an estimate shall have been made.

Mr. SARGENT. The Senator means to say that by personal solicitation he has obtained a letter from the head of the Department.

Mr. MITCHELL. I do not say any such thing. I never wrote a letter on the subject. I have never asked the Secretary of the Treasury to write me a letter or give the estimate, but on the contrary he has written the letter voluntarily, not to me, not to the gentleman, but to the honorable chairman of the Committee on Appropriations of the House, urging this, saying it has become a matter of necessity that this additional appropriation be made in order to complete the building at Portland, Oregon; and if there is any question about that, I will ask to have the papers read. I hold them in my hand. There has been no solicitation on my part. I have never asked it; and it is very unjust, to say the least, that the Senator from California should say so.

Mr. SARGENT. I do not say the Senator did anything improper. I merely say that heads of Departments frequently write letters on the urgency of Senator's or members of the House, which have not the same gravity and importance as the estimates which are referred to by our rules, which go from the subordinates up to the head and are sent here in well-considered form and bear their own weight and are recommended on their own merits. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from California moves to lay the appeal on the table.

The motion was agreed to; there being on a division—ayes 22, noes 17.

Mr. MITCHELL. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. HITCHCOCK. I desire a vote upon the amendment offered by me in Committee of the Whole, on page 36 to strike out "$50,000" and insert "$100,000" as the appropriation for surveying the public lands in Nebraska.

I wish simply to say that last year the appropriation was enlarged in Kansas for the purpose of completing the surveys and allowing the discontinuance of the Surveyor-General's Office. The Senate will find no appropriation in this bill for Kansas. The object of this amendment is to do the same thing for Nebraska.

Mr. SARGENT. I wish to know whether an appropriation is to be put in of forty or fifty thousand dollars more than the estimate made by the Interior Department. The Interior Department sends us an estimate for Nebraska of $60,000. Here the proposition is to carry it up to $100,000. The committee of the Senate thought it was right to give $50,000. Here is a proposition to double it. I simply want to protest against it.

Mr. HITCHCOCK. But a word in answer to that. It was not called to the attention of the Secretary of the Interior nor to my own attention till recently that such a saving could be made by the discontinuance of the office by making this appropriation. So soon as it was called to his attention he did send the estimate, which is here and can be read if gentlemen desire to hear it.

The amendment was agreed to; there being on a division—ayes 22, noes 17.

Mr. BAYARD. There is one amendment which I am constrained to move, and I do not propose to argue it. Beginning at line 152, page 7, I find the following provision:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia; and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners; and for the expenses which may be incurred in the enforcement of the act of February 28, 1871, relative to the right of citizens to vote, or any acts amendatory thereof or supplementary thereto, $3,000,000.

We have had at the present session three or four bills from the Committee on the Judiciary which I believe have become laws by the concurrence of the other House, tending to bring down the enormous expenses of this Department of Justice to something within reason. I move to amend the clause by striking out "$3,000,000" and inserting "$2,500,000," believing that if you put in $3,000,000, as is the case with all other appropriations, every dollar will be consumed; and if you put in $2,500,000, there will then be spent half a million more than ought to be. I offer my amendment in the face of what is known, that there is no general election during the year 1875. If there be occasion for it, it can be supplemented hereafter; but in face of the retrenchments made by various acts diminishing the constructive charges of marshals and others who have so depleted the Treasury, or, to use another and proper phrase, so robbed it, surely two and a half millions ought to be enough.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mr. MERRIMON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SARGENT. One word only. The amount allowed in the bill is $200,000 less than the estimates.

Mr. CONOVER. On this question I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were present he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 17, nays 32; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Eaton, Goldthwaite, Gordon, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Schurz, Stockton, and Tipton—17.

NAYS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Conkling, Cragin, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, West, Windom, and Wright—32.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Conover, Dennis, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamilton of Maryland, Harvey, Howe, Jones, Lewis, Saulsbury, Spencer, Sprague, Stevenson, Stewart, Thurman, Wadleigh, and Washburn—24.

So the amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SARGENT. I ask that the bill be ordered to be printed with the Senate amendments, at once.

It was so ordered.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 420) to amend an act entitled "An act for the restoration to the homestead entry and to market of certain lands in Virginia," approved June 10, 1872, and for other purposes;

A bill (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

A bill (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia;

A bill (H. R. No. 4820) authorizing the Wisconsin Central Railway Company to straighten the line of their road;

A bill (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 4861) granting a pension to Louis Heinley.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine, submitted the following report:

The conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference have been unable to agree.

LOT M. MORRILL,
GEORGE F. EDMUNDS,
H. G. DAVIS,
Managers on the part of the Senate.

HORACE MAYNARD,
CHARLES O'NEILL,
JAMES C. ROBINSON,
Managers on the part of the House.

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate further insist upon its amendments to the said bill and agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. EDMUNDS, Mr. THURMAN, and Mr. INGALLS.

RAILROADS IN THE TERRITORIES.

Mr. STEWART submitted the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills, when they examine the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, be authorized to change the title to said bill to read as follows: "An act granting to railroads the right of way through the public lands of the United States;" the amendment of the title of the said bill having been accidentally omitted in the recommendations of the committee of conference on the said bill.

Mr. EDMUNDS. I merely wish to say that when this conference report was made I had a serious objection to one part of it, which struck out the authority to the States which might succeed these Territories to control by legislation the operation of the railroads. In my absence the conference report was taken up and agreed to. I shall feel justified in letting this have the go-by now; but I do not think it is the right thing to do. I am very sorry it was taken up in my absence, but I shall make no objection to the Senator's resolution.

Mr. BAYARD. I will say to the Senator from Vermont that in his absence I raised that question, and it was answered by the Senator from Nevada that the reservation had been made.

Mr. STEWART. No. This is the fact as regards it: The original bill provided for corporations; we yielded to the House all question of corporation, and this is simply a grant of the right of way. There is no creation of corporations in the bill.

The resolution was agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting a report of Major W. E. Merrill, Corps of Engineers, upon the radical improvement of the Ohio River from Cairo to Pittsburgh; which was ordered to lie on the table and be printed.

CREDENTIALS.

Mr. CONOVER presented the credentials of Hon. Charles W. Jones, chosen by the Legislature of Florida a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

Mr. DAVIS presented the credentials of Hon. Allen T. Caperton, chosen by the Legislature of West Virginia a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PAY OF PAGES.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution yesterday submitted by Mr. TIPTON, reported it without amendment; and the resolution was considered and agreed to, as follows:

Resolved, That the pay of the pages of the Senate be continued until the end of the present month, and that the Secretary is hereby directed to allow and pay the same.

CLERKS OF COMMITTEES.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution yesterday submitted by Mr. RAMSEY, reported it without amendment; and the resolution was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the clerks of the several standing committees of the Senate their usual per diem compensation for the month of March.

RIVER AND HARBOR BILL.

Mr. CHANDLER. I move to proceed to the consideration of the river and harbor bill, House bill No. 4740.

The motion was agreed to; and the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes was before the Senate.

Mr. CHANDLER. I move that the five-minute rule be applied to debate on amendments to this bill.

The motion was agreed to.

Mr. CHANDLER. There is one verbal amendment, which the Secretary has, which I will ask him to read—the change in the name of a firm.

The CHIEF CLERK. It is proposed, on page 3, line 63, after the word "contractors," to insert "Barker, Williams, & Bangs," so as to read:

For the improvement of Saint Mary's River and Saint Mary's Falls Canal, $200,000; of which sum not to exceed $40,000 may be used in the settlement of such claims of the contractors, Barker, Williams & Bangs, and Barker & Williams, for damages and delays, &c.

The amendment was agreed to.

Mr. CHANDLER. I wish to state that this bill contains appropriations amounting to about $6,000,000. It will vary but a very few dollars from six millions. It is the largest bill, I believe, that has ever been passed for the improvement of rivers and harbors by Congress, at any rate since I have been a member of the Senate. Of these $6,000,000, $2,267,500 are applied to the Mississippi River and its branches; $1,765,000 are applied to the system of lakes and the rivers entering those lakes; $1,216,000 go to the Atlantic States, and $305,000 to the Pacific coast. The appropriations as a rule are larger than they have been, and I think more judiciously made. They are chiefly upon the great channels of travel. If it should please the Senate to concur with the House and not allow this bill to be excessively loaded, I shall be very much gratified.

Mr. RAMSEY. On page 6, line 133, after the words "one hundred," I move to insert the words "and twenty-five," so as to make the appropiation for the improvement of the Falls of Saint Anthony $125,000 instead of $100,000. The estimate of the board of engineers was $200,000, without which the falls will be dilapidated and the river above it be ruined. I move to increase the appropriation from $100,000 to $125,000.

Mr. CHANDLER. I hope that will not be done. The committee in the House have not been able to make as large an average as one-half the estimates of the engineers. The estimates of the engineers are over $20,000,000. The bill appropriates some $6,000,000. I hope the amendment will not be concurred in.

Mr. WINDOM. I hope the amendment will be concurred in. I think it ought to be.

Mr. DAVIS. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed on page 6, line 133, after the words "one hundred," to insert "and twenty-five;" so that the clause will read:

For the improvement of the falls of Saint Anthony, Minnesota, $125,000.

The amendment was rejected, the ayes being 7; less than a majority of a quorum.

Mr. SCOTT. I offer the following amendment, to come in after line 356:

For completing the survey and estimates of the route from the mouth of the Youghiogheny River to continue the slack-water navigation up said river to its head-waters, at the foot of the Alleghany Mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, $20,000.

That is an amendment to complete a survey partially made, a report upon which has been made by the Chief of Engineers. It ought to be completed. The amendment has the sanction of the Committee on Transportation.

Mr. CHANDLER. I raise the point of order that that is new matter, of which the committee has had no notice.

Mr. SCOTT. I gave notice of it, and it was referred to the committee.

Mr. CHANDLER. It did not come from any committee.

Mr. SCOTT. It has the sanction of the Committee on Transportation, and is recommended by the board of engineers and by the War Department.

Mr. CHANDLER. I raise the point of order that it is not recommended by any committee.

Mr. SCOTT. So far as one portion of the point of order is concerned, the river and harbor bill has never been held to be a general appropriation bill within the meaning of the rule.

The VICE-PRESIDENT. The Chair is of the opinion that if it has the support of the Committee on Transportation, the amendment is in order.

Mr. DAVIS. I think it is important that this survey should be continued; but I suggest to my friend from Pennsylvania that perhaps the amount is larger than would be actually necessary, and we might reduce it, I think.

Mr. SCOTT. If my friend from West Virginia thinks so, let him name the amount and I will accept it. He is more conversant with the route than I am.

Mr. DAVIS. I think $10,000 ought to complete the survey.

Mr. SCOTT. I will accept that.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. DAVIS. Now I think it ought to pass.

The amendment was agreed to.

Mr. WINDOM. On line 17, page 2, I move to strike out the word "five" and insert "six;" so that the clause will read:

For the improvement of the Fox and Wisconsin Rivers, $600,000.

I offer this as one of a series of amendments which I am directed to move by the Select Committee on Transportation. That committee have given a great deal of attention to this subject, and after much study and deliberation they have, in partial response to what they believe to be a public demand for cheaper transportation, recommended a system of improvements embraced in the four or five amendments which I will offer to this bill. Their aggregate cost during the next fiscal year, as recommended by the committee, will amount to about $2,000,000, exclusive of the improvement at the mouth of the Mississippi River, which under the provisions of the amendment reported by the committee will require no money for about two years.

If the rapidly waning hours of this session would permit, or the patience of a wearied Senate would allow, I would be exceedingly glad to enter far enough into the discussion of this question to show the national character of the system of improvements proposed, and the great benefits which the country would derive from their speedy completion. I am admonished, however, by my own feelings that any speech to be acceptable to-night must be kept within the limits of the five-minutes rule. My great fear is that it will be impossible

during the remaining sixteen hours of the session to properly consider this bill, and to secure for my amendments the attention their merits deserve. I make no complaint of anything that has transpired, but I am strongly impressed with the belief that if Congress had devoted more time to the consideration of great questions affecting the material interests of the people, and less to the discussion of political issues, the fruits of this session would have been more acceptable to the country.

That there is an almost universal demand for cheaper means of transportation cannot be doubted. Let me say a word with regard to the character and scope of that demand. The burden of transportation charges is generally in the proportion which the value of the article transported bears to its weight. Hence it falls most oppressively upon low-priced heavy articles. The lower the value of the commodity the lower must be the freight charge, in order that the cost may not absorb too great a proportion of the compensation for the labor and capital employed in its production. The necessity for cheap transportation is therefore measured by the proportion which the weight of low-priced heavy products bears to the total weight of commodities transported. This proportion cannot be ascertained with certainty, because from our neglect of the statistics of internal commerce we are unable to state accurately any general fact with regard to it. From the best evidence attainable on the subject I am convinced that it is entirely safe to say that 70 per cent. of all the commerce of the country consists of low-priced heavy articles, such as grain, ores, iron, &c., on which cheap freight charges are a more important element than time. Hence he who intelligently seeks to lift from the commerce of the country the burdens which most oppress our industries, and which give rise to the greatest complaints from the people, will find the practical remedy in the improvement or creation of such means of transport as will afford the greatest reduction in the cost of transporting the 70 per cent. of low-priced heavy articles. In other words, he will find it in low-priced transport for low-priced products. The facts presented in the report of the Select Committee on Transportation prove most conclusively that in this and in every other country natural and artificial water lines, when properly situated, meet these requirements.

While fully recognizing the condition of the public Treasury, the committee, in whose behalf I act, have thought that the public necessities on this subject were also entitled to recognition. Harmonizing the two, they have made their recommendations very modest for the next fiscal year. They have, with a single exception, confined their measures to natural water-courses the importance of which are universally recognized. That one exception is for a short canal which connects the great lake system with the seventeen thousand miles of western river navigation. In view of the fact that we have just passed a revenue bill which will add $30,000,000 to the Treasury, we think it not unreasonable to expend $2,000,000 for the purpose of reducing the burdens of transportation now borne by the people.

When we return to our constituents with the information that we have levied additional taxes, may we not also take to them the gratifying intelligence that we have also made provision for reducing other burdens which bear more heavily upon them than national taxation?

The most technical strict constructionist will hardly find, at this day, any constitutional objection to the system of improvements proposed. It is clearly within the powers granted by the Constitution, and is so modest in its proportions that it seems to me no one who is willing to do anything to meet the demand of the people so importunately expressed can withhold from it his cordial support.

The pending amendment is for the improvement of the Fox and Wisconsin Rivers.

This improvement will connect the Mississippi River with the lakes at Green Bay by a route which has been regarded as an important natural highway for two hundred years. It was by this route that in 1673 Marquette and his companions discovered the Mississippi River, and along its line the earliest settlements of the West were made. So important was it regarded by the founders of the Republic, that in order to preserve it as a permanent means of communication between the great river and the great lakes, they provided in the ordinance of 1787 that it should be "a common highway and forever free." The special advantages which are to be expected from the construction of these works are fully set forth in the report of the Select Committee on Transportation, and hence I will not now take time to repeat them in detail.

It is shown by the statistics of five years that the average cost of transporting wheat and corn by rail from the Mississippi River to Chicago is 17.1 cents per bushel, and that assuming for the proposed water line the same rate of charges as now prevails on similar water lines in other parts of the country, the charges will average only 7.4 cents per bushel from all points on the river to Chicago or to Green Bay, thus effecting a saving of about ten cents per bushel on all the canal products of Iowa and Minnesota, Kansas, Nebraska, and the northern portion of Missouri, amounting to over one hundred million bushels. A like saving would be effected on a large portion of the products of Wisconsin. Hence, saying nothing of the increased value of lands in those States which would result from this work, the saving in annual products would much more than repay every year the cost of the works. The people of those States understand the advantages they would derive from it, and through their Legislatures, conventions, and by petitions they have for years sought to impress upon Congress the necessity for a speedy completion of the improvements.

On the 23d of February I had the honor to present to the Senate a petition signed by 48,883 farmers of Iowa, Wisconsin, Minnesota, Kansas, and Dakota, asking Congress to make appropriations for the speedy completion of the Fox and Wisconsin improvement. No such expression of the wishes of the people has ever been made to Congress on any other subject. This peaceful army of western farmers, nearly fifty thousand strong, who thus present themselves at the Capitol demanding, through the constitutional right of petition, relief from the heavy burdens which now oppress them, fairly represent the whole people of the Northwestern States. And not of the Western States alone, for New England, New York, and other Eastern States are almost as deeply interested in the completion of these improvements as the people of those Western States, for whatever cheapens the cost of transport from the grain-fields of the Mississippi Valley to the East will cheapen the cost of bread to the consumers in the Atlantic States.

When this work shall be completed and the Mississippi River improved, there will be two great competing water lines opened between the Mississippi Valley and the sea-board which can never combine with each other, and which will serve for all time to cheapen and regulate railway charges on nearly all the leading railways running from the interior of the country to the East and South. I would like to dwell upon the incalculable advantages that would result to the industrial interests of the whole country from this competition—the consequent reduction of the cost of living in one section, and the enhanced profit to labor in the other, but my time has already expired, and I fear I shall trespass on the patience of the Senate. I trust all may have a vote which will speak far more eloquently than any words I can utter in favor of this great work.

Mr. CHANDLER. The Committee on Commerce have from year to year recommended large appropriations for the improvement of the Fox and Wisconsin Rivers. Last year my impression is that an appropriation of $300,000 was made. I think that was the amount. This year the Committee on Commerce of the other House have added to that $200,000. The engineers think they may use $750,000, but are entirely content with $500,000. It is the most liberal appropriation which has ever been made. It is but one of those great lines, and the Committee on Commerce of the other House, and particularly the delegation from Wisconsin, were entirely content with $500,000. I hope the amount will not be increased.

Mr. WINDOM. A single word in reply to the Senator. I shall not discuss these questions. This improvement is estimated by the engineers to cost about $3,000,000. Now, at $500,000 a year it will take six years to do the work. It can be demonstrated, and I am satisfied the Senator from Michigan will not dispute it, that taking the ordinary charges upon similar water lines and comparing them with the present cost of transportation from the Mississippi River to the lakes, we would save ten cents per bushel on products west of the Mississippi River. I only ask an increase of $100,000 on the House bill for this improvement. If we can hasten its completion by a single year we will save in that one year more than the entire cost of the work. When fifty thousand petitioners surround this Senate and ask appropriations for this work, it does not become us to hesitate and quibble.

Mr. THURMAN. I wish to ask the Senator from Minnesota a question, and I hope he will be allowed time to answer. I wish he would inform the Senate how many acres of land the United States granted to Wisconsin and Minnesota to aid in this improvement and what became of that land. And, further how much money has been appropriated from time to time for this work.

Mr. RAMSEY. There was no appropriation for Minnesota for this work. It was entirely in the State of Wisconsin.

Mr. THURMAN. No appropriation of land?

Mr. RAMSEY. No, sir.

Mr. THURMAN. Then how much land was given to the State of Wisconsin, and how much money has been appropriated in the aggregate for this work? I should like to have an answer.

Mr. WINDOM. I cannot state the exact amount. The question of land has ceased to be of any importance, for two or three years ago the Government made a purchase of the entire work. It is a Government work to-day. It is not in the hands of any private corporation. No private corporation has anything to do with it. It is a work the Government is constructing, and the question is whether you will be ten years about it or appropriate money enough to complete it in two or three years and let the people have the benefit of it.

Mr. THURMAN. Will the Senator tell me what became of the land?

Mr. WINDOM. The Senator from Wisconsin [Mr. HOWE] perhaps is better prepared to give the Senator the information than I am.

Mr. HOWE. The Government did get its land back, or get the proceeds of the land. When the Government purchased this improvement of the company, into whose hands it had fallen, the proceeds of all the lands sold and the value of all the lands unsold was deducted from the cost of the work.

Mr. THURMAN. The Senator has not yet answered my question. Will he tell me how much land the Government gave to the work

and what appropriations of money have been made for it? The fact that the Senator is so much more familiar with it than I am is my excuse for asking the question, although I recollect there was a report on the subject, and if I had time I could turn to it.

Mr. HOWE. I was not quite prepared for the Senator's catechism. My recollection is that about six hundred thousand acres of land were granted by two different acts, and the appropriation made since the Government repossessed itself of the work I think is about $500,000.

Mr. CHANDLER. I think it is more than that. I think it is about a million.

Mr. HOWE. O, no; less than a million since the Government obtained possession of the work; between five and six hundred thousand dollars; I am not certain about the amount.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota.

The question being put, there were on a division—ayes 18, noes 14; no quorum voting.

Mr. WINDOM called for the yeas and nays; and they were ordered.

Mr. DAVIS. I want to say a word. As I understand it, the Fox and Wisconsin improvement is one of four lines, east and west, that are recomended by the Transportation Committee, and that committee recommend that each one of those four lines of water-routes should have $600,000 appropriated, making in all $2,400,000. This is one of them. The addition of a hundred thousand dollars for this improvement makes it six hundred thousand, so that apparently they all stand on the same footing so far as the appropriation is concerned.

Mr. HAMILTON, of Maryland. I would ask the Senator from West Virginia what four lines he alludes to?

Mr. DAVIS. What are known as the Tennessee route; second, the Central route in Virginia, or the Kanawha route; third, the Ohio River route; and, fourth, the Fox and Wisconsin.

Mr. HAMILTON, of Maryland. Then do I understand the Senator from West Virginia that this is to sanction a system that is to entail on this country an expenditure for those four lines? This, if I understand the Senator from West Virginia, is a system by which we are to appropriate untold sums of money for the improvement of these four lines of communication. That is what I want to know.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment, and the Secretary will call the roll.

Mr. McCREERY. I am paired with the Senator from New York, [Mr. CONKLING.] While I do not know how he would vote on this measure, I do not feel authorized myself to vote.

Mr. CONOVER. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I desire to withdraw my vote. If he were here he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 32, nays 11; as follows:

YEAS—Messrs. Alcorn, Anthony, Bogy, Boreman, Boutwell, Cragin, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pratt, Ramsey, Sargent, Schurz, Washburn, West, Windom, and Wright—32.

NAYS—Messrs. Bayard, Chandler, Dennis, Hamilton of Maryland, Kelly, Merrimon, Sherman, Stewart, Stockton, Thurman, and Tipton—11.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Clayton, Conkling, Conover, Cooper, Eaton, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Hager, Hamilton of Texas, Hamlin, Howe, Jones, Lewis, McCreery, Pease, Ransom, Robertson, Saulsbury, Scott, Spencer, Sprague, Stevenson, and Wadleigh—30.

So the amendment was agreed to.

Mr. WINDOM. On page 7, line 158, I move to strike out the word "three" and insert "eight;" so as to read:

For the improvement of the Ohio River, $800,000.

The amendment proposed is to enable the Government to construct a dam and chute in the Ohio River under a system of improvements agreed upon and recommended by the Engineer Department. It has been for some time, they inform us, a doubtful question as to the best mode of improving that great channel of commerce. The department is now entirely satisfied that this is the best mode. They desire this year an appropriation for a single dam, in order, not as they say to test it, but to speedily secure the benefits of the work. If this system of improvement works as they anticipate, and as it does operate in France and elsewhere, it will be extended to other portions of the Ohio River.

I have no interest in the Ohio River any more than any other Senator on this floor, but I recognize it as one of the great channels of commerce in this country. I recognize its improvement as an absolute necessity to accommodate the great interests that center in and around it. For several years—how many I do not remember—seven States have had their commissioners urging upon Congress the improvement of the Ohio River. Now, all we propose at this time is the construction of a single dam and chute under the plans prepared by the Department. I believe that the Government engineers are entirely satisfied of its efficiency.

I hope, in view of the fact I have once or twice before stated on this floor, that the statistics of the business interests along the Ohio River show that the commerce of the towns on its banks is greater by several millions than our entire foreign commerce, that we will not hesitate longer to enter upon this improvement.

Mr. CHANDLER. I will read the whole clause in the bill to show the nature of the appropriation for the Ohio:

For the improvement of the Ohio River, $300,000; that $100,000 of this amount shall be used for, and applied toward, the construction of a movable dam, or a dam with adjustable gates, for the purpose of testing substantially the best method of improving permanently the navigation of the Ohio River and its tributaries; the location of this work, with the plan of construction, and the application of the amount hereby appropriated, to be submitted to the Secretary of War for his approval.

They are experimenting upon the best plan, and they propose to build one dam and appropriate $100,000 out of this $300,000 for the purpose of testing the best method of improving that river. The committee in the other House made what they considered a liberal appropriation for the Ohio River, considering the condition of the finances of the country and of that work as an experiment. We do not know; this is all experimental. We are proposing to try an experiment on the Mississippi River, which I hope will be a success; but it is an experiment after all. I hope this amendment will not be placed on the bill. If it is, there are $11,752,500 moved as amendments to this bill of $6,000,000, and I shall resist nothing more after this.

Mr. WINDOM. If the Senator will allow me, I ought to have stated when on my feet before that I intend, if this amendment prevails, to offer another amendment on another line making it $600,000 instead of $100,000. The Senator from Michigan thinks this is to build a dam. The Department say that the dam and chute will cost $600,000. If we shall appropriate $100,000 more for this year, we will appropriate again next year $100,000 more for this work, and at the end of six years get one dam built, at a cost at least 25 per cent. greater than if we appropriate enough at one time to do the work. Now, as the amount required by the Department is $600,000, I say let us vote this and give the benefits of it to the people at once. It is not a mere test, as they inform me, although so stated here in the bill. It has been tried in other countries and has been successful on similar rivers.

Mr. THURMAN. I ask that the clause be read as it would stand if amended.

The Secretary read as follows:

For the improvement of the Ohio River, $800,000; that $600,000 of this amount shall be used for and applied toward the construction of a "movable dam," or a dam with adjustable gates, for the purpose of testing substantially the best method of improving permanently the navigation of the Ohio River and its tributaries, &c.

Mr. THURMAN. After the Senate has by a vote of nearly three to one appropriated $600,000 to a work that lies wholly within one State, the State of Wisconsin, a work toward which the Government has already contributed heretofore in land and money, if my memory is not at fault, nearly $3,000,000, it may seem to be simply absurd to attempt to stay any appropriation for a river that bounds six States of the Union and is a thousand miles in length. Nevertheless, although this river bounds my own State, and her people are deeply interested in it, I for one protest against the appropriation which is now proposed. What is it? You propose to appropriate $800,000 for the improvement of the Ohio River, $600,000 of which is to build what is called a "movable dam." What a movable dam is I do not think anybody on this floor knows outside of the Committee on Transportation. We are, as an experiment, to begin with $600,000 to make a "movable dam." I suppose that is a dam that the floods will move away. [Laughter.] I do not know what other kind of movable dam you will have. If we are to have a movable dam below Pittsburgh to improve the Ohio River, I wonder how many movable dams we are to have in the thousand miles of course that that river runs, and where is to be the end of this expenditure. And yet we are to enter upon it, at a time when we are told the receipts of the Government are not equal to our annual expenditures; when we are told that we are not receiving enough to pay the current expenses of the Government, the interest upon the public debt, and the pensions that are due to our soldiers; at a time like this, when you yesterday passed a bill to borrow money to pay the debt which you are creating by the bill, we are to commence with a system of movable dams at $600,000 apiece. Sir, I wash my hands clean of any such thing.

Mr. MERRIMON. Mr. President, here we are in almost the very last hours of the session and we find ourselves confronted with the magnificent scheme of internal improvements indicated by the Committee upon Cheap Transportation twelve months ago and which they suggested in their report was to cost the enormous sum of at least $130,000,000. The fact is, when it is completed it will cost five or six hundred million dollars, and here we are in the last hours of the session, with no time to consider it, no time to examine the report made by the committee twelve months ago, or to criticise it. It seems to me that this is very unwise legislation; that we are committing the American people to a system that we do not understand ourselves and that they do not understand or appreciate. As an American Senator I am not prepared to do it and I will not vote for it.

Mr. WINDOM. Mr. President——

The VICE-PRESIDENT. The Senator's time has expired, under the rule, for debate on the amendment.

Mr. SPENCER. I will yield the Senator from Minnesota five minutes of my time.

Mr. MORRILL, of Maine. You cannot do that.

Mr. WINDOM. I will not ask it.

Mr. DENNIS. As a member of the Committee on Commerce, I desire to state to the Senate the precise condition in which this bill stands before it. The bill was submitted to the Senate and referred to the Committee on Commerce. The committee took no formal action on the bill. It was reported back to the Senate precisely as it was referred to the committee. During the consideration of the bill, while it was in the committee, the tax and tariff bill had failed to pass the Senate. I for one should have voted against this bill, unless provision had been made to meet the Government expenditures, and I think that was the feeling of the committee; and by a majority vote the bill was reported back to the Senate with the distinct understanding that any Senator had a right to offer an amendment to the bill precisely as if it had come back with the recommendations and amendments of the committee. For one, I have a few amendments to offer to it, all very short, and I will offer no amendment except what is absolutely necessary to the wants of my people, and I shall vote against all amendments that I do not think absolutely necessary for the benefit of the people.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Minnesota.

Mr. MERRIMON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FLANAGAN. Two or three words, sir. This proposition reminds me of my youthful days. Boy and man I have always been for internal improvements. I shall vote for this amendment most cheerfully, and I will vote for everything that tends to develop the resources and enrich and happify the American people. This is directly upon that line, consistent and progressive, not going backward by any means; and as to the revenue, whenever we get into a hard struggle to meet all the appropriations, all of them, Ohio, Kentucky, &c., can furnish us with everything. They have got ample capital and they will do everything that is necessary on this line.

The VICE-PRESIDENT. The question is upon the amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. McCREERY. I agreed to pair with the Senator from New York, [Mr. CONKLING.] I do not know how he would vote on this question, but under the circumstances, I shall decline to vote for the present.

The question being taken by yeas and nays, resulted—yeas 29, nays 19; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Cameron, Clayton, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Hamlin, Harvey, Ingalls, Johnston, Kelly, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Patterson, Pratt, Sargent, Scott, Spencer, Washburn, West, Windom, and Wright—29.

NAYS—Messrs. Boutwell, Chandler, Cooper, Dennis, Eaton, Edmunds, Fenton, Hamilton of Maryland, Hamilton of Texas, Jones, Merrimon, Morrill of Vermont, Ransom, Sprague, Stevenson, Stewart, Thurman, Tipton, and Wadleigh—19.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Carpenter, Conkling, Conover, Cragin, Ferry of Connecticut, Frelinghuysen, Gilbert, Gordon, Hager, Hitchcock, Howe, Lewis, Logan, McCreery, Pease, Ramsey, Robertson, Saulsbury, Schurz, Sherman, and Stockton—25.

So the amendment was agreed to.

Mr. WINDOM. In order to conform the rest of the paragraph to the amendment just made, I move to strike out "one," in line 159, and insert "six," as I stated the purpose of the other was to make this amendment, and it is not any addition to the amount.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed on page 7, line 159, to strike out "$100,000" and insert "$600,000;" so as to read:

For the improvement of the Ohio River, $800,000; that $600,000 of this amount shall be used for and applied toward the construction of a "movable dam," or a dam with adjustable gates, &c.

Mr. WINDOM. I will say to the Senate that this does not increase the amount. It simply divides what we have already agreed to, so it is no increase.

The amendment was agreed to.

Mr. WINDOM. I have two other amendments from the Committee on Transportation. On line 173, page 8, I move to strike out "one" and insert "six;" so as to make the clause read:

For the improvement of the Great Kanawha River, West Virginia, $600,000.

This is one of the recommendations made by the committee.

I shall speak of the Ohio and Kanawha Rivers together, because their commerce is so intimately connected, and because the commercial purposes they are ultimately to subserve cannot well be separated. The industries to be developed by their improvement are very similar, and in the future perfecting of our great lines of commerce they will constitute component parts of one grand whole. The Ohio River having been carefully surveyed during the last ten years, the conditions affecting its navigation are pretty well known. Several different plans for its radical improvement have been proposed, differing widely in cost. The practical plan finally agreed upon is the construction of an experimental dam and chute, on what is known as the Bruno plan, a few miles below Pittsburgh. This method of improvement has the approval of the United States engineers, and is recommended by the board of commissioners for the improvement of the Ohio River. The estimated cost of the dam and chute proposed to be constructed next year is $600,000.

The immense commerce of the towns and cities on the Ohio River, exceeding as it does by many millions our entire foreign commerce, is a sufficient argument in favor of the national character of the proposed improvement, and should be a sufficient incentive to its prompt commencement and speedy completion.

The improvement of the Kanawha River presents itself under two very important aspects: First, as constituting a part of the proposed "central water line;" and, second, as the means of developing the richest and most extensive deposits of coal and iron in the world.

The board of engineers appointed in 1874 to examine and report upon the James and Kanawha Rivers improvement, reported that differences of opinion existed among them as to some of the important engineering features of the work, and they also stated that further surveys are necessary to the final adjustment of the plans suggested. I do not, therefore, feel called upon at the present time to consider the question of inaugurating the construction of a canal between Richmond and the Kanawha River, because whenever it shall be determined to enter upon that work, the improvement now proposed will constitute an integral part of the line. The improvement of the Ohio and Kanawha Rivers is a condition-precedent to the practicability and usefulness of the central water-route, and hence whatever may be done upon these rivers is in the line of that work.

But aside from any question affecting the entire "central route," the improvement of the Kanawha River, and by means of slack-water navigation, is of very great importance for the purpose of developing the inexhaustible resources of coal and iron to which I have already referred. The advantages to be realized by the improvement of the Kanawha River, as now proposed, are not uncertain or conjectural; they are apparent and demonstrable. They can be best estimated from the results of similar improvements on the Monongahela River, which more than any other one thing has conduced to the development of the commerce and industries of Pittsburgh. The value of the coal transportation on the Monongehala prior to January 18, 1875, was $34,179,403. The cost of the improvement was $1,146,038. Cost of the works only 3¼ per cent. of the value of the coal. It appears also that the value of other commodities paying toll to the company was about equal to that of the coal. It is probable, therefore, that the total value of commerce developed by the improvement amounts to $60,000,000.

To put it in another form, it appears that an expenditure of $1,146,038 has been an essential condition in the development of $60,000,000 of wealth. And if we could trace the effects of the coal product thus developed upon the various industries to which it has given existence, we should find that the wealth created by it would be expressed by the value of the coal many times multiplied. The inexhaustible supply of coal in West Virginia, embracing bituminous, cannel, and splint, as well as of iron ores of superior quality, and the entire practicability of improving the Kanawha River at a cost quite inconsiderable in proportion to the advantages which would be secured prove that equal or even greater results may be expected than have been realized from the improvement of the Monongahela.

Coal has been fitly termed "the bread of industry." The wonderful advancement in wealth and enterprise of all the commercial nations on the globe during the last fifty years has been attained largely through the creative power of coal.

These facts, as well as the magnificent results which have flowed from the development of our own coal and iron resources, point to the proposed improvement of the Ohio and Kanawha Rivers as works which should not be delayed. I have mentioned only one or two of the principal reasons for these works. Time would fail me if I were to attempt to enumerate all the advantages that would flow from them.

Mr. MERRIMON. I beg to ask the Senator from Minnesota if it is intended by these appropriations to commit Congress and the country to the plan of internal improvements indicated by the Committee on Cheap Transportation?

Mr. WINDOM. I am very glad the Senator has asked me that question. The system of improvements presented to-night commits nobody to anything except to the improvements themselves. They have been selected because of their location, the advantages they would afford to commerce, the distribution of their benefits to the country, and because they of themselves are of sufficient importance and value, and because we believe they are demanded by the people, and will justify the expenditure without reference to any future extension.

Mr. MERRIMON. It is not then a part of the plan indicated by the committee?

Mr. WINDOM. They are on the line of improvements recommended, but they do not commit the Senate to anything but the specific works mentioned in the proposed amendments. They are valuable in themselves without reference to anything else, and it does not commit the Senate or anybody, although I hope at some time, either by private capital or in some other way, a through line may be made. Whether it shall be or not, these improvements should be made. If private capital or the Government should continue the line, or if it shall ever be continued in any way, this would form a part of it. We only ask the improvement of natural water lines in these amendments.

Mr. MERRIMON. I understood the Senator to say in his opening remarks to-night that the amendments offered were in aid of the scheme indicated by the committee.

Mr. WINDOM. I do not hear the Senator.

Mr. MERRIMON. I say I understood the Senator in his opening remarks to-night to suggest that the amendments he was about to offer were in aid of the scheme indicated by the committee.

Mr. WINDOM. I said they were to carry out a system of improvements recommended by the committee. I did not say they were to carry out the entire scheme recommended by the committee a year ago. I am perfectly free to say to the Senator that I believe in it as I did then, but unfortunately a majority of the Senate is behind me a little on this subject, and I will have to wait a year or two until it comes up, especially as the Senator from North Carolina said a few moments ago, in objecting to an amendment, that the Transportation Committee had made a report a year ago and he had not had time to examine it, and now he complains the Senate was called upon to vote without time for examination of the question. If the world is to be so far behind as that, I apprehend I will have to wait for some time.

Mr. MERRIMON. The Senator brings the debate on at a very late hour if he intends Senators to go into the merits of it.

Mr. CHANDLER. I do not rise to oppose this, as I am pledged not to oppose anything. I simply rise to state what the board of engineers say. They say if they will confine their operations to the shoals they will require $15,000, but if they commence this great work, then they will require for the year ending June 30, 1876, $150,000. That is stated in the report of the board of engineers. The Committee on Commerce in the other House gave two-thirds of the amount called for by the engineers, to wit, $100,000, and now the Committee on Transportation propose to make it $600,000, thus giving the board ofengineers $450,000 more than they asked for. That is all.

Mr. WINDOM. I do not like to trespass on the Senate, but in answer to the honorable Senator I will say I have no doubt of the truth of what he says. These estimates were made with a view to the ordinary improvements and without any reference to a system of improvements that should take up a work and finish it. We have recommendations from the engineers for a very much larger amount. If we are to continue the old mode of appropriating a little now and a little hereafter and never finishing anything, then $250,000 is too much. If we are to take hold of the work and do it so that the commerce of the country will have the benefit of it, selecting certain works as they do in England and all other civilized countries on the earth, then we ought to vote enough to complete the work within a reasonable time.

Mr. DAVIS. The Kanawha River is one of the great water lines of this country. There now go out of that river about thirty thousand bushels of coal per month. The honorable Senator from Michigan has read from the report of the engineers which was made last October. True they did recommend $150,000, but when the estimates came to be made up it was $300,000 in the Book of Estimates, and even since then the special board of engineers appointed to examine and report upon this route recommended $3,000,000. The committee now recommends $600,000. I think we had better take the vote.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Minnesota.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MERRIMON. I want to say that I would like to give my support to this scheme, but as a part of the scheme indicated by the Committee on Cheap Transportation I cannot do it.

The question being taken by yeas and nays, resulted—yeas 25, nays 19; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Cragin, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Harvey, Ingalls, Johnston, Mitchell, Morton, Norwood, Oglesby, Ransom, Sargent, Scott, Spencer, West, Windom, and Wright—25.

NAYS—Messrs. Bayard, Boutwell, Cameron, Chandler, Eaton, Edmunds, Fenton, Hamilton of Maryland, Hamilton of Texas, Jones, Merrimon, Morrill of Vermont, Pratt, Sherman, Sprague, Stewart, Stockton, Tipton, and Washburn—19.

ABSENT—Messrs. Allison, Anthony, Brownlow, Carpenter, Conkling, Cooper, Dennis, Ferry of Connecticut, Frelinghuysen, Gilbert, Gordon, Hager, Hamlin, Hitchcock, Howe, Kelly, Lewis, Logan, McCreery, Morrill of Maine, Patterson, Pease, Ramsey, Robertson, Saulsbury, Schurz, Stevenson, Thurman, and Wadleigh—29.

So the amendment was agreed to.

Mr. WINDOM. On line 176, page 8, I move to strike out "one" and insert "five;" so as to read:

For the improvement of the Tennessee River above Chattanooga, $40,000; and below Chattanooga, including the Muscle Shoals, $560,000.

The Tennessee River, from its geographical position, is designed to perform a most important part in the future commerce of the Southern and Western States. It touches or passes through the States of Kentucky, Tennessee, Alabama, Georgia, and Mississippi. The territory immediately tributary to it is rich in agricultural and mineral resources. But, however valuable these may be, it is not on their account alone that I would embrace it in the system of improvements proposed. The geographical position of this river gives it a much wider significance in any national system of internal improvements than it would derive from the resources of the country immediately tributary to it.

By its connection with the Ohio and Mississippi Rivers it unites the grain-growing States of the Northwest with the cotton States of the Southeast. When properly improved it will afford the cheapest communication between the corn and wheat fields of Ohio, Indiana, Illinois, Missouri, Iowa, Minnesota, Wisconsin, Kansas, and Nebraska, and the cotton plantations of Northern Mississippi, Alabama, Tennessee, South Carolina, North Carolina, and Georgia. Eventually it will constitute a part of a great through water line from the Mississippi River to the Atlantic Ocean. But if the entire line shall never be completed, the improvement of the Tennessee alone will amply repay the expenditure, because it will shorten the railway transportation from the Northwest to the Southeast at least one-half, and will materially cheapen the cost of food in the cotton States. At the same time it will tend to supply the farmers of the Northwest with a home market; it will enable the cotton-planter to buy his corn cheaper than he can raise it, and hence will enable him to largely increase his crop of cotton. The effect of this will be to enhance the prosperity of both sections, and by increasing our exportations of cotton to benefit the whole country. The South is rich in natural resources, but she is paralyzed, and all her industries are prostrated by the war. What she most needs is the stimulus of better hopes—the encouragement of prosperity.

While I would insist upon strict obedience to law and constitutional obligations at the South as well as at the North, I would remember the distressed condition of her people, and I would take them by the hand, and by our acts assure them of our intentions to do all in our power for the revival of their dead industries and the promotion of their prosperity. The opening of new and cheaper avenues of commerce will, in my judgment, contribute more than anything else to assure the southern people of our friendly feeling toward them and to turn their attention from old political questions to those which tend to the true advancement of a people. Close commercial relations with the North and the West constitute the strongest ties to bind them and us to the Union, and material advancement and prosperity will soon bury the memories of past differences out of sight forever.

For both commercial and political reasons, therefore, I urge the adoption of this amendment. The entire cost of improving the Tennessee is estimated by the engineers at $5,000,000. We ask for $600,000 this year.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 17; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Harvey, Howe, Johnston, Mitchell, Norwood, Oglesby, Patterson, Pease, Ransom, Sargent, Spencer, West, and Windom—25.

NAYS—Messrs. Bayard, Chandler, Dennis, Eaton, Fenton, Hamilton of Maryland, Hamilton of Texas, McCreery, Merrimon, Morrill of Vermont, Pratt, Saulsbury, Sherman, Sprague, Stevenson, Stewart, and Washburn—17.

ABSENT—Messrs. Allison, Anthony, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Cragin, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Hamlin, Hitchcock, Ingalls, Jones, Kelly, Lewis, Logan, Morrill of Maine, Morton, Ramsey, Robertson, Schurz, Scott, Stockton, Thurman, Tipton, Wadleigh, and Wright—31.

So the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia;

A bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

ELLIOTT'S REPORT ON SEAL ISLANDS OF ALASKA.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of Henry W. Elliott's report on the seal islands of Alaska, with illustrations; twenty-five hundred extra copies, of which five hundred copies shall be for the use of the Senate, fifteen hundred for the use of the House of Representatives, and five hundred copies for distribution by the Smithsonian Institution.

Mr. SHERMAN. I move that that be referred to the Committee on Printing.

The motion was agreed to.

PROFESSOR BAIRD'S REPORT ON FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed four thousand additional copies of the third report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents; of which one thousand copies shall be for the use of the Senate, twenty-five hundred for the use of the House of Representatives, and five hundred for the use of the Commissioner.

PAY AND MILEAGE TO FRANCIS W. SYKES.

Mr. HAMILTON, of Maryland, from the Committee on Privileges and Elections, reported the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, the pay and mileage of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874.

TENNESSEE JUDICIAL DISTRICT.

Mr. EDMUNDS. As a proper and necessary act of courtesy to the Senator from Tennessee [Mr. BROWNLOW] in a mere local matter which requires the concurrence of the House of Representatives on an amendment to a House bill changing a county from one judicial district to another, I ask unanimous consent to take up House bill No. 1995, which will cause no debate and will not take half a moment.

The VICE-PRESIDENT. The Senator from Vermont asks unanimous consent to take up the bill indicated by him.

There being no objection, the bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson in said State," was considered as in Committee of the Whole.

The Committee on the Judiciary reported an amendment to strike out all after the enacting clause of the bill and to insert:

That the county of Perry, in the western judicial district of the United States in the State of Tennessee, be, and the same is hereby, set to and shall hereafter compose a part of the middle judicial district of the United States in said State; and all cases now commenced or depending in said western district, affected by this act, shall be heard, tried, and determined in the same manner as if this act had not been passed; and the prosecution of all crimes heretofore committed in said western district shall be prosecuted and punished in the same manner as if this act had not been passed.

SEC. 2. That this act shall take effect on the fourth Monday of May, 1875.

Mr. EDMUNDS. The only effect of this act is to change one county in one district over the line to another for local convenience.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read, "An act to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State."

UNITED STATES COURTS IN NEVADA.

Mr. STEWART. I ask to pass a bill of about three lines changing the place of holding a court in my State. It is a local bill, and I want to get it over to the House. I ask unanimous consent to take up Senate bill No. 1282.

There being no objection, the bill (S. No. 1282) to change the place of holding the district and circuit courts of the United States for the district of Nevada was considered as in Committee of the Whole. It provides that from and after the 1st day of May, 1875, the terms of the circuit court of the United States for the district of Nevada, and the terms of the district court of the United States for that district, shall be held at Virginia City instead of at Carson City, as now provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 10; and agree to the same.

That the House recede from its disagreement to the amendment numbered 9 and agree to the same with an amendment, as follows: In lieu of the words proposed to be stricken out insert the following: "*Provided*, That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroads should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road for such transportation, nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation and recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act: *Provided*, That the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States: *Provided further*, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 13, and agree to the same with an amendment, as follows: In lieu of the word proposed to be inserted insert the word "one," and after the word "one hundred," in line 13, page 9 of the bill, insert the words "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 14, and agree to the same with an amendment, as follows: Insert after the words "ordnance stores," in line 11 of said amendment, the words "in the service of the United States in the suppression of the war of the rebellion," and add at the end of said amendment the following:

"*And provided further*, That so much of the appropriations between the 1st of January, 1861, and the 9th of April, 1865, under the act of April 23, 1808, herein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion shall be covered into the Treasury of the United States."

And the Senate agree to the same.

WILLIAM B. ALLISON,
JOHN A. LOGAN,
JOHN W. STEVENSON,
Managers on the part of the Senate.
WILLIAM A. WHEELER,
JOHN COBURN,
A. M. WADDELL,
Managers on the part of the House.

The report was concurred in.

IMMIGRATION OF CHINESE WOMEN, ETC.

Mr. SARGENT. I should like to ask unanimous consent to pass a bill which is unanimously reported from the Committee on Foreign Relations and recommended by the President in his message. I have been so very busy with general affairs, with appropriation bills, &c., that I have been compelled to neglect matters of this character. This is a short bill.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Is there objection?

Mr. CHANDLER. I object.

Mr. SARGENT. It will take but two or three minutes. The Senator knows I have been so very busy in reference to other matters that I have had no time to make this request.

Mr. CHANDLER. I withdraw my objection.

There being no objection, the bill (H. R. No. 4747) supplementary to the acts in relation to immigration was considered as in Committee of the Whole. It provides that in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States is free and voluntary, as provided by section 2162 of the revised code, title "immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States for lewd and immoral purposes; and if there be such contract or agreement, the consul-general or consul shall not deliver the required permit or certificate. The bill proceeds to make other provisions of detail in regard to immigration.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the following acts:

An act (S. No. 455) for the relief of William M. Kimball;

An act (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia;

An act (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell; and

An act (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

RIVER AND HARBOR BILL.

Mr. WEST. I call for the regular order.

The VICE-PRESIDENT. The bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, is before the Senate, as in Committee of the Whole.

Mr. WEST. From the Committee on Transportation I offer an amendment as additional sections to the bill, which I send to the Chair and ask to have read.

The Secretary read the proposed amendment, as follows:

SEC. —. That James B. Eads, of Saint Louis, Missouri, be, and he is hereby, authorized, with such others as may be associated with him, on the conditions hereinafter mentioned, to construct such permanent and sufficient jettees and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a wide and deep channel between the South Pass of the Mississippi River and the Gulf of Mexico; and for that purpose he may construct, in the river, outlet, or pass, and likewise in the Gulf of Mexico, such walls, jettees, dikes, levees, and other structures, and employ such boats, rafts, and appliances, as he may, in the prosecution of said work, deem necessary: *Provided*, That no such structures or means employed shall hinder, delay, or materially interfere with the free navigation of said pass; and to protect his said works, he may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of the river or South Pass: *Provided further*, That unless the construction of the proposed work shall be substantially commenced within eight months from the date of the approval of this act, and prosecuted with due diligence, the provisions contained herein in relation to the said South Pass shall be null and void; and unless the said Eads and his associates shall secure a navigable depth of twenty feet of water through said pass within thirty months after the date of the approval of this act, Congress may revoke the privileges herein granted in relation to the said South Pass, and cancel the obligations herein assumed by the United States. And Congress may revoke the privileges herein granted in relation to the South Pass, and cancel the obligations herein assumed by the United States, unless the said Eads and his associates shall, after securing twenty feet of water, secure an additional depth of not less than two feet during each succeeding year thereafter, until twenty-six feet shall have been secured; and in case said Eads and his associates shall fail to comply with the foregoing conditions as to depth of water and time for any period of twelve months in excess of the time fixed as aforesaid, then the privileges herein granted, and the obligations herein assumed in relation to the said South Pass, shall absolutely become null and void without action by Congress.

SEC. —. That the conditions herein prescribed being fully complied with, the United States hereby promise and agree to pay to said Eads, or to his assigns or legal representatives, $5,250,000 for constructing said works and obtaining a depth of thirty feet in said channel, and the annual sum of $100,000 for each and every year that said depth of thirty feet shall be maintained by the jettees and auxiliary works aforesaid in said South Pass during twenty years after first securing the said depth. Payments shall be made on certified statements of an engineer officer, who shall be detailed by the Secretary of War, and whose duty it shall be to report the depth of water and width of channel secured and maintained from time to time in said channel, together with such other information as the Secretary of War may direct. When a channel of twenty feet in depth and of not less than two hundred feet in width shall have been obtained by the action of said jettees and auxiliary works, $500,000 shall be paid; and when a channel of twenty-two feet in depth and two hundred feet in width shall have been obtained by the action of said jettees and auxiliary works, $500,000 shall be paid.

When a channel twenty-four feet in depth and not less than two hundred and fifty feet in width shall have been obtained, there shall be paid $500,000; and after said depth and width shall have been maintained during twelve consecutive months, there shall be paid $250,000, with 6 per cent. per annum interest from the date when said twenty-four feet were first obtained.

When a channel twenty-six feet in depth and not less than three hundred feet in width shall have been obtained, there shall be paid $500,000; and when a channel of said depth and width shall have been maintained for twelve months consecutively, $250,000 shall be paid, with interest at 6 per cent. per annum from the date when said channel was first obtained.

When a channel twenty-eight feet in depth and not less than three hundred and fifty feet in width shall have been obtained, there shall be paid $500,000; and after said depth and width shall have been maintained for twelve months consecutively, $250,000 shall be paid, with interest at 6 per cent. per annum from the date when said twenty-eight feet were first obtained.

When a channel thirty feet in depth and not less than three hundred and fifty feet in width shall be obtained, there shall be paid $500,000; and after said depth and width shall have been maintained for twelve month consecutively, there shall be paid $500,000, with interest at 6 per cent. per annum from the date when a channel of said depth and width was first obtained; making a total aggregate of $4,250,000 for the aforesaid payments, the respective depths and widths of channel being measured at average flood-tide, as ascertained and determined by the Secretary of War.

When a channel thirty feet in depth and three hundred and fifty feet in width shall have been obtained by the effect of said jettees and auxiliary works aforesaid, the remaining $1,000,000 shall be deemed as having been earned by said Eads and associates; but said amount shall remain as security in the possession of the United States for the purposes hereinafter set forth, interest at 6 per cent. per annum on the same being payable to said Eads, his assigns and legal representatives, semi-annually, from the date when a channel of thirty feet in depth and three hundred and fifty feet in width shall have been first secured, so long as said money or any part thereof is held by the United States.

SEC. —. That after said channel of thirty feet in depth and of not less than three hundred and fifty feet in width shall have been secured, $100,000 per annum shall be paid in equal quarterly payments during each and every year that said channel of thirty feet in depth and three hundred and fifty feet in width shall have been maintained by said Eads and his associates, by the effect of said jettees and auxiliary works aforesaid in said pass, for a period of twenty years, dating from the date on which said channel of thirty feet in depth and three hundred and fifty feet in width shall be first secured: *Provided, however*, That no part of such annual compensation shall be paid for any period of time during which the channel of said pass shall be less than thirty feet in depth and three hundred and fifty feet in width, as hereinbefore specified.

SEC. —. That the said channel of thirty feet in depth and three hundred and fifty feet in width having been maintained for ten years, one-half of the $1,000,000 hereinbefore mentioned shall be released and paid to said Eads, his assigns or legal representatives; and said depth and width having been maintained for ten additional years, the remaining half of the said $1,000,000 shall be released and paid as aforesaid. And if any of said money shall have been paid under the provisions of this act, as hereinafter provided, then the residue shall be paid at the times above stated.

SEC. —. That in case said Eads and associates, in order to maintain a channel of thirty feet in depth and three hundred and fifty feet in width, shall deem it necessary to expend on said works during any one or more of said twenty years any money in excess of the annual payments received by them during said year or years under section — of this act, the Secretary of War shall, on satisfactory proof of such expenditures, authorize, as often as such extra expenditures may require, the payment of the same from the said money in pledge to said Eads or his legal representatives. And such payments shall be made from the $500,000 to be released at the end of ten years before any payment shall be made from the $500,000 to be released at the end of twenty years; and if any failure to maintain said channel of thirty feet in depth and three hundred and fifty feet in width shall occur, the date for releasing the said money held in pledge shall be postponed for an equal period of time, and the compensation for maintaining said channel shall cease until said depth and width shall be again restored, the maintenance of a channel of thirty feet in depth and three hundred and fifty feet in width for twenty years, exclusive of all such periods of failure, being intended by this act. And at any time after said jettees shall have been completed, and said channel of thirty feet in depth and three hundred and fifty feet in width shall have been obtained, that the United States may elect to pay the said $1,000,000 and stop the payment of said interest and said annual sum of $100,000 for the maintenance of said depth and width, said United States shall have the right to do so on payment of said money held as security and in pledge as aforesaid, together with the interest and annual compensation for maintenance which may be earned at the date of such final payment; and on such payment being made by the United States, the supervision and maintenance of said jettees and auxiliary works by said Eads and associates and all liability on their part shall cease and determine.

SEC. —. That in order to facilitate the proper location of said jettees, which shall not be less than seven hundred feet apart, and to correctly determine such effects as may be produced by them, the Chief of the Coast Survey shall, as soon as practicable, cause a careful topographic and hydrographic survey to be made of said pass and bar, and shall submit the same to the Secretary of War, who shall furnish to said Eads the results of any such survey.

SEC. —. That any person maliciously or intentionally injuring said works, or interfering with the construction thereof, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and if found guilty he shall be liable to a fine not exceeding $1,000, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

SEC. —. That the said Eads and his associates shall have the right, under such regulations as the Secretary of War shall prescribe, to use any materials on the public lands of the United States that shall be suitable for, and may be needed in, the construction of said works.

SEC. —. That in case of death or other disability of said Eads before the completion of said works, the same shall be prosecuted and completed by his legal representatives and his associates aforesaid, with the same powers, rights, obligations, and compensations as if done by him in person.

SEC. —. That the Secretary of War be, and he is hereby, authorized and directed to carry into effect the provisions of this act on behalf of the United States, and, when the said Eads and his associates shall, from time to time, have fulfilled on their part the several foregoing conditions of this act, to draw his warrants upon the Treasurer of the United States in favor of said Eads, or his legal representatives, in payment of the aforesaid amounts as they respectively become due by the provisions of this act. And it shall be the duty of the Secretary of War to embody in his annual reports the payments made from time to time under this act, and the probable times when other payments will become due, and to report during the construction of the works herein authorized all important facts relating to the progress of the same, the materials used, and the character and permanency with which the said jettees and auxiliary works are being constructed, to the end that the Congress of the United States may be kept fully advised as to the faithfulness and efficiency with which the said works are being executed by the said Eads and associates, it being expressly understood that while said Eads shall be untrammeled in the exercise of his judgment and skill in the location, design, and construction of said jettees and auxiliary works, the intent of this act is not simply to secure the wide and deep channel first above named, but likewise to provide for the construction of thoroughly substantial and permanent works by which said channel may be maintained for all time after their completion. And in case the Secretary of War shall be of the opinion that this work is not being constructed according to the spirit and intent of this act, he shall report the same to the President, who shall appoint a commission, consisting of an officer of the Army, an officer of the Navy, and a competent person from civil life, to inspect and examine the works being constructed by said Eads and his associates; and in case the said commission shall report that the works are being constructed upon a design that will not be of a substantial and permanent character when completed, all the facts in the case shall be laid before Congress at the earliest possible moment, and payments upon said works shall be suspended until Congress shall otherwise order.

SEC. —. That the option of discharging the obligations herein assumed by the United States, either in money or bonds, is expressly reserved; and the Secretary of the Treasury is hereby directed to issue the bonds of the United States, bearing 5 per cent. interest, and payable in not exceeding thirty years from their date, to said Eads or his legal representatives, in payment at par of the aforesaid warrants of the Secretary of War, unless the Congress of the United States shall have previously provided for the payment of the same by the necessary appropriations of money: *Provided*, That in no case shall the Government of the United States be liable for any losses incurred by said Eads and his associates in the performance of the work herein mentioned, nor shall any payments thereon be made in excess of the sums, nor contrary to the terms, hereinbefore prescribed.

Mr. WEST. The Senate will understand that in the brief period allotted to me under the rule it will be entirely out of the question for me to enter into any elaborate argument on this proposition; but whatever I may fail to say in the time allotted to me or may omit to say, undoubtedly will be supplied by other members of the committee and other friends of the measure who will express themselves in regard to it.

It is unnecessary for me to detain the Senate with recounting the facts of the obstruction that exists at the mouth of the greatest navigable river of the world; nor is it necessary, I think, that I should recount the advantages that would accrue to commerce and to the agricultural interests of the country were those obstructions removed. I shall simply confine myself to this proposition, showing what the action of the Government has been in the premises, what the action of the committee has been, and what are the provisions of the amendment itself.

It is now some four years since the Government under a resolution passed by Congress commenced the investigation of the obstructions at the mouth of the Mississippi River with a view to their removal. A little less than a year ago we had a report on that subject from an eminent board of engineers which scarcely was sufficiently definite in its character to warrant the work being undertaken by the Government. In order that we might have full and ample and sufficient information on the subject, Congress at its last session provided for the constitution of a board to submit a report at this session that might be regarded as a finality. That report is with us. A commission composed of three officers of the Army, one of the Coast Survey, and three eminent civil engineers have submitted their report.

They were instructed to examine the various methods for the improvement of this mouth so that Congress and the country might have the opportunity of making a selection between the different methods they might recommend or deem most advisable. They speak of the stirring-up process; they speak of confining the river

by jettees, which is this measure; and they speak also of the dredging process. They give their preference to this process and recommend its being embarked upon.

They were also instructed to examine as to what outlet of the Mississippi might be most advantageous. There are three grand outlets of the Mississippi at its delta mouth; the Pass á Loutre, or the other pass, the South Pass, and the Southwest Pass. Setting aside the Pass á Loutre, not as impracticable but as involving much greater expense than seemed justifiable, the commission confined their investigations to two passes, the South Pass and the Southwest Pass, giving their preference to the South Pass, not altogether because it would be more desirable than the other, but because they could improve it at one-half the expense of the other pass, and when improved it would be adequate to the wants of commerce.

Their report shows that to improve the South Pass would cost $5,342,000; to improve the Southwest Pass would cost $8,253,000. But there is a much larger discrepancy and difference between the amount that would be necessary to maintain either outlet under this system of improvement. To maintain the outlet at the Southwest Pass would cost $390,000 per annum. To maintain the outlet at the South Pass would cost $130,000 per annum. So that the Committee on Transportation, to whom the matter was confided, concluded to recommend the South Pass at the less expense, considering that it would be adequate for the wants of commerce.

Then the question arose, Congress having determined for it by its duly authorized agents, what should be the method of improvement and what should be the expense. The question arose as to the direction in which Congress would make application of their recommendations.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. WEST. I will ask a few minutes more. This is a matter of great importance.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator will proceed.

Mr. WEST. When this question was first brought to the notice of the Committee on Transportation at this session, they decided in favor of the South Pass, decided also that it was preferable that the Government should do the work through its own agents, and they were prepared to recommend an appropriation of a million and a half, being one-third of the cost of the improvement, and the time in which it was expected to be completed would be three years. They were averse to this proposition; but they have yielded their judgment to what seems to be the demand of the time, and they have perfected a bill which they may be justified, I think, in regarding as complete as it can be possibly made.

You will find that this is a contract to be let out to one individual, but upon terms upon which no other contract or scarcely any other contract has ever been made in this country. All that is desired in the way of a deep channel at the mouth of the Mississippi River is to be secured absolutely and beyond all question before the Government expends a dollar. There is not one dollar appropriated in this measure, but it is an obligation on the part of the Government to assume the payment of $5,250,000, when the advantages to be derived from the expenditure of that money are infallibly secured to the Government and the people of the United States.

Then, after having secured that, there is to be an annual compensation paid to this contractor of $100,000 for the maintenance of the benefits to be derived from the expenditure of this money. He contracts to produce the water; he contracts to maintain that depth and width of water for twenty years, and he is to be paid $100,000 per annum for doing it, with the privilege on the part of the Government of at any time stepping in and paying him $1,000,000 and discharging him from his obligation.

So here we have a proposition to produce thirty feet of water and we contrast it with the present sixteen, seventeen, or eighteen feet of water only available at the mouth of the Mississippi under the present operations; and what does that cost and what is the contrast between this expenditure and that? It is proposed here, and it is expected, that thirty feet of water will be secured at a cost of $5,250,000 and $100,000 annual maintenance. The present system of maintaining deep water at the mouth of the Mississippi River costs $150,000 per annum. So we shall save, after investing this $5,250,000, $150,000 per annum in the maintenance. Therefore, when you come to capitalize the present expense, this is just $2,000,000 more than what we use now. That is to say, when this work is completed the United States will have incurred an obligation or spent $2,000,000 more money than it is spending to-day, and it will have thirty feet of water instead of sixteen or eighteen.

Mr. President, I will not detain the Senate any longer. I thank them for giving me the opportunity to say thus much by extending my time.

Mr. DAVIS. Will not the Senator state that if the water is not thirty feet the pay is not greater than is named? In other words, "no water, no pay." He might say something about that.

Mr. WEST. Everybody understands that this is "no water, no pay."

Mr. SHERMAN. I desire to offer one or two small amendments to this amendment. In the last section on page 11 I move to strike out in line 5 these words, "and payable in not exceeding thirty years from their date," and insert "of the character and description set out in the act entitled 'An act to authorize the refunding of the public debt,' approved July 14, 1870." This is simply to make the bonds uniform in character with those fixed in the funding act.

Mr. WEST. We are much indebted to the Senator for his proposition.

The amendment to the amendment was agreed to.

Mr. SHERMAN. On page 7, line 6, of the proposed amendment, I move to strike out the words "section — of" as creating an ambiguity, so as to read "under this act."

Mr. WEST. That is advisable.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana as amended.

The amendment was agreed to.

Mr. McCREERY. I offer the following amendment:

For removing obstructions in Rock Castle River, Kentucky, from its mouth to the Narrows, $5,000.

Mr. CHANDLER. Will the Senator please inform the Senate whether that is in pursuance of an estimate from the board of engineers?

Mr. McCREERY. There was an estimate made by the Chief of Engineers after a survey. If the chairman of the committee desires to have the report read, I will read it.

Mr. CHANDLER. Has the amendment been referred to the Committee on Commerce?

Mr. McCREERY. No, sir; and I was afraid when I offered it that its very modesty would defeat it. That is its only fault. [Laughter.]

Mr. CHANDLER. I raise the point of order.

The PRESIDING OFFICER. The Senator from Michigan raises the point of order that the amendment has not been referred to the Committee on Commerce as the rule requires. The Chair sustains the point of order.

Mr. CONOVER. I offer an amendment from the Committee on Transportation:

For surveys to ascertain the most eligible line on which a canal across the isthmus of Florida can be constructed, and whether a safe land-locked navigation between the waters of the Mississippi and the Gulf, along the coasts of Alabama Louisiana, and Florida, and through the latter State to the Atlantic coast, can be had, to estimate the probable cost and practicability of construction of such works, and of any artificial water-routes found necessary to provide a safe inland navigation between the Mississippi River and one of the sea-ports on the east coast of Florida, $25,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

Mr. CHANDLER. I see that makes an additional appropriation for a new work. I raise the point of order upon it.

The PRESIDING OFFICER. What is the point of order?

Mr. CONOVER. If the Senator desires, I will so amend it to make no appropriation, but simply authorize the Secretary of War to make the survey which was authorized last year by two conference committees. I will so modify it if the Senator desires.

The PRESIDING OFFICER. The amendment is modified so as to omit the appropriation.

The amendment was agreed to.

Mr. RANSOM. I offer the following amendment: In page 10, line 22, strike out "one" and insert "two;" so as to make the clause read:

For the improvement of the Cape Fear River, North Carolina, $200,000.

Mr. CHANDLER. I said I should not resist any appropriation. I think it would be perhaps as well to take them altogether and put them on in a lump. There are only eighteen or nineteen millions involved. Perhaps it would save time if gentlemen would send up their amendments to the desk at once and have them put on in a lump.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina.

The amendment was agreed to.

Mr. HAMLIN. I offer the following amendment, which adds no appropriation, but only provides for a survey. It is in section 2, page 17, after line 38, to insert:

Harbor at Matinicus Island, Maine.

The amendment was agreed to.

Mr. BOREMAN. I offer an amendment to come after line 228, page 10:

For the improvement of the Little Kanawha River, $25,000.

Mr. CHANDLER. I raise the point of order on that.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. CHANDLER. There is no estimate. It is not from the committee.

The PRESIDING OFFICER. If not, the Chair will sustain the point of order.

Mr. BOREMAN. It has been referred to the Committee on Commerce, and is estimated for. I have here a report of the War Department in regard to this improvement.

Mr. CONKLING. Is it in the estimates?

Mr. BOREMAN. It is not in the regular estimate book.

Mr. CHANDLER. There is an old estimate for $7,300 for this work, but there is no estimate for $25,000.

Mr. BOREMAN. There has been an estimate by the War Department. Here is the report.

Mr. DAVIS. This amendment was referred to the committee several days ago and printed.

Mr. CONKLING. Has it been reported by the committee?

Mr. BOREMAN. It is not reported by the committee, but was referred to it.

The PRESIDING OFFICER. No standing committee having recommended it——

Mr. BOREMAN. No, sir; but it is estimated for by the War Department. I have here the report of the engineers.

Mr. CONKLING. I have an amendment to offer.

The PRESIDING OFFICER. The Chair will state to the Senator from West Virginia that the practice of the Senate is to rule out estimates unless they are in the regular Book of Estimates. If it does not appear in that, the Chair will sustain the point of order.

Mr. BOREMAN. It does not appear in the regular Book of Estimates, but it has been estimated for by the War Department.

The PRESIDING OFFICER. The ruling has been uniform that unless it is in the Book of Estimates it is not to be regarded as an estimate within the meaning of the rule. The Chair must sustain the point of order.

Mr. CONKLING. Mr. President, having offered no amendment to this bill and being asked in a good many urgent cases to do so, there is but one amendment which I propose to offer, and to that I think there will be little objection. I move on page 11, at the end of line 256, to insert the words:

For the harbor of Port Jefferson, New York, $15,000.

There is an estimate and recommendation in this regard for $35,000. That I do not ask for, but for $15,000, to the end that the work may progress, at any rate that no injury may be sustained for the next year. Fifteen thousand dollars I am assured will yet keep the work good not only, but enable progress to be made toward the completion which will cost $35,000. I might add that this amendment has been asked for by a great number of people, including some hundreds signing a petition which I presented here myself.

The amendment was agreed to.

Mr. ALCORN. I offer an amendment which is recommended by a committee and has also been referred to the Committee on Commerce.

The amendment was read, being to add to the bill the following additional sections:

SEC. —. That the sum of $3,420,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be drawn on the warrant and applied under the direction of the Secretary of War, upon estimates to be submitted by the Chief Engineer of the Army, in closing existing breaks or gaps in levees, or in necessary repairs, or in building such new lines of levee along the shores of the Mississippi River, in the States of Missouri, Arkansas, Mississippi, and Louisiana, as may be necessary to secure, as far as possible under this appropriation, the country within the districts named from the threatened flood of the Mississippi River; out of which sum, $320,000 shall be appropriated within the district of and State of Missouri; $1,000,000 shall be appropriated and expended in the district of and State of Arkansas; $600,000 in the district of and State of Mississippi; and $1,500,000 in the district of and State of Louisiana.

SEC. —. That the Secretary of War shall, after public advertisement, under the supervision of the said Chief of Engineers, let all the work to be done by virtue of this act and under this appropriation to the lowest responsible bidder or bidders; and in no event shall the sum herein appropriated, or any part thereof, be applied to the payment of debts incurred by the local levee authorities, or to any other work than such as may be contracted for and constructed under the supervision of the said Chief of Engineers.

SEC. —. That it shall be the duty of the Secretary of War to submit to the next Congress a full report of the manner in which he has discharged the duties imposed by this act; and that this act be in force from its passage.

Mr. CHANDLER. I raise a question of order on that amendment. It is not germane to this bill.

Mr. ALCORN. I think it is entirely germane.

Mr. WEST. The point is not well taken anyhow.

The PRESIDING OFFICER. The Chair overrules the point of order. The question of relevancy is not a point of order in the Senate.

Mr. ALCORN. The question of the levees of the Mississippi River is one with which I presume the Senate is well acquainted. I have heretofore elaborated as well as I could the importance of this great necessity to the exchequer of the nation. The appropriations in this bill are large. This is one of the means whereby you can supply the money to meet the demands on the Treasury made by the bill that is now being passed.

The board of engineers that was appointed by Congress recommended this appropriation. If this appropriation be made, I firmly believe that five million dollars' worth of cotton and sugar will be produced in the coming year as the result of the appropriation. Last year it will be remembered that Congress appropriated $700,000 for the purpose of feeding the people whose property had been destroyed by the flood. The flood comes again. The danger is threatening even more than then. This bill will save the country from flood, save the people from starvation, bring money into the Treasury, and do a national good. What, Mr. President, would be the condition of the country if cotton was stricken from the national exchequer? That is the great staple on which this Government relies for the balance of trade. It is the staple upon which the country banks. It is the staple upon which the country rests its credit.

And now, as my time is short, I ask to have a letter from the Secretary of War and also from the Chief of Engineers read, and I will submit the question to the judgment of the Senate, trusting that the Senate will favorably consider this most worthy and indispensible proposition.

The Secretary read as follows:

WAR DEPARTMENT,
Washington City, March 2, 1875.

SIR: Acknowledging receipt of your reference of Senate bill No. 1338, for the relief of the overflowed districts of the Mississippi River, I have the honor to transmit, with my concurrence, letter of the Chief of Engineers of the 1st instant on the subject.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. J. L. ALCORN,
Chairman Select Committee on the Levees of the Mississippi River,
United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 1, 1875.

SIR: I beg leave to return herewith Senate bill No. 1338, for the relief of the overflowed districts of the Mississippi River, referred to this office for report.

The amounts named in the bill will probably be sufficient to close existing breaks in the levees, exclusive of works now under construction by the local authorities.

Although existing levees are so graded and administered as to be inadequate to the protection of the country in great flood years, yet they are sufficient, if repaired, to restrain ordinary high waters, and as such they should be maintained, pending the inauguration of a proper system, as large areas of valuable lands will otherwise be overflowed.

The provisions of the bill appear to be sufficient to insure the expenditure of the money upon properly located levees, and, except in the contingency of the immediate recurrence of another great flood, the expenditure would greatly assist an impoverished district of country which is now exposed to certain annual overflow.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Mr. CLAYTON. Mr. President, this seems like a very large appropriation, but I think it is one of the most important measures that can possibly be adopted for the benefit of the South; and I think when the Senate takes into consideration the fact that at the close of the war nearly $60,000,000 were drawn from the South by a tax on its products, at a time when they were impoverished and their fields devastated, when it was almost like drawing blood from an almost lifeless body, Congress should not hesitate to grant this appropriation toward protecting that most fertile valley from the inroads of the Mississippi River. This is a measure not only calculated to increase the receipts of your revenue, but it is calculated in my judgment to aid commerce. In other words, I think the building of these levees will aid the navigation of the Mississippi River. More especially will it be a measure of benefit to the great Mississippi Valley, which will, when protected from the overflow of the Mississippi River, render a very large means of replenishing our Treasury.

Mr. CHANDLER. There have already been donated to these several States more than twenty million acres of overflowed lands for the purpose of building these levees. What has become of these lands donated to the States?

Mr. ALCORN. Will the Senator allow me to reply?

Mr. CHANDLER. Certainly.

Mr. ALCORN. The overflowed lands were given before the war began. The levees were built. During the war the necessities of the Army required that the levees should be leveled to the earth; they have been destroyed, and there is where the swamp lands went.

Mr. CLAYTON. Allow me further to answer the Senator from Michigan. The funds arising from the sale of the overflowed lands in the South have probably been disposed of in some manner as those of the swamp lands in other States, perhaps the Senator's own State among the rest.

Mr. CHANDLER. We were told that these overflowed lands were the richest lands in these States, and that when reclaimed they would be the garden lands of these States, and so the fund derived from them must have been large. They squandered that; and now they come in and ask us to reclaim the very lands that we gave them to reclaim themselves. I hope we shall vote down this amendment of $3,400,000 for the levees, for when you commence taking care of these levees there is no government on earth rich enough to continue the system. Evil-disposed people would go and cut the levees in two for the purpose of having the Government of the United States squander money by millions in their reparation. I trust that this Government will not undertake to keep up a system of levees thirteen hundred miles in length and a thousand miles away from the capital of this nation. Sir, the number of millions or the number of hundreds of millions it will require to create and keep up this system of levees cannot be told by man. I hope the amendment will not be agreed to.

Mr. ALCORN. One word of reply with the permission of the Senate——

The PRESIDING OFFICER. By permission of the Senate the Senator may proceed, he having occupied his time.

Mr. BOUTWELL. I must object.

Mr. WEST rose.

Mr. ALCORN. The Senator from Louisiana will occupy the time.

Mr. BOUTWELL. I wish to say that having given the land to these States, we are asked now to keep them in condition for culti-

vation. That is the proposition to the Senate and to the country. We might as well go upon the prairies of the West and fence their lands, or set hedges, or do any other thing necessary to make them valuable for the purposes of cultivation. If you wish to destroy the whole system of internal improvements and make it offensive upon the shore and upon the river, to prevent all further improvement and all increase of facilities for transportation between different sections of the country, nothing could more effectually accomplish it than the adoption of a proposition of this kind.

Mr. WEST. This is not the first time that I have heard the Senator from Michigan indulge in extravagant figures in connection with these expenditures. Some two years ago when this subject was under discussion in this Chamber, he said that the improvement of the levee system of the Mississippi River, if embarked upon by the Government of the United States, would cost $200,000,000. I cited to him a report of the highest internal authority we have, showing that the cost would be $33,000,000. So much for the system of improvements that we propose to embark upon.

Next he says that we have been given swamp lands and have squandered the money and have no levees. In reply I would state that, so far as we sold the swamp lands, we used the money in constructing our levees. The exigencies of the war destroyed them; but we have the land left and we have a great part of the land that has been given to us by the Government of the United States; but it is unavailable in our possession simply because we have not the capital with which to build these levees. We would gladly reconvey this great charity which is constantly thrown up to us, which is no advantage to us—we would gladly give that back to the United States if the Government would assume the obligation that now devolves on the States. That is what we have done with the swamp lands.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi, [Mr. ALCORN.]

Mr. BOUTWELL and Mr. CHANDLER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 25, nays 24; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Davis, Dennis, Dorsey, Ferry of Michigan, Flanagan, Gordon, Hitchcock, Johnston, Kelly, Logan, Merrimon, Norwood, Patterson, Pease, Ransom, Spencer, Sprague, Stevenson, West, and Windom—25.

NAYS—Messrs. Allison, Bayard, Boutwell, Carpenter, Chandler, Conkling, Cragin, Fenton, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Sargent, Scott, Sherman, Stewart, Wadleigh, Washburn, and Wright—24.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Cooper, Eaton, Edmunds, Ferry of Connecticut, Gilbert, Goldthwaite, Hager, Hamilton of Maryland, Harvey, Ingalls, Lewis, McCreery, Mitchell, Morton, Ramsey, Robertson, Saulsbury, Schurz, Stockton, Thurman, and Tipton—24.

So the amendment was agreed to.

Mr. FRELINGHUYSEN. I have an amendment to offer:

For dredging the mud-bars in the Hudson River, in front of Jersey City, $35,000.

I have the report of General Newton, who has made the survey, and recommends this dredging between New York and New Jersey, above Jersey City. It is the smallest sum that could be applied to the purpose. The amendment has been submitted regularly to the Committee on Commerce, and I hope it may be adopted.

The amendment was agreed to.

Mr. JOHNSTON. I offer the following amendment: On page 10, at the end of line 226, insert:

For the improvement of the Appomattox River, Virginia, $30,000.

The amendment was agreed to.

Mr. DENNIS. I offer an amendment to come in after line 221, on page 10:

For the improvement of the harbor of Crisfield, Maryland, $37,317.50.

I remarked a few moments ago that I would ask no appropriation that I did not think proper and expedient. In confirmation of that, I ask leave to read the report of the survey made of this harbor:

It is the sourthern terminus of the Eastern Shore Railroad, which, in connection with the Delaware division of the Philadelphia, Wilmington and Baltimore Railroad, forms the natural and best route, by the Chesapeake Bay, from Philadelphia to Norfolk and Richmond and all places south of these points.

The oyster business is the surest source of the prosperity of the place. The yearly product of oysters taken to Crisfield is said to amount to at least $1,000,000.

The nature of the oyster is such that the more the beds are raked and dredged for the best marketable product, in the proper season—which season also subserves the present interests of the operators—the larger and better the products of the succeeding years.

The number of vessels registered or licensed as belonging to the district for the quarter ending September 30, 1874, was as follows:

Registered	3	
Licensed, under 20 tons	340;	tonnage, 3,962.77
Licensed, above 20 tons	360;	tonnage, 15,658.56
Total vessels	700;	tonnage, 19,621.33

The greater portion of them belong to Crisfield, or at points within sight.

The population of Crisfield is estimated at 2,500, and is constantly increasing.

It is important to secure greater depth of water, to accommodate large steamboats on the through line, and other steamboats and vessels for the local business.

The surveys and examinations were made from November 16 to November 23, inclusive, 1874, and embraced an examination of the outer channel near Jane's Island light, and a careful survey of the bar near Somers Cove light; also, a survey near the railroad wharf.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, [Mr. DENNIS.]

The amendment was agreed to.

Mr. DAVIS. I offer an amendment to come in after line 169, on page 8:

For the improvement of Big Sandy River from Piketon, Kentucky, to the mouth of the river, $15,000.

The amendment was agreed to.

Mr. BAYARD. I offer the following amendment:

For the construction of an additional pier in the ice harbor at New Castle, Delaware, $20,000.

For the improvement of the harbor of Wilmington, Delaware, $20,000.

This amendment is in accordance with the estimate of the engineer, and I believe it meets the approbation of the chairman of the Committee on Commerce. The chairman has heretofore assured me of that fact.

The amendment was agreed to.

Mr. BAYARD. I offer the following amendment:

For the continuation of the construction of the United States pier at Lewes, Delaware, $50,000.

The amendment was agreed to.

Mr. SPRAGUE. I offer the following amendment: On page 12, line 264, strike out "20" and insert "60;" so as to make the appropriation for the improvement of the breakwater at Block Island, Rhode Island, $60,000.

The amendment was agreed to.

Mr. FENTON. I wish to offer a small amendment on page 11, to come in at the end of line 256, in these words:

For Rondout Harbor, New York, $20,000.

The estimates were $85,000. I have taken the liberty to propose this small sum for this year.

Mr. HOWE. Mr. President, I want to say a word now.

Mr. FENTON. Let this vote be taken.

Mr. HOWE. Yes, I will let this be taken. This seems to be a pretty important amendment. I have been struck with the importance of a great many amendments which have been adopted recently.

Mr. FENTON. Make the speech after this vote is taken.

Mr. HOWE. No; just before this vote is taken, I want to say a word. I hope it will not be considered in opposition to this amendment or any other amendment, but rather by way of apologizing for my own conduct. I have rather assumed that the Committee on Commerce of the House and Senate had very carefully taken into consideration the necessities of our internal commerce and the ability of our Treasury and had recommended about the sum of money which our present resources, the present capacity of the Treasury would warrant the application of to the improvement of rivers and harbors. I was inclined to acquiesce in and to stand by their recommendations. So when the honorable Senator from Minnesota [Mr. WINDOM] moved an additional appropriation of $100,000 to improve that great channel connecting the lakes with the Mississsippi running through the center of my own State, I declined to vote for it, and when he moved an additienal appropriation for improving the Ohio River I declined to vote for it, and when he moved an additional appropriation for the improvement of the Kanawha River, I declined to vote for it; and yet, Mr. President, I do not want the country or the Senate to understand that I am opposed to the improvement of these great thoroughfares. There is no man in the United States more heartily in favor of these improvements than I am. I did not think this the way or this the time to ask those additional appropriations, but I saw the Senate was voting the expression of its good-will to each of these works; and when another amendment was moved by the same Senator for improving the Tennessee River, I finally gave a vote in favor of that amendment. I do not wish the Senate or the country to understand that I am more in favor of the improvement of the Tennessee than I am of either of the other works mentioned by the Senator from Minnesota.

Those four amendments have been made. We have gone on pledging a large appropriation for improving the mouth of the Mississippi, an appropriation of three and a half millions for building levees on the banks of the Mississippi, and now we have come to the point when the Senate seems agreed to vote every appropriation that any Senator dare ask for. I had promised, and I intend if any amendments are made to this bill, to ask for the small appropriation of $10,000 to improve the Chippewa River, in the State of Wisconsin. I will not ask a dollar.

I have only one word to say against the amendments that are now moved, and it is this: You are in danger, I think, of creating an alarming deficiency in the stationery account by your extravagant use of paper in writing amendments. I think there is no Senator on this floor who does not know that if these amendments are fastened to this bill the bill can never receive the assent of the two Houses of Congress, or if it does the money can never be found in the Treasury of the United States. I think we had better economize time.

Mr. CONKLING. I ask that the pending amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 11, line 256, it is proposed to insert:

For Rondout Harbor, New York, $20,000.

Mr. CONKLING. I have ventured to move one amendment, amounting to $15,000, to this bill, and in doing it I concluded myself against moving any other by saying it was the only one. My colleague, very properly I think, has ventured to move one other amendment, and that happens to be the occasion when my distinguished friend from Wis-

consin makes the observations he has just addressed to the Senate. I concur in much that he has said, and I think I shall reply sufficiently in behalf of this amendment when I remind the Senate of one thing. This amendment is to take effect, if it prevail, in the State of New York, a State whose people pay about one-fifth of the taxes which are to replenish the Treasury in order to carry out all the appropriations contained in this bill. The amount of appropriation for that State—and I do not complain of it—is a very small proportion of that contained in the bill.

The harbor referred to by my colleague's amendment is on the Hudson River, and it concerns the commerce of people far beyond the confines of that State; and although, as I say, I concur in the propriety of the observations made by the honorable Senator from Wisconsin, I think after the Senate has added to this bill about $9,000,000 of amendments, no Senator will be able to say that it is unreasonable in a case as urgent as that represented by my colleague, where the estimates are $85,000, and the recommendations of the Department to that effect, to ask that we have $20,000 to preserve an uncompleted work and carry it on somewhat toward its completion, in the hope that a time will come when the residue of the needed appropriation may be made.

I think even my friend from Wisconsin will say that we are not unreasonable in the two small amendments that have been offered, one by my colleague now pending, and another one by myself.

The PRESIDING OFFICER. The question is on this amendment of the Senator from New York, [Mr. FENTON.]

The amendment was agreed to.

Mr. SCOTT. Mr. President, it is very evident from the appropriations that are being made for the improvement of our rivers and of our harbors that the regulation of steam navigation becomes more important than ever. It will increase so rapidly that it would be criminal in us not to pass the steamboat law that has been under consideration at various periods during this session. Those who have been of opposite opinions with reference to that steamboat law I think now, in view of the appropriations made in the river and harbor bill, have arrived at the conclusion that it is better to let it pass with the amendments which the Committee on Commerce have added to it. I ask the chairman of the committee to lay aside informally for a few moments the river and harbor bill that we may concur in all those amendments and send them to the House, where, I am satisfied, they will be concurred in. Can I have the assent of the chairman of the committee to lay aside the river and harbor bill long enough to take up that bill and pass it without objection?

Mr. CHANDLER. Certainly.

Mr. HOWE. I suggest to the Senator to move it to the river and harbor bill.

Mr. SCOTT. The Senator from Michigan consents to lay aside the river and harbor bill informally that I may call up House bill No. 1588.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. SCHURZ. I object.

Mr. MITCHELL. I offer the following amendment providing for a survey. It is to insert on page 16, after line 18 of section 2:

Mouth of Nehalem River, Oregon.
Alsea River and Bar, Oregon.
For examination for a route for a canal sufficient to allow the passage, at ordinary high tide, of steamers drawing ten feet, connecting the waters of Shoalwater Bay with the waters of the Columbia River: *Provided*, That no more than $500 shall be expended in making such survey and estimate.

The amendment was agreed to.

Mr. MITCHELL. I offer another amendment, which has been estimated for by the Engineer Department and recommended by the Secretary of War. After line 308, page 13, I move to insert:

For the construction of a canal connecting the waters of the Coquille River, in Oregon, with the head-waters of Isthmus Slough, an arm of Coos Bay, Pacific Ocean, $100,000.

The amendment was agreed to.

Mr. MITCHELL. I have one other amendment to offer. It is also estimated for. After line 315, on page 14, I move to insert:

For removal of snags, stumps, and overhanging limbs in Yam Hill River, Oregon, $5,000.

Mr. HAMLIN. I think we had better amend that by including the mistletoe on the boughs. [Laughter.]

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. PATTERSON. On line 202, on page 9, I move to strike out "ten" and insert "one hundred;" so as to read:

For the improvement of the harbor at Charleston, South Carolina, $100,000.

The amendment was agreed to.

Mr. SCOTT. The Senator from Missouri authorizes me to say that he withdraws his objection to the consideration of the steamboat bill, and I earnestly hope it will be taken up. I think it can be disposed of in five minutes.

Mr. SCHURZ. Let it be taken up subject to the regular order.

Mr. SCOTT. Subject to the regular order. If it leads to debate, of course it can be withdrawn.

The PRESIDING OFFICER. It requires unanimous consent.

Mr. CONOVER. I object. I will not object if the Senator will allow me to offer some amendments to the bill.

Mr. RAMSEY. I desire to offer an amendment to the river and harbor bill, involving no appropriation. It is simply for a survey. On page 18, line 67 of section 2, I move to insert:

Saint Louis and Saint Croix Rivers, to ascertain the practicability of construct ing a canal between these rivers.

The amendment was agreed to.

Mr. CONOVER. I withdraw my objection to the proposition of the Senator from Pennsylvania.

Mr. WINDOM. I offer the following amendment as part of the amendments of the Committee on Transportation Routes:

SEC. —. That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and commence the construction of a canal from a point on the Illinois River, at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River, at or above the city of Rock Island, on Rock River to the most practicable and convenient point with a branch canal, or feeder, from the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water line and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys, and to enter upon and appropriate to the use of the United States, for the purpose aforesaid, any lands for the construction of such canal and branch, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures, as may be necessary for the safe and convenient navigation of the said canal and branch.

SEC. —. That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and shall determine and locate the route of said canal with a due regard to the permanency of its construction and its greatest advantages for commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located and before the work thereon shall be commenced.

SEC. —. That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply, at any term of the circuit or district court of the United States for the northern district of Illinois, to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid, and in such proceedings said court shall be governed by the laws of the State of Illinois so far as the same may be applicable to the subject of condemning private property for public uses.

SEC. —. That the Secretary of War shall cause said work to be commenced as soon as practicable, and within six months after this act goes into effect; and he shall cause said work to be constructed in accordance with the provisions of section — of this act, and of permanent and substantial materials and in good workmanlike manner: *Provided*, That Congress may at any time regulate, fix, and determine the tolls and charges to be imposed upon said improvement when completed.

SEC. —. That the sum of $600,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River, at or near the town of Hennepin, with the Mississippi River, at or above the city of Rock Island.

The amendment was agreed to.

Mr. GORDON. I move on page 9, line 205, after the word "the," to insert "Etowah," and strike out "five" and insert "twenty" on the next line; so as to make the clause read:

For the improvement of the Etowah, Oostenaula, and Coosawattee Rivers, Georgia, $20,000.

The amendment was agreed to.

Mr. FERRY, of Michigan. I think I have been very modest. I have offered no amendment to this bill. I now ask leave to offer the following amendment: On page 15, line 344, strike out "fifteen" and insert "thirty-five;" so as to make the clause read:

For the improvement of the harbor and river at Saint Joseph, Michigan, $35,000.

The amendment was agreed to.

Mr. FERRY, of Michigan. I offer another amendment to insert on page 3, after line 49:

For the improvement of the harbor of Pentwater, Michigan, $10,000.

The amendment was agreed to.

Mr. FERRY, of Michigan. I have one more amendment to offer and then I am through. After line 59, on page 3, I move to insert:

For the improvement of the harbor at New Buffalo, Michigan, $10,000.

The amendment was agreed to.

Mr. HAMILTON, of Maryland. I offer the following amendment:

For the improvement of the harbor of Leonardtown and Britton's Bay, Maryland, $20,000.

The amendment was agreed to.

Mr. SHERMAN. I offer the following amendment:

To explore and clear out the obstructions and mill-dams in Owl Creek, Ohio, $5,000.

[Laughter.]

The amendment was agreed to.

Mr. MERRIMON. I offer the following amendment, to come in after line 58 of section 2, on page 18:

Harbor at Edenton, North Carolina; Pungo River and Alligator River, and a line between the same, with a view to connect the waters of these two streams; a line between the Neuse and Cape Fear Rivers, in North Carolina, with a view to connect the waters of the same; and a like line, with a view to connect the waters of Norfolk Harbor, in Virginia, with the waters of the Cape Fear River at or near Wilmington, North Carolina.

The amendment was agreed to.

Mr. BOREMAN. I offer the following amendment, to come in after line 228:

For the improvement of the Little Kanawha River, $25,000.

The amendment was agreed to.

Mr. NORWOOD. On line 196, page 9, I move to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

For the improvement of the Chattahoochee and Flint Rivers, $35,000.

Mr. SPENCER. I do not think these amendments are in order. They have not been referred to any committee.

The PRESIDING OFFICER? What is the point of order?

Several SENATORS. It is too late.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia.

The amendment was agreed to.

Mr. DENNIS. I offer the following amendment:

For the improvement of Chester River, Kent Island Narrows, Maryland, $5,000.
For the improvement of Cambridge Harbor, Maryland, $5,000.

The amendment was agreed to.

Mr. DENNIS. I offer the following amendment for a survey:

For a survey of Patapsco River, from Spring Garden to Elkridge Landing; for a survey of the Potomac River, above Georgetown, for the purpose of removing the rocks known as the Three Sisters, and other obstructions.

The amendment was agreed to.

Mr. SPENCER. I discover that there is a large number of amendments to be made, and in order to give Senators time to prepare them I ask the Senator from Michigan to allow me to call up a bill.

Mr. CONOVER. I object until I can offer an amendment.

Mr. LOGAN. I want to call the attention of the Senate for a moment to one fact. Chicago Harbor, has been estimated for at different times by the Engineer Department. At one time I think the estimate was over a million dollars. In this bill the amount appropriated is $78,000. If I supposed that the intention of the Senate was to load down this bill with such amendments as have been put in it, I certainly should have asked an increase of this appropriation, and also of that for Calumet Harbor, that is in the bill, at $25,000, and ought to be doubled. I do not wish to criticise the action of any Senator, but I think the manner in which we have to-night amended this bill either indicates that we have no regard whatever for the interests of the country or that we have a determination to defeat the bill. Last night, I believe, we voted thirty-odd millions taxation. To-night the Senate is trying to show the country how quickly it can squander that amount. Think of appropriating money for the purpose of clearing out the Sandy River and the Appomattox River, for surveys between rivers. Such amendments as have been made here to-night, in the estimation of this whole country, will be supremely absurd and ridiculous. If the object is to defeat the bill, this is the way to do it. If the intention of the Senate is to pass an appropriation bill for rivers and harbors, all these amendments ought to be wiped out as you would wipe water from a counter with a sponge.

I am a friend of this bill. I voted for some of the amendments. I am in favor of the general system of internal improvements that has been indicated by my friend from Minnesota; but however much I am in favor of that scheme for the general benefit of this whole country, with the number of amendments that have been put on this bill, if they are to remain upon it, I shall certainly vote against the whole thing, and shall do so whenever an opportunity is afforded, unless the bill is stripped of the amendments that ought not to be made.

I merely desired to say this much to show that I do not feel like entering into this character of legislation. It is not the kind of legislation we ought to enter upon at this late hour or at any other time in this session of Congress or any other session. If we intend to legislate, we ought to do it. If we intend to make a bill absurd and ridiculous, then we are taking the right course for that purpose.

Mr. CONOVER. I desire to offer an amendment to the bill:

For the improvement of the inside passage between the Saint John's River, Florida, (at Jacksonville,) and Fernandina, Florida, of the rivers known as the "Sisters," $25,000.

The amendment was agreed to.

Mr. CONOVER. I have another amendment:

For dredging the bar at the mouth of the harbor of Cedar Key, Florida, and to complete the same, $30,000.

The amendment was agreed to.

Mr. CONOVER. I have another amendment:

For enlarging the canal cut through the Haulover, between Mosquito Lagoon and Indian River, on the east coast of Florida, to a uniform width of twenty-five feet and depth of five feet, $5,000.

The amendment was agreed to.

Mr. STOCKTON. I desire to offer an amendment to the bill, and it may strike the Senate with some astonishment that it is not an appropriation of any kind. There is a clause in the bill ordering an examination or exploration of a river in New Jersey, and I desire simply to extend the exploration a few miles further. The effort has been already made to examine the river. There is no money in the thing, and I think there will be no objection on the part of anybody to it. The amendment is to include in the surveys in section 2:

And of the Raritan River, from Staten Island to New Brunswick.

The amendment was agreed to.

Mr. HAMILTON, of Maryland. I offer an amendment for the improvement of the Potomac River in the District of Columbia:

For the purpose of continuing the dredging of the Potomac River and removing dangerous rocks in the harbor of Georgetown, $50,000.

The amendment was agreed to.

Mr. FLANAGAN. Mr. President, old men often become in their action as children. I do not know what that may be applied to. But, sir, I have an amendment or two here that I wish to offer in good faith. I know they are meritorious. I do not thereby say that many have been presented that are not. Upon page 14, at the end of line 325, I propose to insert a small sum. It is rather humiliating I know to name the amount after what we have realized very recently:

For removing the obstructions in the mouth of the San Jacinto River, Texas, $7,500.

This is meritorious, and was reported by the officers of the Government, and I hope it will be acceptable to the Senate and that it will stand the test of any subsequent investigation.

The amendment was agreed to.

Mr. FLANAGAN. I propose to amend on page 15 by inserting at the end of line 340:

For the continuation of the improvement of Cypress Bayou, in Texas, $50,000.

That is legitimate, and really the recommendation of the officers of the Government was some $312,000, but I had no idea at the time I submitted this amendment and had it referred to the committee that the Senate would be so liberally disposed, or I should have contended for $300,000; but I thought if I could get the $50,000, I would be gratified and I still shall be if the Senate will pass it.

The amendment was agreed to.

Mr. McCREERY. I offer the following amendment:

For removing obstructions from the Big South Fork of Cumberland River, $5,000.

The amendment was agreed to.

Mr. McCREERY. I offer the following amendment:

For removing obstructions in Rockcastle River, in Kentucky, from its mouth to the Narrows, $5,000.

The amendment was agreed to.

Mr. WRIGHT. Mr. President, we have about thirteen hours of this session remaining. I think it must be manifest to every Senator on this floor that this bill in its present shape——

Mr. RANSOM. Will not the Senator from Iowa allow me one second to offer an amendment which if the chairman of the committee will give me his attention he will agree to? It is not to embarrass the bill.

Mr. WRIGHT. I believe I have the floor.

The VICE-PRESIDENT. The Senator from Iowa has the floor and declines to yield.

Mr. WRIGHT. I was remarking that we have about thirteen hours of this session left. It must be very manifest to every Senator that this bill must either fail or ought to fail. We have put upon it already from eleven to twelve million dollars, and for every conceivable object. There are a number of streams, rivers, and creeks in my State that I might offer amendments for, and I suppose they would pass through just as many of these have. There are some amendments on this bill made by the Senate that are properly put upon it and that we all concede to be legitimate and essential for the best interests of the country, and all portions of the country, in my judgment, will be satisfied with if they are kept on the bill. What we want is cheaper transportation; and we all feel, and properly, that to make such appropriations is entirely within our power under the Constitution. But, as has been said by the Senator from Illinois, many millions of money have been voted here for objects that nobody can pretend are legitimate or proper.

Now I want to bring the Senate to a direct vote. We have work before us that must be done before this Congress adjourns. I therefore move to lay this bill upon the table, and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. If my friend will withdraw his motion to lie on the table for a moment to allow me to make a suggestion, I think I can suggest a way in which the Senate can proceed.

Mr. WRIGHT. I will listen to the suggestion of the Senator.

Mr. SHERMAN. It seems to me that under the circumstances the better way would be to report the bill to the Senate and then drop all the amendments except those that may be again adopted in the Senate on reflection. Let the bill be reported to the Senate, and then I shall make a few suggestions to the Senate in regard to the bill. In that way, if we desire to save the river and harbor bill, it can be done. Let the bill, with all the amendments be reported and then of course the great body of them will fall.

Mr. WRIGHT. My fear about that is that we shall be in the same situation exactly when we get into the Senate as we are now.

Mr. SHERMAN. I think if the bill is reported, by common consent we can take it as it came from the other House with the four or five propositions which have been added by a yea and nay vote on the motion of the Senator from Minnesota, [Mr. WINDOM,] and thus we may pass a bill every proposition of which has been fairly and fully considered by a committee. In that way I am willing to see the bill passed.

Mr. STEWART. Let me make a suggestion. Let us pass the bill and let it go to a committee of conference, and if it comes back with all the amendments on it, then let it be tabled.

Mr. WRIGHT. I do not propose to let it get that far along if I can help it. I insist on my motion that the bill lie on the table, and I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 29; as follows:

YEAS—Messrs. Anthony, Boutwell, Chandler, Conkling, Cragin, Eaton, Fenton, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Logan, Morrill of Vermont, Pratt, Scott, Sherman, Tipton, Washburn, and Wright—19.

NAYS—Messrs. Alcorn, Allison, Bogy, Boreman, Carpenter, Clayton, Cooper, Davis, Dennis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Johnston, Kelly, Merrimon, Mitchell, Morrill of Maine, Norwood, Pease, Ramsey, Ransom, Sargent, Schurz, Spencer, Stevenson, West, and Windom—29.

ABSENT—Messrs. Bayard, Brownlow, Cameron, Conover, Edmunds, Ferry of Connecticut, Frelinghuysen, Gilbert, Hager, Harvey, Hitchcock, Ingalls, Jones, Lewis, McCreery, Morton, Oglesby, Patterson, Robertson, Saulsbury, Sprague, Stewart, Stockton, Thurman, and Wadleigh—25.

So the amendment was agreed to.

Mr. RANSOM. I offer an amendment to come in before the last paragraph of the bill. It requires no appropriation, and the chairman of the Committee on Commerce consents to it. It simply provides for surveys. The amendment is to insert in the second section:

Pamlico River, from its mouth to the town of Washington, North Carolina.
Neuse River, from its mouth to Goldsborough, North Carolina.
Pasquotank River, from Albemarle Sound, to Elizabeth City, North Carolina.
Perquimans River, from its mouth to the town of Hertford, North Carolina.

The amendment was agreed to.

The bill was reported to the Senate as amended.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 786) for the relief of Samuel S. Potter;

A bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes; and

A bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. CARPENTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 3511) regulating the removal of causes from State courts to the district courts of the United States, respectfully report that they have met, and after a full and free conference they have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreements to the amendments of the Senate and agree to the same with the following amendments:

First. In section 3 strike out the words "before the final hearing or trial therein," where they first occur therein and insert instead thereof as follows: "before or at the term at which said causes could be first tried and before the trial thereof."

Second. Strike out section 7, 8, and 11 of said Senate amendment.

Third. In section 9 of said Senate amendment strike out the words "civil or criminal," in the first line of said section.

Fourth. In line 11 of said section 9 of said Senate amendment, after the word "any," insert the word "such," and strike out the words "civil or criminal" where they occur in said line.

Fifth. In line 17 of said section 9 of said Senate amendment strike out the word "prosecution."

Sixth. In line 21 of said section 9 of said Senate amendment strike out the words "civil or criminal."

Seventh. In lines 28 and 29 of said section 9 of said Senate amendment strike out the words "civil or criminal."

Eighth. In line 34 of said section 9 of said Senate amendment strike out the words "criminal prosecution or penal" and insert in place thereof the word "such."

Ninth. In line 39 of said section 9 of said Senate amendment strike out the words "indictment, presentment, or other."

Tenth. In line 39 of said section 9 of said Senate amendment strike out the word "prosecution."

Eleventh. In lines 41 of said section 9 of said Senate amendment strike out the word "prosecution."

Twelfth. In lines 42 and 43 of said section 9 of said Senate amendment strike out the words "if the cause be of a civil nature, at law or in equity."

Thirteenth. In line 1 of said section 10 of said Senate amendment strike out the word "civil."

Fourteenth. In line 9 of said section 10 of said Senate amendment, after the words "or claim to," insert these words: "or to remove any incumbrance or lien or cloud upon the title and to."

Fifteenth. Strike out section 13 of said Senate amendment and insert instead thereof the following: "All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

Sixteenth. Amend the title of said House bill to read as follows: "An act to determine the jurisdiction of circuit courts of the United States and regulate the removal of causes from State courts, and for other purposes."

MATT. H. CARPENTER,
ALLEN G. THURMAN,
Managers on the part of the Senate.

LUKE P. POLAND,
LYMAN TREMAIN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. HOWE, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 1290) to encourage and promote telegraphic communication between America and Asia, reported it with amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union, ask a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. B. GUNCKEL of Ohio, Mr. JOHN COBURN of Indiana, and Mr. CHARLES A. ELDREDGE of Wisconsin, managers at the conference on the part of the House.

The message also annnounced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 1273) to regulate the proceedings in *mandamus;*

A bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor; and

A bill (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York.

The message also announced that the House had agreed to the resotion of the Senate for the printing of ten thousand copies of the addresses delivered in the two Houses on the occasion of the death of Hon. William A. Buckingham, late a Senator from the State of Connecticut.

The message further announced that the House had concurred in the resolution of the Senate authorizing the Committee on Enrolled Bills to correct the title of the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands, so that it will read "An act granting to railroads the right of way through the public lands of the United States."

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4849) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes;

A bill (H. R. No. 4866) for the relief of Major Nathaniel H. McLean, late of the Adjutant-General's Department, United States Army;

A bill (H. R. No. 4865) to still further continue the act to authorize the settlement of accounts of officers of the Army and Navy; and

A bill (H. R. No. 4867) for the relief of Martha J. Coston.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes.

EQUALIZATION OF BOUNTIES.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union disagreed to by the House.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. LOGAN, Mr. HAMLIN, and Mr. SPENCER.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The question is on concurring in the amendments made as in Committee of the Whole.

Mr. CONKLING. On the question of concurring in the amendment we ought to take the yeas and nays.

Mr. SHERMAN. On each amendment.

Mr. CONKLING. I hear the Senator from Ohio say in his seat "on each amendment." He is quite right about that no doubt, except for the clock. We have now thirteen hours and a great deal to do. We cannot go through these amendments *seriatim* in a good while.

Mr. SHERMAN. Anybody can ask for a separate vote.

Mr. CONKLING. That may be, but we can take the yeas and nays on the amendments in gross, any Senator having a right to reserve any amendment he pleases. The question is substantially the same. I demand the yeas and nays on the question in whatever form it is to be put.

The VICE-PRESIDENT. The Senator from New York asks for the yeas and nays on concurrence in the amendments.

The yeas and nays were ordered.

Mr. WINDOM. I wish a separate vote upon the amendments reported from the Committee on Transportation. They were carefully considered, and I believe it is the sense of the Senate that they should be adopted.

Mr. SHERMAN. It is manifest that in the present condition of the bill we shall have to vote on each separate amendment. I would not like to have a vote on the whole mass of amendments, for in that way they would all be carried just as they have been carried before. I should like in the first place to vote by yeas and nays on the question of putting on the bill the appropriation for the levees of the Mississippi River. That was the commencement of the trouble. We might as well have a vote on that.

The VICE-PRESIDENT. The Senator from New York proposes to have the vote taken on the concurring in all the amendments, reserving such as members choose to reserve for a separate vote.

Mr. SHERMAN. I reserve them all then until we get down to the point where we were involved in trouble. Let the amendments be reported and some will be acted on without objection.

Mr. CONKLING. Let it be so done if the Senate think it wise; but let me remind the Senate that it was at seven o'clock when we proceeded to the consideration of this bill and it is now eleven o'clock. Four hours have been devoted in traversing these amendments under the five minute's rule. Now if they are to be reconsidered *seriatim*, the cock will crow before this bill is disposed of, and in the mean time all the other things which wait for us will wait in vain.

Mr. LOGAN. If there is a separate vote, I presume it will not be necessary for us to take the yeas and nays on every amendment.

The VICE-PRESIDENT. The Senator from Minnesota proposed to reserve the amendments proposed by the Committee on Transportation.

Mr. LOGAN. I hope that will be done.

Mr. GORDON. I wish to make a suggestion. Almost every one of these amendments which the Senator from Ohio will ask a vote upon will need an explanation. The mover of each will want to explain. We shall consume vastly more time probably than it has taken to put them on in explanations; and I suggest that the whole thing had better be disposed of by a committee of conference. I think we shall save a great deal of time in that way.

Mr. SHERMAN. I am not willing for one to pass this bill in the shape it is now and send it to any committee of conference in the world. If we take up the amendments one by one we shall soon come down to the levee question, and probably will have no difficulty in passing on them rapidly after that.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SHERMAN. I call for a divison of the question, and ask that the first amendment be reported.

The VICE-PRESIDENT. The first amendment will be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, adopted an amendment adding to the bill the following sections:

SEC. —. That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and commence the construction of a canal from a point on the Illinois River, at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River, at or above the city of Rock Island, with a branch canal, or feeder, from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water line, and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys, and to enter upon and appropriate to the use of the United States, for the purpose aforesaid, any lands for the construction of such canal and branch, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures, as may be necessary for the safe and convenient navigation of the said canal and branch.

SECTION. —. That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and shall determine and locate the route of said canal with a due regard to the permanency of its construction and its greatest advantages for commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located and before the work thereon shall be commenced.

SEC. —. That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply, at any term of the circuit or district court of the United States for the northern district of Illinois, to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid, and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public uses.

SEC. —. That the Secretary of War shall cause said work to be commenced as soon as practicable, and within six months after this act goes into effect; and he shall cause said work to be constructed in accordance with the provisions of section — of this act, and of permanent and substantial materials and in good work. man-like manner: *Provided*, That Congress may at any time regulate, fix, and determine the tolls and charges to be imposed upon said improvement when completed.

SEC. —. That the sum of $600,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act relating to the canal connecting the Illinois River, at or near the town of Hennepin, with the Mississippi River, at or above the city of Rock Island.

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Clayton, Conkling, Cragin, Davis, Dennis, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Hamlin, Howe, Johnston, Logan, Norwood, Oglesby, Patterson, Pease, Ransom, Scott, Sprague, Stewart, West, Windom, and Wright—29.

NAYS—Messrs. Bayard, Boutwell, Hamilton of Maryland, Jones, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Pratt, Sargent, Saulsbury, Sherman, Stevenson, Tipton, and Washburn—16.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Chandler, Conover, Cooper, Eaton, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hager, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Morton, Ramsey, Robertson, Schurz, Spencer, Stockton, Thurman, and Wadleigh—28.

So the amendment was concurred in.

Mr. SHERMAN. I ask that we proceed now to consider the levee amendment.

The VICE-PRESIDENT. The question is on concurring in the amendment moved by the Senator from Mississippi [Mr. ALCORN] in regard to the levees.

Mr. SHERMAN. On that I wish to say a few words. This is a bill for the improvement of rivers and harbors. It is midnight of the night before the adjournment, and this new project about the levees of the Mississippi was offered as an amendment to the bill. I suppose it surprised every member of the Senate except the one who offered it. The idea of putting a scheme to levee the Mississippi River on a bill of this kind, which is ordinarily composed of appropriations for the improvement of navigation, was a surprise to every one.

The question about the levees of the Mississippi has been studied by me to some extent and is one of the greatest and most difficult problems we have to consider. When the levees of the Mississippi River are made they will cost from thirty to fifty million dollars. It is not likely that the $3,000,000 proposed here will do anything at all except repair them where they are broken. When they are to be constructed on a permanent basis it will cost from thirty to fifty million dollars, and can hardly be attempted unless as a great national work, aided by State and local authority, and supported indeed by taxes upon those who are benefited. To put that subject on this bill would necessarily involve it and probably endanger it and defeat it. I call the attention of my honorable friend from Mississippi, and all Senators from the Southern States who are interested in the levee question, to the fact that after long debate and full consideration the Senate of the United States have by a unanimous vote, without a division, put upon this appropriation bill a scheme to improve the mouth of the Mississippi River. I believe it is a wise one, well considered, approved by engineers, approved by scientific men, which will accomplish the result proposed. That is one of the great works for the Southern States, one of the most important achievements that can be accomplished for them; of more advantage to them and to the whole country than any other single improvement. It is now about to be put into successful consummation. The plan is agreed to by both Houses. The bill has already passed the House, and it is now agreed to by the Senate as an amendment to this bill. It is a most important feature of this river and harbor bill. I appeal to Senators from the Southern States, is it wise to put on this proposition, which has the concurrence of all sections of the country, a measure difficult in itself, vast in its proportions, great in its expenditure, in order to defeat and delay and hamper this most important measure? I trust that Senators, without regard to their ideas about the levee system, the way to do it and how it should be done, will not put this ill-considered scheme offered without debate upon this bill. I appeal to the Senate not to commingle these subjects, but to vote down the levee project and confine the bill simply to what it was intended to be, a bill for the repair and preservation of the harbors and rivers of the country.

With that view I hope the Senate, without being bound by the vote already taken or without yielding anything respecting their convictions on this subject or their desires in the future to adopt a national system in aid of the levees of the Southern States, will relieve this bill from this incubus, and then we can consider and no doubt act upon the subject separately hereafter.

Mr. ALCORN. One of the very best means of improving the navigation of a river is by levees erected upon the banks of that river. That principle is adopted in the amendment to which the honorable Senator refers looking to the jettees at the mouth of the Mississippi River. It is one of the very best means and the most economical means of improving the navigation of streams, confining the water to its ways, and preventing its overflow. The State of Mississippi and the Southern States are no more interested in the opening of the mouth of the Mississippi River than are the people of the State of Ohio. One third of the continent upon which we live is interested in the opening of the mouth of the Mississippi River.

The levees of the Mississippi River had been constructed before the war; they had been built in part by the bounty of the nation; but the accidents of war, the necessities of war, the cruelties of the war demanded that the levees should be leveled with the earth. The flood passes now unrestrained over us. Last year we appealed to the Congress of the United States, and $700,000 were voted from the national Treasury to feed the people whose whole hope had been destroyed by reason of the floods upon the Mississippi River. The people along the line of that river since the war have struggled with a manhood unparalleled in the history of this people; they have borne a taxation and now bear a taxation of sixty cents an acre upon their

lands, besides a tax upon their cotton, to endeavor to protect themselves from the mighty floods of the Mississippi River.

Mr. President, this enemy, the Mississippi River, comes down upon us annually and makes periodical war upon us. We are weak; we hold out our hand to the Government and ask you to help us. We say we are assailed by an enemy against which we have combated for the last ten years, since the war began. You impoverished us by your cotton tax, and we are poor indeed. We appeal to you for help. Will you give it to us? If not, will you feed those poor colored people whose homes are upon the banks of the Mississippi River? You must feed them if you will not protect their homes.

The Senator from Michigan talked awhile ago about the quantity of land given by the Government already for the purpose of protecting these levees. That was true. The State of Mississippi to-day, that embraces thirty million acres of land, has already had forfeited for taxes over six million acres of that land. The land is there. I introduced a bill twelve months ago in which I proposed to retrocede to the Government of the United States every acre of swamp and overflowed land which had been donated to the State of Mississippi. We will give it to you to-day. It is there; take it. If you will build the levees along the Mississippi River, we will divide it up in homesteads and give it to the homeless. It belongs to the State. It is a wild waste; it is a jungle as it is.

If you will vote this appropriation of $3,000,000, we will produce by reason of it, the coming year, within the year, and before the ides of December come, as the result of this appropriation, at least $50,000,000 in sugar and in cotton. Take it, then. If you say vote it down, vote it down. Be it so. I have discharged my duty, and am content.

Mr. CLAYTON. I will say only a few words in addition to what has been said. The Senator from Ohio speaks as though this proposition was brought in here without notice. Sir, it is the result of careful deliberation not only by the Committee on Levees of this body but by a mixed commission composed of learned Army engineers and civil engineers. They have gone all over this ground. This amendment is reported by the Committee on Levees after most careful deliberatian. It is not a measure that has been brought here without deliberation. The Senator from Ohio says——

Mr. SHERMAN. Was any notice of it given to the Committee on Commerce?

Mr. ALCORN. Certainly it was reported by the Committee on Levees and referred to the Committee on Commerce and printed.

Mr. CLAYTON. Certainly it was. The Senator from Ohio says that perhaps except the Senator from Mississippi no one was aware of this measure being introduced here. That is a great mistake. It was acted upon by the Committee on Levees, reported to this body, and referred to the Committee on Commerce and is now properly before the Senate.

Mr. President, if you had adopted this measure at the close of the war instead of putting on an onerous tax upon the products of the people of the South, in my opinion you would have less cause for your troops in the South now. You want to tranquilize the South. You cannot do an act which will in my opinion do more toward tranquilizing the South than by extending this fostering and helping protection. This is not a measure that has no merit; it is a meritorious measure; and I am only sorry that the five-minute rule cuts us off from a full discussion of it. I hope that the friends of the measure, especially our friends in the North, will stand by us, and I say to them that they will see good fruits flow from it.

Mr. FLANAGAN. Feeling a great interest, Mr. President, in this important question, I deem it necessary to make a few observations.

Some forty-five years ago a distinguished man whose name is loved by the American people designated the great river Mississippi as an inland sea. To a very great extent his designation was correct. It is a national matter. This is no political question. If it was, as we have been doing, we should divide very readily on the subject. But we are all engaged in this matter. We feel a deep interest in it. A few million dollars is no consideration. I have been familiar with this system since my boyhood. I know its magnitude. It has been properly stated here that thousands and thousands of dollars' worth, ay, millions, are produced annually from the articles of cotton and sugar. Rice, however, is a very large item there, and that was omitted. The vast interests of this nation taken into consideration, this becomes an insignificant sum. Twenty-five years ago it was the case on the Mississippi that a northern gentleman riding up and down in one of the fine steam-palaces was ready to proclaim that his nation presented a finer coast than the world could boast of. We want it again restored to be the pride of the nation and its substantial benefit in a pecuniary point of view and in every other consideration that can be invoked. It is a matter of merit and I do hope it will receive a favorable consideration by the vote of the Senate.

The VICE-PRESIDENT. The question is on concurring in the amendment as to the levees.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 24; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Cooper, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Johnston, Kelly, McCreery, Merrimon, Mitchell, Patterson, Pease, Ransom, Spencer, Sprague, Stevenson, Tipton, and West—23.

NAYS—Messrs. Allison, Anthony, Boutwell, Chandler, Conkling, Cragin, Fenton, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Sargent, Scott, Sherman, Stewart, Wadleigh, Washburn, Windom, and Wright—24.

ABSENT—Messrs. Bayard, Brownlow, Cameron, Carpenter, Conover, Dennis, Eaton, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Hamilton of Maryland, Harvey, Hitchcock, Ingalls, Lewis, Logan, Morton, Norwood, Ramsey, Robertson, Saulsbury, Schurz, Stockton, and Thurman—26.

So the amendment was rejected.

Mr. WEST. I ask now for a separate vote on the amendment that was agreed to in Committee of the Whole for the improvement of the mouth of the Mississippi River, and as this amendment is eleven pages long and its provisions are very well known I ask unanimous consent that the reading of the amendment may be dispensed with.

Mr. SPENCER. It has been read once.

The VICE-PRESIDENT. The reading will be dispensed with. The question is on concurring in the amendment indicated by the Senator from Louisiana, [Mr. WEST.]

Mr. HOWE. In line 37, page 4, I move to strike out "six" and insert "five" as the rate of interest on this deferred debt instead of 6 per cent. but it is suggested on my right that that amendment has been made, but I do not understand it so.

The VICE-PRESIDENT. The Chair is informed that it has not been.

Mr. WEST. There would seem to be an impropriety in the Government of the United States paying 6 per cent. interest when under present arrngements the highest rate it will pay for money borrowed, that is to say on our bonds, would be 5 per cent.; but if the Senator will take into consideration the fact that this is the money of an individual or of a corporation put into an improvement and that the United States derives the benefit of it, I do not think he will put it on a par with parties who are offering to loan money to the Government. It is 1 per cent. more than is paid upon bonds; but that is an arrangement for loaning money to the Government where the parties who loan the money think they can get a compensation at 5 per cent., while in this case it is reserving a man's money and paying him the ordinary rate of interest and only 1 per cent. more than where we borrow money. The Government pays 5 per cent. interest in gold upon her bonds, and this is to pay 6 per cent. in currency.

Mr. HOWE. I ask for the yeas and nays on the amendment to the amendment.

Mr. WEST. I will accept the amendment here and throughout the original amendment.

The VICE-PRESIDENT. The Senator from Louisiana accepts the amendment of the Senator from Wisconsin. The question will be on the amendment as amended.

Mr. HOWE. I ask if this same amendment is made in every case where the interest is provided for?

Mr. WEST. Yes.

Mr. SHERMAN. The Senator from Wisconsin had better point out the places.

Mr. HOWE. It occurs in the twenty-ninth line, on the fourth page. It occurs again in the forty-fourth line of the same page.

Mr. WEST. It occurs throughout as to all the reserved payments, and I accept it throughout.

Mr. HOWE. It occurs in the fifty-first line of the fifth page and again in the sixty-fifth line on the fifth page.

Mr. WRIGHT. If the vote is about to be taken on this amendment, I wish to say a few words. I am exceedingly anxious to vote for some measure that shall with fair probabilities secure an improvement of the mouth of the Mississippi River. All portions of my State are interested in that. I want to vote for any measure that will in my judgment accomplish this object. I do not want to vote for a measure and will not vote for a measure unless I am satisfied it will accomplish this object. I will not vote for a measure which shall take $8,000,000 more out of the Treasury of the United States unless I can be satisfied that that object will be accomplished. By this amendment it is proposed to give to an individual a contract for opening the mouth of that great river. I have nothing before me to satisfy me that that work can be accomplished, or if it can be accomplished that the amount proposed to be paid is a reasonable sum or that it is not an extravagant sum. I have had good, intelligent, worthy, and responsible engineers tell me that they will do all the work that is proposed by this measure for from 15 to 20 per cent. less than is proposed by it. I think that Congress in proposing this improvement, a great improvement as it is, ought to leave it in the hands of the proper engineers of the Government, and let it out upon contract, or the Government superintend it by its own force in its own hands. I do not believe in giving this contract to any individual, and especially for a sum so very large, when I have no assurance but that it is most extravagant.

In the next place, I do not believe in the principle or theory of this bill. I not believe that the Government ever is justified in proposing that an individual shall take a contract, and if he succeeds he shall have a large sum of money; if he fails, he shall not have his money. I think that all observation and all experience show that in the end it is the most extravagant scheme that a government can enter upon. In my judgment, the Government ought to keep this in their own hands, let their contracts, have their own officers and supervisors to superintend it, and from time to time see how the work progresses. By the terms of this bill there is no provision, as I understand it, for permanency. If you secure the depth of water, then this man is entitled to his money, and the next year or the next two years everything may go because of the manner in which the work is done, and

you may have temporary depth of water and the Government lose it all and pay the money also.

Mr. President, I am anxious for the improvement of the Mississippi River. I am willing to vote any amount of money that may be necessary to accomplish that end. I do not know anything that is more important to the great West than that. I know of nothing to which we can devote money more appropriately than that; and I think it is due from us to the people of this country now in the closing hours of this session that we should reflect well and see whether there is not danger that we are throwing this money away. I say this from a sincere desire to reach a proper end, to have such a measure pass as shall certainly accomplish the end we have in view. My fear is that if we pass this bill the money will be squandered and in the end we shall not get the improvement. If I believed we would and that we would accomplish it, I would readily vote for this amendment; but I do not believe in this or any other case we are justified in providing that any person shall have a large sum of money if he accomplishes what he undertakes, and failing that then he shall have nothing or next to nothing. I do not believe it accords with what is right toward the citizen, and in the end my judgment is that it will be the most extravagant method we can enter upon to improve the mouth of the river.

Mr. WEST. Mr. President, the Senator from Iowa made a statement which he certainly has substantiated by his argument, and that was that he had nothing before him because he is not informed; he will excuse me for saying so. He has quoted provisions of the bill that do not exist in it, and he says there is nothing before the Senate going to show what the contemplated cost of this improvement is. Here is the report. He talks about $8,000,000. Here is the report from the commission appointed last year stating that the cost of this work will be $5,342,000. Now I ask the Senator and I ask the Senate who ever heard of a work being done by the Government of the United States that was ever kept within the limits of the estimates? Here is a proposition to do this work for less than the Government expects that it could do it, and for less than it certainly would do it. So much for that.

Next he says there is no provision here for permanence. He has not read the provisions. There is the strongest provision for permanence and there are the strongest restrictions on this contractor that if the work is not permanent the work shall stop instantly. Let him read the twentieth page. And he quotes prominent contractors——

Mr. WRIGHT. I have read the bill, as I will show.

Mr. THURMAN. Will my friend allow me to "vindicate the truth of history" a little?

Mr. WEST. In a moment. With reference to these contractors, is there any work of the Government of the United States that you let out upon a contract that a man will not go about in fifteen minutes afterward and say "I will do it for less?" If these men are willing to do this work for 20 per cent. less, why are they not before Congress with their proposition? This has been here for three years. Why are they not coming to this contractor and saying, "We will take the work as a sub-contract and make money?" There is nothing of the kind.

Mr. WRIGHT. Allow me to interrupt the Senator. I filed a memorial of a gentleman from my own State here within the last three weeks, and it went to the committee, in which he proposes to do this very work for 10 per cent. less than is offered here.

Mr. WEST. It is the first I heard of it. I have no doubt if we could waste one, two, three, or four years more in asking for proposals, we might be able to economize; but in the mean time the mouth of your great river is blocking up and your grain is locked in its granaries, and it does not find its way to the sea-board. I think the statement of the Senator entirely unwarranted either by the report or by the bill itself.

Mr. THURMAN. I rise simply "to vindicate the truth of history." The Senator from Louisiana asked what public work had ever been undertaken and executed in the United States within the estimates. I confess I know but one instance, and that was the building of the General Post-Office. The building of the General Post-Office was confided to that stern old democrat Amos Kendall. He built it within the estimates. That is the only instance I ever heard of.

Mr. WEST. Thank you, sir.

Mr. WINDOM. I do not want to prolong this debate, but the Senator from Iowa is evidently mistaken on one or two points, and I wish to correct the impression that I think his mistake has made. In the first place, he says that there has been an offer sent to the committee reporting this amendment from a constituent of his proposing to do this work for 10 per cent. less than is named here. The Senator is entirely mistaken upon that point. There is no such, there has been no such, proposition made before the committee. I have heard of none. There was a proposition made by the gentleman to whom he refers to do the work proposed by the House bill for 10 per cent. less than that bill provided, but that bill provided for $10,000,000 for this work. This bill provides for only $7,250,000, capitalizing the continuation of the work for twenty years. This is very much cheaper than that. I know the Senator is simply mistaken.

Further than that, I will say to the Senator that he is mistaken again in the supposition that this is a proposition to give to an individual large pay if he succeeds. We appointed the commission last summer who investigated this whole question and reported upon it carefully after traveling nearly all over Europe to investigate similar works, and they say the cost will be $7,942,000. That is their estimate. This bill provides for only $7,250,000, or $692,000 less than our own estimate.

I think, as the Senator from Ohio has said, that there are very few cases where work has been done for less than the estimate. If we had brought in a proposition here to do this work by the Engineer Department, the opponents of the measure would have come in and told us, "Why, it will cost seven millions, and before you get through it will cost fourteen millions;" but we offer to take a gentleman's proposition to do the work to give you the navigation or no pay, at nearly a million dollars less than our own Engineer Department or a commission appointed for the special purpose estimated, and we are told this is giving a man large pay if he succeeds! I do not want to take time. I know the Senator from Iowa is interested in this question as much as I am. I believe this is the cheapest and most certain way of accomplishing it, and I believe it is the only way in which we can succeed. Hence I am heartily for it and hope we may have the vote.

Mr. WRIGHT. Only one word. I feel exceeding great regret that my friend from Louisiana should have felt that I was unkindly to this measure, and should have in spirit, not in mere appearance and in words, proclaimed on this floor that I knew nothing about this measure, that I had not read the bill. I say to that Senator that I do not usually vote upon a proposition or say anything about a proposition until I know something about it. I am not in the habit of doing such things. I may not understand them as well as the Senator, but I at least make the effort. I am as anxious for the improvement of the Mississippi River as the Senator is. I want to do it in the best way. I may be mistaken in this instance, but if so I am honestly mistaken. My judgment is that in less than five years you will find that this is a mistake. I tell you this Government never can make a contract with an individual by which they agree if successful he shall have something, and if unsuccessful he shall do the work and pour out his money and we not pay him anything. It never can do it without losing money in the end. It does not comport with the dignity of this Government, it does not comport with right action on the part of this body, to say to any man, "You shall pour out your millions; unsuccessful, you shall have no money from the Treasury." In the end the Treasury will bleed for it as sure as we are here.

Now I want to call attention to another thing. The offer was made to do this work by the House bill, it was said, and the House passed a bill, as I understand it, by which over $10,000,000 was to be paid to this man. Now he comes in and proposes to do it for less than $8,000,000. I submit that in that very fact there is a most significant circumstance.

Mr. WEST. Will the Senator allow me to interrupt him? The House bill was for another pass, an entirely different pass, and this is for a deeper one.

Mr. WRIGHT. I do not know whether my time is up, but if so I cannot consent to be interrupted.

The VICE-PRESIDENT. The Senator has a few moments longer.

Mr. WRIGHT. I have no disposition to interfere with anything that may tend to accomplish this work. I only want to put myself on record at this time. I shall vote against this measure. I have no doubt it will pass, but I want to say now that in my judgment I believe it will be a mistake.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole as to the improvement of the mouth of the Mississippi River.

Mr. EATON. I recognize the duty of every Senator to vote on every measure. I would like to be excused from voting on this, and for this reason: it is about being married to a project that I do not believe this Government has any power to go into.

The VICE-PRESIDENT. The Senator from Connecticut asks to be excused from voting.

The question being put, it was determined in the affirmative.

Mr. BOUTWELL. I am paired with the Senator from Indiana, [Mr. MORTON.] If he were present he would vote in favor of the amendment, and I against it.

The question being taken by yeas and nays, resulted—yeas 40, nays 6; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Clayton, Cooper, Cragin, Davis, Dorsey, Fenton, Flanagan, Goldthwaite, Hamilton of Texas, Hamlin, Harvey, Ingalls, Johnston, Jones, Kelly, Logan, McCreery, Mitchell, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Schurz, Scott, Sherman, Spencer, Stevenson, Stewart, Stockton, Thurman, Tipton, Washburn, West, and Windom—40.

NAYS—Messrs. Chandler, Edmunds, Howe, Sargent, Wadleigh, and Wright—6.

ABSENT—Messrs. Anthony, Bayard, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Conover, Dennis, Eaton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Gordon, Hager, Hamilton of Maryland, Hitchcock, Lewis, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Ransom, Robertson, Saulsbury, and Sprague—27.

So the amendment was agreed to.

F. T. GRANT'S PATENT.

Mr. HAMLIN. I shall be obliged to be absent from the Senate on a committee of conference. There is a bill on the table which will not take five minutes that I ask the Senate to allow me to have taken up and passed now. It is to renew a patent. The Senator

from New Hampshire [Mr. WADLEIGH] has made a report upon the case.

There being no objection, the bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant May 29, 1860, was considered as in Committee of the Whole.

Mr. HAMLIN. The bill simply authorizes the man to go to the Commissioner for a hearing.

Mr. WADLEIGH. It is a case where a hearing has already been had and the Commissioner decided to extend the patent, but on account of an accident the money was not received at the office quite in season. It came a day or two too late, and therefore the certificate was not signed.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MANDAMUS PROCEEDINGS.

Mr. RANSOM. A message came from the House a short time ago announcing its agreement to the amendments of the Senate to the bill (H. R. No. 1273) to regulate proceedings in *mandamus*. I wish before the bill is enrolled to have it referred to the Judiciary Committee for examination.

The VICE-PRESIDENT. Such a motion would not be in order at this stage of the bill.

Mr. RANSOM. I have consulted with members of the Judiciary Committee and they think the bill needs examination.

Mr. BOUTWELL. If the bill is here, I think we had better leave it on the table, and the Judiciary Committee can look at it.

Mr. RANSOM. The Senator from Massachusetts will pardon me for saying that it is a bill in which my State and other States are greatly concerned. I have consulted with the Judiciary Committee, and on the suggestion of leading members of that committee I make the motion that the bill be now referred to the committee for examination. The bill has not yet been enrolled.

The VICE-PRESIDENT. The bill is in possession of the House of Representatives. It is not in the possession of the Senate.

Mr. RANSOM. Then I move that the Senate request the recall of the bill from the House.

The VICE-PRESIDENT. The Senator from North Carolina moves that a message be sent to the House of Representatives asking the return of the bill.

The motion was agreed to.

MARY C. TOY.

Mr. ALLISON. I ask unanimous consent to pass a little pension bill that must go back to the House on account of a slight amendment. It is House bill No. 3884.

Mr. WINDOM. I will not object to this, but I must insist on the regular order until the river and harbor bill is disposed of.

There being no objection, the bill (H. R. No. 3884) granting a pension to Mary C. Toy was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Toy, widow of John B. Toy, late a private in Company A, of the Sixty-sixth Regiment of Iowa Volunteers.

The Committee on Pensions reported the bill with amendments in line 6 to strike out "B" and insert "V," so as to read "John V. Toy;" and to change the regiment to the "Sixteenth Regiment of Iowa Volunteers" instead of the Sixty-sixth.

The amendments were agreed to.

The bill was reported to the Senate, and the amendments were concurred in.

The amendment were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. WINDOM. I insist on the regular order.

The VICE-PRESIDENT. The bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, is before the Senate.

Mr. WINDOM. There are two or three committee amendments, the list of which I send to the Secretary, all of which were voted on by yeas and nays and reported from the Select Committee on Transportation. I shall have to ask a separate vote on each. I presume the Senate does not desire to vote again by yeas and nays, but I hope they will be acted on so that we may ascertain the sense of the Senate.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Will the Senator name the amendments?

Mr. WINDOM. I sent a list of them all to the clerk some time ago. The yeas and nays were taken on each and every one of them in committee.

Mr. SPENCER addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama has risen for some purpose.

Mr. SPENCER. I wish to make a few remarks. It is very seldom I ask a favor of the Senate.

Mr. BOGY and Mr. DAVIS. I insist on the regular order.

Mr. SPENCER. I have a right to speak on the question that is before the Senate. It is very seldom that I occupy the attention of the Senate. It is very seldom that I ask for anything of the Senate. I am appointed on a committee of conference and have to leave the Senate——

Mr. WINDOM. I insist on the regular order. I have a right to insist on it.

Mr. SPENCER. I was going on to make my remarks.

The PRESIDING OFFICER. The Chair understands the Senator from Alabama to be addressing himself to the bill.

Mr. WINDOM. Then I have no objection.

Mr. SPENCER. I was going on to say that I am now about to go out on a committee of conference, and may be detained several hours, for the bill is of great importance, and there will be a great deal of difficulty in arriving at a conclusion. I ask as a favor that the Senate will take up House bill No. 4448, making an appropriation for the new school building in the city of Georgetown, District of Columbia.

Mr. WINDOM. There are half a dozen requests from Senators all around me, and I must insist on this bill or it will be lost.

Mr. SPENCER. I have not made a request at this session.

Mr. WINDOM. I would be very glad indeed to yield to the Senator; but I am told his bill cannot pass without discussion, and I must insist on the regular order.

Mr. SPENCER. It will not take the time to pass the bill that I have already been talking about the bill to the Senate.

Mr. WINDOM. It will lead to discussion.

Mr. SPENCER. There will be no discussion on the bill whatever.

Mr. WINDOM. I insist on the regular order.

The PRESIDING OFFICER. The Senator from Minnesota insists on the regular order, and the motion of the Senator from Alabama cannot be entertained. The Secretary will read the first amendment of the Senator from Minnesota on the list.

The SECRETARY. On page 2, line 17, strike out "five" and insert "six;" so as to read:

For the improvement of the Fox and Wisconsin Rivers, $600,000.

The question being put, there were on a division—ayes 18, noes 21.

Mr. WINDOM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I wish to say one word on that amendment. That improvement lies wholly within the bounds of a single State. New York has made far more miles of canal than that canal. Ohio has made twice as many miles of canal as that canal or as that improvement. This is an appropriation upon the top of nearly three millions that have been expended upon an improvement frozen for six months in the year.

Mr. WINDOM. I do not desire to debate this. This was voted on before. It has been before the country for a long time, and it is well understood. It is understood by five or six States in the Northwest that it will cheapen the cost of getting to market ten or fifteen cents a bushel. If the Senator from Ohio and the Senate want to defeat it with fifty thousand people petitioning for it, I have nothing to say.

Mr. MERRIMON. I should not object to this so seriously—indeed, I might be induced to support some of these measures—if it were not the fact that it is the inauguration, the placing on foot practically of that grand scheme which the committee themselves say will cost about $155,000,000.

Mr. CHANDLER. I wish to state that the engineers in charge of this work are entirely satisfied that with the amount recommended by the Committee on Commerce in the other House they have all they can judiciously expend this year; but if we have a surplus that we are anxious to throw away, it is as well to do it there as anywhere else.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the roll-call will proceed.

The Secretary proceeded to call the roll, and Mr. ALCORN responded to his name by voting "nay."

Mr. WINDOM. Mr. President——

The PRESIDING OFFICER. The Senator is too late. One Senator has responded to his name. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 19, nays 25; as follows:

YEAS—Messrs. Allison, Boreman, Cragin, Davis, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Johnston, Mitchell, Patterson, Ramsey, Schurz, Scott, West, Windom, and Wright—19.

NAYS—Messrs. Alcorn, Bayard, Bogy, Chandler, Clayton, Cooper, Dennis, Dorsey, Eaton, Fenton, Hamilton of Maryland, Hamilton of Texas, Jones, Kelly, McCreery, Merrimon, Pease, Pratt, Sherman, Stevenson, Stewart, Thurman, Tipton, Wadleigh, and Washburn—25.

ABSENT—Messrs. Anthony, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Conover, Edmunds, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hager, Hamlin, Hitchcock, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Ransom, Robertson, Sargent, Saulsbury, Spencer, Sprague, and Stockton—29.

So the amendment was non-concurred in.

The PRESIDING OFFICER. The next amendment on the list will be reported.

The CHIEF CLERK. The next reserved amendment is on page 7, line 158, to strike out "3" and insert "8;" and in line 159 to strike out "one" and insert "six;" so that the clause will read:

For the improvement of the Ohio River, $800,000; that $600,000 of this amount shall be used for, and applied toward, the construction of a "movable dam," or a dam with adjustable gates, for the purpose of testing substantially the best method

of improving permanently the navigation of the Ohio River and its tributaries; the location of this work, with the plan of construction and the application of the amount hereby appropriated, to be submitted to the Secretary of War for his approval.

Mr. DAVIS. Three hundred thousand dollars being in already, this is an increase of $500,000 for the Ohio River.

Mr. THURMAN. This is an increase of $500,000, $800,000 in all; $600,000 of which is to construct a "movable dam." I think it would be better to change the words and say a "damnable move." [Laughter.] Now if you are to pile on appropriations in that way, you might as well give up this bill at once.

Mr. WINDOM. If the Senator from Ohio is going to attack this bill with such acute wit as that, I think we might as well about give it up.

Mr. THURMAN. I think so.

Mr. WINDOM. He was extremely witty awhile ago with reference to this "movable dam." If he would take pains to inform himself about it he would find it is not so damnable a move as he thinks. All there is about this movable dam, if the Senator would take the trouble to inform himself, is this: It is so constructed that in low water the vessels pass through the chute, and the water is retained a long deep space in the river above so that it can be let down in high water. There is nothing new about it. It may be entirely new to the Senator because he has not studied it; but if he desires by the force of his tremendous wit to defeat a matter for the benefit of his own constituents, I shall not insist more on it here.

Mr. THURMAN. I am willing to take the responsibility.

Mr. CHANDLER. I understand that in the spring of the year, when the ice is very thick, these dams move very rapidly and a great way.

Mr. WINDOM. I would like to know if the honorable Senator ever knew of such a dam, or ever heard of one before, and where it was. My impression is that the chairman of the Committee on Commerce has given very little attention to this subject except to try to defeat every amendment that does not suit him.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment will be reported.

The CHIEF CLERK. The next reserved amendment is on page 8, line 173, to strike out "one" and insert "six;" so as to read.

For the improvement of the Great Kanawha River, West Virginia, $600,000.

Mr. DAVIS. This, as is well known, is the Kanawha River. There is no dam upon that. I think it very meritorious, and I hope the Senate will agree to it. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 20; as follows:

YEAS—Messrs. Alcorn, Allison, Bogy, Boreman, Clayton, Davis, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Mitchell, Patterson, Pease, Ransom, Scott, West, and Windom—21.

NAYS—Messrs. Bayard, Boutwell, Chandler, Dennis, Eaton, Edmunds, Fenton, Frelinghuysen, Hamilton of Maryland, Hamilton of Texas, Howe, McCreery, Merrimon, Morrill of Vermont, Pratt, Sargent, Sherman, Tipton, Wadleigh, and Washburn—20.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Cooper, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hager, Hamlin, Jones, Kelly, Lewis, Logan, Morrill of Maine, Morton, Norwood, Oglesby, Ramsey, Robertson, Saulsbury, Schurz, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, and Wright—32.

So the amendment was concurred in.

The PRESIDING OFFICER. The next amendment on the list will be reported.

The CHIEF CLERK. The next reserved amendment is on page 8, line 176, to strike out "$160,000" and insert "$560,000" as the appropriation—

For the improvement of the Tennessee River below Chattanooga, including the Muscle Shoals.

The question being put, there were on a division—ayes 18, noes 10; no quorum voting.

Mr. SARGENT. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 20; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Cooper, Cragin, Davis, Dennis, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Mitchell, Norwood, Oglesby, Patterson, Pease, Ramsey, Ransom, and Windom—23.

NAYS—Messrs. Allison, Bayard, Boutwell, Chandler, Conkling, Eaton, Edmunds, Fenton, Frelinghuysen, Hamilton of Maryland, Howe, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Pratt, Sargent, Sherman, Tipton, and Washburn—20.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Conover, Dorsey, Ferry of Connecticut, Flanagan, Gilbert, Hager, Hamilton of Texas, Hamlin, Jones, Kelly, Lewis, Logan, Morton, Robertson, Saulsbury, Schurz, Scott, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, Wadleigh, West, and Wright—30.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. MCPHERSON, its Clerk, announced that the House, in accordance with the request of the Senate, returned the bill (H. R. No. 1273) to regulate proceedings in *mandamus*.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; and

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter.

The message further announced that the House had passed the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3511) regulating the removal of causes from State to the circuit courts of the United States.

DEFICIENCY APPROPRIATION BILL.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, have had the same under consideration, made sundry amendments, and have instructed me to report it back with these amendments. I have to say that the amendments are not very large, though there are quite a number of them. I suggest that it is probably entirely impracticable to have these amendments printed. I ask the Senate whether they will consider the bill without an attempt to print it?

Mr. EDMUNDS. There is no use to try to print it.

Mr. MORRILL, of Maine. I will take the earliest moment to call it up.

Mr. SHERMAN. Why not take it up now?

Mr. DAVIS. There is one bill pending, an appropriation bill.

EXECUTIVE SESSION.

Mr. EDMUNDS. I think it would be a great advantage to all parts of the country to have a short executive session of ten or fifteen minutes, because everything will fall otherwise. I therefore move that we proceed to the consideration of executive business.

Mr. DAVIS. Can we not finish the river and harbor bill first?

Mr. CONKLING. Let us have a short executive session. We will open the doors again and lose nothing by it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. BOUTWELL. While the galleries are being cleared I would like to take up and pass a patriotic bill giving condemned cannon for a monument to General Warren.

Mr. ALLISON. I would like to pass a little pension bill while the doors are being closed.

Mr. DAVIS. I object.

The Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, (at one o'clock and twenty-five minutes a. m. Thursday, March 4.)

ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. BOUTWELL. I ask unanimous consent of the Senate to proceed to the consideration of House bill No. 3923.

There being no objection, the bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes, was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment to the bill, to add thereto the following proviso:

Provided, That the same can be done without detriment to the service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH ANN CROSBY.

Mr. DAVIS. I call for the regular order.

Mr. ALLISON. I want to make a report in a pension case so as to have it on the table. The Committee on Pensions, to whom was referred bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby, have instructed me to report the same favorably. I ask that it be placed on the Calendar.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The bill will be placed on the Calendar.

Mr. WEST. I call for the regular order.

Mr. MORRILL, of Vermont. I ask leave to pass two little bills that I am charged with that will not take over two minutes.

Mr. DAVIS. We must have the regular order.

Mr. WEST. I insist on the regular order.

LOUISE HOME.

Mr. STOCKTON. Mr. President, I ask the Senate, the last thing that I ever shall in all human probability ask the Senate of the United States, to allow me to call up the bill relative to the Louise Home. It is a mere matter of charity, and it would be a pleasure to me to get that bill through to-night.

Mr. WINDOM. It is impossible to resist that appeal, but I will resist all others.

The PRESIDING OFFICER. The Senator from New Jersey, as a

parting appeal, asks to take up the bill he has named. Is there objection? The Chair hears no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. STOCKTON. Gentlemen, thank you. That is all I have got to say.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Senate had passed the following bills:

The bill (S. No. 867) to correct a clerical error in the acts granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;

The bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

The bill (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture.

The message further announced that the House had passed a joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875; in which it requested the concurrence of the Senate.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. GORDON. I have an amendment to offer to the bill. On page 9, line 204, after the words "thousand dollars," I move to add:

And also $5,000 for removing the dry-dock in the south channel of the Savannah River.

Mr. MORRILL, of Vermont. I ask unanimous consent of the Senate to pass two bills that I am charged with that will not take over two minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DAVIS. There is objection.

Mr. SCOTT. I desire to call the attention of the Senator from Vermont and of other Senators interested in the bill to which I have referred, and for which I have unanimous consent, whenever the river and harbor bill is disposed of, that if we take up other bills it imperils that bill. Senators who are interested in it much more than I am will take notice that there are eleven hundred cases in that bill all of which are pressing; and if other bills are taken up after unanimous consent given to take up this bill, I am not to blame for it.

Mr. SARGENT. I shall insist on taking up the deficiency bill when this bill is through.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia, [Mr. GORDON.]

The amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments made as in Committee of the Whole were concurred in.

Mr. CONKLING. Does that concur in all the amendments?

The PRESIDING OFFICER. They are all concurred in.

Mr. CONKLING. I ask for the yeas and nays to see whether they are concurred in.

Mr. SHERMAN. None of these amendments should be adopted unless by being called over, so that we may know what they are. Those that were put on by hotchpotch cannot be passed over without knowing what they are.

The PRESIDING OFFICER. The amendments will be reported.

The first amendment was on page 3, to insert the following:

For the harbor of Pentwater, Michigan, $10,000.

Mr. SHERMAN. Not one of those amendments came from a committee, and I think under the circumstances we can hardly be asked to vote for them. They were offered here without examination, without being understood.

The amendment was non-concurred in.

The next amendment was on page 3, to insert:

For the improvement of the harbor at New Buffalo, Michigan, $10,000.

The amendment was non-concurred in.

The next amendment was to insert in section 2:

For Pamlico River, from its mouth to the town of Washington, North Carolina.
Neuse River, from its mouth to Goldsborough, North Carolina.
Pasquotank River, from Albemarle Sound to Elizabeth City, North Carolina.
Purquimans River, from its mouth to the town of Hertford, North Carolina.

Mr. RANSOM. This is simply for a survey, and contains no appropriation.

Mr. EDMUNDS. There will be an appropriation next year.

The question being put, there were 20 ayes——

Mr. EDMUNDS. I beg to ask the Chair to count the negative and report them.

The PRESIDING OFFICER. The Senator from Vermont asks that the negative be counted.

The noes being counted, there were 11.

Mr. SARGENT. These are surveys, and ought to be in the latter part of the bill.

The PRESIDING OFFICER. There appears to be a quorum present.

Mr. EDMUNDS. Whether there is a quorum here or not, you cannot adopt or reject an amendment without a quorum voting.

The PRESIDING OFFICER. The Chair observed that there seems to be a quorum present.

Mr. EDMUNDS. Let the Chair state the question again.

The PRESIDING OFFICER. The question is on concurring in the amendment offered by the Senator from North Carolina, [Mr. RANSOM.]

Mr. RANSOM. It is simply for a survey.

The amendment was concurred in, there being on a division—ayes 39, noes 7.

Mr. SARGENT. Now I ask unanimous consent that that amendment be put at the end of the surveys, where it belongs.

Mr. CONKLING. At the end of the Calendar. [Laughter.]

The PRESIDING OFFICER. That change will be made, if there be no objection.

The next amendment made in Committee of the Whole was on page 5, to insert:

For dredging the mud-bars in the Hudson River in front of Jersey City, $35,000.

The PRESIDING OFFICER put the question, and declared that the noes appeared to prevail.

Mr. FRELINGHUYSEN. I call for a division. I hope that will not be voted down. It is recommended by General Newton. The surveys have been made, and it is considered important. There is a recommendation that $100,000 be expended, but this $35,000 will save a good deal of damage, and I trust the Senate will take the advice of General Newton on the subject. There is a written report which, if they wish to hear, I will read.

Mr. SHERMAN. Has the amendment been reported from a committee?

Mr. EDMUNDS. From the Committee of the Whole. [Laughter.]

Mr. SHERMAN. The Committee of the Whole was *non compos mentis* at the moment.

Mr. FRELINGHUYSEN. It was reported from the Committee on Commerce.

Mr. CONKLING. And was as much reported as any other amendment from that committee.

Mr. CHANDLER. I understand this to be private property.

Mr. FRELINGHUYSEN. It is not private property any more than the harbor of New York is private property. Every man in the country is interested in this amendment.

The amendment was concurred in, there being on a division—ayes 22, noes 18.

The next amendment made in Committee of the Whole was on page 5, after line 113, to insert:

For the construction of an additional pier in the ice harbor at New Castle, Delaware, $20,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the harbor at Wilmington, Delaware, $20,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the continuation of the construction of the United States pier at Lewes, Delaware, $50,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the harbor at Chrisfield, Maryland, $37,317.50.

Mr. DENNIS. I wish to say that this has been agreed to by the Committee on Commerce. I have seen its members here, and they all concur in it.

The amendment was concurred in—ayes 40, noes not counted.

The next amendment made as in Committee of the Whole was on page 8, to insert the following:

For the improvement of the Big Sandy River from, Piketon, Kentucky, to the mouth of the Ohio River, $15,000.

The amendment was non-concurred in.

The next amendment was on page 9, line 196, to strike out "25" and insert "35;" so that the clause will read:

For the improvement of the Chattahoochee and Flint Rivers, Georgia, $35,000.

The amendment was non-concurred in.

The next amendment was in lines 202, to strike out "10" and insert "100;" so as to increase the appropriation for the improvement of the harbor at Charleston, South Carolina, to $100,000.

Mr. PATTERSON. In regard to this appropriation I merely wish to say that Charleston Harbor, since the war, has only received $88,000. You all know that the harbor was closed up during the war, and since then the Government has only spent $88,000 there to $321,000 in North Carolina.

Mr. CHANDLER. I will state that $10,000 is all the engineers have asked for that harbor this year.

The amendment was non-concurred in, there being, on a division—ayes 16, noes 22.

The next amendment was at the end of line 204, to insert:

For removing dry-dock in the south channel of the Savannah River, $5,000.

The amendment was non-concurred in.

The next amendment was in line 206, to strike out "5" and insert "20;" so as to read:

For the improvement of Etowah, Oostenaula, and Coosawattee Rivers, Georgia, $20,000.

The amendment was non-concurred in.

The next amendment was after line 212 on page 9 to insert:

For enlarging the canal cut through the Haulover, between Mosquito Lagoon and Indian River, on the east coast of Florida, to a uniform width of twenty-five feet and depth of five feet, $5,000.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the inside passage betwen the Saint John's River, Florida, (at Jacksonville,) and Fernandina, Florida, of the rivers known as the "Sisters," $25,000.

The amendment was non-concurred in.

The next amendment was to insert:

For dredging the bar at the mouth of the harbor of Cedar Key, Florida, and to complete the same, $30,000.

The amendment was non-concurred in.

The next amendment was on page 10, after line 226, to insert:

For the improvement of the Little Kanawha River, $25,000.

Mr. DAVIS. This is specially asked for by my colleague, who is not in his seat now. He has at this session given a great deal of attention to the subject. It is a very small sum, $25,000, and I hope the Senate, on his account, will let it stand.

The question being put, it was declared that the noes appeared to prevail.

Mr. DAVIS. I ask for a division on account of my colleague who is not in his seat. He has paid a great deal of attention to it.

The question being again put, there were on a division—ayes 15, noes 9; no quorum voting.

Mr. DAVIS. I ask that it be passed by until my colleague comes in. There is not a quorum voting on it. If my colleague does not come in, I will not call it up again.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and this amendment will be passed over until either the Sentaor's colleague appears or the bill is passed.

Mr. SARGENT. It will be considered lost if the Senator from West Virginia does not come in.

The PRESIDING OFFICER. That is the understanding.

The next amendment was in line 228, to strike out "one" and insert "two;" so as to read:

For the improvement of Cape Fear River, North Carolina, $200,000.

Mr. RANSOM. I hope this amendment will be adopted. The hours are flying too fast for me to talk about it, but I desire to say that it is recommended strongly by the engineers, more strongly than any other recommendation made in their report. It is estimated for in the estimates of the Secretary of War, and ought to be passed.

Mr. CONKLING. How much is it?

Mr. RANSOM. Two hundred thousand dollars. It is all we get in North Carolina. It is the only cent we ask for, and this is necessary for the improvement of that river.

Mr. DAVIS. That increases the amount $100,000.

Mr. RANSOM. Only $100,000. I hate to detain the Senate, but allow me to read what the engineers say.

Mr. OGLESBY. State what they say.

Mr. RANSOM. That it is a great national work and promises a great deal. And a little liberality is the very best economy in the case.

The amendment was concurred in; ayes 28, noes not counted.

The next amendment made in Committee of the Whole was to insert on page 10:

For the improvement of the Appomattox River, Virginia, $30,000.

Mr. JOHNSTON. I hope that amendment will be kept in. This is quite an important improvement. There is a considerable trade there, which pays a large internal-revenue tax. This improvement has been commenced and is among the estimates. I trust the Senate will leave it in.

Mr. EDMUNDS. I hope they will. I remember that is a very important river. I think I have heard of Appomattox before. I think we ought to leave it in.

Mr. SHERMAN. That was Appomattox Court House.

The amendment was concurred in; ayes 22, noes not counted.

The next amendment was on page 11, after line 256, to insert:

For a harbor at Port Jefferson, New York, $15,000.

Mr. THURMAN. What? Read that again.

The amendment was again read.

Mr. CONKLING. The Senator from Ohio seems hard of hearing when this is mentioned; but if I thought I could do so without injuring the measure, I would like to say to him that this is one of two amendments, the other for $20,000, which have been admitted by the Senate upon the bill, in the State of New York. This amendment I moved because there is work there in condition for repair. The engineers say there should be $35,000 expended upon it this year. Petitions have been presented here for it signed by people in great numbers. It is an important work and it ought not to be discarded from the bill.

Mr. THURMAN. I never in the world could resist an appeal made by my friend from New York in a good, kind, amiable manner. I hope the amendment will be adopted.

Mr. CONKLING. Thank you.

Mr. PEASE. I would like to inquire whether this has been reported by any committee?

Mr. CONKLING. This has been referred to the Committee on Commerce and reported as much as any amendment by that committee, the committee reporting them all back, those that have been adopted and those that have not, without recommendation, that report being made when the tax bill had failed and the committee did not feel at liberty to recommend even the passage of the bill, and did not recommend it. This is recommended by the engineers in the strongest terms. It is in the estimates and has every badge of regularity that any amendment has which the Senate has adopted to-night.

The amendment was concurred in, there being on a division—ayes 34, noes 4.

The next amendment was to insert:

For Rondout Harbor, New York, $20,000.

Mr. FENTON. This is the other amendment to which my colleague referred, and I hope the Senate will adopt it.

The amendment was concurred in.

The next amendment was on page 12, line 264, to strike out "20" and insert "60;" so as to make the clause read:

For the improvement of the breakwater at Block Island, Rhode Island, $60,000.

Mr. SPRAGUE. My colleague has the report of the engineers in support of that amendment but he is absent.

Mr. EDMUNDS. That is right; let Block Island have it.

The question being put, it was declared that the noes appeared to prevail.

Mr. SPRAGUE. I will have my colleague sent for.

Mr. EDMUNDS. I think if we take the question again the amendment will be adopted. Block Island is really an important point to all the commerce of the country.

Mr. SPRAGUE. I hope it will be adopted.

The amendment was concurred in.

Mr. GORDON. The amendment which I offered for the removing of a dry-dock in the south channel of the Savannah River was not a reserved amendment. It was offered in the Senate, and it has since been stricken out. I am satisfied it was done inadvertently.

The PRESIDING OFFICER. It was stricken out in the Senate.

Mr. HOWE and Mr. SHERMAN. Go on with the next amendment.

Mr. CHANDLER. I ask for a division on the Block Island amendment. ["Too late!"]

Mr. CHANDLER. No, sir; I called for it before the vote was announced.

The PRESIDING OFFICER. The Senator states that he called for it before the result was announced.

Mr. CHANDLER. I believe that is more than what is wanted.

The question being again put, there were on a division—ayes 27, noes 10.

So the amendment was concurred in.

The next amendment was to insert after line 266, page 12, the following:

For removing obstructions from the Big South Fork of Cumberland River, $5,000.

The question being put, it was declared that the noes appeared to prevail.

Mr. McCREERY. I do hope that this will not be hastily stricken from the bill. I have a little testimony here in favor of that work, [holding up a large volume.]

Mr. EDMUNDS. Let us hear it read. [Laughter.]

Mr. CONKLING. Read it by its title.

Mr. McCREERY. Very well; I will send it to the Clerk and have it read.

Mr. CHANDLER. This and the next amendments were adopted without being referred to the committee. I believe neither of them would have stood the point of order for a second; but after I yielded the point of order a great many things came in that really could not have made their appearance.

The amendment was concurred in; there being on a division—ayes 30, noes 15.

The next amendment was to insert after line 272, on page 12:

For removing obstructions in Rockcastle River, in Kentucky, from its mouth to the Narrows, $5,000.

The amendment was concurred in; there being on a division—ayes 29, noes 15.

The next amendment made as in Committee of the Whole was to insert after line 308, page 13:

For the construction of a canal connecting the waters of the Coquille River, in Oregon, with the head-waters of Isthmus Slough, an arm of Coos Bay, Pacific Ocean, $50,000.

Mr. MITCHELL. I hope this amendment will be agreed to. I will state that it is recommended very strongly by the Engineer Department. The improvement is a considerable one, and will cost some $222,000. The Engineer Department recommend an appropriation at this time of $100,000. I have been modest, and have only asked $50,000. I hope it will be granted. I have a letter from the Secretary of War and also from the Chief of Engineers on the subject.

Mr. STEWART. Is the work done?

Mr. MITCHELL. We have it commenced.

Mr. STEWART. Have the surveys been made?

Mr. MITCHELL. The surveys have been made. The report of the engineers shows it is right.

The question being put, there were on a division—ayes 20, noes 21.

Mr. SHERMAN. Where is this canal?

Mr. MITCHELL. It is a canal connecting the waters of the Coquille River, in Oregon, with the Pacific Ocean. I call for the yeas and nays. ["No," "no."] Then I ask for another division. This is recommended strongly by the Engineer Department. The estimate is here; it is for over $220,000.

The question being again put, there were on a division—ayes 17, noes 23.

So the amendment was non-concurred in.

The next amendment made as in Committee of the Whole was to insert:

For the purpose of continuing the dredging of the Potomac River and removing certain dangerous rocks in the harbor of Georgetown, $30,000.

The amendment was non-concurred in.

The next amendment made as in Comimttee of the Whole was to insert:

For the improvement of the harbor of Leonardtown and Britton's Bay, Maryland, $20,000.

Mr. HAMILTON, of Maryland. Allow me to call the attention of the Senate to that appropriation for one minute. It is in Saint Mary's County, Maryland, and if there is a county in the United States of America that is distinguished it is that county.

Mr. EDMUNDS. For what?

Mr. HAMILTON, of Maryland. For everything, especially for civil and religious liberty. [Laughter.] It was the first settlement in Maryland. It is upon the Potomac River, and the river is three miles wide there. If there is a point anywhere in the State upon that great river it is that point that ought to have an appropriation. It is the only appropriation for the peninsula of Maryland or that that peninsula has received for years, and it may be all it will receive for years to come, for they have never asked anything hitherto. Impoverished and ruined and bankrupt, they can do nothing for themselves; for when they could do for themselves, they were not here in Congress for you to do it for them. You may defeat it; you may have other appropriations in this bill; but if you were personally cognizant of the condition of things there as we are, I am sure a vote would not be given against it.

Mr. CONKLING. What is the amount of the appropriation?

Mr. HAMILTON, of Maryland. Twenty thousand dollars, and that is the medium estimate of the Department. One is $30,000, and the other is $13,000. Now you may take either. If you are not satisfied with $20,000, give us the lowest, $13,000.

Mr. CHANDLER. There is nothing to recommend it. It will give so many feet in length and so many feet in width, but there is no recommendation for it.

The amendment was non-concurred in.

The next amendment made as in Committee of the Whole was after line 315, page 14, to insert:

For removal of snags, stumps, and overhanging limbs in Yam Hill River, Oregon, $5,000.

Mr. MITCHELL. I ask for a division, and I will state again that this is recommended in the strongest terms by the Engineer Department. A survey was ordered at the last session of Congress, and the estimates have been made. They present two estimates. One reads as follows:

Removal of snags, stumps, and overhanging limbs	$5,000
Cutting through rock at several points, already enumerated, and widening the river at the same	50,000
Construction of lock and dam	150,000
Contingencies	1,500
Engineering, superintendence, and office work	15,000
Estimate for detailed surveys and drawings	1,000
	222,500

The amendment was concurred in—ayes 35, noes not counted.

The next amendment made as in Committee of the Whole was to insert after line 325, on page 14, the following:

For removing obstructions in the mouth of the San Jacinto River, Texas, $7,500.

Mr. FLANAGAN. I dislike to say anything that will require five minutes' attention; but I must beg to read the report here from the engineer on that subject:

GALVESTON, TEXAS, *January* 31, 1875.

SIR: In pursuance with your instructions contained in your letter of 19th instant, I have the honor to make the following report:

I have conferred with those principally interested in the navigation of the locality where the obstructions in the channel of the San Jacinto River are located, and have furthermore made a personal examination of the situation with a view to the completion of such information as is necessary to arrive at a perfect understanding of the cause.

The obstructions were placed in the river by the confederates during the late war, to prevent the Federal gun-boats from ascending the San Jacinto River, and prove at present to be a very great obstacle to the commerce depending upon the navigation of this locality, besides materially impairing the navigableness of the river above them, through causing the sedimentary material borne by the San Jacinto River during periods of high water to deposit in the channel above.

Lying directly across the channel of the river at a point where the course changes from south to east, the deflection of the current has caused a very great increase in the acuteness of the angle existing in the channel at this point, and thereby increasing the difficulties attending the passage of the obstructions. The rapidly increasing importance of the commerce between Galveston and the interior of Texas, which passes this obstruction, points the necessity of removing this obstacle to navigation at as early a date as possible, and before the difficulties of removal are increased by the addition of wrecks resulting from vessels being stranded upon them.

At present the value of the commerce which passes these obstructions each year exceeds $15,000,000, exclusive of the value of the vessels, (see letter annexed,) and it is possible that a single disaster resulting from a collision with these obstacles would greatly exceed the cost of their removal.

The obstruction consists of flats and scows filled with shells and sunk, one upon another, till the surface of the water is reached at low tide, and are further secured in position by piles driven at intervals of four feet.

The whole length of the obstruction does not exceed five hundred feet; and it is believed that the work of removal when done by contract will not exceed fifteen dollars per running foot, or $7,500 for the work.

If the Government dredge, now at Galveston, could be used by the contractor, the work might be done for a little less, say $6,000.

The obstructions are located about two miles from Clopper's Bar light-house, and in the collection district of Galveston, Texas.

Very respectfully, your obedient servant,

JAMES B. QUINN,
First Lieutenant United States Engineers.

Captain C. W. HOWELL,
Corps of Engineers, United States Army.

This is very meritorious, and most assuredly it ought to pass.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was after line 340, on page 15, to insert:

For the continuation of the improvement of Cypress Bayou in Texas, $50,000.

Mr. FLANAGAN. I will remark in that case that the amendment is certainly very meritorious. It has been regularly surveyed, and there is a report here recommending an appropriation—it is not now before me—of about $313,000 to complete entire the necessary improvements. I, however, waive that, and ask an appropriation now to continue the work.

Mr. CONKLING. May I make an inquiry of the Senator?

Mr. FLANAGAN. Certainly.

Mr. CONKLING. Will he tell how much there is in this bill for Texas and how much for new works in Texas?

Mr. FLANAGAN. There is not $50,000 for new works. There is $150,000 appropriated for Galveston. There ought to have been at least half a million. There are some small items, but very few and very small, for a very extended coast, where there is great commerce of vast importance. From this point, Jefferson, Texas, there are about seventy-five thousand bales of cotton shipped. There is nothing more meritorious, I assure the Senate.

The question being put, a division was called for; and the ayes were 15.

Mr. FLANAGAN. I must ask for the yeas and nays on that. I must be excused and permitted to do that. I want to do it to show at home that I have discharged my duty.

The yeas and nays were not ordered.

The amendment was not concurred in; there being on a division—ayes 18, noes 23.

Mr. FLANAGAN. I must ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are called for. Is the call sustained?

Mr. CONKLING. There was a call, but it was not sustained.

The PRESIDING OFFICER. Business has intervened.

Mr. FLANAGAN. I wish the yeas and nays particularly.

Mr. EDMUNDS. I hope we shall give the Senator the yeas and nays. ["O no!"]

Mr. SARGENT. I want to call the Senate's attention to the lapse of time. We must get at the deficiency bill very soon.

Mr. FLANAGAN. That is all very well. This I am directly interested in.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The Chair will count the Senate again.

The amendment was not concurred in—ayes 13, noes 24.

The next amendment made as in Committee of the Whole was to insert:

To explore and clear out the obstructions and mill-dams in Owl Creek, Ohio, $500.

The amendment was not concurred in.

The next amendment made in Committee of the Whole was on page 15, line 344, to strike out "15" and insert "35;" so as to increase to $35,000 the appropriation "for the improvement of the harbor and river at Saint Joseph's, Michigan."

The amendment was not concurred in.

The next amendment was after line 368, on page 16, to insert:

For completing the survey and estimates of the route from the mouth of the Youghiogheny River to continue the slack-water navigation up said river to its headwaters at the foot of the Alleghany Mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal, $10,000.

Mr. SCOTT. That is an amendment in which three States—Maryland, West Virginia, and Pennsylvania—are interested. It is but a very small amount, $10,000, to complete a survey already partially made and recommended by the engineers.

Mr. EDMUNDS. It ought to have six votes then, three States. [Laughter.]

The question being put, there were on a division—ayes 17, noes 17; no quorum voting.

Mr. SCOTT. This is the only amendment offered in which my State is interested. We had a very eloquent appeal made a few moments ago that the great State of New York only had two amendments covering about $50,000. This is only $10,000, and my State is interested in it as well as other States, and I trust the Senate will not refuse to concur in the amendment.

The amendment was concurred in; there being on a division—ayes 31, noes 8.

Mr. FERRY, of Michigan. I ask unanimous consent of the Senate to make a statement in the case of the harbor of Saint Joseph. I was occupying the chair and of course could not explain it. The engineers have recommended $42,000 for the improvement of that harbor. The committee have reported only $15,000, and the amendment adopted in Committee of the Whole was $35,000 instead of $42,000. Fifteen thousand dollars is insufficient to remove the obstructions to the harbor, and would be valueless so far as making it accessible. It is the only increase in the State of Michigan, the others having been rejected while I was in the chair, and I ask out of courtesy—I ask it as a right, not as a courtesy—I ask upon the merits of the case that the matter be reopened and the vote again taken. It is the only increase. There were three, and the others were rejected. The committee reported $15,000, which will not accomplish the object. The amendment passed in committee increased it to $35,000.

Mr. SHERMAN. I feel bound to say that I did not know the Senator occupying the chair had offered the amendment or I would not have opposed it.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on reconsidering the vote by which the amendment appropriating $35,000 for the improvement of the harbor of Saint Joseph was non-concurred in.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is, will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was concurred in.

Mr. BAYARD. I ask the Senate to reconsider the vote by which they rejected the amendment offered by me for the construction of additional piers in the ice-harbor at New Castle, Delaware. This is a very small matter in comparison with the magnificent sums which have been voted this evening. It asks but $20,000 to build an additional ice-break. I will simply say that the commerce of the entire Atlantic coast is interested in this harbor; but the statistics of the commerce of the Delaware I cannot give precisely. I can say that it is one of the most important estuaries on our coast. This ice-harbor is midway between Philadelphia and the capes. By a single tide vessels reach the ice-harbor, and a second tide carries them to Philadelphia. They must have some place to pause between the two points and procure safety. If this ice-harbor is continued as it has been projected, this protection will be afforded. I have not asked a large appropriation, but I hold in my hand the report of the officer of engineers and also I think I have a right to say I have the approval of the Committee on Commerce on this subject. The chairman of the Committee on Commerce has reported for the last three years sums sufficient to put a single pier year by year in this harbor, but on this occasion he reported nothing favorably, but simply left the Senate to its judgment. In the tide of negation and affirmation that struck to and fro across the Senate this amendment was lost. I now ask that the vote by which it was lost be reconsidered, in order that the Senate may make this small appropriation.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the motion of the Senator from Delaware to reconsider the vote by which the amendment was non-concurred in.

The motion to reconsider was agreed to.

Mr. BAYARD. Now I ask that the amendment be adopted.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. After line 113 it is proposed to insert:

For the construction of an additional pier in the ice-harbor at New Castle, Delaware, $20,000.

The amendment was concurred in.

Mr. BAYARD. The Senate as in Committee of the Whole appropriated $50,000 for the continuation of the construction of the United States harbor at Lewes, Delaware. The Senate have non-concurred in that amendment. This is a pier upon which the Government has expended about $200,000, there being a continuous line of railway to that point, which is directly upon the Atlantic Ocean. The pier has been built with great skill and promises to be of enormous service to the Government as a depot and coaling station to supply our vessels of war more than two hundred miles in their exit and entrance to this harbor. An appropriation is recommended by the Department of one hundred and seventy-odd thousand dollars to complete it. I will not detain the Senate by reading the recommendation of the engineer-in-chief, but I will only say that this pier is immediately opposite the breakwater. Behind that breakwater sometimes from three hundred to five hundred sail of vessels find shelter and perfect safety in the course of one hour. As soon as a storm abates they are enabled to go to sea. This pier is an adjunct to the breakwater. It enables vessels to discharge their cargo; it enables them to have access by telegraph and steam with all parts of the country; and on every score it is a work to be encouraged. It has been built with great skill under the charge of Captain Brown, of the Engineer Department. The appropriation which he asks, under Colonel Kurtz, who is the engineer-in-chief in charge at Philadelphia, is much larger than I propose that Congress at this time should make. I have asked an appropriation of $50,000 to continue this pier, and I trust the Senate will see its moderation. It is less than one-third of the amount recommended by the engineers. I therefore ask that there may be a reconsideration of the vote by which that amendment was rejected by the Senate, and that it may be now approved by the Senate.

Mr. SAULSBURY. I wish to supplement what my colleague has said by saying that I myself stood on that pier last September when a storm was approaching and saw vessels coming from the Atlantic into that harbor. During the morning that I was there not less than one hundred and fifty to two hundred vessels came into that harbor for protection. I have in my possession a letter from one of the directors of the railroad running to that point who writes me that during this present winter, during the severe freezing spell, the steam-vessels got their coal there, and they were engaged in running special trains of coal-cars from Philadelphia to that point to supply vessels running into that harbor. The wooden pier connected with the railroad he states came very near being carried away, and if it had been so it would have been utterly impossible to have supplied the vessels with coal, because they could not do so with this pier which is not sufficiently finished to have communication with the vessels. The design of the Government is to construct the pier to twenty-six feet of of water. It is now constructed out to about seventeen feet of water and over. As this is a Government work, I hope that the views of my colleague will be carried out in support of this appropriation.

Mr. OGLESBY. What is the breadth of the pier?

Mr. SAULSBURY. I think the point at which they are now is where the railroad approaches the widest point away from the landing, where of course the railroad must be. It is in the neighborhood of fifty feet at that point.

Mr. BAYARD. Do you ask the length of the pier or the width?

Mr. OGLESBY. The width.

Mr. BAYARD. I suppose it is about fifty feet wide.

Mr. OGLESBY. How far has it gone now?

Mr. BAYARD. About one thousand feet from the main shore.

Mr. SAULSBURY. And it goes out to seventeen feet or eighteen feet depth of water, the design being to put it out to twenty-six feet.

Mr. CHANDLER. The Senator from Delaware is no doubt perfectly correct, but there is an appropriation already contained in the bill of $15,000. I am not as conversant with that as with the ice pier. My impression was that $15,000 would keep this whole pier in repair, and that they could wait another year. I think so yet.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the Senate non-concurred in the amendment inserting—

For the continuation of the construction of the United States harbor at Lewes, Delaware, $50,000.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in.

Mr. PATTERSON. I move to reconsider the vote by which the appropriation for Charleston Harbor was non-concurred in, and I will then move to reduce the appropriation to $50,000.

Mr. CLAYTON. How much was it before?

Mr. PATTERSON. One hundred thousand dollars. I propose to reduce it to $50,000. In regard to this appropriation I would like to make a statement. The city of Charleston last year spent $50,000 in keeping up this harbor themselves. They found it was not sufficient, and they are not able to keep it up. The Chamber of Commerce of Cincinnati recommend that it should be done. We are making a connection with the West, and the West are interested in the matter. The city of Charleston is not able to do it; and I do think it is justice, when so much money is being appropriated to all the States and other ports and harbors, that we should get a little. I hope the Senate will make this appropriation.

Mr. CHANDLER. I think we could save time by reconsidering the votes by which all these amendments were rejected, and that will bring them all back.

Mr. PATTERSON. I hope the Senator will not object. This is the first thing South Carolina has asked this whole winter. Other amendments have been reconsidered. I hope the Senate will be in good humor and let this be reconsidered too.

Mr. CHANDLER. I do not object. I simply meant that we should save time. We only have now twenty-five minutes for this bill; for another committee will want to take possession of the floor at the end of that time.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote non-concurring in the amendment appropriating $100,000 for the improvement of the harbor at Charleston, South Carolina.

The motion to reconsider was agreed to.

Mr. PATTERSON. I now move to reduce the amount to $50,000.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment as amended.

The amendment, as amended, was concurred in.

Mr. ALCORN. I send an amendment to the desk which I ask may be read.

The PRESIDING OFFICER. Is this a new amendment?

Mr. ALCORN. No, sir; it was referred yesterday. It is not a new amendment.

The PRESIDING OFFICER. The reserved amendments must first be concurred in. The next reserved amendment will be read.

The next amendment was after line 18 of section 2, on page 16, to insert:

Mouth of Nehalem River, Oregon.
Alsea River and Bar, Oregon.
For examination for a route for a canal sufficient to allow the passage, at ordinary high tide, of steamers drawing ten feet, connecting the waters of Shoalwater Bay with the waters of Columbia River: *Provided*, That no more than $500 shall be expended in making such survey and estimate.

The amendment was concurred in.

The next amendment was to insert after line 38 of section 2 the following:

Harbor at Matinicus Island, Maine.

Mr. HAMLIN. Let me say that the island of Matinicus is the outer island of the coast of Maine, being out about twenty miles, by which all the commerce of the country passes. We propose the survey of the harbor, which is a harbor of refuge which is more valuable than any harbor north of Boston. This amendment makes no appropriation.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert:

For the improvement of Chester River, Kent Island Narrows, Maryland $5,000.

The amendment was non-concurred in.

The next amendment was to insert:

Survey of Potomac River above Georgetown, for the purpose of removing the rocks known as the Three Sisters, and other obstructions.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of Cambridge Harbor, Maryland, $5,000.

The amendment was non-concurred in.

The next amendment was to insert:

For survey of Patapsco River, from Spring Garden to Elkridge Landing.

The amendment was non-concurred in.

The next amendment was to insert:

Saint Louis and Saint Croix Rivers, to ascertain the practicability of constructing a canal between these rivers.

The amendment was non-concurred in.

The next amendment was to insert at the end of section 2:

And of the Raritan River, from Staten Island to New Brunswick.

The amendment was non-concurred in.

The next amendment was to insert:

For the improvement of the harbor at Edenton, North Carolina, $10,000.
Survey the Pungo River and Alligator River, and a line between the same, with a view to connect the waters of these two streams.
Survey a line between the Neuse and Cape Fear Rivers, in North Carolina, with a view to connect the waters of the same; and a like line, with a view to connect the waters of Norfolk Harbor, in Virginia, with the waters of the Cape Fear River at or near Wilmington, North Carolina.

Mr. MERRIMON. It only asks a survey, which will cost a very small amount of money.

Mr. RANSOM. It is a very important survey.

The amendment was concurred in.

Mr. BOREMAN. I understand that while I was absent a short time since the amendment appropriating $25,000 for the improvement of the Little Kanawha was under consideration and was laid aside until I should return. I should like to have that matter passed upon.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted after line 228:

For the improvement of the Little Kanawha River, $25,000.

Mr. BOREMAN. To show that there is some merit in this proposition, I will state that the river has been improved some forty-odd miles after the expenditure of nearly $200,000 by the city and county in which I live and other counties along the line and by individuals. This is to extend the appropriation. The river has been surveyed, and the engineer's estimate is here, which I will not trouble the Senate by reading. The estimate for the improvement is a great deal larger than this sum. This is for the extension of the improvement of that river, which has been commenced and prosecuted to the extent I have mentioned forty-odd miles, and it is a meritorious work. I think the propriety of it must be manifest.

Mr. DAVIS. This is the last request probably that my colleague will make, and I hope it will be granted. The river passes his town.

Mr. CHANDLER. The engineers say "this sum of $7,300"——

Mr. DAVIS. That is not the river at all. The Senator is mistaken. He is reading about another river.

Mr. CHANDLER. If that is not it, there is no estimate for this. I had supposed there was an estimate. If this is not it, there is no estimate.

Mr. BOREMAN. There has been a survey and estimate. I have the document here, but it is not necessary to read it.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The amendment was concurred in; there being on a division—ayes 23, noes 15.

MR. HAMILTON, of Maryland. In my absence the amendment for the Potomac River was passed over. In justice to myself, having offered that amendment, it may be proper for me to state that that appropriation is earnestly recommended by the Engineer Department for the coming year. It is not necessary to turn the attention of Senators to the condition of the Potomac River from Alexandria to Georgetown. There are a million of tons of coal besides a large amount of merchandise of all kinds, flour, &c., going from Georgetown to the East and all parts of the country. All Senators know as much about this matter as I do, and that it is important that the river just in front of this city should be to some extent attended to. For the purpose of showing that I acted upon authority, I will read from the report of the engineers:

Fifty thousand dollars will be required, and its appropriation is urged to continue dredging to remove the chain of rocks in the harbor of Georgetown.

This is all I have to say about this matter.

Mr. STEWART. If there are any more amendments, I feel bound to move to lay the bill on the table and call for the yeas and nays. We must come to a stop. The business of the session cannot be gone through with if this bill is to be kept here in this way.

Mr. GORDON. I ask that a correction be made. The Senate by misapprehension struck out some amendments in regard to Georgia.

Mr. SARGENT. It is no use to put anything on. I consider the bill lost. We are only fooling away our time. We had better lay this bill aside and take up the deficiency bill. In fifteen minutes longer the bill is good for nothing. I doubt if it is good for anything now.

Mr. WINDOM. If we close the bill now, I am informed by the chairman of the Committee on Commerce of the House that there is a possibility of their getting through with it; but if it runs any considerable time longer it cannot be done.

Mr. ALCORN. There is an amendment that I desire to call attention to.

Mr. STEWART. I move to lay the bill on the table.

Mr. WINDOM. We can get through before you have the yeas and nays on that motion.

Mr. GORDON. I do not want to say anything except this: The amendments for the Georgia rivers which I offered were rejected by mistake when the bill was reported to the Senate. I move that the amendments be restored.

The PRESIDING OFFICER. The Secretary will report the amendments of the Senator from Georgia.

Mr. HOWE. Is that motion in order?

The PRESIDING OFFICER. The Senator from Georgia can move to reconsider the vote by which the amendments were rejected. Does the Senator from Georgia move to reconsider?

Mr. GORDON. I do move to reconsider the vote by which the amendments were non-concurred in. The Senate struck the amendments out by mistake after they were put on.

The question being put on the motion to reconsider, there were on a division—ayes 16, noes 16; no quorum voting.

Mr. CHANDLER. We may as well have the yeas and nays or lay the bill on the table. It is immaterial which. I move to lay the bill on the table.

Mr. GORDON. I yield. I have yielded all night. I was not the first one to ask a reconsideration, but under the indications I withdraw my proposition.

Mr. ALCORN. I have an amendment to offer.

The PRESIDING OFFICER. What is the amendment?

Mr. ALCORN. In regard to a survey of the Mississippi River.

Mr. STEWART. It has been read several times.

The PRESIDING OFFICER. The amendment will be reported.

The Secretary read as follows:

SEC. —. That the Secretary of War be, and he is hereby, authorized and required to cause to be made and reported, as soon as practicable, such explorations, surveys, and drawings as may be necessary for the location, design, and execution of a complete system of levees for the reclamation of the delta of the Mississippi between Cairo and the Balize, as recommended by the commission of engineers appointed under the act of Congress approved June 22, 1874, "to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississppi River subject to inundation."

SEC. —. That, to facilitate this work, the said Secretary may employ for this service, as assistants to the engineers of the Army, three civil engineers eminent in their profession, who are acquainted with the alluvial basin of the Mississippi River, at a salary of not more than $5,000 per annum; and the civil engineers so employed from civil life, together with those appointed from the Army corps, shall be organized, under the direction of said Secretary, as a board of engineers for the performance of this work; and to defray the expenses of said work, the sum of $160,000, or so much thereof as may be necessary, shall be appropriated, subject to disbursement by the Secretary of War, as may, from time to time, be necessary, to carry out the design of this act.

Mr. ALCORN. I hope this amendment will prevail. The board of engineers recommends it; the Secretary of War recommends it. As a scientific work it is necessary. It is preparatory to the construction of levees. It appropriates $165,000. The work has already begun; Congress has already appropriated some money to this survey.

There has never yet been a scientific survey of the Mississippi. I trust the amendment will be adopted.

Mr. CLAYTON. Whenever a proposition is brought up here as to the levees of the Mississippi River, the question is raised as to what the work will cost. Senators say it will cost this sum and that sum and another sum. Now it seems to me that if anything is to be done we should ascertain by a systematic and thorough survey what is the character of this work and what it will cost if it shall be undertaken, so that in the future when the question shall come up, as it must come, we shall have some data upon which either to do nothing or to act. I hope this amendment will be agreed to.

The question being put, there were on a division—ayes 21, noes 19.

Mr. CHANDLER. I call for the yeas and nays. This is $165,000 for a survey. We have had a committee of this body surveying for years and the engineers surveying. I know of no necessity for the expenditure of $165,000 at this time for a survey. I call for the yeas and nays.

Mr. ALCORN. There has never been any survey.

The yeas and nays were ordered.

Mr. ANTHONY. Do I understand that this makes an appropriation of $160,000 for a survey?

The PRESIDING OFFICER. That is the amendment.

The question being taken by yeas and nays, resulted—yeas 15, nays 32; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Davis, Dorsey, Ferry of Michigan, Flanagan, Goldthwaite, Johnston, Mitchell, Oglesby, Pease, Spencer, and West—15.

NAYS—Messrs. Allison, Anthony, Bayard, Boutwell, Chandler, Conkling, Cragin, Dennis, Eaton, Fenton, Frelinghuysen, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Jones, Logan, McCreery, Merrimon, Pratt, Sargent, Saulsbury, Schurz, Scott, Sherman, Sprague, Stevenson, Stewart, Thurman, Wadleigh, Washburn, and Wright—32.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Conover, Cooper, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hager, Harvey, Hitchcock, Ingalls, Kelly, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Patterson, Ramsey, Ransom, Robertson, Stockton, Tipton, and Windom—26.

So the amendment was rejected.

Mr. ALCORN. I offer another amendment.

Mr. ALLISON. If any further amendments are offered I shall move to lay the bill on the table.

Mr. ALCORN. I shall offer none but this. It is to insert:

For the improvement and deepening of the mouth of Pascagoula River, in the State of Mississippi, as recommended by C. W. Howell, captain of engineers, United States Army, as submitted by the Secretary of War on the 24th of January, 1874, $30,000.

I wish to have the attention of the Senate for two minutes and a half on this proposition. Mississippi has not received an appropriation since 1859, I believe, from Congress. Her southern border is washed by the sea. She has many coasts, not one of which has ever been touched by an appropriation of Congress. At the mouth of Pascagoula there is an excellent harbor. At that place there are about sixty-two million feet of lumber shipped annually to all parts of the world. Perhaps that is a little extravagant; but to New York, to New Orleans, and across the ocean the lumber from Pascagoula Harbor goes. The State of Mississippi in its poverty, despairing of any appropriation by the Government, has appropriated $25,000 to improve that harbor. The citizens there have appropriated $5,000 more. We ask now that the Government of the United States shall share with us, not that she shall improve our harbors as she does the harbors elsewhere, not that she shall appropriate money there as she does elsewhere; we do not ask equality, but that you will simply share with us in our poverty and assist us in improving this one harbor. It is an important place, valuable to Mississippi, valuable to the whole country. The amendment is not offered for delay; it is offered upon its merits. The Secretary of War has recommended it. The survey has been made. He recommends a larger appropriation than I have asked and the citizens and the State have made an appropriation, and if you will give this I think we shall ask no more. It is only $30,000.

The amendment was agreed to.

Mr. BOUTWELL. I offer an amendment to come in after line 300; the amendment has been recommended by the engineers and approved by the Committee on Commerce:

For rebuilding the sea-wall at the Isle of Shoals, $50,000.

The amendment was agreed to.

Mr. RAMSEY. I rise to offer the last amendment I shall ever submit to a river and harbor bill. It is on the sixth page of the bill and in line 133. I would like the Senate to allow me to increase the appropriation for the Falls of Saint Anthony from $100,000 to $125,000 and to make $50,000 applicable to the upper river. That is all. It only adds $25,000 and makes a different distribution.

Mr. ALLISON. I hope there will be no objection to that.

Mr. CHANDLER. There is not the slightest objection now to any amendment being offered that is asked for. The time has gone by, and I move to lay the bill on the table. Unless there are other amendments to be offered, I move to lay the bill on the table.

Mr. ALLISON. I appeal to the Senator from Minnesota to withdraw his amendment and let us vote on the bill.

Mr. RAMSEY. A vote can be had in a minute.

Mr. DAVIS. Can we not pass the bill now?

Mr. RAMSEY. I withdraw the amendment at the request of my friends.

The PRESIDING OFFICER. The question is on ordering the amendments to be engrossed and the bill to be read the third time.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods;

A bill (H. R. No. 3379) for the further security of navigation on the Mississippi River;

A bill (H. R. No. 3685) for the relief of George A. Schreiner;

A bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners;

A bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court in Jackson, in said State;" and

A bill (H. R. No. 2073) restricting and prescribing certain regulations of the Treasury Department.

The message also announced that the House had passed the following bills:

A bill (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;

A bill (S. No. 807) for the relief of Washington Crosland;

A bill (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy;

A bill (S. No. 878) for the relief of Rosa Vertner Jeffreys;

A bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park; and

A bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States;

A bill (H. R. No. 3379) for the further security of navigation on the Mississippi River;

A bill (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods;

A bill (H. R. No. 1995) to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State;

A bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners;

A bill (S. No. 786) for the relief of Samuel S. Potter;

A bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes;

A bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States;

A bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor;

A bill (H. R. No. 4747) supplementary to the acts in relation to immigration;

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter;

A bill (H. R. No. 4324) to change the name of the Second National Bank of Jamestown, New York;

A bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes; and

A bill (H. R. No. 3685) for the relief of George A. Schreiner.

ORDER OF BUSINESS.

Mr. SCOTT. In pursuance of the unanimous consent given that the Committee on Claims should have an hour after the passage of the river and harbor bill, I move now that the Senate proceed to the consideration of House bill No. 4692.

Mr. SARGENT. I must antagonize that with the deficiency bill. It is the last chance of passing it. The Senate can decide whether it desires to pass the deficiency bill or not. If it does not, we must abandon it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

The motion was not agreed to.

Mr. SARGENT. Now I move to take up the deficiency bill.

The motion was agreed to.

Mr. LOGAN, I ask the Senator from California to let House joint resolution No. 162 be passed.

Mr. SCOTT. I desire to say that the Senate having refused to carry out the unanimous consent given this morning to a committee which has had but one hour during the whole session, and upon which there is imposed as much labor as upon any other committee in the Senate, I think now I shall be justified in abandoning all hope of considering the bills from that committee. We have already thirty-two bills on the Calendar, two of them general appropriation bills having in appropriations for thirteen or fourteen hundred cases. After the refusal to carry out the unanimous consent given to-day, I shall now feel myself absolved that I have done all my duty and throw the responsibility upon the Senate for the failure of these bills.

Mr. SPENCER. I hope——

Mr. SARGENT. I call for the regular order.

Mr. THURMAN. I wish to say this: the moment the deficiency bill is disposed of I shall be in favor of granting the Committee on Claims the hour they ask.

Mr. CRAGIN. I wish to say that this morning the Committee on Naval Affairs was entitled to the morning hour, and I gave way with the express agreement and understanding that I should have fifteen minutes after these appropriation bills were disposed of. That was the first agreement made, and I shall insist upon it.

Mr. BAYARD. I will say that the manner in which the Committee on Claims have lost their place is not to be defended.

ARMY PAYMASTERS.

Mr. LOGAN. As I have to go out on a committee of conference I ask for the consideration of House joint resolution No. 162.

By unanimous consent the joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, was read twice, and considered as in Committee of the Whole. It declares the intent and meaning of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, was to authorize the appointment of such additional number of paymasters with the rank of major as will make the total number of paymasters with the rank of major fifty, and no more; and so much of section 1194 of the Revised Statutes as applies to the Pay Department is repealed.

Mr. LOGAN. I move to amend by striking out "Pay Department" and inserting "paymasters with the rank of major."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the resolution to be read a third time.

The joint resolution was read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. EDMUNDS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from their amendments numbered 5, 15, 16, 17, 18, 20, 32, 33, 34, 35, 45, 79, and 85.

That the House recede from their disagreements to the amendments of the Senate numbered 1, 3, 10, 11, 12, 13, 19, 22, 23, 24, 25, 28, 30, 31, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 53, 54, 55, 56, 57, 58, 61, 66, 72, 73, 74, 75, 76, 77, 78, 83, 84, 89, and 90.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with the following amendment: In lieu of the words proposed to be inserted, insert the words "thirty-six;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment making the word "five" in line 14, page 4 of the bill, "six;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 21, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "four" and insert in lieu thereof the word "seven," and in lieu of the following word "seven" insert the word "five," and in lieu of the succeeding word "seventy" insert the word "ninety;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 27, and agree to the same with an amendment, as follows: At the end of the amended paragraph add the words " to be expended under the direction of the Secretary of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 59; and agree to the same with an amendment, as follows: Add at the end of said amendment the words "two assistant messengers at $720 each per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 60, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "three" and insert in lieu thereof the word "five;" strike out the following word "eight" and insert in lieu thereof the word "three;" and in line 8, page 43 of the bill, strike out "eight" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreements to the amendments numbered 62, 63, 64, 65, and agree to the same with amendments, as follows, respectively: In lieu of the word proposed to be inserted by amendment 62 insert the word "eight," and in lieu of the word proposed to be inserted by amendment 63 insert the word "six," and in lieu of the word proposed to be inserted by amendment 64, insert the word "nine," and of the words proposed to be inserted by amendment 65 strike out the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 67, and agree to the same with amendments, as follows: Strike out of said amendment the word "ten" and insert in lieu thereof the word "two," and strike out the following word "six" and in lieu thereof insert the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 68, and agree to the same with the following amendment: In lieu of the word "thirteen" of said amendment insert the word "eight;" and the Senate agree to the same.

That the House recede from its amendment to the amendment numbered 88 and from its disagreement to the same.

That the House recede from its disagreement to the amendment numbered 6, and agree to the same with an amendment, as follows: Strike from the words proposed to be inserted the words "three hundred;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 26, and agree to the same.

GEO. F. EDMUNDS,
JNO. J. INGALLS,
A. G. THURMAN,
Managers on the part of the Senate.

HORACE MAYNARD,
CHAS. O'NEILL,
J. C. ROBINSON,
Managers on the part of the House.

The report was concurred in.

FOX AND WISCONSIN RIVERS.

Mr. ALLISON. I call for the regular order.

Mr. HOWE. I want to appeal not only to the Senator from California but to the Senate for unanimous consent to do one thing. I hold in my hand a bill which has passed the House, but must be amended and go back to the House. It authorizes simply the expenditure of $25,000 of money already appropriated in obtaining the right of way. The Committee on Commerce has reported it favorably; the chairman of the Judiciary Committee consents to it; and now if the Senate will give me unanimous consent to consider this bill at the present time it can go to the House.

Mr. ALLISON. There will be ample time for that after we get through with the deficiency bill.

Mr. SARGENT. This appropriation bill must go through or fail for want of time. I call for the regular order.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the whole, proceeded to the consideration of the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

The Committee on Appropriations reported the bill with amendments. The first amendment was to insert the following clause after line 12, among the items for contingent expenses of the Senate:

For clerks to committees and pages, $8,000.
For labor, $15,000.
For folding documents, $3,000.
For horses and wagons, $500.

The amendment was agreed to.

The next amendment of the committee was on page 6 to insert the following clause after line 113:

That for the purpose of paying for the erection and furnishing of the new school building in the city of Georgetown, District of Columbia, and for putting the grounds in order, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,865, or so much thereof as may be necessary. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Education, and shall be regarded as a loan, to be hereafter taken into account between the Government of the United States and the District of Columbia.

The amendment was agreed to.

The next amendment was on page 6, to insert after line 29, the following proviso:

Provided, That the board of audit for the District of Columbia be, and they are hereby, directed to receive and audit the claim of William Bowen for abating certain nuisances under a contract with the board of health of said District for filling lots numbered 37, 38, 39, 42, and 43 in square numbered 545, and lots 1, 6, and 7 in square numbered 849, and parts of lots numbered 1 and 2 in square numbered 996, all in the city of Washington.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was to insert at the end of line 146:

The commissioners of the District of Columbia are authorized to cause to be constructed a fire-alarm telegraph in the cities of Washington and Georgetown, at a cost not to exceed $75,000, one-half to be paid out of the treasury of the District of Columbia; and $37,500 are hereby appropriated therefor, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was after line 146 to insert:

For the Washington Aqueduct: For building dwelling and office for gate-keeper at the reservoir, $3,000; for continuing the widening and macadamizing of roadway between the distributing reservoir and the Great Falls, $5,000.

The amendment was agreed to.

The next amendment was on page 8, line 180, to strike out after the word "dollars" the words "and thirty-eight," being a repetition.

The amendment was agreed to.

The next amendment was on page 9 to insert the following clause after line 199:

The Clerk of the House of Representatives is authorized to send until the 1st day of December, 1875, such public documents as are prescribed by law to be sent to the governors of States, under his written frank, free of charge, through the mails.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was on page 12, line 272, to increase the appropriations for the United States mint at San Francisco from $11,000 to $19,000.

The amendment was agreed to.

The next amendment was to insert after line 272:

For completion of refinery at new mint in San Francisco, $40,000.

The amendment was agreed to.

The next amendment was on page 12, line 279, to increase the appropriation for the fiscal year 1875 for contingent expenses of the United States mint at Carson from $50,000 to $79,000.

The amendment was agreed to.

The next amendment was to insert after line 291:

For legislative expenses of Wyoming Territory, namely: For stationery, rent, fuel, lights, and furniture, $1,000; for incidentals of secretary's office, $710; in all, $1,710.

The amendment was agreed to.

Mr. SARGENT. I ask that that amendment be transferred to page 11, after line 251. It has got in the wrong place by mistake.

The PRESIDING OFFICER. The transposition will be made.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was on page 15, to insert the following clause after line 332:

To enable the Secretary of the Treasury to adjust the "account of the expenditure for dies, paper, and stamps for the Internal Revenue Department" for the fiscal year ending June 30, 1874, a transfer on the books of the Treasury of such sum as may be necessary is hereby authorized: *Provided*, That the same shall not involve an actual expenditure of money from the Treasury.

The amendment was agreed to.

The next amendment was on page 16, to strike out the following words:

To pay Morgan Rawls, contestee, expenses case of Sloan *vs.* Rawls, first district of Georgia, $1,500.

Mr. SARGENT. Several items here relate to contestants and contestees in the other House. They had better go to a committee of conference, to be disposed of there. I want to know about each particular case before we agree to put them on, and about the principle of paying them anyhow.

The amendment was agreed to.

The PRESIDING OFFICER. The items from line 358 to 377 will all be regarded as struck out.

Mr. SARGENT. Yes, sir.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was on page 17, to insert after line 382 the following clause:

For the completion of the custom-house and post-office building at Portland, Oregon, as per deficiency estimate of Supervising Architect of the Treasury, $40,000.

The amendment was agreed to.

The next amendment was on page 17, to insert after line 391:

For repairs and fitting up of the old mint building for Government offices at San Francisco, $30,000.

The amendment was agreed to.

The next amendment was on page 17, after line 398 to insert:

For the erection of a building for storage and other purposes in connection with the custom-house at Newport, Rhode Island, $3,712.50.

The amendment was agreed to.

The next amendment was on page 19, to strike out the lines 144 to 148 in these words:

To pay the United States supervisors of the congressional election held in Philadelphia on the first Tuesday of November, 1874, the balance claimed by them, $22,155.

Mr. SCOTT. I understand that is an account which was adjusted at the Department, and not paid simply because of the failure of the law to provide an appropriation to pay it.

Mr. SARGENT. If the Senator is aware of these facts, I will not insist upon striking it out.

Mr. SCOTT. My information from the Representatives from Philadelphia is that the appropriation is a proper one and that these are the facts.

Mr. SARGENT. We withdraw the amendment, then, and let the item stand. This is the information we wanted.

The PRESIDING OFFICER. The amendment will be regarded as withdrawn.

Mr. SARGENT. On behalf of the committee I offer the following amendment, to come in after line 528:

For expenses of the observation and report of storms by telegraph and signal, for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, and repair of meteorological or other necessary instruments; for telegraphing reports; for expenses of storm-signals announcing probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument-shelters; for hire, furniture, and expenses of offices maintained for public use in cities or ports receiving reports; for river reports; for maps and bulletins, to be displayed in chambers of commerce and boards of trade rooms, and for distribution; for books and stationery, and for incidental expenses not otherwise provided for, $55,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out lines 540 to 542, inclusive, as follows:

To enable the Secretary of War to pay the adjusted account of the late firm of Dempsey & O'Toole, $588.66.

The amendment was agreed to.

The next amendment was on page 28 to insert the following clause after line 677:

That the Secretary of the Interior be, and is hereby, authorized, with the consent of the legislative council of the Choctaw Indians, to sell not exceeding $200,000 of their bonds now held in trust by him, and to pay over to the accredited agent of said Choctaw Indians, to be designated by the legislative council of said nation, the moneys arising from the proceeds of the sale of said bonds.

The amendment was agreed to.

The next amendment was on page 29 to insert after line 695:

For this amount, or so much thereof as may be necessary, for the subsistence and support of Northern Sioux Indians who have been collected on the Red Cloud and Whetstone agencies in Dakota, $162,000.

For this amount, or so much thereof as may be necessary, to meet certain liabilities incurred during the fiscal year ending June 30, 1875, in providing subsistence and supplies for the Navajo Indians in New Mexico, $17,354.50.

For subsistence of Apaches of Arizona, $175,000.

For this amount, to be applied in the payment of liabilities contracted on account of the service at the Malheur agency, Oregon, during the third and fourth quarters, 1873, as per statement of S. B. Parrish, late commissioner in charge, on file in the Indian Office, being a deficiency for the fiscal year, 1874, $16,000.

For this amount, to be applied in payment for goods, flour, grain, and beef purchased for the Indians located at the Malheur agency, Oregon, in the second quarter, 1874, and for transportation charges on the same, as per statement of Agent H. Linville, on file in the Indian Office, being a deficiency for the fiscal year 1874, $6,500.

The amendment was agreed to.

The next amendment was on page 29, to insert the following clause at the end of line 695:

For this amount, to be taken from the proceeds of the sales of the lands of the Great and Little Osage Indians, to be expended under the direction of the Secretary of the Interior for the support, subsistence, and aid of the said Indians, $75,000, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of the third section. That section is as follows:

SEC. 3. To enable the Auditor of the Treasury for the Post-Office Department to close the appropriation accounts upon the books of his office for the fiscal year ended June 30, 1874, he is hereby authorized to transfer from such appropriation accounts upon the books of his office as show a credit balance, to accounts which show a debit balance, a sufficient amount in each case to balance the said appropriation accounts.

Mr. EDMUNDS. I should like just there to have the Senator in charge of this bill explain that method of book-keeping and how much authority that grants to the Treasury Department. It seems to me the broadest way of authorizing the Treasury Department to force a balance.

Mr. SARGENT. Does the Senator move to strike it out?

Mr. EDMUNDS. If it is in order, I will move to strike it out.

Mr. SARGENT. I see that it does not seem to be very well guarded. Many of these appropriations are made simply to balance accounts, taking no money from the Treasury. This I suppose has that object.

Mr. EDMUNDS. It has that object undoubtedly; the motive is good; but the method is perfectly wild, I submit to the Senate, and it might lead to vast abuse.

Mr. SARGENT. With the consent of the Senator, I will move that the section be struck out, and will see to it in committee of conference; or, if I am not on the committee, the chairman will.

The PRESIDING OFFICER. The Senator from California moves to strike out section 3 down to line 8.

The amendment was agreed to.

The next amendment was to strike out section 8, in the following words:

SEC. 8. The commissioners of the District of Columbia shall pay the salary of the surveyor of the District, at the rate of $2,000 per year, from the 20th of June, 1874, and $5,000, or so much thereof as is necessary, is hereby appropriated therefor.

The amendment was agreed to.

The next amendment was to insert as section 8 the following:

That the Secretary of State is authorized and directed to pay, out of any balance now remaining unexpended of the moneys appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873," the sum of $500 to each of the commissioners appointed under authority of said joint resolution, who, in addition to undertaking reports upon special subjects at said exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition, or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in that Department.

Mr. EDMUNDS. That is a strange proceeding.

Mr. SARGENT. It is recommended to us by the Committee on Foreign Relations.

Mr. ALLISON. It has passed the Senate once.

Mr. SARGENT. The fact that it had passed the Senate influenced us in acceding to the strong demand that was made on us to do it.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. EDMUNDS. I think the committee should explain section 13.

Mr. SARGENT. It is made necessary by the passage of the tax bill. The section referred to reads as follows:

SEC. 13. That section 3309 of the Revised Statutes be so amended that the word "seventy," wherever it occurs in the same, shall be stricken out and the word "ninety" be substituted therefor.

We levy a tax of 90 cents on every proof gallon, consequently we have to require the assessment to be made at the rate of 90 cents.

Mr. EDMUNDS. This bill passed the House about two days before the tax bill passed.

Mr. SARGENT. No.

Mr. EDMUNDS. I think, in the absence of the Senator from Ohio, to increase this trouble about whisky is rather hard. [Laughter.]

The next amendment of the Committee on Appropriations was to add as a new section:

SEC. 14. That section 4 of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be, and the same is hereby, amended so as to substitute the word "June" for the word "March," and so as to provide that it shall be the duty of the collector of taxes to prepare a complete list of all taxes and property upon which the same are assessed in arrears on the 1st day of June, 1875, and he shall, within ten days thereafter, publish the same with a notice of sale in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District, twice a week for two successive weeks, giving notice that if said taxes in arrears, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by said collector at public auction at the south front of the court-house on the 29th day of June, 1875, between the hours of ten o'clock a. m. and two o'clock p. m. of said day. Upon the day and at the place specified, as aforesaid, said collector shall proceed to sell any and all property upon which such taxes remain unpaid, and shall continue to sell the same from day to day thereafter between the hours aforesaid until all the property aforesaid shall have been brought to auction. Certificates of sale and conveyances shall be made to the purchasers at such sale in accordance with the provisions of an act of the Legislative Assembly, approved August 23, 1871, entitled "An act prescribing the duties of certain officers of the District of Columbia, and fixing their compensation," except that the deeds shall be executed by the commissioners of the District, or their successors in office, instead of the governor and secretary. Said sales shall be subject to the same privileges of redemption that are prescribed by said act of the Legislative Assembly, approved August 23, 1871. And on the 1st day of each succeeding month, after the passage of this act, and until such sale, there shall be added upon all such taxes remaining delinquent and unpaid a penalty of 1 per cent. upon the amount thereof to be collected with such taxes.

All acts or parts of acts in conflict with the foregoing provisions are hereby repealed.

The amendment was agreed to:

The next amendment was to add as an additional section the following:

SEC. 15. That hereafter the commissions of all officers under the direction and control of the Secretary of the Interior shall be made out and recorded in the Department of the Interior and the seal of the said Department affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. And all commissions heretofore issued in conformity to the provisions of the third section of the act of the 31st of May, 1854, and all official acts done by officers thus commissioned, are hereby declared legal and valid.

Mr. EDMUNDS. I should like to know what that means.

Mr. SARGENT. The Revised Statutes changed the mode of commissioning officers in the Interior Department from the Secretary of the Interior to the Secretary of State. It makes confusion in reference to the validity of acts of these officers.

Mr. FRELINGHUYSEN. I have the statute here. This is just repeating the act of 1854. The Revised Statutes changed it and made it necessary that these officers should be commissioned by the Secretary of State. Without knowing it, these officers have been discharging their official duties, and this section recognizes their official acts done in the mean time and brings the law back to what it was in 1854.

Mr. EDMUNDS. But is it safe to declare that all their official acts shall be valid?

Mr. FRELINGHUYSEN. We are not declaring them valid. That is not the language.

Mr. EDMUNDS. That is the way it was read.

Mr. SARGENT. Let it be read and put in the proper language.

Mr. EDMUNDS. A great many official acts are valid but are wrongful. I merely make the suggestion. I do not wish to interfere.

Mr. FRELINGHUYSEN. I do not see that this language is incorrect.

The amendment was agreed to.

The next amendment was to insert as additional sections the following:

SEC. 16. That any Indian born in the United States, who is the head of a family or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter elect to abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however*, That the title to lands acquired by any Indian by virtue hereof shall be and remain inalienable, and shall not be encumbered for a period of five years from the date of the patent issued therefor: *And provided further*, That any transfer, alienation, or incumbrance whatever of said lands after the expiration of that period shall be void, unless upon the approval of the President of the United States first obtained.

SEC. 17. That in all cases in which Indians have been heretofore allowed to enter public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land-Office, as promulgated in his circular of April 1, 1870, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the first section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon, subject to the restrictions and limitations contained in the first section of this act in regard to alienation and incumbrance.

SEC. 18. That any Indian who shall make application to enter lands under the provisions of this act shall, at the time of making such application, file with the register and the receiver of the proper United States land office a declaration, under oath, that it is *bona fide* his intention to become a citizen of the United States; that he abjures forever all allegiance and fidelity to the tribe of which he is a member; and that he will support the Constitution of the United States, and hold himself amenable to all laws passed in accordance therewith; and, after the expiration of five years, such Indian, on making proof of his compliance with the law in relation to his homestead entry, may submit to the register and the receiver, in such form as the Secretary of the Interior may prescribe, the testimony of not less than two witnesses, who shall be citizens of the United States, residing in the neighborhood of the land embraced in his said homestead entry, that the applicant has been known to them for a period of at least five years next preceding; that during that time he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and that he has in all respects adopted the habits and customs of civilized life. The evidence so submitted shall be transmitted by the register and the receiver to the Commissioner of the General Land Office, together with the homestead proof of the said Indian; and thereafter, if upon examination the applicant is found to be entitled to receive a patent for the lands entered by him, that fact shall be duly certified and submitted to the Secretary of the Interior, together with the proofs and papers comprised in the application of the said party to become a citizen, whereupon, if it shall appear to his satisfaction that the applicant is a fit person to become a citizen, it shall be the duty of the Secretary of the Interior to issue to the said Indian a certificate under the seal of the Department of the Interior to that effect; and thereupon such Indian shall become in all respects a citizen and be entitled to enjoy all the rights, privileges, and immunities in any wise appertaining to other citizens of the United States: *Provided*, That a refusal by the Secretary of the Interior to grant a certificate of citizenship shall not prevent the issue to the applicant of a patent for lands entered by him, where full compliance with the provisions of the first section of this act is shown to the satisfaction of the Commissioner of the General Land Office: *And provided further*, That the limitations in respect to alienation prescribed by the first section of this act shall not be held to apply to the case of any Indian to whom a certificate of citizenship shall be issued under the provisions of this act, nor shall any of the provisions, restrictions, or limitations of this act be held to apply to any Indian or Indians whose tribal relations have been, or may hereafter be, dissolved by any act of Congress or treaty with the United States; but such Indians are hereby declared to be citizens of the United States, and entitled to the benefits of the general laws appertaining to the disposal of the public lands, as fully and in the same manner as other citizens of the United States.

SEC. 19. That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March 3, 1857, shall extend to all oaths, affirmations, and affidavits required or authorized by the first and second sections of this act; and that the thirteenth section of the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," approved March 3, 1813, shall apply to all certificates or evidences of citizenship authorized to be issued by this act.

The amendment was agreed to.

Mr. SARGENT. On page 29, after the word "Indians," in the amendment which has been adopted as coming from the committee, in reference to the Great and Little Osage Indians, I move to insert "with the consent of the tribe;" so as to read:

For this amount, to be taken from the proceeds of the sales of the lands of the Great and Little Osage Indians, with the consent of the tribe, $75,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. MORRILL, of Maine. After line 394, on page 17, I move to insert:

For purchase of lot of land in the city of Columbia, South Carolina, next adjoining United States court-house lot, and to extend the same, $5,000.

The amendment was agreed to.

Mr. HARVEY. I desire to offer an amendment which I ask the Clerk to read.

The CHIEF CLERK. It is proposed to insert as an additional section, the following:

That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, or shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, or when the grantee was in default in the performance of any of the conditions imposed by such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

Mr. SARGENT. I suggest that the Senator ask leave to pass that separately. It is a House bill.

Mr. BOUTWELL. It has been before the Committee on Public Lands and rejected, as I understand.

Mr. HARVEY. No, it was favorably reported.

Mr. HITCHCOCK. It is a very important measure.

Mr. SARGENT. If there is objection we do not want to embarrass this bill. I suggest that we pass it, if we pass it at all, as a separate bill.

Mr. BOUTWELL. It is a matter that will give rise to discussion. If there is any way of resisting it I propose to resist it. If the yeas and nays can be had on it I intend to call for them.

Mr. HARVEY. I should like to have the yeas and nays on that very proposition.

Mr. SARGENT. I am in favor of the bill, but I will vote against it as an amendment here.

Mr. MORRILL, of Maine. I move to lay the amendment on the table.

Mr. HARVEY. I call for the yeas and nays.

Mr. SARGENT. O, no; take the yeas and nays on the passage of the bill. It is just as privileged to do that as to put it on this bill. Let the deficiency bill pass now and go to the House, and then the

Senator can call up the bill. I make that suggestion to the Senator from Kansas.

Mr. HARVEY. I want a vote on the amendment. I have tried to get a vote on the measure as a separate bill several times during this session, but the very Senators who object to having it considered on this appropriation bill have prevented a vote from being taken upon it.

Mr. BOUTWELL. Yes, sir; I have prevented a vote on it as far as I was able to do so.

The PRESIDING OFFICER. The Senator from Maine moves to lay the amendment on the table, on which the yeas and nays are demanded.

The yeas and nays were not ordered.

The motion to lay the amendment on the table was agreed to.

Mr. BAYARD. I move to insert as an additional section the following:

That the appropriation of $10,000 under the act approved June 23, 1874, for the removal of obstructions in the harbor of New Castle, Delaware, be, and the same is hereby, continued and made available.

Mr. EDMUNDS. What is that for?

Mr. BAYARD. It is money that was appropriated last year but has not been expended, and the expenditure may possibly be delayed a month or two beyond June, when it will be covered into the Treasury by general law. This amendment does not take a dollar from the Treasury.

Mr. EDMUNDS. I suggest that you say "and the authority herein conferred shall terminate on June 30, 1875."

Mr. SARGENT. It extends to that time now. The appropriation was made a year ago.

Mr. BAYARD. The appropriation lasts until June, 1875, but it is possible it may not be expended by that time.

Mr. EDMUNDS. Then say it shall terminate on the 1st of November.

Mr. BAYARD. I have a letter from Colonel Kurtz stating the fact that it is possible he may not be able to expend this money in the removal of these obstructions until later in the summer than June, and he merely asks that the time be extended.

Mr. EDMUNDS. Very well.

The amendment was agreed to.

Mr. INGALLS. I offer the following amendment, which has been printed and referred to the Committee on Appropriations:

SEC. —. That the sum of $48,338.32, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to carry into effect the provisions of the tenth article of the treaty with the Pottawatomie Indians, dated February 27, 1867, and to pay to the persons entitled thereto the amounts heretofore allowed and found to be equitably due them under said treaty, as reported to the Department of the Interior by the Commissioner of Indian Affairs on the 6th day of December, 1871.

Mr. EDMUNDS. I should like to have that business explained.

Mr. INGALLS. On the 27th day of February, 1867, a treaty was made with the Pottawatomie Indians, the tenth article of which provides:

It is further agreed that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises.

In accordance with that provision a commission was appointed by the authority of Congress to pass upon claims for depredations which had been committed on the property of the Pottawatomie Nation of Indians. They reported to the Secretary of the Interior, and I have upon my desk that report, together with the recommendation of the Secretary that the amount should be paid.

Mr. EDMUNDS. What is the date of the recommendation of the Secretary of the Interior?

Mr. INGALLS. The date of the recommendation is December 20, 1871.

Mr. EDMUNDS. That is rather an old recommendation.

Mr. INGALLS. It is signed by C. Delano, Secretary of the Interior, and accompanied by the statement of F. A. Walker, at that time Commissioner of Indian Affairs.

Mr. MORRILL, of Maine. I am not sure that I understand the facts of this case, but it seems to me the amendment is subject to a question of order. Will the Senator state by what authority he introduces this amendment?

Mr. INGALLS. It is to carry out the provisions of an existing treaty.

Mr. EDMUNDS. That does not make it proper unless you have the other elements required.

Mr. INGALLS. I think the Senator is mistaken. Under the rule of the Senate it is in order if it is "to carry out the provisions of an existing law or a treaty stipulation."

Mr. MORRILL, of Maine. How is this to carry out a treaty?

Mr. INGALLS. I have read the tenth article of the treaty made with the Pottawatomies in February, 1867, in which it is declared—

It is further agreed that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises.

Mr. EDMUNDS. "To Congress." Now show us the report to Congress.

Mr. INGALLS. I will send to the Clerk's desk and ask to have read the communication of the Secretary of the Interior and also of the Commissioner of Indian Affairs.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 20, 1871.

SIR: I have the honor to transmit herewith a copy of a report dated the 6th instant, from Commissioner of Indian Affairs, together with the claims therein referred to, of certain Pottawatomie citizens, for depredations committed upon their property while they were members of the Pottawatomie tribe of Indians.

The tenth article of the treaty with said Indians, of February 27, 1867, provides that the claims referred to, accompanied by the evidence taken therein, shall be reported to Congress, with the amount found to be equitably due, in order that such action may be taken as shall be just in the premises.

The claims, with the evidence taken, and a schedule thereof, with the amounts allowed in each case, as reported to the Department by the Commissioner of Indian Affairs, are respectfully submitted to Congress for such action as the treaty contemplates.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 6, 1871.

SIR: The tenth article of the treaty with the Pottawatomie Indians of February 27, 1867, (15 Statutes at Large, 533,) provides: "That upon the presentation to the Department of the Interior of the claim of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises."

Under this provision of the treaty a number of claims were presented by late agent, Palmer, under date of December 24, 1869, extending back as far as the year 1846. These, after examination in this office, were on the 27th February, 1870, reported to the then Secretary of the Interior, with the statement that, from the loose and defective character of the evidence, it was impossible to reach an intelligent decision as to the amount equitably due any one of these claimants; and it was therefore recommended that the papers be returned to Superintendent Hoag for re-examination by the present agent for the Pottawatomie Indians, Mr. J. H. Morris. This recommendation was concurred in by the honorable Secretary, and the claims were accordingly returned on the 8th March last, with instructions for the agent's guidance in the examination to be made by him; the claimants to submit new claims or verify those already made within a reasonable time.

In compliance with these instructions, a copy of which is herewith inclosed, Agent Morris transmitted to this office, under date of November 9, 1871, ninety claims, amounting in the aggregate to $49,547.80, and allowed by him in the sum of $48,332.80, with the statement that he has carefully investigated each separate claim and examined the witnesses as to the character of the several claimants for truth and veracity, and that all claims which appeared to him spurious or dependent upon evidence of a doubtful character had been rejected.

I inclose herewith an abstract made in this office of the various claims now presented, showing the names of the claimants, with the amount claimed and amount awarded placed opposite to their respective names.

A uniform course seems to have been adopted in the examination of the various cases, with little or no variation. The claimant makes deposition before a notary public that he is a Pottawatomie citizen, and had property stolen from him while a member of the tribe, specifying the articles thus lost, the circumstances connected therewith, and the value of the property at the time it was taken. This statement is corroborated by affidavits of two or three persons claiming to be conversant with the facts and circumstances of the case, and by the agent's certificate that the evidence was taken in his presence, that the valuation of the property lost is fair, and that he believes the claim to be equitable and just.

As the agent appears to have carried out his instructions in the investigation with which he was charged, I have the honor to submit the claims for consideration and appropriate action by the Department.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Mr. CONKLING. That is all the recommendation made then, the naked statement of the fact?

Mr. INGALLS. Which is—

Respectfully submitted to Congress for such action as the treaty contemplates.

I also have an abstract of the claims that were presented in accordance with the provisions of the treaty. If any Senator desires, I shall be pleased to have it read.

Mr. SARGENT. I hope we shall not take up any more time with this amendment.

Mr. STEVENSON. It is not worth while to have it read.

Mr. INGALLS. The claim is in accordance with the provisions of the treaty, and the whole amount has been proved under the provisions of law.

Mr. ANTHONY. What is the amount?

Mr. INGALLS. Forty-eight thousand dollars. As it is a just claim and recommended by the Department, I see no reason why it ought not to be allowed.

Mr. EDMUNDS. I submit that it is not recommended by the Department, but certain affidavits and evidence taken, as it is said, pursuant to this tenth article, have been transmitted to Congress for its investigation like any other claim. Therefore this amendment is not to carry out the provisions of an existing treaty, in the sense of the rule, like a treaty that requires the payment of a definite sum of money, but all the treaty provides is that certain evidence may be taken in a certain state of affairs like this and submitted to Congress for consideration. That evidence ought to have been submitted and referred to a committee, and I suppose it was from these letters, and that committee, if they believed it right on investigation, ought to have reported a bill just as they would have done for any other claim.

I do not know that they have, but it has been five years now since the matter has been presented to Congress, and some time within that five years—more than once I presume—that claim has been decided against. I cannot conceive it possible that it could have lain here without any recommendation, unless all committees were adverse to it and never reported it for that length of time.

Mr. INGALLS. Does the Senator know that it has ever been reported upon adversely?

Mr. EDMUNDS. I do not know, but I believe I remember that this claim has been up before and not been agreed to; but I will not state it with positiveness, for the reason that I would not wish the Senator or any other person to be misled by the vague idea I have that it was up before in previous years and not agreed to. Certainly I submit to my friend from Kansas it is not the place to put it on the deficiency appropriation bill. It ought, like any other claim standing by itself, to be referred to the Committee on Indian Affairs and be reported and passed as a bill by itself.

But I apologize to the Committee on Appropriations for having trespassed on their right and their duty to defend this bill against an amendment of this kind.

Mr. SARGENT. There is nothing further to be said after the Senator has so ably spoken.

Mr. MORRILL, of Maine. With a view of testing the question, I move to lay the amendment on the table.

Mr. INGALLS. It seems to me it is hardly a courteous way to treat a claim of this description.

Mr. EDMUNDS. It is five years old.

Mr. INGALLS. It will be six next year.

Mr. EDMUNDS. So it will.

Mr. SARGENT. I beg Senators to let us pass the bill.

Mr. INGALLS. As far as the remark of the Senator from Vermont is concerned, that this is not the place for it, on an appropriation bill of this kind, it appears to me that this is exactly the place for it. Everything else is in this bill, and I see no reason why this should not be.

Mr. EDMUNDS. I acknowledge there is force in that.

The PRESIDING OFFICER. The question is on the motion to lay the amendment on the table.

The motion was agreed to.

Mr. ANTHONY. I move an amendment which I submitted and had referred to the Committee on Appropriations. There is no provision to enable the Commissioner of Agriculture to distribute his reports, which it is absolutely necessary for him to do in order to carry on the machinery of his Department.

Mr. SARGENT. During the present fiscal year?

Mr. ANTHONY. No.

Mr. SARGENT. This bill relates to this fiscal year.

Mr. ANTHONY. We have not authorized the printing of any of his reports. I move to insert:

For printing twenty-five thousand copies of the report of the Commissioner of Agriculture, for the use of the Commissioner, $10,000.

Mr. SARGENT. Can that be done during this year?

Mr. EDMUNDS. I make the point of order that this is not in pursuance of the estimate of any Department, is not reported from any committee, has not been referred to any committee, and is otherwise improper.

Mr. ANTHONY. It comes from the Committee on Printing. It was referred to the Committee on Appropriations and is in writing somewhere, either on the files of the committee or on the desk of the Secretary. The printing of these reports is not my business; but the Commissioner of Agriculture has written to me several times that he has no means of furnishing copies of his report, which he says, and we know very well, are necessary for him to carry on his business.

Mr. SARGENT. Out of mercy to this bill, I move to lay the amendment on the table.

Mr. ANTHONY. Very well; I have done my duty.

The motion to lay on the table was agreed to.

Mr. HARVEY. I offer the following as an additional section:

That the proper accounting officers of the Treasury be, and they hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, to the date of the passage of this act, to settle and pay for the same without reduction on account of the reduction of hours of labor by said act, when it shall be made to appear that such reduction of the hours of labor was the sole cause of the reduction of wages; and a sufficient sum for said purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in order to enable said officers to pay to the laborers, workmen, and mechanics mentioned in said act of June 25, 1868, the full compensation of a day's wages for each and every eight hour's labor performed, without evasion or subterfuge.

Mr. SARGENT. I raise the point of order on that amendment on the ground that it is a private claim, has not been referred to the committee, and has not been reported.

The PRESIDING OFFICER. Has this amendment been reported from a committee?

Mr. HARVEY. It was referred to the Committee on Appropriations.

The PRESIDING OFFICER. Was it recommended by the committee?

Mr. HARVEY. It has not been recommended by the committee. I offered the amendment this morning, and it was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDING OFFICER. The rule requires that an amendment must be—

Moved by direction of a standing or select committee of the Senate or in pursuance of an estimate from the head of some of the Departments.

Mr. SARGENT. There is no estimate for it.

Mr. HARVEY. I have here a letter from the Secretary of War, directed to the chairman of the Military Committee of the House at the last session, concerning this matter.

The PRESIDING OFFICER. The ruling of the Chair has been that it must be in the Book of Estimates. That does not come within the rule. Two or three similar cases arose during the pendency of the former bill during the day, and such has been the ruling of the Chair.

Mr. HARVEY. The Chair rules this out of order, then?

The PRESIDING OFFICER. Yes, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

CONSOLIDATION OF NATIONAL BANKS.

Mr. CONKLING. I ask the Senate to take up a bill to which I think nobody will object—a bill to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York, reported by the Committee on Finance.

Mr. PRATT. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. CONKLING. I move to take up the bill, and I do not believe the Senator from Indiana will get up any bill unless he allows a vote to be taken on the question of taking this up. If the Senate votes this down, so be it, but I take it we are not subject to a single objection when there is no business before the Senate.

Mr. SCOTT. Before it is taken up I do not deem it indecorous to remind the Senate of the unanimous consent to give an hour to the Committee on Claims.

Mr. CONKLING. This bill would not have taken as long as this interruption has taken.

Mr. SCOTT. But there are a hundred others in the same position. I simply remind the Senate, and if it is the desire to go on with other business I shall not object. I acquit myself in doing my duty and shall not intrude myself on the Senate.

Mr. CONKLING. I hope this bill will be taken up. It is a mere formal matter.

The PRESIDING OFFICER. The question is on taking up the bill.

The question being put, the Chair declared that the noes appeared to prevail.

Mr. CONKLING. Let us divide on that. I do not believe claims will be facilitated by this mode of doing business.

Mr. SCOTT. Unanimous consent was given to allow an hour to the Committee on Claims, and it was given by the Senator from New York as well as others.

Mr. CONKLING. I beg the Senator's pardon; no unanimous consent was given when I was present. I tell my friend he will not hasten his bills by that way of doing business. Here is a little local bill of no interest except to people who do business in the two banks. It could have been passed in a minute.

Mr. SCOTT. It stands in the way of business.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to proceed to the consideration of the bill indicated by him.

The question being put, there were on a division—ayes 16, noes 11; no quorum voting.

The PRESIDING OFFICER, [after a pause.] What is the pleasure of the Senate?

Mr. EDMUNDS. I move that the Senate take a recess until nine o'clock in the morning.

Mr. ALLISON. I hope that will not be done. I ask that a few moments may be taken to pass a few pension bills.

Mr. EDMUNDS. There is no quorum here.

Mr. ALLISON. There are about twenty-five pension bills that can be passed in a few minutes.

Mr. EDMUNDS. We cannot do business without a quorum.

Mr. ALLISON. There is a quorum here.

Mr. EDMUNDS. Let us try it on this motion to take a recess. I insist on order.

Mr. ALLISON. I am endeavoring to preserve order.

Mr. EDMUNDS. Then this is the only business.

Several SENATORS. What is the motion?

Mr. EDMUNDS. To take a recess until nine o'clock.

Mr. ALLISON. I hope the Senator will withdraw it.

Mr. STEVENSON. I hope the Senate will give the Senator from Pennsylvania [Mr. SCOTT] an hour as soon as this debate shall be over.

Mr. EDMUNDS. I insist on order. This motion is not debatable. There is no quorum present apparently.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate take a recess until nine o'clock.

Mr. SARGENT. We ought not to take a recess until we get a message from the House announcing its action on the sundry civil bill, which has to go to a committee of conference.

Mr. EDMUNDS. I made the motion in order to secure a quorum and keep the Senate together. I do not propose to leave.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The motion was not agreed to; there being on a division—ayes 5, noes 38.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to proceed to the consideration of the bill indicated by him.

Mr. CONKLING. On that motion I wish to say one word. The bill I move to take up is to enable two banks resident in the city of Auburn, New York, whose business is concerned in consolidating, to do so. It is a House bill which I have sought for many days an opportunity to move, and have been appealed to by telegraph and otherwise by my colleagues to call attention to it.

Mr. EDMUNDS. What committee reported it?

Mr. CONKLING. It was reported by the Committee on Finance several days ago. Having waited all this time to take up this bill and never having been present when the Senator from Pennsylvania obtained unanimous consent, or any consent, about his bills, I addressed the Chair when no other Senator claimed the floor, and asked to take up this bill, which might have been completed in sixty seconds by the watch. Now that is my motion. It is a local bill——

Mr. MORRILL, of Vermont. And takes no money out of the Treasury.

Mr. CONKLING. It takes no money out of the Treasury, and is of no consequence to any human being but the parties whose business is concerned.

Mr. EDMUNDS. I hope we shall pass it by unanimous consent. It is the first bill to-night of that character.

Mr. CONKLING. And thereupon objection is made, as if I had committed a great crime, because I asked to take up this bill when there was no other business before the Senate.

Mr. SCOTT. I shall not be put in the position of imputing a great crime to the Senator from New York. I suppose the imputation is because I called the attention of the Senate to the fact that unanimous consent had been given to consider the bills from the Committee on Claims. I do not know how many telegrams the Senator from New York has received about changing the name of a national bank. I never stand in the way of business, certainly not if it is an accommodation to the Senator; but I know that I have received since this session began not less than one hundred notes sent in from women crying around the Senate Chamber, from claim agents and all classes of people who can annoy a man who has business in charge, and I only desire to discharge my duty as chairman of that committee for the purpose of getting the time which was allotted. Whether the Senator from New York was present or not when it was done, it was done by the Senate, in no hostility to his bill but in fidelity to what I considered to be my duty. Of course the Senator from New York having been recognized, other Senators in the discharge of their duty will want the floor and I shall be in the position then of objecting to every successive one, just as I have endeavored to do to his. I shall interpose no objection at all.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion was agreed to; and the bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. EUGENE HALE of Maine, and Mr. SAMUEL J. RANDALL of Pennsylvania managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHILETUS SAWYER of Wisconsin, Mr. EDWIN O. STANARD of Missouri, and Mr. ASA H. WILLIE of Texas, managers at the same on its part.

The message further announced that the House had passed the following bills:

A bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory;

A bill (H. R. No. 706) to amend an act approved July 7, 1862, entitled "An act for the better government of the Navy of the United States;"

A bill (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota;

A bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased;

A bill (S. No. 843) for the relief of the survivors of the Polaris;

A bill (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry;

A bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company; and

A bill (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. SARGENT, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. SARGENT, Mr. DORSEY, and Mr. KELLY.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, disagreed to by the House.

On motion of Mr. CHANDLER, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

Mr. EDMUNDS. Is it in order at this stage to move that we be authorized to borrow $8,000,000 to pay for these improvements?

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair thinks not.

Messrs. CHANDLER, WEST, and DENNIS were appointed the conferees on the part of the Senate.

Mr. WEST subsequently, on his own motion, was excused from serving as a conferee, and Mr. WINDOM was substituted in his stead.

SOUTHERN WAR CLAIMS.

Mr. SCOTT obtained the floor.

Mr. HAMLIN. I ask the Senate to take up a bill which gives a pension to a widow who is very poor and her children are crying for bread.

Mr. SCOTT. I move to proceed to the consideration of House bill No. 4692, making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

The motion was agreed to.

Mr. HOWE. I never can get the floor except by the consent of somebody who has it, and I appeal to the Senator from Pennsylvania, as just now I appealed to the Senator from California, to let the Senate consider the short bill which I ask to take up. It will occupy but a minute.

Mr. SCOTT. I do not consider myself as in charge of the floor at all. Here are Senators all around me interested in these bills from the Committee on Claims. If the Senator can obtain unanimous consent, I have no objection.

Mr. STEVENSON. I insist on the regular order.

Mr. NORWOOD. I appeal to the Senator from Wisconsin to let the Senate proceed with this bill and not antagonize it. I will stay here as long as anybody to assist the Senator from Wisconsin in passing his bill and meritorious bills that other Senators may want to have passed.

Mr. PEASE. I object to anything but the regular order.

Mr. NORWOOD and Mr. ALCORN. Let us have the regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. CRAGIN. Before the reading of the bill commences I wish to make a short statement. This morning the Committee on Naval Affairs was entitled to the morning hour, and one objection, under the rules, would have given the time to that committee, but they gave it away.

Mr. ALCORN. Mr. President——

Mr. CRAGIN. I am not going to object to this bill at all. I gave away the time of the Naval Committee this morning, being appealed to by the Senator from California, with the distinct agreement and understanding of the Senate that the Naval Committee was to have fifteen minutes when the appropriation bills were disposed of. Now, I give way for the bills in the hands of the Senator from Pennsylvania, but after he is through I shall claim the right to ten or fifteen minutes for my committee. I am a modest man, but unless I assert my rights I know I shall not obtain them in this scramble, and I intend do it.

Mr. SCOTT. Before the Secretary proceeds to read the bill I may perhaps facilitate the disposition of it by making a very brief state-

ment with reference to the bill. This bill makes appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871. The cases reported upon by the commissioners of claims at the commencement of this session of Congress numbered twenty-four hundred and seven.

Mr. SARGENT. Will the Senator allow me one moment?

Mr. SCOTT. Certainly.

Mr. SARGENT. I wish to call the attention of the Senate to the fact that this morning when I wished to call up the sundry civil appropriation bill the chairman of the Naval Committee had the floor and was entitled to proceed, and his objection would have stopped me. By his giving way we were enabled to put an hour's work on the sundry civil bill. I ask the Senate, as soon as this bill is disposed of, that the chairman of the Naval Committee may have the fifteen minutes which were at that time given to the sundry civil bill.

The VICE-PRESIDENT. The Chair hears no objection to that understanding.

Mr. SCOTT. I have stated that the cases reported upon by the commissioners of claims numbered twenty four hundred and seven. Of this number there were allowed, wholly or partially, eleven hundred and sixty-three, and disallowed twelve hundred and forty-four. The amount allowed was $740,409.72, and the amount disallowed $4,471,995.09. These figures show how many unfounded cases are presented to the commissioners, and also show how exaggerated are the amounts demanded in cases which are adjudged to be just in part. The House changed the report to some extent. It added four cases, one omitted by error, which we leave in. It added Caroline Heater, of Virginia, heretofore withdrawn by the commissioners and never again reported upon; James C. Freeman, of Georgia, disallowed formerly; and Joseph Garland, of Alabama, disallowed formerly. The committee of the Senate have stricken those out and sent them back to the commissioners for further examination.

Following the practice heretofore adopted with reference to these bills in the committee, the cases of largest amount were allotted among the members of the committee for the purpose of examining them, so that they might test in a general way the correctness of the reports made by the commissioners. Upon examining about fifty or sixty of the cases involved in this bill, there being over eleven hundred of them in all, the committee have stricken out of the bill the following cases:

Joseph Garland, Alabama	$1,200 00
Moses Maples, Alabama	4,688 00
W. B. Worsham, Arkansas	2,048 00
J. Campbell, administrator, Florida	9,225 00
J. C. Freeman, Georgia	2,985 00
J. Bontura, Mississippi	6,985 00
A. R. Fraser, Virginia	9,009 89
C. Heater, Virginia	5,165 00
G. Vanderwerker, Virginia	16,414 35
	57,720 22

The reasons for striking these cases out I will give very briefly when I go a little further.

The bill as it came from the House appropriated $148,296.39 divided among eleven hundred and sixty-seven cases distributed among the eleven States, as follows:

States.	Cases.	Amount.
Alabama	142	$72,871 82
Arkansas	153	96,501 00
Florida	6	13,475 00
Georgia	107	45,520 86
Louisiana	14	93,737 00
Mississippi	75	143,128 00
North Carolina	117	35,889 57
South Carolina	12	5,930 25
Tennessee	319	87,787 47
Texas	2	1,300 00
Virginia	214	143,460 42
West Virginia	6	8,695 00
Total	1,167	748,296 39

The Committee on Claims have stricken out, as I have stated, nine cases, which reduces the amount appropriated by the House bill as follows:

States.	Amount House bill.	Amount amended bill.
Alabama	$72,871 82	$66,983 82
Arkansas	96,501 00	94,453 00
Florida	13,475 00	4,250 00
Georgia	45,520 86	42,535 86
Louisiana	93,737 00	93,737 00
Mississippi	143,128 00	136,143 00
North Carolina	35,889 57	35,889 57
South Carolina	5,930 25	5,930 25
Tennessee	87,787 47	87,787 47
Texas	1,300 00	1,300 00
Virginia	143,460 42	112,871 20
West Virginia	8,695 00	8,695 00
Total	748,296 39	690,576 17

I will state very briefly, for the purpose of bringing as candidly as I can before the Senate the embarrassments the committee encountered in considering this bill, the reasons that have operated upon us in rejecting these cases which we recommend shall be taken from the bill. I will take one case as an illustration to begin with, and in taking that I do not wish to convey the impression at all that it is a specimen of the general action of the commissioners, for I think that generally they are much more correct than they have been in this case. I take the case of Gilbert Vanderwerken, of Virginia, the owner of some thousands of acres of land lying, perhaps eleven or twelve miles from this city. He purchased these tracts of land in various parcels, beginning in 1852 and closing his purchases some time during the war, paying upon an average not more than eleven or twelve dollars per acre. The testimony shows that he received property of the Government, material at Fort Marcy, about $6,000, and some $2,500 in money for wood and other articles sold off the property. In his testimony he states that his property was worth a considerable sum per acre; I think he goes as far as $80 or $100 per acre, showing the property to be worth in the neighborhood of $100,000. Notwithstanding this he presented his claim to the commissioners of claims for over $90,000, and they have allowed him $16,000. The testimony upon which it is allowed is that of himself and his agent who was upon the property, and one other person who does not give very much testimony with regard to it. I think the commissioners have made an entire mistake in reporting that case; and the committee recommend that it be stricken out. There is another case which to my surprise is here a second time, that of Campbell, the administrator of the estate of Stephen S. Springer. Springer was captain of a steamer in the United States service during the war, which plied on the coast near Beaufort or Hilton Head. He became the purchaser of three forty-acre tracts of land in Lady's Island, I think it was called, at a price of about $400. He made, as is alleged, a verbal contract with a quartermaster named Moore, who is said now to be dead, although the proof of his death was not very specific before the commission. That contract was for timber off these forty-acre tracts of land at three dollars a stick for standing timber. That timber was delivered for the purpose of putting in tugs at Beaufort, Hilton Head, and one or two other points. The taking of that timber commenced within ninety days after the deeds bear date to him from the commissioners of direct-tax sales. Sixty days had run before the title became absolute in him after the sale. Therefore the contract must have been made before or immediately after the sixty days had expired, and the consequence is a bill is presented for over $9,000 for the standing timber taken by the Government off these three forty-acre tracts of land which had been sold at direct-tax sale for a little over $400; and that bill of $9,000 is allowed.

This man Springer it is alleged died in Florida. John Campbell is his administrator. Springer left no children; he left no widow. It is alleged that this claim is prosecuted for the benefit of northern creditors, and one of the principal witnesses who makes out the claim is the brother of Campbell, the administrator of Springer, the attorney in fact, who says he is interested in the case. Now, taking that in its general aspect, this direct-tax sale and the verbal contract by one employé of the Government with another, which enabled him to realize $9,000 in a few weeks out of property which he paid $400 for, the case looks to us as if it required very considerable explanation. It was sent back at the last session and witnesses were examined in this District who testified that three dollars would be a pretty fair price for that kind of timber down there, but this I do not care to go into. What struck the committee as very objectionable is that the original tax-deeds are not given. Certified copies are given, but the testimony to my mind is not conclusive that the originals were ever delivered to Springer. The commissioners have sent the claim back to us again and the committee recommend that it be struck out.

In a general way I have this criticism to make upon the findings of the commissioners: Where property is alleged to be taken for the use of the Government, for instance horses, the taking is sometimes proved to have occurred in the presence of an officer by privates. I remember one case of that kind. The property is traced no further; it is not proven conclusively that it went into the service of the Government; it is not found on the return of the Quartermaster or Commissary General; and I think the commissioners are a little liberal in allowing claims under such circumstances. It is true the citizen has lost his horse, as in the case to which I referred, but it is not entirely certain what became of the horse or that the Government got it. Still, as a general rule, the commissioners have been very industrious and careful in their examinations and they have only in some instances departed from the rules which would have governed the committee if the cases had been before them. We have struck out some cases which we have examined, and I have deemed it my duty to bring these facts before the Senate so that they may have the advantage of the committee's examination.

Now, with this statement, if the Senate is satisfied that I shall do so, I shall call attention to the amendment which we recommend without reading this bill in full, because it contains nothing but the names of claimants and the amounts appropriated to them.

Mr. CONKLING. It is the House bill?

Mr. SCOTT. Except an additional section which the committee recommend sending certain cases back specifically for examination, and also requiring that hereafter the commissioners shall sign their

reports. They send their reports in not signed at all, and we are not able to determine from an examination of a report whether it is the opinion of all the commissioners or not. We cannot tell which commissioner examined it. We desire them to sign the report if all agree, and if either dissents to state the dissent and the reasons for it.

Having made this statement, I will now ask the attention of the Senate to the amendments and ask concurrence in them unless some Senator desires that the bill be read through regularly.

Mr. EDMUNDS. We ought not to pass such a bill without reading it. I never heard of such a thing.

Mr. SCOTT. I have made this statement for the purpose of getting the facts before the Senate.

Mr. STEWART. I should like to inquire how long this commission is to run?

Mr. SCOTT. I will answer the Senator from Nevada. The commission was created originally to extend to the 3d of March, 1874, if I recollect aright, and it has been extended for three years. I believe it will run until 1877. The time, however, for filing claims expired on the 3d of March, 1874, and there has been constant application since to extend that time again. The Committee on Claims, a divided committee, reported a bill which contains a clause of that character. I do not propose to call that bill up for action, because I am opposed to extending the time.

Mr. CONKLING. Has it never been extended?

Mr. SCOTT. It has been extended once.

Mr. EDMUNDS. What is there in this bill?

Mr. SCOTT. The Senator from Vermont could not have been in when I made my statement.

Mr. EDMUNDS. I do not mean the facts. Is there anything of a legislative character except naming the claimants and naming the sums which they are to get?

Mr. SCOTT. The only thing is a section which sends back to the commissioners for examination the cases we recommend to be stricken out, and the clause requiring the commissioners to sign their reports, and where either of them dissents to state the reasons for the dissent. That is all the legislation there is in the bill.

Mr. BOUTWELL. I desire to inquire of the Senator from Pennsylvania whether the fifty cases which I understand have been examined by the committee were cases in course upon the report of the commissioners, or whether they were suspected cases? I understand nine of them have been rejected by the committee; and if fifty were cases in course, it throws suspicion on the whole list.

Mr. SCOTT. I will state to the Senator that so far as several of those cases were concerned, attention was specifically directed to them in this way: They had been disallowed, some because of insufficient proof of loyalty; others for other reasons. They had been sent with their report to the House, and the House upon testimony afterward finally inserted them. We deem that an improper mode of proceeding, and do not think it possible that the committee of either the House or the Senate can take up testimony and examine it; and we wish to send them back. That only refers to four or five cases. I selected, as chairman of the committee, those involving the largest amount, without any knowledge whatever of their character, and referred them to the members of the committee for examination.

Mr. EDMUNDS. That is to say, forty-five cases, taking out the five.

Mr. SCOTT. Forty-five or fifty.

Mr. CONKLING. How many of those do you challenge now?

Mr. WRIGHT. I suggest to the chairman of the committee there were some seventy cases, about eight being referred to each member of the committee.

Mr. SCOTT. I am somewhat under the number that were examined. There are nine members of the committee, and each member had about eight cases. There were seventy cases altogether, although some of the members did not proceed in examining all their cases.

Mr. EDMUNDS. Seventy cases were examined, then, if I understand, instead of fifty?

Mr. SCOTT. There were three cases that had formerly been disallowed and that were stricken out for that reason and sent back for examination. Of the cases examined six are recommended to be stricken out.

Mr. CONKLING. That is one in eleven and a half.

Mr. SCOTT. I can state the reasons. There are, I believe, three of them in which the commissioners themselves have sent to us notification that they have received information from some of their special agents which would render it desirable that they should be sent back for reasons transpiring since they sent their report to Congress. I referred to other cases, such as that of Vanderwerken, of Virginia, and that of Campbell, the administrator of Springer, in Florida. Then there is the case of a man named Joseph Bontura, a livery-stable keeper in Natchez, Mississippi, which case I myself examined, and from the testimony I find the evidence of his loyalty was entirely insufficient. If the case had been before the committee, the committee would not have passed it.

Mr. EDMUNDS. I suppose he was proved to be loyal like Colonel Lamar, who got paid for his cotton on the ground that he had an amnesty.

Mr. SCOTT. No, the testimony was this: Bontura kept a large livery stable, had a large number of horses, and up to 1863, notwithstanding the emergency in which the confederate army was placed, he was not disturbed. There is no evidence of his actual participation in the rebellion, although he was disabled and perhaps could not participate in it. When our Army reached there, he kept a boarding-house and entertained our officers, and got pay for it, and there is nothing affirmative to show that he was on either side of the question. The proof was not suspected, but the claim was presented in such an unconscionable shape, for so large an amount, that that of itself rendered it somewhat suspicious. I speak of that for the purpose of illustrating the character of these cases.

Mr. CONKLING. How many cases are there?

Mr. SCOTT. There were eleven hundred and sixty-seven cases in the bill.

Mr. EDMUNDS. I should like to ask the Senator from Pennsylvania if I correctly understand him when he says that seventy cases were taken out of these eleven hundred and sixty-seven to be examined by the committee. Am I right?

Mr. SCOTT. About seventy cases were examined by the committee.

Mr. EDMUNDS. I am substantially right?

Mr. SCOTT. Yes, sir.

Mr. EDMUNDS. Now, were those seventy cases taken at random, as in a custom-house, in eleven hundred and sixty-seven cases of merchandise seventy would be taken to test the quantity and quality, &c., or how were those seventy selected?

Mr. SCOTT. With the exception of some four or five to which special attention was directed, as I stated in my reply to the Senator from Massachusetts, [Mr. BOUTWELL,] the others were taken, I may say, at random, being guided by the importance of the case and the amount appropriated in selecting them, deeming it more important that we should examine the larger cases; but they were taken without any previous knowledge of their character, at random, through all the States.

Mr. EDMUNDS. So that sixty-five cases were taken at random out of the whole stock of eleven hundred and sixty-seven, of which you had no previous knowledge, and out of those sixty-five may I ask how many were discovered to be bad?

Mr. HOWE. And how many were actually examined?

Mr. EDMUNDS. And how many were actually examined? as my friend from Wisconsin says. In the first place, were the whole sixty-five actually examined and considered by the committee?

Mr. SCOTT. Each member of the committee reported all his cases, I believe. If there was any exception it was perhaps the Senator from Mississippi, [Mr. PEASE,] who was unwell during a portion of the time. My impression is that at the close of the examination he brought in all his cases and stated that he had examined them thoroughly. Am I right?

Mr. PEASE. Yes; I examined them all and brought them all in.

Mr. EDMUNDS. Out of those sixty-five how many were found to be bad?

Mr. SCOTT. I have already stated that six are recommended to be stricken out, and in three of those cases notice was received from the commissioners that since they sent their reports in their special agents had given them information which led them to believe the cases ought to be sent back to them for examination. So that three of them were brought to our notice in that way.

Mr. EDMUNDS. And if you had not received that notice those three might have got through?

Mr. SCOTT. They might have. I am not sure that they would.

Mr. EDMUNDS. So that this notice would rather heighten the doubt which would be thrown over the others?

Mr. SCOTT. The Senator can draw his own conclusions.

Mr. EDMUNDS. I am asking my friend, who has charge of this business, how it would strike him?

Mr. SCOTT. I have already, in my general statement, said that I wished to call the attention of the Senate to the fact that this number of cases in our examination we find ought to be rejected, and I went on to illustrate—I do not know whether my friend was in or not at that time—the character of the cases by taking up two of the cases and stating the details of them.

Mr. EDMUNDS. I do not care about the details. I only wish to get at the results of the committee. It seems to me that one case in eleven, in round numbers, and a little more than eleven, so far as you examined at random, turned out to be cases that do not fall within the statute and within the principles of the statute, as you know.

Mr. CONKLING. And some of them are fraudulent.

Mr. SCOTT. I will not say that the claims presented did not fall within the statute.

Mr. EDMUNDS. O, no; I am not making any criticism upon the commissioners, for whom I have the highest respect and in whom I have great confidence; but it turns out, if I understand the Senator from Pennsylvania, that one in eleven of these cases, taken at random, turned out to be cases that do not stand, in the judgment of the committee, upon solid grounds!

Mr. SCOTT. The Senator states too largely the proportion. Not one in eleven.

Mr. EDMUNDS. But six in sixty-five, the Senator says.

Mr. SCOTT. But of those cases three were called to our special attention by the facts stated by the commissioners. If the Senator from Vermont will permit me, I may perhaps relieve him further. I think I know what is in his mind. Three of the cases that we have

recommended to be stricken out were stricken out because they had formerly been disallowed. Upon comparing the report sent to us in December last, at the commencement of this session of Congress, I found they were not in that report. I found they had been sent to us in former reports disallowed, and for that reason, without any particular examination of them, we deemed it proper, instead of inserting them in the bill, as subsequent testimony was relied upon in the House, to strike them out and send them back to the commissioners. The other three cases to which I referred were selected because of the notice sent by the commissioners that there were facts transpiring since the reports that required them to be sent back for further examination.

Mr. EDMUNDS. Yes, Mr. President, but if it appears now, after this bill has got through the House, that three of these cases had been disallowed by the commissioners and reported disallowed, what, in that proportion, is the number of cases in the whole eleven hundred and sixty-seven that have also been disallowed and are passed by the House in this bill?

Mr. SCOTT. No others; for we compared the list of those allowed with the bill, and we found that there are but three cases in this bill that were not in the report returned by the commissioners to Congress at its assembling in December last. Of course those three cases led to an inquiry as to how they got there.

Mr. EDMUNDS. Yes, but the Senator says he took sixty-five cases, in round numbers, at random. Now it happens that three of those were cases that had been reported adversely by the commissioners. If the commissioners had given him notice in advance and he had taken those cases because they were thus reported against, that would reduce the number of cases taken at random to sixty-two.

Mr. SCOTT. The Senator is mistaken. They were taken for that reason because they were not found in the report and they were found to be disallowed.

Mr. EDMUNDS. Very well. That reduces the number of cases taken at random to sixty-three, does it? Am I right in that?

Mr. SCOTT. I did not hear the question of the Senator.

Mr. EDMUNDS. That then reduces the number of cases taken at random to sixty-three. The Senator started with seventy and he gave a special account of five or six, which left sixty-five. Now he says there are three of those that turned out to have been disallowed by the commissioners and of which the commissioners gave him notice. Were they in those which he took at random, or were they those of which he had notice?

Mr. SCOTT. The Senator mistakes again. I shall have to explain to my friend the *modus operandi* of examining this bill, so that he can get at the exact number of cases examined. The commissioners sent in their report at the commencement of the session of Congress, in pursuance of the act. They stated the names of the claimants to whom they made awards, and they stated the names of claimants whose claims had been disallowed. Upon examining this bill in comparison with the report, I found upon the bill three names that were not in the report made in December. Upon examining how they got there, it was found that these three had been of the disallowed cases in former reports—not this session, but in former reports. The House put them in upon testimony filed with them afterward. We deemed that improper. Now, take those three from the seventy-two which were taken from the bill at large, and you will have sixty-nine. The commissioners sent to me information with reference to three more—information obtained from their special agents since their report was made—which justified them in saying they thought it was proper that those should be sent back, and for that reason they were put among the cases to be examined.

Mr. EDMUNDS. Then I understand the Senator to say that he had information as to this last number before he took these sixty-nine cases out. That reduces the number to how much?

Mr. CONKLING. Sixty-six.

Mr. EDMUNDS. Three more; yes, that left sixty-six.

Mr. SCOTT. Of those there are three more——

Mr. EDMUNDS. Those sixty-six representing the cases taken as samples, so to speak, at large, out of the bill?

Mr. SCOTT. Yes. Of those there were three more that the testimony with them disclosed ought to be rejected. I said these three were selected because the commissioners sent me notice. I think I am, perhaps, incorrect as to one of them. I had selected it before I got the notice. I got the notice of one of them immediately after I had the selected it. Nevertheless that does not change the figures.

Mr. EDMUNDS. That would leave about one in twenty-two, on doctrine of changes.

Mr. STEWART, (to Mr. SCOTT.) How many did you examine yourself?

Mr. SCOTT. I took the same number as any other member of the committee. I examined eight, and incidentally looked through several others.

Mr. STEWART. In the eight you examined how many did you find bad?

Mr. SCOTT. In the eight I examined I rejected two.

Mr. WASHBURN. I want to ask the chairman of the committee if he does not give a wrong impression when he says "reject." As I understand it, the committee do not examine these cases so as to come to the conclusion that they would reject those cases, but that they were dissatisfied so as to send them back to the commissioners for re-examination.

Mr. SCOTT. I stated that was the recommendation that we made. In my former remarks I think I created no wrong impression upon those who heard me. I stated that the recommendation was for reexamination. Now, if no other Senator has a question which he desires to have answered with reference to the bill——

Mr. HOWE. I have one question.

Mr. SCOTT. Very well.

Mr. HOWE. I ask whether the reports made by the different members of the committee were submitted to the committee and whether the judgment of the committee was passed upon each one of these different cases examined by the different members of the committee? Have we the judgment of the committee that all but the three condemned cases were passed on by the committee, or is it the judgment of the different members of the committee?

Mr. SCOTT. I will state to the Senator what perhaps he is entirely familiar with, for I think that during the time he had the pleasure of being on that very agreeable committee, as its chairman, he will remember the process through which the cases were put, that each member did make the report of his examination to the full committee, stating at such length as he deemed necessary the testimony found in each case. Of course, the bill coming over on the 23d of February, ever since which time the Senate has been in almost a continuous session, it was utterly impossible that a very full consideration should be given to each case; but the judgment of the committee was taken upon the report made by each member of the committee to the full committee, except that at the last meeting the committee was not entirely full, because it was impossible to get a full committee during the session of the Senate.

Mr. EDMUNDS. What is the total amount?

Mr. WRIGHT. Seven hundred and forty-eight thousand dollars and more.

Mr. SCOTT. The bill by this report is reduced to about $690,000. The original amount was $748,000.

Mr. WRIGHT. I wish to say one thing to supplement what the chairman of the committee has said. This bill, as he has already stated, was referred to the committee on the 23d of February, while the law requires that it shall be sent to the House on the 1st day of the session. It was held there until that time, and of course it is very plain to the Senate, without our saying anything upon the subject, that it was utterly impossible for us to examine all these claims. The chairman pursued, the course usually pursued and I believe uniformly pursued in the examination of these cases; that is, to assign eight or ten or twelve cases to each member of the committee for examination. I can only state, so far as my own examination is concerned, that I examined every case assigned to me, examined all the testimony on the docket, and made a full memorandum and submitted it to the committee, so that when I was through my examination the committee had a condensed report of all the facts in the cases.

Mr. EDMUNDS. How many cases did you examine?

Mr. WRIGHT. I had eight.

Mr. EDMUNDS. How did they stand?

Mr. WRIGHT. I was about to state that of the eight I found one, sitting as a court of review, so to speak, that I could not recommend; and indeed I recommended to the committee that it should be rejected, and it was rejected. I think perhaps there were one or two other cases that I had the gravest doubts upon and only concluded to recommend and report upon them because of the weight that I accorded to the decision of the tribunal. In other words, I think I said to the committee that if hearing it originally upon the testimony as it stood, I should have found otherwise; but giving due weight to the ruling of the tribunal, I concluded I would affirm it, and that was the conclusion of the committee. I think I can say of the eight cases I examined there is no probability of injustice being done to the Government in agreeing with the commission in all the cases except one, and that one I believe is the Garland case, which has been rejected. I cannot state of course to what extent the other members of the committee examined their cases, but I suppose to the same extent that I did. The time allotted of course was so short that it was utterly impossible to give a full examination to all these cases, and we therefore concluded, I think I am justified in saying, that the only thing we could do was to report the bill to the Senate and state as briefly as we could to Senators the facts as far as we were able to do so, and leave the Senate to determine.

Mr. EDMUNDS. May I ask the Senator from Iowa how many members of that committee there are?

Mr. WRIGHT. Nine members.

Mr. EDMUNDS. And there were three cases found to be bad out of sixty-six?

Mr. WRIGHT. I do not remember about that; but I remember about those I examined myself.

Mr. EDMUNDS. The chairman found two bad and the Senator from Iowa found one, and the other seven, having forty-nine cases, found none at all. That is a most extraordinary coincidence of luck.

Mr. SPENCER. I do not wish to embarrass or delay the passage of this bill, because I am very much interested in it and should be sorry to see it defeated. But I desire to ask the Senator from Pennsylvania, the chairman of the committee, about the case of Mr. Ma-

ples, of Jackson County, Alabama. I know the man personally. I should like to know the reasons why his case was sent back.

Mr. SCOTT. I can answer the Senator. The case was reported favorably, and upon a letter dated January 31, 1875, addressed to the commissioners, they directed a special agent, who was at that time in the neighborhood of where Mr. Maples resides, to make inquiries with reference to his loyalty. That agent did make examination, made a report to them, and sent the letter and testimony of one or two other persons with reference to that, all of which was communicated to the committee, and upon that they deem it proper, as the commission did, that this case should go back to the commission for re-examination.

Mr. SPENCER. I desire to state that I know Mr. Maples very well personally, and I have no doubt of his entire loyalty during the whole war. It would embarrass the bill, however, to make further objection.

Mr. SCOTT. In order to facilitate business, I will ask consent that the reading of the bill, except the last section, be dispensed with, and I will call attention to the amendments by the numbers of the lines so the amendments may be acted upon. I will ask that consent and ascertain whether it can be obtained or not.

Mr. EDMUNDS. I do not wish to embarrass the consideration of this bill by anything that will unseasonably consume time, but it does seem to me that no bill ought to pass this body without being read, no matter what committee it comes from, or what it is about. post-routes or whatever; but if no other Senator thinks I am right, I shall not allow my own selfish opinion to stand in the way of the judgment of other gentlemen; but I confess it appears to me a very bad precedent. I do not doubt at all that this particular measure is exactly what my friend believes it to be, but I believe it to be a violation of sound principles of safety to allow it to go through without its being read.

Mr. HOWE. I want to suggest to the Senator from Vermont that the reading of the text of this bill will occupy from one to two hours, as it is a bill of seventy-odd pages, and if we sit here and hear it read we shall know that we have heard the text of the bill. What the bill is about, what the cases are upon which the money is awarded in the bill, we shall not know anything about, for the committee which reports it tells you that with the exception of a few cases its members know nothing about it. You have got to act blindly or not to act at all, so far as voting the money is concerned; and is it worth while to vex this exhausted Senate to sit here by the hour just to see the husks opened before you in which these awards are contained? It seems to me that is sticking a little in the bark.

Mr. EDMUNDS. The Senator will pardon me if I tell him that I shall not interpose my individual objection.

Mr. HOWE. I was making the suggestion to the Senator from Vermont.

Mr. SCOTT. Then, if no Senator objects, I will state that the first amendment will be found on page 4, line 74, of the bill. I will ask the Senate to agree to the amendments. The Clerk will report them.

The CHIEF CLERK. The first amendment reported by the committee is on page 4, line 74, to strike out the following words:

To Joseph Garland, $1,200.

The amendment was agreed to.

The next amendment was to strike out on page 6, lines 132 and 133, the following words:

To Moses Maples, $4,688.

The amendment was agreed to.

The next amendment was in lines 451 and 452, page 19, to strike out the following words:

To William B. Worsham, $2,048.

The amendment was agreed to.

The next amendment was on the same page, in lines 456 to 458, to strike out the following words:

To John Campbell, administrator of the estate of Stephen S. Springer, deceased, $9,225.

The amendment was agreed to.

The next amendment was in lines 515 and 516, page 22, to strike out the words:

To James C. Freeman, $2,985.

The amendment was agreed to.

The next amendment was in lines 641 and 642, to strike out the following words:

To Joseph Bontura, $6,985.

The amendment was agreed to.

The next amendment was on page 88, after line 666, to insert:

Clara A. Brinkley, Hubbard W. Hardaway, J. W. Hardaway, M. B. Hardaway, and Susan E. Mason, the.

So as to make the clause read:

To Clara A. Brinkley, Hubbard W. Hardaway, J. W. Hardaway, M. B. Hardaway, and Susan E. Mason, the loyal heirs of Alice Hardaway, deceased, $8,031.

Mr. SCOTT. That is simply inserting the names of the heirs. The bill as it came from the House simply said "to the heirs," without designating who they were.

Mr. HOWE. How are these names obtained? Are they found in the record?

Mr. SCOTT. The names are found in the record. The bill of the House simply was to the "loyal heirs of Alice Hardaway," and the Senate committee deemed it not exactly the right thing to send the question as to who were the heirs and the loyal heirs to the officers of the Treasury for their decision; but looking in the record they found who the loyal heirs were, and directed accordingly that the names should be inserted.

Mr. HOWE. Did the commissioners find that they were a part of the heirs that were loyal, or that these were the heirs and that they were all loyal?

Mr. SCOTT. I do not recollect now whether these are all the heirs, but they were loyal.

Mr. WASHBURN. These are all the heirs and they are all loyal.

The amendment was agreed to.

The next amendment reported by the Committee on Claims was in line 744, on page 31, after the word "deceased" to strike out "for the loyal heirs" and insert "for the use of Warren S. Kyle, Clara O. Kyle, and Lizzie H. Kyle, the loyal heirs of said deceased;" so as to make the clause read:

To Elizabeth Withers, executrix of the estate of John Kyle, deceased, for the use of Warren S. Kyle, Clara O. Kyle, and Lizzie H. Kyle, the loyal heirs of said deceased, $3,914.

The amendment was agreed to.

The next amendment was in line 1248, on page 52, after the word "deceased," to strike out "for the loyal heirs" and insert "for the use of L. L. Osment, H. Y. Osment, H. C. Osment, and Alice E. Osment, the loyal heirs of said deceased;" so as to make the clause read:

To Mary A. Osment, administratrix of the estate of John Osment, deceased, for the use of L. L. Osment, H. Y. Osment, H. C. Osment, and Alice E. Osment, the loyal heirs of said deceased, $1,010.67.

The amendment was agreed to.

The next amendment was to strike out after line 1510, on page 62, the following words:

To Anthony R. Fraser, $9,009.87.

The amendment was agreed to.

The next amendment was after line 1538, on page 63, to strike out the following words:

To Caroline Heater, $5,165.

The amendment was agreed to.

The next amendment was after line 1698, on page 70, to strike out the following:

To Gilbert Vanderwerken, $16,414.35.

The amendment was agreed to

Mr. STEWART. I suggest to the chairman of the Committee on Claims that he lay this bill aside and take up some claims that he knows to be correct. Now there is enough developed to establish one fact: that further investigation of these claims ought to be had. Of the eight the chairman himself examined he found that two ought not to be allowed—one-fourth of them. This is a very large sum, six or seven hundred thousand dollars, to come here only two or three days before the end of the session, and the little examination that has been had has developed so large a percentage that the claims ought not to be allowed now. It seems to me they ought to go over and be examined during the next Congress. The report will stand good. It is a report of this commission. It ultimately will be acted upon. There are hundreds of claims of individuals that have been here for twenty years and no action has been had on them. These claims are different; they are collected and will be acted upon; and when they are thus collected and certified to, it seems to me it is the duty of Congress to take sufficient time to examine them. Let us take up individual cases that have been carefully acted on by the committee. Of these cases now before us some will go through that are honest and a great many that are dishonest.

Mr. SCOTT. I take very kindly the suggestion of the Senator from Nevada as to what I had better do, but I prefer that we shall act on the amendments first, and then his suggestion will be more in order as to the final passage of the bill. There is one more amendment.

Mr. STEWART. I will say no more then at this time.

The next amendment of the Committee on Claims was to insert as section 2 the following:

SEC. 2. That the cases of Joseph Garland, Moses Maples, William B. Worsham, John Campbell, administrator of the estate of Stephen S. Springer, deceased, James C. Freeman, Joseph Bontura, Anthony R. Fraser, Caroline Heater, and Gilbert Vanderwerken be, and they are hereby, referred to the commissioners of claims for re-examination and report; and the said commissioners of claims are hereby authorized to reopen, examine, and consider the said cases, and to make report thereon to Congress; and it shall hereafter be the duty of the commissioners of claims who concur in making any report to sign the same; and if either of said commissioners dissents from the report, such dissent, with the reasons therefor, shall also accompany it.

The amendment was agreed to.

Mr. SCOTT. Now, Mr. President, in answer to the suggestion of the Senator from Nevada I have to say that this commission was originally formed by a section in an appropriation bill that elicited very considerable discussion, and my impression is that different members of the Senate took somewhat different views as to the functions of this commission, some taking the view that they were appointed simply to examine these claims, collect the evidence, and transmit that evidence to Congress for its future action. But when their first report came in others took the view that the finding was of sufficient

importance to give it a *prima facie* correctness, almost the force of the judgment of a court, and upon those findings appropriations were asked and have been made at every session of Congress since this commission was organized. So long as I have been a member of the Committee on Claims, and that has been ever since this commission was organized, the practice has been, as I have stated, to give such a cursory examination as the committee could give during the sitting of Congress to cases enough to determine the general accuracy of the finding. I think myself that with our experience it would not be a bad practice in the future, when a bill comes over from the House as this does in the last days of the session, that instead of undertaking to examine it hurriedly it should go over to the next session of Congress; and it can be examined during the recess a great deal more fully than it can be during the session. We received this bill in the Senate on the 23d of February. I do not say whether it ought to have been acted on sooner or not. If it is not acted on finally at this session, or if some cases are acted upon without fuller examination, it is because it did not come earlier, and the responsibility must rest wherever the circumstances place it.

But I have this to say: that I believe these commissioners endeavor to do their duty. Some of them are gentlemen who have occupied high judicial station, men of character, men of integrity, men of ability. There may be the same differences among them that exist and that are developed among members of committees. The members of the Committee on Claims, in examining cases brought before them, differ as much perhaps as the commissioners would. It would be hard to find any tribunal which, when submitted to review by another tribunal, would not perhaps be criticised in its findings. Taking it altogether, it has been the practice of Congress that the money should be appropriated, and the expectation has grown up among these claimants, many of whom are poor, the evidence being all taken and printed for the use of the Government, that they would be paid after an examination, and many of them have gone to a great deal of expense, under this impression.

I have endeavored to state the case as fully as I can to the Senate, and having done that I submit it to their judgment.

Mr. GORDON. I offer the following as an additional section:

That the claim of Nathaniel P. Harben, for tobacco seized by United States troops in the State of Georgia in the year 1864, be referred back, with the accompanying papers, to the commissioners of southern claims, with jurisdiction and authority to examine the same, and to report thereon at the next session of Congress as in cases provided for in the second section of the act authorizing the appointment of the said commissioners, approved March 3, 1871; and said commissioners of claims shall use the evidence legally taken by themselves in the examination.

I only want to say that in that case there was a favorable report, and the committee, I believe, agreed it should be referred back to the commissioners.

Mr. SCOTT. Lest there be a misapprehension about that case, I will state that there was a bill reported from the Committee on Claims authorizing a specific amount to be paid to Mr. Harben. It was for tobacco taken during General Sherman's march from Atlanta to the sea, under circumstances which General Sherman stated in a letter. He considered it absolutely necessary, and he took that tobacco as rations for the Army. A similar case was allowed by the commissioners of claims. The committee differed very much as to the full amount, and it was reported permitting him to go to the Court of Claims, but I believe it was agreed in committee that instead of that going there this amendment might be offered to send this particular case that had been examined to the commissioners for examination.

Mr. WRIGHT. I wish to say a word on this subject lest I may be misunderstood. I do not wish to be understood, nor does the chairman wish to be understood either, that the committee were unanimously of the opinion that this claim ought to be sent to this commission. I remember distinctly that my own view on that subject, as applied to this class of cases, was that we should not send any case to the commission that had not been before it. In other words, that the bar of the statute having run, we should not send anything back to it; that it has no jurisdiction except what is given to it specifically by the statute; and unless the case was brought before it in time we should not send it to the commissioners.

Mr. SCOTT. I wish to call attention to the fact that this case was not within their jurisdiction simply for the reason that tobacco was neither quartermaster nor commissary stores; but under the peculiar situation in which it was taken it had been made quartermaster's stores; and although that would preclude jurisdiction, it made it exceptionable to send it there.

Mr. WRIGHT. The suggestion of the chairman only leads me to make one other remark: that in cases where they were barred by the statute we should not send them back, and certainly I would not send a case back that did not come within the statute which was barred.

The amendment was agreed to.

Mr. WASHBURN. I wish to say a single word in addition to what has been said in regard to this commission. It has been said that there are a few cases in which the committee differ from the findings of this commission. It seems to me that it is just as important that the cases examined by this commission should be examined by the committees as it is that cases which have been examined by a committee in one branch should be examined by a committee in the other branch. But I wish to state this fact in justice to this commission: I doubt whether a percentage of cases which has been thrown out by the committee of the Senate from this report equals in number the percentage which has been thrown out of the favorable reports which have come to us from the other branch of Congress; that is, the percentage of cases which have been reported on are passed favorably by that committee and passed unfavorably by the committee of this branch has been a greater percentage than you find in this bill. My point is simply that we ought not to rely upon this commission any more than we should rely upon one committee in either branch to examine the cases and adopt them finally. It seems to me that it is very improper. I know full well when this commission was established it was the intention of those who drew the act that it should be merely an examination to get the evidence and testimony together, but that every case should be examined by some committee of Congress before it was reported upon. Now you give to these three men all the power, as we pass these bills, that you give to both committees in the two Houses of Congress; and it seems to me that this is not proper. It seems to me that a large number of these cases have usually been reported just at the end of Congress. There are some eleven hundred claims here which have been waiting, the claimants expecting that their claims would be granted, and here at this stage it is utterly impossible to examine these cases. Therefore it remains for the Senate to determine whether they will pass the bill as it stands or not.

Mr. PEASE. Allow me to suggest to the Senate just one point in explanation. This commission examined a large number of claims that they report they disallowed. Those claims I understand are not examined by committees of Congress. It is safe to say that at least 75 per cent. of them are disallowed by that commission. When they find that the claims are within the purview of the law, and the loyalty of the claimants and the amount of damages, &c., are clearly proven, they go to work and cut down the claims, many of them at least 50 per cent., and some of them more. I venture the assertion that the claims embodied in this bill do not represent more than 50 per cent. of the amount the claimants are really entitled to.

Mr. STEWART. I would state that the claims that are disallowed by one committee never go to another committee, because they do not pass the House and do not go before the other committee at all. It is only one in ten that they pass through the committee, and probably not one in twenty is approved after passing the committee. The claims that go to a committee and are rejected are not sent by that committee to the other House, and I doubt very much whether you will find the work of this commission more thorough than the work of a committee. But suppose it was really so, then it was intended that our committee should examine them. The object of this commission and the principal object of it at the time was to preserve testimony. It was not intended to be a judicial tribunal to determine; we would have given it the machinery of courts if we intended to make it so; we would have had somebody to appear for the United States and have provided for receiving legal testimony. In other words, we would have placed it on the same footing as the Court of Claims if its decisions were to have the validity and character of a judicial determination like those of the Court of Claims. There the United States appears in defense and requires legal testimony, not *ex parte* testimony and affidavits and the like, as before this commission. But here this commission operates very much like a committee; it takes the *ex parte* case and examines it and preserves the testimony, and then it goes before a committee of Congress. It is not asking too much that when this report comes in in bulk, a bulk large enough to carry it through and get it considered some time, and there is no danger about its not being considered, it should take a reasonable time to be considered in Congress. Now there are plenty of claims that come here, and some I hold in my hand that I would like to have considered. The Senator from Kentucky [Mr. STEVENSON] knows this is a perfectly just and legal demand. Parties have been trying for twenty years and cannot get their claims considered at all. I have tried for eight years to get a case through from Nevada, and I have not been able to get attention to it. There are plenty of claims of that kind that wait for years. Now if there could be commissions of this kind all over the United States to get together claims and put them in a position where they would go through by their own weight it would be a great gain and the claimants would consider themselves specially favored. Other claimants have to come here individually and wait session after session to have their claims passed upon. The claims that we have before us now are collected in a large mass, and they are bound to be considered by the next Congress. Therefore I say it is not asking too much, when the Government of the United States has gone to the expense of appointing a commission to take testimony and preserve it to give these claimants an opportunity to have their claims considered, that Congress should have an opportunity to consider them when its committees will be able to give due examination to them, and not pass them hurriedly upon *ex parte* testimony. You are treating this report of the commissioners the same as the judicial determination of the Court of Claims without giving these commissioners the same machinery. I have no doubt they have done their duty. They are excellent men I have not one word to say against the commissioners; but we should not pass upon these claims in a lump without any examination. When we give them this advantage over other claimants, when we are pre-

ferring these claimants to other claimants who are standing back, I say that we ought to take sufficient time in Congress to give them an investigation, or we ought to change the character of the commission and let the United States be represented there and require action not on *ex parte* testimony, but to have the cases heard on legal testimony, as in the Court of Claims, if we are to give its findings the character of a judicial determination.

Mr. HOWE. I wanted to ask the Senator from Pennsylvania what was the amount of the claim last struck out of this bill.

Mr. SCOTT. I do not now recall the gross amount, but the claim was for a very high price for tobacco and we brought it down very low. The aggregate amount I cannot tell without reference to the bill.

Mr. GORDON. Does the Senator refer to the amendment to this just voted on?

Mr. HOWE. Yes, sir.

Mr. GORDON. The bill was $28,000.

Mr. HOWE. Will one of the Senators state what were the circumstances that seem to have transmuted tobacco into commissary stores?

Mr. GORDON. I can read from the statement of the general who received it. He gives all the facts. He says first that he took it at Covington, Georgia, and he closes by saying, "I am under the impression that there were several wagon-loads taken at that time, and that on the return to the Army it was divided by my order equally among the regiments of my division."

Mr. SCOTT. It was taken by the Army moved out from Atlanta, or about the time of moving, when provisions were not very abundant and when General Sherman deemed it a matter of prudence to supply the Army with tobacco.

Mr. HOWE. Where was this warehouse?

Mr. GORDON. At Covington, in Georgia.

Mr. HOWE. What direction from Atlanta?

Mr. GORDON. Southeast.

Mr. HOWE. Was it taken after he had started?

Mr. GORDON. It was taken by order.

Mr. HOWE. Was it taken while the Army was on its march to Savannah?

Mr. GORDON. That is my recollection, but I am not positive about that. It was July 22, 1864, I see.

Mr. HOWE. There may be Senators on the floor who know some process by which tobacco can be transmitted into a commissary store, but I do not know of any. The general might have been abundantly justified in seizing this tobacco; but that he was authorized to issue tobacco to his troops and charge the United States with it, is a proposition which it will be very difficult to maintain to my satisfaction.

Mr. GORDON. Allow me to read three lines from General Sherman:

> I have no doubt tobacco was wanted at Covington, Georgia, on July 22, 1864, as at Atlanta, in September; but I never had any knowledge that any tobacco was there. Garrard's cavalry made a raid to Covington about that time.

Mr. HOWE. I have no doubt the tobacco was wanted at Covington on that day, and I have no doubt tobacco will be wanted in Washington to-day; but I do not think either of these facts authorizes any officer of the Army, in war or in peace, to take such a commodity as tobacco and distribute it among the Army and then call on the Treasury of the United States to pay for it.

Mr. SCOTT. I would suggest to the Senator from Georgia that while I would be very willing that this claim should be settled, I think nothing will be effected by putting it on this bill, as there is a separate bill reported for Mr. Harben; and as he could not come back here before the next Congress with his report, it would be perhaps as well to withdraw the amendment. The committee do not wish to embarrass the bill by amendments.

Mr. GORDON. If the Senator from Wisconsin insists on his objection, I shall not urge the amendment, as I do not want to embarrass this bill.

Mr. HOWE. The case is stricken out from the bill, then, I understand.

Mr. GORDON. It is not in the bill at all. I simply offered the amendment that the case may be sent to the commission for examination.

Mr. HOWE. I do not understand the effect to be to put it in the pending bill.

Mr. GORDON. Not as to the amount, but it is to go to the commissioners for examination and report.

Mr. HOWE. I do not think that is very objectionable.

Mr. GORDON. I withdraw the amendment.

The PRESIDING OFFICER. Permission is given to withdraw the amendment, if there be no objection.

Mr. TIPTON. Mr. President, claim No. 1053 was allowed by the commission for $1,645. It was returned to the commission, and it is now returned by the commission and the papers are on the files of the House. I move that this claim be added to the list.

Mr. EDMUNDS. What is the evidence of that?

Mr. TIPTON. The evidence is this letter of the clerk of the committee stating the fact which I have given to the Senate.

Mr. EDMUNDS. Let us hear the letter.

Mr. SCOTT. Let the amendment be read.

Mr. TIPTON. I send the letter to the Chair and ask to have it read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 3, 1875.

DEAR SIR: The case of F. & A. Schneider, (No. 1053 before the commissioners of claims,) was reported to Congress in their first annual report as allowed for $1,645. April 27, 1872, the case was returned to the commissioners at their request. Subsequently it was returned to the Clerk of the House, and is now on the files of the House. What their action was can be ascertained from the papers.

Very respectfully, yours,

H. H. SMITH,
Clerk Committee on War Claims.

Hon. T. W. TIPTON,
United States Senate.

Mr. SCOTT. The letter shows that this has not been examined. We do not know what their action was. In addition to that, if it had been upon the list, the commission under the act of 1872 would have sent the papers back. We have no papers here. The only manner they can have jurisdiction again is by sending it back.

Mr. EDMUNDS. Does the chairman of the Committee on Claims mean to say the certificate of this clerk of the Committee on War Claims is not sufficient to pass this claim?

Mr. SCOTT. I say it is not.

Mr. EDMUNDS. I shall have to vote against it, then.

Mr. TIPTON. The letter is all I know about the case. I supposed it was perfectly satisfactory, as showing that the case has been already examined and ought to be put upon the list. If so, it will go back to the House committee, as I understand, to examine the papers and allow the claim or reject it.

The amendment was rejected.

Mr. STEWART. I should like to ask a question of the Senators from Georgia. I see there are in this bill one hundred and forty odd cases from the State of Georgia. I ask the Senators if either of them knows any of these parties or knew them during the war?

Mr. NORWOOD. I can look over the list and see whom I know. If the Senator intends to kill the bill, let him say so.

Mr. CONKLING. In my opinion no Senator who votes for or against this bill can hide himself behind any excuse which does not obtain in the case of every bill on which he votes. It is not true in history or in law or in fact that there is any court behind whose judgment we can stand in skulking and shrinking from the responsibility of this legislation. I well remember, without referring to the records, the debate which brought into existence the southern claims commission. Nobody, it will be found, then insisted, I might say that no friend of the creation of the commission dared insist, that this commission was to be a court or tantamount to a court. On the contrary, every such allegation was stoutly denied and contested. The Senator from Missouri not now here, [Mr. Blair,] who was perhaps as active as any member of the Senate in his championship of the measure, denied and repelled the allegation that the action of the southern claims commission was ever to become binding in any sense, *prima facie* or otherwise, upon Congress or any of its committees. It was said that the province of the commission was to be to perpetuate testimony, to do that which should prevent the tooth of time gnawing away the evidence that these claimants had, and which should also prevent untruthful and fabricated testimony taking the place of truth when the opportunity to investigate had forever passed away. This commission was created for that. If it was created for anything else, one of its purposes was denied all the time by those who voted for its creation; and now in a great number of cases of which I shall speak in a moment, testimony has been presented to this commission—not a court; not a tribunal equipped with the machinery of judicial investigation, but to sit and listen, without even the opportunities and functions of a committee of this body, to such testimony and allegations, whether admissible in a court of justice or not, as might be presented to them.

Mr. SPENCER. Allow me to interrupt the Senator. He must be aware that this commission have special agents in every State that they send out to make investigations in addition to the investigations they make here in this city.

Mr. CONKLING. The Senator could not have listened to what I have been saying. I was aware of that; I had been aware of that all the time. I was about to say that having received in many cases testimony, the commission has transmitted that testimony, as to the facts in the case, to Congress. Did the Senator from Alabama interrupt me in order to suggest to the Senate that this is like a judgment in its attributes? Let me remind him of a thing that happened in the last days of the last session of Congress. The commission having transmitted here the facts in a certain case that I well remember, and having with hot-foot followed what they said by a statement that they were mistaken, that they desired the claim to be re-examined, the Senate sitting as a court of first instance passed that claim somewhat hastily, involving, if my recollection is right, $63,000. So much deference did the Senate pay to the statement of this commission when it was adverse to a claim which the commission had examined.

Now I come back to say that for which I mainly rose, and I shall be very brief. Eleven hundred and sixty-one cases are here. They were until very recently in the House. These cases demand from the Treasury, according to this bill, $700,000 in round numbers; and to me and to every other Senator is put the question, I hope by a call of the yeas and nays, whether upon the action of our committee and the facts before us we, as trustees of the public money, can vote $700,000 to these proposed recipients. What are we told to-day?

These cases come here, not having been examined at all. Any Senator who can reconcile himself to this action might fall back upon what my honorable friend has been pleased to term the *prima facies* of the case, or a presumption growing out of the action of the commission; but that is denied to us. We are driven from a refuge like that. Why? We are told that a certain number of the cases was given to each of the acting members of our committee for examination, and so some sixty cases, more or less, were sampled out, as the Senator from Vermont expresses it, and of these sixty, seven cases turn out to be tainted with some sin or other. I use that term to express the idea in a single phrase. Thus we have a very large percentage of all the cases which have been examined found bad, and that information brought and stated to us in the regular way.

But, Mr. President, the sampling is worse than that. The chairman of the committee, [Mr. SCOTT,] whose probity, whose astuteness, whose learning no man who knows him doubts, investigated eight of these cases and he found exactly one-fourth of them unfit for the sampling. Two of the eight he pronounces bad. The Senator from Iowa [Mr. WRIGHT] who takes pains as we all know to discharge his duty and who will not be suspected of neglecting it by anybody who knows him, accustomed as a judicial officer to this species of inquiry, sat down to his duty and found one in the eight cases referred to him positively bad, and two others so nearly bad that he tells us in measured phrase that had he been inquiring in the first place he would not have recommended them. Twice eight are sixteen. We have sixteen cases examined by the only two members of the committee who have told us their experience, and out of those sixteen cases we find five not fit to be speeded. We hear nothing from other members of the committee. My honorable friend from Alabama who is a member of the committee [Mr. GOLDTHWAITE] has not seen fit to tell us what fortune he met with in the eight cases he subjected to scrutiny; and so of other members of the committee; but we do know that four or five cases in sixteen examined turn out to be bad. So as the result of the sampling, seven or eight cases out of sixty are reported to be bad, and one thousand and ninety-one cases were never examined at all.

How came this? Not from the fault of the committee. They need no apology respecting this, because the 23d of February was the day when the bill went to them, and from that day to the end of this session of Congress would not give them time enough to make the examination; but selecting at hazard here and there from sixty cases, we find a large percentage of dishonest ingredient, for that is what it is; and we have one thousand and ninety-one cases never investigated at all. Continue the process of sampling, and what would be the result? We know not.

Let us see what we are asked to do. We are asked to record our votes in favor of paying a large sum of money when, driven from the *prima facies* which might have shielded it, are facts bringing to us not presumptive or constructive notice but notice in fact that a large number of these proposed recipients have no claim at all, but that on the contrary they are attempting to filch money from the Government without right or reason.

I have said this—much more than I intended to say when I rose—in order that the Senator from Alabama, who left his seat in front of me a moment ago, might not be left to suppose that from some vague and indefinite reason, from some half-formed or floating hesitation, I am ready to vote against this bill. I wish that Senator and every other Senator who feels that his faith reposes in the least degree on the merits of these claims, to understand that I want every meritorious claimant to receive his due, and I want him to understand why it is that I cannot consent to lump together the unfortunate and the knavish, the meritorious and the dishonest, and with notice laid at my door that here is dishonesty, that here is destitution of lawful or honest claim, why it is that I cannot in response to my name say that notwithstanding all that I shall have to vote for such as might turn out to be honest and I will in addition do it in such a way as to pay also those that I know to be dishonest. As far as we have any knowledge on the subject, unfortunately that is the mode in which it is presented to us. The honorable Senator from Nevada made no mistake when he said that the very assembling of these claimants, their very multitude in body would prevent their memory from drifting down the stream of time. Year after year, in season and out of season, we are met by solitary mendicants beseeching justice and relief from us. The number of these claimants, then being segregated from all other claimants and lumped together, will insure them a hearing. And I think he was right in saying that it is our duty so to act that some committee of this body may examine these cases that Congress may have something to rely upon before it pays the money, as would be done in the case of the smallest claimant who presented an individual claim.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MORRILL, of Vermont. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 12; as follows:

YEAS—Messrs. Alcorn, Anthony, Bayard, Bogy, Clayton, Cooper, Davis, Dorsey, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Johnston, McCreery, Merrimon, Mitchell, Norwood, Pease, Pratt, Ransom, Saulsbury, Schurz, Scott, Spencer, Sprague, Stevenson, Thurman, and West—30.

NAYS—Messrs. Allison, Conkling, Edmunds, Hamlin, Howe, Logan, Morrill of Vermont, Sargent, Sherman, Stewart, Washburn, and Wright—12.

ABSENT—Messrs. Boreman, Boutwell, Brownlow, Cameron, Carpenter, Chandler, Conover, Cragin, Dennis, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Hager, Harvey, Ingalls, Jones, Kelly, Lewis, Morrill of Maine, Morton, Oglesby, Patterson, Ramsey, Robertson, Stockton, Tipton, Wadleigh, and Windom—31.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;

A bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;

A bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson; and

A bill (S. No. 819) for the relief of George W. Dawson.

The message also announced that the House had passed a resolution to print the eulogies delivered on the occasion of the announcement of the death of Mr. Samuel Hooper, Mr. Samuel F. Hersey, Mr. Alvah Crocker, and Mr. J. B. Rice in the House of Representatives.

PRINTING OF EULOGIES.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That ten thousand copies of the eulogies delivered in the two Houses of Congress upon the death of the late members of this House, Messrs. Hooper, Hersey, Crocker, and Rice, be printed in the usual form; seven thousand of which shall be for the use of the House of Representatives, and three thousand for the use of the Senate.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the resolution of the House of Representatives for the printing of the eulogies delivered upon the death of the late members of the House, to report it back at once, and to ask its present consideration.

The resolution was considered, by unanimous consent, and concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;

A bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;

A bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;

A bill (S. No. 1097) to donate to the State of Oregon a public building lot and material situated at The Dalles, Oregon;

A bill (S. No. 1222) to authorize the trustees of the Freemen's Benevolent Association to sell and convey square No. 272, in the city of Washington; and

A bill (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3884) granting a pension to Mary C. Toy;

A bill (H. R. No. 2073) restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department;

A bill (S. No. 671) for the relief of Alexander Minor, of West Virginia;

A bill (S. No. 807) for the relief of Washington Crosland;

A bill (S. No. 28) to set apart a certain portion of the island of Mackinac in the Straits of Mackinac, within the State of Michigan, as a national park;

A bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad;

A bill (S. No. 710) for the relief of E. Laws, chief engineer United States Navy;

A bill (S. No. 524) to protect the timber lands of the United States, Government reservations, and lands purchased by the United States;

A bill (S. No. 878) for the relief of Rosa Vertner Jeffreys;

A bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;

A bill (S. No. 912) to annex certain land to reservation No. 21, occupied by the Department of Agriculture;

A bill (S. No. 898) to authorize the settlement of the accounts of Assistant Paymaster E. Mellach, United States Navy;

A bill (S. No. 378) granting to railroads the right of way through the public lands of the United States;

A bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association, of Boston, Massachusetts, for monumental purposes;

A bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant, May 29, 1860, upon a sliver-machine; and

Joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875.

PAYMENT OF CLAIMS.

Mr. SCOTT. I ask for the consideration next of House bill No. 4847, making appropriations for the payment of claims reported to Congress under the second section of the act approved June 16, 1874, by the Secretary of the Treasury. This is a general bill, which it becomes necessary to pass under an act of last session which requires these claims to be sent to Congress for payment; claims which were before paid by the Commissary-General and Quartermaster-General.

Mr. EDMUNDS. I believe the Committee on Claims has had its hour and considerably more. I move that the Senate take a recess until ten o'clock.

["No." "No."]

Mr. SCOTT. I made a motion, and I suppose it is to be disposed of by the Senate. I wish to make a statement in justice to myself and others. I have been asked by Senators and others to call up individual bills. This bill embraces claims awarded to citizens of nearly every State in the Union, I believe, appropriating about $111,000. I feel it my duty to call it up. I have had, as the Senator from Vermont says, an hour allotted to me. I am not thrusting myself on the courtesy of the Senate. I am endeavoring to perform a duty, and I will state that if further time is allowed I will call up individual claims, many of which I think will lead to no debate, they having been already passed by the House of Representatives. If, however, the Senator from Vermont desires to take the sense of the Senate on the question of allowing the committee no further time, I shall have to yield gracefully.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Chair will remind the Senator that at the conclusion of the time allotted to the Senator from Pennsylvania for one hour the understanding was that fifteen minutes should be accorded the Senator from New Hampshire.

Mr. CRAGIN. I hope I shall not take that long.

Mr. MORRILL, of Vermont. Will not the Senators allow me to call up and secure the passage of a bill which will not take any money out of the Treasury?

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] has moved that the Senate take a recess until ten o'clock, which motion has priority. The question is on that motion.

The motion was not agreed to; there being on a division—ayes 6, noes 32.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Pennsylvania, [Mr. SCOTT.]

Mr. WRIGHT. I want to make a suggestion. I think the bill which the Senator from Pennsylvania has called up is important and ought to be disposed of. I suggest that when we dispose of that bill and the Senator from New Hampshire shall have had his fifteen minutes, in all conscience and fairness the chairman of the Committee on Pensions ought to have an opportunity for his bills. I think that is fair and right and we ought to agree to it.

Mr. EDMUNDS. But instead of pension bills, we have claim bills and nothing else. Instead of the Senator from Pennsylvania having an hour, he has had four or five hours. He is not to blame for it; I am not criticising him. Besides, he has passed a long bill without its being read. Now I think we ought to pass no more claims bills until we dispose of the pensions. I am willing to stay here until twelve o'clock at noon, when my time will expire, for the purpose of doing justice; but unless the pension bills are fairly taken up and disposed of I pledge myself to give what strength I have to resist the taking up of anything out of order.

Mr. CRAGIN. I hope the bill moved by the Senator from Pennsylvania will not be taken up. The chairman of the Committee on Claims was given an hour by the unanimous consent of the Senate. I made no objection, although I had a prior claim. I now ask, according to the understanding, that I may have a few minutes to call up bills from the Committee on Naval Affairs. Our bills are very simple and can be disposed of in ten minutes.

Mr. EDMUNDS. I object. The Senator can take one bill at a time by a vote of the Senate.

Mr. SCOTT. I simply wish to say that I have no urgency on the subject. I admit the whole force of what the Senator from New Hampshire states. I only say the bill I move to take up is now made necessary by an act of the last session. Heretofore these claims were examined by the Quartermaster-General and Commissary-General and Third Auditor, and paid at the Treasury; but the act of last session makes it necessary to report them to Congress for us to appropriate for them. They come from many States and Territories. I submit the matter to the judgment of the Senate. I shall make no complaint of they refuse to take the bill up and give the time to the Senator from New Hampshire. I have discharged my duty in bringing it to the attention of the Senate.

Mr. HOWE. I want to repeat once more in the hearing of the Senate that here is a bill in my hand the like of which lies on the table. The Engineer Department say they must have permission to apply $25,000 of money already appropriated out of the $800,000 you appropriated this year and last for the improvement of the Fox and Wisconsin Rivers—that they must have permission to apply something like $25,000 to obtaining the right of way. The House has passed this bill allowing that to be done. The Committee on Commerce has reported the bill favorably. I submitted the bill to the chairman of the Committee on the Judiciary, who assented to it.

Mr. EDMUNDS. With a modification.

Mr. HOWE. With amendments. The bill must be amended to meet the views of the Committee on Commerce and the views of the chairman of the Committee on the Judiciary, and being acted on, must go back to the House of Representatives. To carry on this work for which you appropriate $800,000, the bill must pass. The State of Wisconsin has not had much business pertaining to her at this session of Congress. I have sat here all night in the hope of finding an opportunity to have this bill considered when I could do so without interfering with leading measures before the Senate. I now ask the courtesy of the Senate to let this bill be put on its passage. Whenever I have asked it before, I have been told, "Not this time; in a more fitting season we will hear you." Now I am told that it is the unanimous agreement of the Senate that the Committee on Naval Affairs shall be heard until their business is disposed of, and then I am told it is the unanimous agreement of the Senate that the Committee on Pensions shall be heard until their business is exhausted. Whatever the Senate unanimously agree to, or a majority do, of course I must submit to; but it does really seem to me that I have a right to ask the Senate to consider this bill. It would occupy perhaps three minutes. In the fourteen years I have been here I do not believe I ever raised an objection or made a motion to prevent the transaction of business. Unless I had good grounds for believing that a particular piece of business ought not to be done, I have not opposed the transacting of that particular business. I am not going to antagonize with the Senator from New Hampshire; but I do not want the Senate to jump to the conclusion that every other item of business shall be transacted before this bill shall be considered. I think I ought to have the privilege of moving this bill after the Senator from New Hampshire shall have concluded.

Mr. PEASE. I rise to ask what is the question before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to take up House bill No. 4847.

The question being put, a division was called for, and the ayes were 18 and the noes 16; no quorum voting.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 16; as follows:

YEAS—Messrs. Alcorn, Bogy, Clayton, Cooper, Davis, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Johnston, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Schurz, Sherman, Sprague, Stevenson, Stewart, Thurman, Washburn, and Wright—24.

NAYS—Messrs. Allison, Anthony, Boutwell, Conkling, Cragin, Edmunds, Ferry of Michigan, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, Logan, Morrill of Vermont, Oglesby, and Pratt—16.

ABSENT—Messrs. Bayard, Boreman, Brownlow, Cameron, Carpenter, Chandler, Conover, Dennis, Dorsey, Eaton, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hager, Jones, Kelly, Lewis, Morrill of Maine, Morton, Patterson, Ramsey, Robertson, Sargent, Saulsbury, Scott, Spencer, Stockton, Tipton, Wadleigh, West, and Windom—33.

Mr. SCOTT. I have already stated the nature of the bill.

Mr. GORDON. I wish to make a statement in reference to a bill that the Senate ought to pass, and I ask my friend from Pennsylvania to allow me to call it up and state one fact.

Mr. SCOTT. I think we had better go on with this bill.

Mr. GORDON. I only want to say that we have passed a bill appropriating $50,000 to commence the erection of a public building at Atlanta. It is undetermined of what material the building shall be. A bill has passed the House of Representatives leaving it to the discretion of the architect to determine what it shall be within certain limits. We have an abundance of granite in the immediate neighborhood of Atlanta which can very well be used, and the bill leaves it to the discretion of the architect. I want to call it up because it is important to have action on the subject.

Mr. SCOTT. In view of the circumstances under which this bill comes before the Senate I cannot consent to yield.

The PRESIDING OFFICER. The bill (H. R. No. 4847) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury is before the Senate as in Committee of the Whole.

Mr. SCOTT. The act under which this bill comes before the Senate I will read:

SEC. 2. That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence prior to July 1, 1872, which on the 30th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each

claim allowed by them, at the commencement of each session of Congress to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

That report is made in House Executive Document No. 107. This bill is based upon it, and appropriates for claims found by the Quartermaster-General and the Commissary-General and the Third Auditor and the Second Comptroller of the Treasury. They have passed this examination. With that statement, there is nothing in the bill but the appropriation to these claimants of the amounts found due. I ask the Senate to pass it. Perhaps no Senator will desire to hear it read, and we may pass it by the enacting clause only.

Mr. EDMUNDS. I was going to suggest that we might pass it by reading the enacting clause, but on the whole I think we had better have the bill read through.

Mr. SCOTT. It is simply an appropriation to pay the claims reported.

The PRESIDING OFFICER. The bill will be read at length.

The bill was read.

Mr. EDMUNDS. I should be glad to know when this bill was referred to any committee, if the Secretary can inform me.

The VICE-PRESIDENT. The bill was referred on the 1st of March and reported on the 2d without amendment.

Mr. EDMUNDS. Is there any written report with the bill?

The VICE-PRESIDENT. There is no written report.

Mr. EDMUNDS. Are there any papers accompanying it from the House of Representatives?

Mr. SCOTT. I can answer that there are not. The papers are very voluminous. They were sent from the House to the committee-room, and we had already had a very large installment from the commissioners of claim. I sent my clerk to the House of Representatives to bring over some of them and had him examine and compare the bill with the report and some of the papers there.

Mr. EDMUNDS. Was there a written report in the House of Representatives?

Mr. SCOTT. No written report, but accompanying the bill there was a letter of the Secretary of the Treasury sending in the report of the commission.

Mr. EDMUNDS. Then, as far as I understand it, this bill comes here under the act of the 16th of June, 1874, providing—

That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence, prior to July 1, 1872, which on the 30th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations, shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster's and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

We have in the consideration of the House of Representatives no written report on these claims as I understand. There are nearly two hundred and fifty claims in this bill; more than that, the Senator says. We have no finding, no investigation by a committee of the House of Representatives or by a committee of this body which they put in a form of a record to show what the character of these claims is. A mass of papers is sent to the House of Representatives. What consideration those papers received, how far they were investigated, what were the conclusions in each particular case and the reasons for them, no man knows. Whether they fall within the category named in the act to which I am referred by my friend from Pennsylvania as being those admissible under the act of 1874, no man can tell except that, as my friend from Pennsylvania says, his clerk compared a portion of them.

I do not wish to be misunderstood, Mr. President, and to have it said by any person that I am imputing laches to my friend from Pennsylvania or to the Committee on Claims. Far from it. I know they have been burdened, overburdened with a stress of claims preceding these. I only say in the interest of justice and fair play that we are entitled preceding the consideration of this bill to have their judgment upon this vast number of claims involving how much money I do not know; perhaps the Senator can tell me.

Mr. SCOTT. About $111,000.

Mr. EDMUNDS. About $111,000; and it has been totally impossible for that committee to be able to tell us that they know, or that any one of the members of the committee knows or is of the opinion that a single one of these claims upon the examination of any member of the committee falls within the description of claims the statute directed to be reported to Congress.

I submit, Mr. President, to my friend from Pennsylvania, and I submit to the Senators from every State, some of whose constituents are interested in this bill, whether it is just to public interest, whether it is just to the people who toil to pay taxes and whose toil is to pay this money, for you to decide these claims in advance against them until you do know that they are just charges upon the labor of the people. That we do not know. The Senator himself states, with the candor which always has characterized his honorable career, that he has not been enabled to examine these claims in detail. He has done the best he could, which was to do no other thing than to have such clerks and such persons as he could employ find a part of these papers from the House of Representatives, not all, and have them compared with the list of the names in this bill. That is to say, I suppose, that it appeared to the clerk of the Committee on Claims (who I have no doubt did his duty with ability) that it seemed from these reports from the Quartermaster's and Commissary Department that there was figured up for Calvin Chandler, for illustration, the sum of $427.40. Whether upon the facts reported from the Quartermaster's Department Calvin Chandler is entitled under this act of 1874 to be considered at all, whether his claim was for quartermaster's stores furnished upon due vouchers under the circumstances that the act of 1864 required, remains to be ascertained. I submit to my friend from Pennsylvania whether I am not right in putting the case in that way? and I pause for a reply, as the orators say.

Mr. SCOTT. I will reply to the Senator's statement—not at length, but very briefly.

Mr. President, the act of Congress to which reference has been made was for the purpose of covering into the Treasury at the end of the year the funds applicable to the payment of the awards made by the Quartermaster's and Commissary Departments and examined by the Third Auditor and Second Comptroller of the Treasury. I have not had time since the bill came over to look into the discussion on the act of Congress which followed the report which was made to the House showing the very large number of claims in both these departments that had been pending for a number of years and were still pending; but some proposal was made, if my recollection serves me aright, to transfer the jurisdiction of these claims from those departments to some other tribunal, perhaps the commissioners of claims, or to increase the number of the Court of Claims. At all events this act was the result, so that we now have a report made annually to Congress of the number of these claims which were then reported as pending that have been disposed of, and the amount that has been appropriated to them. We then have the award of the same officers who had previously been examining these cases and paying them out of the fund appropriated for the purpose of meeting them.

I will be as candid as the Senator from Vermont gives me credit for being in saying that it will be utterly impracticable for any committee of Congress, burdened as the Claims Committee is, to take up these cases and examine them as they have been investigated in the Departments, and I did not suppose for one moment that it was expected that the committees of Congress would again take up the papers that had been examined in the Departments in these cases and go over them as a judge would in trying cases; but that the report of the officers who had previously been invested with authority to examine and decide upon these cases was made annually for the purpose of having annual appropriations made instead of their being paid as they were heretofore without any knowledge on the part of Congress of how many cases were pending or how many were reported. The cases have not been examined at any great length.

I have brought the bill in here in pursuance of that authority and made the statement as I do in reference to the other cases. If it be the opinion of the Senate that the committee should take up time in re-examining these cases and that for that reason this bill should go over, I have not one word of dissent to it. But it involves a large number of parties whose cases have been under examination for a long time in the Departments, and running through a number of States. I deem it my duty, as in the other case, to bring the bill before the Senate for their action, and I have done what I supposed to be the duty that was expected of the Committee on Claims and of the chairman; but if we have been mistaken in that we should be very glad to be corrected by the action of the Senate.

Mr. GOLDTHWAITE. In the discussion which took place a few minutes since in relation to the southern claims bill reported from the Committee on Claims, I understood the Senator from New York [Mr. CONKLING] to mention the Senator from Alabama in connection with that question as being a member of the Committee on Claims. I do not know precisely what the allusion was that he made, and I will thank him to correct me if I am wrong. What did the Senator say in relation to it?

Mr. CONKLING. I made no allusion whatever to the Senator from Alabama, excepting this: I said that the Senator from Pennsylvania had given us the result of his investigation of the cases he took, that the Senator from Iowa had done the same thing, that we had heard from no other member of the committee; and seeing the Senator from Alabama in his seat and seeing no other member of the Committee on Claims, I said that my friend from Alabama whom I saw before me had not given us the result of his investigation, and therefore we did not know what the percentage of the improper claims, the illegal claims, the dishonest claims there were among those that he examined and ascertained. That was my allusion to the Senator, and I made no other allusion to him whatever.

Mr. GOLDTHWAITE. I am very glad to hear it. It affords me great pleasure to hear the Senator say that. As a member of the committee that reported this bill, I will inform the Senate how I arrived at a correct conclusion.

So far as the claims are concerned, the Senator knows I presume that they are printed upon forms which render them easy of investigation, but that necessarily depends upon circumstances. The course I uniformly adopted was first to read the memorial or the petition, next to examine the papers of the petitioner and see whether they

conflicted with the facts stated in the memorial. Having fixed this upon my mind, I then looked into the report which was made in every case by the officers and examined it. I believe that I had the advantage also of consulting the member of the other House who reported on the case there from the War Claims Committee. Having that basis to act upon, I arrived at as correct a conclusion upon the facts as it was possible for me to do. Undoubtedly, sir, with the great amount of duties which rest upon the members of the committee, errors necessarily follow; it is impossible to avoid them altogether. We might as well expect a judge upon the bench not to err occasionally in his decisions, even with the facts before him, and we know that the ecclesiastical courts of England occasionally err in arriving at a correct conclusion on facts. All I can do, sir, is to examine the case, and arrive as near the truth as is possible after looking at the facts and examining into the law, and then give my views in a succinct manner.

If the gentleman can instruct me in a better course I shall feel great pleasure in receiving his instructions, but until he does I must of course be allowed to take my own course.

Mr. CONKLING. The Senator from Alabama seems still to misunderstand me, or he has been misinformed in respect to the allusion I made to him. Members of the committee had stated how many cases they had in charge and how many they disapproved of; and all I said about the honorable Senator was that he had not told us what his experience was in that regard; and I now wish to add what I need hardly add so far as the Senator himself is concerned, that I would be entirely incapable of making a disrespectful or unkind allusion to him. The Senator knows very well that the personal relations between us for a long time have been such as to exclude the idea that I could refer to him in any mode of disrespect or unfriendliness.

Mr. GOLDTHWAITE. I am happy to hear it, sir. I am entirely satisfied. I am very much obliged to the Senator from New York and reciprocate his kind feeling.

Mr. PRATT. I move to lay the pending measure upon the table. I make that motion, sir, with reluctance, but I feel called upon from a sense of duty to do it. The chairman of the Committee on Naval Affairs desires ten or fifteen minutes to dispose of matters in his charge; and I am very anxious to dispose of the matters in my charge as chairman of the Committee on Pensions, and I am in hopes that I shall have the indulgence of the Senate, after he disposes of his cases, to take up and dispose of these measures.

The VICE-PRESIDENT. The Senator from Indiana moves to lay the bill on the table.

The question being put, there were on a division—ayes 13, noes 13; no quorum voting.

Mr. SPENCER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 17, nays 19; as follows:

YEAS—Messrs. Boutwell, Conkling, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Hitchcock, Howe, Ingalls, Johnston, Logan, Morrill of Vermont, Oglesby, Pratt, Stewart, Wadleigh, and Wright—17.

NAYS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Flanagan, Goldthwaite, Gordon, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Saulsbury, Schurz, Scott, Spencer, and Sprague—19.

ABSENT—Messrs. Allison, Anthony, Boreman, Brownlow, Cameron, Carpenter, Chandler, Clayton, Conover, Dennis, Dorsey, Eaton, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Jones, Kelly, Lewis, Morrill of Maine, Morton, Patterson, Ramsey, Robertson, Sargent, Sherman, Stevenson, Stockton, Thurman, Tipton, Washburn, West, and Windom—37.

The VICE-PRESIDENT. There is not a quorum voting.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators. I am astonished that at this stage of the session we should find ourselves without a quorum.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

Mr. HAMILTON, of Texas. I declined to vote when my name was called for the reason that it would be considered very ungracious for me to vote against my own countrymen, and they were the principal beneficiaries in this bill. I think these claims ought to be considered both by the committee of the House and of the Senate. I will now vote in the affirmative to make a quorum.

Mr. EDMUNDS. It cannot be done now. A vote cannot be received after the result is announced.

Mr. ALLISON. I should like to vote on something.

The VICE-PRESIDENT. The Sergeant-at-Arms reports a quorum present.

Mr. EDMUNDS. The Sergeant-at-Arms cannot report any quorum present.

The VICE-PRESIDENT. The Chair will announce the fact that a quorum is present.

Mr. EDMUNDS. Then I should like to have the question put again by yeas and nays upon the motion on which we failed to have a quorum.

The VICE-PRESIDENT. The Secretary will call the yeas and nays on the motion.

Mr. EDMUNDS. Will the Chair be kind enough to state what the question is?

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana to lay the bill on the table.

Mr. EDMUNDS. Can we proceed with business as long as we have an unexecuted order of the Senate requiring the Sergeant-at-Arms to request the attendance of absentees?

The VICE-PRESIDENT. The Chair understood the Senator from Vermont to make a motion that the Sergeant-at-Arms be required to request the attendance of absent members. Several members have come in since and there is evidently a quorum present.

Mr. EDMUNDS. Then, assuming that to be so, I move that the further execution of the order be suspended.

The VICE-PRESIDENT. The Senator from Vermont moves that the execution of the order of the Senate directing the Sergeant-at-Arms to request the attendance of absentees be suspended.

The motion was agreed to.

Mr. EDMUNDS. Now, if the Chair will be kind enough to state the question, we can take the yeas and nays upon it.

The VICE-PRESIDENT. The Senator from Indiana [Mr. PRATT] has moved to lay on the table House bill No. 4847, and on that motion the question will now be taken by yeas and nays.

The question being taken by yeas and nays, resulted—yeas 17, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Conkling, Cragin, Edmunds, Frelinghuysen, Hamilton of Texas, Hitchcock, Howe, Ingalls, Morrill of Vermont, Oglesby, Pratt, Stewart, Wadleigh, and Wright—17.

NAYS—Messrs. Alcorn, Bayard, Bogy, Clayton, Cooper, Dorsey, Flanagan, Goldthwaite, Gordon, Johnston, Kelly, McCreery, Merrimon, Mitchell, Pease, Ransom, Saulsbury, Schurz, Scott, Spencer, Sprague, and Thurman—22.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Chandler, Conover, Davis, Dennis, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Hager, Hamilton of Maryland, Hamlin, Harvey, Jones, Lewis, Logan, Morrill of Maine, Morton, Norwood, Patterson, Ramsey, Robertson, Sargent, Sherman, Stevenson, Stockton, Tipton, Washburn, West, and Windom—34.

So the Senate refused to lay the bill on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;

A bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;

A bill (S. No. 1296) to authorize the acceptance, in behalf of the United States of America, of certain real property occupied by the United States consul at Tunis;

A bill (S. No. 1237) to amend section numbered 3342 of the Revised Statutes of the United States, in relation to affixing stamps on brewers' casks;

A bill (S. No. 1185) for the relief of F. V. Hayden;

A bill (S. No. 1156) for the relief of Joseph H. Colton; and

A bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States.

The message also announced that the House had passed a bill (H. R. No. 3828) to provide judicial remedies for overcharge of duties on tonnage and imports; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the bill (H. R. No. 2691) for the relief of Flora A. Darling, of New Hampshire, ask to be discharged from its further consideration, and moved that it be indefinitely postponed; which was agreed to.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 33) granting the right of way to the Birmingham and Saint Louis Railroad Company through the public domain, and for other purposes, reported it with amendments.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon and had appointed Mr. ISAAC C. PARKER of Missouri, Mr. JOHN T. AVERILL of Minnesota, and Mr. WILLIAM E. NIBLACK of Indiana, managers at the same on its part.

The Senate proceeded to consider its amendments to the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, disagreed to by the House.

On motion of Mr. WEST, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. MORRILL of Maine, Mr. ALLISON, and Mr. STEVENSON the conferees on the part of the Senate.

FOX AND WISCONSIN RIVERS.

Mr. EDMUNDS. Mr. President——

Mr. HOWE. I ask the Senator from Vermont to yield to me for a few moments that I may make an appeal to the Senate.

Mr. EDMUNDS. If it will not take too much time, I will yield to gratify the Senator from Wisconsin.

Mr. HOWE. Now I want to renew my appeal to the Senate. The pending bill is evidently going to occupy some time, and when it is passed it does not have to go back to the other House. I ask unanimous consent of the Senate to call up for consideration House bill No. 4573. It will not take more than three minutes.

The VICE-PRESIDENT. The Chair hears no objection to granting the request of the Senator from Wisconsin.

Mr. DAVIS. I object to taking it up except informally.

Mr. HOWE. That is all I ask.

Mr. SCOTT. I do not wish to be misunderstood. I announced before that I was conducting this bill as the organ of the Committee on Claims, and that other people were more interested in it than I was. The time of the committee having been exhausted, I shall yield to the wish of the Senate, whatever it may be.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. DAVIS. I ask if the taking up the bill of the Senator from Wisconsin displaces House bill No. 4847, which is regularly before the Senate.

Mr. HOWE. Not at all.

Mr. DAVIS. All right, then.

The VICE-PRESIDENT. The Chair hears no objection to considering the bill mentioned by the Senator from Wisconsin.

Mr. EDMUNDS. Subject to a call for the regular order.

By unanimous consent, the bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, was considered as in Committee of the Whole.

The Committee on Commerce proposed to amend the bill by striking out the following proviso:

Provided, however, That when the owner of such property shall fix a price for the same which, in the opinion of the said officer in charge, shall be reasonable, he may take the same at such price without further delay, and, in case of real or mixed property, may receive a conveyance thereof in fee to the United States.

Mr. HOWE. This bill is simply an authority to the engineer officers to apply not more than $25,000 of money already appropriated in extinguishing the right of way. The precedent for this bill is one under which damages were adjusted for the Des Moines River improvement. This bill has passed the House unanimously, has been reported by the Committee on Commerce, and been submitted to the Senator from Vermont, the chairman of the Judiciary Committee.

Mr. THURMAN. I do not object to this proviso, for we must trust somebody, but I do object to another part of the bill. Here is a provision that the officers in charge of the work "may in the name of the United States take possession of and use the same, after first having paid or secured to be paid the value thereof," any lands that are needed, "which may have been ascertained in the laws of the State wherein such property lies." That is all well enough; but then it proceeds, "or by commissioners appointed and directed by the Secretary of War."

Mr. HOWE. Strike that out.

Mr. THURMAN. Very well.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Commerce.

The amendment was agreed to.

Mr. HOWE. Now, to meet the views of the Senator from Vermont, I move to amend line 5 of section 1 by inserting after the word "proper" the words "in the judgment of the Secretary of War."

The amendment was agreed to.

Mr. HOWE. Now, to meet the views of the Senator from Ohio, I move in lines 14 and 15 of section 1 to strike out "or by commissioners appointed and directed by the Secretary of War."

The amendment was agreed to.

Mr. HOWE. One more amendment is suggested by the Senator from Vermont. I move in lines 27 and 28 of section 1 to strike out the words "the Secretary of War may employ a competent attorney to" and insert "the Department of Justice shall."

Mr. EDMUNDS. May I ask the Senator from Wisconsin if he is likely to take much longer time with this bill?

Mr. HOWE. This is the last amendment that is suggested as yet.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PAYMENT OF CLAIMS.

Mr. EDMUNDS. I call for the regular order.

Mr. STEVENSON. Will not my friend from Vermont yield to me that I may secure the passage of a little bill?

Mr. EDMUNDS. I should be delighted myself to be allowed to call up two or three and get them passed. I have reported a dozen bills to remove disabilities that I should like to have passed; I should be delighted to have my friend from Indiana pass his pension bills; but I am not delighted to have this Senate make hot haste on a House bill involving one or two hundred thousand dollars which has not been here forty-eight hours and about which we know nothing. It excludes the consideration of other measures. I propose to the Senate, if it is willing, that this will be laid upon the table, and that we take up in some order all matters that are not objected to, which will include the private pension cases and other little matters that gentlemen have in hand and these little disability bills that I have in hand.

The VICE-PRESIDENT. Does the Senator from Vermont make any motion?

Mr. EDMUNDS. I ask that by unanimous consent this bill be postponed until to-morrow, and that we take up unobjected cases on the Calendar as gentlemen may move them, because we have not time to read the Calendar clear through. This would include the pension bills of my friend from Indiana, my little disability bills, and the other various little matters that gentlemen have in hand—bills that nobody objects to.

Mr. STEWART. I think we can have unanimous consent for that.

The VICE-PRESIDENT. Is there objection to the proposition of the Senator from Vermont?

Mr. PEASE. I object. This bill has been before the Senate for the last hour and a half, and I think it might have been passed while other measures have been brought before the body and been acted on.

Mr. SPENCER. I appeal to the Senator from Mississippi to withdraw his objection. It is evident that we cannot pass this bill.

Mr. EDMUNDS. I have the floor, I believe.

The VICE-PRESIDENT. The Senator from Vermont is entitled to the floor.

Mr. HAMILTON, of Maryland. I ask the Senator from Vermont to yield to me for the purpose——

Mr. EDMUNDS. I should be happy to oblige my honorable friend, but I cannot without doing injustice to other friends who are equally desirous.

Mr. HITCHCOCK. What question is pending?

The VICE-PRESIDENT. The bill reported by the Senator from Pennsylvania, [Mr. SCOTT,] House bill No. 4847.

Mr. HITCHCOCK. Is a motion in order to lay the bill upon the table?

The VICE-PRESIDENT. It is.

Mr. MERRIMON. I move to lay the pending bill on the table.

The motion was declared agreed to.

Mr. PEASE. I ask for the yeas and nays.

Mr. EDMUNDS. I ask unanimous consent, not for any measure that I have in hand except these disability bills, which are of course of no interest to me——

Mr. PEASE. I insist upon the yeas and nays.

Mr. SPENCER. I object.

Mr. PEASE. I demanded the yeas and nays. I should like to have that matter decided.

The VICE-PRESIDENT. The Senator from Mississippi demands the yeas and nays on the motion to lay the bill on the table. The Chair will put the question on seconding the demand for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The bill is laid on the table.

Mr. EDMUNDS. Now have I the floor?

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Chair will suggest to the Senate that by unanimous consent at the beginning of this day's session it was agreed that the Senator from New Hampshire [Mr. CRAGIN] should have fifteen minutes for business of the Committee on Naval Affairs after the appropriation bills were disposed of.

Mr. CRAGIN. I can have those bills disposed of in a few minutes, and I will proceed with them.

Mr. EDMUNDS. I ask unanimous consent now, so that gentlemen can be looking up the bills they most desire to have acted on, that each Senator may move any bill to which there is no objection for consideration.

The VICE-PRESIDENT. The Senator from Vermont asks that after the disposition of the bills of the Senator from New Hampshire any member of the Senate may have the floor to call up any bill which is unobjected to. Is there objection to that proposition?

Mr. SPENCER. I wish to amend that motion of the Senator from Vermont. I move that after the Committee on Naval Affairs have had their fifteen minutes the Committee on Pensions be allowed to pass their bills, and then that the Committee on the District of Columbia, that has had but one hour during this session, shall have fifteen minutes also for their bills.

Mr. EDMUNDS. We cannot assent to that, for the Judiciary Committee has not had time for its business.

The VICE-PRESIDENT. Is there objection to the motion of the Senator from Vermont?

Mr. STEVENSON. There is.

J. C. BEAUMONT.

Mr. CRAGIN. I move that the Senate proceed to the consideration of House bill No. 1063.

The motion was agreed to; and the bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original

position on the Navy Register was considered as in Committee of the Whole.

The bill authorizes the President of the United States to restore John C. Beaumont, captain in the United States Navy, now on the active list, to his original position on the Navy Register, next above Captain Charles H. B. Caldwell.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY L. WOOLSEY.

Mr. CRAGIN. I move to proceed to the consideration of House bill No. 4502.

The bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy, was considered as in Committee of the Whole. It directs the proper accounting officer of the Treasury, in adjusting the amount due Melancthon B. Woolsey, deceased, late a commodore in the Navy, in consideration of the devotion of the deceased to his public duties, which resulted in his death at Pensacola, Florida, on the 2d day of October, 1874, to pay to Mrs. Mary L. Woolsey, his widow, the amount of pay to which the commodore would have been entitled if he had survived and remained in the public service on waiting orders to the end of the present fiscal year.

The Committee on Naval Affairs reported the bill with amendment to strike out in line 11, after the word "service," the words "on waiting orders."

Mr. CRAGIN. I hope that amendment will be voted down. It increases the amount allowed by the House.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SARAH B. FOREST.

Mr. CRAGIN. I now move that the Senate proceed to the consideration of House bill No. 3362.

The bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, was considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to pay to Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, the sum of $820, which shall be in full discharge of all her claims against the United States for balance due from an allotment of pay made by her late husband, being the amount due from April 1 to December 6, 1861, at the rate of $100 a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

D. R. HAGGARD.

Mr. STEVENSON. I ask the Senator from New Hampshire to let me call up now a little bill that I have been waiting for two days to get action on. I have to go out on a committee of conference.

Mr. CRAGIN. If it is not taken out of my time I shall not object.

The VICE-PRESIDENT. The Chair hears no objection, and the time not to come out of that of the Senator from New Hampshire.

The bill (S. No. 831) for the relief of D. R. Haggard was considered as in Committee of the Whole.

The Committee on Claims reported an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay D. R. Haggard, late colonel of the Fifth Regiment of Kentucky Volunteers, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, in full compensation and satisfaction of his claim against the Government of the United States for quartermaster's and commissary's stores taken from his farm, near Burksville, Kentucky, by United States forces during the war of the rebellion and used by them.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPTAIN C. H. WELLS.

Mr. CRAGIN. I now move to proceed to the consideration of House joint resolution No. 157.

The joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic, was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to call the attention of the Senator from New Jersey, who is a member of the Committee on Foreign Relations—I do not see the chairman here—and I inquire of him whether it has been usual for the Congress of the United States to authorize any of its officers to receive the insignia of a foreign rank or honor?

Mr. FRELINGHUYSEN. We had that subject under consideration for some time within the last two weeks, and unless it was conferring some title by a foreign power we did not think it was objectionable.

Mr. EDMUNDS. So you think this is right?

Mr. FRELINGHUYSEN. We did not think it was objectionable, and we reported a bill authorizing a decoration to be received.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The VICE-PRESIDENT. The question is on the passage of the joint resolution.

Mr. SPRAGUE. I should like to be informed as to the object of this.

Mr. CRAGIN. Captain Wells, of the United States Navy, by some act of his—I do not know what—gained the respect of the Emperor of France, who conferred upon him a certain decoration of honor, or something of that sort. We have passed various measures of that kind, and Captain Wells is one of the best officers in the Navy.

Mr. SPRAGUE. I move to lay the joint resolution on the table.

The motion was not agreed to.

The VICE-PRESIDENT. The question is on the passage of the joint resolution.

The joint resolution was passed.

PETERS & REED.

Mr. CRAGIN. I move to proceed to the consideration of House bill No. 565.

The motion was agreed to; and the bill (H. R. No. 565) for the relief of Peters & Reed naval contractors at the Norfolk navy-yard in the year 1860, was considered as in Committee of the Whole. It directs the Secretary of the Navy to pay to Peters & Reed the balance due them for labor done and material furnished at the Norfolk navy-yard in 1860, upon the contracts with them personally, and the balances due them as attorneys in fact of the contractors, John E. McWilliams and F. W. Parmater, in that navy-yard during the same time, amounting, in the aggregate, to $15,170.89, as certified by the engineer in charge and approved by the commandants in June, 1860.

Mr. EDMUNDS. I should like to hear the report in that case read. That is a claim for a large sum of money and I would like to see the grounds on which it stands.

The VICE-PRESIDENT. The Chair will suggest to the Senator from New Hampshire that the bill be informally passed over until the clerk gets the report.

Mr. CRAGIN. I have the report in my hand. My friend on my right [Mr. ANTHONY] is anxious to have this bill passed, but I will let it go over for the present.

The VICE-PRESIDENT. The bill will be passed over.

HENRY S. WETMORE.

Mr. CRAGIN. I move to take up Senate bill No. 1198.

The motion was agreed to; and the bill (S. No. 1198) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy upon the retired list, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. EDMUNDS. The Senator's time is up.

SECOND NATIONAL BANK OF WATKINS.

Mr. ANTHONY. I move to take up House bill No. 4746.

The motion was agreed to.

Mr. CRAGIN. I want the bill that was laid aside for the relief of Peters & Reed taken up. I have the report here.

The VICE-PRESIDENT. The Chair will state that the Senator's time is nearly up.

Mr. ANTHONY. I give way informally to the Senator, House bill No. 4746 being before the Senate.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper.

Mr. ANTHONY. There is a bill before the Senate which will be disposed of as soon as it can be read. It would have been passed now if the Senator had not interfered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4746) authorizing the Second National Bank of Watkins to change its name.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH S. COOPER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3713.

Mr. GORDON. I hope the Senator will allow to have passed——

Mr. PRATT. I should be very glad to do so, but I cannot yield to any one.

The VICE-PRESIDENT. Any Senator obtaining the floor has the privilege to call up a bill. The Senator from Indiana proposes to take up the bill he has named.

Mr. EDMUNDS. In order to save time and not to embarrass gentlemen, I have a dozen or so little disability bills which are scattered through the Calendar and it would take the clerk some time to pick them out from the order of business. I therefore ask unanimous consent that at eleven o'clock, or immediately after the opening of the session after the recess, if we have one, I may have ten minutes to pass them; and in the mean time I will get them together so as not to waste the time of the Senate when I call them up.

The VICE-PRESIDENT. The Senator from Vermont asks that he may have ten minutes at a subsequent period of the session to consider the bills he has indicated. The Chair hears no objection.

Mr. SPENCER. I ask that at some time between now and eleven o'clock the Committee on the District of Columbia may be allowed fifteen minutes.

Mr. FRELINGHUYSEN. We had better wait until that time comes.

Mr. SPENCER. There is no objection to my request, I think; so it is granted.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Cooper, widow of Major Wickliff Cooper, Seventh United States Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LAFAYETTE BRIGGS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4763.

The motion was agreed to; and the bill (H. R. No. 4763) granting a pension to Lafayette Briggs was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lafayette Briggs, late a private in the First Battery of Wisconsin Artillery.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FERDINAND MONTI.

Mr. PRATT. I move to take up House bill No. 4767.

The motion wes agreed to; and the bill (H. R. No. 4767) for the relief of Ferdinand Monti was considered as in Committee of the Whole. It directs to be placed upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Monti, wagon-master in the quartermaster's service, Mexican war.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES A. DRAHER.

Mr. PRATT. I move to take up House bill No. 4771.

The motion was agreed to; and the bill (H. R. No. 4771) granting a pension to Charles A. Draher was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Draher, late a private in Company H, One hundred and sixty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM LYON.

Mr. PRATT. I move to take up House bill No. 4755.

The motion was agreed to; and the bill (H. R. No. 4755) granting a pension to William Lyon was considered as in Committee of the Whole. It directs the placing upon the pension-roll, subject to the provisions and limitations of the pension laws, of the name of William Lyon, late a private in Company D, Fifty-second Regiment Indiana Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM H. SMALL.

Mr. PRATT. I move to take up House bill No. 4329.

The motion was agreed to; and the bill (H. R. No. 4329) granting a pension to William H. Small was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of William H. Small, late a private in Companies E and K of the Fifteenth Regiment of Pennsylvania Cavalry, to receive a pension as for the loss of a leg.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MELISSA RANKIN.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3683.

The motion was agreed to; and the bill (H. R. No. 3683) granting a pension to Melissa Rankin was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melissa Rankin, mother of Oliver S. Rankin, a lieutenant in the Tenth Regiment Indiana Volunteers, at the rate of eight dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third third time, and passed.

SAMUEL PURCELL.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 965.

The motion was agreed to; and the bill (H. R. No. 965) granting a pension to Samuel Purcell was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Samuel Purcell, who was a private in Company A, First Indiana Volunteers, in the Mexican war, at the rate of eight dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ABRAANNA L. DUNN.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4769.

The motion was agreed to; and the bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abraanna L. Dunn, widow of George B. Dunn, late a captain in the Seventeenth Regiment Maine Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EMILLIA O. BLACK.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4765.

The motion was agreed to and the bill (H. R. No. 4765) granting a pension to Emillia O. Black was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emillia O. Black, widow of Willis H. Black, late deputy provost marshal for the eleventh district of Illinois.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH B. HOWE AND MARY CRANSTON.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4786.

The motion was agreed to; and the bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the names of Sarah B. Howe, widow of Albion Howe, late lieutenant of the Fourth United States Artillery, and Mrs. Mary Cranston, widow of Arthur Cranston, late lieutenant in Fourth United States Artillery, at the rate of twenty-four dollars per month each.

The Committee on Pensions reported an amendment in line 9, to strike out the words "at the rate of twenty-four dollars per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

BETSY A. EATON.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4754.

The motion was agreed to; and the bill (H. R. No. 4754) granting a pension to Betsey A. Eaton was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey A. Eaton, the widow of Willard G. Eaton, late colonel of the Thirteenth Michigan Infantry Volunteers, at the rate of thirty dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH A. WOODWORTH.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4764.

The motion was agreed to; and the bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Woodworth, widow of Joseph C. Woodworth, late a private in Company H of the Sixty-seventh Regiment Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES C. HAIGHT.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 3720.

The motion was agreed to; and the bill (H. R. No. 3720) granting a pension to Charles C. Haight was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Haight, late sergeant in Company G, Sixth Regiment West Virginia Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES A. FORGEY.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4777.

The motion was agreed to; and the bill (H. R. No. 4777) granting a pension to James A. Forgey was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of James A. Forgey, late a corporal in Company H of the Twenty-ninth Regiment Iowa Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN H. LOOBY.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4800.

The motion was agreed to; and the bill (H. R. No. 4800) granting a pension to John H. Looby was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Looby, late captain of Company D of the Sixty-second Regiment United States Colored Troops, and to pay him the pension allowed to officers of that grade for total disability.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed

MICAJAH STOUT.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4801.

The motion was agreed to; and the bill (H. R. No. 4801) granting a pension to Micajah Stout, was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Micajah Stout, late of Company I of the Thirty-fourth Regiment Iowa Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANSEL THAYER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4782.

The motion was agreed to; and the bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts, was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ansel Thayer, father of George Frederick Thayer, Company F, Second Regiment Massachusetts Cavalry; Loring W. Thayer, Company E, Thirty-second Massachusetts Volunteers; Charles S. Thayer, Company K, Third Massachusetts Cavalry; and Lucien M. Thayer, Company I, Forty-second Regiment Massachusetts ——.

The bill was reported to the Senate without amendment.

The VICE-PRESIDENT. There is a blank in the bill.

Mr. PRATT. "Infantry," I presume. That is reported by the Senator from Kansas, [Mr. INGALLS.] I do not remember the particulars of the case myself.

Mr. INGALLS. The blank should be filled with the word "infantry."

The VICE-PRESIDENT. The blank will be filled with the word "infantry."

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RICHARD G. MOBLEY.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4772.

The motion was agreed to; and the bill (H. R. No. 4772) granting a pension to Richard G. Mobley was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard G. Mobley, late a private in Company A, Twenty-fourth Kentucky Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FREEMORTON YOUNG.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4757.

The motion was agreed to; and the bill (H. R. No. 4757) granting a pension to Freemorton Young was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Freemorton Young, late captain of Company B, Fifth Regiment Tennessee Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SOPHIA GREEN.

Mr. PRATT. I move to proceed to the consideration of House bill No. 2763.

The motion was agreed to; and the bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green was considered as in Committee of the Whole. Its object is to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sophia Green, widow of Harvey Green, late a private in Company C, Tenth Regiment Vermont Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN M. ALLEN.

Mr. PRATT. I move to proceed to the consideration of House bill No. 3727.

The motion was agreed to; and the bill (H. R. No. 3727) granting a pension to John M. Allen was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Allen, a private in Company G, One hundred and seventy-sixth Regiment New York Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

STILLMAN C. SPAULDING.

Mr. PRATT. I move to proceed to the consideration of House bill No. 3712.

The motion was agreed to; and the bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stillman C. Spaulding, Company K, Thirty-second Regiment Massachusetts Volunteer Infantry, for the loss of a leg.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ARTHUR M. LEE.

Mr. PRATT. I move to proceed to the consideration of House bill No. 3705.

The motion was agreed to; and the bill (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

STEPHEN WEATHERLOW.

Mr. PRATT. I move to proceed to the consideration of House bill No. 1606.

The motion was agreed to; and the bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow was considered as in Committee of the Whole. It provides for paying to Stephen Weathlow, a pension at the rate of twenty-four dollars per month in lieu of that now drawn by him.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DAVID SALSBURY.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4790.

The motion was agreed to; and the bill (H. R. No. 4790) granting a pension to David Salsbury was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Salsbury, late private Company F, One hundred and sixtieth Regiment New York Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MERCY E. SCATTERGOOD.

Mr. PRATT. I move to proceed to the consideration of House bill No. 4793.

The motion was agreed to; and the bill (H. R. No. 4793) granting a pension to Mercy E. Scattergood was considered as in Committee of the Whole. It proposes to place on the pension-roll subject to the provisions and limitations of the pension laws, the name of Mrs. Mercy E. Scattergood, widow of Edward Scattergood, late second assistant engineer in the United States Navy, and to pay her two dollars per month in addition to her present pension until the child of Edward Scattergood shall become sixteen years of age.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JEFFERSON W. DAVIS.

Mr. PRATT. I move to proceed to the consideration of House bill No. 1054.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers.

The VICE-PRESIDENT. This bill has been up before, and an amendment reported by the Committee of the Whole. The question is on concurring in the amendment.

The amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

PENSIONS TO SURVIVORS OF CENTRALIA.

Mr. SHERMAN. I ask the Senator if he will not call up House bill No. 3718, granting a pension to Cornelia M. Arthur?

Mr. PRATT. I think that will lead to some discussion.

Mr. SHERMAN. The Senator said he would feel it his duty to bring it up. It is to give her $25 a month.

Mr. PRATT. I will call it up immediately after getting through with House bill No. 3021, which I now move to take up.

The motion was agreed to; and the bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864, was considered as in Committee of the Whole.

The bill extends the provisions of existing pension laws to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of those lately discharged soldiers of the Army of the United States who were murdered by guerrillas at Centralia, Missouri, in 1864, while being transported on the North Missouri Railroad.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes;

A bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York;

A bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes; and

A bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

ELIZABETH LANNING.

Mr. PRATT. I move to take up House bill No. 4776.

The motion was agreed to; and the bill (H. R. No. 4776) granting a pension to Elizabeth Lanning was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Lanning, widow of Richard Lanning, late of Company H, Eightieth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ANN CROSBY.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 4331.

The motion was agreed to; and the bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Sarah Ann Crosby, mother of Robert D. Crosby, late first lieutenant in Company F, Forty-ninth Regiment United States Colored Troops, and to pay her arrears of pension from the date of the death of her son until the date of the commencement of her pension.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CORNELIA M. ARTHUR.

Mr. PRATT. I now call up, at the request of the Senator from Ohio, House bill No. 3718, granting a pension to Cornelia M. Arthur.

Mr. MORRILL, of Vermont. I ask the Senator to call up at my request House bill No. 4458. [Laughter.]

Mr. PRATT. This is a pension bill.

Mr. SHERMAN. I want to state one fact that the Senator from Indiana will agree to. The Committee on Pensions of the Senate think that this lady, a blind woman, who is very poor and of the very highest character, the widow of a soldier, is only entitled under the laws to twenty-five dollars a month. The House have allowed her thirty dollars. I do not think we ought to send this bill back with an amendment of that kind. If the Senator insists on it I will take the twenty-five dollars, although I think we had better let the bill stand.

Mr. CONKLING. Submit it to the Senate.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The question is on taking up the bill.

The motion was agreed to; and the bill (H. R. No. 318) granting a pension to Cornelia M. Arthur was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelia M. Arthur, widow of Benjamin H. Arthur, late captain in the First Regiment of United States Infantry, and pay her an additional sum of five dollars a month from the date of its deduction by the Pension Office; and pay to her a pension of thirty dollars a month from and after the passage of the act.

The bill was reported from the Committee on Pensions with an amendment in line 10, to strike out "30" and insert "25."

Mr. SHERMAN. I hope the Senator will let the bill go without amending it. I appeal to the Senator.

Mr. PRATT. Very well.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MARGARET PATTISON.

Mr. OGLESBY. I move that the Senate proceed to the consideration of House bill No. 4775.

The motion was agreed to; and the bill (H. R. No. 4775) granting a pension to Margaret Pattison was considered as in Committee of the Whole. It proposes to place upon the pension-rolls, subject to the provisions and limitations of the pension-laws, the name of Margaret Pattison, mother of William J. Pattison, late second lieutenant of the Ninth Regiment Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WOLF.

Mr. HAMILTON, of Texas. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 2794) granting a pension to Elizabeth Wolf, to report the same back without amendment and to ask for its present consideration.

By unanimous consent the bill was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wolf, widow of John F. Wolf, late of Company D, Third Regiment of Maryland Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT JERSEY CITY.

Mr. PRATT. I have got but one more, and that is not a pension, bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair will recognize the Senator from Vermont, [Mr. MORRILL.]

Mr. MORRILL, of Vermont. I have carried this bill until I have almost worn it out. I have been trying for three days to get it up. It is reported from the Committee on Public Buildings and Grounds without amendment. I move that the Senate proceed to the consideration of House bill No. 4458.

The motion was agreed to; and the bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to purchase at private sale, or by condemnation if necessary, a suitable site for the public building to be erected in Jersey City, as provided for by act of Congress approved March 3, 1873; the proceedings to condemn to be instituted in the district court of the United States for the district of New Jersey, and conducted under the direction of the court so far as practicable, in the manner prescribed by the act of the Legislature of the State of New Jersey entitled "An act to authorize the formation of railroad corporations, and regulate the same," approved April 2, 1873, or such other mode of condemnation as shall be in pursuance of the laws of that State, and as the court may determine upon. Nothing in the act is to be construed to authorize the Secretary of the Treasury to pay more than a just and reasonable sum for the site, whether obtained by purchase or condemnation.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MONTRAVILLE PATTON.

Mr. MERRIMON. I move to take up House bill No 1628.

The motion was agreed to; and the bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina, was considered as in Committee of the Whole. It is an instruction to the Quartermaster General to pay Montraville Patton, of Buncombe County, North Carolina, the sum of $130 for supplies furnished the Army in the year 1866, as appears from proofs on file.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 4449.

The motion was agreed to; and the bill (H. R. No. 4449) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, was considered as in Committee of the Whole. It amends the act named, in the third section, by striking out the word "gentlemen" and inserting instead thereof the word "persons."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. ROBERTSON. I move to take up House bill No. 3641, a little bill from the House which ought to have been passed last session. There is no objection to it, and I ask that it be put on its passage.

The motion was agreed to; and the bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, was considered as in Committee of the Whole. It allows the company to extend its tracks in Washington from Seventh street west, down Water street, to the intersection of P street south; thence along P street to the west side of the arsenal gate.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4740) "making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," having met, after full and free confer-

ence, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendments numbered 1, 5, 10, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 31, and 33.

That the House recede from their disagreement to the amendments of the Senate numbered 2, 4, 7, 12, 15, 24, 25, 26, 27, 28, 29, 30, and 32.

That the House recede from their disagreement to the amendment numbered 3, and agree to the same with an amendment, as follows: Strike out "thirty-five" and in lieu thereof insert "twenty-five;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 6, and agree to the same with an amendment, as follows: Strike out "fifty" and insert "twenty-five" in lieu thereof; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 8, and agree to the same with an amendment, as follows: Strike out "six" and in lieu thereof insert "three;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 9, and agree to the same with an amendment, as follows: Strike out the word "five," and insert in lieu thereof the word "three;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 13, and agree to the same with an amendment, as follows: Strike out the words "two hundred," and insert in lieu thereof the words "one hundred and fifty;" so that it shall read "one hundred and fifty thousand dollars;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 34, and agree to the same with an amendment, as follows: On page 8 of this amendment after the word "survey," add the following: "and the sum of $5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for said survey and examination."

Z. CHANDLER,
GEO. R. DENNIS,
Managers on the part of the Senate.
PHILETUS SAWYER,
E. O. STANARD,
A. H. WILLIE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. CONKLING. Let us hear something about the report.

Mr. WINDOM. I make this report in the absence of the chairman of the committee. I cannot enter into details, because not expecting to make the report I had not prepared for it. I can only say that the committee of conference have cut down the bill so that I declined to sign it, if that is any recommendation.

Mr. CONKLING. How much does it appropriate?

Mr. WINDOM. About $622,000 over and above the amount appropriated by the House.

Mr. SHERMAN. That is exclusive of the Eads bill?

Mr. WINDOM. That is exclusive of the Eads bill.

Mr. EDMUNDS. How much does it cost?

Mr. WINDOM. About seven and a quarter millions stated in one way; stated in another way it involves two and a quarter millions. I will enter into an explanation if desired. If you capitalize what it costs now to keep open the mouth of the Mississippi River it would amount to $5,000,000. Capitalizing and maintaining the work, it amounts to seven millions and a quarter, so that it is really two millions and a quarter.

Mr. DAVIS. Is there any change in the jettee proposition?

Mr. WINDOM. No change in that.

Mr. SPENCER. I would like to ask the Senator from Minnesota what change the committee made in the item for the improvement of the shoals of the Tennessee River?

Mr. WINDOM. We cut it down $200,000 below the Senator's amendment; which leaves it $400,000.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

The report was concurred in.

STEAMER CLARA DOLSEN.

Mr. SCHURZ. I move to take up House bill No. 2101 for the relief of the owners of the steamer Clara Dolsen.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, (H. R. No. 2101), for the relief of the owners of the steamer Clara Dolsen.

Mr. EDMUNDS. I should like to have that explained. It seems to me I remember we had that up the other day. I was going to ask my friend from Missouri what the history of this case is; whether it is the one that we had up and discussed and laid over the other day.

Mr. SCHURZ. This bill was up on the 26th day of January. The Senator from Iowa can state its history.

Mr. WRIGHT. I will state to the Senator from Vermont that the bill was referred to the Committee on Naval Affairs, was reported back by them and referred to the Committee on Claims, and was considered by the Committee on Claims, and after full examination it was reported back favorably. I examined it very carefully myself, and I am satisfied the bill is all right and ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE AT SAINT LOUIS.

Mr. SCHURZ. I move to take up House bill No. 4528.

The motion was agreed to; and the bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was in section 1, line 9, to strike out "center span" and insert "said two spans."

Mr. BOUTWELL. I want to say one word about that bridge. The engineers report that a bridge should not be built until the water line on the west side of the river is established, so that it shall be known exactly how far the city of Saint Louis and other shore-owners have a right to encroach or advance toward the channel of the Mississippi River. There is a provision in the bill which the friends of the bill construe to be equivalent in the authority given to the Secretary of War to decide in regard to the bridge, but in my judgment, as a matter of law, it does not give the Secretary of War the power which the engineers say ought first to be exercised, to wit, the power to establish a water line, in order that it may be known where the spans shall be placed so that the spans may cover the depth of water in the channel.

Mr. SCHURZ. I ask that the Secretary read that provision concerning the authority of the Secretary of War.

The Chief Clerk read as follows:

And provided further, That after the said company shall have accepted the site and definitely planned the bridge with its piers, the plan shall be submitted to the Secretary of War for his approval. And in maintaining and operating said bridge it shall be subject to all the conditions and restrictions imposed by the act of which this is amendatory.

Mr. SCHURZ. How could that give the Secretary of War more authority?

Mr. EDMUNDS. I move to amend the bill by adding the following section, which I have moved to all such bills——

The PRESIDING OFFICER. The question will first be on the amendments reported by the Committee on Commerce.

The first amendment reported by the committee was on line 9 to strike out the words "center span" and insert "said two spans;" so as to read:

That the Saint Clair and Carondelet Bridge Company be, and the same is hereby, authorized and empowered, in constructing the bridge authorized by the act of which this act is amendatory, to erect over the main channel of said river two straight continuous spans, of not less than four hundred and fifty feet each in the clear of the pier at low-water mark, the said two spans to be placed over the main channel, instead of "the two spans over the main channel of the river," required by the act of which this act is amendatory.

The amendment was agreed to.

The next amendment was in line 1, section 2, after the word "that" to insert the word "if;" and in line 3, after the words "Secretary of War," to strike out the word "and;" so as to read:

SEC. 2. That if the said corporation shall accept the bridge site No. 2, on the plan and survey submitted to the Secretary of War, the company shall be required to close Cahokia Bend by a dam or similar work, to hold the channel against the western bluffs above the bridge.

The amendment was agreed to.

Mr. EDMUNDS. I offer the following amendment, to be inserted as an additional section:

That Congress shall at all times have the right to amend or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

SETTLERS ON RAILROAD LANDS.

Mr. SPENCER. I move that the Senate proceed to the consideration of House bill No. 2179.

Mr. HARVEY. I rise to a question of privilege. I have a privileged communication, but I cannot get the floor to present it.

The PRESIDING OFFICER. The Senator will state his question of privilege.

Mr. HARVEY. I have here resolutions from the State Legislature of Kansas——

Mr. SPENCER. Wait a moment, and you will get an opportunity.

Mr. HARVEY. I have been waiting too long already.

Mr. SPENCER. I move to take up the bill (H. R. No. 2197) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

Mr. EDMUNDS. You cannot pass that bill.

Mr. SPENCER. I ask that the bill be read and acted upon now.

Mr. EDMUNDS. That cannot be passed.

Mr. SPENCER. There is no objection to the bill. I am only sorry I did not have it referred to the Judiciary Committee. Let the Secretary read the bill.

The Secretary proceeded to read the bill, and was interrupted by—

Mr. DAVIS. I cannot understand what the Secretary reads. I would like for him to read loud enough.

The PRESIDING OFFICER. If Senators would remain in their seats and be quiet they would be more apt to hear the reading of the Secretary.

Mr. HARVEY. I rise to a privileged question. I present resolutions from the Legislature of Kansas which I ask to have read.

Mr. EDMUNDS, (to Mr. SPENCER.) You cannot pass that bill.

Mr. SPENCER. There cannot be any objection to it.

Mr. EDMUNDS. We have no right to take up a bill of that character at this time of day that should be given to little bills.

Mr. SPENCER. This is a little bill.

Mr. HARVEY. I present resolutions as a question of privilege.

The PRESIDING OFFICER. The resolutions will be reported.

The Chief Clerk read as follows:

Resolved by the house of representatives, State of Kansas, (the senate concurring therein,) That whereas numerous persons in Osage, Morris, Wabaunsee, Lyon, Chase, Marion, Butler, Harvey, Reno, Sedgwick, Coffey, Linn, Miami, Anderson, Allen, Dickinson, Greenwood, Cherokee, and other counties in the State of Kansas, were permitted to homestead divers tracts of land under and in pursuance of the homestead law, giving each one hundred and sixty acres of Government land to actual settlers in said counties, and the persons so homesteading having received a certificate of entry from the officers at the local land offices at Junction City, Topeka, Humboldt, Fort Scott, and Augusta, Kansas; and whereas the officers of the said local land offices acted in good faith, as did also the persons taking such homesteads, neither of them having any notice from the Government that any other party or parties had any claim upon such lands, homesteaded entries, under the acts of Congress; and whereas the United States Government by the action of its officers at the local land offices above named suffered the said settlers to homestead the said lands and expend their money and labor in making valuable improvements in good faith on such homesteads, trusting in the fidelity of the Government to comply strictly with its pledge to give each actual settler one hundred and sixty acres of land by the settlers complying with certain requirements; and whereas after such persons were permitted by the Government officers to enter said lands and use their means in improving the same, through no fault of such homestead settlers, but by neglect of the Government in failing to notify the officers at said local land offices that there were other claims on said lands and that said lands were not subject to entry under homestead laws; and whereas said homesteaders have been notified by said officials from said local land offices as aforesaid that their homestead entries were canceled by order of the Secretary of the Interior on account of the claims of the Atchison, Topeka and Santa Fé Railroad Company, the Missouri, Kansas and Texas Railroad Company, the Leavenworth, Lawrence and Galveston Railroad Company, the Missouri River, Fort Scott and Gulf Railroad Company, and the Kansas Pacific Railroad Company, having a claim upon said land; and whereas said persons, if they are forced to abandon said lands, will be left penniless and robbed of the benefits of their hard labor in improving the same, and by no fault upon their part; and whereas the House of Representatives in Congress did, on May 4, 1874, pass a bill known as "An act to confirm pre-emption and homestead entries of public lands within the limits of railroad grants:" Therefore,

Resolved, SECTION 1. That the Senate of the United States is hereby earnestly requested to take immediate steps for the relief of said homestead settlers, that justice and right demand that these poor settlers should not be permitted to suffer on account of the negligence of the Government, that Congress should make satisfactory arrangements with said railroad companies, whereby the said settlers will be enabled to retain their homesteads and enjoy the blessings of their labor and their money, expended in improving the same.

SEC. 2. That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure such legislation as will relieve said homestead settlers.

SEC. 3. That the Secretary of State is hereby directed to transmit forthwith to our Senators and Representatives in Congress, and to the President of the United States Senate, certified copies of the foregoing preamble and resolutions.

Passed the house of representatives February 16, 1875.

HENRY BOOTH,
Chief Clerk.

Concurred in by the senate February 18, 1875.

JOHN H. FOLK,
Secretary of Senate.

Mr. HARVEY. In connection with that I now move to take up House bill No. 3250, to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. SPENCER. I insist on the regular order, which is the reading of my bill.

Mr. HARVEY. I raised this question of privilege before the bill of the Senator from Alabama was taken up.

Several SENATORS. That was no question of privilege.

The PRESIDING OFFICER. The Secretary will report the bill of the Senator from Kansas.

Mr. STEWART. There is a bill pending.

Mr. SPENCER. My bill is pending.

Mr. HARVEY. No, sir; my bill is pending.

The PRESIDING OFFICER. The Senator from Alabama insists on the consideration of his bill, which was interrupted for the privileged question, which was the presentation of the resolutions of the Legislature of Kansas.

Mr. EDMUNDS. Which was not a privileged question at all.

Mr. HARVEY. Does the Chair decide that the bill of the Senator from Alabama was taken up before I obtained the floor?

The PRESIDING OFFICER. The Secretary was engaged in reading the bill when the Senator from Kansas rose to a privileged question. Now the Senator from Alabama insists on the consideration of his bill.

Mr. HARVEY. The resolution relates to a particular bill, and I called it up in connection with the reading of the resolution.

The PRESIDING OFFICER. That does not exclude the bill of the Senator from Alabama if he insists on his right to the floor.

Mr. SPENCER. I insist on proceeding with my bill.

The PRESIDING OFFICER. The Senator from Alabama insists on the consideration of the bill before the Senate.

Mr. HARVEY. Does the Chair rule that my motion to proceed to the consideration of this bill is out of order?

The PRESIDING OFFICER. The Chair states to the Senator from Kansas that he interrupted the pending question with a privileged question, as he stated, which was really no privileged question; but as it came to the desk and was being read the Chair allowed it to be read through. The Senator from Alabama now insists on proceeding with the pending bill.

INLAND AND SEA-BOARD COASTING COMPANY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

Mr. EDMUNDS. Is there any provision providing for the right to alter, amend, or repeal the act?

Mr. SPENCER. Yes, in the fifth section. Let the fifth section be read.

The Secretary read as follows:

SEC. 5. That this act may at any time be altered or amended by Congress.

Mr. EDMUNDS. That does not provide that it may be repealed, I observe. I would like to hear that read again.

Section 5 was again read.

Mr. EDMUNDS. I move to make it read:

Altered, amended, or repealed by Congress.

Mr. SPENCER. I hope that amendment will not be adopted. It kills the bill. "Altered or amended" is certainly sufficient.

Mr. EDMUNDS. Yes, Mr. President, if I did not know that my friend from Alabama does not profess to be skilled in the law, and if I did not know that he did not draw the bill, I should say that somebody who did draw it had a variety of views on the subjects upon which the bill might operate and the securities it might provide for people who may be concerned with this company. Now, as I said before, I move to amend that bill so as to read:

That this act may at any time be altered, amended, or repealed by Congress.

Mr. SPENCER. I hope the amendment will not be adopted.

The amendment was agreed to.

Mr. EDMUNDS. I merely wish to say that I have got the disability bills together and when this bill is through I wish to take them up according to the understanding.

Mr. SPENCER. Let this bill pass first.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

HIRAM W. LOVE.

Mr. PEASE. I move to take up Senate bill No. 1302, to refer the claim of Hiram W. Love, of the State of Iowa, to the Court of Claims.

Mr. EDMUNDS. I must put in a plea for my disabled citizens.

Mr. ROBERTSON. I object to the bill. It was before Congress at the last session.

Mr. PEASE. That bill was passed upon by the Committee on Claims, recommended by them, and there can be no objection to the case being referred to the Court of Claims. I move to proceed to its consideration.

Mr. CONKLING. I inquire is not that the bill that was considered once and debated at some length in the Senate?

Mr. PEASE. It was referred to the Committee on Claims, and they passed upon it.

Mr. CONKLING. It did come from the Committee on Claims.

Mr. PEASE. And was referred back to that committee. We have considered that bill. The committee were unanimous in the opinion that the bill should pass. They were of the opinion that it was of such a character that it required judicial investigation and they have instructed me to report this bill, and I hope it will pass.

The bill was read. It proposes that the claim of Hiram W. Love, of Iowa, for compensation for the destruction of his cotton crop, located in the county of Desha, Arkansas, by the Army of the United States, during the late war of the rebellion, with all the papers relating thereto, be referred to the Court of Claims to determine the actual loss sustained by the claimant, and award proper compensation.

Mr. CONKLING. Of course this bill cannot pass without an understanding. I take it the Senator would not ask those of us—and I am one of them—who debated this bill and assigned reasons which I thought were good against it—to accept it without any explanation or debate; and as we are now engaged in unobjected cases and are wasting our time otherwise, I hope the Senator will not insist on this bill.

Mr. PEASE. It seems to me a bill of this character ought to pass. The proposition is that the case shall undergo a judicial investigation. No one can object to that. The Government will certainly meet with no loss.

Mr. EDMUNDS. The statute of limitations has run on the claim if it is to go to the Court of Claims; and we never remove the bar of limitations, and have refused it in cases of this kind. If Congress choose to legislate on the equity of the relief, that is one thing; but if you open the door of the statute of limitations, you have no barrier, and you must open it to all. I submit that to the Senate.

The PRESIDING OFFICER. Does the Senator withdraw the bill?

Mr. PEASE. I have not withdrawn the bill. I demand a vote on this proposition. If it is voted down, all right; I have done my duty in the case.

Mr. EDMUNDS. I believe we are proceeding by unanimous consent to take up unobjected cases. Now, I do not wish to make a captious objection, I am sure; but the Senate ought to understand that this is a bill about which there is a serious difference of opinion in this body, not out of prejudice or hostility, but upon questions that have been debated here year after year.

Mr. PEASE. Not upon referring a case to the Court or Claims.

Mr. EDMUNDS. Yes; upon references of this kind to the Court of

Claims. I think I am somewhat familiar with the course of business here for the last four or five years, and all these matters of reference to the Court of Claims have generally undergone a contest; and now I put it to the Senator whether it is quite up to the understanding that he should insist on asking us to take up this bill when he understands there is an honest and serious objection to it.

Mr. PEASE. I should like the Senator to state his objection. It seems to me it is such a plain and palpable proposition that there can be no objection to it. If there is anything wrong it should undergo a judicial investigation by the Court of Claims.

Mr. EDMUNDS. I will state my objection, and that is that I object to the bill. I appeal to the Senator that we are considering unobjected cases. I do it with sorrow.

The PRESIDING OFFICER. The Chair so understood, that the Senate was proceeding with unobjected cases.

Mr. EDMUNDS. I hope the Senator will not misunderstand me. I wish to get up the disability bills.

The PRESIDING OFFICER. Objection is made to the consideration of this bill.

HOT SPRINGS RESERVATION.

Mr. FRELINGHUYSEN. I move to take up Senate bill No. 1096.

The motion was agreed to; and the bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas" was considered as in Committee of the Whole.

The bill amends the act in relation to the Hot Springs reservation in the State of Arkansas, passed in the year 1870, that the taking of an appeal, as provided in that act, shall in no manner supersede the action, authority, or power of the receiver provided for in the act.

Mr. THURMAN. Does the Senator from Arkansas desire that bill to be passed?

Mr. FRELINGHUYSEN. The Senator from Arkansas is aware of the bill, and he approves it, as I understand.

Mr. THURMAN. The bill came from the Judiciary Committee, and in my judgment it ought not to pass. So far as I am concerned I think it is a bill that ought not to pass. I do not think that it is right to appoint a receiver to take possession of lands and tenements and turn out fifteen hundred or more people from their homes before getting the final decree of a court that they are not entitled to the land.

Mr. FRELINGHUYSEN. The majority of the Committee on the Judiciary thought it was essential that this bill should pass. I have been informed by the Assistant Attorney-General that it is a question of $100,000, and he knows whether it ought to pass or not.

Mr. THURMAN. I do not know how that is.

Mr. FRELINGHUYSEN. As to its turning people out, it is only as to who shall receive the rent, not turning them out—whether the parties who have unjustly claimed this land shall receive the rent or the money go into the hands of a receiver after it has been received.

Mr. THURMAN. I have never been at the Hot Springs, but I am told there are three or four hundred families there. Whether I am correct or not I do not know, but there are Senators who have been there. Now, the idea that because the Court of Claims may have decided in favor of the United States, then when an appeal is taken to the Supreme Court there shall be a receiver appointed pending the litigation, seems to me to be a very odd proposition.

Mr. FRELINGHUYSEN. I will say to the Senator from Ohio that since he asked me the question the Senator from Arkansas [Mr. CLAYTON] states to me that he wishes this bill to become a law.

Mr. MORTON. The whole point, as I understand it, is this: There are three claimants of that property who are in receipt of rents and profits. The Court of Claims has decided that none of them is entitled. This is simply to receive the rents and profits until the final determination of the Supreme Court of the United States, so that they may be equitably and properly distributed.

Mr. FRELINGHUYSEN. Until they properly settle the question.

Mr. CLAYTON. I only say I hope this bill will pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA J. COSTON.

The PRESIDING OFFICER. The Chair will lay before the Senate the bill (H. R. No. 4867) for the relief of Martha J. Coston.

Mr. STEWART. That is a bill appropriating $15,000 for the relief of this lady. She manufactured signal-lights for the Government, under a contract before the issuance of greenbacks, and afterward duties were levied upon the articles that were used in the manufacture of those lights. Congress passed a law allowing contractors to be reimbursed for the amount of such duties. She went on, supposing she would be entitled to this reward, with manufacturing for a long time, but when she applied for it she was answered that her contract was not in writing, although the contract was acknowledged. The amount that would have been due her would have amounted to about $500, as the committee of the House have found, if she had been paid as others were under the contract. The reasoning of the committee shows she would be entitled to a much larger amount. They hold it is very proper that the Government ought not to attempt to get out of the contract on the ground that it was not in writing, while there was nothing in the law that required it to be in writing.

Mr. EDMUNDS. Do not insist on it.

Mr. ROBERTSON. I object to the consideration of that bill.

The PRESIDING OFFICER. That prevents its consideration, as only unobjected cases can be considered.

MASONIC RELIEF ASSOCIATION.

Mr. HAMILTON, of Maryland. I ask for the passage of a little bill. I hope the Senator from Vermont will yield to me.

Mr. EDMUNDS. I will yield to the Senator. Let us hear what you have.

Mr. HAMILTON, of Maryland. I move to take up House bill No. 4447.

The motion was agreed to; and the bill (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF BOUNTIES.

Mr. EDMUNDS. Mr. President, I want now, in pursuance of the understanding which was for eleven o'clock, to take up disability bills.

Mr. CONKLING. The Senator from Vermont——

Mr. LOGAN. I want to make a report from a committee of conference.

Mr. CONKLING. I want to appeal to the Senator to allow me to take up Senate bill No. 1247.

Mr. LOGAN. I have a conference report.

Mr. CONKLING. I believe I have the floor to appeal to the Senator from Vermont.

Mr. PATTERSON. While the Senators are talking I ask to take up——

JOHN R. HARRINGTON.

Mr. CONKLING. Is this in order? Somebody is out of order. I move to take up Senate bill No. 1247 for the relief of John R. Harrington, being a bill for the benefit of a blind man, a man entirely blind, which has been reported by the Committee on Patents. The Senator from Maryland, [Mr. HAMILTON,] whom I am glad to see here, reported the bill, and if need be in one moment can make a statement which will insure the vote of the Senate. I move that the bill be taken up.

The motion was agreed to; and the bill (S. No. 1247) for the relief of John R. Harrington was considered as in Committee of the Whole. It grants leave to John R. Harrington, of Brooklyn, New York, to make application to the Commissioner of Patents for an extension of letters-patent granted to him April 1, 1856, as reissued December 11, 1866, for improvements in carpet-lining, for the term of seven years.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF BOUNTIES.

Mr. EDMUNDS. Mr. President——

Mr. LOGAN. I rise to ask a parliamentary question.

Mr. EDMUNDS. I cannot yield to anybody just here.

The PRESIDING OFFICER. The Senator from Illinois rises to a parliamentary question.

Mr. LOGAN. It is this: I rose a moment ago to make a report from a committee of conference, and the suggestion was made by the Senator from Vermont that the papers had not arrived from the House. I desire to know from the Chair whether I have to wait before I make the report to the Senate till the papers come here, when the papers belong to the House.

Mr. CONKLING. Undoubtedly.

Mr. LOGAN. It is a House bill amended by the Senate, and the conference committee agreed and reported to the House and the House has concurred in the report.

The PRESIDING OFFICER. The practice of the Senate has been to require the papers with the report.

Mr. LOGAN. The papers belong to the House.

Mr. EDMUNDS. If you have the papers you could report here first, and that would be all right.

Mr. LOGAN. I only know it has been done differently, because I have made reports differently myself. If that is the decision I must submit, but I know I have made reports without the papers.

The PRESIDING OFFICER. Is there objection to considering the report?

Mr. EDMUNDS. I object, not to the thing itself, but because I wish the regular course observed. We must have the papers here when a report is made, so that we can see how the report and bill agree.

Mr. LOGAN. How the report and bill agree?

Mr. EDMUNDS. Yes, sir; how the report and the bill agree, so that we can have the bill and the report read, if necessary. There is no doubt about it.

Mr. LOGAN. The bill cannot help agreeing with the report, because the bill has not been changed.

Mr. EDMUNDS. That we cannot tell till we see it.

Mr. LOGAN. I do not pretend to discuss this question with the Chair; but I know that I have made conference reports, and so have others, without the bill being here.

THOMAS T. FOUNTLEROY.

Mr. EDMUNDS. I move to take up House bill 3602.

The bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fountleroy and Charles H. Williamson, citizens of Virginia, was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment to strike out in line 5 the words "and Charles H. Williamson, citizens."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in. The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed by a two-thirds vote.

The title was amended so as to read: A bill to remove the political disabilities of Thomas T. Fountleroy, of Virginia.

JAMES M. QUARLES.

Mr. EDMUNDS. I move to take up Senate bill No. 1260.

The bill (S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

BEVERLY KENNON.

Mr. EDMUNDS. I move to take up House bill No. 4562.

The bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

ROBERT W. JOHNSON.

Mr. EDMUNDS. I move now to take up the case of Robert W. Johnson, being Senate bill No. 1331.

The bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. SMITH AND JAMES M. HAWES.

Mr. EDMUNDS. I move to take up House bill No. 4814.

The bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities, was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment, which was to strike out the words "Charles H. Smith, of Richmond, Virginia, also."

Mr. EDMUNDS. I wish that amendment disagreed to. When I reported the bill there was no petition from Smith. One has since come in, so that the gentleman comes within the rule. I wish the amendment disagreed to and the bill to pass as it is.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed by a two-thirds vote.

JOHN WITHERS, JOSEPH F. MINTER, AND WILLIAM KEARNEY.

Mr. EDMUNDS. I move to take up the case of Withers, Minter, and Kearney.

The bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

EDWARD BOOKER.

Mr. EDMUNDS. I move now to take up the case of Edward Booker.

The motion was agreed to; and the bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

ROBERT H. ANDERSON.

Mr. EDMUNDS. I move to take up the case of Anderson.

The bill (S. No. 917) for the relief of Robert H. Anderson, of the county of Chatham, State of Georgia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

S. D. LEE.

Mr. EDMUNDS. I move to take up Senate bill No. 1280.

The bill (S. No. 1280) to remove the political disabilities of S. D. Lee, of Mississippi, was considered as in Committee of the Whole.

The Committee on the Judiciary proposed an amendment to strike out the words "legal and" before "political disabilities."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

O. R. SINGLETON.

Mr. EDMUNDS. I move to take up House bill No. 4753.

The bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

P. U. MURPHY AND JOHN A. BROWN.

Mr. EDMUNDS. I move to take up House bill No. 3918.

The bill (H. R. No. 3918) to relieve P.U. Murphy and John A. Brown, of Alabama, of political disabilities was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

ISAAC N. BROWN.

Mr. EDMUNDS. I move to take up House bill No. 4675.

The bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

Mr. EDMUNDS. Expressing my thanks to the Senate for its kind attention I yield the floor to everybody.

FREDERICK PEARSON.

Mr. ROBERTSON. I ask the Senate to take up and pass House bill No. 4466.

The bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain was read.

Mr. FERRY, of Connecticut. I object to that bill.

LYDIA CRUGER.

Mr. PATTERSON. I ask for the consideration of House bill No. 4839 with the consent of the chairman of the Committee on Claims.

The bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Shepherd, deceased, was considered as in Committee of the Whole. It provides that the claim heretofore reported to Congress by the Court of Claims in favor of Lydia Cruger, executrix of Moses Shepherd, deceased, be referred back to the court, with power to hear and determine the same, as in other cases, and with the right to either party to use the evidence heretofore taken, so far as the court shall deem the same pertinent and competent.

The bill was ordered to a third reading, read the third time, and passed.

FREDERICK PEARSON.

Mr. MORTON. I move to proceed to the consideration of House bill No. 4866.

Mr. FRELINGHUYSEN. Before that bill is taken up I ask my friend from Indiana to give way, as the objection is removed, to the bill that has been read in the case of Pearson.

The bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain was considered as in Committee of the Whole, reported to the Senate, ordered to a third reading, read the third time, and passed.

NATHANIEL H. M'LEAN.

Mr. MORTON. I move to proceed to the consideration of House bill No. 4866.

The bill (H. R. No. 4866) for the relief of Major Nathaniel H. McLean, late of the Adjutant-General's Department of the Army, was read three times, and passed. It authorizes the President to appoint Major Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department, or if he shall deem it best to reinstate and retire him with the rank to which he would have attained in service at the date of the passage of the act.

WITHDRAWAL OF PAPERS.

On motion of Mr. PRATT, it was

Ordered, That Daniel D. Haven have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. WINDOM, it was

Ordered, That Basil Moreland, of Mankato, Minnesota, have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SCHURZ, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of Daniel L. Duffy, and that he have leave to withdraw his petition from the files of the Senate.

DEFICIENCY APPROPRIATION BILL.

Mr. MORRILL, of Maine, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4851) making appropriations to supply deficiences in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendments numbered 25, 13, 14, 15, 16, 17, 18, and 19.

That the House recede from its disagreements to the amendments of the Senate numbered 4, 11, 21, 22, 23, 24, 26, 27, 29, 31, 36, and 37.

That the House recede from its disagreement to the amendment numbered 1, and agree to the same with an amendment adding the words: "To enable the Clerk of the House to pay clerks of committees of the House $8,000, to be added to the contingent fund of the House; and the Senate agree to the same."

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment striking out the words "sixty-two" and inserting in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to amendment numbered 30, and agree to the same with an amendment striking out the words "seventy-five" and inserting in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment to strike out and insert the following:

That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however*, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided*, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

That in all cases in which Indians have heretofore entered public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the first section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the first section of this act in regard to alienation and incumbrance.

That the House recede from their disagreement to the amendment numbered 3, and agree to the same with an amendment, adding the words "and to report the same to Congress at its next session."

That the Senate agree to the amendment of the House numbered 12.

That the Senate agree to the amendment of the House numbered 27.

LOT M. MORRILL,
W. B. ALLISON,
J. W. STEVENSON,
Managers on the part of the Senate.

L. C. PARKER,
JOHN T. AVERILL,
WM. E. NIBLACK,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes;

A bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers; and

A bill (S. No. 976) to promote economy and efficiency in the marine-hospital service.

The message also announced that the House receded from its disagreement to the amendments of the Senate to the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas;

A bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson;

A bill (S. No. 411) for the relief of Holy Cross Mission, in the Territory of Dakota;

A bill (S. No. 560) for relief of William M. Denny, major of the Fifty-first Indiana Volunteer Infantry;

A bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States;

A bill (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy of the United States;

A bill (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities;

A bill (S. No. 819) for the the relief of George W. Dawson;

A bill (S. No. 843) for the relief of the survivors of the Polaris;

A bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory;

A bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;

A bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company;

A bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;

A bill (S. No. 1097) to donate to the State of Oregon a public building, lot, and material, situated at The Dalles, Oregon;

A bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;

A bill (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased;

A bill (S. No. 1156) for the relief of Joseph H. Colton;

A bill (S. No. 1185) for the relief of F. V. Hayden;

A bill (S. No. 1222) to authorize the trustees of the Young Men's Benevolent Association of Washington to sell and convey square No. 272 in the city of Washington;

A bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;

A bill (S. No. 1237) to amend section No. 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks;

A bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;

A bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;

A bill (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis; and

A bill (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette;

PUBLIC BUILDING AT ATLANTA.

Mr. GORDON. I move that the Senate proceed to the consideration of House bill No. 3762.

The bill (H. R. No. 3762) to amend the act entitled "An act for the erection of a public building for the use of the United States in Atlanta, Georgia," was considered as in Committee of the Whole. It amends the act for the erection of a public building for the use of the United States in Atlanta, Georgia, approved February 12, 1873, so that the sum of money authorized to be expended in the construction of the building is fixed at $250,000.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. Although the House of Representatives have receded from their vote against our amendments to the bounty bill, and thereby passed the bill as I understand, yet I desire to have the conference report agreed to.

Mr. MORRILL, of Vermont. My colleague is not here. He made objection to that report being received until it could be received in order.

Mr. LOGAN. It has been reported from the House. I now submit the report.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The report will be read.

Mr. LOGAN. I cannot wait for the expiration of time to allow objection to a conference report being received when it was never before objected to.

The report was read as follows:

The committee of conference of the two Houses on the disagreeing votes on the bill H. R. No. 3341, a bill to equalize the bounties of soldiers who served in the late war for the Union, having met, after full and free conference have agreed to recommend to their respective Houses—

That the House recede from its vote non-concurring in the amendments of the Senate, and agree to the same.

JOHN A. LOGAN,
H. HAMLIN,
GEORGE E. SPENCER,
Managers on the part of the Senate.

LEWIS B. GUNCKEL,
JOHN COBURN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

Mr. SPRAGUE. I move that that report lie on the table, and call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Rhode Island moves to lay the report of the committee of conference on the table, and calls for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. SHERMAN. That does not make a bit of difference.

Mr. LOGAN. The bill is passed.

The yeas and nays were taken.

The roll-call having been concluded—

Mr. WEST. Before the vote is announced on this question I desire to know whether it is in order to make a parliamentary inquiry?

The PRESIDING OFFICER. Nothing is in order until the vote is announced.

The result was announced—yeas 30, nays 24; as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Chandler, Cooper, Davis, Dennis, Eaton, Edmunds, Ferry of Connecticut, Frelinghuysen, Gilbert, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Ransom, Robertson, Sargent, Saulsbury, Sprague, Stevenson, and Stewart—30.

NAYS—Messrs. Cameron, Conkling, Cragin, Dorsey, Ferry of Michigan, Flanagan, Hamlin, Harvey, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Patterson, Pease, Pratt, Scott, Spencer, Tipton, West, Windom, and Wright—24.

ABSENT—Messrs. Alcorn, Allison, Bogy, Boreman, Brownlow, Carpenter, Clayton, Conover, Fenton, Gordon, Howe, Lewis, Ramsey, Schurz, Sherman, Stockton, Thurman, Wadleigh, and Washburn—19.

So the report was ordered to lie on the table.

Mr. WEST. I now make this inquiry. This was a House bill. It came to the Senate and was amended. It went back to the House and the House refused to concur in the amendments. It was then submitted to a commitee of conference. Upon that conference report the House receded from its non-concurrence and has concurred. I would like to ask the Chair in what condition does that leave the bill in this body?

The PRESIDING OFFICER. The Chair would inform the Senator that the Chair does not feel called upon to answer any parliamentary inquiries as to matters not before the body.

Mr. HAMILTON, of Maryland. I rise to a question of order.

The PRESIDING OFFICER. The report of the committee of conference lies on the table.

Mr. MORRILL, of Vermont. And has not been accepted.

LANDS AT VINCENNES.

Mr. MORTON. I move to proceed to the consideration of House bill No. 3399.

The bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana, was considered as in Committee of the Whole.

The Committee on Private Land Claims proposed to amend the bill by striking out in lines 7 and 8 the words "as in other sales of public lands."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THANKS TO VICE-PRESIDENT.

Mr. BAYARD submitted the following resolution; which was agreed to unanimously:

Resolved, That the thanks of the Senate are due and hereby are tendered to the Hon. HENRY WILSON, Vice-President of the United States, for the courtesy, impartiality, and ability with which he has presided over their deliberations.

PUBLIC BUILDING IN ATLANTA.

Mr. GORDON. By an inadvertence we passed a while ago the wrong bill. I ask that the bill I now send up be substituted therefor.

The bill (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of a public building at Atlanta, Georgia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SETTLERS ON RAILROAD LIMIT LANDS.

Mr. SARGENT. I ask for the consideration of House bill No. 2502, reported unanimously by the Committee on Public Lands.

The bill (H. R. No. 2502) for the relief of settlers on lands within railroads limits was considered as in Committee of the Whole. It provides that where any person or persons who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double-minimum rates, and such lands having been forfeited to the United States for failure to build such railroad, such person or persons shall have the right to locate on any unoccupied lands an amount equal to their original entry without further cost, except such fees as are now provided by law in pre-emption cases, but when such location is upon double-minimum lands, one-half the amount only shall be taken.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 831) for the relief of D. R. Haggard, of Kentucky.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

ENROLLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed sundry enrolled bills.

Mr. EDMUNDS. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Vermont will state the question of order.

Mr. EDMUNDS. I insist on the message from the House of Representatives being read so that we may know what enrolled bills are signed by the Speaker.

Mr. SARGENT. Let me make a report from a committee of conference.

Mr. EDMUNDS. I want to know this now.

The PRESIDING OFFICER. The Clerk will report the titles of the enrolled bills sent from the House.

Mr. EDMUNDS. Subject to all points of order; if the Senate is willing that the Senator from California may make his report I make no objection.

Mr. SARGENT. The Senator yields to me to make a report.

The PRESIDING OFFICER. The report from the committee of conference will be read.

SUNDRY CIVIL APPROPRIATION BILL.

The Secretary read the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses the following:

That the Senate recede from its amendments numbered 7, 9, 13, 25, 27, 28, 29, 30, 34, 35, 43, 45, 46, 47, 48, 49, 56, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 83, 86, 87, 88, 89, 90, 93, 112, 113, and 115.

That the House recede from its disagreement to the amendments numbered 8, 15, 21, 31, 44, 53, 57, 60, 66, 82, 85, 97, 98, 100, 102, 103, 106, 107, 108, 109, 114, 119, and 122; and the Senate agree to the same.

That the Senate recede from its disagreememt to the amendment of the House to the amendment numbered 1, and agree to the same.

That the Senate recede from its amendment numbered 2, with an amendment as follows: Strike out the word "and" where it occurs in line 26, page 3 of the bill, and insert after the word "refuge" in line 27, same page, "and sites for beacons;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same with an amendment striking out after the word "purposes" in line 3 down to and including the word "thousand" in line 4, and inserting in lieu thereof "185,000;" and striking out all of the proviso down to and including the word "specified" in line 18 of said amendment; and the Senate agree to the same.

That the House recede from it disagreement to the amendment numbered 20, and agree to the same with an amendment, as follows: After the word "claims" in said amendment insert "of the Senate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment, as follows: Substitute for the word "seventy-five" the word "sixty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 39, and agree to the same by inserting after the words "Yerba Buena" the word "island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 40, with an amendment substituting for the words proposed to be stricken out the following: "That the Secretary of the Interior be, and is hereby, authorized and directed to cause a careful examination to be made for the purpose of ascertaining whether any person, firm, or corporation is now occupying any larger portion of the land known as the Rancho Panoche Grande than is authorized and allowed by the laws relating to mining lands, and that he make a full and detailed report of such examination to Congress at the beginning of the next session; and to enable the Secretary of the Interior to carry into effect this provision, the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated."

That the House recede from its disagreement to the amendment numbered 42, and agree to the same by substituting for the words proposed to be inserted the word "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment substituting the word "forty" for "twenty" in said amendment; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 95, and agree to the same.

That the Senate recede from so much of its amendment as strikes out section 2 of the bill, with an amendment striking out all after the word "dollars" in lines 57 to 73 of the bill down to and including the word "six," and inserting in lieu thereof the following: "two chiefs of divisions, at $2,400 each; two clerks of class four; five clerks of class three;" and the House agree to the same as so modified.

That the House recede from its disagreement to the amendment numbered 124, and agree to the same with an amendment striking out the word "copies" and inserting in lieu thereof the words "one copy;" and the Senate agree to the same.

AARON A. SARGENT,
STEPHEN W. DORSEY,
JAMES K. KELLY,
Managers on the part of the Senate.

JAMES A. GARFIELD,
EUGENE HALE,
Managers on the part of the House.

The report was concurred in.

ENROLLED BILLS.

The PRESIDING OFFICER. Does the Senator from Vermont still insist on his call for the reading of the enrolled bills signed by the Speaker of the House?

Mr. EDMUNDS. Yes, sir.

The PRESIDING OFFICER. They will be reported by the Clerk.

The SECRETARY. The following enrolled bills have been signed by the Speaker of the House of Representatives:

A bill (H. R. No. 4801) granting a pension to Micajah Stout;

A bill (H. R. No. 4771) granting a pension to Charles A. Draher;

A bill (H. R. No. 1606) granting a pension to Stephen Weatherlow;

A bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey;

A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;
A bill (H. R. No. 4775) granting a pension to Margaret Pattison;
A bill (H. R. No. 4754) granting a pension to Betsey A. Eaton;
A bill (H. R. No. 4777) granting a pension to James A. Forgey;
A bill (H. R. No. 4800) granting a pension to John H. Looby;
A bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position in the Navy;
A bill (H. R. No. 4329) granting a pension to William H. Small;
A bill (H. R. No. 965) granting a pension to Samuel Purcell:
A bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy;
A bill (H. R. No. 4776) granting a pension to Elizabeth Lanning;
A bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn;
A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;
A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;
A bill (H. R. No. 4767) for the relief of Ferdinand Monti; and
A bill (H. R. No. 4755) granting a pension to William Lyon.

The VICE-PRESIDENT signed these enrolled bills.

PETERS & READ.

Mr. NORWOOD. I move that the Senate proceed to the consideration of House bill No. 565.

The bill (H. R. No. 565) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860, was read.

Mr. SHERMAN. I call for the reading of the report in that case. This bill appropriates a large sum.

The PRESIDING OFFICER. The Clerk will proceed to read the report in the case.

Mr. MORTON. I move to proceed to the consideration of House bill No. 3176.

The PRESIDING OFFICER. There is a bill pending which was taken up on the motion of the Senator from Georgia.

Mr. SHERMAN. Under the circumstances I move to lay the bill on the table.

The motion was agreed to.

JOHN W. MARSH.

Mr. WADLEIGH. I move to take up from the table the motion of the Senator from Indiana [Mr. PRATT] to reconsider the vote whereby the bill (H. R. No. 3170) for the relief of John W. Marsh was postponed indefinitely.

The motion was agreed to.

The motion to reconsider was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MORTON. I move to take up House bill No. 3176.

Mr. BOUTWELL. I believe the Senator from Indiana has already had the floor on one bill, and I claim the right.

Mr. MORTON. I do not often trouble the Senate. I hope I shall be allowed to have this bill disposed of.

Mr. BOUTWELL. I raise the question that under the agreement the Senator from Indiana has already had the floor to pass one bill.

The PRESIDING OFFICER. The Chair cannot decide questions of agreement between Senators.

Mr. BOUTWELL. I appeal to the Senator from Indiana. I ask for the decision of the Chair on the question I raise.

The PRESIDING OFFICER. The Chair declines to decide a question of courtesy between Senators.

Mr. MORTON. The Senator from Vermont awhile ago had the floor and passed a dozen bills.

Mr. BOUTWELL. That was under special agreement.

Mr. PRATT. It is House bill No. 3176 that my colleague wishes to have considered.

Mr. BOUTWELL. I shall object to the bill unless I have my rights.

The PRESIDING OFFICER. The Clerk cannot find the bill called for by the Senator from Indiana just at present.

ROADS IN ARIZONA.

Mr. JONES. I ask leave to take up House bill No. 2419.

The bill (H. R. No. 2419) to provide for the construction of military roads in Arizona, was considered as in Committee of the Whole. It appropriates $15,000, to be used, under the direction of the Secretary of War, in the construction of military roads in the Territory of Arizona, from Fort Whipple to Camp McDowell, with a branch to Camp Verde; and from Fort Whipple to Skull Valley direct.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOWELL A. CHAMBERLAIN.

Mr. BOUTWELL. I ask for the consideration of joint resolution No. 102.

The joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain was considered as in Committee of the Whole. It empowers the President to restore Lowell A. Chamberlain to his position in the First Regiment of Artillery, United States Army, with the same rank and date of commission, and without forfeiture of pay, as if he had not tendered his resignation, if the President shall be convinced, upon an examination of the evidence in the case, that the dismissal of the said Chamberlain by sentence of the general court-martial before which he was tried would have been unjust and not warranted by the facts. No vacancy which may hereafter occur in the grade of first lieutenant in the First Regiment of Artillery, United States Army, is to be filled until the number of officers in that grade in the regiment shall be reduced to the number now allowed by law.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. MITCHELL. I ask for the consideration of Senate bill No. 1310.

The bill (S. No. 1310) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad was considered as in Committee of the Whole. It extends the time for the completion of the survey and location of the Portland, Dalles and Salt Lake Railroad and branches two years from the 14th day of April, 1875.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL REPORTS FOR 1872 AND 1873.

Mr. ANTHONY. The Committee on Printing reported some time since a resolution of the House of Representatives to print additional copies of the report of the Commissioner of Agriculture, and reported it without recommendation, because there was no mode of distributing documents. The mode has now been provided, and members and Senators have desired that there might be a vote on the resolution. If it will cause no debate I will call it up.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed of the annual report of the Commissioner of Agriculture for the year 1872, two hundred and thirty thousand copies, of which fifty thousand shall be for the use of the Senate and one hundred and eighty thousand for the use of the House of Representatives; and that there be printed of the report of the said Commissioner for the year 1873 one hundred and fifty-five thousand copies, of which thirty-five thousand copies shall be for the use of the Senate and one hundred and twenty thousand copies for the use of the House of Representatives.

Mr. MORRILL, of Vermont. Evidently this cannot pass without considerable debate. I hope the Senator from Rhode Island will withdraw it.

Mr. FRELINGHUYSEN. I hope we may have an opportunity to vote upon it. It is now too late for debate. There has been provided a means by which these reports can be circulated. Let us have a vote. If the Senate do not want them, they can vote down the resolution.

Mr. MORRILL, of Vermont. I trust it will not be acted on at the present time. This is reintroducing the old system of public documents for distribution by members of Congress. I had supposed we were entirely through with it, but at all events under the arrangement that we made here this morning no business was to be done that was objected to, and I object to this.

The PRESIDING OFFICER. The Chair does not understand that one objection carries the resolution over.

Mr. SHERMAN. This will undoubtedly give rise to debate.

Mr. FRELINGHUYSEN. I hope we may have a vote on the question.

Mr. MORRILL, of Vermont. I appeal to the Senator from New Jersey if there was not an understanding that no business should be transacted this morning except such as was not objected to?

Mr. FRELINGHUYSEN. I understand the Chair that such was not the understanding.

The PRESIDING OFFICER. The question is on the resolution reported by the Senator from Rhode Island, upon which an amendment is pending which will be read.

Mr. SHERMAN. I desire to address the Senate briefly upon this subject. This resolution has been pending about two years I believe. I ask the Senator from Rhode Island——

Mr. ANTHONY. We have printed none for two years.

Mr. SHERMAN. This is to publish a public report of the Commissioner of Agriculture of two years ago.

Mr. ANTHONY. Both the report of two years ago and of one year ago.

Mr. SHERMAN. If you send an agricultural report two years old to a farmer he will not thank you. This provides for the publication of four hundred thousand volumes, most of them reports two years old and some a year old, costing about half a dollar apiece, or $200,000. Is it worth while for us to add to the expiring agonies of this Congress by doing an act so unnecessary, so uncalled for as to spend $200,000 in the publication of documents two years old that were not of much value even when they were new? I hope the Senator from Rhode Island will allow this matter to go over. He cannot pass it without exciting some debate.

The PRESIDING OFFICER. Does the Senator from Rhode Island insist on the consideration of the resolution?

Mr. ANTHONY. If it is going to excite debate, I suppose I cannot insist on it. I should like to vote. I do not care whether it is voted up or down.

The PRESIDING OFFICER. The question is on the resolution.

The resolution was rejected.

WILLIAM GREEN.

Mr. MORTON. The bill which I wanted taken up has been found. I ask for its consideration.

The bill (H. R. No. 3176) for the relief of William Green was considered as in Committee of the Whole. It provides for the payment to William Green, surviving partner of the firm of Emison & Green, the sum of $377, for services performed by the firm as mail-messengers in carrying the mails to and from the post-office at the city of Vincennes, in the State of Indiana, from the 1st of July, 1854, to the 6th of September, 1855.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. CONKLING submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be appointed a committee to consist of two members of the Senate, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its present session by adjournment.

The VICE-PRESIDENT appointed Mr. CONKLING and Mr. THURMAN.

S. K. THOMPSON.

Mr. CLAYTON. I move to take up Senate bill No. 1078.

The motion was agreed to; and the bill (S. No. 1078) for the relief of S. K. Thompson, late second lieutenant in the Twenty-fifth United States Infantry, was considered as in Committee of the Whole. It is a direction to the Secretary of War to amend the record of S. K. Thompson so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service.

The Committee on Military Affairs proposed to amend the bill by striking out all after the enacting clause and inserting:

That the Secretary of War is hereby authorized and directed to appoint S. K. Thompson to the rank of second lieutenant in the Army.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL G. SMITH.

Mr. FERRY, of Michigan. I wish to say that by an arrangement this morning Senators were permitted to go to the Calendar and reach bills in their care. Unfortunately I occupied the chair at the time and was deprived of that privilege. Now I ask permission to take up three bills on the Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. FERRY, of Michigan. I ask first for the consideration of Senate bill No. 1206.

The bill (S. No. 1206) for the relief of Nathaniel G. Smith, postmaster at Flemington, New Jersey, was read the second time, and considered as in Committee of the Whole. It appropriates $845 to reimburse Nathaniel G. Smith, postmaster at Flemington, New Jersey, for stamps stolen from the post-office at that place on the night of November 12, 1873.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

NELSON GREEN.

Mr. FERRY, of Michigan. I ask the consideration of House bill No. 3611.

The bill (H. R. No. 3611) for the relief of Nelson Green was considered as in Committee of the Whole. It directs the Postmaster-General to release Nelson Green, of Bay City, Michigan, a mail contractor on mail-routes numbered 24366, being from Granton to Au Sable, and 24367, from Alpena to Au Sable, in Michigan, from the performance of that service.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM CHESTER.

Mr. FERRY, of Michigan. I ask the Senate to take up Senate bill No. 692.

The bill (S. No. 692) for the relief of William Chester was considered as in Committee of the Whole. It is a direction to the proper accounting officer of the Post-Office Department to credit William Chester, postmaster at Knobnoster, Johnson County, Missouri, with the sum of $329.85 on his account as postmaster, that being the amount of postage-stamps and postal money stolen from that post-office on the 11th day of May, 1872, by the burglarious entry of the building in which the office was kept.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

The bill (S. No. 535) granting a pension to Livana Ingraham;

The bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country;

The bill (S. No. 763) explaining the intent and meaning of the fourth section of the act entitled "An act in addition to certain acts granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855;

The bill (S. No. 841) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry;

The bill (S. No. 917) for the relief of Robert H. Anderson, of the County of Chatham, State of Georgia;

The bill (S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee; and

The bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed sundry enrolled bills.

Mr. FERRY, of Michigan. I have only one more bill.

Mr. MORRILL, of Vermont. I rise to a question of order. I desire to know whether the bounty bill is among those bills that are now proposed to be signed as enrolled bills.

The VICE-PRESIDENT signed the following enrolled bills:

A bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

Mr. DAVIS. There is an objection to the signing of that bill.

Mr. FERRY, of Michigan. I have one more bill to call up.

Mr. MORRILL, of Vermont. I rise to a question of order.

Mr. HAMILTON, of Maryland. I desire to know what has become of the bill just announced.

The PRESIDING OFFICER, (Mr. INGALLS.) It has been signed by the Vice-President.

Mr. LOGAN. By the Speaker and by the Vice-President.

Mr. FERRY, of Michigan. What has become of my bill? I want to take up Senate bill No. 927.

The PRESIDING OFFICER. The Clerk will report the bill.

The SECRETARY. A bill (S. No. 927) for the relief of Thomas Sprinkle, jr.

Mr. MORRILL, of Vermont. I rise to a question of order. Before that bill was signed——

The PRESIDING OFFICER. The Senator from Vermont will state the question of order.

Mr. MORRILL, of Vermont. That the bounty bill was submitted to a conference committee and that it reported it, and its report was laid upon the table.

Mr. FERRY, of Michigan. I desire to have my bill sent to the other House.

Mr. MORRILL, of Vermont. I raise the question of order that this bill having been submitted to a conference committee and reported back here and the report laid on the table, the Vice-President cannot legally sign the bill.

The PRESIDING OFFICER. The Senator from Michigan moves the consideration of a bill which will be reported by the Clerk.

Mr. DAVIS. Mr. President——

Mr. MORRILL, of Vermont. What has become of my question?

The PRESIDING OFFICER. There is no question of order pending before the Senate.

Mr. MORRILL, of Vermont. I raise the question.

The PRESIDING OFFICER. The Chair cannot entertain a question of order in regard to what is not under consideration.

Mr. FERRY, of Michigan. Then I ask for the consideration of the bill called up by me.

Mr. DAVIS. Is not the bill before you? Is it not under consideration?

The PRESIDING OFFICER. It is not before the Chair.

Mr. FERRY, of Michigan. The Senator from West Virginia is mistaken. My bill is before the Senate.

Mr. DAVIS. I desire to enter a protest. I called when the bill was read against any further proceedings on that bill, because the report of the conference committee was laid on the table.

Mr. FERRY, of Michigan. I rose to a point of order.

The PRESIDING OFFICER. The Senator from Michigan will state his point of order.

Mr. FERRY, of Michigan. The point of order is that the point of the Senator from Vermont has been decided by the Chair, and unless there be an appeal from the decision there is no question before the Senate.

Mr. DAVIS. I think there is a question of order. I have stated that I desired to enter a protest against the signing of the bounty bill or any proceedings on it from the fact that the conference committee's report was laid on the table and it now belongs to the Senate. I wish that entered.

THOMAS SPRINKLE, JR.

The PRESIDING OFFICER. The Clerk will proceed with the reading of the bill called for by the Senator from Michigan.

The bill (S. No. 927) for the relief of Thomas Sprinkle, jr., was read the second time and considered as in Committee of the Whole.

The Postmaster-General is directed by the bill to relieve Thomas Sprinkle, jr., from the obligations of his bid made to the Post-Office Department, January 16, 1874, for carrying the mails of the

United States on post-route No. 22165, from Cannelton to Foster's Ridge, in the State of Indiana.

Mr. CONKLING. Is there a report with that bill?

Mr. FERRY, of Michigan. There is.

Mr. CONKLING. I ask that it be read.

The Secretary read the following report, made by Mr. FERRY, of Michigan, on the 12th of June, 1874:

The Committee on Post-Offices and Post-Roads, to whom was referred the petition of Thomas Sprinkle, jr., of Oil Creek, Indiana, report:

That said petitioner is the accepted bidder for carrying the mail on route No. 22165, from Cannelton to Foster's Ridge, in said State, at an annual compensation of $130. He claims that he cannot read or write, and that his bid was filled up by Robert W. Reily, who by mistake made it $130 per annum, instead of $230 as instructed; and in proof thereof has filed affidavits of himself, said Robert W. Reily, and Mary C. Reily, postmaster at Oil Creek, who certified to the sufficiency of the guarantors, all going to show that the bid as filled up and accepted was an error. On account of said mistake, he asks to be released from said bid. The Postmaster-General, in a letter dated May 4, 1874, says that he is well satisfied of the truthfulness of petitioner's statements, but that the Department has no authority to release a bidder under such circumstances, and recommends that petitioner be released by a joint resolution of Congress.

Your committee, therefore, favor the release of said bidder by the accompanying bill, the passage of which they recommend.

Mr. FERRY, of Michigan. The Senator from New York withdraws his objection. I hope the bill will be passed.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FERRY, of Michigan. I thank the Senate for its courtesy. I am through.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes;

A bill (S. No. 976) to promote economy and efficiency in the marine hospital service;

A bill (S. No. 757) to devote a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes;

A bill (S. No. 831) for the relief of D. R. Haggard, of Kentucky; and

A bill (S. No. 324) for the relief of M. Von EntressFuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers.

ASBURY DICKINS.

Mr. MITCHELL. I desire to dispose of the motion to reconsider the bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins.

The PRESIDING OFFICER. The bill was passed and a motion was entered to reconsider. The question is on the motion to reconsider.

Mr. MITCHELL. I move to lay the motion to reconsider on the table.

Mr. SCOTT. The Senator from Wisconsin [Mr. HOWE] entered the motion to reconsider, but he is not in his place.

Mr. MITCHELL. He was here a moment ago. I move to lay the motion to reconsider on the table.

The PRESIDING OFFICER. It is moved that the motion to reconsider lie on the table.

Mr. SHERMAN. The Senator from Pennsylvania has been demanding the attention of the Chair.

The PRESIDING OFFICER. The Chair twice asked the Senator from Pennsylvania if he desired the floor.

Mr. SCOTT. I desired to call the attention of the Senate to the fact that the bill which is now called up is one which has heretofore elicited considerable debate. The Senate divided upon it and it was carried by a small majority. A motion to reconsider was made, and it ought not to be called up and passed in these closing moments of the session. Now I desire, however, nothing more than that the yeas and nays shall be called upon the motion in regard to that bill.

The PRESIDING OFFICER. The question is on laying on the table the motion to reconsider.

Mr. HOWE and Mr. SCOTT called for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. If we can have a moment's silence in the Chamber——

The PRESIDING OFFICER. The Chair would be glad to have a moment's silence.

Mr. HOWE. I will help the Chair to produce that. If the Senate will understand what the question submitted is, I think they will order the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to lay on the table the motion to reconsider the vote by which the bill for the relief of the heirs of Asbury Dickins was passed. The Chair will put the question on seconding the call for the yeas and nays.

The yeas and nays were ordered; and on being taken, resulted—yeas 33, nays 27, as follows:

YEAS—Messrs. Alcorn, Anthony, Bayard, Bogy, Cooper, Cragin, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Sherman, Spencer, Sprague, Stevenson, and West—33.

NAYS—Messrs. Allison, Boreman, Boutwell, Cameron, Chandler, Clayton, Conover, Davis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hitchcock, Howe, Logan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Schurz, Scott, Tipton, Wadleigh, Washburn, and Wright—27.

ABSENT—Messrs. Brownlow, Carpenter, Conkling, Edmunds, Hamlin, Harvey, Jones, Lewis, Sargent, Stewart, Stockton, Thurman, and Windom—13.

So the motion to reconsider was laid on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 815) for the relief of Almont Barnes; and

A bill (H. R. No. 4869) to pay the telegraph operators of the Senate and House of Representatives.

TELEGRAPH OPERATORS.

Mr. FENTON. I hope the bill in regard to telegraph operators will be passed at once.

The bill (H. R. No. 4869) to pay the telegraph operators of the Senate and House of Representatives was read the first time by its title.

Mr. MORRILL, of Vermont. That is already in the deficiency bill, I understand.

Mr. EDMUNDS. I object to the second reading.

The PRESIDING OFFICER. The bill will be laid aside.

Mr. MORRILL, of Vermont. The other bill I think there will be no objection to.

AGRICULTURAL REPORT.

Mr. ANTHONY. I offer the following resolution:

Resolved, That twenty-five thousand copies of the last report of the Commissioner of Agriculture be printed for the use of the Commissioner.

This is for the Commissioner, not for distribution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

The bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;

The bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers;

The bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia;

The bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;

A bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities;

A bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi;

A bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia;

A bill (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869;

A bill (H. R. No. 3170) for the relief of John W. Marsh;

A bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities;

A bill (H. R. No. 4757) granting a pension to Freemorton Young;

A bill (H. R. No. 4765) granting a pension to Emillia O. Black;

A bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Sheppard, deceased;

A bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby;

A bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia;

A bill H. R. No. 3918) to relieve P. U. Murphy and John A. Brown, of Alabama, of political disabilities;

A bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth New York Volunteers;

A bill (H. R. No. 4772) granting a pension to Richard G. Mobley;

A bill (H. R. No. 3705) granting a pension to Arthur M. Lee, first lieutenant Eighteenth Illinois Infantry;

A bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fountleroy;

A bill (H. R. No. 2419) to provide for the construction of military roads in Arizona;

A bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia;
A bill (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of the public building at Atlanta, Georgia;
A bill (H. R. No. 3727) granting a pension to John M. Allen;
A bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain;
A bill (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney;
A bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding;
A bill (H. R. No. 4793 (granting a pension to Mercy E. Scattergood;
A bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green;
A bill (H. R. No. 3611) for the relief of Nelson Green;
A bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; and
A bill (H. R. No. 2502) for the relief of settlers on lands within railroad limits.

ALMONT BARNES.

Mr. MORRILL, of Vermont. I now ask for the consideration of the House bill on the table for the relief of Almont Barnes.
The bill (H. R. No. 815) for the relief of Almont Barnes was read.
Mr. MORRILL, of Vermont. It is a bill to pay a clerk of the House about $500, and they tell me at the House it is all right. That is all I know about it.
Mr. SHERMAN. Very well.
The bill was read three times, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, it Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:
A bill (H. R. No. 692) for the relief of William Chester;
A bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country;
A bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas;
A bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives;
A bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis in the State of Missouri;"
A bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;
A bill (H. R. No. 3720) granting a pension to Charles C. Haight;
A bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts;
A bill (H. R. No. 4449) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;
A bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of William Dulany A. Forest, late of the United States Navy;
A bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871;
A bill (H. R. No. 4866) for the relief of Major Nathaniel H. McLean, late of the Adjutant-General's Department of the Army;
A bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872;
A bill (H. R. No. 746) for the further extension of time to the Saint Paul and Pacific Railroad Company for the completion of its lines;
A bill (H. R. No. 3683) granting a pension to Melissa Rankin;
A bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina;
A bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth;
A bill (H. R. No. 2794) granting a pension to Elizabeth Wolf;
A bill (H. R. No. 4790) granting a pension to David Salsbury;
A bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen;
A joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on this day approved and signed the following acts:
An act (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park;
An act (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;
An act (S. No. 378) granting to railroads the right of way through the public lands of the United States;
An act (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth Regiment New York Volunteers;
An act (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota;
An act (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States;
An act (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;
An act (S. No. 535) for the relief of the owners of the Haytian brig Margaretta, or their legal representatives;
An act (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry:
An act (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad;
An act (S. No. 671) for the relief of Alexander Minor, of West Virginia;
An act (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy;
An act (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy;
An act (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes;
An act (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities;
An act (S. No. 786) for the relief of Samuel S. Potter;
An act (S. No. 807) for the relief of Washington Crosland;
An act (S. No. 819) for the relief of George W. Dawson;
An act (S. No. 831) for the relief of D. R. Haggard, of Kentucky;
An act (S. No. 843) for the relief of the survivors of the Polaris;
An act (S. No. 867) to correct a clerical error in the acts granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;
An act (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy;
An act (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture;
An act (S. No. 996) for the relief of the Allegheny Valley Railroad Company;
An act (S. No. 976) to promote economy and efficiency in the marine-hospital service;
An act (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;
An act (S. No. 1097) to donate to the State of Oregon a public building lot and material situated at The Dalles, Oregon;
An act (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;
An act (S. No. 1147) for the relief of Courtland Parker, as administrator of George W. Anderson, deceased;
An act (S. No. 1156) for the relief of Joseph H. Colton;
An act (S. No. 1185) for the relief of F. V. Hayden;
An act (S. No. 1222) to authorize the trustees of the Young Men's Benevolent Association to sell and convey square No. 272, in the city of Washington;
An act (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa;
An act (S. No. 1237) to amend section 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks;
An act (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;
An act (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;
An act (S. No. 1296) to authorize the acceptance, in behalf of the United States of America, of certain real property occupied by the United States consul at Tunis;
An act (S. No. 1297) to provide for the republication of the first volume of the Patent-Office Gazette;
An act (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States;
An act (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas; and
An act (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate a Vladivostock, Russia, and for other purposes.

FINAL ADJOURNMENT.

Mr. CONKLING. Mr. President, the committee appointed to wait upon the President of the United States and apprise him of the readiness of the two Houses to adjourn has discharged its duty, and have been informed by the President that he has no further communication to make.
The VICE-PRESIDENT. The hour of twelve o'clock having arrived, the second session of the Forty-third Congress is terminated, and the Chair declares the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 3, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D., as follows:

Great God, our Father and the sovereign of all worlds, we draw nigh to Thee in these closing hours, and ask Thee to control these Thy servants in judgment, that they may be preserved from that which is wrong; to inspire them with courage of heart to meet all their responsibilities; that Thy spirit may so govern that all that shall be done to-day may be in accordance with Thy will.

We draw nigh asking a Father's blessing. We thank Thee for life preserved during these months and years. O Lord, we pray Thee blot out all our transgressions, and fill us with charity toward each other. Wherein we have sinned against Thee, do Thou forgive; wherein we have sinned against each other, O that Thy Spirit may animate us!

We ask Thy blessing, O Lord, upon us as in Thy providence we shall be separated. Make each life a center of hallowed influences; make us true and faithful in every position that God may call us to fill, that we may have peace now and peace at the last. We commit and commend to Thee, O God, the interests of this great Government. Thou hast ever raised up true and faithful men. We know that to Thy hand we may trustingly commit all in the future as in the past. Be Thou our King, our Shepherd, our Saviour, and our Friend. Blot out everything offensive in Thy sight, and grant us a Father's blessing.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever. Amen.

M'CRARY'S LAW OF ELECTIONS.

Mr. HAZELTON, of Wisconsin, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of this House be, and he is hereby, authorized and instructed to procure from the publisher thereof four hundred copies of The American Law of Elections, by Hon. GEORGE W. MCCRARY, for the use of the House, to be kept for that purpose, at a cost not to exceed five dollars per volume, to be paid out of the contingent fund of the House.

E. MILLER, UNITED STATES NAVY.

Mr. PLATT, of Virginia. I ask unanimous consent to take from the Speaker's table Senate bill No. 878 authorizing the settlement of the accounts of Passed Assistant Paymaster E. Miller, United States Navy.

The SPEAKER. The bill will be read.

Mr. RANDALL. I demand the regular order.

The SPEAKER. Does the gentleman object to this bill?

Mr. RANDALL. I object to everything but the regular order, and I will state my reason for it. I wish to get the deficiency appropriation bill through, so it may be sent to the Senate at once. All these matters can come in afterward. It is of the utmost importance that the deficiency bill should be sent to the Senate at the earliest possible moment.

REPORT ON FISHERIES.

Mr. DONNAN. I am directed by the Committee on Printing to submit the following report:

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) There be printed four thousand additional copies of the third report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents; of which one thousand copies shall be for the use of the Senate, twenty-five hundred for the use of the House of Representatives, and five hundred for the use of the Commissioner.

Mr. DONNAN. This changes the original resolution referred to the Committee on Printing only in reducing the number of copies ordered.

The resolution was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEAL ISLANDS OF ALASKA.

Mr. DONNAN. I am also directed by the Committee on Printing to report the following resolution.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) There be printed of Henry W. Elliott's report on the seal islands of Alaska, with illustrations, twenty-five hundred extra copies; of which five hundred shall be for the use of the Senate, fifteen hundred for the use of the House of Representatives, and five hundred for distribution by the Smithsonian Institution.

Mr. DONNAN. This also changes the resolution referred to the Committee on Printing only in reducing the number of copies ordered.

The resolution was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD. I now take the floor for the purpose of moving the House resolve itself into Committee of the Whole on the state of the Union, and continue the consideration of the deficiency appropriation bill.

Mr. MAYNARD. I would say to the House that while I am not prepared at this moment to submit a report from the committee of conference on the legislative bill, yet it is important that report should be made at the earliest practicable moment, and I therefore suggest before we go into the Committee of the Whole on the state of the Union that when the action of the Senate on that conference report is made the committee shall immediately rise to consider and act on it.

Mr. GARFIELD. I will help the gentleman in that. I believe with him it is important that report should be acted on at the earliest moment. I now insist on my motion to go into Committee of the Whole on the state of the Union on the deficiency bill.

Mr. MYERS. There are some small matters upon the table which ought first to be attended to. It will not take long, and we then can go into committee on the deficiency bill.

Mr. RANDALL. That can be attended to afterward as well as now. If the House should neglect to send the deficiency appropriation bill over to the Senate it will be a source of the greatest embarrassment, and this House will be responsible for the failure to pass necessary legislation.

Mr. ELDREDGE. There are some small bills which it is necessary to pass, and they ought to be passed at this time, in order they may be sent to the proper officers for engrossment. They will not delay the passage of the appropriation bill at all. On the contrary if we pass these bills now we will save a great deal of time.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4829) for the relief of the Willow Springs Distillery Company of Omaha, Nebraska; and

A bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army.

THOMAS M. JONES.

Mr. HUNTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a bill (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia, and put it upon its passage at this time.

The SPEAKER. Is it accompanied with a petition?

Mr. HUNTON. It is.

There was no objection; and the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and accordingly read the third time, and passed, two-thirds agreeing thereto.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I ask for a vote on my motion to go into Committee of the Whole on the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. HAZELTON, of Wisconsin, in the chair.)

The CHAIRMAN. The House resumes the consideration of the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and the Clerk will read the pending paragraph.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia due from the United States, to be expended by the commissioners of said District, $77,765.86.

Mr. LOUGHRIDGE. I raised the point of order on the preceding paragraph in the bill last evening, and I do not think the Chair has fully understood my point. The chairman of the Committee on Appropriations has stated what these items were.

I then read from the statutes showing that each one of the items in this clause, as stated by the chairman, was by the positive law of last winter to be paid by the District of Columbia; that therefore it was out of order in this bill to insert an appropriation to pay them out of the Treasury. It is true that the clause as printed in the bill does not show the items; but the chairman of the committee stated the items, each one of which is payable by law specifically out of the funds of the District.

The CHAIRMAN. The Chair thinks that this action of the commissioners was under the authority conferred upon them as agents of the Government, they acting in an official capacity, and having authority by the law under which they were appointed to make these expenditures. The Chair therefore does not think the point well taken.

Mr. LOUGHRIDGE. The statute expressly says that these expenses shall be paid from the funds of the District.

The CHAIRMAN. The Chair must overrule the point.

Mr. LOUGHRIDGE. I move then to amend by striking out the paragraph, and inserting the following:

On account of salaries of the commissioners of the District of Columbia to January 1, 1875	$7,528 66
On account of salaries of assistant engineers to January 1, 1875	1,736 16
On account of expenses of the board of audit, including salaries of the clerks, &c., to January 1, 1875	25,486 63
On account of printing and trimming 3.65 bonds, act June 20	11,451 25
Total amount	46,202 70

Here in these two paragraphs are items amounting to over $100,000 which I say should not be paid by the Government of the United States, if the items intended to be covered are those embraced in the statement I have sent up.

Mr. GARFIELD. If the gentleman has sent up the items on page 32 of our printed report, they are.

Mr. LOUGHRIDGE. The gentleman then admits that I have sent up the items embraced in this paragraph; and every one of those items the District of Columbia is bound by law to pay. We have already appropriated $1,700,000 for the expenses of this District for the present year; and here is another appropriation of $100,000 for payments which this Government is not bound in reason or justice to meet. The appropriation is contrary to existing law, and I protest against it. Of course, if the House sees fit to put it through and give the District of Columbia all that is asked here, I can do no more than object. But in the name of the tax-payers of this country I do protest against throwing money away in this manner.

Mr. MERRIAM. To assuage the grief of my patriotic friend from Iowa, [Mr. LOUGHRIDGE,] permit me to say that after years of earnest warfare against the unlimited appropriations from the Treasury for this District, I have given up in despair and made up my mind that a frog might as well attempt to buffet the Falls of Niagara as a few of us to buffet the current flowing out from the Treasury to make glad the District of Columbia; for so long as a majority of our public men own property in the District our efforts against the outflow are powerless. If we succeed in striking out an item here and there of a hundred thousand dollars, they are sure to travel to the statute books under the manipulations of the "necessity of *compromises*" in conference committees. Besides all direct appropriations, the District debt is equivalent to a $90,000 mortgage upon each congressional district in the United States; for who doubts but that the people of the whole country must eventually pay this debt, provided the people do not insist upon a change of the present policy.

Mr. GARFIELD. I desire merely to say that the President, in pursuance of the law of Congress, has appointed a board of commissioners for the District—men whom I believe Congress and the country trust. Those commissioners have reported in detail a class of items belonging to the year now passing, which they claim are properly payable by the United States. I confess that I have not gone down into these details myself so as to say that I know from the bottom that all the specific expenditures are proper charges against the United States. But we must trust somebody; and when Governor Dennison and the other two commissioners put themselves on record officially, declaring that these charges have been paid on behalf of the United States; that there was no appropriation to pay them; that they diverted enough District funds in their hands to pay them, and now ask the Government to reimburse them, there is propriety in appropriating this money. It seems to me we ought to trust somebody. And the general cry that we are paying too much for this District, while it may be true as a general proposition, does not answer the request of these gentlemen. I will have printed as a part of my remarks a letter of the commissioners, and ask the committee to come to a vote.

Mr. RANDALL. I would like to know why we have to pay this.

Mr. GARFIELD. The only reason I know is the reason stated in the letter of the commissioners, and the communication inclosed therein from the board of audit.

Mr. RANDALL. Let us have the letter read.

Mr. GARFIELD. I ask the Clerk to read the letter. Let me first state that the board of audit, as gentlemen are aware, consists of the First Comptroller of the Treasury, the Second Comptroller, and one other officer of the Treasury. They were appointed to this very business by the Government of the United States. We have wiped out the government of the District of Columbia. Up to last June the District had a government with a Legislature of its own, that taxed its own people, that appropriated money out of its own treasury, that conducted its own business. Congress, in its supreme and paramount right to do so, abolished that government, and the District has now no government except such as Congress itself creates by its own law. Congress has created a government consisting of three officers appointed by the President, salaried by Congress, and acting under the laws of Congress, and those officers report a deficiency, and there is their report.

Mr. LOUGHRIDGE. I desire to ask the gentleman from Ohio a question.

Mr. GARFIELD. Let the letter first be read.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 19, 1875.

DEAR SIR: The commissioners of the District hand you herewith a communication addressed to them by the auditor of the District, showing the amount of $46,202.70 paid by them from the treasury of the District, which we respectfully ask Congress to refund to the District.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives United States.

AUDITOR'S OFFICE, DISTRICT OF COLUMBIA,
Washington, January 19, 1875.

GENTLEMEN: In reply to your inquiry I have the honor to inform you that the records of this office show that there has been audited and paid—

On account of salaries of the commissioners of the District of Columbia to January 1, 1875	$7,258 66
On account of salaries of assistant engineers to January 1, 1875	1,736 16
On account of expenses of the board of audit, including salaries of the clerks, &c., to January 1, 1875	25,486 63
On account of printing and trimming 3.65 bonds, act June 20	11,451 25
Total amount audited and paid as above	46,202 70

The salaries of the members of the board of audit are not included in the above sum.

Very respectfully,

JOHN T. VINSON,
Auditor District of Columbia.

Mr. RANDALL. Twenty-five thousand dollars of this amount has been paid to the board of audit?

Mr. GARFIELD. Yes; that has been paid on account of expenses of the board of audit, including salaries of clerks, &c.

Mr. RANDALL. Has there ever been anything else appropriated for the board of audit?

Mr. GARFIELD. Nothing at all?

Mr. LOUGHRIDGE. I desire to ask the gentleman from Ohio a question, whether by a law of last winter the expenses of the board of audit were not to be paid by the District of Columbia?

Mr. GARFIELD. I have no recollection of that law at all.

Mr. LOUGHRIDGE. I desire to say that so far as I am concerned I shall make no further attempt to prevent anything going through that is proposed. I shall only make this single remark, that, in my opinion there are too many upon this floor and upon committees who have an interest in real property in this District.

Mr. ELDREDGE. I rise to a question of order, and insist that order shall be maintained in the committee. I see only the swinging of the gentlemen's hands.

Mr. LOUGHRIDGE. If the gentleman will take his seat I will make my remarks.

Mr. ELDREDGE. We can hear none of the gentleman's remarks.

Mr. LOUGHRIDGE. I was saying that, in my opinion, there are too many men on this floor who have an interest in real property in this District.

Mr. MAYNARD. I call the gentleman to order. That is a reflection which should not be made here.

Mr. COTTON. I rise to oppose the amendment. I do not see any occasion for questioning the necessary appropriations for this District. We have decided to levy upon the people of this District a certain rate of taxation at 1½ per cent.

Mr. THOMPSON. I ask that order be preserved in the committee.

Mr. STARKWEATHER. I think it is the duty of the officers of this House to see that there is less noise and disturbance in the Hall.

The CHAIRMAN. The Chair directs the officers of the House to aid in preserving order. It is impossible for business to proceed while gentlemen persist in carrying on conversation in the rear of the seats.

Mr. COTTON. I was saying that we had passed a tax bill fixing the rate of taxation at 1½ per cent. on the property of the District. Now Congress understands that beyond what is raised by that tax the remainder of the money necessary to pay the interest on the bonds of this District, and to pay its current expenses, must be made up by appropriations. Whether the appropriation is made for this or for another purpose is wholly immaterial, because Congress in the end must make up and must pay all the expenses over and above the proceeds of the tax we have decided to levy.

The question was on agreeing to Mr. LOUGHRIDGE'S amendment; which was again read.

Mr. GARFIELD. I have no objection to that. It is merely itemizing the amount. Let it be adopted.

Mr. ELDREDGE. I desire to ask the chairman of the committee if the amount is the same as in the bill?

Mr. GARFIELD. It is. It only itemizes the account.

Mr. ELDREDGE. Is this clause intended to cover those items, no more and no less?

Mr. GARFIELD. Yes; no more and no less.

Mr. HOLMAN. In the prevailing confusion it has been impossible to hear the amendment, and I ask that it be again reported.

The Clerk again read the amendment.

Mr. HOLMAN. These items ought to be chargeable to the people of the District of Columbia, and ought not to be appropriated for out of the Treasury. I shall have to ask a division on the adoption of a proposition of that character. It inaugurates the policy of charging all these items to the national Treasury.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. GARFIELD. I would ask the gentleman from Iowa not to move to strike out all the words of the paragraph. Strike out all after the word "them" in line 73 and insert "that," and then it will be all right.

Mr. HOLMAN. I object.

Mr. SAYLER, of Indiana. I suggest that the gentleman insert it after the word "them" in line 71 so as to strike out the words "on behalf of the United States from the treasury of the District to be expended by them."

Mr. GARFIELD. I have no objection to that; and then the rest of the paragraph must be stricken out. I will state that it only itemizes this amount and does not change it; that is all.

Mr. HOLMAN. I understood that the amendment of the gentleman from Iowa containing the items was rejected by the committee.

Mr. GARFIELD. No, it was not.

Mr. HOLMAN. Then I move to strike out the paragraph.

Mr. SAYLER, of Indiana. I raise the question of order that two amendments are now pending.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Iowa, as modified at the suggestion of the chairman of the Committee on Appropriations.

The question was put, and the amendment was agreed to.

Mr. HOLMAN. I now move to strike out the paragraph as it stands amended.

The question was taken; and on a division there were ayes 21, noes not counted.

So the motion was not agreed to.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia due from the United States, to be expended by the commissioners of said District, $77,765.86.

Mr. STORM. I offer the following amendment to come in at the end of that paragraph:

The sum of $13,312.71, to pay for the property destroyed by the board of health of the District of Columbia to prevent the spread of contagious diseases.

Mr. HOLMAN. I must make the point of order on that amendment.

The CHAIRMAN. What is the point of order?

Mr. HOLMAN. That there is no law authorizing any such appropriation.

Mr. CHIPMAN. I would ask the chairman of the Committee on Appropriations if that item is not included in the sum already appropriated?

Mr. STORM. I wish to say that during the prevalence of the small-pox in 1872 and 1873 the board of health of this District destroyed a large amount of property and gave receipts to the owners of the property, promising to pay for it. They made the excuse for a year or two that the District Legislature had made no appropriation to pay for it.

The CHAIRMAN. The point of order is sustained.

Mr. STORM. I want to ask the chairman of the Committee on Appropriations a question; and that is, whether any portion of this item is intended to pay for the property destroyed by the board of health?

Mr. GARFIELD. A part of it is for that very purpose.

Mr. HOLMAN. I desire to make the point of order on the pending paragraph.

The CHAIRMAN. It is too late to make the point of order now.

Mr. HOLMAN. It is in violation of law.

Mr. THOMPSON. I desire to offer an amendment to this paragraph, and it is to strike out the words "the portion of" and also the words "due from the United States."

Mr. LOUGHRIDGE. That is right.

Mr. THOMPSON. The paragraph will then read, "to pay the general expenses of the District of Columbia, to be expended by the commissioners of said District, $77,765.86."

Mr. SAYLER, of Indiana. I suggest to the gentleman to leave in the words "portion of the general expenses" and to change "the" to "a;" so that it will read, "to pay a portion of the general expenses," &c.

Mr. THOMPSON. I will modify my amendment to that extent.

Mr. HOLMAN. My motion to strike out the paragraph I suppose is to be decided last. If it is not desirable to further amend it——

Mr. CHIPMAN. I understand the gentleman from Iowa [Mr. LOUGHRIDGE] proposes to make the same amendment to this as to the last paragraph, to itemize it.

Mr. HOLMAN. It cannot possibly be itemized so as to change its objectionable character. The attempt, by any form of expression or by the use of any words, to pass an appropriation from the Treasury of the United States to pay the indebtedness of this District, seems to me to be a thing which even in the last moments of this session might attract the attention of the members of this House. I regret very much that my colleague [Mr. SAYLER, of Indiana] should move to strike out the words "due from the United States," for that presents this matter in all its objectionable aspects. He knows very well that it is the purpose of those who are in charge of this bill to establish a precedent for charging against the National Treasury a debt of a purely local character, which should be borne by the citizens and the property of this District. I for one protest against it.

I cannot understand the motive of the chairman of the Committee on Appropriations [Mr. GARFIELD] in bringing in such a provision in this bill. You are swelling the charges against the people of this country to the extent of $2,000,000 for the purely local expenditures of this District, on indebtedness with which the people of the United States have nothing to do. The people of my district and of my colleague's district have no more responsibility in equity, law, or justice for the payment of these debts than for the debts of any other citizens in this country. For one I protest against the inauguration of this policy during the closing hours of this Congress, and the establishment of a precedent by which it will be claimed in future that Congress has committed itself to the policy of paying the local indebtedness and expenditures of this District.

[Here the hammer fell.]

Mr. GARFIELD. I hope that all good angels will give grace enough to any man who may hereafter have charge of the appropriation bills to enable him to endure the aspersion of his motives, constantly made by gentlemen who make such speeches as have been made by the gentleman who has just taken his seat, [Mr. HOLMAN,] and others who have spoken this morning. They desire to know "what motive the chairman of the Committee on Appropriations can have in reporting an appropriation bill like this." And another gentleman suggested that there were too many men on this floor who own real estate in this District, and who are in favor of legislation that would aid themselves so far as the payment of taxes is concerned.

Now, to all this small, miserable, unmanly talk I make this reply: that we have swept away the government of this District, by which the people here were enabled to govern themselves. We have, by the supreme power of Congress, put in the place of their own officers our own commissioners, honest and trusted men, and those commissioners have sent to this Congress a communication asking Congress for $77,000, and they give the items of the account. One of those items is for $13,000, which our own officers, our board of health, expended while the small-pox was raging here, at a time when a member of the family of one of our own number died of small-pox. They spent this sum to protect us and all in the city from the ravages of the small-pox. That board of health destroyed private property and infected clothing to the extent of $13,000 to stay the further progress of the plague. That is one item which these honored commissioners very properly ask us to enable them to pay.

And yet when this is done gentlemen arise and ask to know "What motive the chairman of the Committee on Appropriations can have in reporting such a proposition?" And another argument is made here that somebody owns a little house and lot where his family resides, and therefore he has a mercenary motive to seek to protect himself against tax by this bill of ours. I hope I may never get down so low, that I may never fling vitriol and poison around me on my fellow-members in that way, and talk about motives in the discharge of a public and honorable duty. I call attention to the letter of the commissioners of the District on this subject:

The communication was as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 19, 1875.

GENTLEMEN: I have the honor to transmit herewith a list of claims for services rendered to the late District government and board of public works, amounting to $28,619.68, for the payment of which I think some provision ought to be made. The appointments in the majority of the cases under which these services were rendered were in my opinion irregular, and in others, although the appointments were regular, the services were extended beyond the time limited by law, and for these reasons I did not consider I was authorized to audit the claims. In all of these cases, however, it appears the services were actually rendered in good faith; that the rate of compensation charged for the services is reasonable and just, and believing that the proper conduct of the public business required their services, I make the present recommendation.

In addition to these claims, there have been filed in this office other claims, principally for extra services rendered, amounting to $14,406.76, which I submit, with the several vouchers therefor, without recommendation, for such action as you may think proper.

The records of this office show there are audited bills of the fire department for the years 1871 and 1872 on which 50 per cent. has been paid, leaving a balance unpaid of	$5,913 16
Also unaudited bills of the fire department for 1872, 1873, and 1874, prior to June 30, 1874, on which nothing has been paid	3,120 01
Total deficiency in fire department for the payment of which provision should be made	9,033 17
The Legislative Assembly of the District of Columbia appropriated by act approved June 26, 1873, for the board of health, the sum of	25,000 00
Of this sum there has been audited and paid	11,687 29
Leaving balance unpaid	13,312 71

The board of health are asking for the payment of this balance to enable them to discharge liabilities incurred by them during the prevalence of the small-pox on the faith of this appropriation. Some provision ought, in my judgment, to be made for its payment.

The estimated expenditures for the board of audit from January 1, 1875, to June 30, 1875, including salaries of the members, clerks, &c., are $25,000, which sum was not included in the commissioners' estimate of expenses for the fiscal year ending June 30, 1875. This amount will also have to be provided for.

The salaries of the assistant engineers from January 1, 1875, to June 30, 1875, will amount to $1,800.

The total amount for which it is recommended that congressional appropriation be asked (as above) is $77,765.56.

Very respectfully,

JOHN T. VINSON,
Auditor District of Columbia.

Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Copy.

WM. TINDALL,
Secretary to the Commissioners District of Columbia.

FEBRUARY 4, 1875.

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 19, 1875.

DEAR SIR: The commissioners of the District hand you herewith a communication addressed to them by the auditor of the District, to which they respectfully invite your attention, in the hope that your committee will recommend to Congress

the making the appropriation of $77,765.86 for the purposes set forth in said communication.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

HON. J. A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives United States.

Official copy.

WM. TINDALL,
Secretary.

Mr. SAYLER, of Indiana. My colleague [Mr. HOLMAN] states that his constituents have no interest in this city, and that mine have none. I do not so conceive the interests of the people of this country. I believe that the people in my district and the people in my colleague's district are interested in the capital of this nation.

We have levied a tax of 1½ per cent. upon the property, real and personal, in this District. We have tried to go upon the theory that the people of this District shall be taxed substantially as are the people of other districts and cities of like size throughout the country. So far there is justice; beyond that is oppression.

This city is laid out on a scale and plan upon which no other city in this country is laid out. A vast amount of expense is created here by the United States. It is the seat of Government, and I ask whether it is a vicious proposition, as it is characterized here, that the Government shall pay some proportion of the additional expense that falls upon the municipal government here because of the seat of the National Government being located here? These expenses are necessary to be incurred and paid; they are necessary for the well-being of this city; and whatever is necessary for the well-being of this city is necessary for the well-being of my colleague's constituents and of mine.

Mr. HOLMAN. Will my colleague mention any city in Indiana where the whole tax—State, corporation, &c.—does not exceed 1½ per cent.?

Mr. SAYLER, of Indiana. I cannot name any such city in the State of Indiana.

Mr. HOLMAN. Can my colleague name any city in that State where the tax is less than 2½ per cent.?

Mr. SAYLER, of Indiana. I will say this: that while I know of no city in Indiana where the tax is less than 2½ per cent. altogether, yet it must be borne in mind that our cities are taxed for the purpose of carrying on the State government with its State machinery, while here there is no State machinery. I simply ask that these people within the scope of their governing power, within the limits of their privileges, shall be put upon an equality with the people of my own town; that they shall not be any further exempted, and shall not bear any greater burden.

Mr. HOLMAN. Is my friend willing to concede that while the people of Indiana pay 1 per cent. more of taxation than is paid in this District, yet the Federal Government must constantly come forward to assume expenses which should properly fall upon the District itself?

Mr. SAYLER, of Indiana. I decline to yield further. I will say that I do not understand this 1½ per cent. to be an exact measurement; I suppose that it is merely a step in the line of fixing a policy between this District and the General Government.

Mr. RANDALL. The tax of 1½ per cent. was fixed here yesterday in view of the fact that last year property in this District paid 5 per cent. taxation; that within the past two years the average tax has been 3¾ per cent.

Mr. SAYLER, of Indiana. That is a mitigating circumstance.

Mr. RANDALL. Certainly; it was for that reason that we made the rate of taxation 1½ per cent. Many gentlemen of this House stated that they were governed by that consideration, and that if this rate was not found equitable as between the General Government and the property holders here, we would next year raise the rate to 2½ per cent.

Mr. MERRIAM. I hope the gentleman will see that it is done.

The pending *pro forma* amendment was withdrawn.

Mr. WILSON, of Indiana. I renew the amendment. I ask the House to pass over this paragraph informally so that we may hereafter return to it and that I may offer an amendment reaching a purpose that I will explain to the committee.

Yesterday we passed a bill levying the tax which has just been alluded to. That bill contained a provision that as to the payment of the 3 per cent. tax the time should be extended from March until June; but there was no provision with reference to delinquent taxes anterior to that tax. When that bill was draughted the commissioners supposed that they would be ready to make the necessary advertisements for the sale of property for these anterior delinquent taxes within the time required by law. But this morning one of the commissioners has called upon me and stated that they have ascertained that, with all the force they can possibly work, it will be impossible for them to make within the time required by law the necessary advertisements for the sale of property for these anterior delinquent taxes; that it is therefore necessary for Congress to take some action on that subject; otherwise those taxes may be lost.

Mr. ELDREDGE. Let me suggest that if any delay is made with reference to delinquent taxes prior to the 3 per cent. levy, the sales of all ought to be made at the same time. We have already extended the time with reference to the 3 per cent. tax, and it would be desirable that the sale for that tax and the other delinquent taxes should take place at the same time.

Mr. WILSON, of Indiana. If the House will pass over this paragraph informally, my purpose is to draught as soon as I can an amendment making a provision of that character. The purpose is to enable the District authorities to collect these taxes that the people ought to pay, and not allow them to lapse for want of time.

Mr. GARFIELD. The gentleman can offer such a provision as an additional section at the end of the bill; and if it should then be thought proper to have it inserted here, consent will no doubt be given.

Mr. WILSON, of Indiana. Very well.

Mr. LOUGHRIDGE. I desire to offer an amendment to come in at the end of the paragraph.

Mr. ELDREDGE. Who has the floor?

The CHAIRMAN. The Chair has recognized the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. I move to reduce the amount $1,000.

I do this, Mr. Chairman, for the purpose of submitting a few remarks on this subject generally. One of the first things which impressed me when I came to Congress some years ago was the utter neglect on the part of Congress to take that care of the District of Columbia which the Constitution, as I thought and still believe, required us to do. We govern this District just as a Legislature of a State governs a State. There is no other legislative power here but that imposed by the Constitution of the United States upon Congress.

I found, on inquiry into the condition of the laws of the District, that many of the old Maryland statutes which are out of date and absurd as applicable to the present condition of things, were still in force under a general law of Congress adopting and extending them over this District. I commenced calling attention to this subject by offering a resolution instructing the Committee on the District of Columbia to report a bill for the election of a Delegate to represent this District in the House of Representatives. I think I had the honor of first proposing that measure in this way many years ago. I followed it consistently until a Delegate was ultimately provided for; but there was coupled with it a provision for such universal and indiscriminate suffrage as seems to have brought the whole subject of District matters, including the provision for Delegate, into disrepute, and finally resulted in abolishing the office of Delegate.

I wish to say this much; that, in my judgment, we have been derelict in our duty toward this District in very many respects, and especially in one particular, and that is in not providing years ago some arrangement by which it shall be understood exactly how much the General Government ought to pay out of the general Treasury, and how much the property here ought to pay in local taxes for the support of the government of the District of Columbia.

The CHAIRMAN. The gentleman's time has expired.

Mr. NIBLACK. I wish to say in addition that one of the very few regrets I have in quitting Congress, as I shall do in a few hours, is that I have to leave this whole question of the relations of the Government to the District of Columbia in an unsettled and very unsatisfactory condition.

Mr. HOLMAN. I rise to oppose the proposition.

Now the gentleman from Ohio [Mr. GARFIELD] grows sensitive over the inquiry, what motive could induce him to bring forward as chairman of the Committee on Appropriations measure after measure seeking to charge against the whole people of this country debts properly and legitimately belonging to the citizens of this District? He becomes quite indignant, and seems to repel the idea that any other than the highest sense of duty impels him in his course of policy. Now the gentleman must remember that this is only the outcropping of a policy which he has supported from the very beginning. He must remember that the passage of the act of 1871, by which the plain, simple corporation of Washington was abolished and a District government established, extravagant, profligate in its conception, was the source of all these troubles. He must remember that during the last hours of the last session he brought forward charges upon the national Treasury to the extent of three and one-quarter millions of dollars for the benefit of gentlemen who are concerned in adding value, specious value, to the real estate of the city of Washington. He will remember that when I sought to impose some limitation on the power of the board of public works, that they should not have unlimited power to impose charges against the Government, he resisted it to the bitter end. Therefore it is not simply now the gentleman brings forward a proposition of this kind, but this is, as I have said, only an outcropping of the policy he has always enforced.

The CHAIRMAN. The gentleman's time has expired.

Mr. GARFIELD. I wish to say, in reply to the gentleman from Indiana, that I have never at any time resisted any proper limitation of the powers granted to the Government in this District, but, on the contrary, have always urged, for myself and in behalf of the Committee on Appropriations, that expenditures should be confined within the limit of appropriations. But let us have a vote.

Mr. NIBLACK. I withdraw the amendment.

Mr. ELDREDGE. I renew it.

Now, Mr. Chairman, I suppose that every member of the House has

at some time or other in his service here been struck with the persistent and unaccountable hostility manifested toward this District of Columbia. I have been utterly unable to divine the motive for this feeling. The motive of the gentleman from Indiana [Mr. HOLMAN] I cannot comprehend. The spirit that controls him I never understood. I have indeed given up trying to divine it. We have taken the District of Columbia and everything that pertains to it absolutely into our hands, as the Constitution probably authorizes us to do. We now determine the rate and mode of its taxation and prescribe the machinery of collecting the taxes. We do this without any representation hereafter of the people and without any voice of theirs in determining any of the questions with relation thereto. The money we compel them to pay goes into the Treasury of the United States and can only be drawn therefrom by our authority and by our agents. Gentlemen complain because we make appropriations for the District, to aid Congress and the Federal Government in conducting and for carrying on its local affairs. If we deprive them of it and insist upon doing it ourselves we ought to pay at least a part of the expenses of the luxury. My friend from Indiana [Mr. NIBLACK] says he was the first to propose a delegate representation for the District of Columbia. I do not know but he was, so far as the members of the House are concerned. He appreciated and still appreciates the importance and propriety of representation and taxation going together. It is much easier for any people to pay taxes imposed by themselves than those imposed upon them by others. Any obligation we take upon ourselves we can bear, when, if the same was imposed by others or without our consent, it would be felt an intolerable burden, an act of tyranny and oppression.

Before my friend from Indiana [Mr. NIBLACK] was in Congress the District of Columbia and its peculiar relation to the Government became and was the subject of anxious concern to the distinguished statesmen of the country. I have in my hand the message of General Jackson, of December 6, 1830, in which he calls attention to the subject in the true spirit in which I think we should all consider it. I agree with the views he expresses; they have the true ring of democracy and fully accord with the principles of our representative system. I commend them to my democratic friends especially, and to all who desire to do justice to this people:

> Your attention is respectfully invited to the situation of the District of Columbia. Placed by the Constitution under the exclusive jurisdiction and control of Congress, this District is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, and particularly in those of a penal character, which increases the expense of their administration and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On the different sides of the Potomac the same offense is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance in some cases to the improvements which have superseded them in those States.
>
> Besides a remedy for these evils which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a Delegate to represent the wants of the citizens of this District on the floor of Congress is not due to them and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress with the same privileges that are allowed to the other Territories of the United States.

Mr. Chairman, I am a friend of the District of Columbia. That message of President Jackson meets a full response in my heart. I agree with it to the fullest extent. I want the Government of the United States to do its full duty and pay its full share of the expenses of ruling the people here. I would there could be some means devised by which the people here could enjoy the full and free right of governing themselves. Local self-government is the pride and perfection of our system. It seems to me hardly possible that any people, any community of our people, can enjoy or be said to have the benefit of our constitution of government who are deprived of it. I cannot reconcile myself to the continuation of the government we have established over the people of this District. It violates every principle of republican government; it is no more a democratic government or "a government of the people, by the people," than the worst despotism of history. I cannot but tremble with fear and alarm when I hear such a government advocated or defended. The District committee had provided in the tax-bill prepared and reported by it to this House for the election of a Delegate, as recommended by President Jackson in the message from which I have read. This would have been some small approach toward a representation. It would have provided the people here with a voice on this floor, through whom they could make known their grievances and necessities, their wants and desires; through whom those who tax and rule them could be informed of their situation and condition. It is absolutely impossible that justice can be done toward this people without some one to represent them in this body, that rules and taxes them. I enter here and now my most solemn and earnest protest against the government of any people in this country under our Constitution without representation. I repeat, it is in violation of every principle of our republican system. I demand for this people the right of self-government, the right of "home rule."

Mr. LOUGHRIDGE rose.

Mr. GARFIELD. I move that the committee rise for the purpose of obtaining an order from the House to close debate.

The motion was agreed to.

The committee accordingly rose; and Mr. WHEELER having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole and resume the consideration of the deficiency appropriation bill, and pending that I move that all debate on the pending paragraph and the subject-matter thereof be closed in one minute. I desire to make this suggestion: Gentlemen must see the importance of our getting forward with this bill. I think it would be a very bad precedent indeed if we were compelled to pass an appropriation bill of this miscellaneous sort under a suspension of the rules; and if gentlemen will restrain debate and let us go forward, I think we can get through without resorting to that proceeding.

Mr. ELDREDGE. I do not think the gentleman's lecture should have been addressed to this side of the House.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was also agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HAZELTON, of Wisconsin, in the chair,) and resumed the consideration of the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

The CHAIRMAN. By order of the House debate on the pending paragraph is limited to one minute.

Mr. LOUGHRIDGE. I offer the amendment which I send to the desk. It merely itemizes the amount appropriated in this paragraph.

Mr. GARFIELD. Let the vote be taken on the pending amendment first.

The CHAIRMAN. The question is on the amendment that this paragraph shall be stricken from the bill.

The question being put on the amendment, there were—ayes 15, noes 60; no quorum voting.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. MAYNARD were appointed.

The committee again divided; and the tellers reported—ayes 34, noes 116.

So the amendment was not agreed to.

Mr. LOUGHRIDGE. I now offer the amendment which I send to the desk.

The Clerk read as follows:

> At the end of line 78 add the following:
>
> The same being the following items: For services rendered the late board of public works, $28,619.68. For balance due on bills of fire departments for the years 1871 and 1872, $9,033.17. Balance unpaid, due to board of health from the District of Columbia, by act of said District Legislative Assembly of June 26, 1873, $13,312.71; estimated expenditures of board of audit from January 1, 1875, to June 30, 1875; $25,000; salaries of assistant engineers from January 1, 1875, to June 30, 1875, $1,800. Total, $77,765.86.

Mr. SPEER. Is that a substitute for the paragraph?

The CHAIRMAN. It is an amendment, to insert these items at the end of the paragraph.

Mr. SPEER. They make no addition to the amount?

The CHAIRMAN. Not at all.

Mr. LOUGHRIDGE. The amendment simply gives the items which enter into the amount.

Mr. GARFIELD. In order to save time I hope the amendment will be adopted by unanimous consent.

The amendment was agreed to.

Mr. HAGANS. I offer the amendment which I send to the desk.

The Clerk read as follows:

> After line 78 add the following:
>
> For annual repairs of the Reform School building in the District of Columbia, $1,000.

Mr. HAGANS. I desire just to say a word in explanation. There is no more necessary appropriation in this bill than this.

Mr. GARFIELD, (interrupting.) There is no objection to that.

The amendment was agreed to.

Mr. CHIPMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

> At the end of line 78 add the following:
>
> To enable the Secretary of the Interior to pay the persons employed to make the valuation of Government property in the District of Columbia, under section 13 of the act approved December 21, 1871, $2,500: *Provided*, That no portion of this amount shall be paid except for time actually employed in or about the making of said valuation.

Mr. HOLMAN. Is there any law for that? I make the point of order that it is not authorized by existing law.

Mr. CHIPMAN. If the gentleman will allow me, I will state how that is. The act cited in the amendment reads as follows: After providing for an estimate of the property in the District of Columbia belonging to private individuals there is this proviso:

> That all valuations of property belonging to the United States shall be made by such persons as the Secretary of the Interior shall appoint and under such regulations as he shall prescribe.

In accordance with that provision of law the Secretary of the Interior appointed a commission of five to assess the value of the property of the United States in the District of Columbia.

The Secretary, on the 28th day of January, 1875, addressed to the Speaker of the House the following communication, recommending an appropriation of $3,400:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 28, 1875.

SIR: I have the honor to transmit herewith a copy of a letter addressed to me on the 16th instant, by Hallett Kilbourn, Madison Davis, A. A. Hosmer, S. H. Kauffmann, and H. A. Hall, of this city, presenting a claim against the United States for compensation on account of services rendered by them in 1871 and 1872 in appraising the value of the real estate in the District of Columbia belonging to the Government, and of the grounds in said District dedicated to the public use as parks and squares.

In virtue of the authority conferred upon me by section 36 of an act of Congress entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, (United States Statutes at Large, volume 16, page 426,) the gentlemen above named were appointed by me a board of appraisers to ascertain the value of the property referred to in said section. They were duly qualified before the chief justice of the supreme court of the District of Columbia on the 17th day of November, 1871, and completed their labors on the 30th day of March, 1872, on which day their report was prepared and transmitted to this Department. A copy of said report was forwarded to the then governor of this District for transmission to Congress, as required by the section referred to.

It thus appears that the board of appraisers were employed in this work about one hundred and fifteen working days, for which service they claim to be entitled to the sum of $690 each, being at the rate of six dollars per diem for the time employed, amounting in all to the sum of $3,450.

The services for which compensation is claimed by the board of appraisers, were performed to the satisfaction of this Department, and the amount thereof is believed to be reasonable and just, in view of the difficult and important nature of the duties performed by them. The same rate of compensation, six dollars per diem, was allowed and paid to the board of appraisers for their services in appraising the value of squares 687 and 688, recently purchased by the Government.

In view of the foregoing facts I have the honor to recommend that an item similar to the inclosed estimate be inserted in one of the pending appropriation bills.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

Mr. GARFIELD. Is this a debatable question?

The CHAIRMAN. It is a statement of the law on which the point of order is founded, and the Chair overrules the point of order.

Mr. CHIPMAN. Then I will address to the committee a word in explanation of my amendment. I have already submitted the letter of the Secretary, and I will state that I have cut down the appropriation nearly $1,000 on the amount asked for. I will state also that the commissioners found $250,000 worth of property belonging to the United States that the United States had lost sight of entirely.

Many MEMBERS. Vote! Vote!

The question was taken, and the amendment was agreed to.

Mr. GARFIELD. I desire to make an unusual request of the committee. It is that we suspend work in this part of this bill and go forward to the sections relating to the Post-Office Department. The member of the Committee on Appropriations, the gentleman from Indiana, [Mr. TYNER,] who has charge of that portion of the bill, is called away to a funeral, which he must attend in a few minutes, and I desire that while he is here we shall act upon that portion of the bill in relation to the post-office appropriations. I ask, therefore, that we shall turn to page 21, where section 2 begins; and when that is disposed of we can turn back and resume the consideration of this portion of the bill.

No objection was made, and the House proceeded to the consideration of section 2 of the bill.

The Clerk read as follows:

SEC. 3. To enable the Auditor of the Treasury for the Post-Office Department to close the appropriation accounts upon the books of his office for the fiscal year ending June 30, 1874, he is hereby authorized to transfer from such appropriation accounts upon the books of his office as show a credit balance to accounts which show a debit balance a sufficient amount in each case to balance the said appropriation accounts.

Mr. TYNER. I move to add to that section the following:

Also to enable the Postmaster-General to adjust and pay the compensation for the transportation of the mails on railroad routes according to the provisions of an act "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874," approved March 3, 1873, he is hereby authorized and empowered to use for this purpose so much as may be necessary of the unexpended balance of the amount appropriated for deficiencies in the revenues of the postal service for the fiscal year ending June 30, 1873.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That to enable the Postmaster-General to carry out that provision of section 84 of the act approved June 8, 1874, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," which refers to the readjustment of the salary of postmasters at certain fourth and fifth class offices, the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury arising from the revenues of the said Department, for the fiscal year ended June 30, 1874.

Mr. TYNER. I offer the following as a substitute for that section:

That to enable the Postmaster-General to carry out, so far as certain fourth-class officers are concerned, that provision of section 84 of the act approved June 8, 1872, entitled, "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," which provides for the retroactive adjustment of claims of postmasters when there is an extraordinary increase in the revenues, he is hereby authorized and empowered to use for this purpose the sum of $300,000, or so much thereof as may be necessary, out of the unexpended balance of the amount appropriated for deficiencies in the revenues of the postal service for the fiscal year ending June 30, 1874.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

Here the committee rose informally; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the post-office appropriation bill.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. GARFIELD. I move that the committee rise for a moment in order to allow action to be had upon the report of the committee of conference on the post-office appropriation bill.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 4840) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 5, 11, 12, 14, 15, and 16.

That the House recede from their disagreements to the amendments numbered 1 and 13.

That the House recede from their disagreements to the amendments numbered 7, 8, 9, and 10, and agree to the same with an amendment, as follows:

Insert in lieu of the words proposed to be stricken out by amendment numbered 8 the word "not," and strike out the word proposed to be inserted; and in lieu of the word "Baltimore" in said amendment insert "Washington;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the seventeenth amendment of the Senate and agree to the same with an amendment as follows:

Strike out the word "written," where it first occurs in the House amendment, and strike out the proviso from the same; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the nineteenth amendment of the Senate and agree to the same, modified by striking out the word "garden;" and the House agree to the same.

JAS. M. TYNER,
J. B. PACKER,
JOHN HANCOCK,
Managers on the part of the House.

J. R. WEST,
T. W. FERRY,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. PARKER, of Missouri. I ask the gentleman from Indiana [Mr. TYNER] to explain the action of the conference committee upon that clause of the bill put on by the Senate and agreed to by the House with an amendment in reference to sending off documents and books on hand.

Mr. TYNER. The clause was not substantially changed in any respect; some of the words added by the House were stricken out in conference, but in no way changing the effect of the provision.

Mr. PARKER, of Missouri. That is the amendment as proposed by the House to the Senate amendment?

Mr. TYNER. Yes; in other words, the conference report is precisely the action of the House yesterday in regard to public documents. I think it is due to myself to make a single remark if the House will bear with me. The fact that I have had charge of this appropriation bill, and of the conference report, might lead to the supposition, unless I should so state in positive words, that I have favored the partial restoration of the franking privilege. I desire only to say in justice to myself that I have been opposed to it all the time, but have not been disposed to antagonize the wishes of the House in that respect.

Mr. SPEER. You shed no tears over it.

Mr. FORT. I move that this bill, as passed, be printed.

The SPEAKER *pro tempore*. The report has not yet been adopted.

Mr. TYNER. I will state the portion of the amendment adopted by the House that was stricken out by the conference committee. It was the proviso which read as follows:

Provided, That speeches reproduced from and printed otherwise than in the CONGRESSIONAL RECORD, and speeches delivered elsewhere than in Congress, shall, not be construed as public documents or be embraced in the provisions of this section.

The object of the Committee on Appropriations in recommending that proviso to the House yesterday, and the object of the House in agreeing to it, evidently was that the original amendment of the Senate should not authorize any speeches delivered outside of Congress to be sent under the frank of a member of Congress. But upon a closer examination of the language of the Senate amendment it was concluded by the conference committee that it was amply broad enough to exclude those speeches any way, and therefore the proviso was stricken out as surplusage.

Then one other change in respect to the franking of garden seeds. The committee of conference agreed to strike out the word "garden," so that the provision might embrace all seeds transmitted by the Commissioner of Agriculture.

Mr. SPEER. Are these documents and seeds permitted to go through the mails on the written frank of a member?

Mr. TYNER. Undoubtedly so.

Mr. SPEER. Until the 1st of December next?

Mr. TYNER. Until the 1st of December next; and that applies also to all documents now printed, or now ordered to be printed.

Mr. SPEER. What was the salary of the postmaster at New York City fixed at?

Mr. TYNER. At $8,000 a year.

Mr. HALE, of Maine. Does not this bill restore the franking privilege with the exception of the correspondence of members?

Mr. TYNER. It does not permanently.

Mr. HALE, of Maine. But so far as it goes in respect to the time?

Mr. TYNER. It does so far as it goes in time. It restores the franking privilege in all respects, except the private correspondence of members, up to the 1st day of December next. After the 1st day of December next there is dropped from the franking privilege the public documents printed by order of Congress except the Agricultural Reports, which are permitted to continue to go free through the mails.

Mr. O'BRIEN. Are speeches taken from the RECORD and published allowed to go free?

The SPEAKER *pro tempore*. The question is upon agreeing to the report of the committee of conference.

Mr. TYNER. I wish to say only one word further. It has been suggested to me that in the hurry of debate a moment ago, in referring to the correspondence of members, I used the term "private correspondence." What I meant to say was that the correspondence of members of Congress, whether it related to their official duties or otherwise, is not provided for under this franking privilege.

The question being taken on adopting the report of the committee of conference, there were—ayes 120, noes 38.

Mr. HOLMAN called for the yeas and nays.

On ordering the yeas and nays there were—ayes 23, noes 136.

Mr. HOLMAN called for tellers on ordering the yeas and nays.

Mr. HAMILTON. We had a record by yeas and nays on this identical question yesterday.

Tellers were not ordered.

So the yeas and nays were not ordered; and the report of the committee of conference was adopted.

Mr. TYNER moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the deficiency appropriation bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, announced that the Senate had passed without amendment bills of the following titles:

An act (H. R. No. 4840) for the support of the District of Columbia for the fiscal year ending June 30, 1874, and for other purposes:

An act (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road;

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution; and

An act (H. R. No. 4850) authorizing the oppointment of gaugers for the customs service at the port of Philadelphia.

The message also announced that the Senate had agreed to the report of the committee of conference on the amendments of the House to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes.

RIGHT OF WAY FOR TERRITORIAL RAILROADS.

Mr. TOWNSEND. I rise to submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same, with amendments, as follows:

Strike out all of section 2 after "defile," on page 2, in line 11, down to and including line 20.

Strike out on page 2, line 23 of section 3 of the amendment, "or," and insert in lieu thereof the following: "and where such provision shall not have been made."

And the House agree to the same.

W. TOWNSEND,
JACKSON ORR,
W. S. HERNDON,
Managers on the part of the House.
W. M. STEWART,
T. O. HOWE,
Managers on the part of the Senate.

Mr. HOLMAN. I ask the Clerk to read the language that this report proposes to strike from the bill.

The Clerk read as follows:

On the second page of the bill, after the word "defile," strike out the following: *Provided, however*, That any State hereafter formed, within the limits of which a railroad the right of way for which, under the provisions of this act or any part thereof, shall be situated, shall have full authority at all times to regulate and limit the charges for the transportation of persons and freight over the same so far as exclusively within the State, and to prevent discrimination in such transportation: *And provided further*, That all such rights of way shall be subject to the authority of any State hereafter formed through which said railroad shall pass as if the land occupied by such way had been originally granted by such State.

Mr. HOLMAN. The purpose which I had in view in calling for the reading of the part of the bill proposed to be struck out is now accomplished; and I wish to say a word upon this report. The House (with great deliberation, I think) adopted the clause just reported conferring upon the States that may hereafter be formed in the territories in which these roads may be located the power to regulate the subject of transportation within their limits. Not only the amendments which I had the honor to submit, but also the amendment which the gentleman from Massachusetts, [Mr. G. F. HOAR]——

Mr. HALE, of Maine. I rise to a point of order as to the consideration of this report. The report of a committee of conference is undoubtedly privileged; but after being presented, the question of its consideration may be raised in order that the House may decide whether it will at once dispose of it or not. I will not raise that question, provided the gentleman from Pennsylvania [Mr. TOWNSEND] is going to put this report right through without debate.

The SPEAKER *pro tempore*. The Chair does not sustain the point of order of the gentleman from Maine, because in his opinion it comes too late.

Mr. TOWNSEND. I claim the floor.

Mr. G. F. HOAR. This is a very important matter, and——

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Pennsylvania [Mr. TOWNSEND] who has charge of this report, and who he understood yielded a few minutes to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HALE, of Maine. Then I insist on raising the question of consideration.

Mr. TOWNSEND. I ask the House to adopt this report. Upon that question I call the previous question.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee of conference, on which the gentleman from Pennsylvania demands the previous question.

Mr. HOLMAN. I rise to a question of order.

Mr. WILSON, of Iowa. I make the point of order that this House does not know what it is doing.

The SPEAKER *pro tempore*. In the opinion of the Chair that point is well taken. The Chair will not entertain further business until order is restored.

After a pause,

Mr. HALE, of Maine. I submit to the Chair that, although I was not recognized, I endeavored to raise the question of consideration as soon as the report was read.

Mr. HOLMAN. Mr. Speaker, I have risen to a point of order, and I desire that I shall have it decided before further proceedings take place.

The SPEAKER *pro tempore*. The Chair refused to sustain the point made by the gentleman from Maine, [Mr. HALE,] on the ground that it was made too late. That gentleman now states that he made the point immediately upon the finishing of the reading of the report.

Mr. HALE, of Maine. I rose for that very purpose.

The SPEAKER *pro tempore*. Upon that statement the occupant of the chair sustains the point of order that, the question of consideration being raised, the House has a right to decide whether it will proceed with the consideration of this report or go into Committee of the Whole again.

Mr. TOWNSEND. I call the previous question upon the adoption of the report. I wish only to say that the bill stands now as it originally came from the House committee.

Mr. HOLMAN. I rise to a point of order.

Mr. G. F. HOAR. I have a point of order also which I wish to submit.

The SPEAKER *pro tempore*. The Chair will hear one gentleman at a time.

Mr. HOLMAN. The gentleman from Pennsylvania submitted his report to the House. After he had done so I called for the reading of certain portions of the bill struck out by the action of the Senate and of the committee of conference. When the language proposed to be struck out had been read I proceeded, without any interference at all upon the part of the gentleman making the report, to discuss the main amendment made to the bill as passed by the House. I had proceeded for several minutes with my remarks before I was interrupted by the gentleman from Maine. I submit that I was on the floor, not by the courtesy of any gentleman, but in accordance with the rules of the House and in my own right; that I had a right to submit the remarks I was making.

The SPEAKER *pro tempore*. The Chair will state, in reply to the gentleman from Indiana, that he rose and called for the reading of the report, and was recognized for that purpose; but that he held the floor in his own right, he is mistaken, as the Chair had recognized, as

he was compelled to do under the rules, the gentleman from Pennsylvania who submitted the report of the committe of conference. The gentleman from Pennsylvania still held the floor, and the gentleman from Indiana was speaking only by his permission.

Mr. HOLMAN. Let me ask the Chair whether the gentleman from Pennsylvania asked to be recognized?

The SPEAKER *pro tempore*. He certainly did when he submitted the report of the committee of conference.

Mr. HOLMAN. But when he had submitted the report I rose and took the floor for the purpose of discussing it.

The SPEAKER *pro tempore*. The gentleman from Indiana demanded the reading of the report, which he had a right to do. After the report was read, the gentleman from Pennsylvania demanded the previous question on agreeing to the report. The gentleman from Maine [Mr. HALE] now rises to a point of order, which he will state.

Mr. HOLMAN. This is a fraud attempted to be perpetrated upon the House.

Mr. TOWNSEND. The allegation the gentleman from Indiana makes, that there is a fraud attempted to be perpetrated upon the House, is false.

Mr. HOLMAN. I hope the gentleman from Pennsylvania will not become excited, as I am not charging him with attempting any fraud.

Mr. WILSON, of Iowa. I say there is a fraud attempted to be perpetrated upon the country if not upon the House.

Mr. HOLMAN. The gentleman from Pennsylvania is too old to show the passion of a child. I say a fraud is being perpetrated upon the country by the passage of the bill in its present form.

Mr. TOWNSEND. I deny it. It comes here unanimously recommended by the committees in both Houses.

Mr. GARFIELD. I demand the regular order of business.

Mr. HOLMAN. Of course if I am not entitled to be heard I will take my seat.

The SPEAKER *pro tempore*. The gentleman from Indiana has been speaking by the sufferance of the Chair. He is not entitled to the floor unless the gentleman from Pennsylvania, who has charge of the conference report, yields to him. If the House shall vote down the demand for the previous question, then the Chair will recognize the gentleman from Indiana as entitled to the floor.

Mr. TOWNSEND. I am willing, perfectly willing, if the House is willing, that the gentleman from Indiana shall have five minutes to make his remarks if I shall have five minutes to reply to them.

Several MEMBERS. O, no.

Mr. TOWNSEND. Then I insist on my demand for the previous question. This conference report is all right and is a unanimous report from the committees of both Houses.

The House divided; and there were—ayes 100, noes 44.

Mr. WILSON, of Indiana. I demand tellers on seconding the demand for the previous question.

Tellers were not ordered.

So the previous question was seconded.

Mr. WILSON, of Indiana. I now demand the yeas and nays on ordering the main question.

The House divided; and there were—ayes 22, noes 111.

Mr. WILSON, of Indiana. I demand tellers on the yeas and nays; there was no quorum on the last vote.

The SPEAKER *pro tempore*. No quorum was required.

The House divided; and there were ayes 17, noes not counted.

So (one-fifth of those present not having voted in the affirmative) tellers were not ordered.

The yeas and nays were not ordered.

The main question was ordered to be now put.

Mr. SMITH, of Ohio. I demand the reading of the report of the committee of conference.

The SPEAKER *pro tempore*. The gentleman from Ohio demands the reading of the report of the committee of conference, which requires unanimous consent, as the report has already been once read.

Mr. GARFIELD. I object.

The SPEAKER *pro tempore*. The question now recurs on agreeing to the report.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 140, noes 34.

Mr. HOLMAN. I demand the yeas and nays on agreeing to the report.

The House divided; and there were—ayes 28, noes 154.

Mr. WILSON, of Iowa. I demand tellers on the yeas and nays.

The House divided; and there were ayes 28, noes not counted.

So (one-fifth of those present not having voted in the affirmative) tellers were not ordered.

The yeas and nays were not ordered.

The report of the committee of conference was agreed to.

Mr. TOWNSEND moved to reconsider the vote by which the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. LEACH. I ask unanimous consent to print in the RECORD as part of the debates some remarks I have prepared on the Louisiana question and general politics.

There was no objection, and it was ordered accordingly.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I move to suspend the rules and go into Committee of the Whole on the state of the Union on the deficiency appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HAZELTON, of Wisconsin, in the chair.)

The CHAIRMAN. The House is in Committee of the Whole on the deficiency appropriation bill, and the Clerk will proceed with the reading of the bill.

Mr. GARFIELD. We have now come to the bottom of page 24, and I ask to go back to page 7, to take up that portion which was passed over.

There was no objection.

The Clerk read as follows:

TREASURY DEPARTMENT.

Independent treasury:

To enable the Secretary of the Treasury to effect a transfer of accounts involving no appropriation out of the Treasury, namely:

For compensation to designated depositaries for receiving, safely keeping, and paying out public moneys, for the fiscal year 1871 and prior years, $2,342.09.

For contingent expenses under the act for the collection, safe-keeping, transfer, and disbursement of public moneys for the fiscal year 1874, $8,740.64.

Mr. GARFIELD. These paragraphs in reference to the independent treasury make no appropriation out of the Treasury, and I ask they be considered as adopted.

It was agreed to.

The Clerk read as follows:

Territorial governments:

Territory of Dakota: For amount due J. M. W. Jones for stationery for the fiscal year 1872, $135.75.

Mr. PARKER, of Missouri. I offer the following amendment, to come in at the end of that paragraph:

The Clerk read as follows:

Territory of New Mexico: For amount due Manderfield & Tucker for printing in the English and Spanish languages the laws, journals, bills, &c., for the twenty-first session of the Legislative Assembly, as per letter of the Comptroller of the Treasury, being a deficiency for the fiscal year 1874, $4,378.24.

Mr. GARFIELD. This is all right.

The amendment was agreed to.

The Clerk read as follows:

Territory of Wyoming: For amount due J. M. W. Jones for stationery for the fiscal year 1871 and prior years, $677.61.

Mr. PARKER, of Missouri. I move the following amendment.

The Clerk read as follows:

Territory of Washington: For amount ascertained to be due and unpaid for printing done and executed for the Legislative Assembly, as per letter of the First Controller of the Treasury, being a deficiency for the fiscal year 1872 and prior years, $6,451.66.

Mr. STORM. I make the point of order against that amendment.

The CHAIRMAN. What is the point?

Mr. STORM. It is not authorized by law.

The CHAIRMAN. The Chair overrules the point of order.

The amendment was agreed to.

Mr. GARFIELD. I offer the following amendment.

The Clerk read as follows:

Insert as an additional paragraph the following:

To pay Martin Kelly for printing the laws and journals of the seventh session of the Legislative Assembly of Idaho, $538,93.

The amendment was agreed to.

The Clerk read the following under the head of "mints and assay offices:"

For contingent expenses for the fiscal year 1875, $50,000.

Mr. MERRIAM. I move to strike out those two lines.

I do this for the purpose of calling the attention of the country to one of the useless ways a government disposes of a large amount of money every year without advantage to any citizen. I never understood why a government should not use as much economy in its material operations as an individual should with his own affairs. The same conditions of management for success bears upon both. The total coinage of the United States mints from 1821 to 1870 was, of silver, $133,900,463.66. The total coinage of gold from 1821 to 1870 was $809,473,449. We have minted of gold since 1849 $540,000,000. But to-day there is not on this continent to exceed $125,000,000 of coin. I append a table interesting for study.

Total coinage of gold and silver at the United States mints since 1821.

Period.	Gold.	Silver.
1821	$189,325 00	$825,762 45
1822	88,980 00	805,806 50
1823	72,425 00	895,550 00
1824	93,200 00	1,752,477 00
1825	156,385 00	1,564,583 00
1826	92,245 00	2,002,090 00
1827	131,565 00	2,869,200 00
1828	140,145 00	1,575,600 00
1829	295,717 50	1,994,578 00
1830	643,105 00	2,495,400 00
Total	1,903,192 50	16,671,046 95

Total coinage of gold and silver at the United States mints—Continued.

Period.	Gold.	Silver.
1831	$714,270 00	$3,175,600 00
1832	798,435 00	2,579,000 00
1833	978,550 00	2,759,000 00
1834	3,954,270 00	3,415,002 00
1835	2,186,175 00	3,443,003 00
1836	4,135,700 00	3,606,100 00
1837	1,148,305 00	2,096,010 00
1838	1,809,595 00	2,333,243 00
1839	1,355,885 00	2,176,296 00
1840	1,675,302 50	1,726,703 00
Total	18,754,497 50	27,278,967 00
1841	1,091,597 50	1,132,750 00
1842	1,834,170 00	2,332,750 00
1843	8,108,797 50	3,834,750 00
1844	5,428,230 00	2,235,550 00
1845	3,756,447 50	1,873,200 00
1846	4,034,177 50	2,558,580 00
1847	20,221,385 00	2,379,450 00
1848	3,775,512 50	2,040,050 00
1849	9,007,761 50	2,114,950 00
1850	31,981,738 50	1,866,100 00
Total	89,239,817 50	22,368,130 00
1851	62,614,492 50	774,397 00
1852	56,846,187 50	999,410 00
1853	39,377,909 00	9,077,571 00
1854	25,915,918 50	8,619,270 00
1855	28,977,968 00	3,501,245 00
1856	36,697,768 50	5,135,240 00
1857	15,811,563 00	1,477,000 00
1858	30,253,725 50	8,040,730 00
1859	17,296,077 00	6,187,400 00
1860	16,445,476 00	2,769,920 00
Total	330,237,183 50	46,462,183 00
1861	60,693,237 00	2,605,700 00
1862	45,532,386 50	2,812,401 50
1863	20,695,852 00	1,174,092 80
1864	21,649,345 00	548,214 10
1865	25,107,217 50	636,308 00
1866	28,313,945 00	680,264 50
1867	28,217,187 50	986,871 00
1868	18,114,425 00	1,136,750 00
1869	21,828,637 50	840,746 50
1870	22,257,312 50	1,767,253 50
Total	292,409,535 50	13,188,601 90
1871	21,302,475 00	1,955,905 25
1872	20,376,495 00	3,029,834 05
1873	35,249,337 50	2,945,795 50
Total	76,928,307 50	7,931,534 80

It must be evident to those who prefer economy to taxation that here is a good place to begin. The country hardly realizes that Congress since 1860 has made mint appropriations exceeding $11,300,000, an aggregate sum equal to more than one-twelfth of all coin on the continent to-day. To this must be added the cost of new mints, buildings, repairs, &c. For this vast expenditure the nation ought to be able to show some adequate return, but we cannot. No sooner have we coined these millions at millions' cost, no sooner have we stamped the impress of our nationality than our beautiful eagles take wing across the sea, there to enter the crucible of other nations to receive the impress of other nationalities.

For all practical purposes we might as well have spent these millions in coining iron or lead. Now, what we ought to do is to cease coinage, and so long as the balance of trade is against us send out our gold in ingots. What would the school-boys of the world say of the wisdom of grown up men if we marked each kernel of wheat and corn sold to foreigners, the mark to be ground off in the mills of Europe? There would be as much sense in such a proceeding as in the farce we are hourly, daily, and year after year enacting in marking our other merchandise our gold. It is true America is not alone in this play; other nations are equally silly. Every dollar received of this great measure of values goes through the honored dignity of wearing the nation's robes it happens to travel in. The sovereign flows through the crucible to the eagle, and the eagle to the sovereign; and what is the gain save a fleeting pride? In these days of steam and electricity an arrangement ought to be arrived at for a universal decimal coinage that would flow like one language all over the globe; but as we are not likely to do this immediately, we should at least study such economy as tax-payers in these times demand of us. We have many millions of coin in the sub-treasury in New York City, placed on deposit by importers and bankers. We need not disturb it. The certificates we issue upon it represent the gold. Merchants pay duties with them, and as we use the same certificates over and over again, we have no use for more coin until we resume specie payments, which can never be done by legislative commands before the condition of trade has prepared the way.

The assistant United States Treasurer in New York tells me that the shipments of gold to Europe are nearly all made in standard-weight double eagles. We are running our mints to their greatest capacity, for what? I see nothing save a sentimental amusement, and the expense of the amusement some six to eight hundred thousand dollars each year for the people to pay. Under the congressional financial plank voted to a law as a portion of a party platform by this Congress we are entering upon the coinage of silver for another sentimental amusement, and it will be equally expensive and profitless.

We as a nation seem to forget that gold and silver, while only merchandise, will find the market where it will command the highest price as surely as water will seek its level. Silver and gold are each debased in coinage 10 per cent. by copper. Silver in the world's markets to-day is about 3 per cent. less than gold. We debase our silver besides the 10 per cent. of copper, 6.66; so that we cannot float our silver where gold commands over 9.66, except where its convenience becomes a necessity. Men will sacrifice something for accelerating small transactions. It is true we might force men to use silver in small trades by destroying the paper fractional currency, although many men prefer the convenience of paper; still while brokers in bullion can make ½ per cent. in selling silver, it will pass away from the country. One-sixteenth premium in France always draws silver from Germany.

I have called the attention of the committee to these facts, hoping that those who come after us will be induced to give the subject such study as will lead to the saving of vast sums of money now wasted that otherwise might be used for man's progress and happiness.

Mr. GARFIELD. I rise to oppose the amendment, and call for a vote.

The amendment was not agreed to.

Mr. SAWYER. I offer the following amendment.

The Clerk read as follows:

At the end of line 222 insert as follows:

For payment of $42.42, amount certified to be due by the accounting officers of the Treasury Department to J. B. Eugene, late lieutenant of the Forty-Third Regiment Wisconsin Infantry.

Mr. SAWYER. The following letter from the Treasury Department explains this amendment:

TREASURY DEPARTMENT,
Washington, D. C., March 2, 1875.

SIR: I have the honor to recommend that $42.42 having been found due J. B. Eugene, late lieutenant of the Forty-Third Regiment Wisconsin Infantry, by the accounting officers of the Treasury, provision be made in the pending deficiency bill for the reappropriation of the above amount from the balance of the appropriation "subsistence of the Army, 1871," carried to the surplus funds under the fifth section act of June 20, 1874.

Very respectfully,

CHAS. F. CONANT,
Assistant Secretary.

Hon. JAMES A. GARFIELD,
Chairman of the Committee on Appropriations,
House of Representatives.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

For transportation of United States securities prior to June 13, 1874, as per certificate of the accounting-officers of the Treasury, $20,559.07.

Mr. MAYNARD. I move to strike out the paragraph for the purpose of asking the chairman of the Committee on Appropriations a question. In addition to the paragraph just read, there is another item for amount due Adams Express Company for the fiscal year 1874, $1,307.40. How is it that there are two items apparently covering the same period?

Mr. GARFIELD. I suppose that is on account of the form in which the accounts were kept.

Mr. MAYNARD. But this seems to cover the same time.

Mr. GARFIELD. The words "prior to June 30, 1874," cover the balances for years preceding the fiscal year 1874.

Mr. MAYNARD. I withdraw the amendment.

Mr. HERNDON. I offer the following amendment:

At the end of line 249 add the following:

To pay W. D. Mims for witness fees for attendance upon the congressional committee on elections in Louisiana, 15th December, 1869, $111.

The amendment was agreed to.

Mr. TODD. I am instructed by the Committee on Elections to offer the amendment which I send to the desk, to come in as an additional paragraph.

The Clerk read as follows:

To pay Morgan Rawls, contestee, expenses case of Sloan *vs.* Rawls, first district of Georgia, $1,500.

To pay John P. C. Shanks, expenses case of Shanks *vs.* Neff, in the ninth district of Indiana, $1,040.

To pay George Q. Cannon, expenses case of Maxwell *vs.* Cannon, Delegate from Utah, $750.

To pay George A. Sheridan, expenses case of Sheridan *vs.* Pinchback, at large from Louisiana, $1,735.

To pay Effingham Lawrence, contestant, expenses case of Lawrence *vs.* Sypher, first district of Louisiana, $2,000.

Provided, That no person hereafter seated by this House shall have any benefit of this appropriation.

Mr. SPEER, I raise the point of order that there is no law authorizing the payment of these sums of money.

The CHAIRMAN. This was made in order by the House.

Mr. SPEER. There was an amendment made in order by the House which was voted on the other night.

The CHAIRMAN. The Committee on Elections were authorized to report either on the sundry civil bill or on the deficiency bill.

Mr. SPEER. But they were not authorized to report upon both of them, and they did report on the other bill.

The CHAIRMAN. The gentlemen will find on looking at the resolution that it is sufficiently broad to cover this amendment.

Mr. TODD. It is in the line of the amendment adopted the other evening by the House under the same resolution.

Mr. SPEER. I hope the Chair will not decide my point of order until the order of the House is read.

Mr. TODD. I simply desire to explain to the committee that when the amendment was offered yesterday the committee were not ready to report upon these claims, because they had not concluded their investigation of them, and these are simply supplemental to those which were offered last evening, and in the same line and in the same order and subject to the same proviso.

Mr. SPEER. My point of order is that the order of the House did not authorize the committee to offer an amendment of this nature to both the sundry civil bill and the deficiency bill. They might do it in one or the other of them. I ask that the resolution be read.

The Clerk read as follows:

Resolved, That the rules of the House be so far suspended that it may be in order at the time the sundry civil appropriation bill or the deficiency appropriation bill is under consideration in Committee of the Whole to move an amendment thereto to pay the expenditures in whole or part of such parties to contested-election cases as the Committee on Elections may recommend.

The CHAIRMAN. The point of order is overruled.

Mr. WILLARD, of Vermont. It gave them a selection as to which bill they would offer the amendment to; that was all.

Mr. SPEER. I think that is the proper construction of the resolution; but I do not wish to take up the time of the committee by taking an appeal from the decision of the Chair.

Mr. O'BRIEN. Was this amendment first offered to the other bill?

Mr. TODD. O, no.

Mr. O'BRIEN. Then it is clearly in order.

Mr. SPEER. I rise to oppose the amendment. This abuse of paying congressional contestants has proven so enormous, that Congress passed a general law only two years ago absolutely prohibiting the payment of any contestant or contestee.

Mr. BUTLER, of Massachusetts. It was simply a law that they should not be paid out of the contingent fund of the House.

Mr. SPEER. Now in this Congress, under the accumulated pressure of gentlemen on both sides of the House, very excellent and worthy gentlemen, we have adopted an amendment embracing a large number of the parties who have had contests in this Congress, a general log-rolling amendment, putting the good with the bad, the deserving with the undeserving, democrats with republicans—and this log-rolling effort is made on both sides—personal appeals are made and the judgment of the House is largely controlled by personal considerations.

I trust that the committee will lift its hand here and now to stay this kind of legislation; for while I admit that a few of those named in the amendment should be paid, there are others named who clearly should not be paid. I appeal to members of the House to resist this vicious system of legislation, based upon personal solicitation on this floor and personal lobbying by gentlemen, some of whom have no more moral right to this money than they would have if they were to walk up to the Treasury and put their hands into it in the darkness of midnight and take it out. I hope the House will do justice to the people behind us as well as to those with whom we are associated upon this floor.

Mr. NIBLACK. I offer the following as an amendment to the amendment:

To pay John E. Neff, contestant with John P. C. Shanks for expenses, $1,500.

Mr. SPEER. I want to ask my colleague from Pennsylvania [Mr. TODD] whether the Committee on Elections did not by a vote refuse to pay Mr. SHANKS one dollar and when and how that action was reconsidered?

Mr. TODD. When the case of Mr. SHANKS was first presented to the committee it refused to make any allowance, on the supposition that he had not been subject to any expense; that no testimony had been taken in the case. Mr. SHANKS afterward laid before the committee incontrovertible testimony that he had been subjected to expense to twice the amount allowed by the committee now. I may state that in every one of these cases every item was closely scrutinized by the committee, and we rejected fully 50 per cent. of the claims. I may mention as one item that in no case has the committee allowed anything for attorneys' fees.

Mr. KASSON. I wish to reserve the point of order on the amendment offered by the gentleman from Indiana, [Mr. NIBLACK.]

Mr. TODD. Moreover the Committee on Elections in making up the amendment were not governed by any log-rolling influence; they were not influenced by any consideration of that sort. They were influenced strictly by the idea of allowing compensation in all cases where the contest had been made honestly and meritoriously.

Mr. SPEER. Did General SHANKS take any testimony?

Mr. TODD. Yes; a large amount.

Mr. SPEER. Another word. The expenses of contestants of elections here are largely made up of enormous fees paid to counsel. When they come to employ counsel in this city they charge them one, two, or three thousand dollars, and tell them that no matter how much the charge is, they will not have to pay it out of their pockets, but Congress will pay it.

Mr. TODD. Not one dollar of fees charged by any counsel in Washington has been allowed.

Mr. SPEER. Why do you report in favor of giving General SHANKS over one thousand dollars and not one dollar to Mr. Neff?

Mr. TODD. For the reason that Mr. Neff made no claim. We allowed it to General SHANKS because he expended twice that amount in his effort to obtain a seat here, to which the House says he was entitled.

Mr. KASSON. I will state my point of order on the amendment of the gentleman from Indiana, [Mr. NIBLACK,] that not being reported from the Committee on Elections it is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. NIBLACK. It is certainly germane to the pending amendment.

The CHAIRMAN. But the order of the House related only to cases reported from the Committee on Elections.

Mr. TODD. Mr. Neff took no testimony, was subject to no expense, and made no claim for any allowance.

Mr. SAYLER, of Indiana. I will say further that under the laws of Indiana Mr. Neff had not the slightest case, not the shade of the shadow of a case.

The question was upon the amendment reported from the Committee on Elections.

Mr. SPEER. I ask for a division on that amendment. I shall resist it to the last extremity.

The committee divided; and there were—ayes 53, noes 35.

Mr. SPEER. Is that a quorum?

The CHAIRMAN. It is not.

Mr. SPEER. Then I call for a further count.

Tellers were ordered; and Mr. SPEER, and Mr. SAYLER, of Indiana, were appointed.

The committee again divided; and the tellers reported that there were—ayes 103, noes 44.

So the amendment was agreed to.

Mr. SPEER. I give notice that I shall call the yeas and nays on this amendment in the House.

Mr. COBB, of Kansas. I move to insert after the amendment just adopted that which I send to the Clerk's desk.

The Clerk read as follows:

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the date of the passage of this act, to settle and pay for the same, without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in order to enable said officers to pay to the laborers, workmen, and mechanics mentioned in said act of June 25, 1868, the full compensation of a day's wages for each and every eight hours' labor performed, without evasion or subterfuge.

Mr. GARFIELD. I raise the point of order on that amendment that there is now no law authorizing the payment of that money.

The CHAIRMAN. The point of order is sustained.

Mr. COBB, of Kansas. Allow me to be heard. The point of order has been twice before made in Committee of the Whole and twice overruled. It seems to me but fair at least that a few words should be said upon it.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. COBB, of Kansas. The point of order was first made on the 6th of March, 1872, when a measure similar to this was proposed as an amendment to the deficiency bill. Last year this same amendment was moved to the sundry civil bill, and the same point of order was made by the gentleman from Vermont, Mr. WILLARD. Mr. DAWES was in the chair, and overruled the point of order. In the first instance the amendment was offered by Mr. DAWES, and Mr. Stevenson, of Ohio, was in the chair. The point of order was raised by Mr. Farnsworth, of Illinois, and it was overruled. I ask the Clerk to read the decision of the Chair at that time upon that point.

The Clerk read as follows:

The CHAIRMAN. The Chair will rule on the point of order. It seems to the Chair that as the law in force during the period covered by this proposed amendment authorized and required the payment of a day's wages for eight hours' labor, if workmen employed by the Government have been paid but a part, say eight-tenths of what was due them according to law, there is needed no new legislation other than an appropriation to authorize the payment of the remainder. The Chair, therefore, overrules the point of order.

Mr. COBB, of Kansas. The same decision was made last year upon an amendment of similar character.

The CHAIRMAN. The Chair will follow the ruling heretofore made upon a similar amendment, and therefore overrules the point of order.

Mr. GARFIELD. Then, Mr. Chairman, I desire to say this——

The CHAIRMAN. The gentleman from Kansas is entitled to the floor.

Mr. COBB, of Kansas. Mr. Chairman, a large number of men in this country are interested in this appropriation. It is the law of the land to-day that eight hours shall constitute a day's work for every man engaged upon any public works of the United States. This law went into effect on the 25th of June, 1868, but it was

disregarded and set aside by the ministerial officers charged with its execution. These workmen have a fair claim against the Government for the two hours of daily extra labor which they have been compelled to perform by reason of the wrongful evasion of the law of the land by ministerial or executive officers of the Government.

On the 19th of May, 1869, the President of the United States, finding that this law was being disregarded, issued his proclamation, commanding the ministerial officers to obey the law. They, however, still continued to disobey. On the 3d of May, 1872, a law was passed to pay these workmen the amount out of which they had been cheated between the 25th of June, 1868, and the 19th of May, 1869. After the proclamation of the President the law was still defied. I say that the law-making power of the Government should provide that these men be paid for the two extra hours of daily labor which they performed after that date, the same as they were paid for the period between June 25, 1868, and May 19, 1869. I have stated the case in a nut-shell. In the five minutes of time allowed this is all I can do. These are poor men, men without influence in the ranks of wealth and power; but their demand for justice ought to be heard and met without another hour's delay. Whenever it is my fortune to be in Congress they shall never be without an advocate here, and the people's representatives shall pass upon their claims till at last tardy justice is meted to them. I am glad that my last words in this House are spoken as their advocate and friend.

Mr. CREAMER. I trust the House will give this amendment the consideration which it deserves. It seems to me that the Government of the United States, with the sanction of the committee in this House having charge of our finances, is making an attempt to swindle the workmen of the country connected with the various navy-yards, arsenals, and other public works out of nearly $500,000. I have no special knowledge concerning the merits of this case, not having been a member of the House when the question was first brought up, but on general principles it is a false policy for the chairman of the Committee on Appropriations, or any other official in power in this House or any other branch of the Government, to attempt to reject, particularly at this time, the claims of men who have just demands against the Government. Why, sir, we pass appropriation bills here authorizing the expenditure of millions of dollars annually for the support of Indians, the greater portion of which money never perhaps reaches the Indians, but is divided up among contractors. If we can be liberal in that respect, and many other respects, why should we be unjust to these workingmen in the East.

I trust the Government will see that, instead of suspending public works, instead of diminishing the compensation of Government laborers at this time, it is the proper policy to extend public works and to increase compensation.

It is always the policy of a wise government, when there is depression of trade or financial panic, to enlarge its departments of labor, to increase the amount of Government work, to inaugurate new enterprises, to extend public works instead of suspending them. Therefore I trust that members will favorably consider this proposition.

[Here the hammer fell.]

The question being taken on agreeing to the amendment, there were ayes 7, noes not counted.

Mr. COBB, of Kansas. Did a quorum vote?

The CHAIRMAN. In the opinion of the Chair a quorum did not vote. Are tellers insisted upon?

Mr. COBB, of Kansas. Yes, sir.

Mr. CREAMER. Certainly we want tellers. I want to see how many friends these workingmen have in this House when a proposition is made to give them that to which they are entitled. They have a great many professed friends about election time.

Tellers were ordered; and Mr. COBB, of Kansas, and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported—ayes 25, noes 67.

Mr. COBB, of Kansas. I do not insist upon a further count. I am satisfied that the House does not intend to adopt this proposition.

[The tellers retired from their places.]

Mr. CREAMER. I am not satisfied. I insist that a quorum shall vote.

The CHAIRMAN. It is too late.

Mr. CREAMER. It is not too late. The Chair had not announced the result.

The CHAIRMAN. The gentleman who offered the amendment and who was one of the tellers stated that a further count was not insisted upon.

Mr. CREAMER. I insist that it is our right to have this amendment decided by a quorum.

The CHAIRMAN. A further count has been waived; and the amendment rejected. The gentleman's demand comes too late.

Mr. CREAMER. I insist that I made my point in time.

The CHAIRMAN. The point is overruled.

Mr. FARWELL. I offer the following amendment:

The Secretary of the Treasury is authorized to pay R. A. Connolly not exceeding $1,460, the amount of a draft drawn by Major Houston, United States engineer in charge of harbor improvements at Chicago, upon the United States depository at Chicago, October 2, 1871, which was burned in the Chicago fire, October 9, 1871, upon satisfactory proof being furnished him that said draft was burned and destroyed and has not been paid.

The amendment was agreed to.

The Clerk read as follows:

Public buildings:

For the completion of the following public buildings: For the court-house and post-office at Omaha, Nebraska, $10,000; post-office and court-house at Indianapolis, Indiana, $12,000.

Mr. O'NEILL. I move to amend by inserting the following:

That the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid, to ½ of 1 per cent. for said services.

Mr. GARFIELD. I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. O'NEILL. I think the Chairman is wrong in sustaining the point of order.

The CHAIRMAN. The Chair has sustained the point of order, and the Clerk will read on.

Mr. PLATT, of Virginia. I wish the gentleman from Ohio to state the grounds of his point of order.

Mr. GARFIELD. It is too late, as the paragraph has been passed.

Mr. PLATT, of Virginia. It is not too late, for I called the attention of the Chair to it at once.

The CHAIRMAN. The Chair did not hear the gentleman from Virginia, and it is now too late.

Mr. PLATT, of Virginia. I was on the floor and used every effort possible to call the attention of the Chair to it. I do not think it is too late.

The Clerk read as follows:

For completion of building for United States post-office and court-house, New York, including cost of heating and ventilating apparatus and the cost of area along park front, as per report of the Supervising Architect of the Treasury, $388,160.08.

Mr. GARFIELD. I move to strike that out, as the same provision is contained in the sundry civil appropriation bill.

The amendment was agreed to.

Mr. PLATT, of Virginia. I move to insert the following:

To enable the Architect of the Capitol Extension to procure a suitable hydraulic elevator for the south end of the Capitol, $3,000.

Mr. HOLMAN. I make the point of order against that amendment, that there is no law authorizing any such appropriation.

Mr. PLATT, of Virginia. There is a general law authorizing appropriations for the repair and improvement of this building, and such amendments have uniformly been ruled in order.

The CHAIRMAN. The Chair thinks it would not be a suitable amendment to this deficiency appropriation bill, and therefore rules it out on the ground that it is not germane.

The Clerk read as follows:

For repairing damage (caused by fire) to the building for custom-house and post-office in Newport, Rhode Island, $7,419.43.

Mr. EAMES. I move the following amendment.

The Clerk read as follows:

And $3,712.50 for the erection of a building for storage and other purposes connected with the custom-house at Newport, Rhode Island.

Mr. FIELD. I make the point of order on the amendment that it is not in compliance with any law, and is therefore not in order to this appropriation bill.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

The Clerk read as follows:

For fuel, lights, and water for public buildings, being for the fiscal year 1875, $40,313.26; and the unexpended balance of the appropriation of the same character made for the use of the fiscal year 1874 is hereby continued and rendered available for the service of the current fiscal year.

Mr. HALE, of Maine. I move the following amendment:

Provided, That the Secretary of the Treasury is hereby authorized to pay vouchers for expenditures incurred prior to June 30, 1874, from appropriations for the present fiscal year, as follows: On account of furniture for public buildings the sum of $500, and on account of the repair and preservation of public buildings the sum of $5,000, and the same shall not involve any increase of the appropriations specified.

The amendment was agreed to.

The Clerk read as follows:

To pay the United States depositary at Buffalo, New York, being for the fiscal year 1875, $891.02.

Mr. GARFIELD. I move to correct an error in that paragraph. It should be for the fiscal year 1871 instead of the fiscal year 1875, and I move that amendment.

The amendment was agreed to.

The Clerk read as follows:

To pay Dawson Tank & Co., of New London, Connecticut, for completing the landing-dock at Little Gull Island, New York, from the appropriation made by act of June 23, 1874, $2,627.40; which sum is hereby continued and made available for said purpose from the unexpended balance of said appropriation.

Mr. HALE, of Maine. I move the following amendment.

The Clerk read as follows:

For printing illustrations of results of the Polaris expedition under direction of the Secretary of the Navy, $15,000.

Mr. HOLMAN. I make the point of order there is no law authorizing any such expenditure.

Mr. HALE, of Maine. In answer to the point of order raised by the gentleman from Indiana I wish to say this is simply a provision for printing the results of that expedition which was undertaken under a direct law passed by Congress. This whole matter was under the supervision of Congress. It authorized the sailing of the expedition, and of course the publication of the report of the results of that expedition. The amendment is therefore in order to this bill. I have no doubt on this statement of facts the gentleman from Indiana will himself say my amendment is in order.

Mr. HOLMAN. I insist on my point that this is not in order. This Polaris expedition was a private enterprise and never entered upon by the United States under the laws of the United States. What was done by the United States was merely incidental to this private enterprise. It was a private and not a public undertaking, and this amendment provides for an appropriation not authorized by law.

The CHAIRMAN. The Chair is of the opinion the amendment is in order, and therefore overrules the point of order.

Mr. HOLMAN. Let me make another suggestion. There is a law upon the statute-book requiring that all such matters must absolutely have their first consideration by the Committee on Printing.

Mr. HALE, of Maine. That does not refer to amendments in the Committee of the Whole on appropriation bills. We are continually appropriating for such purposes on appropriation bills.

Mr. HOLMAN. It is not the rule of the House, but the law and the obligation is absolute on the part of the House that every proposition to print must be first acted on by the Committee on Printing. It is the law, and in that view this amendment is not in order.

Mr. HALE, of Maine. We have appropriated in other bills for like printing. In the sundry civil appropriation bill we voted a million dollars for that purpose.

The CHAIRMAN. The Chair overrules the point of order.

The House divided; and there were—ayes 55, noes 16.

So the amendment was adopted, no further count being demanded.

Mr. GARFIELD. I move the following amendment.

The Clerk read as follows:

To pay William Syphax in full the balance to equalize his pay with that of an assistant messenger, $655.38.

Mr. ARCHER. I should like to ask the chairman of the Committee on Appropriations how old this claim is?

Mr. GARFIELD. It is not a claim.

Mr. HOLMAN. It is in defiance of the law instead of being in pursuance of it.

Mr. GARFIELD. An appropriation was made. The case went to the Court of Claims and the Court of Claims decided that the claimant was entitled to more than the amount appropriated. The following was the finding of the court:

The petitioner claims for services in the Interior Department in a capacity similar or equivalent to that of an assistant messenger.

The court find that the petitioner served in such capacity from the 1st of March, 1851, to the 7th of December, 1870, and during that period received pay from time to time, but in an amount not equal to that of an assistant messenger.

That in the act making appropriations for sundry civil expenses for 1871, an appropriation was made in these words: "For additional pay heretofore withheld from William Syphax, to equalize his compensation with that of an assistant messenger, $2,180."

The said sum of $2,180 has not been paid to the said Syphax, but refused.

And on the facts stated the court find that said Syphax is entitled to recover against the United States the said sum of $2,180, and judgment is ordered therefor.

OPINION.—The appropriation made by the act of Congress is as authoritative as any other act of Congress which makes the law of the land. It is specific as to the amount and as to the person, and it is not to be questioned or reduced here nor anywhere else. And the evidence filed in the case shows that the amount appropriated and claimed in this suit is less than that earned. It should be said it was not disputed by the Attorney-General, but only submitted to the court.

This appropriation is to satisfy the finding of the court, to pay what the Court of Claims awarded as due.

Mr. STORM. This claim has been rejected over and over again.

The amendment was agreed to.

Mr. BUTLER, of Massachusetts. At the request of the gentleman from New York, [Mr. WHEELER,] who is absent from the Hall, I send up the following amendment agreed to by him.

The Clerk read as follows:

To supply a deficiency in the moneys appropriated for the support of totally disabled volunteer soldiers in the national homes, $350,000, or so much thereof as may be necessary.

Mr. GARFIELD. Has the gentleman from New York [Mr. WHEELER] agreed to that?

Mr. BUTLER, of Massachusetts. Yes.

Mr. GARFIELD. I have no objection to the amendment.

The amendment was agreed to.

Mr. GARFIELD. I offer the following amendment.

The Clerk read as follows:

After line 365 insert the following:

Provided, That so much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence stores for sale to officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of enlisted men of their companies or organizations, and the proceeds of all sales of subsistence supplies shall be hereafter exempt from being covered into the Treasury, and shall be immediately available for the purchase of further supplies.

The amendment was agreed to.

Mr. MYERS. I offer the following amendment.

The Clerk read as follows:

After line 403 insert as follows:

For clothing to the seamen, ordinary seamen, landsmen, and boys enlisting in the Navy, $90,000.

Mr. HALE, of Maine. The gentleman perhaps is not aware that the papers in this matter were sent over to the Senate, and that this was put in the sundry civil bill.

Mr. MYERS. The gentleman is mistaken.

Mr. HALE, of Maine. Then I make the point of order that if this is not the same item as has gone to the Senate there is no law for it.

Mr. MYERS. If the gentleman will read my amendment he will see that it is not the same item as that to which he refers. The question of giving an outfit of clothing to sailors on their enlistment has had the careful examination of the Naval Committee, to which my bill for that purpose was referred, and by their unanimous instruction I reported it favorably to this House. It was submitted to the Committee on Appropriations, and, I was led to believe, had their unanimous approval. No separate law for it, however, is necessary—only an appropriation—and I offer the amendment now not only as an act of long-delayed justice to the sailors, but in pursuance of the recommendation of the Secretary of the Navy, who sent to our committee this petition for its passage, signed by Rear-Admiral Case and all the officers of the ships in the North Atlantic fleet, lately off Key West, one hundred and seventy-nine in number, urging in the strongest terms that the measure will bring much greater efficiency to the naval service and put an end to a great wrong upon our seamen.

This appropriation is only for the balance of the present fiscal year—not for any deficiency otherwise—but it establishes a precedent which will be followed hereafter, that the cost of a sailor's outfit shall not be deducted from his pay. We clothe our soldiers and appropriate the money to pay the expenses. We appropriate annually—$100,000 this very year—for the clothing of the marines who tread the same decks with the sailors, and there is no special law needed to sanction it, for having an Army and Navy the right to appropriate for their subsistence and clothing follows as a matter of course. By a singular omission Congress, year after year, has neglected to appropriate for the clothing of the sailor.

The Navy Department has a Bureau of Provisions and Clothing. The gentleman from Maine [Mr. HALE] might as well argue that there is no law allowing provisions for the seamen, yet no one contends that the price of their food should be deducted from their pay. Now, each year we appropriate for the pay of the sailor. Does he receive the amount voted? No, sir! the very first day of his enlistment sixty dollars—three months' pay—are deducted from him and he is marked on the ship's book in debt for that much clothing, besides ten or twenty dollars to the shipping-master or boarding-house keeper, more of this clothing debt being added subsequently. Surely this great wrong is not generally known or it would not have been permitted so long. For months and months the sailor's family look in vain for a support of which the Government has deprived them. What is the consequence? The sailor feels that he has been entrapped and he often takes the first opportunity to desert. When a chance occurs there are sometimes fifty desertions at a time from this cause. But the chance does not generally occur for five or six months, for Jack Tar is not even allowed to go ashore until he has worked off this load of unjust debt.

Captain S. G. Luce, of the Navy, wrote to me, under date of June 8, 1874:

On board one of the ships of the squadron to which I was lately attached the indebtedness of the crew after being ten months on board averaged twenty-six dollars per man, and the total indebtedness of the crew of a first-rate, on leaving the United States not long since for a foreign station, amounted to $31,778. The rule under our present system is for a sailor to enter the Navy loaded down with debt for inferior clothing. To work off this debt is almost hopeless, so that men are often driven to desert in hopes of bettering their condition.

I have received from the Navy Department the following statement of desertions from our Navy between January 1, 1867, and October 1, 1873, and they continue in the same ratio: In 1867 there were 2,396; in 1868 there were 1,914; in 1869 there were 1,531; in 1870 there were 1,731; in 1871 there were 1,851; in 1872 there were 1,892; and in 1873 up to the 1st of October 1,294; making 12,639 desertions in less than seven years—nearly 50 per cent. more than the whole number of men now allowed the Navy.

Commodore Reynolds, late Chief of the Bureau of Equipment and Recruiting, writes: "We desire to give the seamen an outfit on enlistment without charge." The Chiefs of the Bureau of Provisions and Clothing have for years recommended this to be done. The Secretary of the Navy has urged it in his annual reports, and Secretary Robeson in his letter of March 24, 1874, transmitting to the Naval Committee the petition of the officers of the North Atlantic squadron—which I have before me—earnestly indorses their request.

Not only is this step demanded as a matter of right, but it will materially benefit the naval service, and so all these officers testify. Commodore Reynolds informs me that the average period of the desertions I have named is seven months, so that the Government loses the men just when it has educated them to be skilled seamen; and besides that, the deserter when still in debt carries off clothing for which a deficiency cannot fail to arise; in fact, the Senate has placed upon the sundry civil appropriation bill to-day, and very justly, an appropriation to cover a deficiency of the kind which has been accru-

ing for years, so that even in the matter of money the Government has not been the gainer by this injustice.

Every other government clothes its sailors. I know no law by which we deduct this cost from the money appropriated to pay our seamen. In fact I can find no regulation to authorize this cruel wrong. It is done simply in pursuance of a custom, originally adopted for the benefit of the paymasters who sold the clothing, which abuse has been abolished, a custom which would be more honored in the breach than in the observance. We pay for the clothing of the soldiers and marines every year of their service. Complete justice will not be had in this particular till we do the same for the sailors; but as reforms cannot always be accomplished at a bound, and the Navy Department and naval officers only plead for the outfit, let us at least give this outfit, and do so at once, for the four remaining months of this fiscal year. Start the sailor out of debt. You have no right to load him down with such an obligation. There are but eighty-five hundred men in our Navy; they seldom vote, and their petitions rarely reach these halls; but in peace and war the American sailors have reflected the highest credit on our country, and I shall be rejoiced if, before closing my congressional term, I can accomplish for them this act of supreme justice.

[Here the hammer fell.]

Mr. HALE, of Maine. I have taken some interest in the Navy and its sailors ever since I have been here. There is only one thing to be said about this appropriation. It is simply because the Bureau of Provisions and Clothing report that the appropriations have not been made large enough in the regular bill. This matter is cared for for the coming year by a clause in the sundry civil bill, which reads, "for clothing of the Navy, $150,000."

Mr. MYERS. This amendment is not to provide for that.

Mr. HALE, of Maine. If it is, there is no need, I think, for this appropriation. The appropriation in that bill is larger than that proposed by the gentleman from Pennsylvania, and large enough to meet all the wants of the Bureau. If, on the other hand, it is an appropriation which under the guise of a simple appropriation means to change the rules and regulations of the Navy Department, founded on law, then I am for one not willing to make that change here. This is not the place to make it. The amendment is subject first to the point of order which I have reserved; and if the point of order is not well taken, then I claim that here is no place for us to consider whether or not we can advantageously change a regulation which has existed for years. But the Senate has been liberal and has agreed to an appropriation of $150,000, and I have no information that leads me to believe that both these sums will be needed, and I do not think they are needed.

Mr. MYERS. I desire to be heard in reply for a moment.

Many MEMBERS. Vote! Vote!

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. MYERS. I move to strike out the last word and I desire to say a few words only. I shall detain the House but a very short time; I am in earnest in this matter.

Mr. GARFIELD. I ask a decision on the point of order.

The CHAIRMAN. The point of order is overruled.

Mr. MYERS. The provision to which the gentleman refers has been inserted in the sundry civil bill so as to give the Navy Department that deficiency which arises mainly out of this very wrong. It it is not to give the sailor his clothing free of charge. What I propose is that hereafter the sailor, on being given his outfit of clothing, shall have it as the soldier and the marine have it, free of charge. I find no regulation in the Book of Regulations of the Navy Department, and there is no law in the Revised Statutes which allows an officer of the Navy to deduct from the pay which we appropriate by law for the sailor the cost of his clothing.

It is time this wrong was corrected. I shall not be here longer than to-morrow, and as I stated I desire before my term expires to secure for the sailor this benefit, which is his right, and to prevent the wrong which he has hitherto been subjected to. We can do it here by providing that for the remainder of the fiscal year, in the enlistments hereafter occurring, this charge for clothing shall not be deducted from the sailor's pay. I hope the House will be as true to the sailors and to the necessities of the naval service as it has been to other defenders of the nation.

[Here the hammer fell.]

The question was taken on the amendment; and on a division there were—ayes 12, noes 25.

Mr. MYERS. I call for tellers.

Tellers were ordered; and Mr. MYERS and Mr. GARFIELD were appointed.

Mr. GARFIELD. I shall insist upon a full count, for here is an appropriation of $80,000 which is not asked for by the Department.

Mr. MYERS. It is asked for by a letter from the Secretary of the Navy.

The committee again divided; and the tellers reported—ayes 80, noes 68.

So the amendment was agreed to.

Mr. McCRARY. I ask permission of the House to turn back to line 415, for the purpose of moving an amendment which is approved by the Committee on Appropriations. My attention was called away at the time it was read. I move to insert after the paragraph ending line 415 the following:

For amount found due by the Fourth Auditor of the Treasury in settlement of claim of Francis Scala, late leader of the marine band, for commutation of quarters, being a deficiency for the fiscal year 1871, $737.80.

Mr. GARFIELD. That is correct.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

Indian office:

For this amount, or so much thereof as may be necessary to make up the deficiency in the general appropriation for the fiscal year ending June 30, 1875, for transportation of supplies provided for the Sioux Indians under treaty of April 29, 1868, including the Santee Sioux, the Yankton Sioux, and the Poncas, $75,000.

Mr. DUNNELL. I would like to have some explanation from the chairman of the Committee on Appropriations how so large a deficiency could have occurred in the supplies for a single year for this single tribe of Indians?

Mr. AVERILL. That is not a tribe of Indians; it embraces a great many tribes; it is a very large nation. If the gentleman will go there he will find about fifteen or twenty thousand Indians.

Mr. DUNNELL. The trouble with me was that it seemed to be a very large deficiency. An appropriation was made for the transportation of supplies, and how the Department could have incurred so large a deficiency as $75,000, I cannot understand.

Mr. PARKER, of Missouri. This is a deficiency for the fiscal year ending June 30, 1875, the present fiscal year. For the last fiscal year the Government appropriated $150,000 for this purpose, and last year the Department asked for the same sum for transportation, &c., for this year. We gave what we thought a sufficient amount—only one-half of what was asked—$75,000. They have made a showing to us which satisfies us that the Department cannot possibly get along during this fiscal year without the amount asked.

Mr. CREAMER. I move to strike out this paragraph. Inasmuch as the President and members of the Cabinet have unanimously admitted that they owe five thousand mechanics and laborers of this country $500,000, and this House has refused to pay them, I do not see why we should be asked to make up a deficiency of $75,000 for the Sioux Indians. I hope we will determine now whether we will vote this large appropriation for this purpose.

The motion to strike out was not agreed to.

Mr. STEELE. I move to insert after the paragraph last read the amendment which I send to the Clerk's desk.

The Clerk read as follows:

For this amount due Henry Housman for supplies furnished the Red Cloud agency in December, 1873, and January, 1874, being a deficiency for the fiscal year 1874, $339.66.

For this amount due E. Nagle for oats, &c., furnished the Red Cloud agency in December, 1873, and April, 1874, being a deficiency for the fiscal year 1874, $245.46.

For this amount due H. Haas for supplies furnished the Red Cloud agency in November and December, 1873, and January and February, 1874, being a deficiency for the fiscal year 1874, $377.11.

For this amount due Jules Ecoffey & Co. for supplies furnished the Red Cloud agency in August and September, 1873, being a deficiency for the fiscal year 1874, $94.85.

For this amount due Jules Ecoffey for the delivery at the Red Cloud agency, under contract of March, 1874, 119,000 feet of sawed lumber, being a deficiency for the fiscal year 1874, $1,779.05.

Mr. STEELE. I admit that it was with some surprise that, upon looking at this deficiency bill, which I supposed included all deficiencies for the service for the last fiscal year, I found there were some items which were not provided for. In Executive Document No. 69 of the present session of Congress I find these items which I have moved as an amendment. They are certified to by the Secretary of the Treasury to the Speaker of the House and to the House as being debts against the Government of the United States, and for which it is necessary for Congress to make an appropriation to pay.

I know all these men to whom these items relate. They are all residents of my Territory, all my constituents. The first, Mr. Housman, whose claim amounts to $339.66, is in no sense an Indian contractor. He is engaged in the hardware business in one of our towns, and has supplied articles to the Government for which he has not received pay. So it is with the other parties; they are all traders who have furnished supplies to the Government, which it honestly owes them for, and for which it has failed to pay.

[Here the hammer fell.]

Mr. GARFIELD. I want once for all to make the response which the Committee on Appropriations will make to a large number of amendments likely to be offered. In the document No. 69, to which the gentleman from Wyoming [Mr. STEELE] refers, which is the book of deficiency estimates, there occurs a series of small and large amounts of Indian deficiencies, covering about seven printed pages, and amounting in the total to $471,349.

Mr. PARKER, of Missouri. And in another place there are items to the amount of to $70,000 more.

Mr. GARFIELD. And in another place there are $70,000 more, making considerably more than half a million dollars composed of little and large sums. Not one word of explanation accompanies them except the simple, naked statement that they are sums found due. Now I have no doubt some of these claims are just and should be paid. In some cases it will be a hardship if they are not paid and paid now. But the Committee on Appropriations believe that we ought not to be a mere perfunctory organization, a mere nodding committee, to say "yes" to whatever the Department sends to us.

I went to the Interior Department myself; I called upon the Commissioner of Indian Affairs and said to him that we could not consent to make appropriations on the mere naked statement that they were deficiencies; that if we could do this, all we would have to do would be to appropriate year after year what the Department asked, and let it expend the money as it pleased; that, as a matter of good government and sound policy, there ought to be something more definite and precise upon which to base our appropriations. In response to my visit, the Commissioner of Indian Affairs sent me a letter in which he said that a part of these expenses grew out of unexpected emergencies and a part had arisen because we did not appropriate enough for the years in which the expenses were incurred. But it is a matter for Congress to judge whether we appropriate enough. I do not doubt that there are many of these items that ought to be provided for; but I cannot say which they are. If we put in any it will be only a matter of guess. I therefore think the Committee on Appropriation did right in omitting all. Let the Departments understand that we must have definite, specific information before we vote this class of appropriations.

Mr. MAGINNIS. Why is it that the Department can pay all these large Indian contracts without any difficulty, but when the Indian agents go to farmers and to laborers, and pile up these little bills of $40, $50, $60, or $100, there is no money to pay them? These accounts come here and pass through the Department; your Treasury officials allow them; but you rise here and say you will not pay them, because they are small amounts.

Mr. GARFIELD. Does anybody say that we will not pay them because they are small amounts?

Mr. McCORMICK. Mr. Chairman, I renew the amendment, and I do so to express my astonishment that the Committee on Appropriations should so deliberately ignore the estimates for deficiencies for the Indian service sent in by the Interior Department, and to be found in detail in House Executive Document No. 69.

When at the last session of Congress but a part of the deficiencies for the year ending June 30, 1874, were allowed, it was my clear understanding, as I find it was that of others, that at this session they should be provided for in full. In some remarks made on this floor May 11, 1874, I said:

> I regret that while the deficiency bill gives all that is asked to sweep away the indebtedness of the fiscal year ending June 30, 1873, it provides for less than one-half of the amount asked for the debt of the present year, and will thus enable the payment of something less than 50 per cent. upon claims many of which have been due from the first months of the year.

Now, when the Department requests an appropriation for this deficiency and for others which have since accrued, the committee take no action whatever. It will not do to say that the Department has been negligent, for so long ago as January 13 the document to which I have alluded, (Executive Document No. 69,) and in which the claims are itemized, was referred to the Committee on Appropriations, and if that committee wanted any explanations beyond those given, there has been ample time to get them from all sources. If application had been made to the territorial representatives they could have shown the urgent need of an appropriation to meet these deficiencies, but I cannot find that any one of them has been summoned before the committee or the sub-committee, or consulted in any way.

Mr. Chairman, these deficiencies are, as I took opportunity to say at the last session, the direct and natural result of the failure on the part of Congress to make adequate appropriations for the Indian service. Whatever criticism may be made upon the Interior Department, it cannot be denied that its estimates for the Indians have been promptly laid before Congress, and had they been treated as the estimates of other Departments have been, most if not all of these deficiencies would have been avoided. But it is a notorious fact that for years these estimates, in the face of every representation and exigency, have been ruthlessly reduced. Hundreds of thousands of dollars have been cut off, and yet the committee seem surprised that there are deficiencies. It would indeed be remarkable if there were none under such a state of affairs. All over the Indian country the Government has honest creditors whose patience is well-nigh exhausted by the gross and, as I think, wholly inexcusable neglect of Congress. It is costing the Department from 20 to 30 per cent. more to furnish Indian supplies than it would if they could be promptly paid for.

I say, as I have said before, that if any of the claims presented are thought to be extravagant or incorrect, they should be rejected; but I know that very many are not such, and that good men who have furnished supplies at fair rates and in good faith, who have really given effect and success to the so-called "peace policy," are, not a few of them, actually suffering for want of the money due from the Government. They have been used as no merchant would dare to use his creditors, and in a manner disgraceful in the extreme to a great government.

Whether it is wise or unwise to feed Indians, it is but just that, so long as it is the policy, the cost, however large it may be, should be promptly provided for and the credit of the Government sustained.

I hold in my hand a letter from the Commissioner of Indian Affairs, sent yesterday to the chairman of the Committee on Appropriations of the Senate, accompanied by a letter from the Secretary of the Interior, which I will print in connection with my remarks, simply calling attention to the fact that during the last three years there has accrued to the surplus fund out of the appropriations made for the Indian Office over $725,000.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 2, 1875.

SIR: I have the honor to inclose herewith copy of communication from the Commissioner of Indian Affairs, of this date, stating the necessity of certain deficiency appropriations for the service of his Bureau for the year ending June 30, 1875, and prior years.

I beg to invite your careful attention and consideration to this subject, and to the facts as stated by the Commissioner. Unless the relief asked for by him is granted, the Indian service must inevitably suffer serious detriment. His statement discloses both the propriety and necessity of the appropriations asked for, and arguments both of humanity and economy may be added to the considerations which he presents.

I desire to call attention especially to a few facts connected with this subject.

First. The appropriations for the years alluded to have been reduced much below the estimates made for the service.

Second. During a part of this time there has been absolutely returned to the Treasury out of the appropriations made for the Indian service in all its branches a sum nearly equal to the deficiency now asked for.

Third. The necessity for the excess of appropriation during the years prior to 1875 arose out of facts and circumstances mentioned by the Commissioner, over which the Department had no control, and the deficiencies thus created were rendered absolutely necessary by all the laws of humanity and economy.

Fourth. It is manifest, from the Commissioner's statement, that if these deficiencies had not been incurred, a much greater expenditure would probably have been necessary, and a great sacrifice of life involved, both among the Indian and white population.

Fifth. It may be said with justice, that the causes which led to the necessity for the deficiencies during these years were known to the President and the Secretary of the Interior, and that the administration of the Commissioner of Indian Affairs, in incurring such deficiencies, was substantially approved by both these officers.

In regard to the necessity for a deficiency appropriation for the year ending June 30, 1875, I invite particular attention.

It will be seen that without a deficiency appropriation for this year, it will be impossible to provide for the wants of a large body of Indians, for whose provision we are under obligation.

I must not fail to say that the economy and fidelity of the Commissioner in administering the appropriations for this year will challenge any fair criticism, however close. I do not believe any branch of the public service has been administered with greater economy, and the figures furnished by the Commissioner justify this conclusion.

The misrepresentations in regard to this subject made by interested parties, and others who are desirous of breaking down the present policy of the President, and possibly the want of full and correct information on the part of some who are its friends, justify me, I think, in this strong assertion.

I have felt it my duty to add all these reasons to what has been said by the Commissioner in favor of the deficiencies asked for, so that it may not be said that the Department has failed to lay before Congress as forcibly as possible all the facts in favor of the request now made.

Very respectfully,

C. DELANO, *Secretary.*

Hon. L. M. MORRILL,
Chairman Committee on Appropriations United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 2, 1875.

SIR: I have the honor to invite your attention to a subject the consideration of which I deem to be of vital importance to the public service committed to the administration of this Bureau.

On November 13, 1874, I had the honor to forward deficiency estimates for the fiscal year ending June 30, 1874, and prior years, amounting to $465,169.16. On January 19, 1875, I submitted a supplementary estimate, amounting to $70,618.80, for the same purpose. On December 12 and 14, 1874, I invited the attention of the Department to the necessity for additional appropriations, during the present year, for the purchase and transportation of supplies for the Sioux, amounting to $237,900. On December 21, 1874, I submitted an estimate for supplies, amounting to $175,000, required to subsist the Apaches in Arizona for the remainder the of present year ending June 30, 1875.

Of the deficiencies prior to June 30, 1874, $62,326.45 accrued prior to June 30, 1873. The estimates for these amounts failed to secure an appropriation at the last session, as did also an estimate for the deficiencies of 1874, which were known to exist, and were so reported at the last session. These deficiencies have been occasioned by inadequate appropriations. For the last three years the appropriations have fallen short of the estimates by the Department from $300,000 to $700,000 annually. They represent the aggregate of accounts which have been filed, and are admitted to be due for supplies and services actually furnished and rendered, and the failure to make the necessary appropriations will bring loss and hardship to many parties who have served the Government in good faith.

In the nature of the case, owing to the distant and widely-scattered fields of operations, and on account of the changes which are frequently occurring, against which no human foresight can provide, no other branch of the public service is so liable to exigencies which necessitate deficiencies as the Indian Bureau. But if the Bureau had not made the expenditures to meet the exigencies which have arisen in the service, loss of life, and untold damage upon the settlers in their vicinity, and warfare upon the Indians, at an expense tenfold greater than that actually incurred, would have been the result. Especially was this true during the years 1872 and 1873, in Arizona and New Mexico, when the Indians were being brought by the military upon reservations, and a corresponding increase of supplies to be purchased for them was absolutely required.

The part of the country under the ravages of the Apaches made it necessary to adopt the severest military orders respecting these Indians. They were promised by General Howard and General Crook, in the name of the President, that if they would come on reservations and remain at peace they should be fed; and that those who refused to come on, or left their reservations, should be shot. They were gathered and were fed, and this deficiency has resulted. If, in these circumstances, the Government had failed to feed them, it would have deserved the execration of mankind.

The main portion of the deficiency for the year ending June 30, 1874, was occasioned by the continued necessary expenditures in Arizona, upon the policy of feeding the Indians who were forced upon reservations by the miliary, for which an adequate provision, according to the estimates of the Department, was not made by Congress, and also by the gathering of the northern hostile Sioux at the Red Cloud and Spotted Tail agencies, who demanded rations, which the agent, being without troops, was powerless to refuse. The scanty supply of buffalo, which are rapidly disappearing from the old hunting-grounds of these Indians, drove them into these agencies, where most of them now are; and thus was created an emergency against which no foresight could have provided.

Respecting the deficiency appropriation asked for the year ending June 30, 1875. I have the honor to state that up to the present time, so far as known, there has

been no expenditure beyond the amounts appropriated; but it is a fact well ascertained that the appropriations made at the last session of Congress for feeding the Sioux and Apaches, and for transporting their supplies, will not be sufficient to provide for those Indians until the end of June next.

The estimated amounts still unprovided for are:

For transportation to the Sioux	$75,000
For subsistence of Sioux at Red Cloud and Spotted Tail agencies	162,900
For subsistence of Apaches of Arizona	175,000

One million nine hundred and fourteen thousand pounds of goods and coffee and sugar were purchased in New York and Philadelphia, and 7,315,000 pounds of flour, corn, pork, bacon, salt, &c., were purchased in Sioux City, Omaha, and Cheyenne, in all 9,229,000 pounds of freight, required to be transported to the —— different Sioux agencies in Dakota, of which 2,830,000 pounds were required to be carried from 200 to 260 miles by wagon after reaching the end of transportation by rail and water. For this service only $98,000 was appropriated, or an average of about one cent per pound. Any one familiar with the business of freighting will see that transportation cannot be procured at such rates, and to require the Indian Bureau to perform this service on this appropriation is to require an impossibility.

The additional supplies required at Spotted Tail and Red Cloud result from the fact that the hitherto hostile Northern Sioux who gathered at these agencies during the past year were not provided for according to estimate made to Congress during the last session, and consequently have repeated the demands of last year, and have taken the rations which were provided for other Indians. There is no reasonable doubt that a failure thus to provide for this class of Indians would have driven them away to be now engaged in depredations or in open conflict with the military.

Respecting the deficiencies anticipated in Arizona, I have to say that supplies for the present year have been purchased at lower rates than ever before; that the Indians have been definitely enrolled as to numbers; and, with the exception of Cochise's band of about eight hundred, the issues have been made to them in agencies which have been within the command of officers of the Army; and that respecting no part of the Indian service have I more confidence that both the Government and the Indians have been honestly dealt with than at these agencies in Arizona during the present year. And yet the amounts appropriated by Congress, which were below the estimates, will not be sufficient to feed and provide for these Indians till the end of June next.

It is proper to furnish a memorandum of prices that are now being paid for supplies for the Sioux and Apaches:

Beef for Arizona, gross weight, at the agencies	$2.69	per 100 pounds.
Beef for the Sioux, gross weight, at the agencies	2.30 1-30	per 100 pounds.
Flour for the Sioux, except Red Cloud agency, delivered at Sioux City	2.73	per 100 pounds.
Flour for the Red Cloud agency, delivered at Cheyenne	2.50	per 100 pounds.
Flour for the several agencies in Arizona, except a small amount at Rio Verde	$5.00 to 6.65	per 100 pounds.

A comparison of the cost of these supplies with the rates paid by the military at the same points will show a large balance in favor of the Indian service.

It is also proper to state that during the last three years there has accrued to the surplus fund out of the appropriations made for this Bureau over $725,000.

The law enacted in the appropriation bill forbids the Department incurring any indebtedness beyond the amounts appropriated. Up to the present time, with the possible exception of accounts for transportation, which have not yet been rendered, no such indebtedness has been incurred within the knowledge of this office, but unless additional funds are made available for the present year the alternative before the Department is either to violate this positive enactment or to cease feeding the Sioux and the Apaches about the 1st of May next.

The latter course, if adopted, can mean nothing but pillage and Indian warfare. It will leave without food and uncared for over thirty thousand Indians, who have been compelled to come upon reservations and are ordered to be shot by the military if they leave. They certainly will not stay in hunger; many of them will escape the military and will be sure to make their living somehow by plunder among the settlements.

I cannot believe that Congress, with these statements received as facts, will hesitate to make appropriation to prevent any such disaster and cruelty. But if that body should decline to so provide, it will be difficult, if not impossible, for the Department to make any further purchases, because it will be a virtual declaration by the highest authorities that no claims on account of supplies thus furnished will ever be allowed; and even if this were not true, in my judgment this case can no longer be treated by the Department as an emergency in the meaning of the law. That cannot be called an emergency which has been clearly foreseen in ample time to make provision therefor.

I have the honor to be, very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

The amendment was not agreed to.

Mr. MAGINNIS. I offer the following amendment:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Treasury to pay the adjusted accounts of the parties named in Executive Document No. 69, submitting estimates for the deficiency bill, due in consequence of deficiencies in the appropriations for the years 1872, 1873, and 1874, for the Indian service in the Territory of Montana, as awarded by the accounting officers of the Treasury Department, $14,681.39.

Mr. Chairman, I hold in my hand a list of accounts for the payment of which this appropriation is desired. The amount in the aggregate is about $15,000. Every one of these accounts has been passed by the Commissioner of Indian Affairs, and has been declared to be justly due by the accounting officers of the Treasury. They were all included in the letter of the Secretary of the Treasury making estimates for this deficiency bill, and known as Executive Document No. 69. For some unaccountable reason, or rather from some whim, the Committee on Appropriations has omitted these items from its bill. These sums are mostly due to farmers, merchants, and laborers in Missoula County, in the Territory I have the honor to represent. Not one of the men whose claims are embraced in this paper can be called an Indian contractor. If they were Indian contractors I should not be speaking for them here; nor would it be necessary, for that class generally understand their business so well that they can carry through their claims without any aid of mine. The great contractors, sir, are rarely left behind to the tender mercies of a deficiency bill. But these poor men—farmers, laborers, hotelkeepers, and merchants—have not been paid; and it is desired to still longer refuse them payment. If your Indian agents or officers exceeded their duty and made purchases without authority or issued vouchers in excess of their appropriations, punish them, but do not victimize the people who honestly furnished the supplies or performed the labor for which these vouchers were issued. These claims range down as low as thirty and forty dollars, and have been due one, two, and in some instances three years; and justice requires that the Government should pay such debts even more promptly than it pays its larger and wealthier contractors and many others whose claims pass this House. And a Government that plumes itself on the fidelity with which it meets its pledges to its bondholders cannot afford to repudiate its acknowledged debts to these poorer men who hold its smaller vouchers.

Mr. STEELE. The chairman of the Committee on Appropriations says that no one talks of repudiating these debts. I answer that if we fail to appropriate the money necessary to pay them it is repudiating them. There are no means by which these people can receive the amounts due to them unless the Congress of the United States will make the necessary appropriation. Mr. Chairman, it is attempted to create the impression that the failure to make these appropriations will be no hardship. Now, sir, one of the men interested in the amendment offered by me, to the amount of $1,800—money due him by the United States and which has been due and owing him since the end of the last fiscal year—money due him for articles furnished the Government and which were cash to him, I see by the last paper received by me from home has had his property offered for sale on execution to pay debts and judgments against him, while the United States owes that man the money which, if they would pay him, might have saved him from this trouble. Sir, it is neither honest nor just in the Government to treat its citizens and creditors in this manner.

Now, sir, the Commissioner of Indian Affairs says that unless Congress makes this appropriation it will be impossible to pay these men. Therefore I say, whether you expressly and honestly repudiate your debts by refusing to pay them or do it tacitly and dishonestly by failing to make provision to pay them, it amounts in the end to the same thing. It amounts to repudiation, and nothing else. If you do not make provision here to pay these just debts you will refuse to do what the Indian Department has reported that you ought to do. You will refuse to pay demands which your own Treasury Department has audited and passed and certified to this House to be proper and just. You will fail to pay debts that you are in duty bound to pay, and fail to do what common honesty commands that you do.

Sir, these claims are honest and just; no man has risen here, and no man can rise here and say that one dollar of these claims is unjust or dishonest. There has been no robbery in any of these items; there are no large items. They are no claims of large contractors, but the honest demands of honest men against the Government. There are no millions involved in this appropriation, but perhaps if there were millions involved in it there would not be so much difficulty in obtaining payment.

Mr. Chairman, I hope that this House will have the courage and honesty to make the necessary appropriations to pay the honest and just debts of the Government to its own citizens.

The amendment was agreed to.

Mr. CANNON, of Utah. I offer the following amendment.

The Clerk read as follows:

To enable the Secretary of the Treasury to pay the adjusted accounts of parties named in Executive Document No. 69, due in consequence of deficiencies in the appropriations for the years 1872, 1873, and 1874, for the Indian service in the Territory of Utah, as awarded by the accounting officers of the Treasury, $10,113.94.

Mr. CANNON, of Utah. Mr. Chairman, this comprises the same class of cases as those which have been described by the gentleman from Arizona, [Mr. MCCORMICK,] the gentleman from Wyoming, [Mr. STEELE,] and the gentleman from Montana, [Mr. MAGINNIS.] It is to pay for labor done for the Government. It is to pay laborers upon Indian farms, for furnishing beef, for merchandise, and for other necessary articles supplied to the Indians. These expenditures were necessary to enable the Indian agents to carry on their business successfully, and these men ought to be compensated for the labor which they have done and for the goods which they have furnished to these agents of the Government. It would be the greatest hardship to the people to whom these amounts are due if this appropriation should not be agreed to at this time. I know it is a small amount, but nevertheless it is one which will do immeasurable good to those who are interested in getting what is due them. I know myself many of these debts to be due. I know some of the parties who have given credit to the Department. I also know that it was expected in good faith at this session of Congress an appropriation would be inserted in the deficiency appropriation bill to cover all these items. It is a small amount, as I have said, but it is to pay debts due and which ought to be paid without further delay.

Mr. MCCORMICK. The House should know that beyond the gross injustice to creditors of the Government which must result from a failure to make the appropriation for deficiencies for the last fiscal year, there is a probability that if one is not made to provide supplies for the remainder of the present year the Indians now upon reservations must starve or go upon raids of robbery and murder, to quell which will cost vastly more than all the money now asked by the Interior Department.

I call upon gentlemen upon this floor who have advocated the

"peace policy" to prove their faith in it by giving appropriations to sustain it. They should not talk in one way and act in another. They must know that Indians cannot be kept quiet upon fine words and smooth promises. They must know that the responsibility of this whole business rests right here much more than with any Department, and that it is a responsibility which those who profess to desire peace upon the frontier cannot escape.

If the "peace policy" is the policy of the Government, the Government should not be the first to complain of its cost and to expose to embarrassment and loss those who endeavor in good faith to carry it out. If it is an expensive policy that is no fault of the people of the frontier, and ought to have been considered before it was adopted and made an Administration measure.

The amendment was rejected.

The Clerk read as follows:

Indian office:

For this amount, or so much thereof as may be necessary to make up the deficiency in the general appropriation for the fiscal year ending June 30, 1875, for transportation of supplies provided for the Sioux Indians under treaty of April 29, 1868, including the Santee Sioux, the Yankton Sioux, and the Poncas, $75,000.

Mr. SHANKS. I am directed by the Committee on Indian Affairs to offer the following amendment.

The Clerk read as follows:

For this amount, to be paid to the Seminole Nation of Indians for the difference between the amount paid by the United States and the Creeks for the reservation now occupied by the Seminoles by treaty of June 14, 1866, and the amount deducted for the same from the money due them for their former territory ceded to the United States by treaty of March 25, 1838, $40,000; the same to be appropriated as follows: one-half to be applied, under the direction of the Secretary of the Interior, to the payment of the present debts of the Seminole Nation, and the balance to be paid to said Indians *per capita* in the same way as annuities are paid.

Mr. SHANKS. This is the unanimous report of the Committee on Indian Affairs, and is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs.

The amendment was agreed to.

Mr. LOWE. I offer the following amendment.

The Clerk read as follows:

After line 485 insert the following:

That the Secretary of the Interior be, and is hereby, authorized, with the consent of the citizen class of Pottawatomie Indians, to sell not exceeding $20,000 worth of their bonds now held in trust by him, and to apply the proceeds of such sale in the purchase of subsistence, seeds, and agricultural implements, and for other beneficial objects for said Pottawatomies.

Mr. LOWE. I offer this at the request of the Commissioner of Indian Affairs and the Department of the Interior.

Mr. GARFIELD. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the following paragraph:

For the balance still due the confederated tribes of the Kaskaskias, Peorias, Weas, and Piankeshaws, arising from the sale of their "trust lands" by William Brindle, late receiver of public moneys at Lecompton, Kansas, $1,209.88.

Mr. PARKER, of Missouri. I move to amend by striking out the paragraph just read. This has been put into another bill and has got into this bill by mistake.

Mr. LOWE. That is right.

The motion to strike out the paragraph was agreed to.

Mr. PARKER, of Missouri. I offer the following amendment, to come in after the amendment of the gentleman from Kansas [Mr. LOWE] just adopted.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary, to pay deficiencies for expenses contracted by the special commissioners, Powell and Ingles, in the removal of Pi-Ute Indians in 1873 and 1874, as by letter of Commissioner on Indian Affairs and books of said office, $15,935.83.

The amendment was agreed to.

Mr. BUTLER, of Tennessee. I offer the following amendment.

The Clerk read as follows:

Add to the bill the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Secretary of the Treasury all stocks and evidences of indebtedness that may be due and held in trust by the Secretary of the Interior on account of the Creek orphan fund, arising under the provisions of the treaty with the Creek Nation of March 24, 1832, whereupon it shall be the duty of the Secretary of the Treasury to issue United States 5 per cent. registered bonds, with interest accruing on the same from July 1, 1874, and which said bonds shall be held in trust by the Secretary of the Interior, who may, at the request of the said orphans or their legal representatives, cause the same to be converted into money, to be applied for the benefit of the Creek orphans of 1832, or their legal heirs and representatives, in accordance with the provisions of said treaty, in such sums and at such times as may be required: *Provided*, That no part of said money herein provided for shall be paid or delivered until the Creek council shall, by act duly passed, and a certified copy thereof filed in the office of the Secretary of the Interior, certifying by name and amounts severally the persons entitled thereto, as such orphans, or their legal heirs, to whom it shall be severally paid: *And provided further*, That any excess that shall remain of said fund, after paying said orphans and heirs as hereinbefore provided, or so much thereof as may be necessary, shall be retained by the Government of the United States for the purposes of refunding to the Treasury of the United States the amount paid to and for certain loyal Creek refugees in pursuance of a joint resolution of Congress, approved February 22, 1862; and that, further, any balance of said fund shall be placed in the treasury of the Creek Nation, and become a common fund of said Creek Nation, and become a national fund, to be used by them as they may in council determine: *And provided further*, That no officer of the Government of the United shall either entertain, recognize, or pay to any claim agent, attorney, or pretended attorney, any fee or compensation for any services rendered, or pretended to have been rendered, in the presentation of this claim.

Mr. GARFIELD. I make the point of order on that amendment. This is the old Creek claims affair, which is older than I am, and has been here in Congress seeking to be passed as a bill ever since I have been here. But it has never been offered in an appropriation bill, because it is acknowledged everywhere that if passed at all it must be passed as a claim before it can be paid.

The CHAIRMAN. The point of order is well taken.

Mr. ELKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 504 add the following:

For this amount of the deficiency in the incidental expenses in Indian service, Territory of New Mexico, $50,000, in accordance with the recommendation of the Secretary of the Treasury in his letter of January 8, 1875.

Mr. GARFIELD. I make the point of order on that amendment.

Mr. ELKINS. There is no point of order in it. What is the gentleman's point of order? On what ground does he object?

Mr. GARFIELD. There is no appropriation for this purpose, and there is no precedent for voting a deficiency in such a case.

Mr. SAYLER, of Indiana. I ask the gentleman from New Mexico what legislation there is supporting this amendment?

Mr. ELKINS. There is no legislation in it.

Mr. SAYLER, of Indiana. Then it is subject to the point of order. A deficiency is in the nature of supplying an appropriation already made. A deficiency appropriation must be predicated on existing legislation, and the same rule applies in my judgment to a deficiency that belongs to the original appropriation.

The CHAIRMAN. The Chair thinks the point of order must be sustained.

Mr. ELKINS. May I submit a remark? This is a deficiency to supply a want in an appropriation heretofore made by Congress for this purpose. It is in the line of the bill. It is exactly in accordance with other deficiencies asked for in this bill, and is recommended by the Secretary of the Treasury to supply a deficiency.

The CHAIRMAN. Is it predicated on existing law?

Mr. ELKINS. Yes, sir.

Mr. SAYLER, of Indiana. Where is the law?

Mr. GARFIELD. I know of no appropriation heretofore made of which this is to supply a deficiency.

Mr. ELKINS. Here is a letter from the Secretary of the Treasury recommending that this amount be allowed and asking Congress to pass the deficiency.

The CHAIRMAN. This paragraph may be passed over until the chairman of the Committee on Appropriations ascertains whether there is any law warranting the amendment.

Mr. ELKINS. I ask that the letter may be read.

Mr. CONGER. If this is to supply a deficiency in an appropriation already made, is it not in order?

The CHAIRMAN. The chairman of the Committee on Appropriations says he does not so understand it. It will be informally passed over until the chairman of the committee ascertains the fact, the point of order on the amendment being reserved.

The Clerk read as follows:

TREASURY DEPARTMENT.

To pay to internal-revenue collectors, assessors, and other internal-revenue officers their salaries, commissions, and expenses allowed by law, as have been or may be ascertained and certified by the accounting officers of the Treasury Department; and to pay such further allowances as have been or may be granted to such collectors and assessors by the Secretary of the Treasury, in lieu of such salaries and commissions; and to pay miscellaneous expenses of carrying into effect the various provisions of the several acts providing for internal revenue, being for the service of the ten years ending June 30, 1872, $200,000.

Mr. SHELDON. I offer the following amendment to come in after that paragraph:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed, in the settlement of the accounts of E. Boyd Pendleton, late collector of the fifth district of Virginia, to audit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collector R. W. Hobson, it first having been proven to the satisfaction of the Treasurer that such embezzlement or losses did not occur through any fault or negligence of said Pendleton: *Provided*, That in case any of the money so stolen or embezzled shall be recovered the same shall inure to the benefit of the United States.

The amendment was agreed to.

The Clerk read as follows:

To pay such claims for services rendered and expenses incurred in detecting and bringing to trial and punishment persons guilty of violating internal-revenue laws, or conniving at the same, as have been or may be allowed and certified by the proper officers of the Treasury Department, as provided by law, being for the service of the five years ending June 30, 1872, $20,000.

Mr. STRAIT. I offer the following amendment:

That the provisions contained in the act approved March 3, 1869, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid to ½ of 1 per cent. for said services.

Mr. GARFIELD. I understand that the Committee on Public Buildings and Grounds are unanimously in favor of this amendment regulating the pay and allowances of the disbursing agents on the erection of public buildings. I do not know that there is any objection to it.

The amendment was agreed to.

Mr. SHELDON. I offer the following amendment, to come in after the one just adopted:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to give John S. Chapman, late collector of internal revenue for the second district in the State of Louisiana, credit in the settlement of his official accounts for the sum of $900 taxes collected, which was lost or stolen while in course of transmittal, in a registered letter, through the Post-Office Department.

Mr. SAYLER, of Indiana. I raise the point of order on that amendment, and object to it until I can hear something further in regard to it.

Mr. SHELDON. This amendment is unanimously reported from the Committee on Ways and Means. It is a case where this man's accounts have been settled and where this loss clearly occurred through default on the part of the Post-Office Department.

Mr. SAYLER, of Indiana. It is a claim like every other claim on the Calendar, and I insist on the point of order on it.

Mr. BURCHARD. The gentleman from Louisiana [Mr. SHELDON] is mistaken in saying that it is unanimously reported by the Committee on Ways and Means.

Mr. SHELDON. I was not aware that there was any objection to it.

Mr. SAYLER, of Indiana. It is like every other claim on the Calendar.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

The Clerk resumed the reading of the bill, and read as follows:

WAR DEPARTMENT.

To pay claims of officers and enlisted men of the regular Army for back pay that may be due them on pay-rolls, final accounts, and Treasury certificates, being for the service of the fiscal year 1871 and prior years, $23,711.75.

Mr. MAYNARD. I have a report to make to the House from the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill. I think it important that it should be acted on promptly and at this time. I move, therefore, that the committee rise, in order that when we get into the House I can have an opportunity to present that report.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HAZELTON, of Wisconsin, reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MAYNARD. I rise to a privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

The conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, have been unable to agree.

HORACE MAYNARD,
CHARLES O'NEILL,
JAMES C. ROBINSON,
Managers on the part of the House.

LOT M. MORRILL,
GEORGE F. EDMUNDS,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. MAYNARD. Ordinarily I should ask the action of the House upon the report as submitted, and that another conference be asked. But this is the fourth conference we have had upon this bill. It is proper, therefore, and I beg the indulgence of the House while I do so, to make a statement somewhat in detail as to the exact points of difference between the two Houses.

As this bill passed the House originally it contained provisions for the payment of clerks and other employés of the Senate, and for the payment of clerks and other employés of the House. When the bill went to the Senate that body thought proper, on the one hand, to increase the pay that we had designated for their clerks and employés, and on the other to strike down the pay we had fixed for our clerks and employés—and notably, and let me have the attention of the House to this—the pay of the Chief Clerk and the journal clerk of the House, the pay of the two reading clerks, of the tally clerk, and of the assistant journal clerk, and also the pay of our stenographers for committees.

Upon going into conference the conferees on the part of the House expressed themselves content to allow the Senate to adjust the pay of their employés as they might think proper. The Senate conferees, however, as I understood, expressed a willingness to recede from the increase which they had voted for their employés, but they were not willing to recede from their amendments by which they struck down the pay that we had fixed for our employés.

Mr. G. F. HOAR. What reason do they give for that?

Mr. MAYNARD. I know of no reason excepting that they thought it was too much. I will remark here that the sums which we fixed are the same that appeared in the appropriation bill of last year; that is, for the Chief Clerk and the journal clerk $3,600 each, as long as the present officers are incumbents; and for the assistant journal clerk, the tally clerk, and the two reading clerks, $3,000 each. The Senate struck down those amounts, for the first two clerks to $3,000 each, and for the others to $2,592, the same amount that we pay to the other assistant clerks and to the clerk of the Committee on Ways and Means and the clerk of the Committee on Appropriations.

After discussion, however, the Senate conferees submitted to us a proposition which they authorized us to report to the House. It is that they are willing to recede from their amendments so far as the Chief Clerk and the journal clerk of the House are concerned, but expect and require us to give up with respect to their amendments concerning the two reading clerks, the tally clerk, and the assistant journal clerk. The conferees on the part of the House did not feel authorized to agree to that, and therefore we have disagreed in the conference.

I have thought it proper to state the precise point at issue: Shall we adhere to the sums which we have indicated as in our judgment only adequate to the payment of the officials I have named, or shall we recede and agree to pay them the sums indicated by the amendments of the Senate?

Mr. RANDALL. Have you ever known the Senate to undertake before to fix the compensation of the clerks and employés of the House?

Mr. BECK. How many conferences have been had on this bill?

Mr. MAYNARD. We have had four conferences. I suppose the only method by which we can obtain an expression of the opinion of the House is for me to submit a motion.

Mr. HALE, of Maine. Before the gentleman does that allow me to ask him a question. Did the same point come up in this last conference that came up in the previous conferences; and has that point prevented the accord between the two bodies?

Mr. MAYNARD. Precisely the same question, except that in this conference the conferees on the part of the Senate agreed to concede the sums that we have designated as the salaries of the chief clerk and the journal clerk, but requires us to recede from the sums that we designated as the salaries of the other clerks.

Mr. HALE, of Maine. The only point that has defeated all the conferences has been in reference to the pay of the clerks?

Mr. MAYNARD, That is the only point. There were one or two other minor officers of the House, the assistant postmaster whose pay is reduced, and our telegraphic operator whose pay is reduced, and our two stenographers of committees whose pay we fixed at $5,000, and the Senate proposes to reduce it to $4,200.

Mr. HALE, of Maine. There is nothing else in the whole bill, but what they agree to?

Mr. MAYNARD. Nothing else, I belive.

Mr. HALE, of Maine. We ought to get this bill through as soon as possible, because it is now less than twenty-four hours from the close of the session.

Mr. O'BRIEN. I think we ought never to submit to the dictation of the Senate. It is a question of right and of proper dignity, and we ought never to submit.

Mr. BECK. Does the gentleman from Tennessee [Mr. MAYNARD] tell us that we must either accede to the demands of the Senate or lose this bill?

Mr. MAYNARD. I have not so stated; I am not authorized so to state.

Mr. BECK. I do not want to risk the loss of the bill. I would give up almost anything else rather than do that.

Mr. RANDALL. There is no great danger of that; I think I may say, no danger. The Senate has now receded half way; and if we stand firm, I think that body will take the remaining step backward.

Mr. HALE, of Maine. But suppose they do not.

Mr. KELLOGG. What is now the difference between the two Houses

Mr. RANDALL. Only $1,600.

Mr. MAYNARD. I move that the House insist on its disagreement and ask another conference with the Senate.

Mr. HOLMAN. I move that the House recede from its disagreement upon the point in question. The amendment upon which the Senate insists merely puts these salaries back to where we put them ourselves by the act repealing the salary-increasing features of the act of March 3, 1873.

Mr. O'BRIEN. I think we had better stand by the law that has been last passed.

The question being taken on the motion of Mr. HOLMAN, there were ayes 32, noes not counted.

So the motion was not agreed to.

Mr. RANDALL. Would it be in order to move that, if the House insists, the same conferees shall be appointed.

The SPEAKER. If the House should again insist, the Chair, having within his discretion the appointment of conferees, would appoint the same gentlemen making this report.

Mr. RANDALL. I understand the gentleman from Tennessee to say that the Senate conferees have already receded in part.

The question being taken on the motion of Mr. MAYNARD, it was agreed to.

The SPEAKER. The Chair reappoints the same conferees.

WASHINGTON MARKET COMPANY.

Mr. CLARK, of New Jersey. I move to suspend the rules and pass a bill which has been approved by the Committee on the District of Columbia. It is a bill to amend an act entitled "An act to incorporate the Washington Market Company."

The bill was read, as follows:

Be it enacted, &c., That all duties, powers, and authority in the act of May 20, 1870, entitled "An act to incorporate the Washington Market Company," imposed and conferred upon the mayor and common council of the city of Washington, or upon the mayor and alderman of said city, shall be imposed and conferred upon, and may be exercised by, the executive department of the District of Columbia for the time being, or the senior officer thereof, or the chief justice of the supreme judicial court of said District.

SEC. 2. That the right of any occupant who may hereafter occupy any stalls or stands, to the possession thereof, shall be regarded as his personal property, subject to revert to the said market company on non-payment of the advance monthly rent or any amount due for use and occupation, to be paid on the last secular day of the preceding month; and on the non-payment of the advance monthly rent or amount due for use and occupation, the said company shall be entitled, at any time thereafter, on demand, on the premises, of payment of the amount due and unpaid, to re-enter upon and repossess the said premises; and on refusal or neglect of the said occupant to vacate and deliver up the said premises, the market company shall have relief under the second section of the act entitled "An act to regulate proceedings between landlords and tenants in the District of Columbia," approved July 4, 1864.

Mr. WILLARD, of Vermont. I understand that there is no particular objection to the bill except that the words "who may hereafter occupy" should be changed to read "who may hereafter rent." With that modification I do not object to the bill.

The SPEAKER. The Chair hears no objection to the modification.

The motion to suspend the rules was agreed to, two-thirds voting in favor thereof; and the bill (H. R. No. 4862) was passed.

MILITARY ACADEMY BAND.

Mr. YOUNG, of Georgia. By direction of the Committee on Military Affairs, I ask unanimous consent that it may be in order in Committee of the Whole to offer the following as an amendment to the deficiency appropriation bill:

That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band; that the teacher of music shall receive ninety dollars per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that of the enlisted musicians of the band, ten shall each be paid thirty-four dollars per month, and the remaining thirty shall each be paid thirty dollars per month; and that the enlisted musicians of the band shall have the benefits as to pay arising from re-enlistments and length of service applicable to other enlisted men of the Army.

This is the unanimous report of the Committee on Military Affairs after investigating the subject, and the measure has been recommended by two Boards of Visitors to the Military Academy.

The SPEAKER. Is there unanimous consent that this may be offered in Committee of the Whole as an amendment to the deficiency bill?

Mr. HOLMAN. I object.

Mr. YOUNG, of Georgia. I move to suspend the rules to make the proposition in order.

The motion was agreed to; there being ayes 97, noes not counted.

SURETIES OF DAVID L. STANTON.

Mr. NIBLACK. I move to suspend the rules so that it shall be in order in Committee of the Whole to offer as an amendment to the deficiency appropriation bill the following, which has been approved by the Committee on Ways and Means:

That John T. Ensor, Zephaniah Poteet, and the other sureties of David L. Stanton, late collector of internal revenue for the fifth district of Maryland, by bond to the United States dated April 24, 1869, be, and they are hereby, released from their said liability arising from any defalcation of the said David L. Stanton as such collector; and the proper officer of the Treasury Department be, and he is hereby, authorized and directed to dismiss any and all suits that may have been instituted and are now pending in favor of the United States against the sureties aforesaid growing out of the default of the said collector.

Mr. NIBLACK. I trust there will be no objection. I will explain it when it comes to be voted on in committee.

The rules were suspended, and the amendment made in order to the deficiency appropriation bill.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I move that the rules be now suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the deficiency appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union on the deficiency appropriation bill, (Mr. HAZELTON, of Wisconsin, in the chair.)

Mr. PLATT, of New York. I move to insert the following at the end of line 63, page 26.

The Clerk read as follows:

The Postmaster-General is hereby authorized to make such transfer in the accounts of his Department for the current fiscal year as may be necessary by reason of the changes of the post-offices in the newly annexed part of the city of New York to the stations of the New York City post-office.

Mr. GARFIELD. I have no objection to that amendment, but it should come in at the end of the post-office section.

Mr. POTTER. That is where it is proposed to be inserted.

The amendment was agreed to.

The CHAIRMAN. The point of order reserved is on the amendment of the gentleman from New Mexico, [Mr. ELKINS.] The Chair thinks the point of order is not well taken. The amendment embraces items covered by law, and are therefore legitimately in the deficiency appropriation bill. The Clerk will again read the amendment of the gentleman from New Mexico.

The Clerk read as follows:

For this amount for the deficiency in the incidental expenses of the Indian service in New Mexico, as an additional deficiency in the deficiency bill approved June 22, 1874, $50,000, in accordance with the recommendation of the Secretary of the Treasury in his letter of January 8, 1875, to the House of Representatives.

Mr. BECK. I wish to know what that amendment is.

Mr. GARFIELD. I desire to say that I cannot see any merit in appropriating $50,000 for New Mexico or any other Territory when there has been no estimate sent in to the Committee on Appropriations, no request bearing on this, no demand from the proper Department asking for the insertion of any such appropriation. It is only swelling this deficiency appropriation bill to please this, that, or the other gentleman.

Mr. ELKINS. Mr. Chairman, I wish to reply to the gentleman from Ohio, chairman of the Committee on Appropriations. He is mistaken in the statement he has just made, as this deficiency is not only asked for by the Secretary of the Treasury, but also by the Secretary of the Interior, and by the Commissioner of Indian Affairs. The items covered by my amendment are embraced in the letter of the Secretary of the Treasury of January 8, 1875, to the House of Representatives. There are items embraced as low as $14, and so on up to $100 and $120; none higher than $2,000. This appropriation is to pay for vouchers about which there is and can be no question. The vouchers have been approved by the Indian Department. I challenge any gentleman upon this floor to state any good and valid objection to any of them. They are due and ought to be paid, and it is necessary to make this appropriation for that purpose.

Mr. GARFIELD. Does the Delegate from New Mexico mean to say that this $50,000 is an aggregation of a great many small claims?

Mr. ELKINS. It is; and here are the items set forth in detail in the letter of the Secretary of the Treasury.

Mr. GARFIELD. There is nothing in the language of the gentleman's amendment to identify them. I say there has been no request sent to the Committee on Appropriations to make this appropriation of $50,000. In the amendment offered and now pending there is no limitation whatever. If the gentleman means that it is an aggregation of all these smaller items why did he not say so?

Mr. ELKINS. It does say so.

Mr. GARFIELD. O, no; he has left that out.

Mr. ELKINS. The amendment states that it is in accordance with the letter of the Secretary of the Treasury of January 8, 1875. It also has been recommended by the Department of the Interior under the law for the payment of incidental expenses of the Indian service in New Mexico. Here are the items; many very small, running down as low, as I have said, to $14. I do not wish to specify all these items in detail in the amendment. It is not necessary. I think the amendment is sufficiently explicit. Now, does the gentleman from Ohio wish to repudiate the action of the Secretary of the Interior and the Indian Department? These are just and legal debts contracted by the Government, and ought to be paid. There can be no question about that whatever. I hope the amendment will be adopted.

The CHAIRMAN. The gentlemen's time has expired.

Mr. LOUGHRIDGE. I will take the floor and yield my time to the gentlemen from New Mexico.

Mr. ELKINS. I will yield to the gentleman from Arizona to ask me a question.

Mr. McCORMICK. Let me ask the gentleman from New Mexico, whether, in his judgment, there would be any need for appropriations to supply these deficiencies if the appropriation asked for by the Department were made in accordance with their carefully-prepared estimates and not cut down as they have been?

Mr. ELKINS. If the appropriations were made as asked for by the Department there would be no necessity to ask for this appropriation to supply deficiencies.

Now I do not see the necessity or the reason for inviting proposals and asking people to furnish beef, corn, and other supplies to the Indian Department and then after they have been supplied to the Government refusing to make appropriation to pay for them. They are debts due by the Government, and are sanctioned by the pledge of the faith of the Government. The gentleman from Ohio need not wave his hands and say there is nothing to authorize this. The Secretary of the Treasury, as I have said, has recommended the appropriation. The Indian Department has the vouchers on file and payment ought to be made, for the Government has received ample consideration. These vouchers are held by poor people for small amounts for goods which they have supplied. No one appears here to urge their claims upon this floor save a humble Delegate who, with a voteless voice, appeals to the House in their behalf that simple justice be done them.

The action of the committee in refusing to allow these deficiencies is in effect a repudiation of the just debts of the Government, and the House should be tardy in committing the country to this outrage, which cannot be justified on any theory.

It is said the Department exceeded the appropriation. This may be the case; but I submit if it is just for the Government, through

its highest officer, the Secretary of the Interior, to purchase supplies from the people of the frontier, use the same in the interest of the public service, and then refuse payment because the appropriation may not have been sufficient. An officer armed with the commission of the Government is entitled to the confidence of the people; and they have a right to believe that his acts will be respected.

The committee divided; and there were—ayes 18, noes 74.

Mr. ELKINS demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. ELKINS were appointed.

The committee again divided; and the tellers reported—ayes 50, noes 99.

So the amendment was rejected.

The Clerk read as follows:

To pay claims of officers and enlisted men of the volunteer service, or their heirs and assigns, for arrears of pay that may be certified to be due them by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, $597,428.40.

Mr. GARFIELD. I move after the word "pay," in line 65, to insert "or balance."

The amendment was agreed to.

Mr. GARFIELD. I desire to make a statement and a request. All from page 26 forward to the end of the section on the thirty-third page is simply to authorize the continuation of old matters and there is no new appropriation out of the Treasury in any of them. I desire to make a verbal correction on the thirty-third page, and then I will ask the committee to dispense with the reading of the rest of that section.

To make that correction I offer the following amendment:

In line 234 strike out "$10,000;" and insert "$20,000;" so the paragraph will read:
For payment of unsettled claims now pending before the Department for defraying expenses of United States courts, being for the service of the fiscal year 1871 and prior years, $20,000.

The following letter from the Treasury Department explains the necessity of this amendment:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE.
Washington, D. C., March 3, 1875.

SIR: In December last I requested the Secretary of the Treasury to apply for a reappropriation of $10,000 to defray expenses of pending claims against the judiciary fund, which accrued prior to July 1, 1871. Since then additional claims have come in, and I have now to request that you will please change the amount from $10,000 to $20,000. If there be a surplus it will of course be covered to the credit of the surplus fund.

Among the claims presented is one amounting to $1,300 from Francis L. Dalton, late United States marshal for the eastern district of New York. It has not yet been examined.

Very respectfully,

WM. HEMPHILL JONES,
Acting Comptroller.

Hon. JAMES A. GARFIELD,
House of Representatives.

The amendment was agreed to; and by unanimous consent the reading of the bill from page 26 to page 33 was dispensed with.

Here the committee informally rose.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 420) to amend an act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

Mr. PENDLETON, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

An act (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road;

An act (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes; and

An act (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. KELLOGG. I desire to offer an additional section, to be inserted on page 33, what I send to the desk. I understand that this is offered with the sanction of the Committee on Appropriations.

The Clerk read as follows:

SEC. —. The Secretary of the Treasury is hereby authorized and directed to pay the sum of $19,200 in gold, or its equivalent in legal tender notes, in pursuance of a judgment in favor of Edward Mesnard against the brigantine Scylla, her tackle, apparel, and cargo, (No. 7903,) rendered on the 11th day of May, A. D. 1866, in the United States district court for the eastern district of Louisiana, for the restoration of the said brigantine Scylla, her tackle, apparel, and cargo, and $13,200 in gold; of which said judgment Charles W. Adams, of New York, is the assignee and owner, and also, the sum of $6,000 in gold, taken from said Adams: *Provided*, That before such payment shall be made the said assignee shall deliver to the Secretary of the Treasury a full discharge of said judgment for said gold, in duplicate, and also a receipt in full for the sum of $6,000 in gold, delivered by him to Captain John L. Routt, assistant quartermaster United States Army, on or about the 30th day of January, A. D. 1864.

Mr. LAWRENCE. I make the point of order on that amendment.

Mr. KELLOGG. This money has been in the Treasury since 1864.

Mr. LAWRENCE. It has been subjected to an investigation by the Committee on War Claims.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KELLOGG. It is a violation of all decency to keep this man's money.

The Clerk resumed and completed the reading of the bill.

Mr. MACDOUGALL. I offer the amendment which I send to the desk.

Mr. NIBLACK. I got leave of the House to offer an additional section.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana in a moment.

Mr. MACDOUGALL. I offer the following amendment.

The Clerk read as follows:

Insert as an additional section the following:
To enable the Department of Justice to settle with and pay to John G. Hosmer, late sheriff of Cayuga County, New York, the disbursements and rewards paid in the capture of the notorious counterfeiter Thomas Ballard, $338.

The amendment was agreed to.

Mr. BUTLER, of Massachusetts. I offer the following amendment.

The Clerk read as follows:

Insert as an additional section the following:
The commissioners of the District of Columbia shall pay the salary of the surveyor of the District, at the rate of $2,000 per year from the 20th of June, 1874, and $5,000, or so much thereof as may be necessary, is hereby appropriated therefor.

Mr. SPEER. Is that authorized by law? If not, I raise the point of order.

Mr. BUTLER, of Massachusetts. It is a deficiency.

Mr. GARFIELD. Does it not increase the salary?

Mr. BUTLER, of Massachusetts. Not at all.

Mr. SPEER. Does not existing law provide for this compensation?

Mr. BUTLER, of Massachusetts. If the gentleman will hear the letter of the District engineer read, I think he will not object.

Mr. SPEER. I will hear the letter, reserving my point of order.

The Clerk read as follows:

ENGINEER'S OFFICE, DISTRICT OF COLUMBIA,
Washington, January 18, 1875.

GENTLEMEN: I have the honor to return herewith communications of Hon. N. P. CHIPMAN and William Forsyth relative to the restoration of the salary of the surveyor of the District.

The present organization of the surveyor's office is adequate to the performance of the duties of the same. The entire force of the office is paid by the District government with the exception of the surveyor himself, who receives no salary. It would be difficult to organize this office in such a manner as to separate the work done for the benefit of the general public, and for which fees are receivable, from that which is constantly demanded by the District government, and for that reason the commissioners have maintained the entire office force.

It seems to me an exceptional economy that limits the compensation of the surveyor to his fees and the incidental benefit of the use of this office force.

I recommend he be recognized as a District officer, inasmuch as he acts in that capacity, and is subject to the orders of the engineer by direction of the commissioners, and that his original salary be allowed him less 20 per cent., the reduction ordered by Congress in the case of other officers and employés.

He should be required to make periodical returns of all fees collected by him, and on what account. These returns can be made the basis of any future modification of his salary.

Very respectfully, your obedient servant,

R. L. HOXIE,
Lieutenant Engineers, U. S. A., and Engineer of District of Columbia.

Hon. COMMISSIONERS DISTRICT OF COLUMBIA.

Mr. SPEER. I wish to ask whether the compensation provided by this amendment is the same previously paid by the District for the same service?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. SPEER. Then I withdraw my point of order.

The amendment was agreed to.

Mr. KASSON. I desire to offer the following amendment. It does not contain any appropriation, but provides for an adjustment of accounts. I offer it as an additional section:

SEC. —. That the proper accounting officers of the Treasury are hereby authorized in the settlement of the accounts of John L. Smith, late Indian agent for the Ottawas, now deceased, to consider and adjust the same on the best evidence accessible to them, allowing such credits as may seem just and equitable with the approval of the Secretary of the Interior.

The amendment was agreed to.

Mr. YOUNG, of Georgia. I offer the following as additional sections:

SEC. —. That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band.

SEC. —. That the teacher of music shall receive ninety dollars per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that of the enlisted musicians of the band ten shall each be paid thirty-four dollars per month, and the remaining thirty shall each be paid thirty dollars per month; and that the enlisted musicians of the band shall have the benefits as to pay arising from re-enlistments and length of service applicable to other enlisted men of the Army.

Mr. HOLMAN. I call for a division on that amendment.

The question was put; and on a division there were—ayes 75, noes 39.

Mr. HOLMAN. Is that a quorum?

The CHAIRMAN. It is not a quorum; does the gentleman insist on a further count?

Mr. HOLMAN. I think we should not pass an amendment like this increasing the pay of officers without a quorum; but in view of the action of the Committee of the Whole heretofore, I will not insist on a further count.

So the amendment was agreed to.

Mr. FORT. I offer the following amendment to come in after line 87 on page 27:

For pay of superintendent of the building occupied by the Subsistence Department, at No. 17 Madison Place, Washington City, District of Columbia, $250.

The amendment was agreed to.

Mr. NIBLACK. I offer the following amendment, which I was authorized to offer under a suspension of the rules:

SEC. —. That John T. Ensor, Zephaniah Poteet, and the other sureties of David L. Stanton, late collector of internal revenue for the fifth district of Maryland, by bond to the United States dated April 24, 1869, be, and they are hereby, released from their said liability arising from any defalcation of the said David L. Stanton as such collector; and the proper officer of the Treasury Department be, and he is hereby, authorized and directed to dismiss any and all suits that may have been instituted and are now pending in favor of the United States against the sureties aforesaid growing out of the default of the said collector.

I wish to say that this amendment has been considered by the Committee on Ways and Means, and they found it a case of merit, and that there is an urgency for its passage now.

The amendment was agreed to.

Mr. MYERS. I have an amendment to offer from the Committee on Naval Affairs which is of the same nature as the one which has been offered by the Committee on Military Affairs. It does not add one dollar of expense; it only gives the man rank who now holds a position. It is as follows:

SEC. —. And that one additional professor of mathematics for the Navy be authorized to be appointed by the President, by and with consent of the Senate.

Mr. SAYLER, of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RAINEY. I offer the following amendment:

SEC.—. And to pay the claim of Walter D. Plowden, for services to the Government during the war, as scout and spy, under Generals Hunter and Saxton, in South Carolina, in 1863, 1864, 1865, $4,000.

Mr. SPEER. Has that amendment been made in order? If not, I raise the question of order upon it.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. DAWES. I ask unanimous consent to offer an amendment which changes existing law. I have just received a telegram from the Commissioner of Internal Revenue that the change in the tax bill in the tax on whisky from 70 to 90 cents a gallon makes it necessary to change one of the sections of the Revised Statutes. I ask the Clerk to read the amendment and then I will have read the telegram from the Commissioner.

The Clerk read as follows:

SEC. —. That section 3309 of the Revised Statutes be so amended that the word "seventy," whenever it occurs in the same, shall be stricken out and the word "ninety" substituted therefor.

Mr. DAWES. That is a section in reference to capacity of still. The telegram of the Commissioner to me is in these words:

TREASURY DEPARTMENT. 3.

Hon. H. L. DAWES:

Could you add an amendment as follows to some bill:

That the word "seventy," wherever it occurs in section 3309 of the Revised Statutes, be changed to "ninety."

This may be of great importance to the Government interest in view of the new tax bill.

J. W. DOUGLASS.

The amendment was agreed to.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and, Mr. NIBLACK having taken the chair as Speaker *pro tempore*, Mr. HAZELTON, of Wisconsin, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being the bill (H. R. No. 4840) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1875, and prior years, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I now move that the rules be so suspended that the Committee of the Whole be discharged from the further consideration of the deficiency appropriation bill, and that the same be reported to the House with the amendments made by the Committee of the Whole, and ordered to be engrossed, read a third time, and passed with those amendments.

Mr. SPEER. Will that prevent a separate vote on the amendments?

Mr. GARFIELD. It will; but I cannot get it out of committee in any other way without having it piled up with amendments.

Mr. HOLMAN. The effect of that motion is to cut off all separate votes on the amendments.

Mr. CESSNA. Yes; it is.

Mr. GARFIELD. So many amendments are pending to the bill that it is perfectly manifest it will be buried under the weight of amendments unless it is got out of committee in some way. We have gone over all the paragraphs of the bill in Committee of the Whole. It is now too late to delay final and positive action on the bill; it must be sent to the Senate. It will save not only time, but the public money, to adopt the motion which I now submit, that the rules be suspended, the Committee of the Whole discharged from the further consideration of the bill, and the bill passed as amended in Committee of the Whole.

Mr. HOLMAN. Cannot the gentleman from Ohio [Mr. GARFIELD] so modify his motion as to discharge the Committee of the Whole from the further consideration of this bill and have it reported to the House for action? There are not a great many amendments upon which separate votes will be asked.

Mr. GARFIELD. I cannot do that.

The motion to suspend the rules was seconded upon a division—ayes 129, noes 25.

The question was then taken upon suspending the rules; and upon a division there were—ayes 123, noes 27.

Before the result of the vote was announced,

Mr. HOLMAN said: Did a quorum vote?

The SPEAKER *pro tempore*. A quorum voted.

Mr. HOLMAN. I call for the yeas and nays on this most extraordinary motion.

The yeas and nays were not ordered; there being but twenty in the affirmative, not one-fifth of the last vote.

So (two-thirds voting in favor thereof) the rules were suspended and the bill passed with the amendments made in Committee of the Whole.

Mr. GARFIELD. I move that the House order the printing of this bill forthwith as passed.

The motion was agreed to.

THANKS TO THE SPEAKER.

Mr. POTTER. I submit the following resolution:

Resolved, That the thanks of this House are due, and are hereby tendered, to Hon. JAMES G. BLAINE, Speaker of the House of Representatives, for the impartiality, efficiency, and distinguished ability with which he has discharged the trying and arduous duties of his office during the Forty-third Congress.

Mr. BECK. I second that resolution.

The resolution was adopted unanimously.

COLORADO AND NEW MEXICO.

Mr. HOSKINS. I offer the following resolution:

Resolved, That the rules be suspended for the purpose of going to the Speaker's table and concurring in the Senate amendments to House bill No. 435, to enable the people of Colorado Territory to form a State government, and House bill No. 2418, to enable the people of New Mexico to form a State government.

Mr. HARRISON. I rise to a question of the highest privilege. I desire the House to take up a resolution reported from the Committee on Elections to seat a contestant.

The SPEAKER *pro tempore*. There is a motion now pending to suspend the rules.

Mr. HARRISON. I have not been willing to antagonize the appropriation bills; but as the last appropriation bill has been passed, I now ask the House to take up the resolution in the case of Sheridan *vs.* Pinchback. It will not require more than fifteen minutes to dispose of it.

The SPEAKER *pro tempore*. The motion to suspend the rules takes precedence. The question is on the motion to suspend the rules for the purpose indicated by the gentleman from New York, [Mr. HOSKINS.]

The motion to suspend the rules was seconded, there being upon a division—ayes 110, noes 66.

The question was upon suspending the rules.

Mr. HOLMAN and Mr. BECK called for the yeas and nays.

The yeas and nays were ordered, there being 50 in the affirmative.

Mr. BECK. Can there be a division of the resolution, so that we can vote upon each Territory separately?

The SPEAKER. The motion is to suspend the rules for the purpose indicated, and it cannot be divided.

Mr. G. F. HOAR. The resolution is to go to the Speaker's table for the purpose of concurring in the amendments of the Senate. Can we go to the Speaker's table and concur?

The SPEAKER. If the resolution is adopted it passes the bills.

Mr. MERRIAM. I rise to a question of order. Is this proposition so framed that we must by one vote decide upon the admission of both these Territories?

The SPEAKER. That is the form of the proposition.

Mr. SCOFIELD. The amendments of the Senate have not been read.

The SPEAKER. That is really not required, because this is a motion to suspend the rules. That motion is very sweeping. The Chair will state, however, that the effect of the amendment is to change the date of admission.

Mr. MCKEE. The only change is a postponement of the admission of these States till 1877.

The question was taken; and there were—yeas 164, nays 84, not voting 39, as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Berry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Creamer, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison,

Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kellogg, Knapp, Lamison, Lansing, Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mitchell, Monroe, Moore, Morey, Morrison, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Richmond, James C. Robinson, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Whiteley, George Willard, Charles G. Williams, John M. S. Williams William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—164.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Chittenden, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crooke, Crossland, Durham, Eldredge, Finck, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Killinger, Lamar, Lawson, Leach, Magee, McLean, Merriam, Milliken, Mills, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Ross, Schell, Scofield, Sener, John Q. Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—84.

NOT VOTING—Messrs. Burrows, Cain, Freeman Clarke, Davis, DeWitt, Frye, Gunter, Eugene Hale, Robert S. Hale, John T. Harris, Hendee, Hurlbut, Kelley, Kendall, Lamport, Luttrell, Marshall, Nesmith, Niles, Phelps, Pike, James H. Platt, jr., Pratt, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, William A. Smith, Alexander H. Stephens, Taylor, Charles R. Thomas, Thompson, Thornburgh, Tyner, Wheeler, White, Wilber, Wolfe, and Wood—39.

So (two-thirds not voting in favor thereof) the motion of Mr. HOSKINS was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa.

ORDER OF BUSINESS.

Mr. KASSON. I wish to call up the report of the Committee on Ways and Means on the Pacific Mail investigation.

Mr. RANDALL. I move that the House take a recess until eight o'clock.

Mr. BUTLER, of Massachusetts. I hope the motion of the gentleman from Pennsylvania [Mr. RANDALL] will be modified by inserting half past seven instead of eight o'clock.

Mr. GARFIELD. I wish to say a word about the time for meeting this evening. There is an unusual pressure upon the clerks in engrossing or enrolling bills that have been already acted upon; and it is almost impossible for them to keep up with the current business. I hope we shall take a recess until eight o'clock.

The motion of Mr. RANDALL was agreed to; and accordingly (at five o'clock p. m.) the House took a recess until eight o'clock p. m.

AFTER THE RECESS.

The SPEAKER. The recess having expired the House will come to order. The House adjourned with the gentleman from Iowa [Mr. KASSON] on the floor asking for action to be taken on the resolutions reported from the Committee on Ways and Means in reference to the Pacific Mail subsidy.

Mr. HARRISON. I wish to raise a question of privilege, or rather a question of consideration, on the report from the Committee on Elections in reference to the contest between Sheridan and Pinchback, candidates for the State at large in the State of Louisiana. That report has been before the House and is of the highest privilege known to the House. I move now to take the resolutions reported from the Committee on Elections for action at this time.

Mr. KASSON. I was on the floor, to move to suspend the rules and I do not think I can be taken off the floor in that way.

The SPEAKER. The motion of the gentleman from Iowa [Mr. KASSON] is not of so high a privilege as that of the gentleman from Tennessee, [Mr. HARRISON.]

Mr. KASSON. I am aware the gentleman from Tennessee has waived it before for other things. What I ask to be taken up and acted on at this time will not give rise to any debate, and it ought to be disposed of at once.

Mr. HARRISON. If it be understood that I can have the floor afterward, and what the gentleman desires to call up will give rise to no debate, I do not know that I shall object.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I rise to a still higher question of privilege, to submit the report of the committee of conference on the Indian appropriation bill.

The SPEAKER. The gentleman from Iowa [Mr. LOUGHRIDGE] rises to a question of the highest privilege, and the Clerk will read the report of the conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 5821, making appropriations for the current and contingent expenses of the Indian service for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 26, 31, 32, 33, 34, 57, 58, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 35, 49, 51, and 54.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 28, and agree to the same with an amendment as follows: Strike out the words proposed to be inserted and insert in lieu thereof the word "for," and after the following words "one hundred" insert the word "fifty;" so it will read "four hundred and fifty thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 34, and agree to the same with an amendment as follows: Strike out the word "thirty" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: "Strike out the word 'twenty' and insert in lieu thereof the word 'ten,' and at the end of said amendment insert the words 'which shall be available at once.'"

That the House recede from its disagreement to the amendment numbered 52, and agree to the same with an amendment, as follows; "Strike out the last word of said amendment, and insert in lieu thereof the words 'reduced to one thousand acres, to be selected by the Secretary of the Interior, and in such manner as not to include the claim of any settler or minor;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 53, and agree to the same with an amendment, as follows: "In lieu of the word 'fifty' insert the word 'forty-five;'" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 63, and agree to the same with an amendment as follows: "Strike out the entire paragraph;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the thirty-ninth amendment of the Senate; and agree to the same.

That the Senate recede from its disagreement to the forty-first and forty-fourth amendments of the House; and agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment as follows: "At the end of said amendment add the following: 'And the United States assistant treasurer at Saint Louis, Missouri, be, and he hereby is, authorized to open and keep accounts with the duly-constituted treasurer of the Cherokee, Creek, Choctaw, and Chickasaw Nations of Indians, the same as with Government agents and disbursing officers;'" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 80; and agree to the same; so that it shall read "$1,000."

That the House recede from its disagreement to the amendment numbered 80; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 84; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 65; and agree to the same.

WILLIAM WINDOM,
WILLIAM B. ALLISON,
J. W. STEVENSON,
Managers on the part of the Senate.

WILLIAM LOUGHRIDGE,
J. C. PARKER,
JOHN HANCOCK,
Managers on the part of the House.

Mr. LOUGHRIDGE. I move the previous question on the adoption of the report of the committee of conference.

The previous question was seconded and the main question ordered; and under the operation thereof the conference report was agreed to.

Mr. LOUGHRIDGE moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 523) to remove the political disabilities of Thomas M. Jones, of Virginia; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that body had passed without amendment the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

The message further announced that the Senate further insisted on its amendments to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, disagreed to by the House, and disagreed to the amendments of the House to the amendments of the Senate thereto, agreed to the conference asked for by the House, and had appointed as managers of said conference on its part Mr. EDMUNDS, Mr. INGALLS, and Mr. THURMAN.

The message further announced that the Senate had passed a resolution authorizing the Committee on Enrolled Bills to correct the title of the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, so that the title will read, "An act granting to railroads the right of way through the public lands of the United States."

PACIFIC MAIL SUBSIDY.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] desires the attention of the House to a report from the Committee on Ways and Means on the subject of the Pacific Mail subsidy.

Mr. KASSON. I merely desire to have the resolutions reported by the committee read, to be acted on without debate and probably without a division.

Mr. HARRISON. Has the Speaker decided that I cannot call up the resolutions of the Committee on Elections in the Louisiana election case?

The SPEAKER. Does the gentleman from Tennessee insist on obtaining the floor before the report of the Committee on Ways and Means is acted on?

Mr. HARRISON. If it is understood that the resolutions from the Committee on Elections shall be taken up after the other matter is disposed of, I shall give way.

Mr. CROOKE. Is it in order to object to the gentleman from Iowa making the report from the Committee on Ways and Means? If it is, I object.

The SPEAKER. It will require the suspension of the rules.

Mr. DAWES. I hope the gentleman from New York [Mr. CROOKE] will not object to that report.

Mr. CROOKE. I must disappoint any such hope. I must and do object.

Mr. KASSON. I renew, then, the motion that I made before the adjournment, to suspend the rules and pass the resolutions which I report from the Committee on Ways and Means.

The SPEAKER. The Clerk will read the resolutions.

The Clerk read as follows:

Resolved, That a copy of the testimony taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they may make further inquiry and take due action upon the questions affecting William S. King and JOHN G. SCHUMAKER, and further proceed thereon as they shall deem just.

Resolved, That the Clerk of this House transmit to the United States district attorney for the District of Columbia a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with direction to lay so much of the same as relates to the truth of the testimony given by William S. King and JOHN G. SCHUMAKER before the grand jury of said District for such action as the law seems to require.

Resolved, That any reporter or correspondent having a seat in the gallery by permission of the Speaker, who has received any fee, bribe, or reward in connection with any legislation pending in either House of Congress, should be deprived of such privilege; and such conduct as disclosed before the Committee on Ways and Means is severely censured by the House.

Mr. CROOKE. I am asked what is my objection to the report? My objection is that it is an outrage on law and common sense to send that to the grand jury as evidence which is no evidence at all.

The motion to suspend the rules was seconded.

The question being taken on suspending the rules and adopting the resolution, there were—ayes 92, noes 13; no quorum voting.

Tellers were ordered; and Mr. KASSON and Mr. CROOKE were appointed.

Before the vote by tellers was completed—

Mr. CROOKE said: I do not insist on further count.

So the rules were suspended (two-thirds having voted in favor thereof) and the resolutions were adopted.

Mr. KASSON. There is another part of the report on which I shall ask the action of the House, after the business reported by the gentleman from Tennessee [Mr. HARRISON] is disposed of.

CURRENCY.

Mr. MAYNARD, by unanimous consent, from the Committee on Banking and Currency, reported adversely on the following bills; and the same were laid on the table and the accompanying reports ordered to be printed.

The bill (H. R. No. 3834) to substitute United States notes for the issues of national banking associations; and

The bill (H. R. No. 4377) to provide for the retirement of the national-bank notes and the substitution in lieu thereof of Treasury notes and the reduction of the interest on the public debt.

REPORTS OF COMMITTEES.

Mr. TREMAIN. I ask unanimous consent to submit the following resolution, which is according to precedent:

Resolved, That the committees of this House who have reports in readiness upon matters referred to them be permitted to deliver such reports to the Clerk of the House, and that they be printed: *Provided*, Such reports are filed with the Clerk before the expiration of this Congress.

The resolution was agreed to.

Mr. DONNAN. I ask that by unanimous consent Senate bill No. 1230 be taken from the Speaker's table and passed.

LOUISIANA ELECTION—STATE AT LARGE.

Mr. HARRISON. I decline to yield further. I ask the Clerk to read the resolution reported by the Committee on Elections.

The Clerk read as follows:

Resolved, That P. B. S. Pinchback was not elected a member of Congress from Louisiana from the State at large in the Forty-third Congress.

Resolved, That George A. Sheridan was duly elected a member of Congress for the State at large from the State of Louisiana, in the Forty-third Congress, and is entitled to his seat.

Mr. HARRISON. I move the previous question.

The previous question was seconded and the main question ordered.

The first resolution reported by the committee was agreed to.

Mr. HARRISON moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The question was next on agreeing to the second resolution; and was decided in the affirmative—ayes 121, noes 29.

Mr. HARRISON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GEORGE A. SHERIDAN appeared at the bar of the House and qualified by taking the oath prescribed by the law of July 11, 1862.

LOUISIANA ELECTION—LAWRENCE VS. SYPHER.

Mr. ROBINSON, of Ohio. I call up the resolutions reported by the Committee on Elections in the contested-election case of Lawrence *vs.* Sypher, first congressional district of Louisiana.

Mr. DAWES. I desire to present a privileged report.

The SPEAKER. There is one now pending of the highest privilege. The Clerk will read the resolutions reported by the gentleman from Ohio, [Mr. ROBINSON.]

The Clerk read as follows:

Resolved, That J. Hale Sypher was not elected a member of the Forty-third Congress from the first district of Louisiana.

Resolved, That Effingham Lawrence was duly elected a member of the Forty-third Congress for the first district of Louisiana, and he is entitled to his seat.

Mr. HAZELTON, of Wisconsin. I move as a substitute for those two resolutions the resolution reported by the minority of the committee, to be found upon page 15 of the report, and which I ask the Clerk to read.

The SPEAKER. The question is all contained in these resolutions.

Mr. HAZELTON, of Wisconsin. Not necessarily; I ask the Clerk to read the resolution.

The Clerk read as follows:

Resolved, That neither Effingham Lawrence nor J. Hale Sypher has shown himself entitled to a seat in the Forty-third Congress.

Mr. ELDREDGE. I suppose there must have been a tie in that district.

Mr. ROBINSON, of Ohio. I do not understand that there is any desire to discuss this question. I desire to call the previous question upon the resolution.

Mr. SYPHER. I desire to be heard for a few moments on this question.

Mr. ROBINSON, of Ohio. I will give the gentleman five minutes after the previous question is seconded.

The previous question was seconded and the main question ordered.

Mr. ROBINSON, of Ohio. I now yield to the gentleman from Louisiana, [Mr. SYPHER.]

Mr. SYPHER. Mr. Speaker, the House is in no temper to give attention to a contested-election case at this time. Only fifteen hours of this Congress remain, while many important public measures are yet to be considered. I would not crave your attention for a single moment were it not for the remarkable presentation of this case by your Committee on Elections. This committee has utterly failed, either for the want of time or the proper examination of the case, to present it in the light of the testimony. They have entirely ignored the proofs, and submitted reports full of errors and misstatements. The report of the committee supported by six members proves nothing, and the views of the minority signed by five members is absurd and ridiculous. A congressional district with twenty-five thousand legal voters, over twenty thousand of whom voted at an election for two candidates, and nobody elected. How can such a thing be possible? That is what the minority report, that neither party is entitled to a seat. A most remarkable conclusion. Somebody must have been elected unless it was a tie vote, and the minority do not so report. May I inquire of the gentlemen of the minority, if 20,000 votes elect nobody, how many votes are required to elect somebody? If they will give the solution to this problem, I have no doubt of the ability of my constituents to furnish the number of votes required to elect somebody in their opinion. I apprehend the gentlemen of the minority have presented a case *reductio ad absurdum*. Let this House pause before it establishes any such precedent.

Now, sir, I invite your attention to the majority report. It speaks of five returning boards claiming the right to canvass the returns. There could be only one legal returning board authorized by law to canvass election returns, and by twelve decisions of the supreme court of Louisiana it was determined which was the legal board. It was from that board that I held my credentials. But they say affidavits were counted as votes. Admitting it and allowing the number they claim, 1,314—but the testimony shows that less than 300 were counted—they cannot elect my opponent unless they ignore and reject the testimony that proves over 3,000 frauds in New Orleans.

Read the following testimony, and then let any man in the House answer how the contestant can be entitled to a seat here.

Mr. Long testifies, (pages 194–195:)

Question. Now, please state how many fraudulent votes were counted in the fourth ward.

Answer. According to memorandum made at the time, in the fourth ward there were 186.

Q. For what candidate for Congress in the first congressional district were those votes counted?
A. For Mr. Effingham Lawrence.
[Mr. Rice objected to this testimony, on the ground that the contestant had received no notice of such proof.]
Q. How many fraudulent votes were counted in the fifth ward, Mr. Long?
A. According to my memorandum, 155.
[Mr. Rice objected on the ground that the question assumed that there were fraudulent votes cast in these various wards before proof was adduced of that fact.]
Q. Were there any fraudulent votes cast in the fifth ward, Mr. Long?
A. There were, to my knowledge.
Q. How many?
A. A hundred and fifty-five.
Q. For whom were those fraudulent votes counted?
A. They were counted for the ticket headed by John McEnery and the straight ticket.
Q. For what candidate for Congress in the first congressional district?
A. For Mr. Lawrence.
Q. Were there any fraudulent votes counted in the sixth ward?
A. There were.
Q. How many?
A. At one poll 127 and at another poll 209.
Q. In all, how many?
A. In all, 336.
Q. Were there any fraudulent votes counted in the seventh ward?
A. There were.
Q. How many?
A. The number I don't remember. I made no note of it at the time.
Q. Were there any counted in the eighth ward?
A. There were.
Q. How many?
A. Three hundred and ninety-three.
Q. For what candidate for Congress were they counted?
A. The candidate that was on the ticket headed by John McEnery for governor.
Q. Did Mr. Sypher run on that ticket?
A. I don't think he did. I am sure he did not. I never saw him on the ticket.
Q. Were there any counted in the ninth ward?
A. There were.
Q. How many?
A. Two hundred and twenty-four.
Q. For whom were they counted for Congress?
A. For the person who ran on the same ticket as John McEnery.
Q. You testified with reference to certain polls being designated by the campaign committee of the fusion party, at which these fraudulent certificates should be voted upon. I want to ask you now in what political interest this combination was made and carried out?
A. In the interest of the ticket headed by Mr. McEnery, and on which Mr. Lawrence's name appeared in the first congressional district, as I understood it.
Q. Who designated to the registrar of voters for appointment the election commissioners in that portion of the parish of Orleans within the first congressional district.
A. The fusion campaign committee, of which Mr. Walker was chairman.
Q. Were there any republicans appointed as commissioners of election in those wards?
A. Some men that call themselves republicans now, but they did not call themselves so at the time.
Q. Were there any appointed who were then in sympathy with the republican party, as represented by the ticket headed by Mr. Kellogg?
A. Not one out of over three hundred, to my knowledge. I don't believe there was one in the city.

Mr. Downs testifies, (pages 235, 236, 237:)

Question. How many names of colored registered voters were improperly stricken from the rolls in the fourth ward?
Answer. I have the figures here that I made out myself some time ago.
Q. You can use them in refreshing your memory now in answering my question.
A. Three hundred and nine in the fourth ward were stricken from the rolls in that manner.
Q. Do you know whether any fraudulent duplicate certificates were issued?
[Mr. Rice objected to the question as leading.]
Q. Do you know whether any such thing was ever done or not for the first congressional district?
A. I do.
Q. Do you know whether any were issued in the wards within the first congressional district of this city?
[Objected to as leading.]
A. I do.
Q. State succinctly the manner in which such fraudulent or duplicate certificates were issued.
A. I can state how they were obtained. I decline to state how they were issued.
Q. State how they were obtained.
A. They were obtained by persons moving from one ward to another. According to the requirements of the registrars, each of these persons moving from one ward to another were to give up their original certificate and get a new one. These original certificates were sent to the *central office of the State registrar of voters.* Some of them were canceled, but many of them were reissued in this manner to be voted upon again.
Q. How many of such certificates were issued?
A. I should judge about three thousand of them.
Q. Can you approximate the number that was issued for the fourth, fifth, sixth, seventh, eighth, and ninth wards?
A. I should think there was about one thousand or twelve hundred used in those wards.
Q. To whom were those certificates given?
A. I decline to answer that question.
Q. Were they issued to republicans, or democrats, or fusionists?
A. They were issued to parties that I presume were in the fusion interest. I had no reason to doubt that they were.
Q. Were any issued to candidates on the fusion ticket, as far as you know?
A. Yes, sir.
Q. Did you assist in the counting of the votes?
A. I did.
Q. Could you tell, from comparing the number of votes and the number of registered voters and the names upon the registration lists that were known to be represented by such fraudulent certificates, whether such fraudulent certificates were used or not?
A. I could.
Q. Did you make any such inspection?
A. I did.

Mr. Cannon testifies, (pages 243, 244, 245:)

Question. Do you know whether any frauds were committed in connection with the registration in the ninth ward?
Answer. There was.
Q. Of what nature?
A. Fraudulent papers, fraudulent voting, fraudulent papers that I know of.
Q. State the circumstances.
A. Well, I know of about eleven hundred fraudulent papers; there were about between three and four hundred fraudulent papers on the old books, that I had possession of, and I had possession of about one hundred on the new books, and I duplicated them, eight for each vote; for each vote I made eight certificates out.
Q. From the old registration?
A. No, sir, from the new registration.
Q. You say there were a hundred names?
A. Yes, sir.
Q. And eight certificates for each, which made eight hundred?
A. Yes, sir.
Q. To whom were they given?
A. I decline to answer who they were given to.
Q. Do you know whether they were voted on election day?
A. I have reason to believe that they were.
Q. In the interest of what political party?
A. The fusion party; they were, most undoubtedly, not given to the republican party.
Q. Do you know whether they were voted for or against Mr. Sypher?
A. They were put there to vote against him; they were instructed to vote against the State republican ticket.
Q. Do you know whether there were any erasures improperly made?
A. I made the erasures myself.
[Mr. Rice objected on the ground that the question was leading.]
Q. Do you know whether there were any names erased from the registration lists?
[Mr. Rice objected on the same ground.]
A. Yes, sir; I made the erasures myself.
Q. Were they properly or improperly made?
A. Well, I just scratched only the colored people, and those that I knew to be republicans.
Q. Were you instructed to do so?
A. I had my instructions from Mr. Blanchard to scratch none but colored people, or if I knew any of the names in the interest of the republican ticket to scratch them off.
Q. How many did you scratch off?
A. Between a hundred and eighty-five and two hundred. I disremember the exact amount or number now.
Q. Were you present in the Mechanics' Institute during the counting of the votes of the ninth ward?
A. Yes, sir; from the beginning to the end of it.
Q. Do you know whether the count was fair or unfair?
A. There were some parties got a square count, and others did not.
Q. Do you know whether Mr. Sypher got a square count or not?
A. No, sir; he did not.
Q. What do you know about the count for Congressman?
A. Well, I know that I beat Mr. Sypher in the ward. I know that he got beat in the ward, and I helped to do it.
Q. Did you do that under instructions?
A. My instructions from Mr. Blanchard, in the Institute, were to hold the State ticket up.

On cross-examination:

Q. What were you at the time of the election; were you registrar?
A. I was first appointed clerk, and for a great part of the time I acted as registrar—both clerk and registrar.
Q. These acts that you have spoken of, you did as what?
A. In issuing papers, I did it when I was acting as registrar.
Q. Were you a sworn officer as registrar?
A. Not as registrar when these papers were issued; I was acting as registrar.
Q. Were you ever registrar at all?
A. I was registrar at the counting.
Q. Were you not sworn at all to the performance of your duties?
A. I was not sworn at all.

In Mr. Corey's testimony (pages 246, 247) will be found the following affidavit:

I was appointed chairman of the committee on naturalization in the ninth ward of the city of New Orleans by the democratic and fusion parties, and performed the duties assigned me during the last registration and election. * * * There were about 600 fraudulent votes polled in the seventh ward, about 600 in the eighth ward, and about 1,200 in the ninth ward, making in all about 2,400 fraudulent votes illegally polled on the day of election for the democratic fusion ticket.

Further citations of the testimony is unnecessary; there are over two hundred pages of conclusive and uncontradicted proofs. The foregoing are only specimens. The committee set up the very lame and preposterous plea that "the witnesses are subject to the criticism of being parties to the crime." On that point I quote the opinion of the minority, and I am glad to be able to agree with them in this particular. They say:

But if these witnesses were fit to intrust with the responsible duties assigned them by the fusion or democratic party, they ought to be fit to testify as to the manner in which they executed their trusts. It does not lie in the mouths of those who employed such agents, and who seek the advantage of their acts, to discredit their evidence.

But in the absence of any positive knowledge on the subject, the committee cannot disregard the testimony of witnesses whose statements are not on their face untrue, and who stand unimpeached. If these witnesses have such reputations for truth and veracity where they reside, why have they not been impeached? Why leave the duty of impeaching them to the attorney who argued the case? It was due the committee, as it was due the House, that these witnesses should have been duly impeached if they could be.

The testimony of these witnesses and others is fully supported by documents and contemporaneous records.

They are the men who, together with the democratic executive committee of New Orleans, planned and executed the gigantic scheme of fraud in Louisiana, in the election of 1872, which came so near suppressing the will of the people and subverting the government in that State.

By no rules of evidence or practice established by this House in contested-election cases can this testimony be rightfully rejected. It must be considered, and, if considered, you must find that I am elected by over 1,000 majority by the returns of the legal or illegal returning board.

Here is the result in tabulated form, from which there is no escape.

Returns of Lynch board, (page 146 of the testimony.)

FIRST DISTRICT.

Parishes.	J. H. Sypher.	E. Lawrence.
Livingston	235	455
Orleans	7,516	9,643
Plaquemines	2,354	414
Saint Tammany	121	103
Saint Bernard	460	270
Saint Helena	687	289
Tangipahoa	769	618
Washington	157	433
Total	12,299	12,225
	(629)	(410)
Complete returns from the parish of Saint Tammany, (page 149 of the testimony)	508	307
Total vote	12,807	12,532
Deduct 1,700 votes from Sypher; that number of affidavits, it is alleged, were counted for him, (see page 14 of the testimony)	1,700	
Total vote for Sypher	11,107	
Deduct 3,077 fraudulent votes counted for Lawrence, (see testimony, pages 192, 193, 194, 243, 244, 246, 247, 232, 233, 234, 235, 236, 237)		3,077
Total vote for Lawrence		9,455
Sypher's majority	1,652	

Returns of Forman board, page 48 of testimony.

FIRST CONGRESSIONAL DISTRICT.

Parishes.	J. B. Hickman.	J. H. Sypher.	Effingham Lawrence.
Livingston Parish		199	478
Orleans, Fourth ward		1,032	1,150
Fifth ward		1,425	1,770
Sixth ward		852	1,405
Seventh ward		1,758	1,464
Eighth ward		700	1,355
Ninth ward		734	1,860
Fifteenth ward		43	747
Plaquemines Parish	22	1,040	414
Saint Helena Parish		411	563
Saint Bernard Parish			
Saint Tammany Parish			
Tangipahoa Parish		658	723
Washington Parish		201	426
	22	9,056	12,355
Complete vote of fifteenth ward, (testimony, page 62)		943	
Complete vote of Saint Tammany Parish, (testimony, page 149)		629	410
Complete vote of Saint Bernard Parish		460	270
Total vote		11,088	13,035
Deduct 3,077 fraudulent votes for Lawrence, (as shown by testimony, pages 192, 193, 194, 243, 244, 246, 247, 232, 233, 235, 236, 237)			3,077
Total vote corrected		11,088	9,958
Sypher's majority		1,130	

This is the result of the election in that district, as shown by the testimony. If you accept the testimony you must confirm me in my seat; if you reject it the House can *elect* the contestant; but the voters of the first district of Louisiana did not do so, and there is absolutely no proof going to show that they did. Before closing I desire to say in justice to my opponent that whatever may have been done in that election to defraud electors of their franchise and to reverse the will of the majority, he had no part nor lot in it. I desire to exonorate him most fully of all connection with such transactions.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government; when the Speaker signed the same.

ELECTION CONTEST—LAWRENCE VS. SYPHER.

Mr. HAZELTON, of Wisconsin. I ask the gentleman from Ohio to yield me five minutes.

Mr. ROBINSON, of Ohio. I will yield three minutes to the gentleman.

Mr. HAZELTON, of Wisconsin. It is not my purpose to detain the House at this late hour of the session with any discussion on this question. If every gentleman upon this floor had time or would take time to read the testimony which is referred to and quoted from in the report of the minority of the Committee on Elections I should have no doubt whatever, not a particle of doubt, as to the result of this question. The minority, constituting five members of the committee, upon a careful examination of the testimony in this case came to the conclusion that we could not afford to affirm the right of either of these parties to a seat in this House, and that opinion was predicated upon what we believed to have been a most stupendous system of frauds in conducting the election in this first district of Louisiana and in counting and canvassing the votes—frauds so shameless, so flagrant, so stupendous on the part of the parties charged with the management of this election, that no gentleman can afford to indorse it or can afford to affirm the right of either of the contestants to a seat upon the floor of this House which grows out of such an election. It is asserted in the minority report that instead of being an election there was a premeditated design, a conspiracy, on the part of political managers to prevent an election and to prostitute the ballot. The testimony bears out this conclusion in my judgment, and I cannot therefore do less than resist the action proposed by the majority of the committee. There was in no just sense an election, which I understand to be a decision of the voters of a given district in the manner prescribed by law, a choice of the electors of a given district between two contesting candidates.

As I said before, I have not time now to go into the testimony; but I protest against either party being allowed to take a seat in this House. The precedents of the House authorize the course pursued by the minority in this case. The doctrine has been more than once affirmed that when frauds and irregularities have been so gross and general as to pervade the entire election and the returns thereof that it is competent to deny the right of either party to a seat in the House.

Mr. ROBINSON, of Ohio. In reply to the remarks of the gentleman from Wisconsin, [Mr. HAZELTON,] I have to say that this contested case has been very carefully and thoroughly examined by the Committee on Elections. The report, which has been printed and which I hope gentlemen have read, shows that both the Forman and Lynch boards came to the conclusion that Mr. Lawrence was elected. After the Lynch board had come to that conclusion thirteen hundred and fourteen affidavits were brought in and counted for Mr. SYPHER, and by that means the Lynch board was induced to give him the return, and upon that the certificate of the governor was issued to him.

Without reviewing the case now, considering the spirit which prevails in this House, I wish to state that fact as an offset to the remarks of the gentleman from Wisconsin, [Mr. HAZELTON.] I now call for a vote.

The question was upon adopting as a substitute for the resolutions reported by the majority of the committee the following resolution reported by the minority:

Resolved, That neither Effingham Lawrence nor J. Hale Sypher has shown himself entitled to a seat in the Forty-third Congress.

The question was taken; and upon a division there were—ayes 45, noes 94.

Before the result of this vote was announced,

Mr. HAZELTON, of Wisconsin, called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 22, noes 117; not one-fifth voting in the affirmative.

Before the result of this vote was announced,

Mr. HAZELTON, of Wisconsin, called for tellers on ordering the yeas and nays.

Tellers were ordered; there being 30 in the affirmative, (more than one-fifth of a quorum;) and Mr. HAZELTON, of Wisconsin, and Mr. ROBINSON, of Ohio, were appointed as tellers.

The House again divided; and the tellers reported that there were ayes 45, noes not counted.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 144, not voting 58; as follows:

YEAS—Messrs. Albright, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Roderick R. Butler, Cason, Cessna, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Dawes, Dobbins, Donnan, Dunnell, Fort, Freeman, Hagans, Harmer, Havens, Gerry W. Hazelton, John W. Hazelton, Hendee, George F. Hoar, Hoskins, Howe, Hunter, Hurlbut, Hyde, Killinger, Lawson, Lewis, Lofland, Lowe, Maynard, Alexander S. McDill, MacDougall, Myers, Orr, Packer, Page, Pelham, Phillips, Thomas C. Platt, Poland, Pratt, Rapier, Ross, Rusk, Sawyer, Scofield, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Starkweather, Stowell, Strait, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Wallace, White, Whiteley, Wilber, John M. S. Williams, William Williams, Jeremiah M. Wilson, and Woodworth—86.

NAYS—Messrs. Adams, Albert, Arthur, Ashe, Averill, Banning, Barber, Barnum, Barry, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cannon, Carpenter, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Darrall, Davis, Duell, Durham, Eden, Eldredge, Farwell, Finck, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Hynes, Kasson, Kelley, Knapp, Lamar, Lamison, Lawrence, Lowndes, Luttrell, Lynch, Magee, Martin, McNulta, Milliken, Mills, Mitchell, Monroe, Morey, Morrison, Neal, Negley, Nesmith, Niblack, O'Brien, O'Neill, Packard, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, James H. Platt, jr., Potter, Randall, Ransier, Ray, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Henry

J. Scudder, Sener, Sheldon, Sheridan, Sloss, George L. Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Standiford, Charles A. Stevens, Stone, Storm, Taylor, Thompson, Vance, Waddell, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, James Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—144.

NOT VOTING—Messrs. Archer, Atkins, Berry, Burchard, Burrows, Benjamin F. Butler, Cain, Caulfield, Chittenden, Curtis, Danford, DeWitt, Eames, Field, Frye, Eugene Hale, Robert S. Hale, John B. Hawley, Hays, Hodges, Houghton, Hubbell, Kellogg, Kendall, Lamport, Lansing, Leach, Loughridge, Marshall, McCrary, James W. McDill, McKee, McLean, Merriam, Moore, Niles, Nunn, Orth, Isaac C. Parker, Pike, Rainey, Schell, John G. Schumaker, Isaac W. Scudder, Small, William A. Smith, Sprague, Stanard, Alexander H. Stephens, St. John, Strawbridge, Swann, Sypher, Charles R. Thomas, Thornburgh, Jasper D. Ward, Charles G. Williams, and Ephraim K. Wilson—58.

So the resolution of the minority was not adopted.

The SPEAKER. The question now recurs upon the first resolution reported by the majority of the committee, that J. HALE SYPHER was not elected a member of this Congress.

Mr. HAZELTON, of Wisconsin. I move to lay both resolutions on the table.

Mr. DAWES. That would leave Mr. SYPHER in his seat.

The SPEAKER. That would confirm the sitting member.

Mr. HAZELTON, of Wisconsin. I desire to have the sense of the House taken upon laying these resolutions on the table.

Mr. RANDALL. If the motion is agreed to, the effect of it will be to keep in his seat a gentleman who not one member of the committee says was elected.

Mr. HAZELTON, of Wisconsin. I will withdraw that motion, and make it upon the second resolution.

The first resolution reported from the committee was adopted, as follows:

Resolved, That J. Hale Sypher was not elected a member of the Forty-third Congress from the first district, of Louisiana.

Mr. ROBINSON, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was upon the second resolution, as follows:

Resolved, That Effingham Lawrence was duly elected a member of the Forty-third Congress for the first district of Louisiana, and he is entitled to his seat.

Mr. HAZELTON, of Wisconsin. I move to lay that resolution on the table.

The SPEAKER. Why would not the same result be reached by taking a direct vote on the resolution?

Mr. HAZELTON, of Wisconsin. I prefer to have the vote taken upon the motion to lay it on the table.

The question being taken, there were—ayes 63, noes 109.

The question then recurred on agreeing to the second resolution.

Mr. TODD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 86, not voting 66; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barry, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cannon, Caulfield, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Danford, Darrall, Durham, Eden, Eldredge, Farwell, Field, Finck, Foster, Giddings, Glover, Gooch, Gunckel, Gunter, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Hynes, Kasson, Kelley, Knapp, Lamar, Lamison, Lawrence, Loughridge, Luttrell, Lynch, Magee, McCrary, McNulta, Milliken, Mills, Mitchell, Monroe, Morey, Morrison, Neal, Negley, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Pierce, James H. Platt, jr., Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Sheldon, Sheridan, George L. Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Stanard, Standiford, Stone, Storm, Swann, Taylor, Thompson, Vance, Waddell, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, James Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—135.

NAYS—Messrs. Albright, Averill, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Roderick R. Butler, Cason, Cessna, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Donnan, Dunnell, Fort, Hagans, Harmer, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Killinger, Lawson, Lewis, Lofland, Lowe, Lowndes, Martin, Alexander S. McDill, MacDougall, Merriam, Orr, Packard, Packer, Page, Pelham, Phillips, Thomas C. Platt, Pratt, Ransier, Rapier, Ray, Richmond, Ross, Rusk, Scofield, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Todd, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, White, Whiteley, Wilber, William Williams, Jeremiah M. Wilson, and Woodworth—86.

NOT VOTING—Messrs. Barber, Burrows, Benjamin F. Butler, Cain, Carpenter, Chittenden, Clinton L. Cobb, Curtis, Davis, Dawes, DeWitt, Dobbins, Duell, Eames, Freeman, Frye, Garfield, Eugene Hale, Robert S. Hale, Hathorn, Havens, John B. Hawley, Hays, Hendee, George F. Hoar, Houghton, Howe, Kellogg, Kendall, Lamport, Lansing, Leach, Marshall, Maynard, James W. McDill, McKee, McLean, Moore, Myers, Niles, Nunn, O'Neill, Orth, Isaac C. Parker, Parsons, Pendleton, Pike, Rainey, James C. Robinson, Sawyer, John G. Schumaker, Isaac W. Scudder, Sener, Sloss, William A. Smith, Alexander H. Stephens, St. John, Strait, Strawbridge, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Charles G. Williams, John M. S. Williams, William B. Williams, and Ephraim K. Wilson—66.

So the second resolution was agreed to.

Mr. EFFINGHAN LAWRENCE presented himself and was duly qualified by taking the oath prescribed by the act of July 11, 1868.

CLAIM AGENTS IN CONGRESS AND DEPARTMENTS.

Mr. ELLIS H. ROBERTS. I move to suspend the rules and pass the bill (H. R. No. 4849) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes. This bill was reported from the Committee on Ways and Means in connection with the report upon the Pacific Mail investigation.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act no person shall be permitted to appear or act as agent or attorney for any individual, body-politic or corporate, relative to any claim or demand against the United States, or any legislation involving appropriations of the money, property, or credit of the United States, either before Congress or any committee thereof, when either he or any other person has any interest, directly or indirectly, in said claim, demand, or legislation, or any agreement for compensation for services in obtaining payment of such claim, demand, or passage of such legislation, until such agent or attorney shall file with the Clerk of the House and of the Senate his name and residence and the title of the claim, demand, or subject in relation to which he desires to so appear, and a statement on oath, in writing, of the amount and character of compensation which the party or parties in interest have agreed to pay for services rendered relative thereto. And a duplicate of such statement shall be filed by such agent or attorney with the committee or committees of either House before which he may so appear. And no person so interested shall be permitted to appear or act as agent or attorney in any matter pending before any Department of the Government until he shall file with the chief clerk of that Department his name and residence and the title of the matter in relation to which he desires so to appear, and a statement on oath, in writing, of the amount and character of compensation which the claimant has agreed to pay for services rendered relative thereto. No greater sum than the amount thus stated shall be collectible out of or because of services rendered concerning said claim, demand, or legislation. All other and further agreements for the payment of additional compensation relative to such services shall be null and void. If any money or other thing of value is paid, directly or indirectly, by the party or parties in interest, or any one for him or them, to any person or persons, beyond the amount so filed, or otherwise than as stated in said paper required to be filed as aforesaid, it may be recovered by any person suing for the same from the person so receiving it, or from any person interested in the payment so made, by suit in any court of the United States, one-third of which recovery shall be paid to the person suing therefor, and the other two-thirds shall be paid into the Treasury of the United States. And all persons directly or indirectly receiving any compensation in excess of or otherwise than as set forth in said statement, required to be filed as aforesaid, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court.

SEC. 2. Any person who shall willfully violate the provisions of this act by appearing as agent or attorney before Congress, or any committee of either House, or before any Department of the Government, without previously filing his name, residence, title of matter, and statement of the compensation agreed to be paid to him, as required by this act, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court. And any individual, or any officer of any body-politic or corporate who shall, in violation of the provisions of this act, pay, or agree to pay, to any agent or attorney any money, or other thing of value, in excess of the compensation stated in such affidavit on file, or shall, with intent that the statement required by this act shall not be filed, employ an agent or attorney who shall neglect to file such statement, such individual or officer shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court.

SEC. 3. That any individual or officer of any body politic or corporate who shall give, or agree to give, any money or other thing of value as compensation or reward to any officer or employé of either House of Congress, or of any committee thereof, for services for or in connection with any such claim or demand, or legislation pending before Congress, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $5,000, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court. And any officer or employé of either House of Congress, or of any committee thereof, or any reporter or correspondent permitted to have a place in the gallery of either House, who shall receive any gift of money or other thing of value as compensation or reward for services for or in connection with any claim or demand or legislation pending before Congress, shall be guilty of a misdemeanor, and, on conviction before any court of the United States, shall be fined not exceeding $500, and may, in addition thereto, be imprisoned for any time not exceeding one year, at the discretion of the court; and in addition, any sum so given or paid may be recovered by any person suing for the same, from the person so receiving it, by suit in any court of the United States, one-third of which recovery shall be paid to the person suing therefor, and the other two-thirds shall be paid into the Treasury of the United States.

The motion to suspend the rules and pass the bill was agreed to, there being—ayes 113, noes 31.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. I move that the rules be suspended and that Senate amendments to the bill (H. R. No. 3341) for the equalization of bounties be taken from the Speaker's table and non-concurred in, and a conference with the Senate asked on the disagreeing votes of the two Houses.

Mr. ALBRIGHT. Is it in order to move concurrence in those amendments?

The SPEAKER. The motion to suspend the rules cannot be amended.

Mr. BECK. I call for the yeas and nays on the motion of the gentleman from Ohio, [Mr. GUNCKEL.]

The yeas and nays were not ordered.

The motion of Mr. GUNCKEL was then agreed to; two-thirds voting in favor thereof.

The SPEAKER subsequently announced the appointment of Mr. GUNCKEL, Mr. COBURN, and Mr. ELDREDGE as the committee of conference on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3820) making appropriations for

the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

The message also announced that the Senate had passed without amendment a bill of the following title:

An act (H. R. No. 4747) supplementary to the acts in relation to immigration.

The message further announced that the Senate had passed a bill of the following title with an amendment; in which the concurrence of the House was requested:

A bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson in said State."

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1282) to change the place of holding the district and circuit courts of the United States for the district of Nevada.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I present the conference report on the Army appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, and 10; and agree to the same.

That the House recede from its disagreement to the amendment numbered 9 and agree to the same with an amendment, as follows: In lieu of the words proposed to be stricken out insert the following: "*Provided*, That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroads should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road for such transportation, nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation and recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act: *Provided*, That the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States: *Provided, further*, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 13, and agree to the same with an amendment, as follows: In lieu of the word proposed to be inserted insert the word "one;" and after the word "one hundred," in line 13, page 9 of the bill, insert the words "and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 14 and agree to the same with an amendment, as follows: Insert after the words "ordnance stores," in line 11 of said amendment, the words "in the service of the United States in the suppression of the war of the rebellion," and add at the end of said amendment the following:

"*And provided further*, That so much of the appropriations between the 1st of January, 1861, and the 9th of April, 1865, under the act of April 23, 1808, herein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion shall be covered into the Treasury of the United States."

And the Senate agree to the same.

WILLIAM A. WHEELER,
JOHN COBURN,
A. M. WADDELL,
Managers on the part of the House.
WILLIAM B. ALLISON,
JOHN A. LOGAN,
JOHN W. STEVENSON,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. WHEELER moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF EMBASSADORS, ETC.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] has the floor, but yields to his colleague to take up some matters by unanimous consent on behalf of the Committee on Foreign Affairs.

Mr. E. R. HOAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table two Senate bills. The gentleman from Indiana, [Mr. ORTH,] chairman of the Committee on Foreign Affairs, who had charge of them, is ill and unable to be present this evening, and has asked me to call them up.

I ask first to take from the Speaker's table a bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States, and pass it at this time.

The bill, which was read, provides that section 1675 of the Revised Statutes be amended so as to read as follows:

SEC. 1675. Embassadors and envoys extraordinary and ministers plenipotentiary shall be entitled to compensation at the rates following, per annum, namely:

Those to France, Germany, Great Britain, and Russia, each, $17,500.

Those to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, each, $12,000.

Those to all other countries, unless where a different compensation is prescribed by law, each, $10,000.

And, unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of 75 per cent., charges d'affaires at rate of 50 per cent., and secretaries of legation at the rate of 15 per cent. of the amounts allowed to embassadors, envoys extraordinary, and ministers plenipotentiary to the said countries respectively; except that the secretary of legation to Japan shall be entitled to compensation at the rate of $2,500 per annum.

The second secretaries of the legations to France, Germany, and Great Britain shall be entitled to compensation at the rate of $2,000 each per annum.

That section 1676 of the said Revised Statutes be amended so as to read as follows:

The agent and consul-general at Cairo shall be entitled to compensation at the rate of $3,500 per annum.

That section 1681 be amended so as to read as follows:

The minister resident to Uruguay, when also accredited to Paraguay, shall be entitled to compensation at the rate of $10,000 per annum.

That the following be added to section 1682:

And he shall receive compensation at the rate of $10,000 per annum.

Mr. HOLMAN. I hope there will be some explanation of this.

Mr. E. R. HOAR. I have not before me the Senate report. But I understand from the chairman of the Committee on Foreign Affairs of this House, Judge ORTH, who is absent, that this bill was prepared at the State Department, was reported by the Committee on Foreign Relations in the Senate, and passed there by unanimous consent; and that its object is to correct a construction that it was thought might be put on the sections of the Revised Statutes referred to in the bill, which would have the effect of changing existing laws; that it creates no additional salaries and raises no salaries.

One of the objects I can explain exactly. The law states that when consuls are employed as chargé d'affaires in the absence of a minister, they shall have the salary of secretary of legation. Twenty-five of our foreign ministers have no secretary of legation. It was left without a standard. This is to establish a proportion exactly the same as in cases where we have a secretary of legation, so that the matter may be made definite. I understand from the Secretary of State, and from the chairman of the Committee on Foreign Affairs, that the effect of the language in the Revised Statutes is to alter the law and the practice as it then stood; and the object of the bill is simply to make the meaning of the Revised Statutes clear, and to apply existing law to cases which they may have left unprovided for.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

CONSULATES AT AMOOR RIVER AND VLADIVOSTOCK.

Mr. E. R. HOAR. I also ask that by unanimous consent the bill (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, and for other purposes, be taken from the Speaker's table and passed.

The bill was read. It provides that Amoor River, in Russia, be discontinued as a consulate of class 5, in Schedule B, as the same was amended by chapter 275 of the laws of the first session of the Forty-third Congress; and that Vladivostock be a consulate of class 5, in Schedule B. The bill further exempts the consul at Vladivostock and the consuls at Fayal and Auckland from the prohibition to engage in business and trade embraced in sections 1699 and 1700 of the Revised Statutes of the United States.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

SAMUEL S. POTTER.

Mr. HOLMAN. I ask that by unanimous consent the Committee of the Whole be discharged from the further consideration of the bill (S. No. 786) for the relief of Samuel S. Potter, and that the same be passed. This bill appropriates $750 to Rev. Mr. Potter, a Presbyterian minister. It passed in last Congress both Houses, but reached the President too late to receive his signature.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Samuel S. Potter, out of any money in the Treasury not otherwise appropriated, the sum of $750, the same being in full of all claims against the Government for expenses incurred by the said Potter by reason of the seizure of his seminary buildings by J. F. Head, medical director of the district of Kentucky, for hospital purposes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PUBLIC SCHOOLS OF THE DISTRICT.

Mr. COX. I ask the House, by unanimous consent, to pass the joint resolution (H. R. No. 129) authorizing the commissioners of the District of Columbia to promote the efficiency of the teachers of the public schools of said District.

The joint resolution was read.

Mr. ELDREDGE. I object.

Mr. COX. This does not levy any tax.

Mr. O'BRIEN. It ought to pass.

Mr. COX. I move that the rules be suspended and that the joint resolution be passed.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] does not yield for anything but by unanimous consent.

JOHN SPICER.

Mr. HAZELTON, of Wisconsin. I ask unanimous consent to report from the Committee on War Claims and have put upon its passage a bill for the relief of John Spicer, of Ottawa, Illinois.

The bill was read.

Mr. SPEER. What is the amount involved in this bill?

Mr. HAZELTON, of Wisconsin. Twenty-five thousand dollars.

Mr. SPEER. Is it unanimously reported?

Mr. KILLINGER. I object to the present consideration of the bill.

INTERNAL REVENUE.

Mr. BECK. I ask unanimous consent to introduce for present consideration a bill to amend the Revised Statutes relating to internal revenue.

The bill was read.

Mr. BECK. This bill was drawn by the Commissioner of Internal Revenue.

Objection was made.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now read the proposition of the gentleman from Massachusetts, [Mr. BUTLER.]

The Clerk read as follows:

That the rules be so suspended that the House shall proceed to business on the Speaker's table; the civil-rights bill of the Senate to be taken therefrom and referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider; all the remaining bills on the Speaker's table be considered under a five-minute debate *pro* and *con*, subject to all points of order; and upon a point of order being sustained, a motion to suspend the rules and pass the bill may be made.

Mr. RANDALL. I consider, for one, that that is an unsafe way of proceeding to business on the Speaker's table.

Mr. BUTLER, of Massachusetts. O, no; it is perfectly safe.

Mr. RANDALL. It is a most dangerous way of going to the Speaker's table.

The SPEAKER. What is the particular danger which the gentleman apprehends?

Mr. RANDALL. I desire to suggest the manner in which, in my judgment, we should go to the Speaker's table.

The SPEAKER. What is the particular danger of this?

Mr. RANDALL. Why, we may reach bills that no point of order lies against and that a majority can pass.

The SPEAKER. The Chair desires to state that in regard to this proposed resolution it does not allow anything less than a two-thirds vote to pass any bill that pays one dollar of money out of the Treasury or appropriates any of the property of the United States.

Mr. RANDALL. No, sir; but there are bills there of the most dangerous character that do not appropriate money at all, and I call for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. ELDREDGE. I call for the reading of the resolution again.

Mr. RANDALL. I shall object to its being read a second time unless I can have an opportunity to suggest a remedy to the evil which this resolution would entail.

The SPEAKER. Then the Clerk will call the roll.

Mr. ELLIS H. ROBERTS. I desire to know whether under this order such bills as those for the admission of Colorado and New Mexico could not be passed by a majority of the House?

The SPEAKER. Under this rule any bill upon the Speaker's table could be passed by a majority that does not appropriate either the money or property of the Government.

Mr. CESSNA. And does not the gentleman from New York [Mr. ELLIS H. ROBERTS] desire to have those bills in reference to Colorado and New Mexico passed?

The question was taken, and there were—yeas 145, nays 95, not voting 48; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clements, Coburn, Conger, Corwin, Cotton, Creamer, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Myers, Negley, Niles, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloss, Small, Smart, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—145.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caulfield, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Killinger, Knapp, Lamar, Lamison, Lawson, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pelham, Perry, Phelps, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, Henry J. Scudder, Sener, Sheridan, A. Herr Smith, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Wells, Whitehead, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, John D. Young, and Pierce M. B. Young—95.

NOT VOTING—Messrs. Burrows, Roderick R. Butler, Caldwell, Chittenden, Clayton, Clinton L. Cobb, Stephen A. Cobb, Davis, DeWitt, Frye, Garfield, Robert S. Hale, John B. Hawley, Joseph R. Hawley, Houghton, Hurlbut, Kendall, Lamport, Effingham Lawrence, William Lawrence, Leach, Maynard, Moore, Morey, Nunn, O'Neill, Orth, Phillips, Pike, Rainey, James C. Robinson, Schell, John G. Schumaker, Scofield, Lazarus D. Shoemaker, Sloan, George L. Smith, John Q. Smith, William A. Smith, Sprague, Alexander H. Stephens, Strawbridge, Charles R. Thomas, Thornburgh, Waddell, Wallace, Wheeler, Whitehouse, and Wolfe—48.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcement was made:

Mr. LOWNDES. I am requested to state that Mr. ORTH, of Indiana, is absent on account of sickness.

The result of the vote was announced as above recorded.

Mr. ELLIS H. ROBERTS. I offer the following resolution:

Resolved, That the rules be so suspended that the House now proceed to the consideration of bills on the Speaker's table in order, referring the civil-rights bill to the Judiciary Committee, and leaving all points of order in force, and that no bill shall be passed except by unanimous consent or a vote of two-thirds, and that, if asked for, five minutes' debate be allowed on each side on any bill.

Mr. CONGER. There would be no possibility of passing any bill under such a rule as that.

Mr. RANDALL. I suggest the further modification: "Provided that the civil-rights bill shall not be passed."

The SPEAKER. It could not be passed.

Mr. ELLIS H. ROBERTS. I will modify it so as to provide that the civil-rights bill shall be referred to the Committee on the Judiciary, not to be brought back by a motion to reconsider.

The SPEAKER. It could not possibly come back except by a suspension of the rules.

The question was taken on the resolution offered by Mr. ELLIS H. ROBERTS; and (two-thirds voting in favor thereof) the resolution was adopted.

ERROR IN ENROLLMENT.

The SPEAKER. The Chair lays before the House the following concurrent resolution received from the Senate:

IN THE SENATE OF THE UNITED STATES, *March* 3, 1875.

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills, when they examine the bill of the Senate No. 378, to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, be authorized to change the title to said bill to read as follows: "An act granting to railroads the right of way through the public lands of the United States;" the amendment of the title to the said bill having been accidentally omitted in the recommendation of the committee of conference on said bill.

JOSEPH H. MADDOX.

Mr. COBB, of North Carolina. I ask that the Committee of the Whole be discharged from the further consideration of House bill No. 3789, for the relief of Joseph H. Maddox, and that the same be now passed.

The SPEAKER. The bill will be read.

The bill directs the proper officers of the Treasury Department to adjust, settle, and pay, out of any money in the Treasury not otherwise appropriated, the claim of Joseph H. Maddox, in his own right and as assignee of Benjamin F. Camp and D. Preston Parr, for their loss and damage sustained under the contract made with them on the 13th day of November, 1864, under the direction of the Secretary of the Treasury, by H. A. Risley, supervising special agent of the Treasury Department, for the delivery of six thousand boxes of tobacco and other products of States declared in insurrection, and in the adjustment of said claim the instrument of writing given on the said 13th of November, 1864, by said special agent of the Treasury to said Camp, Maddox, and Parr, requesting safe conduct and means of transportation for said products, and provides that the order made thereon by the President of the United States on the 17th day of November, 1864, shall be considered as part of said contract; and the allowance shall be for the proper value of such tobacco at the time the respective lots were detained, seized, destroyed, or used by the civil or military authorities of the United States, either while in course of transportation or while in store in the city of Richmond at the time of the capture of said city; provided that no allowance shall be made for such of said tobacco as was destroyed in the said city by fire; and provided that no payment shall be made for any tobacco destroyed by order as a military necessity.

Objections were made.

PAY OF PAGES.

Mr. RANDALL. I ask consent to submit for consideration at this time the following resolution:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to the pages of the House their salaries for the entire month of March out of the contingent fund of the House.

That is usual; the pages are kept here until near the close of the month waiting on the members who remain.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLEMENT OF ACCOUNTS OF ARMY AND NAVY OFFICERS.

Mr. COBURN. I ask unanimous consent to report for consideration at this time, from the Committee on Military Affairs, a bill to still further continue the act to authorize the settlement of the accounts of officers of the Army and Navy.

The SPEAKER. The bill will be read.

The bill provides that the act to authorize the settlement of the accounts of officers of the Army and Navy, approved June 23, 1870, and further continued by the act of June 18, 1874, shall be still further continued for one year from June 23, 1875, and no longer.

Mr. COBURN. I have here a letter from the Secretary of War which will explain the necessity for the passage of this bill.

The letter was as follows:

WAR DEPARTMENT,
Washington City, March 2, 1875.

SIR: Referring to the act of June 18, 1874, "to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy," (chapter 302, Forty-third Congress, first session,) I have the honor to inform you that the Third Auditor of the Treasury reports that "all the cases properly coming under the provisions of the act have not been adjusted for want of time.

"The interest of the Government clearly demands the extension of the act for at least one year longer; if it is not extended Congress will be subjected to the importunities of officers whose cases have not yet been considered, and special acts passed for each case when relief is needed."

In view of this report the Quartermaster-General recommends that the act referred to be extended for one year from 23d June next, and I have the honor to inclose draught of a bill to extend the act for one year, with the earnest recommendation that the same be submitted to the House with the favorable report of your committee.

I have written a similar letter to the chairman of the Committee on Military Affairs of the Senate.

Very respectfully, your obedient servant,

WM. H. BELKNAP,
Secretary of War.

Hon. JOHN COBURN,
Chairman Committee on Military Affairs,
House of Representatives.

No objection being made, the bill (H. R. No. 4865) was received, read three times, and passed.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. There are some unanimous consents to be asked for which will not take much time to dispose of.

Mr. HOLMAN. Then I will wait for a few minutes.

PRINTING OF ADDRESSES.

The SPEAKER laid before the House the following resolution of the Senate:

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That ten thousand copies of the addresses delivered in the two Houses on the occasion of the death of Hon. William A. Buckingham, late a Senator from the State of Connecticut, be printed and bound, five thousand each for the use of the Senate and House of Representatives.

The resolution was concurred in.

LAND CLAIMS UNDER ASHBURTON TREATY.

Mr. DUNNELL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That James A. Drew and others having preferred a claim for compensation for lands which were taken from them and those preceding them in title and interest by the Ashburton treaty of 1842, as described in House report No. 386 of this session, the Secretary of State be directed to investigate and inform the House whether the said lands were taken from said James A. Drew and others in changing and fixing the boundary line between the United States and the province of New Brunswick by the adoption of the Ashburton treaty; if so, the number of acres so taken, the value thereof, and if said parties are not entitled to compensation for the lands so taken under the treaty aforesaid.

MAJOR N. H. M'LEAN.

Mr. GUNCKEL. I ask unanimous consent to report from the Committee on Military Affairs, for consideration at this time, a bill for the relief of Major N. H. McLean, late of the Adjutant-General's Department of the United States Army.

The bill authorizes the President to appoint Major Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department; or, if he shall deem it best, to reinstate and retire him on the rank to which he would have attained in the service at the date of the passage of the act.

There being no objection, the bill (H. R. No. 4866) was received, read three times, and passed.

Mr. GUNCKEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTHA J. COSTON.

Mr. LAMISON, by unanimous consent, introduced a bill (H. R. No. 4867) for the relief of Martha J. Coston; which was read three times, and passed.

The bill appropriates the sum of $15,000 to pay Martha J. Coston in full of all her claim and demands upon the Government of the United States for the use of the Coston signal-light and the manufacture by her of the same.

Mr. LAMISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CESSNA. I now call for the regular order of business.

Mr. KELLEY. I wish to ask unanimous consent——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. CESSNA] insist upon the regular order against his colleague, [Mr. KELLEY?]

Mr. CESSNA. I insist upon it against any and all persons.

The SPEAKER. The regular order being called for, bills will now be taken from the Speaker's table and disposed of in pursuance of the order of the House.

FOURTH JUDICIAL CIRCUIT.

The first bill on the Speaker's table was the bill (H. R. No. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

The SPEAKER. This bill stands in a somewhat peculiar position. It was passed by the House, and was then returned from the Senate by request.

Mr. SENER. Let it be read.

The SPEAKER. Why is that necessary?

Mr. SENER. It is a very objectionable bill.

The SPEAKER. If there be no objection it will be referred to the Committee on the Judiciary.

The bill was so referred.

PROCEEDINGS IN MANDAMUS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 1273) to regulate proceedings in *mandamus*.

The amendments were read, as follows:

Strike out all after "may" to the end of the line, and insert "if necessary for purposes of justice be revived against his."

At the end of the bill add the following:

SEC. 2. That the circuit courts of the United States shall be, and are hereby, given power to issue the writ of *mandamus* in all causes at law or in equity of which they have jurisdiction, and in which such a writ by the common or chancery law is an appropriate remedy, or by way of original proceedings when such writ is necessary to any jurisdiction possessed by said court and is a proper remedy.

SEC. 3. This act shall take effect from the date of its passage.

Mr. BUTLER, of Massachusetts. I think there is no objection to that bill. It was reported from the Judiciary Committee.

The amendments of the Senate were concurred in.

DEBTS DUE THE UNITED STATES.

The next business on the Speaker's table was amendments of the Senate to the bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor.

The amendments of the Senate were read, as follows:

Page 1, line 2, after "United States" insert "or other claim duly allowed by legal authority."

Page 1, line 3, after "plaintiff" insert "or claimant."

Page 1, line 6, after "judgment" insert "or claim."

Page 1, line 7, after "plaintiff" insert "or claimant."

Page 1, line 8, after "judgment" insert "or an amount thereof equal to said debt or claim."

Page 1, line 10, after "plaintiff" insert "or claimant."

Page 1, line 13, after "judgment" insert "or claim."

Page 1, line 15, strike out "such claim" and insert "the debt of the United States."

The amendments were concurred in.

PUNISHMENT OF MANSLAUGHTER.

The next business on the Speaker's table was Senate amendments to the bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter.

The amendments were read, as follows:

Line 4, strike out "20" and insert "10."

At the end of the bill add the following:

Provided, That said act shall remain in force for the punishment of all persons who have heretofore committed the crime of manslaughter.

The amendments were concurred in.

SECOND NATIONAL BANK, JAMESTOWN, NEW YORK.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York.

The amendment of the Senate was read, as follows:

In line 5, after "board" insert "confirmed by a vote of two-thirds of the stockholders."

The amendment was concurred in.

ADMISSION OF COLORADO.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States.

Mr. COX. I thought that bill was disposed of. I call for the reading of the amendments.

The amendments of the Senate were read, as follows:

Page 2, lines 15 and 16, strike out "from the passage of this act," and insert "next after the 1st day of September, 1875."

Page 3, strike out all after "lands" where it first occurs in line 18 down to and including "United States," in line 20.

Page 4, line 6, after "time" insert "in the month of July, 1876."

Page 5, line 13, after "thereof" insert "and with the approval of the President."

Page 5, line 23, after "located" insert "and with the approval."

Page 5, line 26, after "selected" insert "and approved."
Page 6, line 4, strike out "or" and insert "and."
Page 6, line 14, after "of" insert "agricultural."
Page 6, line 14, strike out "have been or."
Page 6, line 15, strike out "prior or."
Page 6, at the end of line 19 insert:
Provided, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses.
Page 6, strike out section 13.
At the end of the bill add the following:
SEC. —. That all mineral lands shall be excepted from the operation and grants of this act.

Mr. BECK and Mr. W. R. ROBERTS called for the yeas and nays in concurring on the amendments of the Senate.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 164, nays 76, not voting 48; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Berry, Biery, Bradley, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Crittenden, Crooke, Crounse, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Knapp, Lansing, Effingham Lawrence, William Lawrence, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Morey, Morrison, Myers, Negley, Nesmith, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Schell, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—164.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, John B. Clark, jr., Clymer, Cook, Cox, Crossland, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Lamar, Lawson, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Neal, O'Brien, Hosea W. Parker, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, Scofield, Sheridan, John Q. Smith, Snyder, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wood, and Pierce M. B. Young—76.

NOT VOTING—Messrs. Buffinton, Bundy, Burrows, Caldwell, Chittenden, Freeman Clarke, Creamer, Crutchfield, Davis, DeWitt, Eden, Frye, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, George F. Hoar, Houghton, Kelley, Kendall, Killinger, Lamison, Lamport, Loughridge, Maynard, Mitchell, Moore, Niblack, Niles, Nunn, Orth, Perry, Phelps, Pierce, Pike, James C. Robinson, Ross, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, William A. Smith, Alexander H. Stephens, Strawbridge, Charles R. Thomas, Thornburgh, Wilber, Wolfe, and John D. Young—48.

So (two-thirds voting in favor thereof) the rules were suspended and the amendments of the Senate concurred in.

During the vote,

Mr. NIBLACK stated that he was paired with his colleague, Mr. ORTH, who was absent on account of ill health; and that while he would vote in the negative, his colleague would vote in the affirmative.

Mr. McNULTA stated that his colleague, Mr. HAWLEY, was detained from the House on account of sickness.

Mr. CRUTCHFIELD stated that he was paired with Mr. WOLFE, who would vote in the negative, while he would vote in the affirmative.

Mr. ALBRIGHT stated that he was requested to state that Mr. KELLEY was paired with Mr. WOOD.

Mr. LOUGHRIDGE said: I was not here during the roll-call, but I believe I have the right to vote, as I was absent on committee service.

Mr. PARKER, of Missouri. Does not the gentleman from Iowa have a right to vote, his committee having the right to sit during the session of the House.

The SPEAKER. Did the House give the committee such permission?

Mr. LOUGHRIDGE. No, sir.

The SPEAKER. Then the gentleman cannot vote.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments an act (H. R. No. 4729) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; in which the concurrence of the House was requested.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I move, by unanimous consent, to take from the Speaker's table the amendments of the Senate to the sundry civil appropriation bill, and to refer them to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

ADMISSION OF NEW MEXICO.

The next bill on the Speaker's table was a bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. COX. I object to taking that up.

Mr. RANDALL. I demand the yeas and nays.

The yeas and nays were ordered:

The question was taken; and it was decided in the negative—yeas, 154, nays 87, not voting 47, as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buckner, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Creamer, Crounse, Curtis, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Knapp, Lamison, Lansing, William Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Morey, Myers, Negley, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pike, James H. Platt, jr., Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waddell, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—154.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crooke, Crossland, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Lamar, Lawson, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Mitchell, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, Schell, Scofield, Henry J. Scudder, Sener, Sheridan, John Q. Smith, Snyder, Southard, Speer, Sprague, Standiford, Stone, Storm, Swann, Vance, Waldron, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wood, and Pierce M. B. Young—87.

NOT VOTING—Messrs. Ashe, Banning, Berry, Buffinton, Burrows, Caldwell, Chittenden, Freeman Clarke, Crutchfield, Darrall, Davis, DeWitt, Eden, Frye, Garfield, Eugene Hale, Robert S. Hale, John B. Hawley, George F. Hoar, Houghton, Kelley, Kendall, Killinger, Lamport, Effingham Lawrence, Leach, Moore, Morrison, Nesmith, Nile, Nunn, Orth, Thomas C. Platt, Poland, Pratt, James C. Robinson, Ross, John G. Schumaker, William A. Smith, Alexander H. Stephens, Strawbridge, Charles R. Thomas, Thornburgh, Wheeler, Wolfe, Woodworth, and John D. Young—47.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

During the roll-call,

Mr. CRUTCHFIELD said: I am paired with Mr. WOLFE, of Indiana. If he were here he would vote "no," and I should vote "ay."

Mr. CESSNA. I ask the Chair to rule on the meaning of the resolution under which we are now proceeding. I take it that it requires but a majority to concur in amendments of the Senate. I wish to say in justice to myself that I had no hand in drawing the resolution of the gentleman from New York, [Mr. ELLIS H. ROBERTS.] It only provides for a two-thirds vote on the passage of a bill I submit that a majority can concur in amendments of the Senate.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the rules be so suspended that the House now proceed to the consideration of bills on the Speaker's table in order, referring the Senate civil-rights bill to the Judiciary Committee not to be brought back on a motion to reconsider, leaving all points of order in force, and that no bill be passed except by unanimous consent on a vote of two-thirds, and that if asked for, five minutes' debate be allowed on each side on any bill.

The SPEAKER. The gentleman from Pennsylvania makes the point that the resolution only requires two-thirds in order to pass a bill and that this is concurring in Senate amendment——

Mr. RANDALL. Which does pass the bill.

The SPEAKER. Which is not provided for in the resolution. But the Chair thinks that as concurring in the Senate amendments passes a bill it requires a two-thirds vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3511) regulating the removal of causes from State courts to the district courts of the United States.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

The bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes; and

The bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes of Indians for the year ending June 30, 1876, and for other purposes.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to restore to the Speaker's table a couple of bills now in the Judiciary Committee, that they may be considered under the rules under which the House is now proceeding.

There was no objection.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. POLAND. I rise to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 3511) regulating the removal of causes from State courts to the district courts of the United States, respectfully report that they have met; and after a full and free conference they have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreements to the amendments of the Senate, and agree to the same with the following amendments:

First. In section 3 strike out the words "before the final hearing or trial therein" where they first occur therein and insert instead thereof as follows: "before or at the term at which said causes could be first tried and before the trial thereof."

Second. Strike out sections 7, 8, and 11 of said Senate amendment.

Third. In section 9 of said Senate amendment strike out the words "civil or criminal" in the first line of said section.

Fourth. In line 11 of said section 9 of said Senate amendment, after the word "any," insert the word "such," and strike out the words "civil or criminal" where they occur in said line.

Fifth. In line 17 of said section 9 of said Senate amendment, strike out the word "prosecution."

Sixth. In line 21 of said section 9 of said Senate amendment, strike out the words "civil or criminal."

Seventh. In lines 28 and 29 of said section 9 of said Senate amendment, strike out the words "civil or criminal."

Eighth. In line 34 of said section 9 of said Senate amendment, strike out the words "criminal prosecution or penal" and insert in place thereof the word "such."

Ninth. In line 36 of said section 9 of said Senate amendment, strike out the words "indictment, presentment, or other."

Tenth. In line 39 of said section 9 of said Senate amendment, strike out the word "prosecution."

Eleventh. In line 41 of said section 9 of said Senate amendment, strike out the word "prosecution."

Twelfth. In lines 42 and 43 of said section 9 of said Senate amendment, strike out the words "if the cause be of a civil nature, at law or in equity."

Thirteenth. In line 1 of said section 10 of said Senate amendment, strike out the word "civil."

Fourteenth. In line 9 of said section 10 of said Senate amendment, after the words "or claim to," insert these words: "or to remove any incumbrance or lien or cloud upon the title and to."

Fifteenth. Strike out section 13 of said Senate amendment and insert instead thereof the following: "All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

Sixteenth. Amend the title of said House bill to read as follows: "An act to determine the jurisdiction of circuit courts of the United States and regulate the removal of causes from State courts, and for other purposes."

LUKE P. POLAND,
LYMAN TREMAIN,
CHARLES A. ELDREDGE,
Managers on the part of the House.
MATT. H. CARPENTER,
ALLEN G. THURMAN,
Managers on the part of the Senate.

Mr. POLAND. I will take no time to explain this, unless some gentleman desires to ask any questions about the report.

The report was agreed to.

Mr. POLAND moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMISSION OF TAXES.

The next bill on the Speaker's table was the bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan, with Senate amendments.

The Senate amendments were read as follows:

In line 3 strike out "issued by" and insert "made against."

Strike out all after "corporations" in line 4, down to and including "Michigan" in line 5, and insert "other than against any national banking association, State bank or banking association,"

In line 10, strike out "either."

In line 11, strike out "or otherwise in such district" and insert "except as the national banking associations."

In line 12, after the word "issued" insert "re-issued."

Amend the title so that it shall read: "An act to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes."

Mr. ELLIS H. ROBERTS. I think there will be no objection to these amendments. This is a bill which was reported from the Committee on Ways and Means.

There was no objection; and the Senate amendments were concurred in.

REFUNDING OF CUSTOMS DUTIES.

The next bill on the Speaker's table was the bill (H. R. No. 2073) restricting the refunding of customs duties, and prescribing certain regulations of the Treasury Department, returned from the Senate with amendments.

The Clerk read the amendment of the Senate, as follows:

Strike out all after the enacting clause and insert as follows:

That no moneys collected as duties on imports, in accordance with any decision, ruling, or direction previously made or given by the Secretary of the Treasury, shall, except as hereinafter provided, be refunded or repaid, unless in accordance with the judgment of a circuit or district court of the United States giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States; or unless in pursuance of a special appropriation for the particular refund or repayment to be made; *Provided*, That whenever the Secretary shall be of opinion that such duties have been assessed and collected under an erroneous view of the facts in the case, he may authorize a re-examination and reliquidation in such case, and make such refund in accordance with existing laws as the facts so ascertained shall, in his opinion, justify; but no such reliquidation shall be allowed unless protest and appeal shall have been made as required by law: *Provided further*, That the restrictive provisions of this act shall not apply to such personal and household effects and other articles, not merchandise, as are by law exempt from duty: *And provided also*, That this act shall not affect the refund of excess of deposits based on estimated duties nor prevent the correction of errors in liquidation, whether for or against the Government, arising solely upon errors of fact discovered within one year from the date of payment and, when in favor of the Government, brought to the notice of the collector within ten days from the date of discovery.

SEC. 2. That no ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney-General recommending the same, or a judicial decision of a circuit or district court of the United States conflicting with such ruling or decision, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States: *Provided*, That the Secretary of the Treasury may, in his discretion, decline to acquiesce in the judgment, decision, or ruling of an inferior court upon any question affecting the interests of the United States, when, in his opinion, such interests require a final adjudication of such question by the court of last resort.

SEC. 3. That the Secretary of the Treasury shall have power to make such regulations, not inconsistent with law, as may be necessary to carry this act into effect.

SEC. 4. That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

Mr. KASSON. I ask that that bill may be informally laid aside, without losing its right until the members of the Committee on Ways and Means have an opportunity to examine it a little carefully.

Subsequently Mr. KASSON said: I ask now for action on the bill (H. R. No. 2073.) The amendment of the Senate leaves the bill substantially as the House passed it, without material alterations.

The amendment of the Senate was concurred in.

GEORGE A. SCHREINER.

The next business on the Speaker's table was the bill (H. R. No. 3685) for the relief of George A. Schreiner, returned from the Senate with amendments.

The amendments of the Senate were read, as follows:

Strike out the word "as a volunteer" and insert "having been employed as a steamboat pilot."

At the end of the bill add:

"The said rate to commence from and after the passage of this act."

The amendments of the Senate were concurred in.

PUNISHMENTS OF LARCENIES, ETC.

The next business on the Speaker's table was the bill (H. R. No. 4744) to punish certain larcenies and receivers of stolen goods, returned from the Senate with amendments.

Mr. BUTLER, of Massachusetts. That is a long bill, and the amendments of the Senate are merely verbal. I ask that they be concurred in without reading.

The amendments of the Senate were concurred in.

SECURITY OF NAVIGATION.

The next business on the Speaker's table was the bill (H. R. No. 3379) for the further security of navigation on the Mississippi River, returned from the Senate with amendments.

The SPEAKER. The gentleman from Illinois, [Mr. MARSHALL,] who is a member of the Special Committee on Louisiana Affairs, had a right to present his views upon that question in writing, and he now presents them.

The amendments of the Senate were read, as follows:

Amend section 4 by inserting after the word "all" the words "or any."

Strike out all after "lumber" in line 6 to the end of the bill and insert "with a specific report in each case."

The amendments of the Senate were concurred in.

DEDUCTIONS FROM TERMS OF SENTENCE.

The next business on the Speaker's table was the bill (H. R. No. 3504) to provide for deductions from terms of sentence of United States criminals, returned from the Senate with an amendment.

The amendment of the Senate was read, as follows:

At the end of the bill add the following:

SEC. 2. That on the discharge from any prison of any person convicted in the courts of the United States on indictment he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and five dollars in money, for which charge shall be made and allowed in the accounts of said person with the United States: *Provided*, That this section shall not apply to persons sentenced to a term of imprisonment of less than six months.

The amendment of the Senate was concurred in.

COURTS AT JACKSON, TENNESSEE.

The next bill on the Speaker's table was the bill (H. R. No. 1995) to amend the act approved June 16, 1838, entitled "An act to require the judge of the eastern district of Tennessee to hold a court at Jackson, in said State," returned from the Senate, with amendments.

The amendments of the Senate were concurred in without being read.

CIVIL RIGHTS.

The next bill on the Speaker's table was the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

The SPEAKER. Under the order this bill will be referred to the Judiciary Committee, not to be brought back by a motion to reconsider.

ALEXANDER MINOR.

The next bill on the Speaker's table was the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia.

The bill, which was read, directs the Secretary of the Treasury to pay to Alexander Minor, of Company B, Twelfth Regiment West Virginia Infantry Volunteers, the sum of $250, being the amount of pay and bounty due him.

There being no objection, the bill received its several readings, and was passed.

RELIEF OF CONTRACTORS.

The next bill on the Speaker's table was the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Mr. SENER. I object to that bill.

Mr. KELLOGG. I move to suspend the rules and pass the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate requested the return to that body of House bill No. 1273 to regulate proceedings in *mandamus*, with the amendments of the Senate thereto.

The SPEAKER. If no objection is made the request of the Senate will be acceded to.

No objection was made, and it was ordered accordingly.

CONTRACTORS OF WAR VESSELS AND STEAM-MACHINERY.

The next business on the Speaker's table was the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam-machinery.

The bill was read, as follows:

Be it enacted, &c., That the claims for building vessels of war and constructing steam-machinery, referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery," approved March 2, 1867, be, and the same are hereby, referred to the Court of Claims, which is hereby vested with authority and jurisdiction to hear and determine the respective claims of the several parties: *Provided, however*, That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam-machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further*, That all moneys paid to said contractors by the Government, over and above the original contract price for the building of said vessels and the construction of said machinery shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides, and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further*, That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amount thereof be deducted from any allowance to be made by said court to said claimants: *And provided further*, That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. KELLOGG. I move to suspend the rules and pass this bill.

Mr. HOLMAN. Under the standing order now regulating the proceedings of the House are not five minutes allowed for debate on each side of the pending proposition?

The SPEAKER. The gentleman from Connecticut [Mr. KELLOGG] is entitled to five minutes, and whoever follows him will be entitled to five minutes.

Mr. KELLOGG. Any one who observed the reading of this bill must have noticed that it is surrounded by all the guards possible to protect the Government from any danger of a judgment against it for money not absolutely due to one of its citizens. It is important to pass this bill in order to settle a controversy which has existed here in Congress ever since the close of the war, in regard to the construction of certain light-draught iron-clad vessels, where the Navy Department ordered change after change, not knowing what they themselves needed, and did not pay in full for those changes. This question has been here in every Congress, and every committee that has reported upon it has reported either in favor of paying these contractors or of sending them to the Court of Claims. A bill passed both Houses during the Fortieth Congress, and the chairman of the Committee on War Claims, [Mr. LAWRENCE,] then a member of this House, voted for the bill. That bill, however, did not contain as many guards as this does; it wanted one important one, and the President vetoed it on that ground.

This bill settles this question once for all. If the Government owes these parties anything, then under this bill they can go to the Court of Claims and prove their case. It is provided at the same time that if they have been overpaid the Government can recover back the sum overpaid them. In addition to that the Government of the United States has the right to appeal to the Supreme Court of the United States. Now, I ask members of this House if they are afraid to trust their own citizens in the Court of Claims with the right of appeal on the part of the Government to the Supreme Court of the United States?

In the Senate of the United States the late Senator Sumner and a score of other Senators of equal standing have advocated these claims over and over again, either to pay them or allow the claimants to go to the Court of Claims to prove their just rights. We have sent two or three there, and have paid two or three of them. We paid one of them at the last session of Congress, Mr. Bestor, who died waiting here at the doors of Congress before his claim was allowed. We sent Miles Greenwood to the Court of Claims, with one of the weakest cases.

All that we assert is that these seven or eight other claimants shall be permitted to go to the Court of Claims, prove their cases if they have good ones, and if they have not then the matter will be at an end, forever taken out of Congress.

Mr. HOLMAN. These vessels were constructed under contracts made by the Government with these parties. For the next succeeding six years these parties were entitled to go into the Court of Claims; but instead of doing so they preferred to present their claims to the Navy Department, which had the power of adjustment. On contracts amounting to $14,201,000 the Navy Department allowed them $5,302,847.94, in the neighborhood of 40 per cent., as extras upon the original contracts. Not content with that, these parties obtained the passage of an act of Congress, passed on the 2d of March, 1867, organizing a tribunal, so to speak——

Mr. KELLOGG. These parties did not do that.

Mr. HOLMAN. These parties—so the minority of the committee have reported—obtained the passage of that act organizing a tribunal under the Secretary of the Navy to inquire into what losses had been sustained by them in consequence of changes in their contracts, and because of delay occasioned by the act of the Government. Those are the terms of the act of March 2, 1867; and every gentleman must see that this act presented the case so as to enable these parties to have ample and complete justice.

The proper tribunal was organized under that act, consisting of three officers of the Navy Department. They reported that certain of these parties were entitled to additional compensation, amounting in the aggregate to $157,475.55; but they also reported that the other parties named were not entitled to receive any additional compensation, having sustained no loss that had not been already provided for by allowances made to them by the Navy Department under the provisions of the contracts, which were framed with reference to the contingencies of delays and alterations which might be made by the Government. But, sir, these parties did not go into the Court of Claims. They sought other tribunals; first, the Navy Department itself——

Mr. KELLOGG. Does not my friend know that these parties were never permitted to appear in the Court of Claims?

Mr. HOLMAN. They sought other tribunals—first the Navy Department itself, and secondly the tribunal organized under the act whose passage they themselves procured. They have received the money—have receipted in full. Yet they are still demanding $4,700,000 more.

The question being taken on suspending the rules and passing the bill, there were ayes 48, noes not counted.

So the bill was not passed.

SAINT CROIX AND LAKE SUPERIOR RAILROAD.

The next business on the Speaker's table was the bill (S. No. 654) to extend the time for the completion of a railroad from the Saint Croix River or Lake between townships 25 and 31 to the west end of Lake Superior, and to Bayfield in the State of Wisconsin.

Mr. RANDALL. I object to that.

Mr. HOLMAN. That is a new land grant.

Mr. RUSK. I move to suspend the rules and pass the bill.

The motion was not agreed to; there being ayes 46, noes not counted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had insisted upon its amendments disagreed to by the House to the bill (H. R. No. 3341) for the equalization of bounties, &c., had agreed to the conference asked by the House on the disagreeing votes of the two Houses and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. HAMLIN, and Mr. SPENCER.

NATIONAL PARK, ISLAND OF MACKINAC.

The next business on the Speaker's table was the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

Mr. CONGER. I move that the rules be suspended and this bill be passed.

The bill was read, as follows:

Be it enacted, &c., That so much of the island of Mackinac, lying in the Straits of Mackinac, within the county of Mackinac, in the State of Michigan, as is now held by the United States under military reservation or otherwise, (excepting the Fort Mackinac and so much of the present reservation thereof as bounds it to the south on the village of Mackinac, and to the west, north, and east, respectively, by lines drawn north and south, east and west, at a distance from the present fort flag-staff of four hundred yards,) hereby is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as

a national public park, or grounds, for health, comfort, and pleasure, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as herein provided, shall be considered trespassers and removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of War, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases, for building purposes, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors, for terms not exceeding ten years; all of the proceeds of said leases, and all other revenues derived from any source connected with said park, to be expended, under his direction, in the management of the same and in the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of game or fish found within said park, and against their capture or destruction for any purposes of use or profit. He also shall cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That any part of the park hereby created shall at all times be available for military purposes, either as a parade or drill ground, in time of peace, or for complete occupation in time of war, or whenever war is expected, and may also be used for the erection of any public buildings or works: *Provided*, That no person shall ever claim or receive of the United States any damage on account of any future amendment or repeal of this act, or the taking of said park, or any part thereof, for public purposes or use.

Mr. HOLMAN. I desire to say one word upon this bill. The policy of the Government in setting apart bodies of land as public national parks is one that should not be entered upon without proper consideration. The expense of maintaining these parks must steadily increase, as has been shown in connection with the Yellowstone Park already set apart by the Government. I think that the true policy to be adopted is that which was pursued with reference to the Yosemite Valley. Let this island of Mackinac be transferred to the State of Michigan, to be held in trust as a public park for the United States. It will thus be brought under legal control.

Mr. DAWES. Suppose that Michigan should do with reference to this park what California did with reference to the Yosemite Valley, sell it out to squatters?

Mr. HOLMAN. But the State of California never could have sold it out if my friend from Massachusetts [Mr. DAWES] had been as acute as he usually is in drawing up the terms of the law under which that trust was created.

Gentlemen must be aware that every year the expense of keeping up the Yellowstone Park is increasing; and it is certain to become ultimately a source of great outlay to the Government.

Mr. MAGINNIS. It has never cost the Government a dollar.

Mr. HOLMAN. I am speaking of the general policy of this kind of legislation. I do not object to setting apart this island, known as Mackinac, as a public park, yet I think the title should be vested in the State of Michigan for the benefit of the people of the United States and should not be held by the Government.

Mr. CONGER. Mr. Speaker, this island of Mackinac with which so many members are acquainted, with the exception of that part occupied by the village of Mackinac and a few settlers, is now a military reservation. The objection to giving it to the State of Michigan to hold and control as a park would be to give the State control over a military reservation. The object of making it a park is that it may be preserved now and for all future time for the people of the United States. It is now one of the most common public resorts for all the people around the lakes in any of the northern waters, and if it be preserved as a park it will be preserved with its wonderful natural curiosities, its woods and drives. It will be preserved for the use of the people; for their health and pleasure.

I do not know of any possible objection to granting this reservation to be used as a public park for the benefit of the people of the United States. The island commands the entrance from Lake Huron to Lake Michigan, the only point which controls that passage, and it should never be surrendered as a military reservation. Yet at the same time, if the public should go there for the benefit of their health and for their recreation as they do now, as it is the most common place of resort in the Northern States, there can be no objection to this transfer. It gives the public a better right than they now have under military officers. The military officers can now forbid the people going over these beautiful grounds and examining the natural curiosities which are there. The people of the North and the Northwest desire it should be set apart as a public park instead of being held solely as a military reservation under the control of whatever officer, captain or sergeant, may be in charge of the fort at Mackinac.

I have never heard a reasonable objection to the passage of this bill. I think it is in the interest of the people of the United States who desire to spend their summers there. For the people from the South, from Chicago, and from all the lake States it is a place of the most popular resort.

Mr. MAYNARD. Does it give anybody a job to put up a hotel?

Mr. CONGER. There is no job in it. There are large public houses there now, and thousands have received renewed health and strength from a sojourn on this beautiful island. Let it forever remain the beautiful national park of the upper lakes.

The bill was passed, two-thirds voting in favor thereof.

OXYGEN GAS COMPANY OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 856) to incorporate the Oxygen Gas Company of the District of Columbia.

Mr. O'NEILL. I object.

The rules were not suspended, two-thirds not voting in favor thereof, and the bill was not passed.

ROSA VERTNER JEFFREYS.

The next business on the Speaker's table was the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys.

The bill authorizes and directs the Secretary of the Treasury to pay to Rosa Vertner Jeffreys, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

Mr. BECK. Mr. Speaker, I wish to say a word in behalf of this bill, and if members will listen to me I think I can satisfy them of its justice. It is a little bill which has passed the Senate, allowing Mrs. Jeffreys $5,000 for the use of her residence in Lexington, Kentucky, for three years and a half. The property is proved by the testimony of military officers, of General Gilmore, General O. B. Wilcox, and General S. G. Burbridge, and others, that it was a valuable residence, worth $20,000, and was fully furnished when the military took possession of it. They occupied it for three years and a half as headquarters. When occupied, it was not where the war was going on. It was handsomely furnished, with a fine library and with personal property valued at $9,000, as the proof shows. The property was well worth $20,000 when they took possession of it, but when given up by the United States it had to be sold for only $9,000 because it had been so much abused while in the possession of the military authorities.

The Senate committee, after full investigation, say they could not allow for personal property destroyed while in use by the military authorities, nor could they allow for injury done to the building, although they admit that the damage was done; but after having received $1,600 for rent, they say Mrs. Jeffreys shall have $5,000. I believe double that amount should be allowed to her; but that is all this bill appropriates. It is only fair compensation, independent of the destruction of personal property and damage done to the building when in the use of the Government, for the use of the building.

I know the gentleman from Ohio [Mr. LAWRENCE] sees something difficult about it. There was no war at the time in that place. It was quiet and peaceable all the time of the occupancy by our officers. As the report shows, it is only a reasonable compensation, in addition to the $1,600 already paid, to pay Mrs. Jeffreys this $5,000 appropriated in this bill. If members will read the report, they will see that the building was worth $20,000, was handsomely furnished, and in good repair when taken possession of. The United States took possession of it and kept it against the will of this lady and her family for three years and a half. They were living in Rochester, New York, all the time and were not only loyal but as loyal as any man on this floor can pretend to be. It was used by the United States, and they could not have got the same property for far more than the Senate have allowed.

Mr. FIELD. There can be no objection to that.

Mr. SAYLER, of Indiana. Does the gentleman from Kentucky have the report of the Senate committee upon this bill?

Mr. BECK. I have. I wish some gentleman would read it.

Mr. SAYLER, of Indiana. Let it be read by the Clerk.

Mr. BECK. The Senate report is a very full one.

Mr. LAWRENCE, of Ohio. If that report is to be read I ask that the report of the Committee on War Claims of the House be also read.

The SPEAKER *pro tempore*, (Mr. DAWES.) Does the gentleman from Ohio [Mr. LAWRENCE] rise to oppose the bill?

Mr. LAWRENCE, of Ohio. There is no one fact sufficiently proved to authorize the payment of this claim. During the war officers of the Army often chose to occupy houses at their own expense. It certainly does not appear that there ever was any authorized occupancy of the claimant's property for the benefit of or by authority of the Government.

This claim has been examined by the War Claims Committee, and there has been a report of the committee against it. There is no ground upon which Congress can properly undertake to examine this claim. The War Department and the accounting officers of the Treasury have, or at least had, full power to examine it, and this has been fully shown in the report made by the Committee on War Claims. This claimant has been paid as much as the military officers who occupied her property deemed proper, and the only question is whether Congress will now undertake to revise the judgment of the War Department upon this case. I have not recently looked into the report of the committee, and I cannot say that the claim has been examined by the War Department. But I know the proof shows that money has been paid to the claimant, some $1,700, if I remember right, for the use of this property, all that the proper officers deemed proper. I think it will be found that there is no evidence that there was any contract or use of this property for the Government. The property may have been occupied by officers who chose to do so for their own convenience; and if we undertake now in Congress to review the action of the officers who made payment upon claims like this there will be no end to them. We will invite a horde of claims here, and Congress, as every man knows, is the worst place in the world

to undertake to review the action of or take the place of the proper officers in the investigation of claims.

The question being put on passing the bill, there were ayes 96, noes not counted.

So (two-thirds having voted in favor thereof) the bill was passed.

WASHINGTON CROSLAND.

The next business on the Speaker's table was the bill (S. No. 807) for the relief of Washington Crosland.

The bill was read. It provides that there be paid to Washington Crosland, of Saint Louis, Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, in satisfaction of all damages which accrued to him by reason of the construction of a railroad across his two lots of land in the city of Saint Louis by the United States for military purposes.

Mr. STONE. I move that the bill be passed.

The bill was passed, two-thirds voting in favor thereof.

PROTECTION OF TREES ON GOVERNMENT RESERVATIONS.

The next business on the Speaker's table was the bill (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes.

The bill was read.

There being no objection, the bill was read three times, and passed.

ORDER OF BUSINESS.

Mr. COX, (at a quarter to one o'clock a. m., Thursday, March 4.) I move to take a recess until nine o'clock.

Mr. RANDALL. I understand the sundry civil appropriation bill will be here from the Committee on Appropriations in half an hour.

Mr. COX. I am willing to modify my motion so that the recess shall be until seven o'clock. It is the worst legislation that I ever saw that is being done to-night.

Mr. WILLARD, of Vermont. I move to amend the motion by making the hour two o'clock.

Mr. HAWLEY, of Connecticut. I move to amend by making it half past one o'clock.

Mr. ALBRIGHT. The House should not take a recess until the sundry civil bill is reported for action.

Mr. HAWLEY, of Connecticut. I am informed that the Committee on Appropriations will be ready in three-quarters of an hour to report that bill to the House.

Mr. COX. I will modify my motion so as to make the hour to which the House shall take a recess half past one o'clock.

The question being taken on the motion of Mr. COX, as modified, there were—ayes 38, noes 75; no quorum voting.

Tellers were ordered; and Mr. WILLARD, of Vermont, and Mr. COX were appointed.

Mr. PLATT, of Virginia. I rise to a question of order. No one in this part of the Hall knows what we are asked to vote upon.

The SPEAKER *pro tempore*. The point of order is well taken. The House will come to order.

Mr. GARFIELD. I desire to make a suggestion to the House. The sundry civil bill is now in the Committee on Appropriations. It is necessary that it be sent to a conference committee before the House takes any lengthy recess. In three-quarters of an hour we can have it here.

Mr. MAYNARD. I desire also to make a suggestion. The committee of conference on the legislative appropriation bill have agreed. I suppose the bill will be very soon here from the Senate, and it is important that it should be acted on speedily. It is a voluminous bill, and will require a great deal of labor to engross it.

The SPEAKER *pro tempore*. Does the gentleman from New York withdraw his motion?

Mr. COX. I will if it is agreed that we do not to go to the Speaker's table again. If that is not agreed to I modify my motion so that the recess shall be for half an hour.

The question being taken on the motion that the House take a recess for half an hour, there were ayes 27, noes not counted.

So the motion was not agreed to.

LANDS IN UTAH.

The next business on the Speaker's table was the bill (S. No. 425) for the restoration to market of certain lands in the Territory of Utah.

Many members objected to the bill.

The question was put on the passage of the bill, and (two-thirds not voting in favor thereof) the bill was not passed.

E. LAWS.

The next business on the Speaker's table was the bill (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy.

Mr. YOUNG, of Kentucky. I object to that bill.

Mr. MYERS. This bill was drawn by the Secretary of the Navy himself.

Mr. O'BRIEN. It is all right. It is approved by the Secretary of the Navy, by the Committee on Naval Affairs of the Senate, and by the Committee on Naval Affairs of the House, and I hope it will be passed. There is no possible objection to the bill.

The question was put, and (two-thirds voting in favor thereof) the bill was passed.

JACKSONVILLE, PENSACOLA AND MOBILE RAILROAD.

The next business on the Speaker's table was the bill (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad, (the Jacksonville, Pensacola and Mobile Railroad.)

Mr. SENER. I object to that bill.

Mr. DUNNELL. I would say that this bill received the unanimous indorsement of the Committee on the Public Lands, and conforms fully and entirely to the previous laws that have been adopted by the House.

Mr. KASSON. Is twenty acres the usual allowance or ten acres?

Mr. DUNNELL. Twenty acres.

Mr. WALLS. I hope this bill will pass; it grants a simple right of way.

The question was put on the passage of the bill, and on a division there were—ayes 46, noes 40; no quorum voting.

Mr. COX. Is it too late to say a word?

The CHAIRMAN. Debate is exhausted on the bill.

Tellers were ordered; and Mr. DUNNELL and Mr. BURCHARD were appointed.

Mr. COX. I believe five minutes is allowed for each side, and I would ask the gentleman from Minnesota [Mr. DUNNELL] whether the right of way is the only thing granted by this bill?

Mr. DUNNELL. It is, with the exception of the necessary lands for depots, &c.

Mr. SENER. I withdraw my objection to the bill.

There being no further objection, the bill was passed, two-thirds voting in favor thereof.

NORTHERN AND SOUTHERN JUDICIAL DISTRICTS, NEW YORK.

The next business on the Speaker's table was the bill (S. No. 1294) to fix the salaries of the judges of the northern and southern districts of New York.

The bill, which was read, provides that from and after the 1st day of April, 1875, the salaries of the judges of the northern and southern districts of New York shall be $6,000 per annum.

Mr. SENER. I object to that.

Mr. BUTLER, of Massachusetts. I want to say that this bill passed the Judiciary Committee of the House after the most careful examination. These two districts in New York have two judges, who only receive $4,000 a year and are employed all the time, while of the States judges one receives $14,000 and one $10,000 a year. It is absolutely shameful to have two judges of the United States courts receiving such small salaries in proportion to those paid to the judges of the State courts.

Mr. PLATT, of Virginia. I object to the consideration of this bill because it is not to be found upon the Calendar.

Mr. BUTLER, of Massachusetts. It is on there.

Mr. PLATT, of Virginia. But its consideration now takes some other bill out of place.

The SPEAKER *pro tempore*, (Mr. DAWES in the chair.) The Chair will state that through some error of the Clerks this bill had got out of its order; but no objection was made to its consideration.

Mr. BUTLER, of Massachusetts. If there is no further objection, I will not pursue the debate.

Mr. MCCRARY. I must object to the selection of one or two judges in the country to the exclusion of all others for the purpose of raising their salaries. The district judge in the State of Iowa receives only $2,500 a year. There is but one district in the State, and unless gentlemen will yield for an amendment to include that district judge I shall be compelled very reluctantly to oppose the bill, because it is neither fair nor just that one or two judges should be selected to the exclusion of all others.

Mr. SENER. If I am not mistaken this judge now gets $4,500.

Mr. MCCRARY. If the gentleman will yield to me to move an amendment that the district judge of Iowa shall receive $5,000 I will not object to the bill.

Mr. SAYLER, of Indiana. I wish to have the salary of the district judge of Indiana increased.

Mr. CESSNA. Does the gentleman from Iowa [Mr. MCCRARY] believe for one moment that if his amendment should be allowed to go on the bill it would do him or anybody else any good, or would it result in anything but the defeat of this bill, which is right?

The SPEAKER *pro tempore*. No further debate is in order.

The question was upon the passage of the bill; and upon a division there were—ayes 46, noes 37; no quorum voting.

Mr. RANDALL. I would like to ask if this bill is on the Calendar?

The SPEAKER *pro tempore*. It is not.

Mr. RANDALL. Then I object to it.

The SPEAKER *pro tempore*. The Chair called attention to the fact that it had been presented out of its order and asked if there was any objection, and there was none.

Mr. RANDALL. The House probably had no objection to it if it was on the Calendar, but I have since been informed that it was not on the Calendar at all.

Mr. BUTLER, of Massachusetts. The bill came up properly. I asked unanimous consent to discharge the Judiciary Committee from the consideration of two bills and put them upon the table. One has been passed and this is the other.

The SPEAKER *pro tempore*. The Chair submitted to the House the question of considering this bill out of its order, and there was no

objection. No quorum having voted, the Chair will appoint as tellers Mr. MCCRARY, and Mr. BUTLER, of Massachusetts.

The House again divided; and the tellers reported that there were—ayes 108, noes 39.

Mr. RANDALL. I call for the yeas and nays on this bill. Even upon the statement of the gentleman from Massachusetts [Mr. BUTLER] that he had permission for it to go on the table it should be placed at the bottom. It has been put near the top, if not at the top, and it is keeping other bills back and not fairly treating them.

Mr. BUTLER, of Massachusetts. Why did not the gentleman make his objection a little sooner?

Mr. O'BRIEN. I move to put the bill back in its place.

Mr. RANDALL. The House ought to have respect enough for itself to rebuke such conduct as this.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 25, noes 79.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. RANDALL. I do not desire to waste time in calling the yeas and nays if the gentleman will consent——

Mr. BUTLER, of Massachusetts. Debate is not in order.

Mr. RANDALL. If the gentleman will consent that it shall go to the bottom——

Mr. BUTLER, of Massachusetts. It may as well go to the bottomless pit.

The question was taken; and there were—yeas 84, nays 102, not voting 102; as follows:

YEAS—Messrs. Albert, Barry, Bromberg, Benjamin F. Butler, Roderick R. Butler, Cain, Carpenter, Caulfield, Cessna, Amos Clark, jr., Clayton, Clements, Comingo, Creamer, Davis, Donnan, Dunnell, Farwell, Field, Finck, Foster, Gooch, Gunter, Hagans, Harmer, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Hodges, Hoskins, Hubbell, Hynes, Kasson, Kellogg, Elfingham Lawrence, Lawson, Lowndes, Lynch, Maynard, Alexander S. McDill, McNulta, Merriam, Myers, Negley, Packer, Page, Parsons, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, William R. Roberts, Schell, Scofield, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, Smart, H. Boardman Smith, Standiford, St. John, Stowell, Strait, Christopher Y. Thomas, Todd, Townsend, Tremain, Waldron, Walls, Whitehouse, Wilber, George Willard, John M. S. Williams, James Wilson, and Pierce M. B. Young—84.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Barber, Barrere, Biery, Bland, Blount, Bowen, Bradley, Bundy, Burchard, Burleigh, Cannon, Cason, John B. Clark, jr., Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crossland, Crutchfield, Curtis, Danford, Dawes, Dobbins, Durham, Fort, Giddings, Glover, John T. Harris, Harrison, Hatcher, Havens, Hereford, Herndon, Holman, Hunter, Hunton, Hyde, Killinger, Lamison, William Lawrence, Lewis, Lofland, Loughridge, Lowe, Luttrell, Martin, McCrary, Neal, Nesmith, O'Brien, O'Neill, Orr, Packard, Hosea W. Parker, Isaac C. Parker, Pendleton, Pierce, Pratt, Randall, Read, Robbins, James C. Robinson, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Sener, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Snyder, Speer, Stanard, Starkweather, Charles A. Stevens, Stone, Storm, Thompson, Tyner, Vance, Waddell, Wallace, Wells, Whitehead, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, Ephraim K. Wilson, Woodworth, and John D. Young—102.

NOT VOTING—Messrs. Albright, Archer, Averill, Banning, Barnum, Bass, Beck, Begole, Bell, Berry, Bright, Brown, Buckner, Buffinton, Burrows, Caldwell, Chittenden, Freeman Clarke, Clinton L. Cobb, Cox, Crounse, Darrall, DeWitt, Duell, Eames, Eden, Eldredge, Freeman, Frye, Garfield, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Houghton, Howe, Hurlbut, Kelley, Kendall, Knapp, Lamar, Lamport, Lansing, Leach, Magee, Marshall, James W. McDill, MacDougall, McKee, McLean, Milliken, Mills, Mitchell, Monroe, Moore, Morey, Morrison, Niblack, Niles, Nunn, Orth, Pelham, Phelps, Pike, Poland, Richmond, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sheridan, Small, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Sprague, Alexander H. Stephens, Strawbridge, Swann, Taylor, Charles R. Thomas, Thornburgh, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, William Williams, William B. Williams, Jeremiah M. Wilson, Wolfe, and Wood—102.

So (two-thirds not voting in favor thereof) the bill was not passed.

During the vote,

Mr. SOUTHARD said: The gentleman from New Jersey, Mr. HAMILTON, is paired with the gentleman from New York, Mr. LANSING. I do not know how they would vote on this question.

Mr. ELLIS H. ROBERTS. I presume this bill will retain its place on the Calendar.

Mr. RANDALL. If it does, it must go to the bottom.

Mr. ELLIS H. ROBERTS. At the bottom, of course.

Mr. SPEER. It is not on the Calendar at all.

Mr. O'BRIEN. It was surreptitiously brought in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 4858) to authorize the Commissioner of Patents to sign a certificate of extension of letters-patent No. 28,470, granted to Frederick T. Grant, May 29, 1860, upon a sliver machine.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3884) granting a pension to Mary C. Toy.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1593) relating to the punishment of the crime of manslaughter; and

An act (H. R. No. 4324) to change the name of the Second National Bank of Jamestown, New York.

Mr. DARRALL, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 786) for the relief of Samuel S. Potter;

An act (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682 of the Revised Statutes of the United States;

An act (S. No. 1339) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia, and for other purposes; and

An act (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

Mr. BANNING, from the same committee, also reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor;

An act (H. R. No. 3685) for the relief of George A. Schreiner;

An act (H. R. No. 4747) supplementary to the acts in relation to immigration; and

An act (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes.

MARY C. TOY.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 3884) granting a pension to Mary C. Toy.

The amendments were read, as follows:

Strike out "John B. Toy" and insert "John D. Toy;" strike out "66" and insert "16."

Mr. COTTON. "Sixteen" is the number of the regiment; there was a misdescription of the regiment as the sixty-sixth regiment.

The amendments were concurred in.

COMMISSIONERS TO VIENNA EXPOSITION.

The next business on the Speaker's table was the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners to the Vienna exposition, appointed under authority of joint resolution approved February 14, 1873.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and directed to pay, out of any balance now remaining unexpended of the moneys appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873," the sum of $500 to each of the six practical artisans, five scientific men, and four honorary commissioners, appointed under authority of said joint resolution, who, in addition to undertaking reports upon special subjects at said exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition, or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in that Department.

Mr. MYERS. I desire merely to say that this bill is recommended by the Secretary of State; that it has been approved by the Committee on Foreign Affairs; and that it appropriates no money out of the Treasury. It gives to the fifteen artisans and scientific men who were appointed to go to Vienna, at a salary of $1,000, $500 more out of the money already appropriated, and for the reason stated in the bill—that in consequence of the dismissal of other commissioners, they were called upon to perform duties not originally contemplated. The bill merely allows $500 each to those who served seventy-five days, and who in addition to that made reports. They had to sit upon juries; they staid in Vienna when the weather was very oppressive; and it is to be borne in mind also that that is the most expensive capital in Europe. These men were mechanics or artisans who could not well afford to go, and to whom we allowed $1,000 each, which barely paid their expenses. The Secretary of State writes urging that this allowance be made. It is a very small matter.

Mr. WILLARD, of Vermont. This bill is in the nature of "back pay." These persons went to that exposition under a statute which allowed them $1,000 each and no more; that was the limit. They now come and ask $500 extra apiece.

Mr. MYERS. It is the Secretary of State who asks it.

Mr. WILLARD, of Vermont. It is strictly and entirely "back pay."

The question being taken on suspending the rules and passing the bill, it was not agreed to.

PAYMASTERS IN THE ARMY.

Mr. ALBRIGHT. I ask unanimous consent to make a statement. On last Monday a bill was passed in relation to the Pay Department of the Army. There seems to be some doubt about the construction of that act. The intention was to fix the number of paymasters at fifty, and to open that corps to promotion. It seems that the provision opening the corps to promotion is not as definite as it should be. I therefore ask unanimous consent to introduce and have passed a joint resolution explanatory of that bill.

The SPEAKER. The joint resolution will be read, after which objection can be made.

The Clerk read as follows:

Joint resolution explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875.

Be it resolved by the Senate and House of Representatives, &c., That the intent and meaning of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, was to authorize the appointment of such additional number of paymasters with the rank of major as will make the total number of paymasters with the rank of major fifty, and no more; and so much of section 1194 of the Revised Statutes as applies to the Pay Department be, and the same is hereby, repealed.

Mr. HOLMAN. What is the effect of this?

Mr. ALBRIGHT. It is explanatory of the act passed the other day.

Mr. HOLMAN. Does it not have the effect of making an increase in this corps?

Mr. ALBRIGHT. Not at all.

There being no objection, the joint resolution (H. R. No. 162) was read three times, and passed.

Mr. STORM. I ask unanimous consent to introduce a resolution.

Mr. DURHAM. I object.

Mr. CREAMER. I move that we take a recess until nine o'clock to-morrow.

The motion was rejected.

PASSED ASSISTANT PAYMASTER E. MELLACH, UNITED STATES NAVY.

The next business on the Speaker's table was the bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

The bill, which was read, directs the accounting officers of the Treasury of the United States, in settling the accounts of E. Mellach, passed assistant paymaster, United States Navy, to credit him with all stoppages charged against him, amounting to $25,104.98, and to allow him his pay from the 2d of May, 1872, to the 7th of April, 1874.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee of this House?

Mr. PLATT, of Virginia. That bill, having passed the Senate unanimously, having previously been reported unanimously from the Committee on Naval Affairs in that body, was referred to the Committee on Naval Affairs in this House, and I have been unanimously instructed by that committee to move its passage under a suspension of the rules. I have the report of the Senate in my hand.

Several MEMBERS. We will pass the bill; it is all right.

The rules were suspended and the bill was passed, two-thirds voting in favor thereof.

DEPARTMENT OF AGRICULTURE.

The next business on the Speaker's table was the bill (S. No. 912) to annex certain lands to reservation No. 2, occupied by the Department of Agriculture.

The bill, which was read, provides that the public gound which lies immediately north of reservation No. 2, now in the occupancy of the Department of Agriculture, made by the filling up of the canal, be, and the same is hereby, attached to and shall hereafter be a part of the said reservation No. 2, in the occupancy of the said Department of Agriculture.

The rules were suspended, and the bill passed, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with an amendment, the bill (H. R. No. 4445) to incorporate the trustees of Louise Home, and for other purposes.

It further announced that the Senate had passed a bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes, with an amendment, in which the concurrence of the House was requested.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

The next business on the Speaker's table was the bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Association of Boston, Massachusetts, for monumental purposes, returned from the Senate with an amendment.

The amendment was read, as follows:

Add at the end of the bill:
Provided, The same can be done without detriment to the service.

The amendment was concurred in.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3504) to provide for deductions from terms of sentence of United States prisoners;

An act (H. R. No. 2925) to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State;

An act (H. R. No. 4744) to punish certain larcenies and receivers of stolen goods;

An act (H. R. No. 3379) for the further security of the navigation of the Mississippi River; and

An act (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

DENVER AND RIO GRANDE RAILWAY COMPANY.

The next business on the Speaker's table was the bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872.

The preamble recites that in the third session of the Forty-second Congress the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 984) granting the right of way through the public lands to the Denver and Rio Grande Railway Company, submitted as part of their report the recommendation that the second proviso in the amendment of the House of Representatives adding provisos to the end of the bill be stricken out and the following words be inserted: "*And provided further*, That the said Denver and Rio Grande Railway Company is hereby recognized as a lawful corporation from the date of its incorporation under the laws of Colorado, and all the powers, privileges, and franchises by said laws conferred upon said company are hereby expressly ratified, confirmed, and legalized as existing from said date of incorporation; but beyond such recognition, ratification, and confirmation of and to said company this act shall not be construed as affirming or denying the rights of Territories to pass laws for the incorporation of railway companies;" which report of said committee of conference was concurred in by both Houses; and that in transcribing the bill the said second proviso in the amendment of the House of Representatives was not stricken out, and the above quoted words were not inserted and do not appear in the law upon the statute-books.

The bill provides that the said words above quoted shall be considered and taken as they were intended to be, and they are hereby made a part of said act approved June 8, 1872.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

ORDER OF BUSINESS.

Mr. GARFIELD. I report back from the Committee on Appropriations the sundry civil appropriation bill, with Senate amendments.

Mr. FOSTER. My colleague yields to me to have taken from the table Senate bill No. 1237. I desire to explain that this bill provides——

Mr. DURHAM. I object.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. It will greatly facilitate business if gentlemen will send for the printed copies of the bill as passed by the Senate now on the table of the Doorkeeper. I am sorry to say there is a bad botch in the print, which makes the numbers after the first six or seven of them utterly worthless.

The Senate have sent us one hundred and twenty-four amendments to this bill. The Committee on Appropriations have carefully gone over them, and recommend concurrence in about one-third of them, non-concurrence in almost all the rest, and concurrence, with amendments, in two cases only. As there are several very important questions for the House to determine we have to follow the amendments *seriatim*, and I hope we will have as much quiet as possible.

The Clerk proceeded to read the amendments of the Senate and the recommendations of the Committee on Appropriations thereon. The recommendations of the committee were agreed to without debate except in the following cases.

The Clerk read the first amendment of the Senate, as follows:

After line 33 insert the following:

For printing at the Government Printing Office five thousand copies of the report of the Commissioner of Education for the use of the Commissioner, $2,500.

Mr. GARFIELD. The Committe on Appropriations recommend concurrence, with an amendment making the number of copies twenty thousand; ten thousand for the use of the House, five thousand for the use of the Senate, and five thousand for the Commissioner of Education. The committee in this follow exactly what was agreed to by the House in the resolution adopted by the House a few days ago.

Mr. HOLMAN. I hope the House will concur in the Senate amendment without the amendment recommended by the Committee on Appropriations.

Mr. GARFIELD. The Committee on Appropriations considered they were instructed by the action of the House a few days ago.

Mr. HOLMAN. Will not the first question be simply whether we shall concur in the amendment of the Senate?

Mr. GARFIELD. The motion to concur is proposed to be amended by concurring with an amendment. The question will be on concurring in the amendment with an amendment.

Mr. DONNAN. The amendment of the Committee on Appropriations is in accordance with the practice which uniformly of late years has been followed by the House of Representatives and with the resolution which passed the House a few days ago without a dissenting voice.

Mr. HOLMAN. There is no great demand for this work. When the Senate is disposed to cut down the printing we should encourage them by concurring. I insist on a division.

The question being put, the Senate amendment was concurred in with the amendment of the Committee on Appropriations.

The Clerk read the second amendment of the Senate, as follows:

In line 80 strike out after the words "by donation" the words "or purchase;" so that the paragraph will read:

And the Secretary of the Treasury is hereby authorized, whenever he shall deem it advisable, to acquire by donation, in behalf of the United States, the right to use and occupy sites for life-saving or life-boat stations and houses of refuge, the establishment of which has been, or shall hereafter be, authorized by Congress.

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence. This matter was examined by the gentleman from Maine, [Mr. HALE,] who had charge of that portion of the bill, and it was found necessary in some cases that the sites for life-saving stations should be purchased.

The amendment was not concurred in.

The Clerk read the third and fourth amendments of the Senate, as follows:

In line 144, after the words "Secretary of the Treasury," strike out "in his discretion may" and insert the word "shall."

In line 147, after the words "bank-note engravers as," strike out the word "shall" and insert "may."

The paragraph would then read:

For the purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of the same, $50,000: *Provided*, That the above-named notes, currency, and other securities of the United States be executed with not less than three plate printings: *And provided further*, That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same at the lowest cost to the Government and at prices not greater than those heretofore paid for the same class of work; no company or establishment executing more than one printing upon the same note or obligation, and the final printing and finishing to be executed in the Treasury Department.

Mr. GARFIELD. The committee recommend concurrence.

Mr. MAYNARD. I hope the House will non-concur.

Mr. GARFIELD. I desire to say a single word in explanation of those two amendments, which are really one in effect. The language as passed by the House was:

That the Secretary of the Treasury, in his discretion, may have executed one or two of such printings by such responsible and capable bank-note companies or bank-note engravers as shall contract.

The Secretary of the Treasury says he desires not to have the burden of that discretion left to him, but that whatever distribution of this work Congress proposes to have made he desires it shall be mandatory on him. The Senate therefore says he shall have one or two printings done outside by such companies as may contract for the work.

Mr. RANDALL. Does the amendment not give him discretion?

Mr. GARFIELD. It gives him discretion between one or two, but for none below one or above two.

Mr. SAYLER, of Ohio. Then it leaves it at the discretion of the Secretary of the Treasury to have two printings made outside if he sees fit but obligatory on him to have one?

Mr. GARFIELD. It makes it obligatory on him to have one, but he may have two.

Mr. SAYLER, of Ohio. Is that in consideration of the fulfillment of the contract with the Columbian Bank-note Company of this city? Or is it in the discretion of the Secretary of the Treasury again to put it into the hands of the New York bank-note companies?

Mr. GARFIELD. I take it the language does not limit him to any company. There is no company alluded to here whatever.

Mr. SAYLER, of Ohio. But it makes it obligatory that there shall be one printing done outside.

Mr. NIBLACK. Does it confine the work to this District?

Mr. GARFIELD. It does not. An amendment of that nature was reported in the Senate but was voted down.

Mr. MAYNARD. Does the gentleman say that the Secretary of the Treasury wants this amendment?

Mr. GARFIELD. I say this, that the Secretary of the Treasury wants to have the matter fixed and not left at his discretion.

Mr. MAYNARD. I think we had better non-concur.

Mr. LEWIS. As the gentleman from Ohio has stated the opinion of the Secretary of the Treasury, I wish to understand from him clearly and distinctly whether the Secretary of the Treasury is of the opinion that none of the printing should be done outside?

Mr. GARFIELD. I am not authorized to speak for the Secretary of the Treasury on that point. I only say that he desires to have this law, whatever it is, mandatory on him.

Mr. LAWRENCE, of Ohio. Is there any reason why any portion of the work should be done outside of this District?

Mr. GARFIELD. It is the opinion of the Committee on Banking and Currency that a portion of the work ought to be done outside of the District. This House is very much divided, the Committee on Appropriations are divided, and the Committee on Banking and Currency are divided upon this question, but the majority opinion seems to be that a portion of the work should be done outside of the District, and that opinion the Committee on Appropriations have tried to realize in agreeing to this amendment.

Mr. SAYLER, of Ohio. Is it in order to make an amendment to this amendment to provide that the work shall be done within the District?

Mr. RANDALL. It would be in order to move to concur in the amendment of the Senate with an amendment.

Mr. SAYLER, of Ohio. I propose then to concur in the amendment of the Senate, with an amendment to this effect: that no portion of the work shall be done outside but shall be done within the District of Columbia.

Mr. HAWLEY, of Connecticut. That amendment ought not to pass without consideration.

Mr. RANDALL. It ought not to pass because it excludes competition between the various other cities as to the price that shall be paid for the work done outside of the District.

Mr. HAWLEY, of Connecticut. There is but one company here, and you might as well elect the Columbian Bank-note Company to do this work by a direct vote.

The question was taken on the amendment of Mr. SAYLER, of Ohio; and it was not agreed to.

The question recurred upon concurring in the amendment of the Senate; and being put there were, on a division—ayes 127, noes 49.

Mr. THOMPSON. I call for the yeas and nays.

The question was put on ordering the yeas and nays, and 16 members voted therefor.

Mr. STRAIT. I call for tellers on the yeas and nays.

Tellers were not ordered, only 6 members voting therefor.

So the yeas and nays were not ordered.

Mr. MAYNARD. I now call for tellers upon the question.

Tellers were not ordered, only 25 members voting therefor.

So the amendment of the Senate was concurred in.

The Clerk read the sixth amendment of the Senate, as follows:

Insert after the word "dollars," in line 173, on page 8, the following:

Provided, That the compensation of the counsel of the United States provided for by section 5 of the act of Congress creating a court of commissioners of Alabama claims, approved June 23, 1874, shall not exceed $8,000 per annum.

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence in that amendment, and for the reason that they are not sufficiently satisfied what salary should be paid to this counsel. The House passed a provision the other day giving him $10,000.

Mr. SPEER. Does the gentleman think the amount ought to be more than $8,000?

Mr. GARFIELD. A provision passed through the committee placing it at $10,000, but by some blunder it was left out in engrossing the bill.

Mr. O'BRIEN. I hope we shall concur in the amendment of the Senate.

Mr. HALE, of Maine. I want to say one word upon this question. This is a very important matter, requiring from the Government counsel ability of a first-class order. The professional ability, the professional labor, the professional time bestowed upon it in prosecuting these claims would bring to the person employed, I venture to say, ten times the amount that it is proposed to pay here. The employment is constant and continuous. The court is in session all the time. The cases are large and the items in them enormous, and the Government counsel needs to be vigilant. His responsibility is undivided. I do not believe that there is any law officer of the Government aside from the Attorney-General who has so much responsibility resting upon him as the counsel for the Government in these cases.

Mr. SPEER. The Attorney-General has $8,000 a year.

Mr. HALE, of Maine. The Attorney-Generel has assistants in every quarter. There is scarcely an important point anywhere where the Attorney-General has not an assistant; but the responsibility and labor of the Government counsel before this court of commissioners is undivided.

Mr. SPEER. I would ask the gentleman if the present counsel did not serve as Postmaster-General for $8,000 a year?

Mr. HALE, of Maine. Undoubtedly; he did.

Mr. BUTLER, of Massachusetts. And does he not have to pay for assistants?

Mr. HALE, of Maine. There is not a dollar that he will have to pay if this be passed.

Mr. BUTLER, of Massachusetts. Will he have nothing to pay?

Mr. HALE, of Maine. Not a dollar.

Mr. O'BRIEN. Does the gentleman from Maine consider the present counsel a lawyer of first-class ability?

Mr. HALE, of Maine. The gentleman from Maryland wants to know if I consider the present counsel of first-class ability. Well, I have not had that training in the law and have not that knowledge of the law that would enable me to judge what is the first-class ability which the gentleman from Maryland [Mr. O'BRIEN] possesses. I believe that the present counsel is a good lawyer. I believe that he is doing his duty. I believe that he is contending for the rights of the Government. I believe that he is making the best of every case that is presented before the commission. Whether or not he has been so unfortunate as to secure the withering censure of the gentleman from Maryland I do not know. If it had been known that he had, he would not undoubtedly have been put in this place.

Mr. MERRIAM. I have only one word to say, and that is to correct the statement made by the chairman. I had this provision put into the bill, and it was not $10,000, as the gentleman says, but it was that the maximum should not exceed $10,000. While we are on this point, I will ask the chairman a question. I understand that Mr. Creswell, late postmaster-general, is one of the commissioners of the Freedman's Bank, and receives $3,000 per annum for that. I want

to know if that is allowable under the law, or will he resign as commissioner provided we fix the compensation at this sum?

Mr. HALE, of Maine. Allow me to state to the gentleman that the counsel for the Government in this case is perfectly willing to give up the other matter; and if the House chooses to put a clause in to the effect that the officer here employed by the Government shall hold no other office under the Government and receive no other compensation, I for one will not object to it. But it is not good policy in so important a matter as this to be niggardly and to seek to limit the officer to a sum from which he cannot pay for assistants and cannot do his whole duty to the Government.

Mr. BUTLER, of Massachusetts. Will the gentleman yield to me for a moment?

Mr. HALE, of Maine. I will do so.

Mr. BUTLER, of Massachusetts. I desire to state to the House what was the idea of the Committee on the Judiciary when they fixed this salary. Here was a large number of cases to be brought before this commission; there are thirteen hundred and twenty of them; and the question was, how shall these cases be carried on on the part of the Government? How much work would have to be done, where it would have to be done, in what part of the country it would have to be done, under what circumstances it would have to be done, nobody could tell. Therefore the Committee on the Judiciary put this provision in the bill which has passed into a law, that the court after looking at each case should decide exactly what the counsel for the Government ought to have, and should decide exactly what the counsel for the defendant ought to have, so that both sides might be protected from exorbitant fees. Counsel for the Government of course must be paid for such clerical and other assistance as he ought to have. No man on earth could prepare twenty cases a day and then try them for four hours a day besides, and do it all alone. There is no other provision of law, if we pass this, by which he can have any compensation.

Mr. SPEER. I ask that a portion of the time be given to those opposed to this provision.

Mr. HALE, of Maine. I will yield first to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. I do not often agree with the gentleman from Massachusetts who has just addressed the House, [Mr. BUTLER,] but on this occasion I do. Here is a very large sum in the hands of the Government to be attacked by claimants from all parts of the country, assisted by able counsel. You must defend it either by a salaried officer or by an officer receiving fees. Now, to pay fees would be vastly more expensive than to pay an officer a salary of $10,000 a year. If he is a competent man, as I have no doubt he is, $10,000 a year is not too much. You cannot expect to get first-rate men for less, and you ought to have a first-rate man for this.

A MEMBER. You get members of Congress for $5,000 a year.

Mr. POTTER. You can get persons to come to Congress for $5,000 a year. But do they come here for their salaries alone, or for the honor? How is it with my friend from Pennsylvania [Mr. SPEER] and other members here?

Mr. ELDREDGE. Is not there something honorable in being counsel of the United States in reference to this $15,000,000? Does it not confer great distinction on a man, and make him a very prominent lawyer?

Mr. POTTER. When the place is offered to my friend from Wisconsin [Mr. ELDREDGE] he can make that calculation for himself. I think $10,000 a year is not too much, and I intend to vote for that sum.

Mr. HALE, of Maine. I now desire——

Mr. SPEER. I trust the gentleman will yield.

Mr. GARFIELD. I am compelled to take the floor.

Mr. HALE, of Maine. I yield the floor to the chairman of the Committee on Appropriations.

Mr. SPEER. I desire a few minutes.

Mr. GARFIELD. How much time does the gentleman want?

Mr. SPEER. Give me five minutes.

Mr. GARFIELD. Be as brief as possible; take four minutes.

Mr. SPEER. I have nothing to say against the ability of the present counsel, Mr. Creswell. But he is at present one of the commissioners of the Freedman's Bank, appointed by the President under existing law. He is also president of a national bank recently removed to this city from Hagerstown, Maryland. He is trustee of the Feedman's Bank, president of a national bank, and now counsel for the United States in the Alabama claims. I suppose that at this day he is in receipt of from $15,000 to $30,000 of professional salary.

Mr. CESSNA. Of what bank is he president?

Mr. SPEER. He has been recently elected president of a bank removed to this city, from which position Mr. Groom, of Maryland, has resigned.

Mr. CESSNA. That has been very recently.

Mr. SPEER. Mr. Creswell resigned his position of Postmaster-General with a salary of $8,000 a year for the purpose, as I am informed and as I believe, of accepting this other business. And when the Senate of the United States has said that $8,000 is enough, I think, in view of all the facts, that their judgment on this question should be accepted by this House. When we are asking the people to bear additional burdens, when Congress is asked to pass additional tax bills, we should not give any man a salary of $8,000, or $10,000 a year for services which can be had for less money than would obtain the services of gentlemen of the best legal talent in this land.

Mr. WILLIAMS, of Massachusetts. The gentleman does not pay one cent towards the salary of this officer.

Mr. GARFIELD. I yield one minute to my colleague on the committee, [Mr. STARKWEATHER.]

Mr. STARKWEATHER. This is on important matter in two views: First, as to the large number of cases; and, second, as to the amount of money involved. It seems to me that we ought to fix the sum; that we ought not to leave it indefinite. It would be difficult for the court to adjust the amount. I think we should either fix the salary at $10,000 or else let it go to a committee of conference to be arranged. Those cases in which the gentleman from New York [Mr. HALE] was appointed counsel on behalf of the United States involved only some two or three million dollars; yet he received a salary of $10,000 I believe.

Mr. HUBBELL. And eight dollars a day besides.

Mr. POTTER. And saved the Government a great deal of money.

Mr. STARKWEATHER. I think the pay of this officer should not be less than was allowed the counsel in that case. I believe it best that in these cases involving $15,000,000 we should give such compensation as will enable the counsel to attend entirely to this business. It seems to me that the amount fixed for Mr. HALE'S salary is the sum that should be fixed here.

Mr. LAWRENCE, of Ohio. Let me correct my friend. The British claims before the British-American mixed commission amounted to $90,000,000.

Mr. STARKWEATHER. No matter how that may be; the duties of counsel in connection with those cases could not have been more burdensome, could not have required more talent and constant attention than the duties in these cases. I think therefore that we should either leave this question in such a shape that the committee of conference can fix the amount at $10,000 or else we should fix it ourselves at that sum.

Mr. GARFIELD. I yield one minute to the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. Mr. Speaker, I desire to say that I have no knowledge in regard to who is or may be counsel in these matters for the United States; and certainly I should be unwilling, unless there were abundant reason for it, to asperse the legal qualifications of a son of Maryland. I am satisfied that if nothing else would induce the gentleman who might be counsel in these matters to act up to the line of his entire duty as required by his employment, the fact that he drew his inspiration from Maryland would be all-sufficient. Therefore I am willing to commit this case to his hands; and as able lawyers all around me assert that the sum of $10,000 is fair for the services that will be required, I will not object to the payment of the same.

Mr. NIBLACK. I would remind the chairman of the Committee on Appropriations that unless we make more rapid progress in the consideration of these amendments we shall have to suspend the rules and act on the amendments *en masse*.

Mr. HALE, of Maine. I wish to say but one word. There may be a misapprehension here as to where the money comes from to pay this counsel. It does not come from the United States Treasury. It comes from the fund; it is to be settled by the tribunal itself. Now, it has been said here that this officer has already been receiving a large sum; but as I understand the tribunal has not passed upon any of the services rendered by the gentleman representing the Government, but is waiting to see the extent of the work and responsibility before settling the compensation. Up to this time he has not received a dollar.

Mr. LEWIS. I wish to ask the gentleman from Ohio [Mr. GARFIELD] whether this gentleman will be furnished with an office, with clerk hire and assistants, in addition to his salary?

Mr. GARFIELD. Nothing of that kind. If we fix his pay here it leaves him nothing else. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the amendment was concurred in, there being ayes 102, noes not counted.

The Clerk read the following amendment:

Strike out "fifty" and insert "twenty-five;" strike out "Clerk" and insert "Senate and twenty-five copies for the use of the House;" so that the paragraph will read as follows:

To enable the Clerk of the House to have prepared for the Public Printer copies of all the summary reports of the commissioners of claims in cases reported to Congress as disallowed under the act of March 3, 1871, of which twenty-five copies shall be printed and bound for the use of the Senate and twenty-five copies for the use of the House, $1,000.

Mr. GARFIELD. The House provided for printing fifty copies for the House. The Senate has changed the provision so as to give us twenty-five and themselves twenty-five. We recommend concurrence.

The amendment was concurred in.

The Clerk read the following amendment:

In line 373 strike out the word "successively" and insert the words "as needed for immediate use," so that the clause will read as follows:

To pay on behalf of the United States, as a portion of the general expenses of the District of Columbia, to be expended by the commissioners of said District, $1,060,000, only to be drawn as needed for immediate use.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence in this amendment.

Mr. RANDALL. Why?

Mr. GARFIELD. A portion of this money is needed at once and must be rendered immediately available.

Mr. RANDALL. I hope the House will non-concur in all amendments of this character. This provision relates to moneys for the District of Columbia, the Government proposing to pay a portion and a portion to be paid from taxes collected by the board of commissioners from property-holders in this District. Now, what we want is this: as we pay a dollar that at the same time there shall be a dollar paid on the part of the people here; in other words, that they shall pay their proportion. If struck out it may occur, as it has occurred repeatedly before, the Government will be made to pay as in similar cases it has been made to do, before all it is required to pay for the year, and subsequently we will find we have not secured from the property-holders the amount of taxes collected from them, the sum which should come from them as their proportion.

Mr. GARFIELD. The gentleman's purpose is a good one, but the word "successively" is vague and does not describe the thing at all.

Mr. SMITH, of Ohio. That is a misprint; "concurrently" is the word, and not "successively."

Mr. RANDALL. I move to concur, with an amendment to insert "concurrently" instead of "successively."

Mr. GARFIELD. There is no connection at all making that clear or applicable. The Senate say instead of "successively" it will be better to insert the words "as needed for immediate use," so that they cannot anticipate, so that they cannot draw it out. It seems to me in this amendment the Senate has acted wisely.

Mr. RANDALL. The gentleman has stated my objection exactly. They will want immediately all the money we will give them.

Mr. GARFIELD. I do not say that. They ask only for $300,000.

Mr. RANDALL. They ask for $300,000 at once.

Mr. GARFIELD. That amount of the appropriation is to be made available from the passage of this act.

Mr. RANDALL. I say when we appropriate ten or twenty or fifty thousand dollars it should be coupled with a provision that there shall also be paid from the taxes collected a like sum. Otherwise you will have this District coming here at the end of the year asking more because it has not been collected from the people.

Mr. GARFIELD. Let us have a vote.

The House divided; and there were—ayes 69, noes 23.

So the amendment was concurred in.

The fifteenth amendment of the Senate was as follows:

And $300,000 of this sum shall be available from the passage of this act.

Mr. GARFIELD. The committee recommend concurrence in that amendment, as it provides for making $300,000 of the money available at once.

Mr. WILLARD, of Vermont. Is not that to supply a deficiency? Is it not giving on the part of the Government $300,000 more for the current fiscal year?

Mr. RANDALL. Certainly it is.

Mr. GARFIELD. Let us have a vote.

The amendment was concurred in.

The sixteenth amendment of the Senate was as follows:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000: *Provided*, That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act within ninety days from the passage of this act, and, as to certificates of date subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund, acting as treasurer thereof, shall be $1,000 per annum.

Mr. GARFIELD. That is an appropriation of $365,000 to pay the interest on the bonds of this District, and the committee recommend concurrence. There is a long letter addressed to the chairman of the committee which we had not time to consider, and we have therefore moved non-concurrence.

Mr. SPEER. I want to have it understood that the House unanimously instruct the committee on this subject.

Mr. GARFIELD. You cannot do that to a committee of conference.

The amendment was concurred in.

The seventeenth amendment of the Senate was as follows:

And no work of art not the property of the United States shall be exhibited in the Capitol, nor shall any room in the Capitol be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the architect of the Capitol extension to carry these provisions into effect.

Mr. GARFIELD. The committee recommend concurrence, and for one reason which the House will appreciate. The old Hall of the House has by a strange freak of the law been placed under the control of General Babcock, Commissioner of Public Buildings and Grounds, while the rest of the building is under the Architect of the Capitol. There ought not to be two parties controlling this Capitol.

The amendment was concurred in.

The eighteenth amendment of the Senate was as follows:

That section eight of the act approved June 23, 1874, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," be and the same is hereby, amended as follows: Insert the word "ounce" in lieu of the words "two ounces."

Mr. GARFIELD. This is a change of postage in regard to a certain kind of merchandise and meets the concurrence of the Committee on Appropriations.

The amendment was concurred in.

The nineteenth amendment of the Senate was as follows:

That the Secretary of State be, and he is hereby, authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, at Peking, for the use of the legation in China, at an annual cost not exceeding $5,000; that the period of such lease shall be for two or more years, and with renewals, as the Secretary of State shall determine; and that the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, therefor.

Mr. GARFIELD. That was passed in the deficiency appropriation bill. If passed in that bill it will be struck out of this.

The amendment was concurred in.

The twentieth amendment of the Senate was as follows:

To pay the clerk to the Committee on Private Land Claims, $2,220.

Mr. GARFIELD. The committee recommend non-concurrence.

The amendment was non-concurred in.

The twenty-first amendment of the Senate was as follows:

That hereafter the salary of the supervising surgeon-general of the United States marine-hospital service shall be paid out of the marine-hospital fund, at the rate of $4,000 per year; and the supervising surgeon-general shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. GARFIELD. The committee recommend concurrence.

Mr. HOLMAN. I hope there will be non-concurrence in this amendment of the Senate. The present law fixes the salary at $2,000 a year. This amendment contemplates a very large increase. It is thought by the shipping interest that the tax is now oppressive. I think it will be admitted by my friend from Michigan, [Mr. CONGER,] whom I now see rising from his seat, that $2,000 is a pretty respectable salary. And then it is proposed that this increase of salary shall be paid out of this amount, which will have to be increased by excessive charges upon those connected with our commercial marine. It seems to me wholly unjustifiable. I trust this increase of salary will not be allowed. There is no necessity or excuse for it.

Mr. CONGER. This is a self-sustaining institution. The money for the marine-hospital service is raised from the vessel-owners and the sailors generally, a part of it being taken from the monthly wages of the sailors and a certain amount paid by the vessel-owners. For a long number of years that service has been unfortunate because it had no efficient head, no superintendent suitable for the office, which was divided among different officers. In passing the amended law, which provided for an increased payment per sailor, it was designed that there should be an officer who should superintend the whole marine-hospital service of the United States and be an efficient officer. There have been great reforms already under the officer now in charge. But the salary is entirely inadequate to command the services of a man of the knowledge and administrative ability required for that service. I am firmly of the opinion that an increase of his salary to $4,000 will be for the benefit of the service.

Mr. HOLMAN. Is it proposed to make any change in the superintendency?

Mr. CONGER. It is not. But any superintendent competent to manage such an extensive service should have a larger salary than is now attached to the office.

Mr. HOLMAN. Did not the gentleman now holding the office seek it two years ago at a salary of $2,000, and has he not held it at that from that time to this?

Mr. CONGER. But the gentleman will remember that the Committee on Commerce have repeatedly recommended an increase of the salary, and probably it was with the hope of that increase that the gentleman has continued in that service.

Mr. HOLMAN. I move to concur in the amendment with an amendment striking out $4,000 and inserting $2,000, the present salary.

The question being taken on the motion to concur with an amendment, there were—ayes 12, noes 96.

Mr. HOLMAN. I insist that there shall be a quorum on any increase of salary.

Mr. GARFIELD. If the gentleman will insert $3,000 in his amendment, I will agree to it.

Mr. HOLMAN. This gentleman begged for the office at $2,000 only two years ago. I agree, however, to the proposition of the gentleman from Ohio, and modify my amendment by making the amount $3,000.

The question being taken on concurring in the amendment with the amendment as modified, there were ayes 117, noes not counted.

So the amendment of the Senate was concurred in with an amendment.

The fortieth amendment of the Senate was as follows:

Strike out these words:

To enable and authorize the Department of Justice to aid the Commissioner of the General Land Office to recover certain lands, and the rents and profits thereof, known as the Rancho Panoche Grande, in California, as provided in the resolution passed by the House of Representatives on the 26th of January, 1875, $5,000, or so much as may be necessary therefor.

Mr. GARFIELD. The committee recommend non-concurrence, because the House had expressed its judgment in favor of this appropriation. Personally I am in favor of concurrence.

Mr. SMITH. I move to concur.

Mr. BUTLER, of Massachusetts. Here is the New Idria again. Let us see if we cannot get this property somehow for the United States.

The question being taken on concurring in the Senate amendment, there were—ayes 56, noes 52; no quorum voting.

Tellers were ordered; and Mr. GARFIELD, and Mr. BUTLER, of Massachusetts, were appointed.

The House again divided; and the tellers reported ayes 38.

Before the negative vote was completed,

Mr. GARFIELD said: I do not call for further count.

So the amendment of the Senate was not concurred in.

The forty-first amendment of the Senate was as follows:

In line 887 strike out "$50,000" and insert "$40,000;" so the paragraph will read:
For surveying the public lands in Montana Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $40,000.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence.

Mr. MAGINNIS. I hope the amendment will not be concurred in. Nearly all the surveys in Montana are inside the grant to the Northern Pacific Railway. A settler cannot get lands. The House agreed to an appropriation of $50,000 for surveying the public lands in Montana, and I hope it will adhere to its action.

The question being put, the amendment of the Senate was concurred in.

The Clerk read the forty-second amendment, as follows:

In line 891, strike out "$50,000" and insert "$100,000;" so that the paragraph will read:
For surveying the public lands in Nebraska, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines, $100,000.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. KASSON. I think we had better concur.

Mr. CONGER. This is one of the States where great numbers of settlers are going to acquire lands and homes. It is right that lands should be surveyed for those who desire to settle upon them.

Mr. GARFIELD. The committee recommend non-concurrence. In conference we may be willing, perhaps, to increase the amount somewhat, but not to put it up so high as $100,000.

Mr. KASSON. Proper provision should be made for surveys in those States where there are unoccupied public lands.

The question being put, the amendment of the Senate was non-concurred in.

The fifty-second amendment of the Senate was as follows:

After line 1003 insert the following:
And the telegraph companies having offices in the Capitol are directed to take from the Capitol grounds and the streets around the same all telegraph poles, and connect these lines with the Capitol by means of cables laid under ground; and further, that the Washington and Georgetown and the Metropolitan Railway Companies are directed to take up such portions of their tracks as may come in the way of the improvement of the Capitol grounds and relay the same as may be directed by the officers in charge of the improvements of the Capitol grounds. And the Architect of the Capitol is hereby directed to move from the Capitol grounds all stables, workshops, and other buildings which may be in the way of the improvements of said grounds.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence.

Mr. DUNNELL. Does this compel the railroad companies to take up the tracks from the Capitol grounds?

Mr. GARFIELD. That is precisely what it declares.

Mr. CONGER. Then I object to that. There are some gentlemen fortunate enough to be able to come here in their own carriages and drive under the archways to the very doors of the Capitol. Those who have their own carriages can approach the Capitol as they choose. Those unfortunate enough not to have carriages are very willing to come up in the railroad cars to get as near the Capitol in that way as they can. If the object is to remove these tracks from the Capitol grounds entirely, I object to it, although I am objecting to it on behalf only of a few members who are not able to sport their own carriages.

The question being taken, the amendment was concurred in.

The Clerk read the fifty-sixth amendment of the Senate, as follows:

For the extension of the building for the Government Hospital for the Insane, $125,000.

Mr. GARFIELD. Now I desire to say a single word to the committee. I gave notice to the committee when they were debating this bill before that if that amendment was made in regard to soldiers from all parts of the country, it would be necessary for us to make a very large appropriation to extend this building; and it seems that what I said has become true very soon. The Senate here make an appropriation of $125,000 to extend this building. The Committee on Appropriations recommended non-concurrence in that amendment and propose to leave it to a subsequent Congress, and to confine the institution for the present to those who belong to the Army or belonged to the Army at the time they became insane.

Mr. BUTLER, of Massachusetts. The extension of the building here proposed is for a separate building for female patients; and we had very few female soldiers in the Army.

The amendment was non-concurred in.

The Clerk read the sixtieth amendment of the Senate, as follows:

For the National Association for the Relief of the Colored Women and Children of the District of Columbia, $10,000.

Mr. GARFIELD. We recommend non-concurrence in that amendment because we do not know enough about it. Perhaps it ought to be passed, but we prefer that the matter should be referred to the committee of conference.

The amendment was non-concurred in.

The Clerk read the sixty-third amendment of the Senate, as follows:

Strike out the following proviso:
Provided, That no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made.

Mr. GARFIELD. The committee recommend non-concurrence in that amendment.

Mr. HANCOCK. I hope the House will concur in the amendment of the Senate. This paragraph relates to an appropriation for constructing telegraph lines and affording telegraphic communication between the posts on the frontier of Texas. It is very strongly recommended by the Secretary of War, and a considerable amount of work has already been done. Material has been purchased and is on the ground, and much of the work has been completed. This appropriation is estimated for by the officers of the signal stations at $55,000 as the amount necessary to complete the entire work of twelve hundred miles in extent. One hundred thousand dollars was appropriated for this work at the last session of Congress, so that the entire work will cost $155,000. The remainder of the appropriation of $88,000 is for lines in Arizona and New Mexico, Now, this proviso, as the Secretary of War has communicated to the Senate to-day and to some members of the Committee on Appropriations, would arrest the progress of the work, since it provides "that no money hereby appropriated, or any unexpended balance of former appropriations for the erection of military telegraph lines, shall be expended upon any line that cannot be completed by such appropriations herein or already made." As I learn, the Chief Signal Officer and the Secretary of War both think that it would be impossible to tell in advance the exact amount that the lines in Texas may cost. Hence they say that this proviso would make the appropriation heretofore made, as well as the appropriation now made, nugatory, and the whole work is to be stopped, the material left upon the ground where it is now placed, and this work, which is considered by the Secretary of War of great importance for the military operations, is not to be completed at all. I ask that we concur in the amendment of the Senate striking out the proviso.

Mr. GARFIELD. I am always glad to oblige my friend from Texas, and I might do so in this case at once if I were not satisfied that there is some other way to accomplish what he wants and what the Committee on Appropriations want. The Committee on Appropriations think it necessary to limit the expenditures on these telegraphic lines. We gave a large appropriation last year, and materials were purchased and lines projected that could not be finished under the then existing legislation. All that we propose to do is to say that they shall not project work in advance of appropriations or beyond the amount of the appropriations. We think that reasonable; but if the gentleman thinks that non-concurrence in this amendment would block the work, I will not insist on it.

Mr. HANCOCK. The proviso was put in for that purpose, and the Secretary of War notified the Senate to-day that that would be the effect of it.

Mr. GARFIELD. Does the gentleman himself believe that this would block the work?

Mr. HANCOCK. I do.

Mr. GARFIELD. Then I hope the House will vote down the motion to non-concur in the amendment.

The question was taken, and the amendment was concurred in.

The Clerk read the sixty-fourth amendment of the Senate, as follows:

To enable the Architect of the Capitol, under the direction of the Joint Committee on Printing, to construct a pneumatic tube between the Capitol and the Government Printing Office, $18,000, or so much thereof as may be necessary: *Provided*, That the tubes used shall be purchased of the lowest and best bidder for the interest of the Government.

Mr. GARFIELD. The Committee on Appropriations recommended non-concurrence on that amendment, as we have not heard enough about it to be able to judge whether it should be adopted or not.

The question was taken, and the amendment was non-concurred in.

Mr. GARFIELD. Now follow a number of amendments from numbers 67 to 80 inclusive, on pages 55 and 56, up to the second line of page 57, where the Senate has stricken out the provisions of the House for the payment of contestants and contestees in contested-election cases. The committee recommend non-concurrence in all of those amendments because the House put them in by a very decided majority.

Mr. HOLMAN. They all stand upon the same footing, and all are in defiance of the law of the last Congress. I therefore move that the House concur in the amendments of the Senate striking out these appropriations which were made in defiance of the policy of the last Congress, which was supposed at the time to be a great reform of a very great abuse.

Mr. SMITH, of New York. I desire to say a single word upon this subject. The House has expressed its opinion very emphatically that where contests are instituted in good faith and upon probable cause it is the policy of the House to pay actual disbursements. I do not suppose the House cares to review the decision it has made upon that

question. I desire to say this: that under the Constitution the House is the sole judge of the election, returns, and qualifications of its own members. And I think the attempt on the part of the Senate to prohibit payment by the House, or payment in accordance with a vote of the House, of the expenses of these contests is an impertinence which the House ought not to submit to. It is within our prerogative, and if we are the sole judges of the elections and returns of our members, then we are the proper judges of the evidence to be brought before us, and the compensation it is necessary for us to make to parties who have brought that evidence before us. I hope the House will non-concur in these amendments of the Senate.

The question was upon concurring in the amendment of the Senate; and upon a division there were ayes 31, noes not counted.

So the amendments were not concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, a joint resolution of the House of the following title:

Joint resolution (H. R. No. 162) explanatory of an act, entitled "An act to fix the number of paymasters in the Army," approved March 2, 1875.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the sundry civil appropriation bill.

The eighty-fifth amendment of the Senate was read, to strike out the following:

To provide for the payment, under existing laws, for horses and other property lost or destroyed in the military service of the United States, $50,000.

The Committee on Appropriations recommended non-concurrence in the amendment of the Senate.

Mr. HOLMAN. This is, I suppose, to pay for horses lost by private soldiers during the late war. If so, then it would seem that an appropriation is necessary to provide for payment for such losses.

Mr. GARFIELD. There is a permanent appropriation that will meet nearly all these claims. The Committee on Appropriations put in this provision in the first instance with a view of putting on the statute of limitations, of establishing a bar against these claims, so that they might not be presented after a certain time. That limitation was stricken off in the House, and the Senate has struck this out.

Mr. CONGER. The Committee on Claims have before them several cases—perhaps one hundred, or two hundred, or three hundred claims for the loss of this kind of property—private claims. We have for two or three years been endeavoring to provide by general law for the class of claims which we considered as meritorious, but have failed as yet to do so. There are some cases pending now; some have been allowed and some have not. The amount here proposed to be appropriated is small enough to meet those now allowed and which will be allowed in the next Congress. There is no provision for their payment. This class of claims should have been considered long ago. When a private soldier has lost his own horse in the service of the Government, and by some technicality under existing law is unable to recover the value of his property, it is a tax on the patriotism of the men who not only themselves served the country but who took their own horses with them.

Mr. GARFIELD. The very argument the gentleman makes defeats itself. He speaks of the claims in Congress. Now every such claim that passes Congress carries an appropriation with it; those that do not pass do not require any appropriation.

Mr. MAYNARD. The expression used by the gentleman from Ohio [Mr. GARFIELD] that there is a general appropriation nearly large enough is suggestive that this should be adopted.

Mr. GARFIELD. A portion of the law has been repealed.

Mr. CONGER. Another thing: Some of these cases have been held back that might have been settled but for the difficulty of finding evidence. The evidence is now supplied, and there is no money to pay them.

Mr. GARFIELD. I quite agree with the gentleman from Michigan [Mr. CONGER] that there should be legislation on this whole subject. I believe the old law of 1849, made with special view to losses in the Mexican war, and which is the only law we have on the subject, ought not to require us to pay out year by year for old claims for horses lost away back in the Mexican war. I think we ought not to appropriate any more money than is appropriated in the regular appropriation bill until this law is fixed.

Mr. CONGER. But there is no appropriation to pay the claims allowed in the Departments under the existing law to soldiers who have incurred losses of this kind. From my knowledge of the subject, I think there has been more neglect and less care exercised in Congress in providing for this class of claims than any other. This appropriation will meet a few of those cases. I hope the House will not concur in the amendments of the Senate.

Mr. McCRARY. I also hope that the House will non-concur. I happen to have knowledge of a number of these claims which are as yet unadjusted. They have been filed, and the proof perhaps in some instances is sufficient; but if they be allowed by the Department, there is no money to pay them without an appropriation of this kind.

The question being taken, the amendment was concurred in.

The Clerk read the following amendment:

Strike out lines 1544 to 1547, as follows:

To enable the Secretary of War to acquire a full and perfect title to the "Brady collection of photographs of the war," and to secure by purchase the remainder now in the possession of the artist, $25,000.

Mr. GARFIELD. We recommend non-concurrence in the amendment of the Senate striking out this paragraph.

Mr. HOLMAN. I hope we shall concur.

Mr. BUTLER, of Massachusetts. I hope not; and I know my friend from Indiana [Mr. HOLMAN] would not so desire if he understood the case. The Secretary of War purchased from Mr. Brady, the photographer, a part of a gallery of photographs of all the scenes of the war and all the leading men in the war, a collection that must be very valuable hereafter in connection with the history of the war. The rest of this collection remained in Mr. Brady's hand. The title under which the Secretary of War purchased the part already obtained was acquired from forfeiture for non-payment of the storage. It is very doubtful whether the Secretary of War has a valid title. But that part of the collection has already been purchased; and now the object of this provision is to close up the whole thing and give the Government entire control of this collection, which would be worth at a commercial valuation more than $150,000.

Mr. MERRIAM. Then why does Mr. Brady sell it to the Government through this appropriation for $25,000?

Mr. HOLMAN. I do not think this is a sort of expenditure that this Government ought to make. Does any gentleman suppose that if the Government does not become the owner of this collection it is therefore lost to the country? Are we to assume that nothing which has connected with it anything of patriotic recollection must be a matter of private enterprise or private ownership? The truth is that for a Government in our condition, embarrassed financially, obliged to resort to heavy taxation to meet current expenses—for a Government in this position to make expenditures for any purpose not absolutely necessary seems to me entirely unwarranted and is in violation of the pledge made by one hundred and forty-nine members of this House, that during the present session no money should be appropriated except where imperatively required for the public service. I insist that there is no necessity for this expenditure; that it is not even warranted by good taste. To preserve and perpetuate the memories connected with the recent great struggle it is not necessary for us to take a collection of photographs here and there. Every city and town and village and hamlet in this country preserves and perpetuates whatever was valuable and glorious in the late struggle. It is not necessary that Congress should in this way burden still further the people of this country by oppressive taxation to do that which the people are taking care of themselves, and for the doing of which they will not thank us, when it involves additional taxation. I hope that an appropriation like this, even though it be only $25,000, will not be sustained by the House.

Mr. GARFIELD. I wish to say but a word; I dislike to detain the House at all. Here is a man who has given twenty-five years of his life (and the life of any man, however humble his station may be, is worth something considerable) to one great purpose—to preserving national monuments so far as photographic art can do it, with a view of making such a collection as nowhere else exists in the world. I suppose that this is the only collection that contains original photographic plates and ambrotypes and even the earlier daguerreotype plates of our Presidents, beginning away back as early as Jackson and coming down to the present time, embracing all the great executive leaders of this country, all the military and naval heroes during that period, as well as all the scenes of great national importance. This man went so far as absolutely to send his organization into the field, and some of his men were wounded in going so near the battle-field to take pictures of the fight that was going on.

Now, when a man has followed up a purpose like this, and finally has fallen into misfortune and become broken down in his property, so that this vast collection which a few years ago it was said ought to be worth one hundred or one hundred and fifty thousand dollars had to be sold to pay for storage in a warehouse where it was kept, the Government of the United States becoming a buyer for $2,500 and getting three-fourths of the collection for that sum—under these circumstances, I submit, this great Government should not take advantage of a man's distress. I do not mean to say that the Secretary of War did wrong in purchasing this collection in the manner he did; he did right; he ought to have purchased it wherever he could purchase it cheapest. But this Government, this Congress, ought not to stand by and say "we will take advantage of this citizen in his distress." I think that this provision of the bill ought to be retained. It is just, it is a good purchase for the Government of the United States, and it is a great mercy to a suffering and worthy man.

The amendment of the Senate was non-concurred in.

PAYMASTERS OF THE UNITED STATES ARMY.

Mr. ALBRIGHT. I move by unanimous consent to take from the Speaker's table a joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875, which has been returned from the Senate with an amendment, in order that that amendment may be concurred in.

There was no objection, and the joint resolution was taken from the Speaker's table and the amendment concurred in.

LEGISLATIVE APPROPRIATION BILL.

Mr. MAYNARD. I rise to submit a conference report.

Mr. GARFIELD. I hope the gentleman will not insist on that now.

Mr. MAYNARD. I believe I have a right to submit a conference report at any time.

Mr. GARFIELD. It is not in order now as we are on the sundry civil appropriation bill.

Mr. MAYNARD. I believe it is order to submit a conference report at any time; that it is privileged.

Mr. GARFIELD. Let us finish this bill first.

Mr. MAYNARD. It is important this voluminous bill should go to the clerks for engrossment at this time.

Mr. GARFIELD. State what the bill is.

Mr. MAYNARD. It is the legislative appropriation bill.

Mr. GARFIELD. That has been enrolled, while this sundry civil appropriation bill has not been touched for enrollment. The legislative appropriation bill has been enrolled, excepting the single clause about which there has been disagreement between the two Houses. The moment it is passed it will go to a committee of conference, and then the gentleman can submit his report.

Mr. MAYNARD. It is not going to pass for hours.

Mr. GARFIELD. We are on the ninetieth amendment, and the rest will not give rise to any debate.

The SPEAKER *pro tempore*. The Chair declines to entertain the report of the gentleman from Tennessee at this time.

SUNDRY CIVIL APPROPRIATION BILL.

The ninety-fifth amendment of the Senate was as follows:

Strike out the word "members" and in lieu thereof insert "chairman;" so it will read:

Provided, That the Secretary of the Navy and the Secretary of the Treasury, Chief Engineer of the Army, and the chairman of the board of revision of taxes of the city and county of Philadelphia, in the State of Pennsylvania, &c.

Mr. GARFIELD. I move concurrence in that amendment, with an amendment striking out "the Chief Engineer of the Army." This relates to the sale of the navy-yard at Philadelphia and to the commission created by this bill for the purpose of making sale and conveyance of all the lands, docks, wharves, real property and appurtenances, rights, interests, and privileges of the United States included within the limits of, and known as the navy-yard in the city of Philadelphia, in the State of Pennsylvania. We propose to strike out "the Chief Engineer of the Army," and with that to concur in the amendment of the Senate.

The amendment was agreed to, and the Senate amendment, as amended, was concurred in.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875;

An act (H. R. No. 2073) restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department;

An act (H. R. No. 3884) granting a pension to Mary C. Toy;

An act (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes; and

An act (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant, May 29, 1860, upon a sliver machine.

SUNDRY CIVIL APPROPRIATION BILL.

The one hundred and first amendment of the Senate was as follows:

For continuation of building for custom-house at New Orleans, Louisiana, $100,000.

Mr. GARFIELD. This amendment provides for an appropriation of $100,000 for continuing the building for custom-house at New Orleans, Louisiana, and the Committee on Appropriations are distressed about the matter as to whether it shall be concurred in or non-concurred in. They are as tired over it as I am physically now. We have continued that building for over twenty years. We have voted at least eight times to complete it, sometimes to complete the building and then to complete the continuation. In that city many years ago there was a curious board called commissioners on settlement, not as might be supposed a commission for the settlement of the town, but it was a commission in reference to the settling of this custom-house building, to keep an account of how many feet the building settled, sunk into the ground at one end and the other from year to year. This committee on settling drew their salary with great regularity and the United States built on a few tiers of stone every time it sunk. A few years ago they changed the plan of it a little and enlarged it and our expensive friend Mullett went down and enlarged the plan still more and put on more stories. He had a fine marble cash-room constructed. Brother DAWES, when on the Committee on Appropriations, completed this building two or three times. I think Elihu B. Washburne finished it once or twice and I know the venerable Thad. Stevens since I have been here completed it several times. I think my committee completed it twice. Yet the Senate now proposes we shall continue it and make an appropriation of $100,000 for that purpose. Whether we ought to do it or not is the question. It strikes me that we ought to non-concur.

Mr. SHELDON. The gentleman from Ohio mistook his calling. He would have made a splendid novel writer. There never was a single appropriation to complete this building. During the war there was no appropriation for the purpose of continuing it. There was no appropriation before the war to complete it; and I challenge the gentleman to produce any authority for his statements.

As to having a committee on settlement down there, it is utterly absurd. There never was such a committee. The building settled evenly if it settled at all, and I believe it did a little.

I will say, Mr. Speaker, if there has been any mistake as to the amount required to complete this building, it has not been the fault of the people of that State or their representatives upon this floor, but of the Supervising Architect.

Mr. BUTLER, of Massachusetts. The engineer board had it in charge before the war.

Mr. SHELDON. Mullett has not put on any additional stories. He is cutting down the building. He has changed it, not to make it larger, but smaller, and I assert what I know to be the fact, that no man to-day can enter the United States circuit court without danger of breaking his leg. I can appeal to my friend from Ohio [Mr. FOSTER] and every member of the committee who went into the court-room at any time, and especially after dinner.

The fact is it is not in a proper condition to do the public business, and there ought to be this appropriation to complete it. I do not know why the Committee on Appropriations has taken such a prejudice, unless it be that there is a general prejudice against the whole affairs of Louisiana. But now since we have had two committees go down there, and they have both come back, and through their exertions the people have got together, I think there should be forgiveness and peace. So far as I am concerned, I will not ask another appropriation for that building or for any other purpose if this one is granted.

Mr. GARFIELD. I guess we may agree to give this.

The amendment was concurred in.

Mr. GARFIELD. The amendments of the Senate numbered 102 and 103 are the same, applying in one case to the building at Chicago and in the other to the building in Cincinnati. These amendments strike out the following limitation put in by the House:

Provided, That the cost of said building, when completed, shall not exceed the limitation now fixed by law, $3,500,000, exclusive of cost of site; and the Architect of the Treasury shall prosecute the work upon said building upon such plans and specifications as that the same, when fully completed, shall not exceed said limitation.

We recommend non-concurrence. Perhaps the clause as it stands is not altogether wise. If not, we shall try to fix upon some one that is.

Mr. SAYLER, of Ohio. I desire to call the attention of the chairman of the committee to one feature of this. I see no objection to the limitation being retained here as found in the law providing for the construction of these buildings. But I do not understand at all a clause which provides that—

The Architect of the Treasury shall prosecute the work upon said building upon such plans and specifications as that the same, when fully completed, shall not exceed said limitation.

All our public buildings at Philadelphia, Chicago, and Cincinnati have been constructed on plans submitted by the Supervising Architect to other officers of the Government. And if this means that the new Supervising Architect shall have absolute control of the plans of public buildings, I do not think this wise legislation at all. And I suggest to the chairman of the committee that at least that clause should be stricken out. I see no objection to limiting the expenditures on these buildings to the amount originally fixed. I hope the matter will be arranged in the way I have suggested.

Mr. GARFIELD. We can non-concur, and I will bear in mind the suggestion the gentleman has made

I desire here to say that in my speech on the sundry civil appropriation bill, February 25, I quoted seven paragraphs from an editorial in the New York Tribune of January 21 in reference to expenditures, appropriations, and unexpended balances under the Supervising Architect of the Treasury Department. Before doing so I sent the Tribune article to the Assistant Secretary of the Treasury and asked specific official information on the subject. In order to exhibit the full scope of the Tribune criticism, I placed in the CONGRESSIONAL RECORD the seven paragraphs in full and collated from the official letter and table of the Treasury Department seven paragraphs, each intended to be a full and fair response to *the Tribune article seriatim*.

The Tribune rejoins in its issue of February 27, asserting that in my response I made no less than four distinct misrepresentations of its position, namely:

First. In my reply to the second paragraph of the Tribune article, I called attention to the fact that the Tribune represented that the $14,774,573 available July 1, 1873, was the unexpended balance of prior years, and showed from the letter of the Assistant Secretary of the Treasury that only about six and a quarter millions of this sum were in fact balances of former years. I therefore held that the paragraph exaggerated the amount of such balances to the extent of eight and a half millions.

The Tribune confounds this reply with the statement in its third paragraph, that had no reference to the balances of July 1, 1873, nor to the appropriations for 1874, (the two together made the $14,774,573,) with the appropriations for 1875, which was the only subject in its third paragraph. I cannot see that in this I have misrepresented the paragraph, for the Tribune statement was erroneous and misleading.

Second. The Tribune alleges that I misrepresented the statement in its fifth paragraph by representing it as asserting that the balances of July 1, 1873, and the appropriations for 1874, together amounted to $23,131,098. I find, on a re-examination of that paragraph and my reply to it, that I mistook the meaning of the editor, and did unintentionally misrepresent him, and I take pleasure in saying so.

I was misled by the Tribune's language, which was that "the balances of July 1, 1873, being added to the $8,356,525 of fresh appropriations made in 1874, give an aggregate of $23,131,098." The words "*appropriations made in* 1874" led me to suppose that the editor referred to the appropriations *for* 1874, and his aggregate of $23,131,098 seemed to be the sum of the balances for 1873 and the appropiations of 1874. But this aggregate is in fact the old balances of 1873 plus the appropriations for the two fiscal years 1874 and 1875.

Third. The Tribune says:

> In one paragraph of his speech (Mr. GARFIELD's) he makes us give the appropriation for 1875 at $8,350,000, and in another place he makes us give it at $12,340,000. We have never stated them at the latter amount.

That I did not misrepresent the Tribune may be seen from the first portion of the Tribune's sixth paragraph in the article of January 21, which is as follows:

> From the above summary it appears that although the appropriations made for public buildings were $12,341,944 for the year ending June 30, 1874, &c.

Here is a declaration of the Tribune, to which I responded by saying that that was not the sum appropriated for the year ending June 30, 1874.

I do not see how the Tribune can say that it has never stated them at the latter amount.

Fourth. The Tribune alleges that I have misrepresented its article when I say that the balance standing to the credit of the Supervising Architect January 20, 1875, was $5,803,089.80, and not $15,000,000, as stated by the Tribune. On this the editor says:

> We have said nothing about the balance standing to the credit of the Supervising Architect on January 20, 1875. The $15,000,000 balance was stated to have existed June 30, 1874.

In answer, I call attention to the seventh paragraph in the Tribune's article of January 20, beginning with these words:

> The vast sum, $15,000,000, which the Supervising Architect is authorized to expend, &c.

This appeared to me to imply that that much was now available, and the official table shows that on the 20th of January, the day previous to the publication of the Tribune articles, the balance standing to the credit of the Supervising Architect was $5,803,089.80. I give this latter sum as the Treasurer's response to what I supposed the Tribune meant in its seventh paragraph. If that was not the Tribune's meaning, its language was unfortunate.

And now comes a second article in the Tribune, of March 1, containing three paragraphs on this subject. The first attacks the correctness of the letter and table of the Assistant Secretary of the Treasury. Whatever may be the merits of that controversy, it has no bearing upon my fairness in the case. I however call attention to this feature of that paragraph: It is insisted that the Secretary of the Treasury in his letter to me does not include, among other things, buildings and grounds of the Naval Academy; repairs, fuel, refurnishing and lighting the Executive Mansion; improvements of building of Government Hospital for the Insane; but none of which things are now, and never were, under the control of the Supervising Architect of the Treasury, whose expenditures alone were in controversy.

In the second paragraph the Tribune of March 1, refers to the expenditures for arsenals; and asks whether General GARFIELD considers the structures at these arsenals "public buildings." Certainly they are public buildings; they are part of the public works constructed and maintained by the War Department, as really as are the harbors under the same Department; as really as are the light-houses under the Light-House Board. But they do not relate to the controversy in hand, namely, the expenditures for public buildings under the Supervising Architect of the Treasury.

Third, the Tribune refers to a paragraph in the annual report of the Supervising Architect of the Treasury of 1873. If there is a discrepancy between that report and the official table furnished me by the Treasury Department, I am not aware of it. I have not had time to examine the alleged discrepancy and do not now make any assertion in regard to it. I am only concerned with the question of the fairness of my statements in criticising the Tribune article. Wherein I have misrepresented, I have frankly acknowledged it; and in doing this I have not wandered from the topic under discussion; nor have I said anything which merits the closing suggestion of the Tribune article, that I am now less willing to believe in the truth than at any other period of my life.

The records of this House will show how earnestly, and not altogether in vain, I have striven to reduce the expenditures of the Government generally, and particularly extravagant expenditures on public buildings. That they have been extravagant and that they are already too great, I have been foremost to declare; and in this I have needed and desired the support of public opinion. Instead of that it is quite the fashion to blame me with the extravagances I have tried to prevent rather than to give me the fair credit I have deserved in so far as my resistance has been successful. I hardly think it will be generally denied that there was a time when the Tribune was more willing than it now is to see worthiness in the efforts of those who are faithfully striving to curb and limit the extravagance of the Government.

The question being taken on the Senate amendments numbered 102 and 103, they were not concurred in.

Mr. GARFIELD. We ask non-concurrence in the amendments of the Senate numbered 106 and 107, which propose to strike out the limitations in reference to the public buildings at Philadelphia and Raleigh.

The amendments were non-concurred in.

The one hundred and eighth amendment of the Senate was as follows:

> After line 1831, insert the following:
> For completion of building for custom-house and post-office at Trenton, New Jersey, $100,000.

Mr. GARFIELD. The amendment numbered 108 appropriates for the completion of the building for the custom-house and post-office at Trenton, New Jersey; and the amendment numbered 109 appropriates for the building at Grand Rapids, Michigan.

The committee recommend non-concurrence in those two. When I state the reason, I think gentlemen will agree that it is sufficient. For Trenton the whole amount provided by the original act has been appropriated. The Senate proposes to go beyond that $100,000. The building at Grand Rapids, Michigan, is in the same condition, and the amendment proposes an additional appropriation of $50,000. We propose non-concurrence, believing that in conference we may adjust the matter, and if we do not give the whole we may give a part.

Mr. DOBBINS. I should regret exceedingly if this amendment of the Senate, appropriating $100,000 for the completion of the building for a custom-house and post-office at Trenton, should not be concurred in. The building is up to the second story, and is now in such a condition that it must be a serious disadvantage not to go forward with the work of completing it. The plan of the building has been decided upon; the foundation has been laid; and, as I have stated, the building is now up to the second story. It would be most unfortunate indeed if it should have to be left open another winter exposed to the weather. The probability is that this appropriation will very nearly or quite finish the building. It will certainly inclose it.

Trenton City is the capital of the State, and the number of inhabitants is between thirty and forty thousand. The entire southern part of the State, as is known, is bounded by the ocean; and on this account there is necessarily a great deal of business done by the United States courts there. The building is intended partly for the accommodation of the courts. With the city of Philadelphia on one side and the city of New York on the other there is great risk of smuggling, and it is a very important matter that the building for the accommodation of the courts as well as for the custom-house and post-offices be completed. I am informed by the postmaster that Trenton pays into the Treasury through the post-office something over $20,000 a year. It occurs to me therefore, as a practical man, that it would be a very serious disadvantage not to have this appropriation made. It is sufficient to inclose the building, and as I understand nearly sufficient, if not quite, to entirely finish it.

I hope the House will concur in the Senate amendments.

The question being taken on concurring in the Senate amendment, there were ayes 28, noes not counted.

So the amendment was not concurred in.

The one hundred and ninth amendment of the Senate was as follows:

> After line 1836 insert the following:
> For continuation of building for custom-house and post-office at Grand Rapids, Michigan, $50,000.

Mr. GARFIELD. There is a little pious fraud in the language used here, "continuation of building." My friend from Michigan [Mr. WILLIAMS] is aware that there has not been even a plan made; the first thing has not been done. There has been nothing except the purchase of a site. Let us not depart from the truth by enacting into solemn law the declaration that we are to appropriate for continuing a building that we have not begun.

Mr. WILLIAMS, of Michigan. I do not desire to apologize for any departure from the truth which there may be in the language of the Senate amendment. I do think, however, that this is properly a

continuation of an appropriation for this public building. An appropriation was made last year of $70,000 for a building at Grand Rapids. The site has been purchased, and this is to continue the work already commenced by the General Government. I do not see that there would be any piety in refusing the appropriation.

The amendment was non-concurred in.

Mr. GARFIELD. The amendments numbered 111, 112, 113, and 114 cut down the appropriations for furniture and repairs, for carpets, for fuel, light, and water, for heating-apparatus, for vault, safes, and locks, &c., for public buildings under the control of the Treasury Department. The Committee on Appropriations do not believe that this reduction can be made without making it necessary to bring in a deficiency. We desire the House to non-concur in those amendments.

Mr. HOLMAN. Those five items, all of them being of the same general character, for furniture, fuel, heating-apparatus, vaults, safes, &c., for public buildings under the control of the Treasury Department, amount to the very large sum of $800,000. We have been making enormous appropriations for these purposes of late years, and it seems to me that the reductions proposed to be made by the Senate are not unreasonable. Our extravagance in these matters has been too manifest. It has been the subject of very grave and serious comment all over the country, and especially where these public buildings are located The Senate proposes to reduce the aggregate amount to the extent of $175,000.

Mr. KELLOGG. The gentleman from Indiana says that these items sum up $800,000. The actual figures give only $225,000. You may freeze to death in the winter by cutting this off.

Mr. HOLMAN. I repeat that the various paragraphs under this head, appropriating for furniture, lights, heating-apparatus, &c., for these public buildings, sum up $800,000. If the gentleman will add the figures together he will ascertain what is the fact.

Mr. GARFIELD. The gentleman from Connecticut [Mr. KELLOGG] is generally very correct, but he is mistaken this time. The gentleman from Indiana [Mr. HOLMAN] is undoubtedly correct in his figures.

Mr. HOLMAN. The Senate proposes to reduce this sum $175,000. The sentiment is very prevalent that we are extravagant in our appropriations, and I hope the amendment made by the Senate will be concurred in. Six hundred and twenty-five thousand dollars is a sum quite large enough for those purposes.

Mr. GARFIELD. I desire to say only one word more. I have two or three times, at the close of a session, been told by friends on the other side that my economy was a thing of an hour, only intended to affect an election, and that what we reduced one year would be brought up the next time in the shape of a deficiency. Now, I will say to the gentleman plainly that these matters of fuel and light and heating-apparatus, &c., most of the matters in these items are things we cannot control. They have got to have about so much. There are one hundred and thirty-five buildings over which the Treasury Department has control; and for heating and lighting and furnishing and putting in vaults and safes and locks, &c., for all of these one hundred and thirty-five buildings $800,000 is not perhaps too large a sum. And from the experience I have had in the last few years I am fully persuaded that if this appropriation is cut down the gentlemen who will have charge of these subjects next winter will have to pass a deficiency bill or else suffer the whole of our buildings to remain cold and dark during the winter. And what would be the result? It would be said that this had been done because this republican House wanted to get up a show of economy and had left the next House to supply their deficiencies.

Mr. HOLMAN. I pledge my friend from Ohio my word that that statement shall not come from me. I am confident that the amount proposed to be voted by the Senate is large enough. I know that we have encouraged extravagance of expenditures for the buildings under the control of the Treasury by our lavish appropriations of public money. We have made large appropriations for furniture not at all required. I insist that we can afford to run the risk of a deficiency on an item like this.

Mr. GARFIELD. I will compromise with the gentleman by agreeing with the amendment in relation to furniture.

Many MEMBERS. O, no!

Mr. GARFIELD. All right; then I ask the House to non-concur in all the amendments.

The question was taken upon concurring in the series of amendments, and there were 20 in the affirmative.

Before the noes were counted,

Mr. HOLMAN said: I will not call for a further count if the reduction by $50,000 of the appropriation for furniture be agreed to.

Mr. GARFIELD. Very well; let it be so.

The motion was agreed to.

Mr. GARFIELD. I will say that the amendment of the Senate No. 116 relates to what is known as the Kellogg bill for the reorganization of the Treasury Department, which was attached by the House to this bill. The Senate have stricken out that portion of the bill, and the Committee on Appropriations recommend non-concurrence.

Mr. HOLMAN. I hope the House will concur in the amendment of the Senate so far as it relates to the general increase of salaries in the Treasury Department. I presume the ground of objection on the part of the Senate to this portion of the bill was not so much that there was some reduction in the number of employés as that there was a general increase of salaries of the higher officers in the Treasury Department. I suppose that was the motive of the Senate in striking out this portion of the bill. It seems to me that a general increase of salaries is scarcely warrantable on an appropriation bill. The offices of the Treasury, the auditorships and others, have been filled by persons whose duties have been well performed. I trust the House will concur in striking out all this increase of salaries.

Mr. GARFIELD. I hope we may have a vote; it is getting very late.

The amendment of the Senate was not concurred in upon a division—ayes 12, noes not counted.

The one hundred and nineteenth amendment of the Senate was to reduce from two months to one month the extra pay to clerks and employés discharged from Executive Departments in Washington on account of reductions of force made necessary by legislation of Congress.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence.

Mr. BUTLER, of Massachusetts. I hope not. These men who are turned out in consequence of our legislation, and from no fault of their own, ought to have something to enable them to get home.

The amendment of the Senate was concurred in.

The remaining amendments of the Senate were disposed of as recommended by the Committee on Appropriations.

Mr. GARFIELD. I move that a committee of conference be requested of the Senate upon the disagreeing votes of the two Houses upon this bill.

The motion was agreed to.

CIRCUIT COURT IN NEVADA.

Mr. PAGE. I ask unanimous consent to have taken from the Speaker's table and passed Senate bill No. 1282. It simply changes the place of holding the United States circuit court in Nevada from Carson City to Virginia City.

Mr. RANDALL. I object.

OVERCHARGE OF DUTIES ON TONNAGE AND IMPORTS.

Mr. DAWES. I ask unanimous consent to report from the Committee on Ways and Means House bill No. 3828, to provide judicial remedies for overcharge of duties on tonnage and imports. The Committee on the Judiciary reported the bill in the first place, and it was referred to the Committee on Ways and Means. That committee have instructed me to report the bill back with a recommendation that it pass, with an amendment providing that nothing in the bill shall be construed to change existing laws in regard to the appraisement of goods. That amendment obviates the objection to the bill. I ask that the bill as amended be now passed.

No objection was made, and the bill was amended and passed.

WILLIAM N. DENNY.

Mr. NIBLACK. I ask unanimous consent that the House now consider and pass Senate bill No. 560, for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry.

The bill directs the Paymaster-General of the United States Army to pay to William N. Denny, late major of the Fifty-first Regiment of Indiana Volunteers, the pay and emoluments of a major of infantry from June 30, 1863, the date his commission was received at headquarters of the command to which he belonged, to May 15, 1865, the date of his muster in as lieutenant-colonel, as if he had been mustered in as major on the date of the receipt of his commission, first deducting whatever sum may have been paid him as captain during the period for which he is hereby allowed as major.

No objection was made, and the bill was passed.

PONTON BRIDGE ACROSS THE MISSISSIPPI.

Mr. DONNAN. I ask unanimous consent for the House now to take up and pass Senate bill No. 1230, to authorize the construction of a ponton bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa. This bill has been considered by the Committee on Commerce and is unanimously recommended by them.

Mr. DUNNELL. I object.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM. I ask unanimous consent to have taken from the Speaker's table and passed at this time Senate bill No. 1349, amending the charter of the Freedman's Savings and Trust Company. It has passed the Senate unanimously, and forty-two thousand depositors are depending upon our action on this bill to obtain their money, or a portion of it, from this company. I ask that it be taken up and passed for the benefit of these colored people.

Objection was made.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park;

An act (S. No. 378) granting to railroads the right of way through the public lands of the United States;

An act (S. No. 524) to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes;

An act (S. No. 608) granting the right of way through the public lands to construct and maintain a railroad;

An act (S. No. 671) for the relief of Alexander Minor, of West Virginia;

An act (S. No. 710) for the relief of E. Laws, chief engineer, United States Navy;

An act (S. No. 807) for the relief of Washington Crosland;

An act (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872;

An act (S. No. 878) for the relief of Rosa Vertner Jeffreys;

An act (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy; and

An act (S. No. 912) to annex certain lands to reservation No. 2, occupied by the Department of Agriculture.

HON. JOHN YOUNG BROWN.

Mr. RANDALL. I rise to a personal explanation. Some time ago a stormy scene occurred in this House during an exciting session upon a very exciting subject. In that connection I ask the Clerk to read a letter which I have placed in his hands.

The Clerk read as follows:

810 TWELFTH STREET,
Washington, D. C., March 3, 1875.

MY DEAR GENERAL: I beg again to express my regret that my severe and long-continued illness has prevented my taking any part in rectifying by the action of the House the injustice which I am fully convinced was done your friend, Mr. JOHN YOUNG BROWN, by the resolution of censure moved by myself.

In my conversation with you on the last day I was in my seat, some weeks ago, I expressed my conviction that so far as that resolution imputed to Mr. BROWN any intention of prevarication or double dealing in his response to the Speaker, I was satisfied, on a review of the record itself and in view of my own distinct recollection of the language uttered by Mr. BROWN, that I, in common with the majority of the House, had been misled and had done injustice to Mr. BROWN.

The record itself I know to be incorrect in making his language preceding his allusion to the case of Burke a direct charge upon a person not then named, when in fact it was stated as a hypothetical case. I was watching with intense care every word that Mr. BROWN uttered, and know that it was put hypothetically, and not as a direct charge.

His response to the interrogatory of the Speaker, followed by his subsequent application of his remarks to Mr. BUTLER, impressed me at the time as a prevarication and an unfair response, which enabled him to finish his sentence which would otherwise have been stopped by the Speaker.

But a careful examination of the record since, qualifying it by my own distinct recollection, satisfies me that I did a great wrong to Mr. BROWN in imputing this intent to him, and that there was nothing in his response to the Speaker inconsistent with entire good faith or with the integrity of an upright and honorable man.

I regret that I could not have stated this conviction of mine upon the floor of the House, and have thus aided in wiping out the undeserved imputation upon Mr. BROWN in this regard inflicted by my resolution; but my continued illness has kept me from my seat now for nearly four weeks, and will prevent my taking it again during the session.

I am glad to have the opportunity of expressing myself thus freely and unreservedly to you, especially in view of the opinion I have always entertained of Mr. BROWN as a gentleman of the most perfect integrity and honor, though doubtless sometimes excitable and impulsive, as I think he was on the occasion in question.

I shall never hesitate to express freely the conviction I have above expressed to you, and if anything contained in this letter will, in your judgment, be of service to Mr. BROWN, I beg you to consider the letter entirely at your service for any use whatever which you or other friends of Mr. BROWN may think proper to make of it.

With sentiments of the highest regard for yourself, I am, very truly, your obedient servant,

ROB: S. HALE.

Hon. T. T. CRITTENDEN.

Mr. RANDALL. Now, Mr. Speaker, we are about to part; and it is better that we should not leave behind us any relic of ill-feeling. If I should receive any encouragement from the other side, I would desire to make a motion, a proposition (it would better come from the other side) to relieve the record of that portion of the censure which charges the gentleman from Kentucky [Mr. BROWN] with "prevarication."

Mr. NEGLEY. I hope, if the gentleman makes such a proposition, he will not base his application upon that trashy letter. If he will appeal to our sympathies——

Mr. BUTLER, of Massachusetts. I desire to send a paper to the desk and have it read for the action of the House.

Mr. NEGLEY. If my colleague appeals to our feelings or sympathies——

Mr. RANDALL. I have no appeal to make, except what I say for myself upon this floor.

PAY OF COMMITTEE CLERKS.

The SPEAKER. The Clerk will read the resolution sent to the desk by the gentleman from Massachusetts, [Mr. BUTLER.]

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to the several clerks to committees of the House who are paid during the session only a sum equal to two months' salary from the 4th instant; the same to be paid from the contingent fund of the House.

Mr. SPEER. O, withdraw that.

Mr. BUTLER, of Massachusetts. I move that the rules be suspended to pass this resolution.

The SPEAKER. The Chair hears no objection, and the resolution is adopted.

Mr. SPEER. To obtrude such a matter at this time is unworthy of the gentleman from Massachusetts.

HON. JOHN YOUNG BROWN.

Mr. NEGLEY. I did not rise to make any objection to the request of my colleague—not in the slightest degree. But if it was the intention of the gentleman from New York [Mr. HALE] to acknowledge that he inflicted upon the member from Kentucky a wrong——

Mr. RANDALL. I do not yield to the gentleman.

Mr. NEGLEY. He certainly has inflicted upon this House a very singular communication.

Mr. DAWES. I observe, Mr. Speaker, that the gentleman from Kentucky is himself in the Hall; and he can at once put the House in such a position that it will be most glad to wipe out anything that reflects upon his honor.

Mr. TODD. I desire in connection with this question to call the attention of the House to the fact that when the censure was about being pronounced upon the gentleman from Kentucky he was asked whether he had any explanation to make to the House of the language he had used. He declined to make any explanation, and said that he stood by the words he had uttered.

Mr. DAWES. Mr. Speaker——

Mr. RANDALL. I withdraw the subject from the consideration of the House.

Mr. DAWES. I should like to add——

Mr. RANDALL. I withdraw the subject from the consideration of the House.

Mr. DAWES. I have the floor, I believe, and I would like to add——

Mr. BARRY. Has not the subject been withdrawn?

Mr. DAWES. So far as I am personally concerned——

Mr. BARRY. If the subject has been withdrawn I call the gentleman to order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has withdrawn the matter.

Mr. DAWES. I would like to add that, so far as I have had personally any connection with this matter, nothing would delight me more, as I am about to leave this House, than to contribute to the wiping out of whatever there is in that resolution that is painful to the gentleman from Kentucky; and I wish to state to the House that I have endeavored heretofore, and before the attention of the House was called to it by the gentleman from Pennsylvania, to find some possible ground upon which I could ask the House to do it.

If I have failed to find that ground, sir, it has not been for want of earnest, honest effort on my part. I look upon it as an opportunity for the gentleman from Kentucky to put himself before this country in a light in which every gentleman would like to have himself put. And I call upon his friends here in this House to do courteously what he is unwilling to do himself.

Mr. RANDALL. I want to remind the House that on yesterday we rescinded upon our record the resolution censuring General CAMERON; and the House to-day in a spirit of truth passed a resolution of thanks in the most exalted terms to yourself, Mr. Speaker, and I did hope, having done all this yesterday and to-day, I would be met in a better spirit than has been manifested on this occasion. Magnanimity seeems to be all on our side.

Mr. DAWES. I will be the first to move to wipe out that whole resolution if the gentleman from Kentucky will present himself to this House in the manner in which the public judgment asks him to present himself.

Mr. CLYMER. As far as the judgment of the public is concerned as to what the gentleman from Kentucky said on the occasion referred to, it is that he was right. It was true, even if it was unparliamentary.

Mr. DURHAM. I demand the regular order of business.

Mr. TODD. I ask the House to hear me a moment.

Mr. DURHAM. I demand the regular order.

Mr. TODD. I only wish to say——

Mr. DURHAM. I object to his saying a word.

Mr. TODD. I ask to make a statement.

Mr. DURHAM. Well, I have no objection to the gentleman himself, but I call for the regular order of business and do object to this matter proceeding further.

Mr. TODD. Have I not a right to make a statement?

The SPEAKER. And the gentleman from Kentucky has a right to object.

Mr. DURHAM. And I do object, and insist on my objection.

Mr. KELLOGG. I ask unanimous consent to submit a resolution to be referred to the Committee on Printing that the obituary addresses in regard to the deceased members of this House, made some days ago, be printed.

Mr. DURHAM. I object to anything out of the regular order of business.

ALLEGHENY VALLEY RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 996) for the relief of the Allegheny Valley Railroad Company.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the Allegheny Valley Railroad Company the sum of $7,232.75, a balance due to said company, as per account balanced upon the books of the Post-Office Department, for transportation of the mails in the years 1868 and 1869, which cannot be paid until an

appropriation is made therefor, the balances of the appropriations for those years having been covered into the Treasury under the provisions of the act of July 12, 1870.

Mr. HOLMAN. This seems to be out of the regular order of proceedings on the part of the Post-Office Department and ought to be considered by some proper committee before it is taken up in this House for action. I therefore object to the bill.

Mr. NEGLEY. I move to suspend the rules and pass the bill.

Mr. SPEER. We have five minutes' debate on this bill I believe. The bill itself is right, and I hope the gentleman from Pennsyvania [Mr. NEGLEY] will say a word in explanation of it.

Mr. NEGLEY. This is merely in settlement of the balance due that company which the company failed to draw from the Treasury in time. The unexpended balances were covered into the Treasury. It is a debt due on the part of the Government in favor of this company and ought to be paid.

Mr. HOLMAN. Why was it not paid in the current fiscal year?

Mr. NEGLEY. The accounts of the company were not settled at the time the unexpended balances were covered into the Treasury, and that is the only reason why it was not paid.

Mr. HOLMAN. It is clear to my mind, Mr. Speaker, that this is not any matter concerning the regular transportation of the mails, for if it had been it would have been paid for quarterly under the laws regulating our mail transportation.

Mr. SPEER. In 1870 or 1872 a law was passed requiring all of the unexpended balances to be covered into the Treasury, and before that law was passed the accounts were not settled quarterly.

Mr. HOLMAN. If there can be furnished any official information in reference to this matter I should like to see it.

Mr. SPEER. The Senator from my State, who lives in the same town with myself, Senator SCOTT, considered the case carefully and reported this bill to the Senate, and on his recommendation it was passed and sent to this House. I believe it to be a sum honestly due to this company, and I hope the bill will be passed.

Mr. HOLMAN. It is likely that this money is due to this company, but there is no official evidence of the fact before the House. In all these cases we ought to have some facts before the House before we are called upon to act upon any such measure.

Mr. SPEER. The report of the Senate committee will show it ought to be passed.

The House divided; and there were—ayes 65, noes 25.

So the rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

JAMES JACKSON.

The next business on the Speaker's table was the bill (S No. 755) to relieve James Jackson, of Georgia, of his political disabilities.

The question was put on the passage of the bill, and (two-thirds voting in favor thereof) the bill was passed.

PRINTING OF EULOGIES.

Mr. KELLOGG. I ask unanimous consent to offer a resolution.

Mr. RANDALL. I object to anything but the regular order. I am willing, however, that the resolution shall be read.

The resolution was read and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That ten thousand copies of the eulogies delivered in the two Houses of Congress upon the death of the late members of this House, Messrs. Hooper, Hersey, Crocker, and Rice, be printed in the usual form; seven thousand of which shall be for the use of the House of Representatives, and three thousand for the use of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. GORHAM, its Secretary, announced that the Senate had passed the river and harbor appropriation bill with amendments; in which he was directed to ask the concurrence of the House of Representatives.

RIVER AND HARBOR APPROPRIATION BILL.

On motion of Mr. SAWYER, by unanimous consent, the amendments of the Senate to the river and harbor appropriation bill were non-concurred in, and a committee of conference asked upon the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection to allowing the gentleman from Kentucky [Mr. DURHAM] to take from the Speaker's table the bill amending the charter of the Freedman's Savings and Trust Company?

Many members objected.

Mr. GARFIELD. I hope the gentleman from Kentucky will be allowed to take up that bill; it is a very important bill.

Mr. RANDALL. I must insist on the regular order.

The SPEAKER. It is in the power of the House to rescind the order under which it is acting by a two-thirds vote.

Mr. MERRIAM. I move that it be rescinded for the consideration of the bill of which the gentleman from Kentucky has charge.

The SPEAKER. That could not be done, but of course the order can be set aside by a two-thirds vote.

Mr. MERRIAM. I hope it will be rescinded.

Mr. DURHAM. I am not asking to take up this bill out of the regular order. If the House will go on with the regular order of business it will soon be reached.

COLORADO TERRITORY.

The next business on the Speaker's table was the bill (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory.

Mr. BUTLER, of Massachusetts. There can be no objection to that bill.

The bill was passed, two-thirds voting in favor thereof.

FRANCIS M. STRONG AND THOMAS ROSS.

The next business on the Speaker's table was the bill (S. No. 1094) for the relief of Francis M. Strong and Thomas Ross.

The bill, which was read, provides that Francis M. Strong and Thomas Ross, of the State of Vermont, shall have leave to make application to the Commissioner of Patents for an extension of patent for an improvement in weighing-scales of the date of the 24th of May, 1859, for the term of seven years from and after the expiration of the original term of fourteen years for which the patent was granted, such application to be made in the same manner and have the same effect as if the same had been filed not less than ninety days before the expiration of the original patent, and upon such application so filed the Commissioner of Patents is authorized to consider and determine the same in the same manner and with the same effect as if the application had been duly filed within the time prescribed by law and the original term of the patent had not expired.

The bill provides further, that no persons shall be held liable for infringements of said patent if extended, or making use of the invention since the expiration of the original term of said patent prior to the date of its extension.

Mr. SMART. I desire to state that this case was considered by the Committee on Patents of the House and that I was authorized to make a favorable report upon it.

Mr. BUTLER, of Massachusetts. I must object to the bill. I am not sitting up here to extend patents. I do not think that we should extend patents this time of day.

Mr. SMART. I can state in a moment all there is in this case. These gentlemen were entitled to an extension under the old law, but failed to get it through owing to an error of a clerk in the Patent Office. They supposed that their application had been filed and they afterward discovered that it was not.

Mr. SAYLER, of Indiana. I doubt very much whether any member of the Committee on Patents knows what this patent is for. There was no proof showing what it was for, except that it was for an improvement in scales. It has been the rule of the Committee on Patents that before granting an extension of a patent there should be some showing of what the patent has paid before the patentee goes before the Commissioner for an extension. In this case there is not the smallest scintilla of evidence showing how much these parties have made. So far as the House is informed, they may have made $50,000 or $100,000, and they may not have made a dollar, or they may have lost $10,000. There was no evidence to show as to how much the patentees have realized out of this invention in the fourteen years, so that there is here a fatal defect to my mind.

Sir, these parties are not in default on this occasion for the first time. In 1870 they were before Congress asking relief for another default. It occurs to me that after their default four or five years ago they should have shown more promptness and carefulness on this occasion; or if not that, they ought to have disclosed to the House and country upon what sort of grounds they predicated their present application. I take it that it should be shown that they have not received sufficient remuneration from their patent during the fourteen years during which it has existed, and in reference to that there is not a word of proof.

[Here the hammer fell.]

Mr. CONGER. The House, I presume, will not doubt that the Committee on Patents have been very careful in their recommendations to the House, so much so that I think one proposition to extend a patent or not—more than one—has been presented to the House this session. The committee have examined a bill similar to the one now on the Speaker's table, and we found that but for the fault or neglect of an officer in the Patent Office this extension would have been granted on regular application under the law. A misunderstanding arose from the fault and neglect on the part of one of the officers of the Government, and the committee thought that these parties should not be deprived of the right they had under the old law on account of that neglect or fault on the part of one of the officers of the Patent Office, and therefore they have prepared a report recommending this bill when reached upon the Speaker's table, adding their recommendation to the action of the Senate. This is a patent for an improvement in platform-scales, and so far as the committee had any information they did not find out that the public ever paid much or the parties received much.

But, independent of that, the parties had a right to an extension of their patent under the law except for the neglect to which I have alluded, and therefore the committee say that it is but just that they should have the right to go before the Commissioner with the same rights which they would have had but for the fault of an officer of the Government.

Mr. SAYLER, of Indiana. If the attorney of these parties failed in his duty they have a remedy against him in damages.

Mr. MOREY. There can be no doubt that this is a very "scaly" case.

The question was taken on the passage of the bill, and on a division there were ayes 23, noes not counted.

So (two-thirds not voting in favor thereof) the bill was rejected.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. I rise to a privileged report. I submit a report from a committee of conference.

The Clerk read the report, as follows:

The committee of conference of the two Houses on the disagreeing votes on the bill (H. R. No. 3341) a bill to equalize the bounties of soldiers who served in the late war for the Union, having met, after full and free conference, have agreed to recommend to their respective Houses—

That the House recede from its vote non-concurring in the amendments of the Senate, and agree to the same.

LEWIS B. GUNCKEL,
JOHN COBURN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

JOHN A. LOGAN,
H. HAMLIN,
GEORGE E. SPENCER,
Managers on the part of the Senate.

Mr. GUNCKEL. I will state that when I first returned to the floor of the House it was said that there would be a recess until eight o'clock, and I then said to my colleague on the committee from Wisconsin [Mr. ELDREDGE] that I would not call the report up until that time. He and other gentlemen interested in this question have left the Hall, and I do not want to take any advantage of their absence.

The SPEAKER. The report is highly privileged, and the gentleman can withhold it until that time.

Mr. GARFIELD. Has a message been received from the Senate in regard to the appointment of a conference committee upon the sundry civil bill?

The SPEAKER. Not yet.

Mr. GARFIELD. I was going to say that if it had we might take a recess for a time.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. SMITH, of Virginia, by unanimous consent, from the Committee on Railways and Canals, reported back with the recommendation that it do pass the bill (S. No. 1098) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

GOVERNMENT OF THE NAVY.

The next business on the Speaker's table was the bill (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy.

The bill provides that the seventeenth section of the act approved July 17, 1862, shall be so amended as to read as follows:

SEC. 17. That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port. All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment; and that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge, and all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port; and that all persons who shall be so detained beyond their terms of enlistment, or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay: *Provided*, That the shipping articles shall hereafter contain the substance of this section.

The bill was passed, two-thirds voting in favor thereof.

SURVIVORS OF THE POLARIS.

The next business on the Speaker's table was the bill (S. No. 843) for the relief of the survivors of the Polaris.

The bill directs the proper accounting officers of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the survivors of the Polaris engaged in the Arctic exploration under command of Captain Charles F. Hall, their widows or minor children, and in the order named, a sum of money in addition to that already paid equal in amount to one year's pay which each would have been entitled to respectively if continued in the service, under the rules and regulations prescribed by the Secretary of the Navy for said exploring expedition; and that Mercy Ann Hall, widow of Captain Hall, be paid a sum equal in amount to two years' pay which her husband would have received if living and continued in the service as before provided; and that the sum of $360 each be paid to Joe Eberbing and Hans Hendrick, Esquimaux, who rendered valuable assistance to that part of the ship's crew rescued from the ice-floe on or about the 30th day of April, 1873; said payment to be made direct to each individual claimant upon satisfactory evidence of his identity; provided, that if any sale, assignment, or transfer shall be made of any interest in the gratuity provided by this act, the amount so assigned shall revert to the Government of the United States.

Mr. ARCHER. That bill is recommended by the Committee on Naval Affairs. I hope it will be passed.

Mr. STARKWEATHER. I do not desire to oppose this bill, but I wish to say this: instead of giving to Eberbing, the Esquimaux, the sum of $360 for services of great value, he certainly ought to be paid as much as any one named in the bill. He was indeed the party who saved those who were on the ice. There are many petitions from geographical societies and eminent men in the country asking that Congress recognize his services. But it is now impossible to amend this bill without defeating it on account of the lateness of the session. Hereafter I have no doubt Congress will do justice to Eberbing.

Mr. ARCHER. If this bill should now be amended it will be lost between the two Houses.

Mr. KELLOGG. Let us give him what we can by this bill.

Mr. STARKWEATHER. So far as he himself is concerned he would prefer to be left out of the bill entirely, rather than have merely $360 given to him. Every one who has examined the subject says that he should receive the highest sum named in the bill. He has been of great service and has made great sacrifices and is more entitled to compensation than any man named in the bill, and he is turned off with a mere pittance. That is not the fault of the committee of this House, for the bill came from the Senate. The committee of this House do not recommend any amendment to the bill because it might lead to its being lost between the two Houses. But I have been requested by Eberbing to say that he preferred being left out of the bill.

Mr. ARCHER. If the bill should be amended and thereby lost, it would work injustice to others who were exposed for months on the ice.

Mr. STARKWEATHER. I do not wish to do that.

Mr. ARCHER. This can be rectified in the next Congress if any wrong is done.

Mr. STARKWEATHER. Nothing prevents my moving an amendment except that the bill would thereby be lost, and deserving men would not receive what it is proposed to give them.

Mr. SCOFIELD. I move to suspend the rules and pass the bill.

The rules were suspended; and the bill passed, two-thirds voting in favor thereof.

WAGON-ROAD IN UTAH.

The next business on the Speaker's table was the bill (S. No. 1166) granting the right of way over the public lands for the construction of a wagon-road in Salt Lake County, Utah Territory.

Mr. PAGE. I move to lay the bill on the table.

The SPEAKER. That motion is not necessary; the bill can be laid aside.

The bill was returned to the Speaker's table.

GEORGE W. ANDERSON.

The next business on the Speaker's table was the bill (S. No. 1147) for the relief of Courtland Parker as administrator of George W. Anderson, deceased.

The bill directs the Secretary of the Treasury to pay to Courtland Parker, as administrator of George W. Anderson, the sum of $13,254.67, being the amount received into the Treasury of the United States, under certain proceedings and decree in the southern district of New York, undertaken to condemn the stock and dividends of said Anderson in the Minnesota Mining Company, the Rockland Mining Company, the Superior Mining Company, and the Steel River Mining Company, the same being in full for all claims and demands of said Parker as administrator, or the heirs or representatives of said estate, against the United States, connected with or in any manner growing out of said claim, for which a receipt shall be taken in full by the proper officer of the Treasury.

Mr. POTTER. That bill, if I understand the case, should pass. I will be glad to explain it if any explanation is needed.

Mr. MERRIAM. We will take your statement that it is right.

Mr. HOLMAN. I ask that the bill be again read, or some explanation be made of it.

Mr. POTTER. I would be willing to explain the bill if anybody wishes to hear it explained.

Many MEMBERS. Vote; vote.

The question was taken on suspending the rules and passing the bill; and upon a division there were—ayes 35, noes 15.

Mr. HOLMAN. No person seems to know anything about this bill, and I must insist upon a quorum to pass it.

Mr. POTTER. Allow me to state what the facts are. This man Anderson was a loyal citizen of Savannah. During the war he was absent in the city of New York. Certain shares of mining stock were there held in his name. One Mudgett, an informer and spy, applied for the condemnation of the property on the ground that Anderson was disloyal. It appears that the proceeding was wholly irregular and erroneous; but the court condemned the property, awarding to Mudgett his half as informer, while the other half, about $10,000, was paid into the Treasury of the United States. After the war was over Anderson returned. He brought suit against Mudgett, showed that the allegations that had been made against him were absolutely false, and recovered from Mudgett his share of the property. If the United States had been su ble he would have recovered from the United States the other half, but the Government not being suable in such a case, he comes to Congress and asks that he be paid back the sum that the Government received.

Mr. HOLMAN. Then this bill covers the amount that went into the Treasury upon this confiscation.

Mr. POTTER. It covers that amount with interest. The sum that went into the Treasury was $10,311.84. The sum named in the bill is somewhat larger.

Mr. HOLMAN. What is the amount named in the bill?

Mr. POTTER. Thirteen thousand two hundred and fifty-four dollars.

Mr. HOLMAN. I think that the money which was paid into the national Treasury as the result of this confiscation ought to be refunded to the person whose property was sold; but only the actual amount so paid into the Treasury should be returned. For years past it has been the practice of the Government—I may say without variation—not to allow interest on claims.

Mr. POTTER. If anything is due to this man for the wrong committed upon him by the United States at the instance of this informer, it is the amount which the United States actually received, together with interest at 6 per cent.

There being no objection, the bill was passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. BABCOCK, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army;

An act (H. R. No. 4730) providing for the payment of certain employés of the House of Representatives;

An act (H. R. No. 4856) to change the name of the port of Nobleborow to Damariscotta;

An act (H. R. No. 2093) for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army;

An act (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government;

An act (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876;

An act (H. R. No. 4840) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes;

An act (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts;

An act (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers;

An act (H. R. No. 580) granting a pension to Rosalie C. P. Lisle;

An act (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

An act (H. R. No. 4141) to make East Pascagoula, in the State of Mississippi, in the district of Pearl River, a port of delivery for said district;

An act (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road;

An act (H. R. No. 4829) for relief of Willow Springs Distilling Company, of Omaha, Nebraska;

An act (H. R. No. 3276) granting a pension to Davenport Downs;

An act (H. R. No. 3703) granting a pension to Catharine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers;

An act (H. R. No. 3688) granting a pension to William O. Madison;

An act (H. R. No. 3698) granting a pension to William C. Davis;

An act (H. R. No. 3704) granting a pension to Mary E. Stewart;

An act (H. R. No. 3706) granting a pension to Margaret H. Pittenger;

An act (H. R. No. 1644) granting a pension to Hannah E. Currie;

An act (H. R. No. 2685) for the relief of John Aldredge;

An act (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan;

An act (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes;

An act (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia;

An act (H. R. No. 4853) to change the name of the pleasure-yacht Dolly Varden to Clochette;

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 4734) to establish certain post-roads; and

An act (H. R. No. 3711) granting a pension to Martin D. Chandler.

HOLY CROSS MISSION, DAKOTA TERRITORY.

The next business on the Speaker's table was the bill (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota.

The bill was read. It authorizes and directs the Secretary of the Interior to withdraw from sale or settlement, under the provisions of the pre-emption and homestead laws of Congress, one hundred and sixty acres of the public lands situated in sections 13 and 18, township 138, range 49, and section 18, township 138, range 48, as were included within the limits originally claimed and improved for the mission school-buildings, church, cemetery, &c., now occupied by the founders of the Holy Cross Mission at said place; the said land to include all school and church buildings and the cemetery thereon occupied.

By the second section the Secretary of the Interior is further authorized to grant to the said Holy Cross Mission board the aforesaid land, for the sole and exclusive use of said Holy Cross Mission; provided that this shall not affect any *bona fide* claimant to said lands or any portion thereof.

There being no objection, the bill was passed.

RIGHTS OF BRITISH SUBJECTS.

The next business on the Speaker's table was the bill (S. No. 959) providing for the appointment of a commission to ascertain the right of subjects of Great Britain to lands in the territory which was the subject of the award of the Emperor of Germany, under treaties of 1846 and 1871, &c.

Mr. TOWNSEND. I desire to say that a bill almost exactly like this was reported from the Committee on Public Lands at the last session and passed. A commissioner was appointed and has made his report. I do not think we ought to pass this bill.

The bill was laid aside.

FRANCES A. ROBINSON.

The next business on the Speaker's table was the bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased.

The bill was read. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Frances A. Robinson, administratrix of the estate of John M. Robinson, late of Independence, in the State of Missouri, deceased, the sum of $2,000 in full for use and occupation of the foundery of the deceased, and property taken therefrom for the use of the United States Army, during the years 1862 and 1863.

Mr. ELLIS H. ROBERTS. Does this bill come from any committee? If it is not approved by a committee I must object to it.

Mr. COMINGO. I hope there will be no objection to that bill. It should have become a law long ago.

Mr. WILLARD, of Vermont. Let us have some explanation of it.

Mr. COMINGO. In 1862 and 1863 the Army occupied the building in reference to which this charge is made, and destroyed some $20,000 of property, consisting of engines and machinery of one kind or another. They continued to occupy this building for a year or two as quarters. The committee in the Senate have cut down the claim from $20,000 and only report in favor of allowing $2,000 for rent and for machinery used. The claim has been before the committee of this House at one time and another and reported favorably upon by two or three committees. The Senate committee are unanimous in their report in favor of $2,000.

Mr. WILLARD, of Vermont. Has it been before a committee of this House?

Mr. COMINGO. It has; one or two Congresses preceding this.

Mr. WILLARD, of Vermont. Has there been a favorable report on it?

Mr. COMINGO. It has been reported on favorably by two committees, if not three.

Mr. WILLARD, of Vermont. Is it on the Private Calendar?

Mr. COMINGO. It has not been during this session. It has been reported on favorably two or three times, as I am informed. I trust there will be no objection to it. It is only to pay $2,000, when the property destroyed was worth $20,000.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

METHODIST EPISCOPAL CHURCH, WEST VIRGINIA.

The next business on the Speaker's table was the bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia.

The bill, which was read, directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to James Carskadon, P. M. Dayton, R. S. Dayton, James I. Barrick, Edmund Duling, and William Warner Smith, trustees of the Methodist Episcopal church at New Creek, Mineral County, West Virginia, to be used for church purposes only, the sum of $1,000, for the occupation and conversion to the use of the Army of the United States of the house of worship of said church at that place as a bakery, by the Commissary Department, from the 1st day of April, 1862, until the 28th day of November, 1864, under orders of the proper officers of the said Army, on which last-mentioned day the said house of worship, being so occupied, was destroyed by the rebel army.

Mr. WILLARD, of Vermont. Has this bill been reported by any committee?

Mr. HOLMAN. Mr. Speaker, members of the House of course perceive in passing bills of this character they come in conflict with the rule usually acted on, and that is that property so occupied in the actual theater of war by the Federal troops and subsequently destroyed by the rebel forces does not create a claim against the United States for which compensation should be made. Favorable action taken on this would in effect establish a new precedent.

Mr. KELLOGG. I wish to say if my friend from Indiana had a Methodist Episcopal church or any other church in his district which had suffered in the war by destruction of its property it would have received compensation long ago. I know the rule laid down in these matters, but all these rules have exceptions. I do not know about

this particular case; but in other like cases we have broken through the rule.

Mr. HOLMAN. My friend from Connecticut overlooks the facts in this case. I infer this was in the actual theater of war. If it is now proposed to pass this bill as a precedent, and it is understood we are to pay for all this sort of damage and spoliation, of course hundreds of millions will be necessary. It does not matter whether the State was in insurrection or not; but the question is whether this property was in the actual theater of war. Where the Government of the United States actually occupied property coming within its reach, the destruction of that property does not, according to the doctrine recognized by the House, create a claim for which the Government is responsible.

Mr. KELLOGG. I wish to say a word in regard to these war claims. I have gone for every claim coming from the gentleman's State, and agreed to pay for every tea-vine and huckleberry-bush destroyed by the rebels in his district. I wish to say that I would have been more liberal on war claims than I should have been if it were not for my associates.

Mr. HOLMAN. At no time was it the theater of war.

Mr. HAWLEY, of Connecticut. Let me say there is a bill now upon the Speaker's table half a page behind this bill which we ought to reach and pass to-night in common decency to the forty thousand depositors of the Freedman's Bank; but unless we go along in order I do not see how it can be reached to-night. My colleague, the gentleman from Kentucky, [Mr. DURHAM,] on the Committee on Banking and Currency, has it in charge; and although he has tried more than once to get it up, he has always been met with objection.

Mr. CONGER. I think we had better have a division on the bill now before the House.

The House divided; and there were—ayes 50, noes 29.

So (two-thirds not voting in the affirmative) the bill was not passed.

FREEDMAN'S BANK.

Mr. HAWLEY, of Connecticut. I now ask that my colleague on the committee [Mr. DURHAM] may be permitted to call up the Freedman's Savings Bank and Trust Company bill, in order to put it on its passage.

Mr. RANDALL. I object. The colored members of the House do not want it passed.

Mr. RAINEY. Not unless it is amended, and there is no chance now for amendment.

Mr. HAWLEY, of Connecticut. There is a difference of opinion as to the first two sections.

The SPEAKER. The gentleman from Connecticut will observe, unless the order be reversed, the bill to which he refers would require a two-thirds vote to make it in order. It will be reached sooner than the gentleman expects by going on regularly.

GEORGE W. DAWSON.

The next business on the Speaker's table was the bill (S. No. 819) for the relief of George W. Dawson.

The bill, which was read, directs that the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to George W. Dawson, late collector of the fifth internal-revenue district in the State of Maryland, the sum seventy-two dollars, the amount taken from his deputy collector, Frederick A. Dawson, in the month of July, 1864, by confederate troops under command of General Early.

The rules were suspended, two-thirds voting in favor thereof, and the bill was passed.

PEASLEY & M'CLARY.

The next business on the Speaker's table was the bill (S. No. 821) for the relief of Peasley & McClary, of Nashua, New Hampshire.

The bill was read.

The SPEAKER. Has any member charge of this bill? If there be none it will be laid aside.

The bill was laid aside.

ANGELINE LOGAN.

The next business on the Speaker's table was the bill (S. No. 889) for the relief of Angeline Logan.

The SPEAKER. Is there any gentleman who has charge of this bill? [After a pause.] The bill will be laid aside without action.

J. MONTGOMERY AND T. E. WILLIAMS.

The next business on the Speaker's table was the bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams.

Mr. SPEER. I ask that that bill may be put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to John Montgomery and Thomas E. Williams the sum of $2,000, in full of all claims against the Government of the United States for damage, destruction, or appropriation of their property in Virginia, near the end of the Long Bridge, during the late war.

Mr. WILLARD, of Vermont. Has that bill been considered by a committee?

Mr. SPEER. If the bill is not objected to I need not say anything in support of it. It is an honest bill.

Mr. WILLARD, of Vermont. I should like to hear some explanation of it.

Mr. SPEER. The gentleman from Vermont surely knows that I never asked for the passage of private bills unless I believed them to be right.

Mr. WILLARD, of Vermont. I do not dispute that. I only desire to have this bill explained.

Mr. SPEER. Two of my constituents, John Montgomery and Thomas E. Williams, at the beginning of the war came down from a county in my district and rented a hotel and farm on the Virginia side of the Long Bridge. General Runyon, in command of the United States troops, having passed over the Potomac, took possession of the tavern stand and also the farm occupied by these men and took all they had. One of them is now bankrupt. One of the parties, John Montgomery, filed his petition setting forth the taking possession of his premises by the United States Army under General Runyon and the loss which he had sustained, and asked that his damages might be assessed. Immediately after the property was taken possession of, General Runyon, the commanding general, organized a board to go upon the premises, examine them, hear evidence, and assess the damages of the petitioner. This board found there was $2,917.17 due to these parties. A bill for that amount was reported favorably by the Senate Committee on Claims in the second session of the Forty-first Congress; but the report was made too late and the Senate did not pass the bill. The report was made by the late Senator Garrett Davis, of Kentucky; and this session the Senate Committee on Claims has again made a favorable report through Senator DAVIS, of West Virginia, which report I now hold in my hand. The amount has not been paid by the War Department because there was no law under which the Department could pay it.

Mr. MERRIAM. What is the amount?

Mr. SPEER. The amount found by the commissioners appointed by General Runyon was $2,917.17. The Senate has passed a bill for $2,000.

Mr. WILLARD, of Vermont. Why was not the award of that board of assessment paid?

Mr. SPEER. General Runyon appointed a board to assess the damages; but there was no law under which the amount of the assessment could be paid.

The bill was passed, two-thirds voting in favor thereof.

TERRE HAUTE AND INDIANAPOLIS RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana.

Mr. HUNTER. I ask that the bill be put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $7,543.75, it being the amount due said company for carrying the United States mails, as found and ascertained by the Court of Claims.

There being no objection, the bill was read three times, and passed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 463) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

Mr. COTTON. I ask that the bill be passed with an amendment. The parties who wish this bill to pass wish also to have the amendment.

Mr. RUSK. The amendment will kill it.

Mr. LOWNDES. Let the bill be laid aside.

Mr. COTTON. I move to suspend the rules that the bill may be passed with an amendment.

The bill was read.

Mr. COTTON. This bill is for the benefit of the Insane Asylum. Dr. Nichols has been here several days endeavoring to get the bill through this Congress. It is to locate the line of the railroad. During last session of Congress the gentleman from Massachusetts [Mr. G. F. HOAR] brought up the question of the location of this road, and this bill has been matured to give the road a proper location so that it shall furnish accommodation to the Insane Asylum. It is purely in the interest of the Government and of the Insane Asylum. I do not think that any gentleman in this House can have any objection to it. This does not authorize any new railroad, but simply makes this company locate its tracks so as to be for the benefit of the Government Insane Asylum. But the last section of the bill makes this provision:

SEC. 3. That no railroad or other corporation at present existing, or which may be hereafter incorporated, shall enter upon any lot, square, or other ground, or part thereof, owned or held by the United States within the limits of the District of Columbia, for any purposes whatever, except as may hereafter be allowed by special act of Congress.

I desire that that section shall be amended so that the railroad shall not enter upon Government property except in pursuance of acts of Congress which may have been heretofore or may be hereafter passed.

My amendment is to make it read, "except in pursuance of acts of Congress which may have been heretofore or may hereafter be passed." Of course that is right.

Mr. ARCHER. Why not strike out the third section? That would be the better way.

Mr. COTTON. I insist on my motion to suspend the rules and pass the bill with the amendment I have indicated.

The question was taken; and on a division there were—ayes 45, noes 22; no quorum voting.

Tellers were ordered; and Mr. COTTON and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 87, noes 57.

So (two-thirds not voting in the affirmative) the bill was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Vice-President had appointed Mr. WINDOM one of the conferees on the part of the Senate on the river and harbor bill, in place of Mr. WEST, excused.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MAYNARD. I rise to a privileged question. I present a report from a committee of conference which I ask to have read.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purpose, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their amendments numbered 5, 15, 16, 17, 18, 20, 32, 33, 34, 35, 45, 79, and 85.

That the House recede from their disagreements to the amendments of the Senate numbered 1, 3, 10, 11, 12, 13, 19, 22, 23, 24, 25, 28, 30, 31, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 53, 54, 55, 56, 57, 58, 61, 66, 72, 73, 74, 75, 76, 77, 78, 83, 84, 89, and 90.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with the following amendment: In lieu of the words proposed to be inserted, insert the words "thirty-six;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 9, with an amendment making the word "five" in line 14, page 4 of the bill, "six;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 21, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "four" and insert in lieu thereof the word "seven," and in lieu of the following word "seven" insert the word "five," and in lieu of the succeeding word "seventy" insert the word "ninety;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 27, and agree to the same with an amendment, as follows: At the end of the amended paragraph add the words "to be expended under the direction of the Secretary of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 59; and agree to the same with an amendment, as follows: Add at the end of said amendment the words "two assistant messengers, at $720 each per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 60, and agree to the same with an amendment, as follows: From the words proposed to be inserted strike out the word "three" and insert in lieu thereof the word "five;" strike out the following word "eight" and insert in lieu thereof the word "three;" and in line 8, page 43 of the bill, strike out "eight" and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreements to the amendments numbered 62, 63, 64, 65, and agree to the same with amendments as follows, respectively: In lieu of the word proposed to be inserted by amendment 62 insert the word "eight," and in lieu of the word proposed to be inserted by amendment 63 insert the word "six," and in lieu of the word proposed to be inserted by amendment 64, insert the word "nine," and of the words proposed to be inserted by amendment 65 strike out the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 67, and agree to the same with amendments, as follows: Strike out of said amendment the word "ten" and insert in lieu thereof the word "two," and strike out the following word "six," and in lieu thereof insert the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 68, and agree to the same with the following amendment: In lieu of the word "thirteen" of said amendment insert the word "eight;" and the Senate agree to the same.

That the House recede from its amendment to the amendment numbered 88, and from its disagreement to the same.

That the House recede from its disagreement to the amendment numbered 6, and agree to the same with an amendment, as follows: Strike from the words proposed to be inserted the words "three hundred;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 26, and agree to the same.

HORACE MAYNARD,
CHAS. O'NEILL,
J. C. ROBINSON,
Managers on the part of the House.

GEO. F. EDMUNDS,
JNO. J. INGALLS,
A. G. THURMAN,
Managers on the part of the Senate.

Mr. MAYNARD. Mr. Speaker, this bill has been a little unfortunate in the inability of the two Houses to agree upon the single point that is involved in the difference between them upon it, and which I attempted to explain this morning and probably did to the satisfaction of those who were present. This is the fifth conference. The difficulty arises upon the compensation of certain clerks and employés of the House, principally the clerks employed at the desk—the journal clerk of the House, his assistants, the tally-clerk, and the reading clerks.

Mr. CONGER. I would ask the gentleman to come to this side of the House, so that we may hear what he is saying.

Mr. RANDALL. This is the right side of the House, or soon will be.

Mr. MAYNARD. As we passed the bill we made provision for the clerks and employés of the Senate and also of the House. The Senate amended the appropriations for the pay of their employés, increasing it to several clerks from $2,592 to $3,000. We were told that this was a ruse, that it was not sincere, that the object was to put in an appearance of raising the pay of their own employés in order to alarm gentlemen of the House so that they would consent to a reduction in the pay of their own clerks. I can hardly suppose, sir, that any large number of gentlemen in the House are legislating on this bill or on any other in that spirit.

As I stated this morning, in the last conference with the Senate the Senate conferees proposed to recede so far as the pay of the Chief Clerk and the journal clerk went, but they asked us to recede in regard to the pay of the reading clerks and the tally clerk and the assistant journal clerk. A motion to recede being made this morning by the gentleman from Indiana, [Mr. HOLMAN,] I believe, the House gave only thirty votes in favor of that proposition.

The last conference have agreed, and we report upon the principle that each House shall be intrusted by the other to regulate the number and the pay of its own employés. This report is based on that principle with the solitary exception of the two stenographers to committees. The Senate had reduced their pay from $5,000 each per annum to $4,200. One of two things will manifestly result from this being enacted into law: Either the stenographers will have a claim for the other $800 under the act of the last session by which their salary is fixed at $5,000, I believe, or they will be remitted back to the old practice of charging so much per folio for the amount of their work, which was found to be considerably over the sum of $5,000 a year, at which we fixed their salary by our legislation.

These are the principal points of difference. The other points, I believe, had been substantially agreed upon in the previous conferences; at least I am not aware of any serious disagreement. Unless some gentleman desires to be further informed about the character of this report, I will now ask for a vote.

The report was agreed to.

Mr. MAYNARD moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES ATKINS.

Mr. GARFIELD. I ask unanimous consent to take from the Speaker's table and have passed Senate bill for the relief of James Atkins, late collector of internal revenue for the fourth district of Georgia.

Mr. RANDALL. I object.

Mr. GARFIELD. I ask the gentleman not to object, as I must soon leave the Hall to serve on a conference committee.

Mr. RANDALL. I will withdraw the objection.

Mr. DURHAM. I object to any bill being taken out of its regular order.

REYNOLDS'S BRAKE FOR THE POWER-LOOM.

The next business on the Speaker's table was the bill (S. No. 537) for the extension of the patent known as Reynolds's patented brake for the power-loom.

Mr. RANDALL. I object to that bill.

The SPEAKER. If no one moves that it be passed it will be laid aside.

Mr. WHITEHOUSE. I move that the rules be suspended and the bill passed.

Mr. SAYLER, of Indiana. The patentees of this invention, father and son, were engaged in the manufacture of power-looms. This invention is an improvement on a brake used in the power-loom. The cost of it is some two or three dollars; and the net amount received by these patentees and their representatives is in the neighborhood of $7,000. The patent was first issued for fourteen years. In the body of that patent it was dated in February, while at the foot of the patent it was dated in June or July. So little attention did these parties pay to their patent that they come now and say they were misled by the antedate in the body of the patent.

It is proved that the father died some time ago, and this patent was found among his papers. But his co-inventor, his son, was and is still interested in the patent, and was a partner in the business. The administrator never read the patent over, or he would have discovered the antedate. This is a small invention, for which they received in the neighborhood of $7,000 net profit. And yet because of their negligence they ask to have the patent extended or leave granted to make a new application. It is nothing short of negligence, for the administrator should have read the choses in action that came to him in his administrative capacity, or the other inventor should have read what he had in property, and thus advised himself of the facts. They now come and ask for an extension of the patent for seven years for an invention to be applied to power looms throughout the country.

I submit that in the judgment of the minority of the Committee on Patents this is not a case of sufficient equity to command the favorable action of the House.

Mr. SMART. I wish to say that the gentleman is mistaken as to the character of this invention. It is a brake to be applied to high-

speed looms, to prevent the recoil when the loom is stopped suddenly; that is all there is of it.

Mr. SAYLER, of Indiana. I stated that it was a brake to be applied to high-speed looms.

Mr. SMART. It is true these inventors realized $7,000 in fourteen years. But it is also shown that they have made for others, in the saving of wear and tear of the loom, not less than $20,000 annually.

It was the fault of the administrator that the error in the deed was not discovered. These papers, when the father died, were all turned over to the surrogate's office. They were then brought to the Patent Office and went through the hands of the examiners, and the application was favorably considered. The majority of the Committee on Patents maintain that these men had not received such a reward for their invention as should deprive them of the advantage of an extension of the patent.

Mr. WHITEHOUSE. I am surprised that the gentleman should oppose this patent on the ground that the article manufactured under it is one costing but two or three dollars. Perhaps a single article may cost that sum; but what was the expense necessary to bring out this invention?

Mr. SAYLER, of Indiana. It is simply the result of experiments for many years in their own business, and one of quite a number of small patents that they took out.

Mr. NIBLACK. Is there any certainty that this patent, if renewed, would inure to the widow and heirs in any way?

Mr. WHITEHOUSE. Yes, sir; it will belong exclusively to them.

Mr. NIBLACK. Most usually the benefits of these patent extensions go to some assignees.

Mr. WHITEHOUSE. The widow and heirs of this man will get the entire benefit of this extension.

Mr. NIBLACK. This may be a very meritorious case; but I confess I am very much opposed to the extension of patents as a general rule.

The bill was not passed; there being ayes 29, noes not counted.

Mr. HOLMAN, (at six o'clock and ten minutes a. m.) I move that the House now take a recess.

Several MEMBERS. O, no!

The SPEAKER. The Chair would suggest to the gentleman from Indiana [Mr. HOLMAN] that the House had better remain in session until the deficiency bill is received. A recess can then be taken without interfering with the public business.

A MEMBER. When will that bill come in?

Mr. PARKER, of Missouri. I am informed the bill will be here in about fifteen minutes.

PUBLIC BUILDING AT TOPEKA, KANSAS.

The next business on the Speaker's table was the bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas.

Mr. LOWE. I stand sponsor for that bill.

The bill was read. It directs the Secretary of the Treasury to purchase at private sale, or procure by condemnation, a suitable tract of ground in the city of Topeka, Kansas, and to cause to be erected thereon a fire-proof building, of brick or stone, suitable for the accommodation of the United States district and circuit courts, post-office, and other Government offices in that city; said tract of land and the building thereon not to exceed in cost the sum of $150,000, which shall not be available until a valid title to the land shall be vested in the United States and the State of Kansas shall relinquish its jurisdiction over the same and all right to tax or assess the same while owned by the United States.

Mr. HANCOCK. Is this bill subject to a point of order?

The SPEAKER. This whole proceeding is dependent upon a two-thirds vote.

Mr. LOWE. I hope there will be no objection to this bill. It simply provides for obtaining a site in the capital of the State of Kansas, where the Federal Government has never spent a dollar for purposes of this kind.

Mr. LAWRENCE, of Ohio. This bill is right, and ought to pass.

The bill was passed, two-thirds voting in favor thereof.

STEAM RAILROADS IN WASHINGTON CITY.

The next business on the Speaker's table was the bill (S. No. 861) for a commission to regulate and arrange tracks and depths of steam-railways within the city of Washington.

Objection being made, the bill was laid aside.

PUBLIC BUILDING AT COVINGTON, KENTUCKY.

The next business on the Speaker's table was the bill (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky.

Mr. ARTHUR. I ask that this bill be put on its passage.

The bill was read. It appropriates $150,000 for the completion of public buildings at Covington, Kentucky.

Mr. SPEER. This is an appropriation to carry out an existing law. I hope it will be passed.

The bill was passed, two-thirds voting in favor thereof.

DONATION OF PUBLIC BUILDING, ETC., TO OREGON.

The next business on the Speaker's table was the bill (S. No. 1097) to donate to the State of Oregon a public building, lot, and material situated at The Dalles, Oregon.

The bill was read. It donates to the State of Oregon the mint building, material, and lot on which it is located, at The Dalles, Oregon. The donation is made on the condition that the building and lot shall be appropriated by the State of Oregon to the use of some educational or charitable institution.

There being no objection, the bill was passed.

PUBLIC BUILDINGS AT HARRISBURGH, PENNSYLVANIA.

The next business on the Speaker's table was the bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania.

The bill was read. It authorizes and directs the Secretary of the Treasury to purchase at private sale, or procure by condemnation, a suitable tract of ground in the city of Harrisburgh, Pennsylvania, for the erection thereon of a building for the accommodation of the post-office and other Government offices in that city; and the sum of $160,000, or as much thereof as may be necessary, is appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such tract of ground. The sum appropriated is not to be available until a valid title to the land shall be vested in the United States and the State of Pennsylvania shall relinquish its jurisdiction over the same and all right to tax or assess the same while owned by the United States.

Mr. PACKER. I hope there will be no objection to this bill.

Mr. HOLMAN. I object.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. PACKER. Mr. Speaker, I trust there will be no objection to the passage of this bill. The city of Harrisburgh is almost the only State capital in the country in which the General Government has not deemed it right to erect public buildings for the accommodation of its offices. Some years since, Congress, recognizing the importance of securing an eligible location for such buildings in that city, authorized the Secretary of the Treasury to make an examination and report the terms upon which a suitable building site could be obtained. For various reasons, however, such site could not at that time be secured, but lately, as I am advised, the owners of several properties most favorably located in the central part of the city have expressed a readiness to sell at prices which are regarded as reasonable, and which would in all probability be entirely satisfactory to the officers of the Government.

The old and comparatively unsafe and insecure building which the Government has been renting from year to year and using as a post-office, for a long time too small for that purpose, has now, in consequence of the very large increase of population and business, become wholly inadequate and insufficient to provide the necessary postal facilities absolutely required at that place, and in my judgment the best interests of the Government and the convenience of the people alike demand that steps shall be taken for the purchase of ground and the erection of a suitable building at as early a day as practicable.

In addition to its importance as the capital of the great State of Pennsylvania, Harrisburgh has become one of the principal manufacturing cities of the State, and being also a great railroad center it has attracted population and capital and wealth and enterprise to such an extent that its permanent prosperity is assured, and it is now in every respect entitled to ask, if not to demand, that the same measure of justice that has been awarded to the capital cities of the other States of the Union shall not be denied to it.

With a population which has been almost doubled in the last ten or twelve years——

Mr. SMITH, of Ohio. Will the gentleman inform us what the population is?

Mr. PACKER. The population at this time is not much, if any, less than thirty-five thousand, and the postal business, I may add, has increased in even a larger ratio, and is now more than three times greater than it was ten years ago. The receipts of the post-office, sir, last year, by the official returns, amounted to $50,855, and if the receipts for the remaining portion of the current fiscal year should show as large an increase as the returns for the time that has already expired, the revenues for this year will be in excess of $65,000.

In the letter-carrier department alone of this office during the last year there were delivered by the carriers 380,717 mailed letters and 22,370 postal cards, and of local or dropped letters 22,496, 4,032 postal cards, and 248,266 newspapers. There were also collected by the carriers in the same period 144,914 letters, 7,112 postal cards, and 8,667 newspapers; making an aggregate of the letters, postal cards, and newspapers handled by the carriers in that time 838,584.

Mr. MERRIAM. What will the building cost when completed? What is the estimate?

Mr. PACKER. The bill merely provides for the purchase of a site, and the appropriation is for that purpose.

[Here the hammer fell.]

The House divided; and there were—ayes 45, noes 18.

So (no further count being demanded) the rules were suspended and the bill passed, two-thirds voting in favor thereof.

ACCEPTANCE OF PROPERTY IN TUNIS.

The next business on the Speaker's table was the bill (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis.

The bill, which was read, provides that there shall be accepted in behalf of the Government the title to the residence now and for many years occupied by the United States consul at Tunis, which title has been courteously offered by His Highness the Bey of Tunis. It also provides after the proper muniment of title aforesaid shall have been furnished it shall be lodged in the Department of State.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

FREE YOUNG MEN'S BENEVOLENT ASSOCIATION.

The next business on the Speaker's table was the bill (S. No. 1222) to authorize the trustees of the "Free Young Men's Benevolent Association" to sell and convey square No. 272 in the city of Washington.

The bill, which was read, authorizes and directs that Guerdon Snowden, Henry Logan, Anthony Hickman, Joseph Shorter, and Hamilton Martin, trustees of the "Free Young Men's Benevolent Association" of the city of Washington, in the District of Columbia, and also trustees of "The Colored Union Benevolent Association" of said city, and their successors in office, to subdivide, sell, and convey a certain square of ground in said city, known and described as square No. 272, now held by said trustees for the said associations, and heretofore used in part as a burial-ground for the dead, free and discharged from any trust, expressed or implied, and free from any right, title, or claim, of any and all lot-holders in said burial-ground; that all conveyances made in pursuance of any sale made by virtue hereof shall pass a fee-simple for the part of said square so conveyed; that the said trustees shall out of the proceeds of said sales pay and discharge the incumbrances existing upon said square; and the surplus thereof they shall apply for the benefit and improvement of "Mount Pleasant Plains Cemetery," in said District of Columbia.

Mr. COTTON. I ask to have the bill passed.

Mr. RAINEY. In the absence of any explanation in regard to that bill I feel bound to object to it.

Mr. COTTON. I have been spoken to by the gentleman's own friends to have that bill passed.

Mr. RAINEY. I do not know anything about it, but I will take the gentleman's word and withdraw my objection.

Mr. WILSON, of Indiana. What is the bill?

Mr. COTTON. It is all right.

The rules were suspended and the bill passed, two-thirds having voted in favor thereof.

PATENT OFFICE GAZETTE.

The next business on the Speaker's table was the bill (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette.

The bill, which was read, authorizes the Commissioner of Patents to have printed at the Government Printing Office the letter-press of the first year of the Official Gazette, for the use of the Patent Office.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

PUBLIC DOCUMENTS, ETC.

The next business on the Speaker's table was the bill (S. No. 1210) to provide for the distribution of the regular official editions of certain public documents and of the CONGRESSIONAL RECORD.

Mr. DONNAN. This bill contains nine sections. There is no new material legislation. It provides for a change in the distribution of documents, and is recommended by the Secretary of the Interior, and has been carefully prepared by the Senate committee.

Mr. RUSK. I object.

Mr. DONNAN. I move to suspend the rules and pass the bill.

Mr. HOLMAN. If we are to vote on the bill it should be read.

Mr. DONNAN. Let the bill be passed over for the present. I will ask that it be considered at another time.

The bill was laid aside.

TEXAS JUDICIAL DISTRICTS.

The next business on the Speaker's table was the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same.

Mr. HERNDON. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

WILLAMETTE VALLEY AND COAST RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 1082) granting to the Willamette Valley and Coast Railroad Company a right of way through the public lands for a narrow-gauge railroad.

Mr. CLYMER. The general law passed not long since covers that bill.

Mr. DUNNELL. That is true; the bill reported from the Committee on the Public Lands passed by this House covers that bill, and therefore I move it be laid aside.

The motion was agreed to.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had passed a bill (H. R. No. 4851) making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes, with amendments; in which the concurrence of the House was requested.

FREEDMAN'S SAVINGS-BANK AND TRUST COMPANY.

The next business on the Speaker's table was the bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

Mr. DURHAM. I would like to say to the House if they desire to read the bill, it is precisely like the House bill.

Mr. RAINEY. I should like to have the bill read, as I propose to move an amendment to it.

Mr. DURHAM. I will not permit any amendment to be offered.

Mr. MERRIAM. The House will give the gentleman from South Carolina an opportunity to amend the bill.

Mr. DURHAM. I move to put the bill on its passage.

Mr. CESSNA. Under the rule adopted is it in order to amend the bill?

The SPEAKER. The gentleman from Kentucky is on the floor.

Mr. DURHAM. I understand some gentlemen wish to have the bill read, and as a matter of course it must be read.

The bill, which was read, in its first section provides that so much of the seventh section of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, as authorizes the selection and appointment of three commissioners be, and the same is thereby, repealed.

The second section provides that the Secretary of the Treasury is authorized and directed to appoint one commissioner, who shall execute a bond to the United States, with good sureties, in the penal sum of $100,000, conditioned for the faithful discharge of his duties as commissioner aforesaid, and take an oath faithfully to perform his duties; which bond shall be executed in the presence of said Secretary, and approved by him, and by him safely kept; and when said bond shall have been executed, and oath taken, then said commissioner shall be invested with the possession and legal title to all the property of said company for the purposes of the act and the act of June 20, 1874, and shall have all the rights, prerogatives, and privileges, and perform all the duties, that were conferred and enjoined upon the three commissioners mentioned in said act of June 20, 1874.

The third section provides that said commissioner, with the approval of the Secretary of the Treasury, shall have the right and authority to compound and compromise debts due to and liabilities of the company.

The fourth section provides that said commissioner, with the approval of the Secretary of the Treasury, shall have the right and authority to sell any of the property of said company, at public or private sale, as, in his judgment, he may deem best; and to buy in, for the benefit of the company, any property which may be offered for sale to pay debts and liabilities to said company, if, in his judgment, said property is being sacrificed by said sale; and to make to the purchasers of property sold by him deeds of conveyance for their respective purchases.

The fifth section provides that said commissioner shall not engage in any other business pursuit while winding up the affairs of said company, and shall by the tenth day of each annual session of Congress make a written report to Congress of his proceedings up to the first day of said session; and for his services as commissioner aforesaid he shall receive an annual salary of $5,000, to be paid out of the funds of said institution.

The sixth section provides that whenever said commissioner is prepared to make a dividend to the depositors, he is authorized and directed, through the United States Treasurer, to place in the various depository banks of the United States which are convenient to said depositors an amount sufficient to pay them; and the officers of said banks shall pay the depositors or their assignees, and take receipts from them in such way and manner as shall be prescribed by said commissioner and the Secretary of the Treasury; and said evidences of payment shall be returned by said officers to the commissioner, and by him preserved; provided that where there are no depository banks of the United States, then said commissioner may, with the approval of the Secretary of the Treasury, pay the depositors in said localities in such way as he may deem best.

The seventh section provides that said commissioner, with the approval of the Secretary of the Treasury, may prescribe such form as he may deem right and proper for the depositors to transfer their claims; provided every such transfer shall state the amount of the claim transferred, and the amount actually received for the same.

The eighth section provides that said commissioner shall make payments to those depositors only whose pass-books have been properly verified and balanced, unless said pass-books have been lost or destroyed; then, upon satisfactory proof of such loss or destruction, and the amount due them, he may pay as though they had pass-books.

The ninth section provides that said commissioner is thereby authorized and directed, with the approval of the Secretary of the Treasury, to employ some competent attorney at law to investigate the manner in which said company has been managed by its trustees and others having control of the same; and if in the judgment of said attorney the affairs of said company have been mismanaged or managed fraudulently and corruptly, then with the approval of the Secretary of the Treasury said commisssoner shall cause such civil and criminal proceedings to be instituted in the courts against those participating in said mismangement or fraudulent and corrupt management as he shall deem right and proper to attain the ends of justice.

He shall pay fees and costs of suits out of the funds in his hands as commissioner aforesaid, provided that the aggregate amount to be paid to attorneys shall not exceed $5,000 for any one year.

The tenth section provides that if from any cause there shall be any considerable delay in making a dividend to the depositors, then said commissioner may, under the direction of the Secretary of the Treasury, invest the funds on hand in United States bonds until such time as he may be prepared to make a dividend, as directed under the act of June 20, 1874.

Mr. DURHAM. I do not desire to speak in support of the bill except in the way of response to anything that may be said against it.

Mr. BROMBERG. How much time is there for discussion on this bill?

The SPEAKER. The resolution under which the House is acting allows five minutes' debate on each side on a bill.

Mr. HAWLEY, of Connecticut. Mr. Speaker, the bill which was passed last year, June 20, 1874, provided for this concern being put into bankruptcy. It provides—

That whenever it shall be deemed advisable by the trustees of said corporation to close up its entire business, then they shall select three competent men, not connected with the previous management of the institution and approved by the Secretary of the Treasury, to be known and styled commissioners, whose duty it shall be to take charge of all the property and effects of said Freedman's Savings and Trust Company, close up the principal and subordinate branches.

The act gave the trustees the power to select these three men. Now it is proposed in this bill to disregard entirely the trustees in the selection, and to let the Secretary of the Treasury appoint one commissioner. I doubt whether it would be wise to do that. I have some doubt as to the power to do it, and I think it would perhaps be better to let the concern go into bankruptcy in the usual way under the law than to take the responsibility out of the hands of the three commissioners and put it into the hands of one man.

There are some good provisions in this bill, some powers which ought to be granted to the commissioners in order to settle up the concern; and I think the thanks of the friends of the institution are due to the gentleman from Kentucky [Mr. DUHRAM] for the pains he has taken. The ninth section especially is one which should be enacted in some way; the section which authorizes the employment of some competent attorney at law to investigate the manner in which the company has been managed by its trustees and others having control of the same, and, if he sees cause, to institute such civil and criminal proceedings against those who may have participated in mismanagement or fraudulent and corrupt management, as he shall deem right and proper to attain the ends of justice.

I should like to put on the record here my firm conviction that there has been such gross mismanagement there that not alone civil suits should be brought, but if I am not greatly mistaken, some criminal prosecutions should be brought.

It would be well to grant those powers. But I do object to giving them to but one single commissioner. To do so will in the first place give the greatest dissatisfaction to the sixty thousand depositors of that institution, who are almost without exception colored men scattered all over the country.

[Here the hammer fell.]

Mr. HAWLEY, of Connecticut. I have not had my five minutes yet. I desire to say a word or two more. I was saying that this will produce well-grounded dissatisfaction all over the country among the sixty thousand depositors if you put this duty and responsibility in the hands of one single commissioner who will have control over this $3,000,000 and over the suits to be instituted, the compromises to be made, the sales of property to be carried out. One of these commissioners is a colored man of high standing. But the active manager is a young man from the Treasury Department. Now, suppose that this one alone is appointed. The other two may be thrown out and this young man left as the sole commissioner.

Mr. FARWELL. They are all turned out.

Mr. HAWLEY, of Connecticut. It is intended by this bill that only one commissioner shall be appointed; and it will be the most natural thing in the world to suppose that a man will be appointed who is now in charge of the settlement of these matters and familiar with them. But I believe you could not make these depositors all over the country more unhappy than by putting in as commissioner that man, or any one man, or perhaps any one colored man. Indeed, you gentlemen yourselves, if you were creditors of such an institution, would not like to have all its assets put into the hands of one man, with power to buy in at sales, to compound suits; in short, to do anything and everything, controlling these $3,000,000, and having the entire disbursement and distribution of the same.

I propose an amendment to strike out the first two sections, which provide for a single commissioner, and to make corresponding alterations in the other sections, substituting the plural for the singular number.

Mr. DURHAM. I do not admit any amendment.

Mr. HAWLEY, of Connecticut. I move to amend by striking out the first two sections and making changes in the other sections to correspond with three commissioners instead of one.

Mr. DURHAM. My motion was to suspend the rules and put the bill on its passage.

The SPEAKER. The gentleman from Kentucky [Mr. DURHAM] has the right to test the sense of the House on his motion that the bill be passed as it stands.

Mr. DURHAM. I claim the right to respond briefly to the gentleman from Connecticut. I know there is a great deal said, Mr. Speaker, about sympathy with these colored people. But these colored people, these seventy-two thousand depositors throughout the United States, do not care very much about sympathy provided only they can get their money. They have been sympathized with by their friends until they have been literally robbed. These friends of the colored people have hugged them around the neck with one hand while they have stolen the money out of their pockets with the other.

The gentleman from Connecticut is afraid a certain gentleman will be appointed to manage this institution. Now, I do not know who the Secretary of the Treasury intends to appoint. But I will not stop to talk about that.

Now, I do not know who the Secretary of the Treasury intends to appoint, but I do say that if he appoints Mr. Leopold he will appoint an honest and competent man to attend to this matter; a man who has discharged his duties and managed its affairs, without reference to the two other commissioners, very much to the benefit of the colored people.

Mr. LAWRENCE, of Ohio, I desire to ask the gentleman a qxestion. The only point is whether there shall be one or three commissioners. What is the objection to three commissioners?

Mr. DURHAM. The objection is that it will cost more; and if you amend the bill, it has to go back to the Senate and cannot possibly pass at this session of Congres. There are seventy thousand of these people suffering. There are about two thousand who are in moderate circumstances and do not appear to need the dividend; but I say to you if you have any regard for the feelings or welfare of the colored people you will not stop to inquire whether it is best to have one commissioner or three. I believe that the Secretary of the Treasury will appoint a competent man, a man who can take charge of this institution and wind it up. Gentlemen talk about not trusting one man. Look at the case of the Ocean Bank in New York, which fell into the hands of a receiver, and over $2,000,000 passed through his hands and nothing was lost. In the case of a national bank you would appoint a receiver to take charge of it.

Mr. HAWLEY, of Connecticut. We have been all winter investigating that man.

Mr. DURHAM. And a majority of the committee reported that he did right.

Mr. MERRIAM. But one portion of the committee made a different report.

Mr. RANDALL. I would like to know where that majority of the committee was.

Mr. DURHAM. I am not to be drawn off from my remarks by these side issues. It is exceedingly strange that gentlemen should endeavor to do it. The Committee of the Senate recommend the appointment of one commissioner; and I say that, so far as the majority of the Committee on Banking and Currency are concerned, they thought one commissioner preferable to three, for the reason that we want to get as much out of this property as possible for those who have been swindled by the very men calling themselves their friends, as admitted by the gentleman from Connecticut.

Mr. RAINEY. I have but a word to say. I had hoped that this bill would have been acted upon by the Committee on Banking and Currency at an early day, that we might have had an opportunity to discuss its merits and also its demerits.

Sir, there is no one upon this floor who could feel a deeper interest in this subject than I feel. I myself have been a depositor in this bank, and have incurred losses through it, and therefore I think that I have a right to have an opinion in this matter, not as it applies to myself, but to those others who made the largest deposits in the bank. In the State of South Carolina I presume that half a million dollars was put in this bank by the colored people, none of which was loaned in that State, but $144,000 of which was loaned out in the city of Washington on real estate here, right here in this very city, and these very loans were made before the authority was granted by the law of 1870.

Now, sir, when the officers of this institution would take advantage of such a class of people as were the depositors in this bank, who had placed great confidence in them, and take their deposits and put the money on real estate which was subject to so great a shrinkage as the investments of that bank were subjected to, I say that no one man should handle over $2,000,000 of money belonging to the poor people of the country. Sir, the depositors in this bank are the poorest class of people in the Southern States—the laboring classes of the South; the poor black men who are striving by saving money to clothe their families and educate their children; to buy for themselves lands and houses—and these people have been defrauded most shamefully.

What I want to say is this: I am opposed to any one man holding the assets of that bank, having them wholly at his disposal. I do not care who he is, whether he be colored or white, whether he be a German or an Irishman, it makes no difference to me. I want no one man to handle the assets of that bank.

I am in favor of three commissioners, because I believe the responsibility should be divided. We should have three, to assist each other in the discharge of the important duties connected with the adjustment of the affairs of this corporation. I therefore would like to have

this bill amended so as to secure the appointment of three commissioners. Suppose you appoint but one; what provision will there be in case of his sickness or in any other case that may call him away from the duties?

When he is called away the important duties of the bank may be left in the hands of irresponsible subordinates, who give no bonds at all. If I could have my way I would like to have this bill amended so as to have three commissioners appointed, each of them giving a bond of $100,000 separately, not jointly, as now. If that could be done, good men put in, and the assets of the bank properly guarded, I believe that in a very short time something would be realized by which the poor depositors would be somewhat benefited.

Mr. RANDALL. As one of the minority of the Committee on Banking and Currency I desire to state that I concur in everything which has been said by the gentleman from South Carolina, [Mr. RAINEY.] I think there ought to be three commissioners, with equal salaries, equal duties, and equal responsibilities in every respect.

Mr. RAINEY. I desire to say this: I am opposed to this bill, and prefer to have it defeated rather than it should be passed in its present shape.

The question was upon suspending the rules and passing the bill; and upon a division there were ayes 9, noes not counted.

So the rules were not suspended.

Mr. HAWLEY, of Connecticut. I desire to introduce a bill for action now, which is the bill just disposed of, amended as I indicated in my remarks.

Mr. BROMBERG. I rise to a parliamentary inquiry. Is this Freedman's Bank bill open to amendment and debate now? I thought it had been defeated.

The SPEAKER. The Chair thinks that under the order of the House the bill is not open to amendment and discussion at this time.

Mr. MERRIAM. This bank will undoubtedly pay ninety cents on the dollar, although the impression has gone out that it will pay much less.

The SPEAKER. The Chair will endeavor to explain what he considers to be the rule adopted by the House. It is that on a bill being reached on the Speaker's table it shall be voted upon directly, five minutes on either side being allowed for discussion. If the bill shall fail to pass by a two-thirds vote it is laid aside.

Mr. BROMBERG. That is my understanding of the rule.

The SPEAKER. If a bill is open to amendment then, a single bill might hold the House two or three hours and neutralize all the effect of the order made by the House.

Mr. DURHAM. And this bill is defeated?

The SPEAKER. It is.

BOARD OF AUDIT FOR THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board.

The bill provides that the board of audit constituted by the act for the government of the District of Columbia, may receive, audit, and allow just claims against the District of the first and second classes mentioned in the sixth section of said act and claims for refunding sewer taxes, notwithstanding the limit of time for presentation contained in said act and in the resolution to continue said board of audit approved December 21, 1874, provided that such claims shall be presented prior to the 1st day of July next.

Mr. COTTON. That bill is all right, and is recommended by the commissioners for the District of Columbia.

The bill was passed, two-thirds voting in favor thereof.

STAMPS ON BREWERS' CASKS.

The next business on the Speaker's table was the bill (S. No. 1237) to amend section 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks.

Mr. MERRIAM. What is this bill?

Mr. RUSK. The bill is all right; it requires the stamp to be affixed on the bung of the cask.

The bill was passed, two-thirds voting in favor thereof.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes;

An act (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes;

An act (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes; and

An act (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York.

ORDER OF BUSINESS.

Mr. HOLMAN. I desire to inquire of the Chair if there is any good reason why the House cannot now take a recess?

The SPEAKER. The House should first pass upon the Senate amendments to the deficiency bill and send them to a committee of conference; otherwise there may be danger that the bill will be lost.

Mr. GARFIELD. I will say that it is expected that the deficiency bill will be returned from the Senate in ten minutes.

Mr. HOLMAN. Then I will not make the motion at this time.

F. V. HAYDEN.

The next business on the Speaker's table was the bill (S. No. 1185) for the relief of F. V. Hayden.

The bill was read. It provides that the proper accounting officers, in settling and adjusting the accounts of F. V. Hayden, geologist in charge of the survey of the Territories, shall credit F. V. Hayden with the sum of $3,825, on account of loss of that amount, in 1872, by highway robbery, committed on his clerk while traveling on stage-coach between Virginia City, Montana, and Fort Hall, Idaho, bearing that sum of money from one division of the survey to the other; such amount having been lost without any fault or neglect of Hayden or his clerk.

There being no objection, the bill was passed.

JOSEPH H. COLTON.

The next business on the Speaker's table was the bill (S. No. 1156) for the relief of Joseph H. Colton.

The bill requests the President of the United States to call upon the government of Bolivia to make payment of the money admitted by itself to be due, with interest thereon, according to the decree of the said government of Bolivia of February 1, 1872, to Joseph H. Colton, for maps engraved for that government under a contract made in 1858.

The bill was passed, two-thirds voting in favor thereof.

The SPEAKER. This is the last bill on the printed Calendar.

TWENTY-CENT SILVER PIECE.

Mr. WILLARD, of Michigan. I ask unanimous consent to have passed at this time a bill reported favorably by the Committee on Coinage, Weights, and Measures. It is a bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States.

The bill was read. It provides that there shall be, from time to time, coined at the mints of the United States, conformably in all respects to the coinage act of 1873, a coin of silver of the denomination of twenty cents and of the weight of five grams; the twenty-cent piece shall be a legal-tender at its nominal value for any amount not exceeding five dollars in any one payment; that in adjusting the weight of the twenty-cent piece, the deviation of the standard weight shall not exceed one and one-half grains; and in weighing a large number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed two-hundredths of an ounce in one thousand pieces; that all laws now in force in relation to the coins of the United States and the coining of the same shall, as far as applicable, have full force and effect in relation to the coin herein authorized, whether those laws are penal or otherwise, and whether they are for preventing counterfeiting or abasement, for protecting the currency, for regulating the process of coining and the preparation therefor, or for the security of the coin, or for any other purpose.

Mr. MERRIAM. In consideration of the fact that this twenty-cent piece is only to be used on the Pacific coast, I waive any objection.

There being no objection, the bill was passed.

JOSEPH H. MADDOX.

Mr. COBB, of North Carolina. I move to suspend the rules and put upon its passage a bill (H. R. No. 3789) for the relief of Joseph H. Maddox. This bill has been unanimously reported from the Committee on War Claims.

The bill (already published) was read.

Mr. HOLMAN. While it may be proper in certain cases to refund money that has gone into the Treasury, yet it seems to me a very dangerous precedent to pay for the spoliation of property held by loyal citizens in the disloyal States under the authority of Treasury warrants under the proclamation of 1863.

Mr. COBB, of North Carolina. I hope the gentleman from Indiana [Mr. HOLMAN] will allow me to refresh his memory. He was present in the committee-room when this bill was acted upon, and voted in favor of reporting it.

The question being taken on the motion to suspend the rules and pass the bill, there were—ayes 35, noes 25; no quorum voting.

Tellers were ordered; and Mr. COBB, of North Carolina, and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 87, noes 58.

So (two-thirds not voting in favor thereof) the bill was not passed.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. The Committee on Appropriations, to whom were referred the amendments of the Senate to the deficiency appropriation bill, have directed me to report them back and recommend severally concurrence or non-concurrence as will appear when the amendments are read.

The various amendments of the Senate were read, and respectively

concurred in or non-concurred in as recommended by the Committee on Appropriations.

Mr. PARKER, of Missouri. By consent of the gentleman from Ohio [Mr. GARFIELD] I offer the following amendment to the amendments of the Senate:

To enable the Clerk of the House to pay to FRANK MOREY the amount given him by resolution of the House of Representatives of the Forty-first Congress of June 2, 1870, for expenses as contestant in the Forty-first Congress, $3,000.

Mr. GARFIELD. That proposition has already been rejected by the House, and I do not think we ought now to adopt it.

The amendment was agreed to.

Mr. MOREY. The gentleman from Ohio [Mr. GARFIELD] yields to me to offer the following amendment to come in after the provision with reference to the Treasury Department.

The Clerk read as follows:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to give John S. Chapman, late collector of internal revenue for the second district of the State of Louisiana, credit in the settlement of his accounts for the sum of $000 taxes collected, which was lost or stolen while in course of transmittal in a registered letter through the post-office.

Mr. MOREY. This matter has been examined by the Committee on Ways and Means, and they have reported favorably upon it.

The amendment was agreed to.

Mr. SCHUMAKER, of New York. I move the following.

The Clerk read as follows:

That the proper accounting officers of the Treasury, in settling and adjusting the revenue, disbursing, and other accounts of James Atkins, late collector of internal revenue for the fourth collection district of Georgia, are hereby directed to credit said Atkins with the sum of $14,819.33, on account of loss of that amount by default of deputies in his employ, the amount being lost without neglect or fault of said Atkins.

Mr. GARFIELD. This man I know to be a true and faithful officer. The amendment only enables him to settle his accounts by allowing him the credit of $14,819.33 on account of loss of that amount by default of deputies and not from any fault or neglect of his own. I hope it will be allowed to go on this bill.

The amendment was agreed to.

Mr. GARFIELD. I now move that a committee of conference be asked on the disagreeing votes of the two Houses on the deficiency appropriation bill.

The motion was agreed to.

The SPEAKER appointed as the managers of said conference on the part of the House Mr. PARKER of Missouri, Mr. AVERILL, and Mr. NIBLACK.

PONTON WAGON-BRIDGE AT DUBUQUE.

The next business on the Speaker's table was the bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa.

The bill was read.

The first section provides that it shall be lawful for any person or persons, company or corporation, authorized by the laws of Iowa, Illinois, or Wisconsin, to construct a pile and ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa, so as to connect with the opposite shore of the said river, in either of the States of Wisconsin or Illinois; said bridge to be built subject, except as therein modified, to all the terms, requirements, and limitations contained in the act entitled "An act to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, so far as they may be applicable thereto.

The second section provides that the bridge shall be constructed with a suitable ponton-draw of not less than five hundred feet in width, located over the main channel of the river; provided that said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and the location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof.

Mr. DONNAN. The Committee on Commerce unanimously recommend the passage of this bill.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

Mr. HOLMAN. I move the House take a recess until ten and a half o'clock.

The SPEAKER. It ought not to be later than ten o'clock.

Mr. HOLMAN. Then I will make it ten o'clock.

Mr. GARFIELD. I suggest to the gentleman to make it half past nine o'clock.

Mr. HOLMAN. Well, I will make it nine and a half o'clock. I move that we take a recess from now until nine and a half o'clock.

Mr. GUNCKEL. I rise to submit a report from the committee of conference on the bounty bill. It was agreed that this conference report should be taken up at eight o'clock this morning, and it is not fair to thrust it aside in this way.

The House divided; and there were—ayes 74, noes 56.

Mr. CONGER. I hope we will not take a recess, but wait until the river and harbor appropriation bill comes in.

Mr. COBURN. I demand the yeas and nays on taking a recess.

Mr. GUNCKEL. I demand tellers on the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered.

Mr. CONGER. I think we ought to wait for the river and harbor appropriation bill.

Mr. CLYMER. I demand the regular order of business.

The SPEAKER. All the appropriation bills are now in conference, every one of them.

Mr. GUNCKEL. There was an agreement, as I have said, that this bounty bill should come up at eight o'clock, and I hope gentlemen will not break that agreement.

The SPEAKER. On the motion for taking a recess a quorum has not voted. Does the gentleman desire further count?

Mr. GUNCKEL. I demand a further count.

The SPEAKER appointed Mr. GUNCKEL and Mr. CLYMER as tellers.

The House again divided; and the tellers reported—ayes 95, noes 50.

So the motion was agreed to.

Mr. GUNCKEL. Having the floor for a privileged question, is a motion to take a recess in order?

The SPEAKER. The motion to take a recess is of course in order.

And then, at two minutes to eight o'clock a. m., (Wednesday, March 4,) the House took a recess until half past nine o'clock a. m.

AFTER RECESS.

The recess having expired, the House reassembled at half past nine o'clock a. m.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Ohio [Mr. GUNCKEL] is on the floor to present a report of a committee of conference.

Mr. MAYNARD. I have here a bill which was reported by Mr. Mellish before he left us.

Mr. GUNCKEL. I decline to yield.

Mr. MAYNARD. I hope there will be unanimous consent to pass this bill before we adjourn.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. I present the report of the committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union having met, after full and free conference agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its vote non-concurring in the amendments of the Senate, and agree to the same.

LEWIS B. GUNCKEL,
JOHN COBURN,
CHARLES A. ELDREDGE,
Managers on the part of the House.

JOHN A. LOGAN,
HANNIBAL HAMLIN,
JOHN W. STEVENSON,
Managers on the part of the Senate.

Mr. MAYNARD. I hope the gentleman will call the previous question at once. We all understand it as well as we would after discussion.

Mr. ARCHER. I desire to ask the gentleman from Ohio how much the conference committee give additional to that which he estimated the bounties would amount to when he addressed the House on the bill?

Mr. GUNCKEL. In my former estimate I deducted one-third for local bounties. General LOGAN, in charge of the bill in the Senate, called it two-fifths; others make it only one-fourth. If I am right, it adds one-third to the estimate of the bill as it passed the House. As I stated when the bill was first considered in the House, we aimed in our original bill to do justice to every soldier and afford every one just and proper relief and yet to take a smaller amount from the Treasury than proposed by any former bill. But, contrary to our judgment and wishes it was amended and its provisions enlarged and cost increased, first by the House and then by the Senate, so that it is now a very different bill from what it was when reported by the Committee on Military Affairs. It obviates the inequalities between the men of the East and the West complained of before, and is claimed to be more perfectly just and equitable. It certainly is more comprehensive, and provides for many thousands not included in the original bill; but for this very reason it will cost much more money. Just how much more I would not undertake to say, for I have not had time to revise my former estimate.

Mr. ARCHER. Does the gentleman believe that $150,000,000 will be sufficient to meet the obligations this bill will impose upon the Government?

Mr. GUNCKEL. I believe that one-fifth of the amount which the gentleman names will be sufficient—say $30,000,000.

Mr. CESSNA. I have not heard the gentleman from Ohio distinctly. Does he say that this bill is to cost the Government but $30,000,000 or that the Senate has increased it by that amount, adding $30,000,000 to what was in the bill as it passed the House?

Mr. GUNCKEL. There is an addition only of about $10,000,000 to what was estimated on the House bill. I estimated that the House bill would involve a cost of about $20,000,000. This would add some $10,000,000 more. In other words, my estimate would be about the same made by the Senate committee, $30,000,000. I do not wish to deceive the House. I admit that there has not been and cannot, in the nature of the case, be any accurate calculation. It is mere estimate, conjecture, and may prove to be larger or smaller. Well-informed gentlemen have made the estimate very much larger, while others equally well posted have made it very considerably less.

Mr. NEGLEY. I hope there will be no hesitancy in passing this bill.

Mr. GUNCKEL. I desire only to say further that this bill is not such as I should have preferred myself or such as the Military Committee would have recommended. But the House chose to amend the bill reported by the committee; and the Senate has chosen further to amend it, enlarging its provisions and increasing its cost. With the conference committee it was a question of life or death to the bounty bill. It was this or nothing. We could not get ours. We felt it our duty to take theirs rather than fail altogether in this great act of justice. Its only objection is its cost; but if an honest debt, we should not hesitate to pay because the amount happens to be large and our Treasury not very full.

Mr. MAYNARD. Will the gentleman tell us whether the Senate made any amendment to this bill except to strike out the State bounties from the deductions and to provide that bonds may be used under the law of 1870 for the payment of bounties, if necessary, under the present condition of the Treasury?

Mr. GUNCKEL. That is all that is stricken out. The State bounties are not to be deducted. The only deductions are Government bounties paid by the United States. The other addition to the bill is the providing of the ways and means. It is provided that if from time to time there is no money in the Treasury not appropriated available for the purpose, the Secretary of the Treasury is authorized to borrow money by issuing and selling bonds under existing laws. The amendment of the Senate relieves the bill of the objection the New England men had to it, and should have their united support. I now call the previous question.

The previous question was seconded.

The SPEAKER. The question is, Will the House agree to the report of the conference committee?

Mr. MERRIAM. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 41, not voting 97; as follows:

YEAS—Messrs. Adams, Albright, Banning, Barber, Barry, Bland, Bradley, Buckner, Bundy, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, John B. Clark, jr., Clements, Clymer, Clinton, L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Cotton, Cox, Crounse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Dunnell, Eames, Eden, Eldredge, Farwell, Field, Fort, Freeman, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Holman, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Knapp, Lamar, Lansing, Effingham Lawrence, William Lawrence, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Pelham, Pendleton, Perry, Phillips, Thomas C. Platt, Pratt, Rainey, Randall, Ransier, Rapier, Ray, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Schell, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, John Q. Smith, Snyder, Southard, Speer, Sprague, Stanard, Starkweather, Charles A. Stevens, Stone, Storm, Strait, Strawbridge, Thompson, Todd, Vance, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Whiteley, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Woodworth, and John D. Young—150.

NAYS—Messrs. Albert, Archer, Arthur, Ashe, Atkins, Beck, Bell, Blount, Bowen, Bromberg, Brown, Buffinton, Caldwell, Chittenden, Crossland, Durham, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Joseph R. Hawley, Hereford, Hunton, Lawson, Leach, Merriam, Mills, O'Brien, Phelps, Pierce, Poland, Robbins, Ellis H. Roberts, Sener, Smart, Christopher Y. Thomas, Whitehouse, Whitthorne, Ephraim K. Wilson, and Wolfe—41.

NOT VOTING—Messrs. Averill, Barnum, Barrere, Bass, Begole, Berry, Biery, Bright, Burleigh, Burrows, Amos Clark, jr., Freeman Clarke, Clayton, Corwin, Creamer, Crittenden, Crooke, Curtis, Davis, Dawes, DeWitt, Duell, Finck, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunter, Eugene Hale, Robert S. Hale, Hathorn, Hays, Herndon, E. Rockwood Hoar, George F. Hoar, Hoskins, Houghton, Kasson, Kelley, Kellogg, Kendall, Killinger, Lamison, Lamport, Lewis, Luttrell, Magee, Marshall, McLean, Milliken, Mitchell, Nesmith, Niblack, Isaac C. Parker, Parsons, Pike, James H. Platt, jr., Potter, Read, Richmond, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheridan, Sherwood, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Standiford, Alexander H. Stevens, St. John, Stowell, Swann, Taylor, Charles R. Thomas, Thornburgh, Townsend, Tremain, Tyner, Waddell, Wallace, Wells, Wheeler, White, Whitehead, Wilber, Charles W. Willard, Charles G. Williams, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—97.

So the report of the committee of conference was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 4692) making appropriations for the payment of claims allowed by the commissioners of claims under the act of Congress of March 3, 1871.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the river and harbor appropriation bill.

The message further announced that the Senate insisted on its amendments to the deficiency appropriation bill, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRILL, of Maine, Mr. ALLISON, and Mr. STEVENSON as conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the House of the following titles, namely:

A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;

A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;

A bill (H. R. No. 4755) granting a pension to William Lyon;

A bill (H. R. No. 965) granting a pension to Samuel Purcell;

A bill (H. R. No. 4329) granting a pension to William S. Small;

A bill (H. R. No. 4773) granting a pension to Margaret Pattison;

A bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey;

A bill (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the Slater National Bank of North Providence, Rhode Island, to change their names;

A bill (H. R. No. 4800) granting a pension to John H. Looby;

A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;

A bill (H. R. No. 4767) for the relief of Ferdinand Monti; and

A bill (H. R. No. 4771) granting a pension to Charles A. Drake.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER. I desire to submit the report of the committee of conference upon the river and harbor appropriation bill, and I ask that it be read.

The Clerk read the report.

Mr. HOLMAN. The reading of this report at the Clerk's desk gives no clear understanding of what is contained in this bill. I ask the gentleman submitting the report to state to the House what important changes have been made in the bill since it was passed by the House.

Mr. SAWYER. The principal changes made by the Senate and agreed to by the committee of conference are these: Increases of appropriation for Tennessee River, $200,000; for the Great Kanawha, $200,000; for Cape Fear River, $50,000; for Saint Joseph River, Michigan, $20,000; for Jersey City, $25,000; for New Castle, Delaware, $20,000, &c. In the aggregate the increase of the appropriations in the bill since it left the House amounts to $622,317. The Senate have struck out nothing from the bill as it passed the House, but have increased the appropriations to the amount I have indicated and have added to the bill the Senate jettee system for the mouth of the Mississippi River. The jettee bill that passed the Senate involves the expenditure of $3,000,000 less than the bill passed by the House, and is a bill better guarded than the bill of the House.

Mr. BECK. I would like to ask the amount of the appropriation for the breakwater at Cleveland, Ohio?

Mr. SAWYER. It is $50,000.

Mr. BECK. What is the total cost of that work?

Mr. SAWYER. Somewhere in the neighborhood of a million dollars. That appropriation, however, was not put in by the Senate.

Mr. BECK. The House never heard this bill read. It seems that $50,000 have been appropriated for the breakwater at Cleveland, the lowest estimate for the work being $1,000,000 and the highest estimate $2,000,000.

Mr. SAWYER. The gentleman is mistaken as to the amount that work will cost.

Mr. STANARD. Does not the gentleman believe that the commerce of the lakes and the harbor at Cleveland are of sufficient importance to have a breakwater and a harbor of refuge?

Mr. BECK. They have one now. This appropriation has been put in in order to get votes for the bill.

Mr. PARSONS. The gentleman is entirely mistaken.

Mr. DAWES. What is the increase of appropriations made in this bill since it left the House?

Mr. SAWYER. A little over $600,000.

Mr. DAWES. Does that include the expense of the jettee system?

Mr. SAWYER. It does not. There is no appropriation for the jettee system except $5,000 for surveys. The aggregate amount appropriated by this bill is $6,600,000. Nothing was struck out of the bill by the Senate, but that body added $600,000.

Mr. COX. I desire to say that when this bill was before the House I protested against its passage without examination, because it was a mischievous mode of passing such a bill under suspension of the rules by a two-thirds vote.

Mr. MAYNARD. That is a very important fact to state now.

Mr. COX. This is bad legislation, and I enter my protest against it now and for the future because of the bad system it inaugurates. This bill comes back from the Senate with $600,000 added to it. We cannot possibly call the yeas and nays upon it and defeat it at this late hour of the session. But one thing it is never too late to say: if I have anything to say about legislation hereafter, no appropriation, with my consent, shall go through this House without being read and thoroughly understood.

Mr. MAYNARD. The gentleman being a candidate for your place, Mr. Speaker, I suppose this is a declaration of principles on his part to obtain favor.

Mr. COX. The gentleman may retire to the mountains, and others will take care of his suggestion as to the organization of the House; or he may retire to Constantinople, where I understand he is going.

Mr. SAWYER. I call for a vote on agreeing to the report of the committee of conference.

Mr. BECK. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 23, noes 110; not one-fifth voting in the affirmative.

Before the result of this vote was announced,

Mr. LOUGHRIDGE and Mr. COX called for tellers on ordering the yeas and nays.

Tellers were not ordered, there being but 26 in the affirmative; not one-fifth of a quorum.

So the yeas and nays were not ordered.

The report of the committee was then agreed to.

AFFAIRS IN ALABAMA AND MISSISSIPPI.

Mr. COBURN, from the Committee on Alabama Affairs, submitted the following resolution; which was read, and referred to the Committee on Printing, under the law:

Resolved by the House of Representatives. (the Senate concurring,) That five thousand extra copies of the reports of the Special Committee on Political Affairs in Alabama and in Mississippi, together with the testimony, be printed for the use of the House.

MARINE-HOSPITAL SERVICE.

Mr. NEGLEY. I ask consent to take from the Speaker's table and pass at this time Senate bill No. 976, to promote economy and efficiency in the marine-hospital service. That bill has been examined by the members of the Committee on Commerce, and they concur in the recommendation that the bill be passed.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall cause to be prepared a schedule of the average number of seamen required in the safe and ordinary navigation of registered, enrolled, and licensed vessels of the United States, basing such schedule upon the differences in rig, tonnage, and kind of traffic. And from and after the completion and publication of said schedule hospital dues, at the rate and for the periods prescribed in sections 4585 and 4587 of the Revised Statutes of the United States shall be assessed and collected from the master or owner of each vessel subject to such dues upon the average number of seamen as set forth in said schedule: *Provided*, That nothing herein contained shall be held to debar masters or owners of vessels from deducting such dues from each seaman's wages as by law now authorized.

SEC. 2. That from and after May 1, 1875, every vessel subject to hospital tax, except vessels required by law to carry crew lists, shall have and keep on board, subject to inspection and verification at all times by any officer of the customs, a seaman's time-book, which shall be furnished by the Treasury Department, and in which time-book shall be entered the name, date of shipment, and date of discharge of every seaman employed on board such vessel; and the master or owner of any vessel subject to hospital tax, vessels carrying crew lists as above excepted, shall forfeit and pay the sum of fifty dollars for each and every seaman found employed on board his vessel without a corresponding entry in said time-book; and the sums so forfeited shall be collected by the collector of customs upon the sworn statement of the customs officers who make the inspections, and shall be paid into the Treasury to the credit of the marine-hospital fund for the general purposes of which fund said sums are hereby appropriated.

SEC. 3. That the term "seaman," wherever employed in legislation relating to the marine-hospital service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

SEC. 4. That the Secretary of the Treasury may rent or lease such marine-hospital buildings, and the lands appertaining thereto, as he may deem advisable in the interests of the marine-hospital service; and the proceeds of such rents or leases are hereby appropriated for the said service.

SEC. 5. That insane patients of said service shall be admitted into the Government Hospital for the Insane upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority; and the charge for each such patient shall not exceed $4.50 a week, which charge shall be paid out of the marine-hospital fund.

SEC. 6. That sick and disabled seamen of foreign vessels and of vessels not subject to hospital dues may be cared for by the marine-hospital service at such rates under such regulations as the Secretary of the Treasury may prescribe.

SEC. 7. That the compensation of the supervising surgeon shall be paid out of the marine-hospital fund at the rate of $4,000 per annum.

SEC. 8. That all acts and parts of acts inconsistent with this act are hereby repealed.

The motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

PAY OF CLERKS, ETC.

Mr. HOSKINS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House of Representatives be authorized, and he is hereby directed, to pay to all clerks and employés of the House of Representatives not otherwise provided for, and who do not receive annual salaries, their salaries for one month from the close of this session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

An act (H. R. No. 4772) granting a pension to Richard G. Mobley;
An act (H. R. No. 4757) granting a pension to Fremontia Young;
An act (H. R. No. 4331) granting a pension to Sarah Ann Crosley;
An act (H. R. No. 4782) granting a pension to Ansel Thayer;
An act (H. R. No. 4790) granting a pension to David Salsbury;
An act (H. R. No. 3720) granting a pension to Charles C. Haight;
An act (H. R. No. 3683) granting a pension to Melissa Rankin;
An act (H. R. No. 4777) granting a pension to James A. Forgey;
An act (H. R. No. 4769) granting a pension to Abraanna L. Dunn;
An act (H. R. No. 4754) granting a pension to Betsey A. Eaton;
An act (H. R. No. 2763) granting a pension to Mrs. Sophia Green;
An act (H. R. No. 4793) granting a pension to Mercy E. Scattergood;
An act (H. R. No. 3712) granting a pension to Stillman C. Spaulding;
An act (H. R. No. 3705) granting a pension to Arthur M. Lee, late first lieutenant Eighteenth Illinois Infantry;
An act (H. R. No. 4765) granting a pension to Emilia O. Black;
An act (H. R. No. 3727) granting a pension to John M. Allen;
An act (H. R. No. 4764) granting a pension to Sarah A. Woodworth;
An act (H. R. No. 2794) granting a pension to Elizabeth Wolf;
An act (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow;
An act (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;
An act (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina;
An act (H. R. No. 3362) to grant public lands to the State of Alabama to aid in the construction of the Warrior and Tennessee River Railroad;
An act (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolson;
An act (H. R. No. 4449) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;
An act (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1862; and
Joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic.

The message also announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia;
An act (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers;
An act (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; and
An act (H. R. No. 4786) granting a pension to Sarah B. Howe and Mary Cranston.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 831) for the relief of D. R. Haggard; and
An act (S. No. 1198) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy on the retired list.

The message further announced that the Senate had concurred in the resolution of the House for printing the eulogies delivered upon the death of the late members of the House, Mr. Hooper, Mr. Hersey, Mr. Crocker, and Mr. Rice.

M. VON ENTRESS FUERSTENECK.

Mr. HUNTON. I ask unanimous consent that the bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers, be taken from the Speaker's table and passed.

The bill was read. It appropriates $1,455.20 to be paid to M. Von Entress Fuersteneck, late second lieutenant of Company A of the Sixty-eighth Regiment of New York Volunteers, to cover a period of service from August 30, 1863, to December 21, 1864, inclusive, at which time he was commissioned and actually performed duty as a second lieutenant, but was not mustered in.

There being no objection, the bill was passed.

CLAIMS ALLOWED BY COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE, of Ohio. I ask unanimous consent that the amendments of the Senate to the bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, be taken from the Speaker's table and concurred in.

Mr. COX. Will the gentleman state briefly the effect of those amendments?

Mr. LAWRENCE, of Ohio. The Senate has referred back to the commissioners of claims a few claims which were in the bill as it passed the House.

Mr. COX. Is that the only change?

Mr. LAWRENCE, of Ohio. It is.

Mr. KELLOGG. The Senate has referred back some claims that have already been several times referred to the commissioners. There was no reason for thus referring them; it was absurd to do so; but we must concur in the Senate amendments or lose the bill.

Mr. CESSNA. Has the Senate added anything?

Mr. LAWRENCE, of Ohio. No, sir. With the consent of the House, I will explain the matter. This bill as originally reported from the Committee on War Claims made appropriations covering eleven hundred and sixty-eight cases, the amount appropriated being $748,296.39. As reported by the commissioners of claims, their allow-

ances were distributed among the twelve States over which the commissioners had jurisdiction, as follows:

Alabama	$71,671 82
Arkansas	96,501 00
Florida	13,475 00
Georgia	42,535 86
Louisiana	95,737 00
Mississippi	143,128 00
North Carolina	35,889 57
South Carolina	5,930 25
Tennessee	87,400 80
Texas	1,300 00
Virginia	138,145 42
West Virginia	8,695 00
Total	750,409 72

The claims reported as disallowed in said report numbered twelve hundred and forty-four, and involved the sum of $4,471,995.09. Many of these disallowed claims were reported as disallowed for want of jurisdiction, and necessitated examination of the same by the Committee on War Claims.

The third annual report of the commissioners embraced twenty-four hundred and sixty-five cases, of which number ten hundred and ninety-two were reported as allowed in whole or in part, and thirteen hundred and seventy-three as wholly disallowed.

The thirteen hundred and seventy-three disallowed cases remained on the files of the committee for examination, and many of these cases were examined in connection with the bill under consideration, many cases in that report being reported adversely for want of jurisdiction.

As the practice and proceedings of the commissioners in the examination of these cases is a proper subject of comment, it is equally proper to state that the cases are divided among the commissioners, who individually examine the cases allotted to them. The conclusion of each commissioner is reported to the board, who agree or disagree to the same, the report in each case being unanimous, no case being reported to Congress in which there is not the concurrence of every member of the board.

The cases allowed and disallowed are embraced in a schedule which is made a part of the report of the commissioners. This report is valueless as a basis of a bill without examination of the papers in each of the cases reported upon. The names are misspelled, the amounts allowed are often erroneous, and it requires a careful examination and comparison of all the papers to determine the amount that should be included in the bill. Every case reported allowed by the commissioners has been carefully examined by the clerk of the Committee on War Claims, the allowance compared with the items in the petition, and every computation carried out and verified and the proper amount placed in the bill. One hundred and thirty-three errors, mostly typographical, have been corrected; and every case where the amount allowed exceeded $2,000 was distributed to and examined by members of the committee.

The committee have accepted the awards of the commissioners in the main as conclusive. In all cases where the amount claimed exceeds $10,000 the evidence was taken in Washington before the commissioners, as required by section 3 of the act of March 3, 1871, creating the commissioners of claims. The committee were of opinion that the commissioners were better qualified to pass upon these claims in most respects than a committee of Congress.

The Committee on War Claims accepted these awards, carefully scrutinizing, however, each case where the award exceeded $2,000, it being found utterly impracticable to examine all the cases reported.

From the discussion when the first bill was reported in the second session of the Forty-second Congress it appears that the awards and findings of the commissioners were accepted as in the main conclusive.

When the first bill making appropriations for cases reported allowed by the commissioners of claims was reported to the House by the chairman of the Committee on Claims of the Forty-second Congress, Hon. Austin Blair, the following discussion occurred in answer to the interrogatory of Hon. Samuel Shellabarger, who inquired as to the rules adopted by the commissioners in the examination and allowance of claims reported upon favorably by the commissioners:

Mr. BLAIR, of Michigan. The gentleman will find in the report of the claims commission itself (which is Miscellaneous Document No. 16) a very full statement and discussion of that whole subject. They have acted upon the principle of allowing no claims except those due to loyal persons, and they have been exceedingly particular in requiring evidence upon that point.

By their report it appears that a very large number of claims had been ruled out entirely, upon the ground that the persons were not proved to be loyal. They are confined by the law to the allowance of "stores and supplies for the Army," and they have confined themselves strictly to that, rejecting all claims for damages or anything outside of what are recognized by the Army rules and regulations as "stores and supplies."

They have elaborated very much in their report what they construe that language to be, adopting the rules of the Army, and they have been very strict to follow it.

Mr. SHELLABARGER. Then there is nothing in the bill for losses or destruction of property?

Mr. BLAIR, of Michigan. Nothing at all. They have carefully excluded everything for losses or destruction of property.

Mr. GARFIELD, of Ohio. Is anything allowed in the nature of incidental damages?

Mr. BLAIR, of Michigan. Nothing of the kind.

Mr. GARFIELD, of Ohio. There is nothing in the nature of damages?

Mr. BLAIR, of Michigan. Not at all.

Mr. BUTLER, of Massachusetts. I have heard outside that claims have been presented for rent of buildings occupied by the Army. I desire to know if there is anything in this bill allowed for rent.

Mr. BLAIR, of Michigan. I will state to the gentleman, and I think he will find it stated in the report, that the commission in examining into that question looked into it very carefully to see whether they could allow for the occupation of buildings, but found that under Army operations the occupation of buildings is not regarded as "stores or supplies," but stands *eo nomine* as rent.

Mr. GARFIELD, of Ohio. There is another class of claims which has been pushed upon the Government from time to time, and that is claims for the occupation of land. I know that in several instances in my own experience in the Army claims have been attempted to be fastened upon the Army for the use of fields for camping grounds. If claims of that kind were allowed, we might ultimately be compelled to pay rent for the battle-fields. I desire to ask if there is anything of that kind before the commission at all?

Mr. BLAIR, of Michigan. Nothing of that sort is allowed. On the contrary, all such claims were specially rejected. One member of the Committee on Claims will report a bill to pay such claims simply because they were rejected.

Mr. FARNSWORTH. I believe this commission to be a very fair and a very honest one. It is also very apparent that the House of Representatives cannot examine into all these cases; we must rely upon the report of the commission that has examined these cases, heard the evidence, and examined all the circumstances connected with those cases. We must do that, or else we shall be compelled to overthrow their report and have no sort of regard for it. For one I am inclined to regard the report of that commission as *prima facie* evidence of what should be done in the case.

The preparation of the bill to pay these awards, in connection with the examination of the fourteen hundred cases referred to the committee by the House, involved great clerical labor, necessitating the services of an additional clerk, who was detailed by the commissioners for that purpose to aid the committee. The clerk so detailed was entirely familiar with the cases in the report, and proved very efficient to the committee.

The bill was reported to the House on the 11th of February, the bill to pay awards in second annual report in the last session of the Forty-second Congress being reported February 8, passing the House on that date, and passing the Senate on the last day of the Congress.

It was not possible for the clerks to prepare the bill and insure accuracy to complete the bill any sooner than it was prepared in and reported by the Committee on War Claims.

This fact should be considered in connection with the consideration of this bill, and it is an answer to any adverse criticism as to delay of the Committee on War Claims in reporting this bill. After the bill was reported I made repeated efforts to get it finally acted on; but there was delay in the House which I could not control. In the RECORD of February 24, 1875, will be found a full and complete statement of the action of the committee on this bill.

There being no objection, the amendments were concurred in.

POSTAGE ON AGRICULTURAL NEWSPAPERS, ETC.

Mr. MACDOUGALL. I move that the rules be suspended to pass the joint resolution (H. R. No. 155) relative to postage on monthly newpapers relative to agricultural subjects and implements.

The resolution was read. It provides that hereafter the postage upon all monthly newspapers, whether published gratuitously or for a stated subscription price, when devoted to the interests of agriculture and the dissemination of knowledge relative to agricultural implements and subjects, shall be the same as upon regular monthly newspapers published on secular subjects.

The motion to suspend the rules was not agreed to.

FORT BRADY MILITARY RESERVATION.

Mr. HUBBELL. I move to suspend the rules and pass the bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school-district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes.

The bill, which was read, provides that a certain portion of the military reservation of Fort Brady, situate in the county of Chippewa, and State of Michigan, containing one and twenty-six hundreths acres, and bounded on the north by Portage street, on the east by Church street, on the south by Ridge street, and on the west by the west line of said military reservation, be, and the same is hereby, donated to school district No. 1, in township of Sault Sainte Marie, in the county and State aforesaid, for school purposes, and for no other purpose.

The second section provides that so much of Portage street, Church street, and Ridge street, in the village of Sault Sainte Marie, as is so represented upon a map of said village filed in the General Land Office, as shall embrace the portion of ground aforesaid, be established as such streets.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;

An act (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased;

An act (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota;

An act (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States;

An act (S. No. 560) for the relief of William N. Denny, major of the Fifty-first Indiana Volunteer Infantry;

An act (S. No. 706) to amend section 1422 of the Revised Statutes of the United States relating to the better government of the Navy;

An act (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities;

An act (S. No. 819) for the relief of George W. Dawson;

An act (S. No. 843) for the relief of the survivors of the Polaris;

An act (S. No. 909) approving an act of the Legislative Assembly of Colorado Territory;

An act (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;

An act (S. No. 996) for the relief of the Allegheny Valley Railroad Company;

An act (S. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;

An act (S. No 1097) to donate to the State of Oregon a public building lot and material situated at The Dalles, Oregon;

An act (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana;

An act (S. No. 1147) for the relief of Courtland Parker as administrator of George W. Anderson, deceased;

An act (S. No. 1156) for the relief of Joseph H. Colton;

An act (S. No. 1185) for the relief of F. V. Hayden;

An act (S. No. 1122) to authorize the trustees of the Free Young Men's Benevolent Association to sell and convey square No. 272 in the city of Washington;

An act (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;

An act (S. No. 1237) to amend section No. 3342 of the Revised Statutes of the United States in relation to affixing stamps on brewers' casks;

An act (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board;

An act (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania;

An act (S. No. 907) authorizing corrections to be made in errors in prize lists;

An act (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis; and

An act (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I rise to submit a conference report on the sundry civil appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses the following:

That the Senate recede from its amendments numbered 7, 9, 13, 25, 27, 28, 29, 30, 34, 35, 43, 45, 46, 47, 48, 49, 56, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 83, 86, 87, 88, 89, 90, 93, 112, 113, and 115.

That the House recede from its disagreement to the amendments numbered 8, 15, 21, 31, 44, 53, 57, 60, 66, 82, 85, 97, 98, 100, 102, 103, 106, 107, 108, 109, 114, 119, and 122; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 1, and agree to the same.

That the Senate recede from its amendment numbered 2, with an amendment as follows: Strike out the word "and" where it occurs in line 26, page 3 of the bill, and insert after the word "refuge" in line 27, same page, "and sites for beacons;" and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 16, and agree to the same with an amendment striking out after the word "purposes" in line 3 down to and including the word "thousand" in line 4, and inserting in lieu thereof "185,000;" and striking out all of the proviso down to and including the word "specified" in line 18 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 20, and agree to the same with an amendment, as follows: After the word "claims" in said amendment insert "of the Senate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 22, and agree to the same with an amendment, as follows: Substitute for the word "seventy-five" the word "sixty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 39, and agree to the same by inserting after the words "Yerba Buena" the word "island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 40, with an amendment substituting for the words proposed to be stricken out the following: "That the Secretary of the Interior be, and is hereby, authorized and directed to cause a careful examination to be made for the purpose of ascertaining whether any person, firm, or corporation is now occupying any larger portion of the land known as the Rancho Panoche Grande than is authorized and allowed by the laws relating to mining lands, and that he make a full and detailed report of such examination to Congress at the beginning of the next session; and to enable the Secretary of the Interior to carry into effect this provision, the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated."

That the House recede from its disagreement to the amendment numbered 42, and agree to the same by substituting for the words proposed to be inserted the words "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, and agree to the same with an amendment substituting the word "forty" for "twenty" in said amendment; and the Senate agree to the same.

That the House recede from its amendment to the amendment of the Senate numbered 95, and agree to the same.

That the Senate recede from so much of its amendment as strikes out section 2 of the bill, with an amendment striking out all after the word "dollars" in lines 57 to 73 of the bill down to and including the word "six," and inserting in lieu thereof the following: "two chiefs of divisions, at $2,400 each; two clerks of class four; five clerks of class three;" and the House agree to the same as so modified.

That the House recede from its disagreement to the amendment numbered 124, and agree to the same with an amendment striking out the word "copies" and inserting in lieu thereof the words "one copy;" and the Senate agree to the same.

JAMES A. GARFIELD,
EUGENE HALE,
Managers on the part of the House.

AARON A. SARGENT,
STEPHEN W. DORSEY,
JAMES K. KELLY,
Managers on the part of the Senate.

Mr. GARFIELD. If there are any inquiries any gentlemen desire to make in regard to this report I will listen to them. I believe my colleague on the committee, the gentleman from Pennsylvania, [Mr. RANDALL,] desires three minutes. I yield him that time.

Mr. TODD. I would like to inquire of the gentleman from Ohio what is the report of the committee in regard to the payment of contested-election expenses?

Mr. GARFIELD. Very unfortunately, as I think, they all go in.

Mr. RANDALL. Not having been willing to sign the report of the conference committee, it is due to the House and due perhaps to the country, that I should say why I consider this bill, aggregating the amount of $37,000,000, as utterly unjustifiable in the present condition of the finances of the Government and the present condition of the business of the country. And not only do I protest against the aggregate amount appropriated, but there are all through this bill appropriations for objects, to use a mild term, which may be characterized as of the most doubtful propriety. In addition to this general opposition which I have to the bill, I think that in another respect this committee has utterly failed to give in the report that decision which the large majority of this House had a right to expect in reference to the amendment relating to the New Idria Company and the Government ownership of that land. The provision which has been inserted is to my mind a mere sham, and calculated rather to retard the interest of the Government in repossessing that land now held in excess of every right, legal and moral, on the part of that company. These, Mr. Speaker, are the reasons which prompted me in refusing to give my sanction to any such extravagant and outrageous appropriation bill at this time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BUTLER, of Massachusetts. Will the gentleman from Pennsylvania yield to me a moment?

Mr. RANDALL. I will.

Mr. BUTLER, of Massachusetts. I should like to inquire what precisely is the provision to which the gentleman has referred? If I understand it, it is this: The $5,000 are appropriated which the House desired. But it is only to have the Secretary of the Interior inquire whether there is anybody on that land claiming it and to report to some other Congress.

Mr. RANDALL. The next Congress.

Mr. BUTLER, of Massachusetts. Not to bring any suit?

Mr. RANDALL. No, sir.

Mr. BUTLER, of Massachusetts. Not to substantiate the title of the United States?

Mr. RANDALL. No, sir.

Mr. BUTLER, of Massachusetts. I do not know but this is the last time I shall ever address any public assembly. But if it was my last word anywhere and everywhere I should protest against this neglect to carry out the voice and vote of the House three times over expressed, once by vote of 138 to 5, that the Government should reclaim this great piece of property that is withheld from them.

Mr. GARFIELD. I desire to say only a very few words in regard to this bill. There were only some seventy-five amendments pending here as differences between the Senate and House, and the Senate receded absolutely on forty-one; the House receded absolutely on twenty-three; on all the others there was a mutual concession and agreement in each case. In many cases, in most cases, the amounts appropriated have been cut down. I do not think the bill largely, if at all, exceeds in amount what it appropriated when it left the House. I shall be surprised if the amount is not found to be smaller. On every great substantial question of importance the will of the House was fairly realized. We have had far more than our share in number and amount and importance of items in the adjustment between the Senate and House.

My colleague says he thinks there are too large appropriations here, appropriations which cannot be defended. I think when an analysis of this bill comes to be made he will find it difficult to point out the extravagance to which he refers. There are some things which I think are extravagant. I greatly regret that we have violated the old rule in regard to the payments of parties to contested elections,

allowing a large number to come in, and opening the door to a future bad practice.

Mr. SPEER. I ask the gentleman how this amendment of the House, appropriating nearly $30,000 for expenses of election cases, was agreed to by the committee after the Senate had struck it out?

Mr. GARFIELD. It was struck out, but the Senate yielded under the pressure of our House. The only special point that has been noticed is in regard to the Rancho Panoche Grande. On that subject, though, I was very decided in my opinion that this had no business in an appropriation bill, yet I felt it was my duty to be loyal to the House and insist that, if possible, the Senate should concede what was the will of the House. We had reason to believe, indeed we were told by the conferees on the part of the House, that not three Senators were willing to support that; that they were utterly and irreconcilably opposed to it; and in that view of the case we inquired of our associate conferee what was the point to be reached, and as nearly as we could ascertain it was this: that so far as it had any public bearing whatever, it was claimed that some people had obtained possession of and were operating a larger portion of that ranch than they were entitled to under the mining law. So far as that allegation went it was indeed a public matter, and to meet that view we thought we would proceed on the principle of hearing first and striking afterwards; and we therefore propose that the Secretary of the Interior shall examine and report whether this allegation were true, and we gave him $5,000 to conduct the examination. That done, it is to be laid before the next Congress. I will say only in conclusion that I do not believe that this squabble between private interests ought ever to have been put on an appropriation bill. I demand the previous question.

Mr. LOUGHRIDGE. I desire to ask the gentleman from Ohio whether the restriction in regard to public buildings is retained?

Mr. GARFIELD. The general restriction is retained, but the special restrictions were not retained.

The question was put, and the report of the committee of conference was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. PARKER, of Missouri. I submit the report of the committee of conference on the deficiency bill. I ask the Clerk to read it.

The Clerk read the report.

Mr. PARKER, of Missouri. I demand the previous question on the report.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. PARKER, of Missouri, moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy;

A bill (H. R. No. 4774) granting a pension to Mary Ann McDonald;

A bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register;

A bill (H. R. No. 1769) for the relief of Colonel Daniel McClure Assistant Paymaster-General;

A bill (H. R. No. 965) granting a pension to Samuel Purcell;

A bill (H. R. No. 4775) granting a pension to Margaret Pattison;

A bill (H. R. No. 4754) granting a pension to Betsy A. Eaton;

A bill (H. R. No. 4777) granting a pension to James A. Forgey;

A bill (H. R. No. 4800) granting a pension to John H. Looby;

A bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey;

A bill (H. R. No. 3718) granting a pension to Cornelia M. Arthur;

A bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow;

A bill (H. R. No. 3713) granting a pension to Sarah S. Cooper;

A bill (H. R. No. 4329) granting a pension to William H. Small;

A bill (H. R. No. 4776) granting a pension to Elizabeth Lanning;

A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;

A bill (H. R. No. 4767) for the relief of Ferdinand Monti;

A bill (H. R. No. 4755) granting a pension to William Lyon; and

A bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

D. R. HAGGARD.

Mr. BECK. I ask unanimous consent to take from the Speaker's table and pass the bill (S. No. 831) for the relief of D. R. Haggard.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to D. R. Haggard, late colonel of the Fifth Regiment of Kentucky Volunteers, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, in full compensation and satisfaction of his claim against the Government of the United States for quartermaster and commissary stores taken from his farm, near Burksville, Kentucky, by United States forces during the war of the rebellion, and used by them.

No objection being made, the bill received its several readings, and was passed.

Mr. BECK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

On motion of Mr. MORRISON, by unanimous consent, the bill (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River, at Saint Louis, in the State of Missouri," was taken from the Speaker's table, and the amendments of the Senate thereto were concurred in.

BOUNDARY LINE OF ARKANSAS.

Mr. AVERILL. I ask unanimous consent to have the House consider and pass at this time Senate bill No. 679, to establish the boundary line between the State of Arkansas and the Indian country.

The first section declares that the boundary line between Arkansas and the Indian country, as originally surveyed and marked, and upon which the lines of the survey of the public lands in the State of Arkansas were closed up, shall be the permanent boundary line between Arkansas and the Indian country.

The second section directs the Secretary of the Interior, as soon as practicable, to cause the boundary line as fixed in the foregoing section to be retraced and marked in a distinct and permanent manner, and provides that if the original line, when retraced, shall be found to differ in any respect from what the boundary line would be if run in accordance with the provisions of the treaties establishing the eastern boundary line of the Choctaw and Cherokee Nations, then the surveyor shall note such variations and compute the area of the land which in that case would be taken from the State of Arkansas or the Indian country, as the case may be; and the Secretary of the Interior shall cause to be obliterated any monuments set up in any former surveys indicating any line at variance with the surveys provided for in this act.

No objection being made, the bill was passed.

INLAND AND SEA-BOARD COASTING COMPANY.

Mr. CHIPMAN. I ask unanimous consent for the House to concur in the amendment of the Senate to House bill No. 2179, to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

No objection was made.

PAY OF CLERKS OF COMMITTEES.

Mr. STANARD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the clerk of the Committee on Commerce be allowed the same compensation for his services as the clerk of the Committee on Accounts for such time as his services are necessary, subject to the approval of the Committee on Accounts.

Mr. KELLOGG submitted the following resolution; which was read, considered, and adopted:

Resolved, That there be paid out of the contingent fund to the clerk of the Committee on Reform in the Civil Service the usual rate of compensation to clerks of committees for the present session of Congress; and to the messenger of the Committee on War Claims the sum of $200, for services rendered the committee during the present session.

Mr. DUELL submitted the following resolution; which was read, considered, and adopted.

Resolved, That the Committee on Expenditures on Public Buildings and the Committee on Expenditures in the Post-Office Department have leave for the employment of a clerk jointly during the present session of Congress, at the usual rate of compensation; and the Clerk of the House of Representatives is hereby directed to pay the clerk of said committees his salary from the commencement of this session.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

On motion of Mr. SAWYER, by unanimous consent, Senate amendments to the bill (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, were taken from the Speaker's table, read, and concurred in.

REMOVAL OF POLITICAL DISABILITIES.

On motion of Mr. YOUNG, of Georgia, by unanimous consent, the bill (S. No. 917) for the relief of Robert H. Anderson, of the county of Chatham, State of Georgia, was taken from the Speaker's table, read three times, and passed.

On motion of Mr. WHITTHORNE, by unanimous consent, the bill S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee, was taken from the Speaker's table, read three times, and passed.

LYDIA CRUGER.

On motion of Mr. HAZELTON, of Wisconsin, Senate amendment to the bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix

of Moses Sheppard, deceased, was taken from the Speaker's table and read, as follows:

Strike out all after the enacting clause and insert the following:
That the claim heretofore reported to Congress by the Court of Claims in favor of Lydia Cruger, executrix of Moses Sheppard, deceased, be referred back to the said court, with power to hear and determine the same as in other cases, and with the right to either party to use the evidence heretofore taken in said cause so far as the said court shall deem the same pertinent and competent.

The amendment was concurred in.

MILITARY BOUNTY-LAND WARRANTS.

Mr. TOWNSEND. I ask unanimous consent that the bill (S. No. 763) to exempt military bounty-land warrants and the lands obtained thereby from sale, &c., be taken from the Speaker's table and passed.

The bill was read. It provides that all military bounty-land warrants granted, or to be granted, under and pursuant to any act of Congress to officers, musicians, and privates, whether of regulars, rangers, or militia, and to the officers, seamen, flotilla-men, clerks, and landsmen in the Navy, or to other persons enumerated in any such act, for services in any of the wars in which this country has been engaged since 1790, and the lands obtained by such warrants, shall be exempt from payment of any debt or liability incurred by such officers, soldiers, seamen, or other persons named in the warrants prior to the issuing of the patents for such lands.

There being no objection, the bill was read three times, and passed.

AMENDMENTS TO PENSION BILLS.

On motion of Mr. RUSK, by unanimous consent, Senate amendments to bills of the following titles were read and concurred in:

An act (H. R. No. 1054) granting a pension to Jefferson W. Davis; and

An act (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston.

OSCEOLA C. GREEN.

Mr. FORT. I move to suspend the rules and pass the bill (S. No. 629) for the relief of Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forrest.

The bill was read. It directs the proper accounting officers of the Treasury to settle with Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forrest, of the Maryland Line of the Army of the Revolution, for the half-pay for life due to the said Lieutenant-Colonel Uriah Forrest under the resolve of October 21, 1780, from the end of the revolutionary war to the time of his death, July 8, 1805.

Mr. WILLARD, of Vermont. Has this bill been considered by any committee?

Mr. FORT. By the Committee on Revolutionary Claims.

Mr. WILLARD, of Vermont. Do they report favorably?

Mr. FORT. Yes, sir.

Mr. HOLMAN. I hope the House will not inaugurate the policy of passing this class of bills. These claims have long since been regarded as barred by the policy of this Government.

Mr. FORT. The bill has been examined by the Committee on Revolutionary Claims.

Mr. HOLMAN. Here is a claim more than seventy-five years old. Three generations have passed since the occurrence of the events on which it is founded.

The motion to suspend the rules was not agreed to, there being—ayes 41, noes not counted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate had agreed to the report of the committee of conference on the sundry civil appropriation bill.

DANIEL H. KELLEY.

Mr. BUTLER, of Tennessee. I move to suspend the rules and put on its passage the bill (S. No. 841) to place the name of Daniel H. Kelley upon the muster-roll of Company F, Second Tennessee Infantry.

The bill directs the Secretary of War to place the name of Daniel H. Kelley, deceased, on the muster-roll of Company F, Second Tennessee Infantry, to date December 1, 1861.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

HOT SPRINGS RESERVATION OF ARKANSAS.

Mr. HYNES. I ask, by unanimous consent, to take from the Speaker's table a bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas."

The bill, which was read, provides that the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," passed in the year 1870, be, and the same is hereby, so amended that the taking of an appeal, as provided in said act, shall in no manner supersede the action, authority, or power of the receiver provided for in said act.

Mr. HAZELTON, of Wisconsin. Has that bill been before any committee of this House?

Mr. HYNES. I am sure if the gentleman listened to the bill there can be no objection to its passage.

Objection was made.

Mr. HYNES. I move to suspend the rules and pass the bill.

The House refused to suspend the rules, two-thirds not voting in favor thereof.

ROBERT W. JOHNSON, FORMERLY OF ARKANSAS.

Mr. GARFIELD. I ask by unanimous consent to take from the Speaker's table a bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas.

The SPEAKER. There is nothing in it but provision removing the political disabilities of Robert W. Johnson, formerly of Arkansas.

Mr. RAINEY. Does a petition accompany the bill?

The SPEAKER. The Chair understands one did accompany the bill in the Senate, from which this comes.

Mr. GARFIELD. I move to suspend the rules and pass the bill.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

THOMAS F. FAUNTLEROY.

Mr. GARFIELD. I move to suspend the rules and take from the Speaker's table the amendments of the Senate to the bill (H. R. No. 3602) to remove the political disabilities of Thomas F. Fauntleroy and Charles H. Williamson, citizens of Virginia.

The amendments of the Senate were to strike out "Charles H. Williamson" and to amend the title so it will read, "An act to remove the political disabilities of Thomas F. Fauntleroy, of Virginia.

The rules were suspended, (two-thirds voting in favor thereof,) and the amendments of the Senate were concurred in.

DISTRICT COURTS OF LOUISIANA.

Mr. WILSON, of Indiana. I move, on behalf of the Committee on the Judiciary, that the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana be taken from the Speaker's table and passed.

Mr. SENER. I object.

Mr. COX. I also object to that bill, because it establishes a new judicial district in Louisiana.

Mr. SPEER. It establishes another set of judicial officers. It creates a new judicial district in the State of Louisiana.

Mr. WARD, of Illinois. I move it be referred to the Committee on the Judiciary.

Mr. WILSON, of Indiana. I will state what there is in the bill. It provides for the creation of a new judicial district in Louisiana; for a judge at a salary of $3,500, and for a marshal and a clerk. That is all there is in the bill. The same bill passed the House in the Forty-second Congress and has been approved by the Committee on the Judiciary of the present Congress. I move to suspend the rules and pass the bill.

Mr. SPEER. I object.

The House refused to suspend the rules and pass the bill, two-thirds not voting in favor thereof.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. DAWES. I offer the following resolution.

The Clerk read as follows:

Resolved, That there be appointed a committee of three members, to join such committee of the Senate as they may appoint to wait on the President of the United States and inform him if he has no further communication to make the two Houses are ready to adjourn.

The resolution was adopted.

EMPLOYÉS OF HALL FOLDING-ROOM.

Mr. RANDALL. I offer the following resolution:

Resolved, That the Clerk of the House be authorized and directed to pay out of the contingent fund of the House to the two employés of the hall folding-room their pay for the month of March.

Mr. RANDALL. These are two pages omitted in the resolution passed yesterday, and all ought to fare alike. They are the two lads who attend the hall folding-room.

There was no objection, and the resolution was adopted.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri;"

An act (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen;

An act (H. R. No. 4790) granting a pension to David Saulsbury;

An act (H. R. No. 4764) granting a pension to Sarah A. Woodruff;

A joint resolution (H. R. No. 157) authorizing the acceptance by Captain E. H. Wells of the United States Navy of the cross of the Legion of Honor conferred on him by the President of the French Republic;

An act (H. R. No. 3683) granting a pension to Melissa Rankin;

An act (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the Slater National Bank of North Providence, Rhode Island, to change their names;

An act (H. R. No. 2794) granting a pension to Elizabeth Wolf;

An act (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney N. Forest, late of the United States Navy;

An act (H. R. No. 3720) granting a pension to Charles C. Haight;

An act (H. R. No. 4449) to amend an act entitled "An act to revive with amendments an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838;

An act (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes;

An act (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes;

An act (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts;

An act (H. R. No. 4866) for the relief of Major N. H. McLean, late of the Adjutant-General's Department, United States Army;

An act (H. R. No. 3641) to amend the act entitled "An act to incorporate the Washington and Georgetown Railroad Company;"

An act (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioner of claims under act of Congress March 31, 1871;

An act (H. R. No. 1606) granting increase of pension to Steven Weatherloe; and

An act (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, and the orphan brothers and sisters of those soldiers who were murdered by guerrillas in Centralia, Missouri, in 1864.

OWNERS OF THE BRIG MARGARETTA.

Mr. SHOEMAKER, of Pennsylvania. I ask that by unanimous consent the bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives be now passed.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to the owners of the Haytian brig Margaretta or their legal representatives the sum of $1,378.75, the same being the amount paid by Robert Murray, jr., as discriminating tonnage dues upon the Haytian brig Margaretta in the years 1867 and 1868, in contravention of the treaty then existing between the United States and the republic of Hayti.

There was no objection; and the bill, by unanimous consent, was passed.

WILLIS N. ARNOLD.

Mr. LAWRENCE, of Ohio, by unanimous consent, from the Committee on War Claims, reported back, with the recommendation that it do pass, the bill (S. No. 574) for the relief of Willis N. Arnold.

Mr. ATKINS. I object.

Mr. LAWRENCE, of Ohio. I move to suspend the rules.

The SPEAKER. The bill will be read.

The bill was read. It directs the Secretary of the Treasury to pay to Willis N. Arnold, of Henderson County, Tennessee, the sum of $6,000, out of any moneys in the Treasury not otherwise appropriated, it being the amount collected by the military authorities for his benefit and paid by them into the United States Treasury.

Mr. LAWRENCE, of Ohio. This bill for the relief of Willis N. Arnold is reported from the Committee on War Claims. It has been examined by the Committee on War Claims, and I was authorized to report from the committee with the recommendation that it do pass. It is precisely like the bill which has already been passed and approved by the President for the relief of John Aldredge, of Henderson Station, Tennessee. I present to the House the following statement from the War Department, which contains all the information necessary on the subject of this bill when taken in connection with the report on the claim of John Aldredge:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., December 2, 1871.

SIR: With reference to the claim of W. N. Arnold and others, for cotton destroyed at Henderson Station, Tennessee, by rebel troops—referred to this office November 20, 1871, for report as to the liability of the Government for payment of these claims, having reference to the statement of claimants that the cotton was seized while in transit to Memphis and used for breastworks and fortifications, and while in possession of the United States the cotton was captured and destroyed by rebels, &c.—I have the honor to report:

As regards the question on which the opinion of the Quartermaster-General is called for, that is liability of the United States for the cotton, I find that the cotton is alleged to have been taken possession of and placed in breastworks for defense of the post of Henderson Station and to have been destroyed by the enemy when the garrison was captured by the rebel forces.

I think that the United States is not liable for the destruction by an enemy of property thus temporarily used. The cotton piled in breastworks cannot be held as actually appropriated to the use of the United States. Like any other bulky packages which could be left out of doors and used in case of danger as a shelter from behind which to fire at an enemy, it would, had it been successfully defended, have been ultimately restored to owners. The cotton does not appear to have been confiscated, seized as forfeited, or appropriated to the United States.

By law and general orders relating to captured and abandoned property all property coming into possession of the Army was to be reported, and unless needed for military uses was to be finally turned over to the Treasury agents, charged with such expense of transportation as had been incurred by the Quartermaster's Department, but no officer of the Army had authority to pay for such property.

Cotton used for breastworks is not quartermasters' stores. The proper material for breastworks is earth, with sod or wood revetment; and the provision of material for this purpose belongs to the Engineer Department, and cannot be paid for by the Quartermaster-General as quartermaster stores under the law of 4th July, 1864.

The destruction was the act of the enemy. The United States lost largely while guarding this property, and I do not see that the United States became liable for its destruction by using the property itself as a means of protection while defending it.

General Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton—private property—destroyed appears to have been collected. Colonel Hillyer states that the money thus collected exceeded the amount which General Grant had intended to have collected, and that General Grant refused to permit it to be applied to payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represented the value of public property destroyed. Part of the remainder, namely, $30,000, went into the hands of the quartermaster, Colonel C. A. Reynolds, as appears from his accounts on file at the Treasury.

In settling the accounts of officers of this Department at the Treasury, all these military collections, levies, rents of abandoned or captured buildings, &c., are, if their proceeds have been used in the operations of the Quartermaster's Department, charged against the regular appropriation of the Quartermaster's Department, and the amount is placed in the Treasury by transfer warrant to credit of these irregular funds.

While it was within the military authority and power of a general in the field to levy and collect moneys as fines, and while he might have paid the proceeds to those who had been injured by the enemy, it appears that General Grant refused to do this; and I know of no law by which any officer of the United States can now take this money from the Treasury and apply it to payment of these losses and damages.

I am of opinion that the parties have no claim in law, and no officer, so far as I know, has power to relieve them.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General United States Army.

The Hon. SECRETARY OF WAR,
Washington, District of Columbia.

Approved.

WM. W. BELKNAP,
Secretary of War.

APRIL 26, 1872.

The question being taken on suspending the rules and passing the bill, the Speaker declared that on the division by sound two-thirds had not in the opinion of the Chair voted in the affirmative.

Mr. LEWIS. I call for a division. This is the same as the Aldredge bill which we passed the other day.

The House divided; and there were—ayes 61, noes 85.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

PRINTING OF DOCUMENTS.

The SPEAKER. The Chair desires to make a statement to the House. There are various documents which have been received from the Executive Departments, upon which it is of course too late to act during this Congress. There are some of them of considerable importance which ought to be printed. The Chair asks that he be allowed to direct their printing, with the proper references, so that they may be on the files of the next Congress merely as printed documents.

There was no objection, and it was so ordered.

Mr. GARFIELD. I ask in the same connection that some reports which the Committee on Appropriations have made on various subjects be printed.

The SPEAKER. That privilege was given yesterday under a suspension of the rules.

ANGUS DEAN.

Mr. HOLMAN, by unanimous consent, presented the memorial of Angus Dean, of Clark County, Indiana, in regard to the subject of jettees; which was referred to the Committee on Commerce, and ordered to be printed.

DELEGATES OF CHEROKEE NATION.

Mr. PHILLIPS, by unanimous consent, presented a memorial of the delegates of the Cherokee Nation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAY OF TELEGRAPH OPERATOR.

Mr. MAYNARD. I ask unanimous consent to present a bill to pay the telegraph operators of the Senate and House of Representatives.

The bill was read. It appropriates the sum of $1,000, out of any money in the Treasury not otherwise appropriated, to pay the telegraph operators of the House and Senate from July 1, 1875, to December 1, 1875, of which $500 shall be paid by the Clerk of the House of Representatives to the House operator, and the sum of $500 shall be paid by the Secretary of the Senate to the Senate operator.

There was no objection, and the bill (H. R. No. 4869) was read three times, and passed.

SALE OF LANDS AT VINCENNES, INDIANA.

On motion of Mr. NIBLACK, by unanimous consent, the bill (H. R. No. 3339) authorizing the sale of certain lands at Vincennes, Indiana, with Senate amendments, was taken from the Speaker's table, and the Senate amendments were concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, their Secretary, informed the House that the Senate had passed, without amendment, a joint resolution and bill of the following titles:

Joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain; and

A bill (H. R. No. 2419) to provide for the construction of military roads in Arizona.

THANKS TO THE OFFICERS OF THE HOUSE.

Mr. NIBLACK. I desire to offer the following resolution, which I hope will be unanimously adopted:

Resolved, That the thanks of the House are due and are hereby tendered to the Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and other subordinate officers of the House for the courtesy, efficiency, and fidelity with which they have discharged the duties of their several offices.

Mr. COX. I move to insert the word "Chaplain."

Mr. DAWES. I must object, and I object only because this thing seems to be traveling beyond all precedent.

COMMITTEE TO WAIT ON THE PRESIDENT.

The SPEAKER. The Chair names as the committee to wait on the President of the United States Mr. DAWES, Mr. MAYNARD, and Mr. COX.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 831) for the relief of D. R. Haggard;

A bill (S. No. 976) to promote economy and efficiency in the marine-hospital service;

A bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second-lieutenant of the Sixty-eighth New York Volunteers;

A bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Ste. Marie, and State of Michigan, for school purposes; and

A bill (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes.

GEOLOGICAL AND GEOGRAPHICAL SURVEY OF THE TERRITORIES.

Mr. DONNAN. I call up the concurrent resolution of the House in relation to the printing of the geological and geographical survey of the Territories, which has been returned from the Senate with an amendment. I ask that it be read.

The Clerk read as follows:

Resolved, That the Senate agree to the resolution of the House of Representatives in relation to the printing of the geological and geographical surveys of the Territories for the year 1874, with the following amendment:

In line 6, strike out the words "one thousand" and insert the words "five hundred."

Mr. DONNAN. I will say that the amendment of the Senate simply reduces the number. I desire to call the attention of the House to the fact that the Senate resolution is in the form originally reported by the Committee on Printing. The amendment of the Senate contemplates the printing of four thousand copies of Professor Hayden's report, two thousand five hundred copies of which shall be for the use of the House of Representatives, one thousand copies for the use of the Senate, and five hundred copies for the use of the Smithsonian Institution.

The amendment of the Senate was concurred in.

ADMISSION OF LADIES TO THE FLOOR.

Mr. PACKARD. Before that motion is put, I desire to ask unanimous consent of the House that during the few remaining moments of the session ladies may be admitted to the floor of the House.

The SPEAKER. Is there objection?

Mr. KASSON. On condition that no more bills are to be acted on.

The SPEAKER. Then the gentleman from Iowa objects.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Sheppard, deceased;

A bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fountleroy and Charles H. Williamson, citizens of Virginia;

A bill (H. R. No. 4814) to relieve James M. Hawes, of Covington, Kentucky, of all political disabilities; and

A bill (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia.

ADMISSION OF LADIES TO THE FLOOR.

Mr. PACKARD. I renew my request that for the remainder of the session ladies may be admitted on the floor of the House.

The SPEAKER. Is there objection? The Chair hears none, and the order is made.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. HYNES. I again ask unanimous consent for the passage of the bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas.

Mr. HOLMAN. I must object to the passage of a bill of that character at this late stage of the session.

Mr. HYNES. I move, then, to suspend the rules and pass the bill. I ask that the gentleman from New York [Mr. POTTER] may give an explanation of the bill, as he understands the facts.

Mr. SAYLER, of Ohio. This question has never been considered by the appropriate committee, the Committee on Private Land Claims, and I do not see why it should be passed at this last hour of the session without proper consideration.

Mr. HYNES. It is a Senate bill.

Mr. SAYLER, of Ohio. I do not care if it is a Senate bill.

Mr. HYNES. It is simply that the revenues may be put into the possession of the Government.

The question was taken on suspending the rules; and upon a division there were ayes 62, noes not counted.

So (two-thirds not voting in favor thereof) the rules were not suspended.

ALMON BARNES.

Mr. MACDOUGALL. I ask unanimous consent for the House now to consider and pass House bill No. 815, for the relief of Almon Barnes.

Mr. LAWRENCE, of Ohio. That bill is right. It has been examined by the Committee on War Claims and found to be correct.

There being no objection, the bill was passed.

PAY OF CLERK OF COMMITTEES.

Mr. ALBRIGHT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House of Representatives of the United States pay out of the contingent fund to the clerk of the Committees on Revolutionary Pensions and War of 1812 and of Coinage, Weights, and Measures his salary from the beginning of the second session of the Forty-third Congress, he having rendered the services for such period, and no other person having been paid for the same.

WITHDRAWAL OF PAPERS.

Unanimous consent was asked and obtained for the withdrawal of papers in the following cases:

By Mr. MYERS: In the case of E. Brady.

By Mr. LEWIS: In the case of Mrs. Louisa A. Jamison.

By Mr. HAZELTON, of Wisconsin: In the case of Mrs. Susan Willard.

By Mr. HAWLEY, of Connecticut: In the case of J. S. Lyon.

By Mr. WILLIAMS, of Indiana: In the case of J. B. White.

By Mr. ARCHER: In the case of John Ammehe.

By Mr. PACKARD: In the case of George H. Reynolds.

By Mr. LOFLAND: In the case of Philip Henry.

By Mr. DUNNELL: In the case of Andrew Hosmer and James E. Drew.

By Mr. DONNAN: In the case of General B. S. Roberts.

By Mr. COMINGO: In the case of Alexander Collins.

By Mr. SMITH, of Virginia: In the case of Emmert Urell.

By Mr. WELLS: In the case of Thomas Allen.

By Mr. WILLARD, of Michigan: In the case of Peter Schuyler.

By Mr. COBURN: In the case of Charles H. Lee.

By Mr. BECK: In the case of A. S. Bloom.

By Mr. SMITH, of Ohio: In the case of G. A. Hall.

By Mr. KELLOGG: In the case of Harriet S. Jaudon, John P. Crosby, New Orleans Gas Company, and Mechanics and Traders' Bank, New Orleans.

LEAVE TO PRINT.

Leave to print as a portion of the debates of the House remarks prepared upon various subjects was granted to Mr. DUNNELL, Mr. MARSHALL, Mr. SMALL, Mr. HAMILTON, Mr. SMITH of Virginia, Mr. NEGLEY, and Mr. POTTER. (See Appendix.)

RECEIPTS AND EXPENDITURES OF THE TREASURY.

Mr. GARFIELD. Mr. Speaker, there was referred to the Committee on Appropriations a few days ago a letter from the Secretary of the Treasury, transmitting, in compliance with the act of August 26, 1842, an account of the receipts and expenditures of the United States for the fiscal year ending June 30, 1872. I now report it back and ask that it be printed.

There being no objection, the order to print was made.

CONTINGENT FUND OF THE HOUSE.

Mr. GARFIELD. I also present the report of the expenditures of the contingent fund of the House of Representatives for the last year, which by some accident was omitted to be printed. I move that the order for printing be made.

There being no objection, it was ordered accordingly.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER laid before the House communications from the Secretary of the Interior, transmitting claims of various persons for Indian depredations; which were referred to the Committee on Indian Affairs, and ordered to be printed.

OSAGE INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a petition of the Osage Indians, praying for an appropriation of $75,000 to be reimbursed from the proceeds of their lands in Kansas; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

An act (H. R. No. 2179) to incorporate the Inland and Seaboard Coasting Company of the District of Columbia;

An act (H. R. No. 692) for the relief of William Chester;

An act (H. R. No. 3176) for the relief of william Green; and

Joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain.

EXPENSES FOR WASHINGTON STREET IMPROVEMENTS, ETC.

The SPEAKER laid before the House a communication from the board of audit of the District of Columbia, transmitting, in compliance with the resolution of the House of December 22, 1874, a statement of the expenditures for improvements of streets and avenues in the cities of Washington and Georgetown and in the county of Washington; which was referred to the Committee on the District of Columbia, and ordered to be printed.

SURVEYS FOR INTERNAL IMPROVEMENTS.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting reports of examinations and surveys of Rock Castle and Big Sandy Rivers, Kentucky, and Nassau River, Florida; which was referred to the Committee on Commerce, and ordered to be printed.

EMPLOYÉS IN TREASURY DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting, in compliance with section 194 of the Revised Statutes, the names of clerks and other persons employed in his Department during the year ending December 31, 1874; which was referred to the Committee on Appropriations.

SOLDIERS' NATIONAL HOME.

The SPEAKER also laid before the House the annual report of the board of managers of the National Home for Disabled Volunteer Soldiers for the year ending November 30, 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

PORTRAITS UPON CURRENCY AND STAMPS.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in answer to the House resolution of February 6, 1875, in relation to the portraits of living originals printed upon United States currency or stamps; which was referred to the Committee on Appropriations, and ordered to be printed.

WEST POINT VISITING COMMITTEE.

The SPEAKER announced the appointment of Mr. BUTLER of Massachusetts, Mr. HURLBUT, and Mr. CREAMER as the visiting committee on the part of the House of Representatives to the West Point Military Academy.

HEIRS OF ASBURY DICKINS.

A message from the Senate, by Mr. GORHAM, their Secretary, announced that the Senate had passed a bill of the following title, with an amendment; in which the concurrence of the House was requested.

An act (H. R. No. 1580) for the relief of the heirs of Asbury Dickins.

Mr. HOLMAN. I ask that the amendment to this bill may be read.

The amendment was read, as follows:

In lines 4 and 5 strike out $3,976.19 and insert $3,385.15.

Mr. HOLMAN. I move concurrence in the amendment of the Senate.

The amendment was concurred in.

STATUARY HALL OF THE CAPITOL.

The SPEAKER laid before the House the following:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, February 25, 1875.

SIR: By the Revised Statutes, section 1814, the Statuary Hall of the Capitol building is placed under charge of this office, and by section 1815 I see that the exhibition of all private property is excluded from this and other portions of the Capitol building. I have taken steps to-day to see that the law is complied with, so far as the Statuary Hall is concerned, and take this measure to notify your body of my action.

I am your very obedient servant,

O. E. BABCOCK,
United States Army, Corps of Engineers.

Hon. JAMES G. BLAINE,
Speaker of House of Representatives, Washington, D. C.

The communication was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES FILED WITH CLERK.

The following reports of committees were filed with the Clerk under the following resolution:

Resolved, That the committees of this House who have reports in readiness upon matters referred to them be permitted to deliver such reports to the Clerk of the House, and that they be printed; provided, such reports are filed with the Clerk before the expiration of this Congress.

By Mr. ALBRIGHT, from the Committee on Military Affairs, a favorable report in writing on the bill (H. R. No. 4017) for the relief of John S. Wood, late first lieutenant Company I, Seventh Pennsylvania Cavalry.

By Mr. BANNING, from the Committee on Foreign Affairs, an adverse report on the claim of J. J. Browne, of Columbia, South Carolina, for damages on account of destruction of his property by United States troops in burning the city of Columbia, South Carolina.

Also, from the same committee, an adverse report on the bill (H. R. No. 4127) for the relief of Charles O. Shepard, late chargé d'affaires *ad interim* of the United States in Japan.

By Mr. BARBER, from the Committee on War Claims, a bill (H. R. No. 4870) for the relief of John J. Anderson, with a favorable report in writing.

Also, from the same committee, a favorable report on the claim of Butler, Miller & Co. and Hawk, Miller & Co., for compensation for cotton taken by order of General Rousseau, August 30, 1862, for fortifying breastworks at Nashville, Tennessee.

Also, from the same committee, a bill (H. R. No. 4871) for the relief of James Lindsay, with report recommending compensation for the manufacture of a battery of three light mounted howitzers.

Also, from the same committee, adverse reports in the following cases:

The petition of Turner Merritt;

The claim of Priscilla and Armstead Burwell;

The claim of Rosanna Hogan, for payment for a horse;

The petition of James F. Blount, for compensation as acting mustering officer for home guards, State of Kentucky;

The petition of Thomas Weeks, for payment for services rendered in 1845 and 1846 in California at the beginning of the Mexican war;

A bill (H. R. No. 3066) for the benefit of Lucinda McGuire; and

The claim of Elizabeth Gillock, for use and occupation of certain houses at Franklin, Texas.

By Mr. BURCHARD, from the Committee on Ways and Means, a bill (H. R. No. 4872) for the relief of J. E. Robertson & Co., of Indianapolis, Indiana, with a favorable report in writing.

By Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, a bill (H. R. No. 4891) for the relief of Thomas J. Durant.

By Mr. CLEMENTS, from the Committee on Patents, a bill (H. R. No. 4873) to authorize Jonathan L. Jones to bring suit against the United States in the Court of Claims for his compound defensive armor for land and water batteries, with a favorable report in writing.

Also, from the same committee, a favorable report on bill (H. R. No. 2460) to authorize the extension of the patent of Thomas Mitchell for an improved machine for finishing hair-brush handles, granted to him by the United States the 28th day of June, 1859, reissued the 17th day of January, 1860, and again reissued the 26th day of June, 1860, and which expired on the 28th day of June, 1873.

By Mr. COBB, of North Carolina, from the Committee on War Claims, a bill (H. R. No. 4887) for the relief of James G. Williams, of Memphis, Tennessee, with a favorable report in writing.

By Mr. COMINGO, from the Committee on Indian Affairs, a bill (H. R. No. 4874) to provide for the consolidation of certain bands or tribes of Indians in Washington Territory for the sale of certain Indian reservations in said Territory, and for other purposes, with a favorable report in writing.

By Mr. DOBBINS, from the Committee on Patents, a favorable report on the bill (H. R. No. 1150) for the relief of Mrs. Mary A. McComb.

By Mr. DUNNELL, from the Committee on Claims, an adverse report on the bill (H. R. No. 1061) for the relief of George W. Bradley.

Also, from the same committee, a bill (H. R. No. 4875) for the relief of Silas N. Norton, with a favorable report in writing.

Also, a bill (H. R. No. 4876) for the relief of Jackson Lavenburg, with a favorable report in writing.

By Mr. EAMES, from the same committee, the bill (H. R. No. 667) for the relief of Nicholas Whitehall, with an amendment in the nature of a substitute, accompanied by a favorable report in writing.

Also, from the same committee, the bill (H. R. No. 1599) for the relief of Samuel A. Knox, with an amendment in the nature of a substitute, accompanied by a favorable report in writing.

By Mr. GUNCKEL, from the Committee on Military Affairs, a favorable report to accompany the bill (H. R. No. 4866) for the relief of N. H. McLean, late of the Adjutant-General's Department, United States Army.

By Mr. HAMILTON, from the Committee on Claims, a favorable report on the bill (S. No. 272) for the relief of Bishop & Co., bankers, of Honolulu, Hawaiian Islands.

Also, from the same committee, a favorable report in writing on the bill (S. No. 629) for the relief of Osceola C. Green, administrator *de bonis non* and one of the heirs at law of Lieutenant-Colonel Uriah Forest.

Also, from the same committee, a favorable report on the bill (H. R. No. 2663) for the relief of John T. K. Hayward, Amos Stillwell, and Goodwin O. Bishop, of Hannibal, Missouri, for transporting United States mails.

Also, from the same committee, a favorable report on the bill (H. R. No. 4250) for the relief of E. G. Allen, of Marion County, Ohio.

Also, from the same committee, a bill (H. R. No. 4877) for the relief of Eliza Howard Powers, with a favorable report in writing.

Also, from the same committee, a bill (H. R. No. 4878) for the relief of Dixon Shinault, John W. Watson, and Lewis Goodwin, with a favorable report in writing.

Also, from the same committee, an adverse report in the case of Harvey and others.

By Mr. HAWLEY, of Illinois, from the Committee on Claims, a favorable report on the bill (S. No. 792) for the relief of John Fletcher.

By Mr. HOLMAN, from the Committee on War Claims, a favorable report on the bill (H. R. No. 2001) for the relief of the Bartholomew County Agricultural Society of the State of Indiana, with an amendment in the nature of a substitute.

Also, from the same committee, a favorable report on the bill (H. R. No. 3046) for the relief of Sterling A. Martin, late private in Company I, Thirty-seventh Regiment Indiana Volunteers.

Also, from the same committee, an adverse report on the petition of N. J. Bigley.

By Mr. HOWE, from the Committee on Claims, a bill (H. R. No. 4880) for the relief of Hall Colby, with a favorable report in writing.

By Mr. HUBBELL, from the Committee on Banking and Currency, an adverse report on the bill (H. R. No. 4357) to amend an act to construe the act of March 2, 1853, to allow all depositaries designated under the act of August 6, 1846, &c.

By Mr. KELLOGG, from the Committee on War Claims, a favorable report in writing to accompany the bill (H. R. No. 1662) for the relief of William Phillips.

Also, from the same committee, a bill (H. R. No. 4888) for the relief of Mrs. Eliza Potter, with a favorable report in writing.

Also, from the same committee, a favorable report on the bill (H. R. No. 2319) for the relief of Isaac Taylor, of Boston, Massachusetts.

Also, from the same committee, a favorable report on the bill (H. R. No. 1505) authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping, and maintaining the militia forces during the rebellion, with an amendment in the nature of a substitute.

By Mr. LANSING, from the Committee on Claims, a bill (H. R. No. 4881) for the relief of Silas Reed, with favorable report in writing.

Also, from the same committee, a favorable report on bill (H. R. No. 2804) for the relief of Gustavus A. Scroggs, late provost marshal of the thirtieth district of New York.

Also, from the same committee, a favorable report on the bill (H. R. No. 2736) for the relief of John W. Hickey, of the State of Louisiana.

By Mr. LAMISON, from the Committee on Naval Affairs, a bill (H. R. No. 4867) appropriating $15,000 to Mrs. Martha J. Caston, for all claims and demands by her upon the Government, for the manufacture by her and use by it of the "Caston signal-lights," with a favorable report in writing.

By Mr. LAWRENCE, of Ohio, from the Committee on War Claims, a bill (H. R. No. 4569) to prevent abuses in the prosecution of claims against the Government, with report in writing covering the papers in the case of Sugg Fort, of Robertson County, Tennessee.

Also, from the same committee, adverse reports in the following cases:

The petition of Jacob Bloomstein, asking compensation for goods seized and damages for imprisonment by military authorities at Nashville, Tennessee; and

A bill (H. R. No. 4551) for the benefit of W. R. Boice, of Danville, Kentucky.

By Mr. LOWE, from the Committee on Indian Affairs, a bill (H. R. No. 4882) to appropriate money to the Pottawatomie Indians in pursuance of the tenth article of the treaty of August 7, 1868, with a favorable report in writing.

By Mr. MAYNARD, from the Committee on Banking and Currency, an adverse report covering the bill (H. R. No. 3834) to substitute United States notes for issues of national-bank associations; and the bill (H. R. No. 4377) to provide for the retirement of national-bank notes and the substitution in lieu thereof of Treasury notes, and for the reduction of the interest on the public debt.

By Mr. MORRISON, from the Committee on War Claims, an adverse report on the bill (H. R. No. 1731) for the relief of Cherrie M. Levy.

By Mr. RUSK, from the Committee on Invalid Pensions, favorable report in writing on the bill (H. R. No. 3548) granting a pension to Mary E. Meline, widow of Major James F. Meline, deceased.

Also, from the same committee, a favorable report on the bill (H. R. No. 674) providing that all pensions since March 4, 1861, shall commence from date of death or discharge, and for other purposes.

Also, from the same committee, a bill (H. R. No. 4889) for the relief of Hannah M. Doley, with a favorable report in writing.

By Mr. SENER, from the Committee on Expenditures in the Department of Justice, on the expenses of the judiciary and the general subjects of inquiry committed to that committee under the rules of the House of Representatives and in response to the resolution of the House referring to it so much of the President's last annual message as relates to the Department of Justice.

By Mr SHOEMAKER, of Pennsylvania, from the Committee on Claims, a favorable report on the bill (H. R. No. 3961) for the relief of James Atkins, late collector of internal revenue and disbursing agent of the United States for the fourth collection district of the State of Georgia.

By Mr. SMITH, of Pennsylvania, from the Committee on War Claims, an adverse report on the petition of the corporation of the Roman Catholic clergymen of Maryland, for compensation for the use and occupation of the property of said corporation situated in Charles County, Maryland, known as "Saint Thomas's Manor," by United States forces during the late war.

By Mr. SMITH, of Virginia, from the Committee on Railways and Canals, a bill (H. R. No. 4883) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River, with a favorable report in writing.

By Mr. TREMAIN, from the Committee on the Judiciary, to which was referred the bill (H. R. No. 4030) providing that the second section of the act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes, approved June 22, 1874, a report in writing on the law of libel in the District of Columbia.

By Mr. VANCE, from the Committee on Claims, a favorable report on the bill (H. R. No. 1258) for the relief of Jackson T. Sorrels, mail contractor on the route from Asheville, North Carolina, to Franklin, North Carolina, in 1865, with an amendment.

Also, from the same committee, a favorable report in writing on the bill (H. R. No. 1397) for the relief of I. M. Roane, of Macon County, North Carolina, for supplies furnished the Indian service in California between 1856 and 1860.

Also, from the Committee on Revolutionary Pensions and War of 1812, a bill (H. R. No. 4884) to place the name of Mrs. Mary McMillen on the pension-roll, war of 1812, with a favorable report in writing.

Also, from the same committee, a bill (H. R. No. 4885) to place the name of Samuel Hoyt, a soldier of 1812, on the pension-roll, with a favorable report in writing.

By Mr. WARD, of Illinois, an adverse report on the memorial of the San Francisco Land Association of Philadelphia, for special relief for the expenditure and loss of its capital stock in defending its title to certain real estate in San Francisco, California.

By Mr. WILSON, of Iowa, a bill (H. R. No. 4886) for the relief of Margaret Janet Burleson, with a favorable report in writing.

Also, from the Committee on War Claims, a bill (H. R. No. 4890) for the relief of William D. Stryker, with a favorable report in writing.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas;

A bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives;

An act (H. R. No. 3611) for the relief of Nelson Green;

An act (H. R. No. 4769) granting a pension to Abranna L. Dunn;

An act (H. R. No. 4771) granting a pension to Charles A. Draher;

An act (H. R. No. 4728) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes;

An act (H. R. No. 3107) to place the name of John Hudson on the pension-roll;

An act (H. R. No. 3705) granting a pension to Arthur M. Lee, first lieutenant Eighteenth Illinois Infantry;

An act (H. R. No. 4757) granting a pension to Freemorton Young;

An act (H. R. No. 4765) granting a pension to Emillia O. Black;

An act (H. R. No. 4772) granting a pension to Richard G. Mobley;

An act (H. R. No. 2419) to provide for the construction of military roads in Arizona;

An act (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869;

An act (H. R. No. 3918) to relieve P. U. Murphy and John A. Brown, of Alabama, of political disabilities;

A bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth New York Volunteers;

An act (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;

An act (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities;

An act (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi;

An act (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia;

An act (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin;

An act (H. R. No. 2502) for the relief of settlers on lands within railroad limits;

An act (H. R. No. 4793) granting a pension to Mercy E. Scattergood;

An act (H. R. No. 2763) granting a pension to Mrs. Sophia Green;

An act (H. R. No. 3712) granting a pension to Stillman C. Spaulding;

A bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians;

An act (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney;

An act (H. R. No. 3727) granting a pension to John M. Allen;

An act (H. R. No. 4331) granting a pension to Sarah Ann Crosby;

An act (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain;

An act (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of the public building at Atlanta, Georgia;

An act (H. R. No. 4850) authorizing the appointment of gaugers for the customs service at the port of Philadelphia;

An act (H. R. No. 4857) extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution;

An act (H. R. No. 4861) granting a pension to Louis Heinley;

An act (H. R. No. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes;

An act (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes;

An act H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York;

An act (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;

An act (S. No. 1297) to provide for the publication of the first volume of the Patent Office Gazette; and

An act (H. R. No. 1628) for the relief of Monterville Patton, of Buncombe County, North Carolina.

LIST OF UNANNOUNCED BILLS.

The following is a complete list of bills approved March 3, 1875, but unannounced for want of time:

An act (H. R. No. 3611) for the relief of Nelson Green.

Joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain.

Joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor conferred upon him by the President of the French Republic.

Joint resolution (H. R. No. 162) explanatory of an act entitled "An act fixing the number of paymasters in the Army of the United States," approved March 2, 1875.

An act (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

An act (H. R. No. 692) for the relief of William Chester.

An act (H. R. No. 965) granting a pension to Samuel Purcell.

An act (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers.

An act (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register.

An act (H. R. No. 1593) relating to the punishment of the crime of manslaughter.

An act (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow.

An act (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina.

An act (H. R. No. 1995) to transfer the county of Perry, in the State of Tennessee, from the western to the middle judicial district of the United States in said State.

An act (H. R. No. 2073) restricting the refunding of custom duties, and prescribing certain regulations of the Treasury Department.

An act (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor.

An act (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolson.

An act (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

An act (H. R. No. 2419) to provide for the construction of military roads in Arizona.

An act (H. R. No. 2502) for the relief of settlers on lands within railroad limits.

An act (H. R. No. 2763) granting a pension to Mrs. Sophia Green.

An act (H. R. No. 2794) granting a pension to Elizabeth Wolf.

An act (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864.

An act (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy.

An act (H. R. No. 3379) for the further security of navigation on the Mississippi River.

An act (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners.

An act (H. R. No. 3511) to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes.

An act (H. R. No. 3602) to remove the political disabilities of Thomas T. Fauntleroy.

An act (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872.

An act (H. R. No. 3683) granting a pension to Melissa Rankin.

An act (H. R. No. 3685) for the relief of George A. Schreiner.

An act (H. R. No. 3705) granting a pension to Arthur M. Lee.

An act (H. R. No. 3712) granting a pension to Stillman C. Spaulding.

An act (H. R. No. 3713) granting a pension to Sarah S. Cooper.

An act (H. R. No. 3718) granting a pension to Cornelia M. Arthur.

An act (H. R. No. 3720) granting a pension to Charles C. Haight.

An act (H. R. No. 3727) granting a pension to John M. Allen.

An act (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

An act (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

An act (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes.

An act (H. R. No. 3884) granting a pension to Mary C. Toy.

An act (H. R. No. 3891) relieving the political disabilities of Edward Booker, of Henry County, Virginia.

An act (H. R. No. 3918) to relieve P. M. Murphy and John A. Brown, of Alabama, of political disabilities.

An act (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association, of Boston, Massachusetts, for monumental purposes.

An act (H. R. No. 4321) removing the political disabilities of John Withers, Joseph F. Minter, and William Kearney.

An act (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York.

An act (H. R. No. 4329) granting a pension to William H. Small.

An act (H. R. No. 4331) granting a pension to Sarah Ann Crosby.

An act (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes.

An act (H. R. No. 4447) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869.

An act (H. R. No. 4449) to amend an act entitled "An act to revive with amendments an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838.

An act (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey.

An act (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain.

An act (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy.

An act (H. R. No. 4528) amendatory of the act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri."

An act (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia.

An act (H. R. No. 4573) to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin.

An act (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities.

An act (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of a public building at Atlanta, Georgia.

An act (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

An act (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

An act (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods.

An act (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the Slater National Bank of North Providence, Rhode Island, to change their names.

An act (H. R. No. 4747) supplementary to the acts in relation to immigration.

An act (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi.

An act (H. R. No. 4754) granting a pension to Betsey A. Eaton.

An act (H. R. No. 4755) granting a pension to William Lyon.

An act (H. R. No. 4757) granting a pension to Freemorton Young.

An act (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

An act (H. R. No. 4763) granting a pension to Lafayette Briggs.

An act (H. R. No. 4764) granting a pension to Sarah A. Woodworth.

An act (H. R. No. 4765) granting a pension to Emillia O. Black.

An act (H. R. No. 4767) for the relief of Ferdinand Monti.

An act (H. R. No. 4769) granting a pension to Abranna L. Dunn.

An act (H. R. No. 4771) granting a pension to Charles A. Draher.

An act (H. R. No. 4772) granting a pension to Richard G. Mobley.

An act (H. R. No. 4775) granting a pension to Margaret Patterson.

An act (H. R. No. 4776) granting a pension to Elizabeth Lanning.

An act (H. R. No. 4777) granting a pension to James A. Forgey.

An act (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts.

An act (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston.

An act (H. R. No. 4790) granting a pension to David Salisbury.

An act (H. R. No. 4793) granting a pension to Mrs. Mercy E. Scattergood.

An act (H. R. No. 4801) granting a pension to Micajah Stout.

An act (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities.

An act (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations, and for other purposes.

An act (H. R. No. 4839) for the relief of Lydia Cruger, executrix of Moses Sheppard, deceased.

An act (H. R. No. 4800) granting a pension to John H. Looby.

An act (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York.

An act (H. R. No. 4851) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes.

An act (H. R. No. 4858) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant May 29, 1860, upon a silver-machine.

An act (H. R. No. 4866) for the relief of Major N. H. McLean, late of Adjutant-General's Department, United States Army.

COMMUNICATION FROM THE PRESIDENT.

Mr. DAWES. Mr. Speaker, the joint committee of the two Houses charged with the duty of informing the President that the two Houses were in readiness to adjourn, and inquiring whether he had any further communication to make to their respective branches, have attended to that duty and have been requested by him to report that he has no further communication to make.

VALEDICTORY ADDRESS OF THE SPEAKER.

The SPEAKER. GENTLEMEN: I close with this hour a six years' service as Speaker of the House of Representatives—a period surpassed in length by but two of my predecessors, and equaled by only two others. The rapid mutations of personal and political fortune in this country have limited the great majority of those who have occupied this chair to shorter terms of office.

It would be the gravest insensibility to the honors and responsibilities of life not to be deeply touched by so signal a mark of public esteem as that which I have thrice received at the hands of my political associates. I desire in this last moment to renew to them, one and all, my thanks and my gratitude.

To those from whom I differ in my party relations—the minority of this House—I tender my acknowledgments for the generous courtesy with which they have treated me. By one of those sudden and decisive changes which distinguish popular institutions, and which conspicuously mark a free people, that minority is transformed in the ensuing Congress to the governing power of the House. However it might possibly have been under other circumstances, that event necessarily renders these words my farewell to the Chair.

The Speakership of the American House of Representatives is a post of honor, of dignity, of power, of responsibility. Its duties are at once complex and continuous: they are both onerous and delicate: they are performed in the broad light of day, under the eye of the whole people, subject at all times to the closest observation, and always attended with the sharpest criticism. I think no other official is held to such instant and such rigid accountability. Parliamentary rulings in their very nature are peremptory: almost absolute in authority and instantaneous in effect. They cannot always be enforced in such a way as to win applause or secure popularity; but I am sure that no man of any party who is worthy to fill this chair will ever see a dividing line between duty and policy.

Thanking you once more, and thanking you most cordially, for the honorable testimonial you have placed on record to my credit, I perform my only remaining duty in declaring that the Forty-third Congress has reached its constitutional limit, and that the House of Representatives stands adjourned without day. [Earnest and prolonged applause in all parts of the Hall.]

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Use of the Army in Louisiana.

SPEECH OF HON. OLIVER P. MORTON,

OF INDIANA,

IN THE SENATE OF THE UNITED STATES,

January 8, 1875.

The Senate having under consideration the following resolution submitted by Mr. THURMAN:

"*Resolved*, That the President of the United States is hereby requested to inform the Senate whether any portion of the Army of the United States, or any officer or officers, soldier or soldiers of such Army, did in any manner interfere or intermeddle with, control or seek to control, the organization of the General Assembly of the State of Louisiana or either branch thereof on the 4th instant; and especially whether any person or persons claiming seats in either branch of said Legislature have been deprived thereof, or prevented from taking the same, by any such military force, officer, or soldier; and if such has been the case, then that the President inform the Senate by what authority such military intervention and interference have taken place;"

And Mr. CONKLING having moved to amend by inserting after the word "Senate" the words "if in his judgment not incompatible with the public interests"—

Mr. MORTON said:

Mr. PRESIDENT: The Senator from North Carolina [Mr. MERRIMON] thinks that the amendment I offered is not germane to the resolution proposed by the Senator from Ohio, [Mr. THURMAN.] The resolution of the Senator from Ohio, when I heard it read, seemed to be a specific inquiry, designed to confine the answer of the President to a particular point, while excluding the body of the information necessary to enable us to understand the whole question; and it was with a view of getting at that body of facts, without which we cannot correctly understand any answer that might be made to the resolution offered by the Senator from Ohio, that I offered my amendment; and I ask the Secretary now to read my amendment.

The CHIEF CLERK. The amendment of the Senator from Indiana is at the end of the resolution to insert—

And whether he has any information in regard to the existence of armed organizations in the State of Louisiana hostile to the government of the State and intent on overturning such government by force.

Mr. MORTON. Now, suppose it should turn out, and the President should so inform us, that there is an armed organization in the State of Louisiana hostile to the government of the State, and indirectly but substantially equally hostile to the Government of the United States; that that organization is in full force to-day in the city of New Orleans and throughout the State of Louisiana; suppose he should inform us, as an evidence of the purpose of that organization, that on the 14th day of September last it suddenly arose, exerted its power, and overthrew the State government of Louisiana at the cost of seventy-five men killed on the streets at once and perhaps more than that number wounded; that that armed organization is now existing, was existing on last Monday, and on that day was surrounding the Legislature, perhaps not present and visible, but within reach of their arms; that that armed organization did successfully overturn by bloodshed and murder the government of the State of Louisiana on the 14th of September; that its purpose is not changed; that it is there now, and that upon the withdrawal of the forces of the United States the same scenes would be renewed, the State government assaulted and overturned, and men murdered who might stand up in defense of it—I ask if these facts have no pertinence to the question involved?

It occurs to me that they go to the very point of it; they go to the substance of the whole transaction. Suppose the President should answer that he was called upon on the night of the 14th of September to protect the State government of Louisiana, and was compelled to send his forces there, and when they got there the white-leaguers who had committed these murders suddenly dispersed to their homes and their holes in the city of New Orleans and could not be found, and all was for the moment quiet, but that he has information which leads him to believe that the very moment the United States forces are withdrawn, these armed mercenaries, or, to use the language of General Sheridan—I apprehend he is not very far wrong in it—these armed banditti would immediately come forth and repeat their violence; I ask if that fact would have no pertinence to the presence of the Army in New Orleans on that day?

Suppose he should further answer that the inauguration of a spurious and usurping Legislature, having no lawful title to their seats, no evidence of their election, was a part of this whole conspiracy intended to overturn the lawful State government of Louisiana; I would ask if that information would have no pertinency to the resolution presented by the Senator from Ohio? It seems to me that it would. Suppose the President should go further and say, "I have evidence that this armed organization exists not only in the city of New Orleans and in every parish of Louisiana, but that it exists in the State of Alabama, in the State of Mississippi, in the State of Arkansas; that it is a combination running through a number of States, quietly organized under false pretenses, thoroughly armed, ready to spring into action at any moment;" suppose the President should give us that information; I ask if it is not important to the people of the United States? Everybody would at once inquire, What is the meaning and the purpose of this armed organization extending through so many States? What is the purpose of it? Is it simply to overturn the State government in Louisiana? Is that the end of it? Why, sir, that is only the beginning of it in Louisiana. Is it to overturn the State government in Mississippi? That is only the beginning of it there. Only recently we had this same armed organization in the city of Vicksburgh; and the newspapers stated—I saw it, I think, in the Vicksburgh Herald, a democratic paper—that on the next day after they had murdered in cold blood some seventy-five colored men, over five hundred men from Louisiana, white-leagures of Louisiana, armed, equipped, and in military order and uniform, were landed off the steamboat in the city of Vicksburgh. They had come up as volunteers to offer their services, and they marched up and down through the streets of that city. Is there no significance in a fact like that?

Mr. MERRIMON. Will my friend tell the Senate why they went there; why there was disturbance there?

Mr. MORTON. I expect they went there to aid in the further slaughter of colored men, if it was necessary. I expect they went there to aid in just such a purpose as had been executed there before to the death of some seventy-five men. I expect they went there for the same purpose with which at Coushatta they murdered a number of men in cold blood in violation of a solemn agreement. I expect they went there for the same purpose with which they appeared upon the streets of New Orleans upon the 14th of September. I expect they went there for the same purpose with which they surrounded the court-house in the little town of Colfax, in the parish of Grant, and slaughtered, under circumstances of unequaled atrocity, nearly one hundred negroes only a few months ago. I expect they went there to accomplish the same thing that was accomplished at Trenton, Tennessee, and at various other places that I have not now the time to repeat. I presume they went there for this one purpose; and if the President has information of this kind, it is very pertinent to this inquiry and it is pertinent to the whole question. If the President should say to us in his response, "I was called upon on the 14th of September to send troops to New Orleans to prevent further murders and slaughters; I have not yet withdrawn that defense; the time has not come when I could safely withdraw those forces; and those troops were still there on the 5th day of January to accomplish a like purpose and to uphold the lawful government of the State of Louisiana and to protect people of every kind and of every quality in their lives and in their property," would it not be proper that he should have a chance to do so?

Now, sir, one word in regard to General Phil Sheridan. I do not think he requires any defense before the country or before the Senate.

He went to New Orleans, and he sent back here a dispatch which I have on my desk. I will not undertake to say that he wrote as a lawyer would write; I will not undertake to say that he is as good a lawyer as some of those who have assailed him. While some of them were studying law and learning how to argue, Phil was in the field putting down the enemies of his country and fighting to preserve the Union. I suppose he wrote just as an honest man would write going down there who was not a lawyer. He wrote just as he felt and just as he believed. He said:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large.

It seems to me that no man who has eyes to read or ears to hear can doubt the general truth of that statement. Where is the man who can deny the general truth of the statement that there is an insecurity of life in that State which we who are living in peace and safety cannot comprehend? How many people must be murdered in order to enable you to say there is insecurity of life? My friend from Maryland [Mr. HAMILTON] yesterday seemed to think that all would have to be killed before he could say that. "Why," said he, "there is Kellogg, he has not been murdered yet; and there is the honorable Senator from Louisiana, [Mr. WEST,] he has not been killed yet; and there are a good many republicans down there who have not been killed. Why, then, are you talking about there being insecurity of life and property!" Sir, there have been more men killed in Louisiana for political offenses since 1866, coming down to 1874, than have been killed in all the Indian wars in this country for the last twenty years. As a matter of fact and figures, I presume it can be shown that more men have been murdered in Louisiana on account of their color and politics—beginning with the massacre in New Orleans in 1866—than have fallen in all your Indian wars in the last twenty years. If half a dozen men were killed by a foreign power we would all say, "That is cause of war; let us fly to arms." Why, sir, when a Spanish vessel captured the Virginius, and took from her some fifty-three or fifty-four people who claimed to be Americans, who were going upon an unlawful enterprise, as everybody knows—going to make war upon a government with which we were at peace—we all said that they were fellow-citizens, and we demanded apology for their murder and the surrender of those who had not been killed; and if it had not been made we should have gone to war with Spain. But men can be murdered, American citizens, in different parts of the United States, by the score and by the hundred, and it is not only no cause of war, but it is not exactly right to speak about it in the Senate of the United States; or, if you do, you are engaged in "the outrage business!" My friend complained yesterday that there had been so much said about these murders, these outrages, and I asked him which was the outrage, committing the murders or speaking about them. My friend, I think went a little off his feet when he said that both were outrages. He was willing to admit, and I was glad of that from his stand-point, that these numerous murders were an outrage, but he coupled with them another outrage, the telling about them. It is not respectable, he thinks, to tell about them. These things are not to be talked about in genteel society. If a constable is guilty of defalcation, or a sheriff, you may talk about that; but although men may be murdered by the hundred and by the thousand, it is not proper to talk about such things! It stirs up bad blood; it does not encourage fraternity. We ought to ignore murder; throw dirt over the graves and over the pools of blood; shut them out from view and proceed to other considerations! I do not like to talk about murder more than anybody else, but when murder becomes a part of a political system for the purpose of gaining political power, then I think we have a right to talk about it. When there is a regular plan to seize the State government of Louisiana by murder, by terrorism, and the State government of Mississippi—for the work has just begun there; they intend to capture Mississippi, county by county, just as they have captured the county of Warren, where with an acknowledged republican majority of 3,500 there is a reign of terror under which one hundred republicans to-morrow would not dare to cast their votes in that county—it looks very much like what I have just stated.

I think the President of the United States perhaps may take the same view of it, though I have not talked to him about it. It looks to me as if there was a concerted plan to break down the republican party in every Southern State where it has an acknowledged majority and exterminate the party by means of intimidation and terror, and that terror can only be created first by murder. Murder is the instrumentality by which this terror is to be raised up, by which the party is to be exterminated in those States, and then our political antagonists will have the South solid, every Southern State to begin with, and all they have to do then is to get two or three Northern States and they will certainly carry the next presidental election. I say it looks to me very much as if that was the plan.

But, sir, it has been said that I have accused the whole southern people of being murderers. The Senator from Georgia fell into that mistake. I have said no such thing. Thank God I do not believe it. I have said, however, and I repeat it, that the men who commit these murders are murderers; the men who aid and abet them are murderers; the men who connive at them and are willing to divide the garments of the slain, and those who may come in afterward and attempt to palliate or to cover up those crimes, if there be such persons, must properly be pronounced accessories after the fact. O, no; I believe there is a vast body of people in the South, democrats as well as republicans, who are opposed to these murders; but there is this great misfortune attaching to it, that the men who are opposed to these murders in the democratic party are silent, they are overawed, they dare not assert themselves. They could stop this stream of murder; they could dam it up in a day if they would but speak out; but if they attempt to speak, they know very well they will come under the condemnation and perhaps the punishment of this gang that have disgraced the South and are now making it slippery with blood. Therefore they are hushed. My friends come here from the South, gentlemen in whose society we take great pleasure and to whose speeches we listen with pleasure, and they often utter sentiments which give me great pleasure, but I know that the operation of those sentiments is principally confined to this Chamber whatever may be their feeling——

Mr. GORDON. If the Senator means to say that I utter sentiments here which I do not utter in Georgia, or that I would utter sentiments in Faneuil Hall in Massachusetts that I would not utter in Georgia, he gives expression to a libel against my character, sir.

Mr. MORTON. Mr. President, I did not say that. I said the operation of these sentiments was principally confined to this Chamber; and can that be denied? I ask if their operation has not been chiefly confined to this Chamber? Ah! there is a dark current running through the State of my friend——

Mr. MERRIMON. Will the Senator allow me to answer that? I have proclaimed the same sentiments in my State ever since the war that I have proclaimed in this Chamber. I do it habitually.

Mr. MORTON. The Senator may have proclaimed them; I do not say he has not; I have not said that the Senator from Georgia has not proclaimed them; but I tell you they are not operating.

Mr. GORDON. If the Senator will allow me, I tell him that they have operated in Georgia and are operating.

Mr. SCOTT. With the consent of the Senator from Indiana, I will revert far enough away from my purpose not to interfere in this part of the debate, to ask a question of the Senator from North Carolina, which I think it due to justice and to history I should ask. The statement is made that the operation of these sentiments does go further than in this Chamber. I will refer him to the testimony of a gentleman named Schenk or Shenk—David, I think, is his first name—a member of the bar of North Carolina, who testified that he was a member of the Ku-Klux organization; that he joined it with the belief that it would not commit violence; that when he found they were proceeding to commit violence and murder he endeavored to restrain them, but did not succeed; that he was afraid to denounce them in his own State for fear that his own life would pay the penalty. I now ask the Senator from North Carolina if that gentleman has not since been elected the judge of one of the judicial circuits of North Carolina and is not now occupying that position?

Mr. MERRIMON. He is; and there is not a more quiet district in the United States than his, where law prevails more universally; and there republicans and democrats, black men and white men, alike enjoy their rights. There is absolutely peace and quiet there, and absolute satisfaction, and such is the announcement of the governor of the State in his late message to the Legislature of North Carolina, and a republican governor at that.

Mr. SCOTT. One question further. We have got a little away from authentic history. Let me ask, for I am informed that it is part of the current history of that State, whether that man who thus testified that he was a member of that organization, and who is now administering justice in one of the highest courts of North Carolina, has not since that time, in the streets of one of the towns of his circuit, shot down a negro, and whether he has ever been brought to trial for that offense?

Mr. MERRIMON. In the first place, it is not true that he shot a negro down in the streets.

Mr. SCOTT. Where did he shoot him? Is it true that he shot him at all?

Mr. MERRIMON. The judge was assailed by a drunken negro in his own employ—a bad man—in his own office; and in the rencontre he did fire on the negro, but it is not true that he shot him down. It is true that he was indicted, tried, and acquitted, as I understand.

Mr. SCOTT. I propose to take part in this debate, perhaps, but I shall not now interfere further with the Senator from Indiana, who is entitled to the floor.

Mr. MERRIMON. The evidence taken in that case showed that the judge had implored the negro to go away from his office and let him alone, telling him he was drunk; and what he did was strictly in self-defense, and immediately he went before a magistrate and was held for trial according to law. While I am up replying to my friend from Pennsylvania, I want to say to him that there is not a more peaceful, law-abiding, orderly community in the United States than the people of North Carolina at this day. We there have a republican governor, we have a republican judiciary, we have a democratic Legislature, and the whole machinery of the government is going on; all classes and all colors of people are protected, and there is no complaint that I know of. And this republican governor so declared to the Legislature in his message only a short time ago.

Mr. SCOTT. I will not be drawn into the general debate now. I am very glad to have the correction, even so far as it has been made

by the Senator from North Carolinia, as to state that there has even been a judicial investigation in that circuit into the cause of the death of that negro; but I cannot refrain from saying even now, with the consent of the Senator from Indiana, that I can perfectly understand how it is that peace and quiet prevail in a district which had to be quieted by the investigations of the judicial arm of the United States for the purpose of suppressing the organization of which that man was a member who now sits as judge over the lives, the liberties, and the property of those persons who were heretofore intimidated and murdered by the Ku-Klux.

Mr. MERRIMON. Let me ask my friend one question.

Mr. MORTON. I believe I shall have to claim the floor.

Mr. MERRIMON. With the Senator's permission I want to ask the Senator from Pennsylvania a question. Did it appear in the examination before him that Judge Schenk had committed any offense?

Mr. SCOTT. I will answer. It did appear that he was a sworn member of the Ku-Klux organization.

Mr. MERRIMON. Has he not protested against all violence?

Mr. SCOTT. I am speaking, if the Senator will permit me. If, with the avowed purposes and acts of that organization as disclosed in the State of North Carolina, the Senator from North Carolina can say that the man who entered it, continued in it, and did not denounce it, was a good citizen and worthy to fill a judicial position, his estimate of offenses against public policy and mine differ very much.

Mr. MERRIMON. I have no apology to make for the Ku-Klux or any of their offenses. I deprecated that organization. I have denounced its crimes and offenses and the organization itself a thousand times over. I believe that it has done the South more injury than anything that has happened since the war, because I believe it has been the main cause of the continuance of the radical rule in the South for four years. If it had not been for that organization it would have ceased long since and not a vestige of it be now left.

Mr. MORTON. The Senator from North Carolina speaks, and I have no doubt sincerely, the fact that he regards the Ku-Klux as having been the greatest enemy of the South. It simply calls to my mind one suggestion, that before the appointment of that committee and up to the time of its appointment the existence of Ku-Klux in the South was denied steadily and bitterly upon this floor. It was called "the outrage business" then as now; but the committee were sent down; they took a vast body of evidence, giving the sickening details of the existence of that society, and of its murders and criminal operations. Now we are told that these outrages and murders have not taken place in the South in the last two or three years.

Mr. THURMAN. Will the Senator allow me to ask him a question?

Mr. MORTON. Yes, sir.

Mr. THURMAN. He says that the existence of the Ku-Klux was denied on this floor.

Mr. MORTON. Yes, sir; it was.

Mr. THURMAN. By whom?

Mr. MORTON. By various members.

Mr. THURMAN. By whom? Name one man, if you can.

Mr. MORTON. I think it was the general tenor of the discussion here.

Mr. THURMAN. I affirm that it never was denied since I have been in this Senate by a single Senator, but on the contrary was condemned by the democratic Senators in as strong language—not as intemperate language, because intemperate language is not always the strongest, but in as strong language—as it ever was by any member of the republican party.

Mr. MORTON. If the existence of that society and its character and operations were ever admitted on this floor before the time that committee made its report I have no recollection of it, and I appeal to the general recollection of Senators on that subject.

Mr. PEASE. If the Senator will yield for a moment, I desire to ask the Senator from Ohio a simple question.

Mr. MORTON. Very well.

Mr. PEASE. When the Senator from Ohio volunteered so readily to accept the fact of the existence of the Ku-Klux organization in the South, I wanted to ask that honorable Senator this question: Whether he does believe and recognize the existence of the White League in the South, and whether he understands and knows its purposes to-day?

Mr. THURMAN. I know nothing more about its purposes or its existence than I have seen in the public newspapers. I see by the testimony that there is such an organization as the White League, but whether its purposes are lawful or unlawful I do not know. That is a matter that I am not informed about. I know one thing, that the Constitution guarantees to American citizens the right to bear arms.

Mr. MORTON. Mr. President, I must claim the floor.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Indiana is entitled to the floor.

Mr. MORTON. The answer of my friend from Ohio in regard to the White League, according to my recollection, is very much like the answers that were made in regard to the Ku-Klux. It is a very gingerly admission that even the White League exists; and as to its character, the Senator knows nothing except that he has seen some things in the public prints. It is not admitted in answer to the question that he has an opinion upon the subject himself. But I pass from that. I want to reply to a remark made the day before yesterday by the Senator from Georgia. He was speaking about the general condition of peace in the South, and I understood him to refer to that fact in his State. Am I right?

Mr. GORDON. Yes, sir.

Mr. MORTON. I understood the Senator to assert in substance that in Georgia there is no violence, there is no intimidation, but that all classes of men enjoy equal rights and privileges. I am not going to call in question the sincerity of the Senator in making that remark, but I must be allowed to express my incredulity, and express the opinion that even in Georgia there is and has been in operation for the last four years a vast system of intimidation and terrorism; and as a foundation for what I am about to say, I will refer to the census of 1870. The population of Georgia in 1870, I believe, was 1,184,169 persons. Of that number 638,926 were whites; of that number 541,092 were blacks; showing that the whites had a majority in the State of about 92,000 in a population of a little less than 1,200,000. In other words, the blacks were pretty nearly one-half. Now I come to the registration made under the authority of General Meade, the commanding officer of that State during reconstruction. That registration shows a return of 96,262 whites and 95,873 blacks; the whites registered outnumbering the blacks less than one thousand. In the first State election that took place in Georgia under the reconstruction acts, which was peaceable and in which everybody was protected in the right to go to the polls, the republican party carried the State by about ten thousand; but in the subsequent election in the same year, 1868, when that protection was withdrawn and after certain violences had taken place in that State, Mr. Seymour carried the State over General Grant by about 45,000. In other words, General Grant then got but little over one-half of the amount of the registered colored vote, to say nothing about the white republicans.

Now, I come to 1872. I have not the full statement here, but I come pretty near it. A friend has furnished it. In 1872, in the State election in Georgia, Smith, the democratic candidate for governor, obtained 104,539 votes; Walker, the republican candidate, 46,475. Smith's majority was 58,000, and Walker's vote less than one-half of the registered colored vote. What has become of the others? Why, sir, a vast system of intimidation——

Mr. BAYARD. Will the Senator permit me to make a statement on that point?

Mr. MORTON. Allow me to get through.

Mr. BAYARD. The Senator is stating figures; and as I was one of the committee appointed by this body to visit the State of Georgia, I became aware of the facts, and the testimony is in print to explain to the honorable Senator the reason why the colored vote fell off in that election when Governor Smith was elected governor. By the constitution of 1868 a tax for school purposes of one dollar per head was imposed, and the prepayment of that tax was made a prerequisite for voting at the elections. The Legislature of 1869, which was a republican Legislature, that party having the majority, were unable to inaugurate a school system for the State. They did find in the treasury of the State some $200,000 that belonged to the school fund and was segregated for educational purposes. They took that money for their own pay, and they passed an act of the Assembly repealing the constitutional provision which required the prepayment of the school-tax. The white men having more sense than to suppose that an act of the Assembly could repeal a constitutional provision, paid the tax to the persons authorized to receive it. Many of the colored people did not pay the tax because they thought they were authorized by an act of the Assembly to override the constitution of the State; and when they came to the polls their votes were refused because they had not complied with the constitutional prerequisite to pay one dollar per head for educational purposes. That was the reason stated and proved, so that even the Senator will not deny it or doubt it if he will examine the testimony taken by the committee in Georgia, of which I was a member myself.

Mr. MORTON. I am not prepared to deny the statement of the Senator from Delaware in regard to the expenses of that school law and its effect. I am merely calling the attention of the Senate to the fact that in the State of Georgia by the operation of certain causes the republican vote, what we know to be the republican vote, was cut down to less than one-half of the registered colored vote, while the white vote remained in full, giving to the democratic candidate for governor in 1872 fifty-eight thousand majority.

I had a letter on my desk a few moments ago that I was trying to find which went right to the point mentioned by the Senator from Delaware, and I will still try to find it. That letter gave an account of the operation of this one dollar poll-tax for the benefit of the schools in a certain county in Georgia. I forget the name of it, but I will try to find the letter. I am informed that it is the county of Troup. On the day of election some four hundred and fifty colored men were refused at the county seat of that county the right to vote because they could not produce a certificate that they had paid this poll-tax. They went up to the proper officer for the purpose of paying the poll-tax, and after they were there this officer was visited by his bondsmen and the sheriff of the county, who said, "We have withdrawn ourselves as bondsmen from you; you have no right to receive these taxes; you are no longer an acting officer;" and so the collector refused to receive the taxes, and the colored men were cut off from their votes.

Mr. BAYARD. Was that on the day of the election?

Mr. MORTON. On the day of the election, as I am informed.

Mr. GORDON. Allow me——

Mr. MORTON. Let me finish my statement. I have been informed that on the next day the bondsmen went back to this collector and told him they had gone on his bond again and it was all right; that he was not an officer just long enough to prevent the colored men paying their taxes and giving their votes, but he was reinstated on the next day. Now, I want to say that this school-tax business will not account for all this. If the colored men failed to pay their poll-tax to the number of some fifty or sixty thousand, it is to be presumed that a great many white men also failed to pay their tax, and I have heard it said that at various places in Georgia at that election white men were not asked for certificates showing that they had paid their poll-tax; but colored men were asked, and that in that way this vote was largely reduced.

Mr. BAYARD. The honorable Senator is undertaking to discuss the provisions of the constitution of Georgia. Does he not know that the constitution of Georgia provided that it must be the tax of the year previous to the offer to vote, and that therefore it would be improper for the voter and it would be too late for him to offer to pay his tax in 1870 when he ought to have paid it in the year 1869, so as to authorize him to vote in 1870. It was the prepayment of the tax in the year before the election that was a requisite to the right to vote at the election.

Mr. MORTON. That does not change the point at all.

Mr. BAYARD. I remember this matter very well. I take it for granted that the honorable Senator does not desire to misstate any fact, and therefore when I can assist him as to the truth of things which passed under my observation, although it may perhaps be inconvenient to be interrupted, yet as it is in the cause of truth, I apprehend that he will pardon the interruption.

Mr. GORDON. Will the Senator from Indiana allow himself to be interrupted by me now?

Mr. MORTON. Yes, sir.

Mr. GORDON. I want to ask the Senator to be kind enough to furnish me with the evidence or the source of the evidence in reference to this Troup County matter to which he referred.

Mr. MORTON. I have not the letter here, and I do not know that I should furnish the name if I had it. It is not very safe to give the names of republicans down there who furnish evidence to be used here. I will say this, that I give the statement as it is made to me in a letter which was on my desk this day; and unless the Senator is prepared to deny the statements from persons who were there and knew the facts, I should be very much inclined to believe them to be true, especially in view of the fact that out of ninety-five thousand registered colored voters, besides numerous white republican voters in that State, the republican vote was cut down by the operation of various causes, by technicalities, by cunningly devised laws in regard to taxes, and by terrorism, forty-five thousand votes in 1872. That tells the whole tale. That cannot be explained by these little things. It is part and parcel of the whole system by which the republican party in the South is to be broken down and to lose their votes in States where they have the majority or where they are nearly in the majority.

Mr. GORDON. Now I hope the Senator will allow me to answer the question.

The PRESIDING OFFICER. Does the Senator from Indiana consent to the interruption?

Mr. MORTON. I want to be entirely liberal with my friend from Georgia, but I have another matter——

Mr. GORDON. The Senator called on me, and therefore I rose to respond.

Mr. MORTON. I did not call on the Senator to answer now. The Senator in his speech the day before yesterday quoted with a great deal of satisfaction an extract from some testimony that had been furnished to him to show that there had not been any intimidation in Louisiana. I read from his speech:

I want to read a few lines from the testimony given by James Connaughton who was a candidate for the Legislature in Rapides Parish, Louisiana—

I suppose he means at the last election.

Mr. GORDON. Yes, sir.

Mr. MORTON. The testimony is this:

There were about 50 colored votes in the parish polled against him of the 200 who voted. The majority against him was 300, but he has been counted in by the returning board.

My friend of course believed that there was a point. If he had examined somewhat in regard to the parish of Rapides, I think he would not have referred to that testimony. The Senator from Louisiana [Mr. WEST] has gone to the trouble to give me the data in regard to that parish. Mind you, this testimony quoted by my friend says there were 200 colored votes polled, and this man got 50 of them.

The census of 1870 shows the parish of Rapides to have 7,742 white persons, and one in five being a voter, that would make 1,548 white votes. The colored people in that parish were shown by the census to be 10,267 in number, and one in five would be 2,055 votes. So there were 2,055 colored votes in the parish of Rapides to begin with. The Senator from Louisiana says:

Mr. CARPENTER'S report will show that Grant received in that parish 1,920 votes and Seymour 1,049 votes, that the return made by the Forman board (the democratic board in Louisiana) shows that McEnery received in that parish 1,960 votes and Kellogg 1,169 votes.

Mr. GORDON rose.

Mr. MORTON. Not now, if you please. Take these figures, and what becomes of my friend's statement that the registered colored vote in the parish of Rapides of 1,919 had been reduced to 200 in the last election, of whom 50 voted for this man? Where were the other 1,700? Was there no terrorism there; no intimidation there? Out of 1,900 colored votes in one parish 200 were polled. Did not the other 1,700 want to vote? Why did they not vote? Because of the general causes in operation; of the terrorism which prevailed; and I thank the Senator for having brought that forward. I will now hear what the Senator has to say.

Mr. GORDON. I wanted especially to reply to some things that the Senator has said, and first to the Troup County matter in Georgia. The Senator states that he has testimony—

Mr. MORTON. I did not say that, I said I had a letter.

Mr. GORDON. He had a letter. I beg his pardon—the author of which letter he declines to give, and that letter states in substance that four hundred men in the County of Troup, in the State of Georgia, a county in which I read law and in which my connections now reside and about which I know as much probably as any Senator on this floor and a good deal more, were at the last election denied the right to vote because they had not paid the poll tax. The Senator does not give the name of the author of that report. The Senator has my statement that whoever the author be, his statement is utterly, absolutely, and entirely false.

Mr. MORTON. Is that all?

Mr GORDON. No, sir, it is not all by a great deal. He makes——

Mr. MORTON. I shall have to ask to go on with my speech.

Mr. GORDON. Very well. The Senator declines to be answered. If he does not want the facts, and I have no doubt he does not want the facts, then I shall have to submit.

Mr. MORTON. When the Senator is so courteous as to say that I do not want the facts, I have no reply to make to that remark. He has given——

Mr. GORDON. The Senator asked me to reply and then declined to hear me.

Mr. MORTON. He has given his statement in regard to the county of Troup. I give him the statement made to me in a letter. Perhaps I may have authority to give the name of the author.

Mr. GORDON. I beg to correct him. He did not allow me to give the statement; he cut me off when I proposed to give the statement. I proposed to give the statement. I denied his statement and proposed to give mine.

Mr. MORTON. The Senator, I believe, put in a general denial of the whole of it; said that it was unqualifiedly false. If there is anything further, very well.

Mr. GORDON. There is, because I want to tell how that happened which did happen, and the Senator does not allow me. I do not wonder he does not want the facts.

Mr. MORTON. I am not at all alarmed by this demonstration on the part of my friend. I am inclined to think the statements that were made to me were true; but if the Senator has personal knowledge that they are not true I will take his statement; but until he states it from personal knowledge, I shall put the letter against his statement, because if he states from information and I state from information, we are both on a par in that particular.

Mr. GORDON. I will not interrupt the Senator at all to make any further remarks, but I beg him to allow me to say this, that I now give notice to the Senate that as soon as I can get the floor I will give a statement of the facts.

Mr. MORTON. I have no sort of objection. The Senator has a right to do it unquestionably, and if he can show that the statement is not correct it is a point in his favor, and if he can further explain how the republican vote has been cut down from over one hundred thousand in the State of Georgia to forty-five thousand, and that that has been done legitimately, without terrorism and without fraud, he will relieve the democratic party of Georgia from an imputation that now rests upon it, and will rest upon it until that fact can be shown.

I was commenting upon this matter in regard to Louisiana, that the illustration made by the Senator from Georgia from the parish of Rapides is directly in line with all the evidence we have from that State; that in a parish where there were over nineteen hundred colored votes there were only two hundred votes cast at the last election, and yet we are told there was no intimidation.

Sir, I have spoken a great deal longer than I intended to to-night. I simply wanted to show the application and the pertinency of the amendment which I have offered. The information asked for is of the most important character, and I want to say to Senators right here that we propose to go to the bottom of this question. We propose not to be turned off the track and switched off by mere questions of technicality, by merely legal questions; but we want the whole country to understand what is the true condition of Louisiana and other States in the South. We want it to be understood that violence prevails there, and, as we believe, as part of a system for political purposes; and that the intention is to seize the control of certain States in the South by means of violence—even of murder. I do not say how many persons are concerned in this. I only know that there is nobody in those States who is able to repel it or is able to punish it. There is nobody in those States who can roll it back. Even if my friend from Georgia and my friend from North Carolina were to

go home and to endeavor to stem this dark tide, it would roll over them, submerge them, and politically they would be lost forever.

Mr. MERRIMON. There is no such tide in my State, sir.

Mr. GORDON. Is the Senator from Indiana done?

Mr. MORTON. Not quite.

Mr. President, I am just reminded of an important fact in regard to the existence of a general conspiracy to deprive the colored people of the right of suffrage and destroy their political rights. I am just reminded of a passage in the report made by the Senator from Delaware to which he referred himself this morning:

As we have just remarked, we do not propose to discuss at large the question of negro government in these pages; but we feel that it would be a dereliction of duty on our part if, after what we have witnessed in South Carolina, we did not admonish the American people that the present condition of things in the South cannot last. It was an oft quoted political apothegm, long prior to the war, that no government could exist "half slave and half free." The paraphrase of that proposition is equally true, that no government can long exist "half black and half white."

* * * * * * *

The mind of every thinking man is troubled about our future. He knows that a conflict of races must be the inevitable result of such a policy. In a struggle for the political power of the State this conflict is already as clearly marked as white is from black. The line of separation between parties there to-day is not only one of color and distinctive races, naked and unbroken, but it is a question of supremacy, of exclusive tenure to office, of the right to govern, and a separation of representation from taxation. Such an anomalous state of affairs as one race ruling the other has never existed in any form of government, republican or monarchical, except by force and coercion. There can be neither sympathy nor harmony in any polity where such antagonism is attempted to be overcome by law. God's law is higher than man's law. Man's puny statutes cannot repeal or nullify the immutable ordinances of the Almighty. Those whom God has separated let no man join together. There can be no permanent partition of power, nor any peaceable joint exercise of power, among such discordant bodies of men. One or the other must have all or none. It is the very acme of folly and fanaticism to suppose, in this day of enlightenment and its consequent pride of feeling among the superior race, that there can be a reproduction of the ancient fable of tying the living and the dead together without causing death to both.

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Such a state of things may last so long as the party shall last which had the power and audacity to inaugurate it, and no longer. But whenever that party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent. Men in the frenzy of political passions may shut their eyes to this fact now, but it will come at any time when the negro shall cease to be a party necessity in the politics of this country.

This report is signed by the Senator from Delaware, [Mr. BAYARD,] and by Hon. Frank P. Blair, Hon. S. S. COX, Hon. JAMES B. BECK, Hon. P. Van Trump, Hon. A. M. WADDELL, Hon. J. C. ROBINSON, Hon. J. M. Hanks.

I believe what I have read foreshadowed the policy of to-day. I believe that when the republican party shall go down, if go down it must, and the control of the States and of the General Government shall pass into the hands of the democratic party, then the attempt will be made to take away the political and civil rights of the negro. We are told that it will be the end of the power of the negro on this continent. I am not so sure of that, nay, I do not believe that; but I believe it will be the time when the attempt will be made to destroy the political power of the negro upon this continent and to rob him of those rights which have been conferred upon him.

Finance.

SPEECH OF HON. JOHN M. BRIGHT,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

January 25, 1875,

On the Senate Finance bill.

Mr. BRIGHT. Mr. Speaker, I propose to give some reasons why I cannot vote for the Senate finance bill now pending before the House. It seems to be a dish cooked to suit the taste of the President, as it is but the embodiment of the views expressed in his financial veto message of last session.

The present bill provide, first, for the coinage of fractional silver to redeem the outstanding fractional currency; second, for the repeal of the charge of ½ of 1 per cent. for coinage; third, for the removal of restrictions on the amount of national-bank circulation; fourth, for the repeal of that clause of the finance bill of last session which required the redistribution of $55,000,000 of national-bank currency; fifth, for the redemption of legal-tender notes in excess of $300,000,000, amounting to 80 per cent. of the new national-bank notes to be issued in their place; sixth, for the redemption in coin of the legal-tender notes outstanding after the 1st of January, 1879; seventh, for raising the coin for the redemption of the notes by the use of any funds in the Treasury not otherwise appropriated, or by the sale of bonds payable in coin under the act of July 14, 1870, and eighth, for the repeal of all laws inconsistent with the provisions of the bill.

As to that clause of the bill which provides for the repeal of the charge on coinage, I make no point. It would have a tendency to encourage the home coinage of the precious metals. England has authorized free coinage since 18 Charles II.

That clause of the bill which provides for the repeal of the law of last session requiring the redistribution of $55,000,000 of national currency among the States according to wealth and population is intended to take immediate effect and prevent the redistribution and to secure and perpetuate a financial advantage to certain States to the injustice and prejudice of others. The report of the Comptroller of the Currency to the present session shows that the unequal distribution still exists.

The six New England States have an excess of $69,905,101; the five Middle States have an excess of $7,861,239; the fourteen Southern and Southwestern States have a deficiency of $52,467,842; the nine Western States have a deficiency of $23,063,966; and the nine Pacific States and three Territories have a deficiency of $7,972,619. The Eastern and Middle States have an excess of $78,295,579.

The same report shows the following *per capita* circulation: The six New England States have $31.45, the Middle have $12.66, the fourteen Southern and Southwestern have $2.81, the nine Western have $6.86, and the eleven Pacific and Territories have $2.

The act of last session ordering the redistribution of the currency conceded the justice of the measure. Now it is proposed to go back and revive the iniquity. Free banking will be no compensation for the injustice to the destitute States, as I will show in another connection. It is only a contrivance to direct all the trade winds and gulf streams to the favored sections. A large part of the productions of the South and West is diverted from the natural commercial channels and are thrown thousands of miles across the interior at ruinous rates of transportation. Our one-sided financial condition, sanctioned by law, has thrown our whole commercial gravitation out of course. In the one section where money is plenty labor is rewarded and productions in the vicinity command a fair priee. The reverse is true where the money is scarce. Look to New Orleans, that beautiful city of the sun, at whose feet the din of commerce used to roar day and night, with money exchanges in her favor, and with a commercial outlook equal to that of ancient Tyre, but now despoiled of her trade and wasting in decay. She is now without money to pay for the great staples sugar and cotton, but the stranger generally pays for them with checks on the great money centers of the East, and the checks are applied to the payment of merchants' accounts, or used in the purchase of goods at high prices, which are to be consumed at the South. So the revolution of the wheel of commerce empties but little *money* into her lap. In the mean time she is devoured with taxation. Other sections may read their commercial fate in Louisiana with a continuation of our present financial policy.

Nature is suggestive of a great destiny for western and southern commerce. She points to the great territory lying between the Alleghany and the Rocky Mountains, rich in soil as the delta of the Nile, and divided in the middle by the grand old "king of floods." The turbid Missouri, child of the Rocky Mountains, comes from the West; the placid Ohio, daughter of the Alleghanies, comes from the East; the crystal lakes of the North send their tributes chilled with drifting ice. In short, the whole fifteen hundred tributaries of the Mississippi are gathered home as a patriarch would gather his children to his bosom, and the commingling of waters and soils into the common flood as it turns head and drives to pour its grand libation into the Gulf, is but the herald of our interoceanic commerce to the open seas. I would injure none, but have all our sections march abreast in the race of improvement. But I do protest against the consolidation of a great money power in this country, which, unchecked, sooner or later, will subjugate both the Government and the people.

But to pass on. That clause of the bill which provides for the redemption of fractional currency with fractional silver coin is unnecessary, expensive, and in the interests of the money power. The facts will prove my position. The report of the Treasurer of the United States for 1874 shows the amount of fractional currency outstanding to be $45,880,002.34. Our Government has no silver which can be used for coinage to redeem the fractional currency. The existing law pledges our duties, first, to the payment of interest on the public debt; second, to the payment of 1 per cent. of the sinking fund; third, the residue to be paid into the Treasury.

In proof that the silver cannot be raised from duties, the report of the Secretary of the Treasury in his estimates for 1875 shows a deficiency in the sinking fund of $22,093,748.43, and the deficiency for 1876, $11,920,914.

The report of the Treasurer for 1874 shows a falling off in the customs for last year $24,985,685.01, and a falling off in internal revenue $11,920,914, making a total decrease of revenue $36,349,218.25. So there is no "surplus" nor "residue" now in the Treasury, nor the promise of any, out of which the silver can be raised. Then the only alternative is to raise it by the sale of coin bonds under the act of July 14, 1870. Humiliating spectacle, to see the Government a suppliant at the feet of the money power to borrow silver to redeem her fractional currency!

But let us see something of the cost of converting the fractional currency into fractional silver. The act of July 14, 1870, amended by the act of January 20, 1871, under which the bonds are to be issued, provides that the bonds shall bear 5 per cent. interest payable quarterly, and the principal payable in ten years. The quarterly interest makes it about equal to 6 per cent. per annum. If these bonds are payable in gold, as the friends of the bill contend they are, then they are to be sold at par for silver. The gold is now worth 6 per cent. more

than silver. This would make a difference in the value of silver to be raised and the gold bonds of $2,902,800. But this is not all. The annual interest on these bonds is $2,900,000, and in ten years the interest will amount to $29,000,000, making exchange and interest for ten years $31,902,800; and still the principal, $45,880,002, not paid.

This is a little financial stroke which plays handsomely into the hands of the money power; whereas the fractional currency costs but little more than the paper and printing, is more portable than silver, and being the symbol of the national credit it is used as a medium for the exchange of our property and productions and the payment of our debts and taxes, is a legal tender in sums under five dollars and exchangeable for legal-tender notes at the Treasury of the United States.

The fractional silver could have no greater use, for it would not be a legal tender for any sum over five dollars. The people are not demanding such a measure. It would be paying too much for the whistle. But this is not the worst; it is only the child out of which the giant is yet to grow.

The bill next provides for the redemption in coin of $82,000,000 of legal-tender notes, being the amount in excess of $300,000,000. If there was no surplus in the Treasury to raise silver, there would be none to raise gold. Then the gold must be raised by the sale of more gold bonds. Gold is now worth 12 per cent. more than legal-tender notes. The difference in the value of $82,000,000 legal-tender notes and gold would be $9,800,000. The annual interest on the gold bonds would be $4,920,000 and the interest for ten years would be $49,200,000, which added to the exchange would make $59,000,000; and still at the end of ten years the principal would be unpaid. On the other hand, the legal-tender notes cost but a trifle, bear no interest, and answer all the purposes for the exchange of commerce and the payment of taxes and debts, except interest on the public debt and duties on foreign goods. Again, the bill provides that $100,000,000 new national-bank notes shall be issued in the place of the $82,000,000 legal-tender notes redeemed. This would not increase the volume of currency, as $20,000,000 of the outstanding legal-tender notes would be withdrawn from circulation to be held as a reserve for deposits in the national banks.

So far as the people are concerned, the practical result of the transaction would be the swapping off of $82,000,000 of legal-tender notes for national-bank notes at a cost of $59,000,000, exchange and interest for ten years. It is all for the bondholders and nothing for the people. A guardian would be removed from office who would change his ward's debt from a non-interest to an interest-bearing debt.

Again, the bill provides for the redemption of the $300,000,000 legal-tender notes outstanding after the 1st of January, 1879. For the reasons stated before, the Government will be compelled to resort to the sale of more bonds to raise the coin. The gold being worth 12 per cent. more than Treasury notes, it would make a difference in the value of the notes and bonds of $36,000,000. The annual interest on these bonds would be $18,000,000, and the interest for ten years would amount to $180,000,000, making a total for exchange and interest for ten years of $216,000,000; and still the principal due and unpaid.

As it is contemplated, suppose the national banks issue $300,000,000 of their notes in the place of the $300,000,000 legal-tender notes redeemed, and that they should make an estimated gross profit of 15 per cent. per annum for ten years, it would give an aggregate of $450,000,000.

Then sum up the result of converting the fractional currency and legal-tender notes into coin bonds, we have the following:

Exchange for fractional currency	$2,902,800
Exchange of $382,000,000 legal-tender notes	45,840,000
Interest on bonds exchanged for fractional currency and legal-tender notes for ten years	252,028,000
Gross profits of national banks on $382,000,000 for ten years at 15 per cent	450,000,000
Total	750,770,800

To say the least of it, a large proportion of this amount would be ground out of the people in ten years by the stupendous extortions of the bill. Whatever may be said in palliation of the items of exchange and bank profits, there can be no question that the interest on the bonds to raise coin for the redemption of fractional currency and legal-tender notes would cost $252,028,000 in ten years, which would have to be raised by taxation. And at the end of the time the people would have to face the principal of the bonds, amounting to $427,880,000, due and unpaid, and no doubt with an empty Treasury, if the logic of this policy is pursued to its conclusion. And at the time these bonds fall due there perhaps will be due $1,000,000,000 of other bonds, and the holders demanding payment, or to have their bonds refunded, and the revenues of the country farmed out to them for another term of years.

I warn the country now of the "dismal swamp" which lies ahead of this wicked policy, a policy which builds up the money power on the distress of the people. I protest against yielding the country a prey to such a system of usury and plunder.

I propose now to show that the bill is hollow with delusion, and that its proposed gold basis is like the boy's phantom gold at the end of the rainbow. After a course of financial tribulation, it will end in disappointment and disaster. Our financial system has a foreign as well as domestic relation. Financial theories may be certain in their normal application, but they become as treacherous as the faithful compass when swayed by foreign influence.

Among the great nations of the earth ours is the richest in mines but poorest in coins. The golden Pactolus sweeps through our land but to bear its treasures to other shores. With mountains of gold and silver, we cannot command a home coin to purchase the new bonds which the bill would put upon the market. Like the victim already fastened in the toils of the usurer, we look to Europe in our emergency. And now to the facts.

The Director of the Mint, in his report for 1874, estimates our present supply of gold and silver coin at $166,846,228; but at the time of his report he perhaps was not aware of the fact, as shown by the report of the Secretary of the Treasury for 1874, page vi, that there was due to the sinking fund $22,093,748; and, as shown by the same report, page 24, there was a balance due for interest on the public debt of $5,636,995. These amounts together make $27,730,743, which, if it had been paid, would for the most part have been exported and applied to our foreign debt, and being taken from the $166,846,228, would leave only $139,730,743 as the true proximate amount of gold and silver coin in the United States. Both the Director of the Mint and the Chief of the Bureau of Statistics last year estimated our coin at $140,000,000. So in fact there has been no increase. The Secretary of the Treasury, in his report for 1874, page xxv, says that our present annual demands "cannot be safely stated at less than $160,000,000 in gold, besides the receipts from internal revenue and other sources."

So it must be apparent that our new supply must come from Europe. The result will be an increase of our foreign debt $427,880,000, and an increase of our annual interest $25,672,800. Another result is the repeal of the legal-tender act of 1862 by the artful phraseology of the bill, in the clause repealing all laws inconsistent with its provisions. The legal-tender notes being all redeemed, nothing but gold and silver then would be a legal tender. No doubt the draughtsman thought it a handsome feat of cunning; but the result of such cunning would prove a terrible calamity to the country. To make nothing but gold now a legal tender, as I said in a former speech, June 13, 1874—

> Would give an additional value to the demands of the creditor of 12½ per cent., and subtract a corresponding value from the productions and property of the debtor. The public and private debt of our country amounts to about $8,160,469,000. To pay it in gold it would require a premium of about $1,000,000,000, and a corresponding increase of the value of the interest on the debt by making it payable in gold. The aggregate annual taxation of our country amounts to about $611,180,320; it would add an annual value of about $80,000,000 if paid in gold. The result—$1,000,000,000 profit to the creditor, $1,000,000,000 confiscation to the debtor, $80,000,000 additional annual taxation to the people! Comforting pictures for a distressed people!

All our State bonds which were contracted in contemplation of payment in legal-tender notes would then become payable in gold, which would not only create a new burden of taxation, but it would engender political discontent under a sense of outrage and injustice.

But this is not all. The bill provides that the legal-tender notes shall be redeemed "at the office of the assistant treasurer of the United States in the city of New York." This would make this great financial center a mighty maelstrom to swallow down three hundred millions from circulation in the country, there to be hoarded by banks, brokers, and gold rings, and aggravating the evils of an already consolidated money power.

But this would not be the end of the "Iliad of our woes." I come now to the most remarkable, as it is the most alarming and mischievous feature of the bill. After converting a non-interest-bearing debt into an interest-bearing one—after juggling the gold for the redemption of the legal-tender notes into the hands of the money kings in the city of New York—and though the bill wears upon its front an imposing title, like the phylactery of the Pharisee, "AN ACT to provide for the resumption of specie payment," it slips the bridle and abandons the whole field of currency to the national banks, without a single provision for the redemption of their notes in coin, or for making their notes a legal-tender for the payment of debts or taxes among the people and States.

> O, for a forty-parson power
> To sing thy praise, Hypocrisy!

Perhaps the proper construction of the bill would require the banks to keep their reserves as a security for deposits in coin, 5 per cent. of which is required to be kept in the Treasury of the United States for the redemption of their notes.

But I have said that the bill abandons the field of currency to the national banks.

The gold coin used for the redemption of legal-tender notes will soon be spirited away. The States and other corporations are prohibited by a tax of 10 per cent. from issuing bank-notes. Thus the absence of other currency will make the national-bank notes a forced currency on the people. And still they cannot be used in the payment of individual debts and taxes to the States without their consent. It is true that the national banking act provides that the notes of the national banks shall be received by the United States in payment of taxes and dues to the United States, except for duties on imports and for debts owed by the United States and interest on the public debt; but this only shows that the Federal Government has placed itself in the power of the national banks to furnish a currency for the payment of internal taxes and dues to the Government. Hence it will appear that both Government and people are placed in the power of the national banks.

Under the control of bank speculators the prices of productions and property would be as variable as the wind. Like other banks, they

contract and expand, suspend and break. They will all be in financial sympathy and commercial connection. One shock will send a financial paralysis to the whole, as it did in 1873. They bank largely on deposits, for which there is no security except an average reserve of about 20 per cent., 15 per cent. of which is required to be kept in their own vaults and 5 per cent. in the Treasury of the United States for the redemption of their notes. Jay Cooke has taught them all how to break. Let one financial gale sweep the country, and the Government and people might wake up some morning and find themselves without a currency. These national-bank notes would not even have the legal-tender quality of the notes of the old United States Bank, which provided that—

The bills and notes of the bank shall be receivable in all payments to the United States.

Viewed from my stand-point, it would be a political crime to abandon the Government and people to the national banks. Whenever it is done, I warn the country that "Black Fridays," financial convulsions, commercial prostration, bankruptcy, and political corruption all lie ahead. Each financial panic costs the country not less than $1,000,000,000.

The banks, once rooted in their power, will aspire to make Presidents and to control the legislation of the country. They would hold their national conventions to mature their measures and plan their campaigns.

There are now two thousand and twenty-eight national banks. State banks being taxed out of existence, they would have undisputed sway. Suppose each bank had one hundred necessitous debtors, it would give an aggregate of 202,800. Then suppose the bank directors wanted votes, petitions signed, or measures advocated, what fearful havoc it would make with the freedom of elections and the virtue of legislation! Speaking of the political influence of banks, Mr. Madison, in a letter to Thomas Jefferson, April 23, 1796, wrote:

The banks have been powerfully felt in the progress of the petitions in the cities for the treaty. Scarce a merchant or a trader but what depends on discounts, and at this moment there is a general pinch for money. Under such circumstances a bank director soliciting subscriptions is like a highwayman with a pistol demanding the purse.

The old United States Bank, in its desperate struggle for its recharter, made every industry quail before its supremacy. The financial bulletins of Nicholas Biddle were as potential as the ukase of Nicholas the Autocrat. By collecting loans, refusing discounts, and undermining State banks, he brought the nation a suppliant at his feet. The country cried out with the pains of financial contraction, and the tables of Congress groaned with distress-petitions.

Mr. Benton, in his Thirty Years' View, says the power of the bank was "exemplified in her capacity to have Jackson condemned, the Government directors and a Secretary of the Treasury rejected, a committee of the House of Representatives repulsed, and the country convulsed and agonized." It only succumbed to Jackson and the veto.

Let us pause to inquire what possible gain there can be in superseding the legal-tender notes. The use of money gives it its chief significance. These notes are used as a medium of exchange for all our productions and property and for the payment of all our debts and taxes, except interest on the public debt and duties on imports. It floats our entire home commerce, which is 1,000 per cent. greater than our foreign commerce. We have annual productions of all industries about $9,000,000,000, while we have only about $600,000,000 foreign imports. It is not needed as an exchange for our foreign commerce, as our exports about cancel our imports. Our legal-tender notes are not intended for a foreign circulation, and as they are answering all the demands of our home circulation I cannot see the reason, the justice, or the economy in paying $732,000,000, which I have shown it will cost, directly and indirectly, in ten years to effect the exchange of the fractional and legal-tender notes into gold bonds, and at the end of the time have the principal of the bonds to pay—amounting to $427,880,000.

It is time for the Government to call a halt in its reckless extravagance. It is time the people were overhauling the cash account and liabilities of the Government.

The report of the Secretary of the Treasury for 1874 (see appendix A) shows that the net ordinary receipts of the Government (excluding receipts from loans and Treasury notes) from 1865 to 1874, were $4,366,366,321; net ordinary expenditures for the same time, $4,347,995,093. Out of the amount collected the Government has reduced the public debt $521,545,705, leaving a balance of $3,826,449,386. Out of this balance the Government has in the same time paid interest in gold to the bondholders $1,211,403,003. The remaining balance, $2,615,046,383, has been applied to the necessary expenses of the Government and a large portion squandered in subsidies and other extravagancies.

With proper economy $1,000,000,000 of the last balance might have been applied to the payment of the public debt. And still we have an outstanding public debt of $2,251,690,468, as appears from the same report of the Secretary of the Treasury, a part of which, say $1,800,000,000, is bearing interest, while we have the cry to have $428,000,000 non-interest-bearing currency transmuted into interest-bearing gold bonds—calling for $26,000,000 additional annual taxation. Is our Government to remain deaf to the cry of distress which comes up from our toiling millions, or is it to lend its ear to and lavish its compassion upon the money-leeches of Europe who are crying for a new gorge from our already depleted veins?

But, independent of all this, the Secretary of the Treasury calls for more money to meet existing liabilities. He showed the deficiency in the revenue to be $36,349,218.25. Therefore his "voice is still for war"—a war of taxation on the people. He calls for a tax on tea and coffee, which happily blend in them the character of necessaries and luxuries to the laboring millions.

Neither I nor the country will stop to argue with the Secretary the exploded fallacy that a tax on tea and coffee will not commercially enhance the price. Let Congress heed his voice in the face of the enormous expenditures of the Government and the distress of the people, and "the tempest in the tea-pot" will gather into a national tornado.

But we are told that gold coin will take the place of the legal-tender notes, which will be exchanged for gold bonds. Yes, it may come, and it will almost as quickly go. What is poured in at the bung will soon run out at the spigot. Let us see. The report of the Director of the Mint for 1874 (see appendix C) estimates the products of our gold mines since 1849 at $1,240,750,000; products of our silver mines for same time, $189,000,000, making together $1,429,750,000. Deduct from this $140,000,000, amount of gold coin on hand, and we have $1,269,750,000 which has disappeared from the country. Poor husbandry of gold! But see how the Government, not the people, has opened the arteries for its outflow from the country.

Our foreign debt, at the least estimate by the Chief of Statistics, is $1,200,000,000. And now we propose to increase it $428,000,000, making together $1,628,000,000. The annual interest on this amount, including expenses of collecting, will amount to $100,000,000.

The average products of our gold mines for the last five years, as per last report of the Director of the Mint, amount to $40,000,000; so it is apparent the annual interest on the foreign debt will exhaust our annual gold products and require $60,000,000 of the newly-imported coin to pay it off. So that in about seven years the borrowed $428,000,000 would be drawn off on the interest account alone.

If the foreign interest is payable in silver as well as in gold, then the average of our silver mines, $23,000,000, for the last five years should be added to the annual product of gold, and together they would make the average $63,000,000 per annum. This sum the foreign interest would exhaust, and require annually $37,000,000 of the loan coin to pay it off. So in about twelve years the foreign interest alone, after exhausting the joint products of our gold and silver mines, would absorb all the loan, and leave the principal unpaid.

In connection with our coinage I will develop another grievous outrage upon the people of the country. The act of 1837 made all *silver coins*, from a half-dime to one dollar, a legal tender for all sums. The act of 1853, however, made all fractional silver coins from a half-dime to a half-dollar a legal tender only to the extent of five dollars, leaving the *silver dollar* a legal tender for all sums.

The act of June 25, 1834, made the silver dollar, of not less than four hundred and fifteen grains, of Mexico, Peru, Chili, Central America, and Brazil, a legal tender.

The act of May, 1846, made nearly all the foreign moneys of account, at fixed values, of European nations, a legal tender. These acts all remained unrepealed until the act of February 12, 1873, which enacted—

That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, * * * and said coins shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment.

The act of July 14, 1870, authorizing the refunding of our national bonds, provides that the bonds issued under it shall be redeemable "*in coin at its then standard value*," which stipulation is inserted in the bonds and forms a part of the original contract. This is the only class of bonds payable in coin by express stipulation. Twelve other different classes of bonds were issued since February, 1861, and prior to the refunding act of 1870, all of which express on their face to pay *dollars*, with interest at a rate stated.

The point which I make is this, that the bonds, principal and interest, were payable in gold or *silver* coin up to the passage of the act of February 14, 1873. I waive the question at present whether the bonds payable in *dollars* were solvable in legal-tender notes. If they were payable in *silver coin* in dollar pieces, why did the financial ministers of the Government pay in gold, or its equivalent, interest amounting to $1,211,403,003 and principal amounting to $521,545,705, making together $1,732,948,708, when the gold was worth 6 per cent. more than silver, making a loss to the Government and people of $103,976,922.48?

But this is not all. The act of 1793 provided that "the proportional value of gold to silver * * * shall be as 15 to 1, according to quantity in weight." This act remains unrepealed. In Mexico, South America, Spain, Portugal, and in the West Indies generally, the value of gold is 16 to 1 over silver, and in Cuba said to be as high as 17 to 1. If the financial ministers had been as shrewd in protecting the people as the bond-holders were as calculating to turn profits into their coffers, why did they not take the gold and exchange it for silver in other countries when it was worth 16 for 1 in value, and bring it home and pay the debts 15 to 1, and save one dollar out of every sixteen, or 6 per cent. on the amount paid? By this process $100,000,000 could have been saved on the payments

already made. The silver was abundant and could have been easily obtained. The American silver mines were turning out an annual average of $23,000,000, and on the increase. The Director of the Mint in his last report, speaking of the quantity of gold and silver coin and bullion in the world, says:

> The world's stock of precious metals is generally estimated at from ten to twelve thousand million dollars, nearly equally divided as to the two metals.

All the bonds of the United States which by their terms are payable in coin at its then standard value may be paid in silver one-dollar pieces, which were a legal tender for any amount at the time, as much so as gold; and they ought yet to be paid in silver coin, for the double reason that it would meet the contract, and be to the advantage of the people 6 per cent. of the amount, being the difference in the value of gold and silver.

In like manner all the bonds payable *in dollars* may, and should be, discharged in legal-tender notes, for the same reasons, that they meet the contract and it would be to the advantage of the people 12 per cent. of the amount, being the difference between gold and legal-tender notes. But of this in another connection.

The country has been laid under usury and extortion and flayed and victimized long enough. The Government, instead of being animated by a sense of paternal fairness and justice to the people, has been obsequious in its concessions to the bondholders, many of whom are citizens of foreign governments.

To appease their clamor it gave them bonds bearing a coin interest, worth at the time $1,000,000,000 more in value than the depreciated currency paid for the bonds. It passed a declaratory act in 1869 saying that the principal of the bonds should be paid in coin or its equivalent, when the bonds by the terms were payable in *dollars*. It authorized by the act of 1870 the refunding of the bonds payable in *dollars* into 5 per cent. bonds payable in coin, with the interest payable semi-annually, and by the amended act of 1871 it made the interest on these payable *quarterly*, thereby making the 5 per cent. interest equivalent to 6 per cent. per annum. And the Government is at present paying the holders of these 5 per cent. bonds annually $4,934,386, the difference between the semi-annual and quarterly interest on $315,800,750, the amount of the outstanding 5 per cent. bonds. It has paid in gold since 1865, as I have shown, in interest and part of the principal of the public debt, $1,732,948,708, when it might have been paid, to say the least, in silver coin, and by proper financial skill have saved $200,000,000 to the people. It changed our coinage by the act of 1873 so as to destroy the legal-tender quality of silver coin except in sums under five dollars, and thus in the main to expel it as a currency from the country and leave the bondholders masters of the gold fields. And it now proposes to make our bonded debt permanent and to multiply the pernicious fecundity of the bonds by continuing them as an indispensable capital of the national banks. The whole design seems to have been to turn the people, property, and productions of the country over a lawful prey for the rapacity and speculation of the money power. And still the Government has no cure for these evils except more gold bonds and the increased taxation of the people. And the people might reply to the Government in the terrible irony of Patrick Henry:

> Shall we fill the pocket of the spendthrift with money to cure him of his prodigality?

For all these evils judgment is with the people.

But to return to the Senate bill. It provides for a financial system so loosely and clumsily fabricated that it will be undermined by its own operation. I assume that after the legal-tender notes are all redeemed—and it is impossible for the banks to prevent their redemption—the banks would be compelled to substitute as their reserves in their place gold coin, the gold being the only "lawful money" above five dollars. Then they would have to keep 5 per cent. of their deposits in gold in the Treasury of the United States for the redemption of their notes. To show how it would operate: The present amount of reserves in the national banks, as per last report of the Comptroller of the Currency, amount to $87,473,895, and the reserves in the Treasury amount to $17,054,108. Suppose this reserve in the Treasury to be in gold, it would be more valuable than national-bank notes, the European gold-mongers would draw it off at the Treasury faucet as fast as the banks could fill up the cask. Thus the banks in a few months could be drained of their gold. The only way to arrest it would be to cease to keep deposits. Having no deposits, they would be required to keep no reserves. Then they would be limited to banking on such national-bank notes as they might own. The result would be that they would not be required to keep any gold to redeem their notes at their own counter or at the Treasury.

And here is the end of the gold logic of the bill—free banks without coin; gold bonds and increased taxation in the place of free currency. The whole scheme seems to have been concocted in the interest of the money power. Perhaps the President and his Cabinet officers, members of Congress, and other Government officials would draw their pay in gold if the bill should go into operation. The Government seems to have been so much in the habit of plundering the people that it is willing to keep up the habit for the benefit of the foreign bondholder.

But the bill is singularly defective in this, that it provides no tax to pay the interest on the bonds which are to be raised under it. The bonds will find slow sale without some tax being pledged to pay the interest. If this Congress has courage to pass the bill, it ought to have courage to levy the tax to pay the interest. But it shrewdly plays off from the tax question, hoping, perhaps, to make another Congress responsible for its levy.

I think I have said enough to uncover to the eyes of the American people the monstrous iniquity of the bill.

I turn now to present briefly another and more hopeful aspect of our financial affairs.

It is true that our financial affairs at this time are deplorable, but not desperate. The Government has taken charge of the national currency, has deprived the States of a local currency by taxing State banks out of existence, and the States and people are now lying at the feet of the Government, like Lazarus at the gate of the rich man, waiting for the crumbs to fall from the table. The Government by a few more turns of the contraction screws can bankrupt the mass of the people, and break down the State governments for the want of money to administer them.

The Government having taken the charge and responsibility of the national finances, it can and ought to furnish a safe currency, a cheap currency, and an abundant currency.

A safe currency can be furnished in the legal-tender notes. They are as safe as the credit of the Government, safe as the bonds, and safe as the Government itself. These notes were proof against the violence of the tempest which recently swept the financial sea. Commerce howled for help through Wall street in vain. The national banks were congealed and powerless in the panic. The national Treasury was besieged by frantic suppliants to procure, contrary to law, the launch of a new installment of Treasury notes as the only life-boat to which they could cling to outride the storm. President Grant, proud of the triumph of the national credit, in his annual message to Congress for 1873, uses the following exultant language:

> The experience of the present panic has proven that the currency of the country, based as it is upon the credit of the country, is the best that has ever been devised.

This ought to be sufficient proof of the safety of the Treasury notes.

That these notes are the cheapest currency no one can deny. They bear no interest. They pay for all the expenses of their manufacture in their use. Interest has been the bane of nearly all money systems, the cormorant which preys upon the fruits of human labor. It is the heaviest curse now resting on American industries. Its removal is the greatest measure of relief, and is to be one of the greatest questions of the day. The Treasury notes pass from the Government to the people without passing through the banks and being subject to bank rates of interest. They are more democratic than any other currency, if to subserve the great interest of the people be a test of democracy. They are the people's money, and their freedom from interest brings them into antagonism with our existing bond and bank monopolies, which are the hardest masters over the people.

If Thomas Jefferson is good authority for democracy he might be adduced as a witness in favor of Treasury notes over all other paper currency. In volume 6, pages 139 and 140 of his Correspondence, letter to John W. Epps, June 24, 1813, he says:

> And so the nation may continue to issue its bills as far as its wants require and the limits of the circulation will admit. Those limits are understood to extend with us at present to $200,000,000, a greater sum than would be necessary for any war. But this, the only resource which the Government could command with certainty, the States have unfortunately fooled away, nay, corruptly alienated to swindlers and shavers under the color of private banks. Say, too, as an additional evil, that the disposal funds of individuals, to this great amount, have thus been drawn from improvement and useful enterprise, and employed in the useless, usurious, and demoralizing practices of bank directors and their accomplices.
>
> In the war of 1755 our State availed itself of this fund by issuing a paper money bottomed on a specific tax for its redemption, and, to insure its credit, bearing an interest of 5 per cent. Within a very short time not a bill of this emission was to be found in circulation. It was locked up in the chests of executors, guardians, widows, farmers, &c. We then issued bills bottomed on a redeeming tax, but bearing no interest. These were readily received, and never depreciated a single farthing. * * * If Treasury bills are emitted on a tax appropriated for their redemption in fifteen years, and (to insure preference in the first moments of competition) bearing an interest of 6 per cent., there is no one who would not take them in preference to bank paper now afloat, on a principle of patriotism as well as interest; and they would be withdrawn from circulation into private hoards to a considerable amount. Their credit once established, others might be emitted, bottomed also on a tax, but not bearing interest; and if ever their credit faltered, open public loans, on which alone these bills should be received as specie. These, operating as a sinking fund, would reduce the quantity in circulation so as to maintain that in an equilibrium with specie. It is not easy to estimate the obstacles which, in the beginning, we should encounter in ousting the banks from their possession of the circulation; but a steady and judicious alternation of emissions and loans would reduce them in time. * * * But it will be asked, are we to have no banks? Are merchants and others to be deprived of the resource of short accommodations, found so convenient? I answer, let us have banks. * * * There is not a bank of discount on the continent of Europe (or at least there was not one while I was there) which offers anything but cash in exchange for discounted bills. No one has a natural right to the trade of a money-lender but he who has money to lend. Let those, then, among us who have a moneyed capital, and who prefer employing it in loans rather than otherwise, set up banks, and give cash or national bills for the notes they discount.

So it will be seen that Mr. Jefferson's leading idea was that national Treasury notes should form the currency of the country. I do not see how any democrat, upon due consideration, can be an advocate of national banks, which fire with a double-barrel monopoly on the people—interest on their bonds and interest on their loans. As suggested by Mr. Jefferson, every citizen, upon a principle of patriotism and national pride, would feel an interest in supporting his national currency. Every one would feel himself liable for it, and to distrust it would be to throw discredit on his own solvency and integrity. The Treasury notes would be uniform in value, and a convenient medium for all purposes and in all the States. They had their origin in war, and they should at least

be used to work off the financial consequences of the war, if not to become a perpetual currency. Then our legal-tender currency would be cheap, safe, and democratic.

But our Government should furnish an abundant currency; that is, a supply commensurate with all its uses. We have not money enough. In a speech made in this House March 29, 1874, I showed from carefully-prepared statistics from official documents that the paper used as currency in the United States on the 31st of August, 1865, amounted to $2,192,395,627, and that the total amount in actual circulation on the 1st of July, 1873, was $631,488,676, making a reduction in eight years of $1,560,906,851, which was swallowed up in the bonded debt of the country. Here was almost a vertical fall of the currency from its appalling height of expansion down to the inadequate sum of $631,488,676, since increased to about $660,000,000 by the release of a part of the reserves under the act of June, 1874. And as I said in the same speech, this sum is to answer what purpose?

To spread over illimitable territory; to distribute among forty-five million people; to furnish money for the sales of capital or wealth, amounting now to about $40,000,000,000; to pay national, State, county, city, corporation, and individual indebtedness amounting to $9,000,000,000; to pay for the marketable proportion of annual productions of all sorts, $10,000,000,000; to pay annual taxation, United States, State, county, and town, $611,000,000; to pay interest on the public debt and private debt, $500,000,000; to pay for the annual construction and operation of railroads in the United States, $1,000,000,000; to pay for annual imports into the United States, $642,000,000; to pay for the support of schools, colleges, churches, book-concerns, newspapers, for building houses and towns, founding new States, and to pay for the personal expenses of the millions that move every day upon the railroads and public thoroughfares, $500,000,000.

The currency outstanding is entirely insufficient to float these almost fabulous demands. The Government contracted its currency, but did not contract its debt, so that it now requires three times the quantity of productions to pay the debts of the State and Federal Governments and the debts and taxes of individuals that it did before the contraction. It was the absolute perversion of all economic rules to run down the contraction-screws upon a debt-burdened and tax-ridden people. The result is a wide-spread financial distress, without the fault of the people, but by the act of the Government. It was not a financial calamity which follows as a punishment for uncalculating recklessness in bubble speculations. The people have been made "to reap the whirlwind" of financial folly which the Government has turned loose upon them.

What would have been thought of the justice or equity which would have compelled the payment in greenbacks of debts contracted in contemplation of payment in confederate treasury notes which were not worth one-tenth of their value? The Supreme Court of the United States in the case of Thorington *vs.* Smith declared against such unconscionable iniquity. The same objection would obtain to compel the payment in gold of debts contracted in contemplation of payment in greenbacks. This is what the Government has been striving with "might and main" to do. As a result, every impartial observer can see that every industry has become stagnant, our prosperity has been blighted, our progress retarded, and our people distressed. The people want more money, they demand more money, and sooner or later they will have it. Give them $500,000,000 more in reasonable installments in legal-tender notes, and it will not be more than enough to make our dormant industries heave and move with new vitality. Add $500,000,000 to our present currency, and it will not make more than half as much circulation as we had in 1865, and it will not make more than the people are owing the national banks at this time. Our currency should increase with the ratio of our national development.

But how shall we get an increase of our currency? How did we lose it? It was sunk in five-twenty and other bonds. Let the bonds payable in "dollars" give back the currency. Let these bonds be paid off in legal-tender notes according to contract. The currency, once turned loose, would flow into the channels of industry like water emptied from the clouds. This would answer the double purpose of furnishing an increase of currency and arresting interest on the public debt—a double measure of relief. And why not pay these bonds in legal-tender notes? They are made a legal tender, and say so on their face, for all debts, public and private, "except duties on imports and interest on the public debt," and the principal of the bond is neither. Besides, the holders of the bonds have already received over $1,200,000,000 interest in gold. These notes were good enough to pay off all the soldiers and seamen who fought the battles of the country; good enough to pay the farmer for his productions, which fed the Army; good enough to pay the manufacturer for the fabrics which clothed the Army; good enough for the mechanic who furnished wagons and implements for the use of the Army; good enough for the people to pay their debts and internal taxes; good enough for the States to pay their bonds and their officers who administer their governments; good enough to pay the President and all other officers of the United States; good enough to pay the pensions of the maimed and crippled soldiers who gave their missing legs and arms and eyeballs to their country—and they ought to be good enough to pay the bondholder according to contract, particularly as the original consideration of those bonds was a depreciated currency. Why should he be fed upon a different "meat" from others, and be permitted to convert our national calamities into a luxury for himself?

Such distinguished favors will be a temptation to the money kings in the future to stir up civil and foreign wars, that they may amass wealth at the expense of enslaving the people with taxation. The blaze of war will be only as Aladdin's lamp, to lead them on to fabulous treasures. It is by the logic of taxation that they teach the people the blessing of a public debt. They manage to throw the national debt on the consumption of the country, while they escape with their property from the burden. In Great Britain, as in our own country, it is not the tax on property which pays the national debt, but four-fifths of it are paid by the toiling millions in the consumption of goods charged with customs and excises.

What aggravates the curse of our public debt is that a large portion of it is a foreign debt; and it is now proposed to accumulate the curse by making the debt larger. We should cut loose from it as from a "body of death." As I have already shown, it will be a disturbing element to our financial system and national prosperity as long as it exists. The interest on it will soon eat up our mountains of gold. We may arrest the evil by paying the bonds not calling for coin in their terms in legal-tender notes. Then we can keep our gold at home, and in gold redeem our legal-tender notes. This would be the solution of the perplexing problem of equating the value of currency and coin, without placing the country under the golden yoke of a bond aristocracy.

But we are told by the Secretary of the Treasury "that there is a large amount of currency in excess of the legitimate needs of business;" and as proof he points to the interest rates in the city of New York, being "3.8 per cent. on call loans and 6.4 per cent. on commercial paper." The Secretary does himself and the country great injustice. He seems to think that the whole country is dropsical with money because it is apoplectic in New York. If he had looked truly into the matter, he would have discovered that while that great financial head was gorged, the body and limbs were wasting with "pining atrophy." He could see our great financial question as only embracing in its outlines "call loans and commercial paper." The country admits and complains of the unfair and illegitimate concentration of the currency in New York. The chill of the panic of 1873 was still on the city, and it was afraid to let its money flow out of sight lest it could not be commanded in the twinkling of an eye.

If the Secretary had crossed the river into New Jersey, my information is that he would have found that money could be lent on good real estate security at from 10 to 15 per cent. per annum. If he had gone through the fourteen Southern and Southwestern States, he would have found that money could have been readily taken at from 10 to 25 per cent. on good security. He would have found a shrinkage in the price of property in those States from 50 to 500 per cent. compared with prices in 1860. He would have found, upon a just estimate, one hundred thousand houses and lots and parcels of land within twelve months had been levied on for distress sales to pay taxes within those States. He would have found a dead lock to nearly all improvements, public and private. He should have known that the debts of the country, public and private, and the taxes of the Federal and State Governments are fivefold greater than they ever were before, and there is not money to pay them. His own report shows a deficiency in the sinking fund and balance of interest due on the public debt, making together nearly $30,000,000. He must have known that there was a falling off in the customs duties last year of $24,985,689.01, and the Treasurer of the United States in his report said in relation to the falling off:

The people, in consequence of the stringency in the money market, became more economical in their expenditures for foreign goods.

He must have known the opinion of President Grant declared in his message to the last session of Congress:

In view of the great actual contraction which has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year.

The Secretary should have known that "hard times" were on the rampage, and a million of witnesses would have testified that such money stringency had not been known "within the recollection of the oldest inhabitants."

The interest on money in New York will tumble still lower, unless the currency becomes more abundant in the country. For the want of money the people cannot buy the usual supplies of merchandise. This cuts down the sales, and is followed by a reduction of stock by the jobbing and importing merchants, who could not pay a high rate of interest to support a declining business. The cry of distress will yet ring louder through the land and thunder for relief at the doors of Congress, unless appeased with a timely supply of money.

But I must draw my protracted remarks to a close. Our country is prophetic of a marvelous development. Within thirty years nearly one hundred millions of people will be sheltered under the canopy of the American Constitution. He has a puerile conception of the use of money who would confine it to the exchange and purchase of merchandise. Money is a most powerful factor in working out our national destiny. Money is not only a medium of exchange, but it is a tool in the hands of labor and the harness of our national industries by which they toil up to the grandeur of national prosperity. Money is also reproductive in its qualities. Hear a little of the mother wisdom of Benjamin Franklin:

Remember that money is of a prolific, generating nature. Money can beget money, and its offspring can beget more, and so on. Five shillings turned is six; turned again it is seven and threepence; and so on till it becomes a hundred pounds. The more there is of it, the more it produces every turning, so that the profits rise quicker and quicker. He that kills a breeding sow destroys all her offspring to the thousandth generation. He that murders a crown destroys all that it might have produced, even scores of pounds.

Scarcity of money will give the accidental money power control over the labor, property, and industries of the country. The bondholder, who sunk his money in the public debt of the country and deprived it of its powers of increase, is as culpable as the unfaithful servant who hid his lord's money in the earth. His money should have been brought out to work among our thousand industries, and if it could not have found employment on the land, it would have found ample vent in our commerce upon the seas. There is no danger of our country being afflicted with financial elephantiasis with a boundless continent to subdue, to populate, to improve, and to adorn. We have yet worked out only a small fraction of our development. The whole country has yet to be filled with permanent capital, which must be accumulated by the use of money as the product of labor and other capital. Lands have to be purchased and prepared for cultivation—houses built, work-beasts, breeding stock, and farming implements provided—towns, cities, railroads, canals, mills, public buildings, schools, colleges, churches, and all other improvements have to be constructed and form a part of our national capital. Our annual productions then would baffle all our calculations. When our country is thus filled with capital, abounding with labor, and burdened with productions, still let the money accumulate, flow into, and fill every channel of industry until it brims with repletion, and still the money tide must rise until it overflows the national limits, if we would reach the climax of national prosperity, such as God promised to the ancient Hebrews:

Thou shalt lend unto many nations, but thou shalt not borrow.

APPENDIX A.

Net ordinary receipts into the Treasury from 1865 *to* 1874, *excluding loans and Treasury notes, as appears from the report of the Secretary of the Treasury for the year* 1874.

1865	$322,031,158 19
1866	919,949,564 38
1867	462,846,679 92
1868	376,434,453 82
1869	357,188,256 09
1870	395,959,833 87
1871	374,431,104 94
1872	364,694,229 91
1873	322,177,673 78
1874	299,941,090 84
Total	4,195,654,045 84
Receipts from premiums from 1865 to 1874	170,712,276 01
Grand total	4,366,366,321 85

Receipts from premiums into the Treasury from 1865 *to* 1874, *as appears from the report of the Secretary of the Treasury for the year* 1874.

1865	$11,683,446 89
1866	38,083,055 68
1867	27,787,335 35
1868	29,203,629 50
1869	13,755,491 12
1870	15,295,643 76
1871	8,892,839 95
1872	9,412,637 65
1873	11,560,530 89
1874	5,037,665 22
Total	170,712,276 01

APPENDIX B.

Net ordinary expenditures from 1865 *to* 1874, *as appears from the report of the Secretary of the Treasury for the year* 1874.

1865	$1,217,704,199 28
1866	385,954,731 43
1867	202,947,733 87
1868	229,915,088 11
1869	190,496,354 95
1870	164,421,507 15
1871	157,583,827 58
1872	153,201,856 19
1873	180,488,636 90
1874	194,118,985 00
Total net ordinary expenditures	3,076,852,920 46
Interest on public debt from 1865 to 1874	1,211,403,003 13
Premiums paid by Government as part of public expenditures from 1865 to 1874	59,739,169 73
Total net ordinary expenditures	4,347,995,093 32
Reduction of public debt from 1866, when greatest, to the year 1874	521,545,705 26
Net expenditures above reduction of public debt	3,826,449,388 06

Interest paid on the public debt from 1865 *to* 1874, *as appears from the report of the Secretary of the Treasury for the year* 1874.

1865	$77,395,090 30
1866	133,067,624 91
1867	143,781,591 91
1868	140,424,045 71
1869	130,694,242 80
1870	129,235,498 00
1871	125,576,565 93
1872	117,357,839 72
1873	104,750,688 44
1874	107,119,815 21
Total	1,211,403,003 13

Premiums paid by the Government as a part of public expenditures, as per report of the Secretary of the Treasury for the year 1874.

1865	$1,717,900 11
1866	38,476 51
1867	10,813,349 38
1868	7,001,151 04
1869	1,674,689 05
1870	15,996,555 60
1871	9,016,794 74
1872	6,958,266 76
1873	5,105,919 99
1874	1,395,073 55
Total	59,739,169 73

APPENDIX C.

Estimate of the gold product of the United States since 1847.

Year.	California.	Other States and Territories.	Total.
1848	$10,000,000		$10,000,000
1849	40,000,000		40,000,000
1850	50,000,000		50,000,000
1851	55,000,000		55,000,000
1852	60,000,000		60,000,000
1853	65,000,000		65,000,000
1854	60,000,000		60,000,000
1855	55,000,000		55,000,000
1856	55,000,000		55,000,000
1857	55,000,000		55,000,000
1858	50,000,000		50,000,000
1859	50,000,000		50,000,000
1860	45,000,000	$1,000,000	46,000,000
1861	40,000,000	3,000,000	43,000,000
1862	34,700,000	4,500,000	39,200,000
1863	30,000,000	10,000,000	40,000,000
1864	26,600,000	19,500,000	46,100,000
1865	28,500,000	24,725,000	53,225,000
1866	25,500,000	28,000,000	53,100,000
1867	25,000,000	26,725,000	51,725,000
1868	22,000,000	26,000,000	48,000,000
1869	22,500,000	27,000,000	49,500,000
1870	25,000,000	25,000,000	50,000,000
1871	20,000,000	23,500,000	43,500,000
1872	19,000,000	17,000,000	36,000,000
1873	17,000,000	19,000,000	36,000,000
Total	985,800,000	254,950,000	1,240,750,000

Estimate of silver product of the United States.

From 1849 to 1858, $50,000 per annum	$500,000
1859	100,000
1860	150,000
1861	2,000,000
1862	4,500,000
1863	8,500,000
1864	11,000,000
1865	11,250,000
1866	10,000,000
1867	13,500,000
1868	12,000,000
1869	12,000,000
1870	16,000,000
1871	23,000,000
1872	28,750,000
1873	35,750,000
Total silver	189,000,000
Total gold	1,240,750,000
Grand total, 1849 to 1873, inclusive	1,429,750,000

Belligerent Rights—Free Cuba.

SPEECH OF HON. J. M. HAGANS,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

February 6, 1875,

On the following joint resolution introduced by him January 18, 1875:

"Whereas the heroic struggle of the insurgents on the island of Cuba has excited the sympathy of the civilized nations of the world, and has been maintained for a period of time sufficient, according to the customs and practices of civilized governments, to entitle the insurrectionary government of that island to be accorded belligerent rights in the manner and under the rules known to the law of nations: Therefore,

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That it is the sense of this Congress that a recognition of said insurrectionary government should be made by the Government of the United States so far as to bring hostilities in that island within the rules known to civilized warfare."

Mr. HAGANS. Mr. Speaker, of all the nations of the globe, ours is the one which, by reason of its own origin, of its history, of all its most sacred traditions, of the fundamental ideas of its government, is under the most lasting obligations, both by reason and sentiment, to sympathize with any people struggling for the rights and liberties which the philosophy of the age has pronounced to be common to all

men. Whenever a people propose to throw off a despotism, or undertake to relieve themselves from the evils of government based upon hereditary claims or mere "authority," and establish a system founded upon popular sovereignty, and where they show that their movement is in reality popular and not unreasonable discontent, they have a claim upon the American people for sympathy, and upon the great American Republic for recognition. And, I think, sir, that since the establishment of the American nation through the war of our glorious Revolution, no people, whether in the eastern or western hemisphere, has sought to overthrow despotic power and to interweave popular rights in their institutions, which has not found its best arguments and the source of its highest eloquence in the history, the example, the men, and the ideas of America. The philosophic historian of the future, in recounting the scenes and incidents of the age, can but record that nowhere in Europe or America has despotic power been curtailed of its cruel demands and freedom gained a victory, save through the almost irresistible aid and example of the fathers of our Republic. By this sign have the nations conquered rulers; by this sign do peoples go forth to freedom's feasts.

If this position be conceded, and the great Republic of the western world can be justly regarded as the grand example among the nations struggling for free institutions, can it be otherwise than our plain duty to carefully examine into the facts concerning every movement of the oppressed in whatsoever land or in whatsoever clime it may occur? But, above all, is it not an imperative duty when the event arises within the borders of a realm from whence the cries of appeal come to our shores on the breath of every morning breeze? The chief Executive of the nation has responded to the call, and has, so far as is consistent with his high position, formally called the attention of the country to the insurrection in Cuba, an insurrection which has maintained a formidable strength during many years. In his annual message to Congress at the beginning of the present session he says:

The deplorable strife in Cuba continues without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give to the insurrection a significance which cannot be denied. Its duration and the tenacity of its adherence, together with the absence of manifested power of suppression on the part of Spain, cannot be controverted, and may make some positive steps on the part of other powers a matter of self-necessity. I had confidently hoped at this time to be able to announce the arrangement of some of the important questions between this Government and that of Spain, but the negotiations have been protracted. The unhappy intestine dissensions of Spain command our profound sympathy, and must be accepted as perhaps a cause of some delay. An early settlement, in part at least, of the questions between the Governments is hoped. In the mean time, awaiting the results of immediately pending negotiations, I defer a further and fuller communication on the subject of the relations of this country and Spain.

These, sir, are words of great moderation. They are in fact the manifestation of a sublime patience on the part of the American Government which the nations of Europe that maintain different forms of government from our own cannot have failed to observe. They are also, when fully considered, a demonstration of the sublime faith of America in republican institutions. The people of this Republic are not unobservant spectators of the heroic struggles of the Cuban patriots, and the inaction hitherto maintained by them can only be attributed to the most singular and interesting conjuncture of affairs in that country from whose remorseless tyranny these patriots would be free.

Let us, sir, examine into that condition for a few moments. After years of grinding despotism, cruel government, and endurance of rulers whose gross and shameless licentiousness was flaunted in the face of Christendom, the people of Spain revolted against their disreputable monarchy and declared their government to be republican. At the head of it for a time was one of the most illustrious statesmen and pure and exalted patriots of the age, Emilio Castelar. This remarkable man, while perhaps the most eloquent orator of his time, is also a versatile and brilliant author. There are few, if any, more profound thinkers now connected with the conduct of human affairs. Though his eloquence is like that of the heroic ages, as illustrated by the "resistless tide" of Demosthenes in the ancient world and the irresistible power of our own Patrick Henry, he is nevertheless one of the most practical of statesmen; so that if it were practicable for Spain now to be republican, she could be so chiefly by the surpassing genius of Emilio Castelar. Beyond all this, the chord that must call forth the tuneful harmony in the American heart is his devotion to freedom in the emancipation of every human being from the blighting curse of slavery. While under the guiding hand of such a central figure, so pre-eminent in nobility and statesmanship, Spain was struggling against fearful odds, which need not be mentioned, but which must strike the commonest apprehension, America could take no active steps that would impede or embarrass a struggle so fraught with precious germs for the future government and well-being of mankind. I have, therefore, no words of condemnation for the sublime patience which our people or authorities have shown in respect to Cuban affairs, nor for the sublime faith manifested in respect to the establishment of republican government in Spain. But, Mr. Speaker, there is a limit to forbearance even should it lead to conflict. Our patience, while woes unutterable have been perpetrated in the island of Cuba, and our faith in republics and republican institutions have secured for us the right of moral interference in the affairs of that most unhappy people.

One sentiment in connection with the subject has been submerged by the tide of affairs since the language of the President's message, from which I have read, was received by Congress—the republic of Spain *has crumbled into ruins* and passed out of existence. In its stead we see again that monarchy which has made so many mistakes and shed so much blood. It is a remarkable but perhaps a natural retrogradation of the Spanish nation, yet it reverses the whole aspect of the Spanish-Cuban question as viewed from the western stand-point. Where predilection hitherto encouraged all the legitimate moral aid and comfort from the American people to republican Spain, it is now no less clearly our duty to give all the legitimate moral aid in our power to republican Cuba as against monarchical Bourbon Spain. If the situation at the time of the transmission of the President's message justified his temperate and moderate language, is it not certain that the changed situation now demands that our Government should at once take a firm attitude, if not in recognition of the indepence of Cuba, at least in recognition of the belligerent rights of the revolutionists? Has the hour not arrived in which to throw the weight of the moral influence of the United States in behalf of free Cuba.

I propose, Mr. Speaker, in order that we may arrive at correct conclusions as to the duty of the American Government in this important question, to speak of the subject in its general bearings, beginning first, in general terms, with—

SPANISH ACQUISITIONS IN AMERICA.

The history of Spanish conquests in the western hemisphere may be described as a record of avarice, cruelty, bigotry, and lust nowhere else paralleled or even approached in the annals of mankind. If the great discoverer Columbus himself did not set the example of treachery, cruelty, and bloodthirstiness, it must be remembered that he was not a Spaniard but an Italian. He himself who gave to Spain a new world was made the victim, by that people and government, of contumely, cruel injustice, and atrocious ingratitude. We have but to carefully study the lesson given to us by the great sculptor on the door of our Rotunda to learn the ignominy which Spain meted out to him who had conferred the most illustrious renown upon the Spanish monarchy. From that day forth until Spanish rulers were generally expelled from the countries of the western hemisphere, Spanish-American history is a record of cruelty and crime, and has been branded as such with an indelible stigma by the most celebrated of both American and European writers. If there indeed be a parallel to the perfidious cunning, the cold-blooded cruelty, the wholesale massacre of unarmed men shown in the Spanish conquests of America, it can be found only in the dark and bloody and murderous history of the Spaniards of the Netherlands. It would be a "damning spot" in any nation to have produced one Alva; but Spain has produced many, and, most lamentable of all, has gloried in their monstrous deeds. The story of her deeds is in no instance, however, nor has the unvarying tale of outrage and of shame received a more horrible illustration than is to be found in her dealings with Cuba, "the gem of the Antilles."

It is not necessary for me to enter into a chronological account of events in Cuba, as the historian would do in narrating its history. This is the province of other fields of human inquiry and reflection. Statemanship has to do with general facts. It acts upon the existing state of things, and has to do with the past only as a light to guide it in present action, and to prepare reasonable precautions and safeguards against the threatened dangers and ills of the future. "I have but one lamp by which my feet are guided," said the great orator of the Revolution, "and that is the lamp of experience." Let us see what rays this lamp will shed upon Spanish domination in Cuba, so that thereby we may be enabled wisely to determine what is our duty for the present and the future welfare of the people of Cuba and those of the United States. Who can doubt that the history of Spanish domination in Cuba has been from the beginning a curse to that island, a hinderance to the cause of civilization, and an unwarrantable interference by a European power with the rightful freedom and independence of American peoples? I assert that so far from there having been any advance in political science in harmony with the spirit of the age, even as evidenced by the improved condition of the race in all monarchies save Spain, the dealings with Cuba by the home government have represented an era covered by the moldy execrations of centuries, and made insurrections righteous and resistance obedience to Deity. I trust it will not be regarded as unpatriotic, when I declare that the wrongs of the Cuban patriots find more warrant in fact, more warrant in general law and natural right, for their attitude against Spanish domination than the American people had when they declared almost a century ago that they were, and were of right entitled to be, free and independent States.

There are three words, sir, in which the history of Spanish domination in Cuba, and in all her other colonial dependencies, might well be summed up. They are: Inhumanity; slavery; ferocity. From the beginning Cuba has been a colonial orange which Spain has been constantly squeezing. The people have been taxed with a colossal enormity, and the revenues of the island have been used to sustain an effete and licentious dynasty abroad, and corrupt, pampered task-masters at home. That the largest revenues might be drawn from her bleeding side, the African slave-trade was openly carried on by Spain longer than any other nation, and was clandestinely engaged in by Spanish grandees of the island for years after

the mother country had been forced by the moral sentiment of Christendom to denounce the inhuman practice in the solemn stipulations of treaties.

In the same wrongful interest, and for the same barbarous purpose, all the just rules of national comity have been violated in her commercial regulations with respect to Cuba. A heavy tribute is laid upon everything which enters her ports or departs therefrom; and all this in direct antagonism to Cuban industries and in the interest of the Spanish budget.

But, sir, the material welfare of Cuba and her people is not the only just cause of complaint, nor the only means of unjust discrimination. There is scarcely a principle of civilized, not to say free, government which is not daily and hourly violated on her soil; and there is no act of savage barbarity which is not being constantly committed by the Spanish authorities, civil and military. Is there a man in this House; nay more, is there a citizen of the country, who was not struck almost dumb with astonishment and horror when the news of the fatal massacre of the officers of the Virginius first reached our shores? It matters not what one might have thought of that unhappy enterprise—and it is scarcely necessary for me to deny that it was unlawful—we could not have contemplated the untimely taking off, and the mode of its brutal execution, without feelings of indignation and detestation. Sir, such things have been of daily occurrence in Cuba for many long years, and it would seem that deeds which horrify all other people are matters of calm contemplation and joyous gratulation to the masters of Cuba. They seem to be the iconoclasts of freedom, of human progress, and of liberal civilization.

This, Mr. Speaker, is believed to be no overdrawn picture, and applies with equal force to Spanish history in all of its American affairs. The pages of our Prescott teem with the revolting recitals, and the fascinating volumes of our American Motley demonstrate that no pen can overdraw and no tongue can overstate the measure of Spanish cruelty and perfidy during the last four hundred years. Mankind looks to her for cruel attacks upon all modern ideas as certainly as they expect free trade among British statesman, art in Italy, military prowess in Germany, agitation in France.

The original settlement of the island of Cuba, it will be remembered, was brought about by the Spaniards by the commission of two unmitigated crimes: First, the extinction of the original population, save the remnants of a few hardy tribes in the mountainous regions, by overwork as the enforced slaves of the Spaniards; and, second, the opening and extension of the African slave-trade for the purpose of replacing these poor Indians thus literally done to death by the remorseless avarice of cruel adventurers. The Spanish power had its origin in Cuba in these two foul crimes against humanity; and when it is said that from that day until the present the history of Spanish domination in the Antilles has been constantly worthy of its origin, enough is said to show that it is entitled not to the respect but to the execration of civilized mankind. From the time when the native population had been thus practically exterminated up to the year 1762, sixty thousand slaves had been imported from Africa. From the latter period until the year 1789, about thirty thousand more were imported. At this last date the slave-trade was declared free by Spanish law—the only instance, perhaps, in the history of civilization, except in the case of the notorious "Lecompton constitution," where law has positively declared, in express terms, that man could have property in man. From 1789 down to a very recent date Cuba was the principal support of this infamous traffic. And to this day the Spanish rulers of the island and the Catalonian volunteers who riot in Cuba look upon the prohibition of the slave-trade by the Christian nations of the world as a wrongful interference with their rights and profits.

What has been the character of these rulers? In the whole history of the island there have been but two or three reputable captains-general; no more. All the others have governed with the sole object of extorting from the people all possible revenue for Spain and all possible profit for themselves. Indeed it has passed into the proverbs of the language, that five years only is sufficient to amass a stupendous fortune as captain-general in Cuba. Gentlemen may conclude for themselves how lamentable must have been the history of such a country. It can be no matter for wonder that there has been little literature or eloquence and no art. All the qualities which ennoble man have been there repressed. And I hold it as a complete demonstration of the high standard in morals and intellectual attributes of the Cuban peoples that, notwithstanding the terrible government by which they have been ever oppressed, they are generally intelligent, chivalric, and brave. Among them now—I mean among the Cuban revolutionists—are men learned in the professions, able writers and orators, skillful in the art of war, and self-sacrificing in their devotion to the disenthrallment of their country.

What is the present status of the Cuban revolution? What was at first generally called "the Cuban insurrection" originated in the year 1868. In the summer of that year several leading Cubans, men of wealth, character, and standing in society, met together and perfected a plan of revolution. In the scheme to which they agreed there were two leading objects in view, each one of which was entitled to the favorable judgment of mankind. These were: *the independence of Cuba and the emancipation of the blacks.* Many conferences of the friends of these measures were held, and it was at last determined to rise in armed rebellion against Spanish domination in the month of November. Meantime the cause daily gained new adherents, particularly in the eastern portions of the island. Events precipitated the revolution quicker than had been agreed upon, and a conflict of arms between the patriots and Spanish troops occurred in the month of October. From the month of October, 1868, therefore, to the present moment, the Cuban "insurrectionists" as they are called by the home government, but "revolutionists" as they must in justice be denominated, have made more or less formidable head against the government of foreigners. They have three army corps, amounting in all to about twelve thousand men. At one time they had in the field a mobilized army of well-trained and well-equipped soldiers numbering ten thousand three hundred men. At this hour there are more than this in arms against the government. Let us not underrate or underestimate this force. Comparing the population of the two countries, our own revolutionary army was not relatively so large, and no American will quietly permit the heroes of 1776 to be insignificantly denominated "insurrectionists."

In consequence of the topographical features of the country, of the military forces opposed to them, and certain circumstances upon which I need not dwell, the patriots have pursued a mode of warfare in small bodies, as a general rule of strategy. It has not been wise policy for them to concentrate their forces. Nevertheless, considerable patriot armies have frequently met equal or greater forces of Spaniards or volunteers, and have fought pitched battles with them. On several occasions they have gained notable victories, and they have everywhere manifested a devotion to freedom, a gallantry in conflict, and a moderation in victory in pleasing contrast to the habitual conduct of their oppressors. From the beginning of the contest they have deserved the moral support of mankind.

I admit, sir, freely that we are to investigate and consider this question not alone from the moral and humane point of view, but must examine it in its legal aspects. Are the Cuban patriots entitled to the recognition of the American Government as belligerents? This question will be answered to a great extent by examining whether they are representative of the Cuban people. If they are, now that they have successfully maintained war for more than six years, they are entitled to such recognition from all governments, most especially from ours. Spanish domination in Cuba has always been an outrage upon Cuban rights, both of person and property, and has always been maintained by force alone. There has never been any right, abstractly speaking, in it. It is not too much to say that it is a constant affront to modern political civilization. It is as if Alva were slaying with the sword and carrying the torch of devastation in the Netherlands in the nineteenth century. It is a horrid anachronism. That such may be known to be the truth, let a few plain facts be stated.

In ordinary times, before the revolution was inaugurated, about twenty thousand Spanish troops were regularly stationed in Cuba. There was the disciplined militia besides, always ready for instant call to arms. The Spanish navy in Cuban waters was never less than from twenty-five to thirty war vessels, carrying over two hundred guns and three thousand men. Since the revolution it has been increased by about thirty light-draught gun-boats, which protect the coast against any aid to the patriots which might be sent from abroad. Why this immense military power? Here is a standing army for a million and a half of people about as great in numbers as our own regular Army, nearly all of which is engaged in guarding our great western frontier. There are no savage tribes in Cuba. This great military and naval force is there to uphold the hateful domination of Spain. Without it that power could not last beyond the hour of the setting sun.

How has this military array exercised itself upon the patriots of Cuba, struggling no less heroically for freedom and independence than did our own ancestors, to whom we gladly accord eternal honors? Since 1870 the regular troops have numbered about twenty-five thousand, the expeditionary corps thirty-three thousand more, and the militia in active service four thousand additional; in all numbering more than sixty thousand in the field, besides seventy thousand "volunteers," the most detested of all the Spanish soldiery in Cuba, in garrison. Here is a standing army, as we may in general terms call it, of more than one hundred and thirty thousand men. Such is the tremendous force by which freedom and independence in Cuba are repressed. How, I asked a moment ago, is this force exercised? Generally, I may say, as Spain has always exercised power, with perfidious and shocking cruelty. I have already referred to the barbarous haste with which the officers of the Virginius were butchered. This cruel act brought a shock to all mankind.

But this is only one instance of the general conduct of Spanish Cuban rule. Eminent American citizens, and the sons of eminent statesmen of our country, have been made to suffer death in Cuba in the most ignominious manner. Who can forget the bloody proclamation of Captain-General Valmaseda against the present revolutionists, in which he declared that every male over fifteen years of age found in the country away from his home should be shot; that every house on which a white flag was not displayed should be burned; and that all women and children found alone on their plantations should be removed to certain designated cities. The fearful atrocities of the volunteers in January, 1869, committed in the capital of the country by the indiscriminate shooting of men, women, and children, which were subsequently sustained by the government, are a stain upon the

world. The whole, indeed, is one long tale of horrors. Here is a summing up of this dark story for three years, which I find in a work universally recognized as authority:

According to official reports forwarded to Madrid by the United States minister, thirteen thousand and six hundred Cubans had been killed in battle up to August, 1873, besides forty-three thousand and five hundred prisoners whom the Spanish minister admitted to have been put to death.

Here is a shocking picture indeed! It is admitted by the Spanish minister that fifty-seven thousand and one hundred Cubans had been killed in three years of their revolution, forty-three thousand and five hundred of them having been *murdered*. No other word can fitly describe this most heinous outrage. And still, sir, the "insurrection" is not suppressed. The same terrible cruelties have been in active existence since August, 1873. Every month quite a number of prisoners of war are "put to death." The number at this time has probably reached sixty thousand souls. How long can our Government and our people permit such hitherto unknown crimes to be committed without entering our solemn protest? Are the wretched Cubans to be again exterminated before the nations cry out against the woes she is now enduring?

It is conclusive, I think, sir, from the above statistics that the revolutionists do represent the people, and that the Spaniards are intruders. Otherwise the insurrection, if it were a mere insurrection, would have been long since repressed, and peace, even though it were the peace of death, would have been restored. That it is a genuine revolution sustained by the people is undoubtedly true, and their claims for belligerent recognition are full as great, if not indeed stronger, than were those of our forefathers under like circumstances when their belligerency was promulgated by the powers of Europe. In proportion to population the Cubans have more men in the field than they, have fought as many battles, won as many victories, and have suffered more by pillage and hunger, devastation and want, exile and death.

Their cause does not rest here, Mr. Speaker. There are still other powerful considerations in behalf of their recognition as belligerents at our hands, and to some of these I will invite the attention of the House.

I affirm that the Cuban patriots are entitled to recognition by the law of nations. I do not propose to enter into any elaborate discussion of the principles of the law of nations bearing upon this case. Such learned discussions are more appropriately conducted, as it seems to me, in the field of diplomacy than here. I desire, however, to make the application of a principle in the international code which is announced by all the great authoritative writers on the subject, and will not doubtless be questioned here or elsewhere. The purport of this principle, as it is propounded by all the recognized authorities, is this: That where a population sustains a government in hostility to the established authority until it attracts the sympathy of the world by its valor and determination to be free, and evinces its ability to maintain its opposition during a considerable period of time, it ought to be so far recognized as to be brought within the rules of civilized warfare by a guarantee of belligerent rights. This is an understatement of the scope of the principle rather than an overstatement; and I believe that under circumstances as thus stated a sovereign nation would be wholly justifiable in recognizing a people so described as possessing a government of their own.

Perhaps, sir, that instance of the recognition of a revolutionary government by other powers in modern times which approaches more nearly the case of Cuba, was the recognition of the Greek revolution by the powers of Europe in 1827. This is expressly approved both by Wheaton and Woolsey, confessedly the most eminent of American writers on international law. Says Woolsey:

In modern times the interference of Great Britain, France, and Russia, on behalf of the Greeks in 1827, was avowedly dictated by motives of humanity. The Greeks, after a bloody contest, had so far achieved their independence that the Sultan could not reduce them. Accordingly his vassal, Mehemet Ali, of Egypt, was allowed to send an army of subjugation into the Morea, and the atrocious scenes of fanatical war were renewed. The Greeks applied to France and England for help or mediation. At length, in consequence of the battle of Navarino, October 20, 1827, and the French occupation of the Morea, the peninsula was evacuated by Mohammedan troops, and finally the independence of Greece was acknowledged.

Mr. Wheaton, in his Elements of International Law, says of these events, and he is quoted and approved by President Woolsey, that—

The Christian powers of Europe were eminently justified in their interference to rescue a whole nation not merely from religious persecution, but from the cruel alternative of being transported from their native land or exterminated by their oppressors. The rights of human nature wantonly outraged by this cruel warfare were but tardily and imperfectly vindicated by this measure. "Whatever," as Sir James Mackintosh said, "a nation may lawfully defend for itself it may defend for another people, if called upon to interpose." The interference of the Christian powers to put an end to this bloody contest might, therefore, have been safely rested upon this ground alone, without appealing to the interests of commerce and of the repose of Europe.

Mr. Speaker, there was no one argument in behalf of the recognition of the independence of the Greeks in 1827 which does not apply with greater force to the Cubans of 1875. The Greeks had not held out so long against the Turk as the Cubans have maintained themselves against the Spaniard. Not half so many of them had been so inhumanly slain in cold blood. They had not proclaimed the principles of liberty so emphatically and unreservedly. They had not fought with more gallantry nor endured with more fortitude. They were, it is true, the descendants of a great and glorious race; of a race which had done more than any other to illustrate the greatness of the human mind, and to make for it the sublimest records in poetry, in eloquence, in sculpture, in architecture, and in song. On this account the sympathies of mankind were greatly stirred in behalf of the Greek revolutionists. The most illustrious poet of England then living escaped from the embraces of beauty and the voluptuous elegance of wealth to aid the Greeks, and there gloriously ended his brilliant and erratic life. One of our own lyrics sprang from the same inspiring theme. Clay, and Webster, and other of our great orators and statesmen rarely spoke with more power and eloquence than when they poured out their rich gifts in behalf of the Greek revolution. I beg to say, with all deference to the riper experience and more mature reflection of others, whether in the past or present, that neither humanity, nor liberty, nor Christian civilization was in the smallest degree more insulted and outraged by the Turks in Greece than all have been insulted and outraged by the Spaniards in Cuba during the whole history of the island, and especially since the month of October, 1868. As the best writers on the law of nations unite in telling us that interference in Greece was perfectly justifiable on the score of humanity alone, so I hold the proposition to be invulnerable to just criticism in the position I feel warranted in assuming, that the American Government should at once recognize the belligerent rights of the Cuban revolutionists. If our Government should go further and recognize their independence, it would have ample and well-grounded reasons to sustain it in the recognized principles of international law. But so much as this I do not now insist upon.

Let us inquire for a moment into the precedents in such cases as the one now presented, and see whether by the light of comparison the Government would be justifiable in taking the course I advocate. In the age which succeeded the religious reformation in Europe, writers on international law expressly tell us that religious sympathies induced Protestant countries to aid each other against the superior might of the Catholic, and to aid the votaries of their faith within Catholic states in order to secure for them religious freedom. Says Wheaton:

The great Catholic and Protestant powers mutually protected the adherents of their own faith in the bosom of rival states. The repeated interference of Austria and Spain in favor of the Catholic faction in France, Germany, and England, and of the Protestant powers to protect their persecuted brethren in Germany, France, and the Netherlands, gave a peculiar coloring to the political transactions of the age. This was still more heightened by the conduct of Catholic France under the ministry of Cardinal Richelieu, in sustaining, by a singular refinement of policy, the Protestant princes and people of Germany against the house of Austria, while she was persecuting with unrelenting severity her own subjects of the reformed faith. (Elements of International Law, page 93.)

Those who have given themselves the intellectual pleasure of reading the works of Motley well know how the great Queen of England made armed interference in behalf of the Dutch in their long and heroic struggles with Spain. The energetic threats of Cromwell against the persecutors of the Waldenses had a notable influence in curbing the cruelty of the Duke of Savoy. I might give many other instances of interference on account of religion and humanity, but it is not necessary.

To the principle of the recognition of revolutionary governments when reasonably successful, the American Government is peculiarly indebted. But for the recognition of American independence by France and other European powers, and the armed interference of the former in our behalf, it is certain that our revolutionary struggle would have been indefinitely protracted. The Government of the United States is the child of the very principle which, in modified and liberal form, I am advocating as applicable to the Cuban revolution.

The republic of Mexico and the states of Central and South America are illustrations of the same truth. After the revolted colonies of Spain in the western world had for some time made head against the established government in their endeavor to institute republics in the place of monarchical dependencies, and when Spain undertook to procure the assistance of European governments to put down these revolutions, both Great Britain and the United States energetically protested against the right of the allied powers to interfere by forcible means. Hence the South American republics were successful; and after many heroic acts, challenging the admiration of the world, were admitted into the family of nations. If some of them have not been all the while since so well governed as they might have been, if the bright anticipations of the friends of freedom have not all been realized, still it can be triumphantly asserted that by these memorable events humanity and freedom gained substantial victories. If Cuba had then been wrested from the domination of Spain, as was greatly desired and openly advocated by the friends of republics in South America, it would perhaps have been far better for the people of the western world and in the end for mankind. There was then left in the West a remnant of kingly power, the influence of which has been only evil and that continually. However this may be, and I will recur to this point again in a moment, we shall find if we trace the history of the republics of South America that in no single instance was there as much cause for revolt as there has been constantly and now is in Cuba; that in no instance was the revolution shown to be more decisively a popular movement, numbers being taken into consideration; that in no instance were more just principles of government proclaimed by the revolutionists; nor was the contest of arms more bravely conducted. It is confidently asserted that, where one good

reason or just ground for the recognition of the South American republics existed, tenfold stronger arguments appeal upon behalf of Cuba.

Mr. Speaker, out of these renowned contests for liberty on the part of the revolted colonies of Spain in the western world there arose a distinctive American doctrine of governmental policy. It was then that the Government of the United States declared that it should consider any attempt on the part of the allied European powers to extend their peculiar political system to the American continent as dangerous to the peace and safety of the United States. It was further declared by the then President of the Republic that with the existing colonies or dependencies of any European powers in America they had not interfered and would not interfere, but with respect to the governments whose independence they had recognized, they could not view any interposition for the purpose of oppressing them, or controlling in any manner their destiny, in any other light than as a manifestation of an unfriendly disposition toward the United States. (See Wheaton's Elements of International Law, page 97.)

This is the Monroe doctrine, and it has become the traditional policy of the United States. In the abstract principle, this doctrine means that European political institutions are not suitable to America. It gives no welcome to monarchy or aristocracy. I agree that to this doctrine with its explanatory phrases the existence of Spanish domination in Cuba is not repugnant. But the existence of that domination, there, is in opposition to the principle upon which this traditional policy of the United States is founded. It is clear that the United States ought to be quick rather than slow in recognizing republics in the western hemisphere.

I hold, sir, to the Monroe doctrine in its broadest signification and widest application. It is a logical result of American freedom and civilization, and is a necessity for the political regeneration and progress of mankind. Liberal doctrines are a demand of the times. The superstitions, the political shams of other ages are not for this continent. They should be banished herefrom; every relic of mere authority, every vestige of the blasphemous pretense of *jure divino*, every sentiment of hereditary claim. For such things the American continent should have no permanent abiding-place.

Nothing, sir, in this age of progress stands still, not even a doctrine. It is constantly receiving new applications. I believe in extending the application of the Monroe doctrine. The hour has perhaps arrived when we should proclaim that kingly institutions are contrary to the genius of America, hostile to the development of American civilization, and ought not to be endured on our borders. But this doctrine should not be thrust upon peoples at the point of the bayonet or at the cannon's mouth. I urge no unfriendly interference with the affairs of other governments. With our hereditary policy of non-interference in the affairs of other nations I heartily agree. This, however, is an age of the power of public opinion, as was most forcibly and eloquently proclaimed by Mr. Webster when he advocated the recognition of the Greek revolutionary government. What he then said with so much truth and power is even more applicable to the present situation of affairs than it was at that time. Since then a grand power has gradually arisen to illumine the world, which was then in its infancy. The press with its myriad arms has literally reached intelligence to every hamlet, and almost to every home, throughout a vast portion of the whole world. There is a higher standard of intelligence in the general body-politic of every nation, in consequence of these and other incentives to mental improvement. Just how much the splendid civilization and the advance of the political science of our times is due to the influence of our own Republic can never, perhaps, be fully estimated. We know that it was immediately followed by great popular movements in Europe. The French Revolution, that terrible rebound from the enthrallment of the dark ages, was largely due to our own; and though it was accompanied by many unfortuitous scenes and events, it purified the political atmosphere of a continent, emancipated the human mind from ecclesiastical, monarchical, and aristocratic thralldom, and made that civilization possible which boasts of a Tyndall and Watson in science; Buckle and Guizot in literature; Gladstone and Bright and Cobden, and our own Lincoln, in statesmanship. Who can doubt, indeed, that to the influence of American republican institutions, in respect to resistance to authority and the assertion of individual rights, which have permeated Christendom, countless benefits have been conferred upon the race? Shall it be said that such an influence shall be "cabined, cribbed, confined?"

What are some of the practical aspects of this question? Cuba although our near neighbor, and at one time in geological history doubtless an integral part of the North American continent, has comparatively more intimate and profitable commercial relations with other nations than with ours. This fact, somewhat humiliating to our commercial activity, is to a considerable extent due to the decadence of American shipping, one of the deplorable results of the late war, and to other causes. But there are other reasons for it. These grow out of Spanish legislation; treaties between Spain and other countries, and the regulations in respect to customs in Cuba, hostile to the interests of American commerce in that island. Notwithstanding these impediments, our imports from the Spanish West Indies for the year ending June 30, 1873, were over $85,000,000, and our exports over $17,000,000, making a total annual trade of more than one hundred millions, which would have probably been increased to over one hundred and fifty millions but for the reasons to which reference has just been made. By reason of our proximity to the islands, of their productions which find so readily a market in our ports, and which are so readily exchanged for those of our own country, our trade with them ought to be every year largely in excess of the sums just named.

But I shall not occupy the time of the House with the recital of mere commercial statistics. I prefer to deal with more comprehensive generalizations. Cuba is the key to the Gulf of Mexico and the Caribbean Sea. Upon these waters are the republic of Mexico and several of the states of Central America. They are upon the line of our travel and transportation by steamship and the Panama Railroad, between our Atlantic and Pacific sea-board. The commerce of all these countries on the Gulf and the Caribbean Sea and of the West Indies is more naturally tributary to the United States than to any other nation. Nevertheless we have only a small share of it all. The incipiency to our supremacy in all this commerce will be found in Cuba being in the possession of a government free and progressive in character, and entertaining fraternal sentiments by reason of having extended to it in gloomy hours words of comfort and cheer. In full accord with the law of nations; in the interest of American ideas of politics and civilization; in the interest of our trade and commerce now and for the future; in the interest of humanity and to prevent a further wanton effusion of blood, I insist on this as the time for the exercise of the great prerogative of nations in admitting a suffering people to the councils of national individuality and greatness.

Before I leave the subject of our commercial relations with the West Indies, I beg to refer for a moment to a question which was recently discussed by the American people—our acquisition of San Domingo. The underlying reason for that acquisition was never fully understood by the general public. It was not claimed by those who favored the proposition that gold flowed down the mountain slopes of the island; that the rich exuberance of nature supplied all the necessities of man without a struggle, or that the inhabitants would be altogether a desirable class of citizens. The true reason why the United States should have acquired it was, because thereby our people would have assumed a commanding position in the commerce of the West Indies, and of the neighboring Spanish-American states. Another good reason for its acquirement was to be found in the fact that the possession of San Domingo by the United States would have opened in the future a vantage ground in our honorable possession of other West Indian islands; and finally to our undivided political and commercial supremacy in this portion of the globe—a consummation most devoutly to be wished. It is a matter of regret that this acquisition was not completed when the wise statesmanship of the day proposed it, and had so far prepared the initiatory steps that but a few strokes of the pen would have settled it forever. Such opportunities are rare, and only the sagacity which peers into futurity can fully appreciate their rich importance in the passing moment.

Mr. Speaker, it will be readily perceived that if the statements I have shown are correct there are many grave and important considerations connected with what is generally known as the Cuban question. There lingers the only remaining relic of monarchy and Bourbon despotism on our continent. Everywhere else there is some form of representative government. There, for almost as long a period as Washington and his compatriots contended against the British Crown in this country, have the Cuban patriots withstood their fierce and vindictive oppressors. They have constructed a government modeled after the American Constitution. They have declared for universal emancipation. Their principles of governmental science, if they succeed, will be our principles; their civilization will be our civilization. They are our friends and brethren and they should receive the assurances of our moral support.

It may be, sir, that these people will be reduced by the Spanish Crown; it is physically possible; but that reduction will be only by extermination. This monstrous cruelty the law of nations commands the world to prohibit. About ninety thousand troops have been sent from Spain to Cuba to suppress the insurrection since October, 1868. The expenses have been to that nation nearly $70,000,000 annually, or more than four hundred millions to the present. And yet to this hour so violent is the struggle, that Spain murders the prisoners captured by her armies. These atrocities should be ended, if it can only be so done, by armed interference upon the part of Christian peoples. But the acknowledgment of belligerent rights will go far to obviate any such final resort. Nor can this be regarded as an insult or menace to Spain. All nations stand upon an equality of rights. Among these is the freedom of opinion. No nation can assume to bar the voice of another. The moment a nation deems that a revolutionary movement is entitled to belligerent rights, or indeed a more complete recognition, it has a right conceded by the voice of modern opinion and action to so declare.

Only a few more words, sir, and I am done. The Congress needs not to be assured of the American sentiment in behalf of universal liberty. It has been manifested at every period of our national existence. Never has a struggling and oppressed people sought to escape from the iron hand of despotic power, that the American heart did not beat in kindly sympathy. It was so in the great French struggle of 1789. No people were more earnest in behalf of Greek independence. No nation so heartily admired Bolivar and his heroic compeers who achieved South American independence. When popular revolutions occurred in Hungary, in Germany, in Italy, in France, in

Ireland, no eyes so kindled with generous enthusiasm at victories for freedom, or saddened with news of misfortune, and no arms were so hospitably opened to receive the defeated chieftians, as were those of the worthy sons of the sires of 1776.

I appeal to this Congress to place itself in full accord with this American sentiment. The organized cruelty of Spanish rule in Cuba is an affront to the age, and its bitter malevolence is only exceeded by its hideous monstrosities. We owe it to the past, it is the duty of the present, and the future will ascribe it to our highest honor, to accord the rights acknowledged by the common laws of modern warfare to the Cuban revolutionists.

I make this appeal, sir, because I see this fair island like another Niobe of nations, with her garments dripping with the blood of her slain children; her helpless feet bathed in the bright Caribbean waters, the tears of her sorrows, and her disheveled locks rent by the fire-storm of contumely and wrongs. The very genius of destruction seems to throw its fell shadow over her broken limbs and bruised form. Even her burial is forbidden by the angry passions of her destroyers, that her misfortunes may be eternal.

Sir, one of our own great masters has hewn in immortal marble the figure of another prostrate nation. Art has contributed one of her grandest triumphs to celebrate the enthralldom of that people whose memories awaken the most sublime inspirations of the human soul. It is a form of surpassing beauty and perfection. With manacled hands it stands erect in conscious loveliness. But the lineaments of the sculptured face, as with averted head it seeks a last fond glance of the native land, betrays no pain; nor does the shadow of fear find a lodging there; nor are those delicate limbs and that chaste form marred by the stroke of wrong or stung with the arrow of unhappy fate. A deep, an almost holy resignation overspreads the countenance that turns to gaze upon the joys of the past, indifferent to the future. Sir, no such conception can portray the living Cuba. Her outward form, so lovely in the hands of its Creator, bears every impress of sorrow; her limbs are fettered in almost deathless bands; her breast is torn and bleeding from the foul grasp of her ruthless ravisher; her countenance, alas! turns not back to halcyon days and scenes of other years, for her youth was but the birth of woes.

Possessing as she does in nature's store all that makes life desirable, both in climate and in soil, in forest and in field, in mountain and in plain, in lake and in river, in ocean and in shore, she yet eats not the bread of her own toil. Robber feet press her soil, robber hands snatch the fruits of enforced labor, and robber hands wield the scourge of her afflictions. Still, sir, she is undaunted. Like her own palm, the queen of the forest, which defies the hurricane blasts that sweep over her breast and proudly dashes the storms from her peerless brow, the spirit of free Cuba is undying. It sighs in the morning breeze ladened with the aroma of her own perfumed breath. It moans its wierd, deathless hopes adown the ravines of her lofty mountains. It rolls up from her plains on the widening beams of a tropical sun's constant rays. It hurls its defiant shout in the midst of her raging tempests. It raises its sonorous voice in the deep roar of her sounding seas; and everywhere and at all hours its voiceless essence pervades all true hearts and cherishes all true souls.

Sir, the peans that stir the Cuban heart reach our shores. Shall they awaken no echo in the breasts of their more favored brethren? I hope the hour is not far distant when we may see the new Cuba, arisen from the reddened couch where she now in anguish lies covered with the wounds of shameless and wanton power, and clothed with the mantle of liberty, sit down at the feast of nations, where the jewel of her own sovereignty shall be among the brightest gems in the diadem of republics that crowns the western world.

Civil Rights.

SPEECH OF HON. A. WHITE,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

February 4, 1875.

The House having under consideration the civil-rights bill—

Mr. WHITE said:

Mr. SPEAKER: I am keenly sensible that in the consideration of the bill and substitute now before the House we are dealing with an important and delicate subject, whose influences are to extend far beyond its prescribed sphere and are to continue for good or for evil for generations.

We are on the line where prejudices of race, of party, and of section collide, which must be remitted by us to harmony and repose, or their clashings will create disturbance, discord, and strife in one section of the Union, and in their ultimate consequences will make the nation itself tremble with their convulsions. The subject has already created much excitement and bitterness of feeling in this House and in the country.

There are extreme advocates of the civil-rights bill and extreme opponents to it—those who would give the remedies proposed to be conferred by it in the most offensive form and to be enforced by severe penalties, and those who would have no action by Congress, but leave such rights to the State courts, with the common-law remedy, which would be tantamount to no right and no remedy.

Between these extremes I have chosen the middle ground—"*In medias res tutissimus ibis.*" My naturally ardent and zealous temperament has been tempered to moderation on this subject by contact with the people of both races upon whom mainly this bill is to operate, by lifelong familiarity with both the white and colored people of the South, by an anxious desire to maintain the rights and promote the interests of all, and a deep conviction of the dangers which mistaken legislation upon this subject will involve and the injuries it will inflict upon both races, but most heavily upon the colored, because the weaker of the parties to the strife which such legislation will engender. Extremes involve error, and error involves injury. From the order of the spheres to the motion of the atoms throughout the material universe this truth illustrates itself, and in the moral world, which in no small degree is a counterpart of the natural, this same rule obtains. No matter how obscured by zeal or passion or postponed by the prejudices of the hour, it vindicates itself by results; and when looked at in the clear light of the past it manifests itself as one of those truths which we are bound to discern at our peril and which can never be disregarded with impunity.

The bill which I offer as a substitute recognizes the rights of the colored people as distinctly as do either of the other bills before the House. Equal advantages in matters of common and public right is the common basis upon which they all rest. The difference is in the manner of enjoyment and in the remedies for enforcing those rights. The first thing to be considered in the making of a law, says the great commentator upon the laws of England, is the evil to be remedied.

The evil proposed to be remedied by this bill is that the people of color in many of the States are denied the privilege of admission into public schools, of traveling upon public conveyances, of obtaining food and lodging at public hotels when traveling, and of going to places of public amusement, theaters, &c.; and to secure to them equality of right in these respects is the object of this proposed legislation. The substance of the thing is the assertion of the right and its enforcement; when this shall be accomplished all will have been done which justice requires, and we cannot reasonably or safely desire or demand more. These are rights to enforce which an action at common law would lie, certainly as to most of them, and I think as to all, but these actions would have to be brought in the State courts, and I suppose there is no one bold enough to assert that in the Southern States such remedy would be effectual to enforce this class of rights.

Then we have two things to look to: the evil to be remedied, and the tribunals through which the laws for remedying the evil are to be enforced.

The substitute I offer affirms the rights in unequivocal terms, provides a remedy by suit in the United States courts, and gives a penalty of $500 as the measure of recovery, thus avoiding as far as is practicable the influence of prejudice or other unfavorable local surroundings in the prosecution of the right or obtaining compensation for its denial.

This brings us to the main difference between the bill offered by the committee, the Senate bill, and the substitute, which relates alone to the manner of enjoying these rights. The principle of the substitute is "equal rights and separate enjoyment." The Senate bill is equal rights and a community of enjoyment. That of the committee is "equal rights and separate enjoyment as to schools and a community of enjoyment as to the other rights in their bill."

This is a question of expediency, not a matter of right. Your committee concede this by providing in their bill for separate schools. Had it been a matter of right or of principle, they could not have provided in their bill for separate schools; but as it was neither, but only a question of expediency, they could do so, and acted wisely and well in so doing.

The irritations of an evil condition and excited prejudices aside, this question could be settled, I believe, satisfactorily to all by the adoption of the policy which human nature itself points out. The masses of the people, neither white nor colored, desire a mixing up of the two races in these matters of public right. White gathers to white and colored to colored not only in the South, but in the North and over the wide world. This is more emphatically true in the South from the fact that the colored race have been the slaves of the white, and consequently the line of social exclusion has been drawn more closely in *both* directions. It is not the wish of the colored people of the South to be forced to intermingling with the white people by laws ordained for that end. What they wish in this regard is their rights, and the enjoyment of them as they enjoy other rights of kindred character, with their own people, free and unconstrained by the presence of white people. This is so obvious to the impartial observer that it is difficult to enforce it by argument. It is in the nature of a self-evident proposition. The colored people cannot ignore their own race if they would, nor do they desire to do so.

There is a misconception in the northern mind upon this subject. The impression seems to be that the aversion to this mixing together is on the part of the whites of the South alone. This is not true. It exists, though less intense in degree, among the blacks as well as the whites. That it does exist among the whites is true, and to an extent

formidable beyond any conception of it which I have heard expressed in any discussion of the subject public or private among our northern friends. The Anglo-Saxon does not mix socially or miscegenate upon terms of equality with any but the Germanic races, and not readily with any of them but his own. They have never mixed with any of the colored races. This predisposition or race prejudice, if you choose so to call it, has been somewhat modified in the Anglo-American by peculiar surroundings as to European peoples, but has been increased as to the darker races. The presence of the negro and the Indian in America, the one as a slave and the other as a savage, has penetrated the mind of the white race with deep aversion to mixing with colored people in social relations.

This is a fair statement of the case "*in principiis*," without reference to section or party. It is true of the whole people of the white races of the United States. There may be individual exceptions, where other influences may have warped the usual bent of the mind, but even with these many of them, if they would scrutinize their own actions in detail, would find, I apprehend, that in the privacy of intimate personal and home life this race prejudice unconsciously asserts its power. This prejudice is not only universal, but it is inveterate and difficult to eradicate. For while it is a prejudice it is also a sentiment. Pride of race and pride of country go hand in hand, and bear upon their broad bosom the loftiest trophies humanity can boast. It cannot be despised or lightly regarded by us either as men or as statesmen; but in both capacities we should fairly and justly consider it, with the view of dealing reasonably by it and wisely with the irritating subject upon which we are legislating.

In all legislation of this class, and in none more than the bill under consideration, we should be ever mindful of the past relations of the two races in the South, and of the habits of thought and feeling which in each respectively their past condition has produced and made part of their very being. Before emancipation command was the prerogative of the master, obedience the duty of the slave. The master had to provide for his slave in health and in sickness, in infancy and old age, and the slave had to work for his master and had to provide for nothing. From these relations came habits of exaction on the one hand, and of concession on the other. No black person scarce ever ventured resistance to a white man, whether his master or not. Subordination of the colored race to the white was the uniform condition. Self-reliance made stronger by habits of dominion was the leading characteristic of the white race, and humility was one of the most conspicuous traits of the other. Within the narrow sphere of his life the slave had but meager opportunities for self-development or growth of those faculties which constitute a higher manhood. In the physical he was a full, well-developed man; in the attributes of manhood outside of the limited sphere of his humble condition, a mere child. He is spoken of often as uneducated, untaught in the schools; that was not his greatest want; he was uneducated in life's experience. He had known none of the battles in the struggle for existence, for wealth, for position, which enter into the every-day life of a freeman, and make and mold and give strength to character.

Thus feebly endowed he was emancipated; his civil and political equality was ordained by law; he was invested with suffrage, and thus entered upon the political controversy with the large majority of the white people of the South, which was soon after inaugurated by the democratic party in its war upon the reconstruction measures of Congress as "unconstitutional, revolutionary, and void."

The contest was an unequal one. All the advantages were on the side of their opponents, all the odds were against the colored people. But they had one trait which supplied deficiencies in themselves as political tacticians, and outweighed all the advantages of their adversaries, and that was their fidelity to the republican party. This carried them safely through that and a series of other political contests; but at the same time it stimulated the energies of and aroused their opponents to renewed and more extreme and desperate efforts to overpower them and the party which co-operated with and sustained them in the South.

The political war made by the democratic leaders at the South against the republican party, in reckless disregard of the decencies and proprieties which usually put limits to the acerbities of political contests, and in ruthless assaults upon private character, finds no parallel in the history of parties in this or any other country in modern times. The party is stigmatized as the negro party, as the "party of fools and thieves." Every white man who belongs to it is denounced as an apostate, as false to his race and his section, or as a miserable carpet-bag adventurer who has floated down South on the wave of reconstruction for purposes of plunder and personal aggrandizement. No matter what may have been his position, how long known or highly honored, upon his uniting himself with the republican party the white man at once becomes infamous, unworthy of association with honest and reputable people, and a fit object of hatred and scorn. The object of this from the beginning was plain, and it is plainer still in the light of subsequent events. It was to array the prejudices of the white people in the South against the republican party, and bring it into such disrepute as to prevent white men from joining it, and to constrain them to unite with the democratic party. These tactics, skillfully and vigorously followed by party leaders, continually plied by a venal partisan press, backed by the wealth of the community and the appliances which wealth can bring to bear upon political issues, pressing politics into every man's business and home, persecuting in the one and proscribing in the other, were severer tests than men are usually willing to subject themselves to for political convictions; and the result has been to a large extent to array the whites against the blacks, and to create that very antagonism of races which the southern democracy (to cover up their own purposes from the people) have been charging upon the republican party.

The war of the democratic party in the South (for there is no national democracy there) has been from the beginning upon negro suffrage. This was the bulwark against which their artillery was directed, and all other points or modes of attack were but incidental and accessorial to this main object. As long as the colored people held the ballot and the ballot was free, so long were they a power in the State and their voices would be heard in its administration and policy. This was a prerogative the southern democracy conceived to be exclusively their own. They do not believe a black man fit to be endowed with the franchise; and even after their pretended acquiescence, in the Greeley campaign of 1872, in the late amendments to the Constitution, when defeated, they returned with more envenomed hatred than ever before to their war upon negro suffrage, the negro, and the republican party. These continual assaults of almost the entire press of the South, quickened by political contests, so prejudiced and inflamed the minds of the large majority of the white people of the South and so emboldened men who had personal ends to accomplish in the political success of the democratic party, as to prepare the way for the bitter and desperate contest in 1874.

Before I enter upon this, that the spirit and purpose which actuate them may be better understood and appreciated, I desire to call the attention of the House to some other important facts which exerted large influence upon the last election. It has been the settled, deliberate policy of the democractic party of the South since 1868 to get control of all the State governments in the South. To this end every other consideration and interest was to yield. Until this was attained position or place in the Federal Government was not to be sought by the real leaders, and by many of them I believe was not desired; but when this consummation is reached, with fifteen States bound together in perpetual hostility to the party that suppressed the rebellion and in common regrets for a fallen confederacy, they realize that they will be, and they intend to be, a power in the land. They are not of the stuff, these southern leaders, which sues when it can demand, nor of the material which treads the "paths of dalliance" when the highway to power is open before them. They have long held back, but they have played their game well; and now, as State after State is captured by their political friends, and they think they see the successful issue of their grand design opening to their view, they begin to come to the front, and in the next Congress you will find between eighty and ninety unrepentant confederate officers, ranging from captains to generals, Representatives in this House. Such are to be the rulers of fifteen States united together by inseparable bonds of hostility to the policy that waged war to save the nation, that emancipated the slaves, that re-established the Union, and ordained the thirteenth, fourteenth, and fifteenth amendments to the Constitution. This combination, calling itself democratic, will unite with the democratic party North and will control that party; and when that party gets into power, as they say they believe they will in 1876, they will control the nation. A singular spectacle this would present to an intelligent world. A nation placed by its own people under the control of the very men who fifteen years before had rebelled against and attempted to destroy it!

Of this I hope to be able to speak more at length at another time. I now allude to it to illustrate the last canvass and to show how strong were the motives that pressed the southern democracy to the extreme and lawless means resorted to by them to secure success in the election. In illustrating these I will refer mainly to the canvass in Alabama, as I am more familiar with it, and the more readily because it is a fair exemplar of the canvass in the other cotton States. It may be well to remember that the rebellion of 1861 was concocted in the cotton States. In the border States it was known to a chosen few; but the people were not aware of and scarcely suspected it until the match was lighted which quickly flamed in war in eleven States.

The more extreme presses of the democratic party in Alabama for several years before 1874 had urged the race issue; but many others, while they plied every less hazardous means of arraying the white people against the colored, were opposed to an open and avowed issue of race against race until the civil-rights bill passed by the Senate at the last session so excited and alarmed the minds of the white people of the State and furnished to the quick discernment of their leaders such powerful and obvious means of drawing to the democratic party the almost solid white vote in the State, as to override all opposition to the race issue; and the democracy in State convention, in July, 1874, adopted and promulgated it in the first article of their platform, as follows:

First. That the radical and dominant faction of the republican party in this State persistently, by false and fraudulent representations, have inflamed the passions and prejudices of the negroes as a race against the white people, and have thereby made it necessary for the white people to unite and act together in self-defense and for the preservation of white civilization.

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In connection with this I ask the reading of the third article of their platform.

The Clerk read as follows:

3. That the so-called civil-rights bill, recently passed the Federal Senate and now pending in the House, is a flagrant and dangerous invasion of the ancient conservative principles of personal liberty and free government, and is a palpable violation of the Federal Constitution, and presents an issue of vital moment to the American people, and calls upon them to decide at the ballot-box whether they will or will not be coerced to the absolute social as well as political equality of the negro race with themselves. We view with abhorrence the attempt on the part of the Federal Government to take control of schools, colleges, churches, hotels, railroads, steamboats, theaters, and grave-yards, for the purpose of establishing negro equality and enforcing it under numerous penalties of fines, damages, and imprisonment.

Mr. WHITE. The republican party convened about a month later. It protested against the race issues, and took the position with regard to civil rights which I have embodied in the substitute I now offer.

The Clerk read as follows:

1. The republican party of Alabama, in State convention assembled, again declares its unshaken confidence in and its unalterable devotion to the great principles of human liberty which called it into existence, namely, the civil and political equality of all men, without distinction of race or color.

2. In the practical application of these principles we have neither claimed nor desired the social equality of different races or of individuals of the same race; neither do we claim or desire it now; and all assertions to the contrary are without the slightest foundation in fact. We reject the issue of race against race, which is tendered us by the democratic party, as fraught with incalculable evils to our whole people, which sows the seeds of ruin to all our material, social, and political interests, and which will, if persisted in by that party, speedily plunge us again into a war with the Government of the United States.

3. We have not made a race issue in the past, neither do we now make or tender such an issue. What we demand for one man we demand for all men, without distinction of race or color, and we point with pride and confidence to every line of our political record in proof of this declaration; and we denounce the assertion that we have "made it necessary for the white people to unite and act together in self-defense and for the preservation of white civilization" as untrue, and an emanation from that selfish spirit which in the past demanded everything for one race and was unwilling to concede anything to the other.

4. That the race issue now tendered by the democracy of Alabama is but the outcropping and is the natural sequence of the ambitious spirit which led a peaceful people into war with their Government in 1861; which during the war rode roughshod over the people of the South, and after the war perpetuated its carnival of blood by a career of crime in the Ku-Klux Klans which, in the extent of its organization, the numbers involved in it, the multiplicity and heinousness of its crimes, and the manner of their commission, find no parallel on the rolls of human infamy. It is now as it was then, each in its different mode, resistance to the Constitution and laws of the land; and as in those failure and swift retribution followed, so in this they will come with vengeance sharpened and envenomed by continued and repeated persistence in wrong.

5. That we neither desire nor seek the invasion of the rights of the white people by the colored; we only ask equal advantages in matters of public and common right; and in order that we may be understood and no false charges made against us, we hereby declare that the republican party does not desire or seek mixed schools or mixed accommodations for the colored people with the white people; but they ask that in all of these the advantages shall be equal. We want no social equality enforced by law; we recognize the fact that every home is sacred from intrusion, and that in a free country every one can dictate for himself the line of social exclusion; that society governs itself by laws more inexorable than statute or common law, and opens or closes its doors to whomsoever it will, and that no civil law can or should invade it.

Mr. WHITE. These were the issues presented to the people of Alabama in the last election. The battle, which before that time had been made upon negro suffrage, was concentrated against the negro, and the issue was proclaimed to be a war of races, which left only the alternative of success or extermination.

The view which the democracy took of the situation, as well as the manner and tone of the canvass, can be best appreciated by a few extracts from leading democratic journals, which I send to the Clerk's desk to be read.

The Clerk read as follows:

"There is no half-way ground; we must meet the issue fairly and squarely, and we must go either with the white man's party or the negro man's party."

The Birmingham News copied the above, and commented as follows:

"This is emphatically our platform, and we have always stood firmly on it. * * * The republican party assumes as a fundamental truth that the negro is capable of civilization, and that his ignorance and brutality were caused by the tyranny and misrule of the dominant race. We believe every word of this to be false. * * * Emancipation threw the whites and blacks on their own resources, and each race must depend upon its own inherent strength. Freeing the slaves was a declaration of war between the Caucasian and African—a war that is going on now and that will go on silently, ruthlessly, and unceasingly until one or the other is exterminated. * * * Let us recognize facts, admit that a war of races is progressing, and then every man will range himself under the banner of his kindred. For ourselves we say, no compromise, no 'unification,' but a white man's rule, a white man's civilization, and a white man's government, or ruin and extermination!"—*Eutaw Whig.*

The rights guaranteed by the State and Federal Constitutions do not frighten us in the least. We do not expect to repeal any of the recent enactments. They may stand forever, but we intend, by superior intelligence, stronger muscle, and greater energy to make them dead letters on the statute-book. We intend to beat the negro in the strife, the warfare, the unending battle for life, and defeat means but one thing—extermination!—*Birmingham News.*

Having exhausted every other milder means of self-defense, having employed persuasive words and flung harmless grass, the white man finds it necessary now to aim some more substantial missiles that will prove his earnestness in the determination to make the rude negro hasten down to the level where he belongs, and cease gobbling up the fruits of a civilization which he neither helps to strengthen nor advance. Of such effective missiles, whenever he shall choose to use them, the white man has his full supply, and plenty of hands there be to throw them. * * *

Whether the sudden, violent dissolution of the quiet relation for that two hundred years had subsisted between the two races in the South shall turn out to have been a declaration of war between the Caucasian and Ethiopian depends, in our judgment, entirely upon whether the indolent, thick-skulled, and unaspiring woolyheads, after the too generous and conceding white man shall manifest his resolution to retreat no further, will dare advance against his rights—rights which belong to his superior race; rights which God bestowed; which, through the uncontradicted antecedents of all time, his long lineage has maintained, and which at this late day he will not be ready to surrender till he has ridden up to his bridle bits in blood. We do not believe, however, that any such bloody necessity will come. The unambitious and natural harmless negro will never force it of himself. At the instigation of the wicked backers who beguile him, he may tempt the destruction which such a conflict would make sure. * * * * *

It will be given in no ambiguous words and with an emphasis and unanimity which will astonish those who have so ignorantly misconceived or so insolently presumed upon the generous deportment which the superior has heretofore exhibited to the inferior—those who have so thoroughly misconstrued the condescension with which intelligence has expostulated with incapacity, and the patience with which a manly but misplaced confidence has parleyed with unreasonable and intolerable demands, which for good and peaceful purposes it endeavored to enlighten and to pacify, but to which it never for one moment intended to capitulate.—*Eufaula Times.*

Disguise the fact under as many specious pleas and sophisms as you may, it is none the less apparent that the great struggle in the South is the race struggle of white against black, for political supremacy. Those who assert and contend for the supremacy of the white race are arrayed under the banner of the democratic and conservative party; and it matters not how pure the intention of the radical voter may be, every white man in the South feels and knows that, to the full extent of his vote and influence, he is aiding and assisting the black man to become the ruler and master of the white! * * * The struggle going on among us is not a mere contest for the triumph of this or that platform of party principles; it is a contest between antagonistic races and for that which is held dearer than life by the white race. If the negro must rule Alabama permanently, (whether in person or by proxy,) the white man must ultimately leave the State. He is more than blind who cannot see that far into the future. On the other hand, if the white man must rule, then will the deluded negro go.—*Montgomery Advertiser.*

"The race issue means a democratic war in Alabama" is the title of a good deal of political stuff that the Montgomery Journal (radical) publishes. It states exactly what we believe—that it does mean a war, not only democratic, but a war between white and black.—*Mobile Register.*

Mr. WHITE. By such extreme and inflammatory articles as these the minds of the white people of Alabama were roused to a degree never before equaled in the many fierce political contests through which they have passed. They were told that the issue was one of race against race; that the negro or the white man must rule Alabama; that the object of the civil-rights bill was to enforce social equality with the negro by penalties, fines, and imprisonment; that while the rich, able to maintain private schools, would be exempt from its operation, the poor would be compelled to send their children to school with negro children or be deprived of the benefit of the public schools. These and like appeals stirred the white people in Alabama and other Southern States to a degree of heat that absorbed all other feeling, dissolved past party allegiance and political convictions, and massed nearly the entire white population of the South against the republican party, while in the North the measure created no counter excitement, aroused no enthusiasm, awakened no sympathy, gave you no additional strength.

But it is to the effects of this measure upon the people in the Southern States I wish to call attention. The elections there have swept nearly every republican Representative from the States of Virginia, West Virginia, North Carolina, Tennessee, Georgia, Alabama, and Arkansas. From these seven States there are only * * * * * Representatives to guard the interests and assert the rights of southern republicans, white or colored, in the national Congress, while in the State Legislatures there has been a corresponding diminution of power. Falling bodies move with accelerated rapidity and cumulative force, and unless this downward movement is speedily checked, in a brief time the republicans in the South will have no Representative here, and no power or influence in a Legislative Assembly in the South. Next year Mississippi will follow Alabama, and at her next election South Carolina will wheel into line; and then the consummation to which I have before alluded, so devoutly looked for by the southern democratic leaders, will be attained, and then, too, the deep travail of the nation will begin.

These consequences have followed from the proposal to pass the civil-rights bill of last session, and will be multiplied, and it may be made irreparable by its passage. The result then will be to lose you the entire South, and to break and dissipate your political power there for all time to come. Looking at it as a mere question of party tactics, where in the North and West can you expect to gain, by the passage of this bill, States or voters to compensate you for the loss of nine hundred thousand voters and seven or eight States in the South?

The extracts which have been read were the announcements which heralded the inauguration of the late election canvass in Alabama by the democracy; a war of the white man against the black man; a war of races and a war "declared by the freeing the slaves; between the Caucasian and African. A war that is going on now, and that will go on silently, ruthlessly, and unceasingly until one or the other is exterminated."

Republicans were not regarded as political opponents but as enemies, whose suppression was necessary to the preservation of the white people of the State. The main struggle in Alabama was for a majority in the lower house of the General Assembly. The democracy already had the senate by a small majority, but the last house of representatives was republican by a majority of some five or six, and it was known that in the new house, elected this last fall, the contest would be close, and reasonably the majority could not be large either way. The importance of this contest consisted in this, that if the republicans carried the house it would enable them to check any hostile legislation which the democratic senate might originate, and if the democrats carried it, they would have entire control of the legislative power of the State.

With this end in view and also for the purpose of striking terror in the minds of the large colored population in Middle Alabama, the democracy selected three large counties—Sumter in the west and bordering on Mississippi, Barbour on the east and bordering on Georgia, and Mobile in the extreme south—as localities where desperate

efforts to carry the democratic ticket were to be made. These three counties aggregated eleven representatives, and if carried for the democracy would insure a majority in the house and thus secure the control of the Legislature. In Sumter and Barbour Counties there were large majorities of colored republicans, but a very small number of white republicans in either. There was a white republican in Sumter County named Walter P. Billings and a colored mail-agent named Ivy who took an active interest in organizing the republicans in the county, holding meetings, addressing the colored people at their public assemblies, and assisting in organizing and preparing them for the approaching elections. Billings was a lawyer by profession, and had the reputation of a gentleman of fair intelligence and capacity and of good character. About the 1st of August, on his return from a public meeting of republicans where he had addressed the people, he was shot riding along the public highway by men in ambush and he and his horse both killed by different shots about five o'clock in the afternoon and within half a mile of his home, the reports of the guns being heard by his family. The next day, search being made for him on account of his not having come home, his body and that of his horse were found in the direction of the reports of the guns of the evening before, neither being disturbed or having anything taken from it. No cause for this assassination or explanation of it other than that he was the leader of the republican party in the county and an earnest and efficient worker in the cause has been within my knowledge ever put forth.

Not long after this Ivy, the mail-agent, who was an intelligent colored man and an ardent republican, earnest and active in organizing the party in the county, was killed in his mail-car on the train of the Alabama and Chattanooga Railroad in Sumter County. The train was flagged down and stopped by a false signal, and a number of armed men near the track walked up to the mail-car and shot Ivy, riddling him with buck-shot and killing him instantly. The killing of two of their leaders, the riding of armed men through the county threatening and insulting the colored people, together with other attempted acts of violence, produced consternation and terror among them, an account of which I will have read in extracts from a report made to Hon. J. W. Douglass, Commissioner of Internal Revenue, by a government detective, who was sent there to endeavor to discover the murderers of Ivy.

The Clerk read as follows:

LIVINGSTON, SUMTER COUNTY, ALABAMA,
October 13, 1874.

SIR: I have the honor to report that on September 13, accompanied by Mr. J. G. Hester, special agent of the Post-Office Department, I left Selma for this county. We were both disguised as peddlers of tobacco and whisky, and traveled with a wagon. On the night of the 17th we camped within one mile of Weaver's store, in Perry County, and about dark a man named Hinton rode into camp, gave and answered the old Ku-Klux signs and grips, and said, "We are 'straightening out the niggers,' and when we have killed out the leaders we intend to carry the election. We are to have a meeting to-night at Weaver's store;" and as the whisky gurgled down his throat the oaths rippled from his mouth with frightful rapidity. With many imprecations on the Government, anathemas for Yankees, and curses for "radical niggers," he rode away, a true type of a southern gentleman. It was a bright moonlight night, and for several hours we could see them, to the number of from sixty to seventy, riding toward Weaver's store, and just before daylight we saw them returning to their homes.

On the night of the 18th we camped at Van Dorn station, and there saw the first signs of that terrorism which we have every day since witnessed. If we approached a negro cabin for water, or to inquire as to the road, its inmates would flee at our approach, deserting their humble cabins and leaving its scanty furniture for us to destroy or let alone. On the 18th we passed through Demopolis, crossed the Tombigbee River, and camped for dinner on the plantation of Major Botton, and we were honored with the major's presence. He said: "We are killing out the leaders of the radical party; have killed two, Billings and Ivy, and are now after the third, and we expect to kill him to-day, as we have got him in the swamp at Belmont."

We left this politician, and in the afternoon arrived at Belmont, where we found about two hundred armed men, who said they were in pursuit of Bob Ried, a radical leader, and that they intended to kill him on sight. Ried is a colored member of the Legislature. Some of these men told us they were the sheriff's posse, and others said they were volunteers, and all said they were there to kill Bob Ried. We asked what offense he had committed, and the only reply was, that he was a leader, and they must put him out of the way. The sheriff has since told us that there was no charge against him, and no warrant issued for his arrest. In a rail pen were six shivering negro prisoners, guarded by a number of this "posse," whose special business seemed to be to frighten the prisoners by pointing their guns at them and threatening to shoot them. Squads of them would ride through the swamp, and return with no tidings of Ried, and others would take their places, and return with the same result. A suspicion crept into our minds that possibly they were afraid they might find him.

We drove out of Belmont, looking for a camping-place, and found armed men scattered along the road, and also met the colored mail-rider, who, with the mail, had been driven back by them and not allowed to deliver his mail in Livingston. We camped that night on Farris's plantation, and all night long could hear these men riding up and down the road. On Sunday, the 20th, we remained camped all day, and our camp was frequented by these men, who toward night informed us that they were disbanded and ordered home, but were instructed to hold themselves in readiness for another call. On the 21st we stopped at the house of a Mr. Hawkins, on the Belmont road, five miles from Livingston. He said: "We have been riding at night for three months, and have now got the niggers regulated. We have put several out of the way, but we want to git Bob Reid." We left him and camped that night in Livingston. Here we obtained the first clue to the Ivy murderers, and on the night of the 24th we camped at the house of one of them, Alonzo Kornegay. He spent a part of the night with us, and from him we obtained more information. In the morning we left this cheerful murderer, and continued perfecting our evidence until the 27th, when I left for Mobile to obtain warwants for their arrest. Before leaving we made arrangements with Captain Mills, the post commander, to delay the operations of two deputy marshals, whom we learned were on the way to this place, until I could return from Mobile, and then make our arrests at the same time. They, however, proceeded with theirs, and our murderers are in the swamps, skulking like wild beasts, and we are continually hunting them, with no good prospect of their capture. About two hundred of their Ku-Klux friends are also in the swamps.

Order once more reigns in Sumter, but much suffering is resulting from this disorder and lawlessness, and much more is to follow this winter among the humble class of citizens who have been tilling the soil. They have been driven from the fields and their crops are destroyed. They are denied the right of free speech and life is made unendurable by continued persecution until many have expressed a wish to return to slavery. We are amazed at their forbearance. Any other race would long ere this have risen and made this country desolate, but there has been no unlawful assemblage, no armed bands, as has been represented, and all they ask is the right to gather their crops in peace.

Mr. WHITE. Captain Mills, of the United States Army, was sent and stationed with a small command of troops at Livingston, the county seat of Sumter County.

These troops, and the arrest through their assistance by the United States marshal of persons charged with the assassination of Billings and Ivy, and of others charged with various violations of the enforcement act, put an effectual check upon these outrages for the time being in Sumter, reinspirited the colored republicans, and the result was a quiet and orderly election and the usual large republican majority in the county.

In Barbour County the demonstration of violence by the democracy began in a city election in Eufaula in February last. At that time, in a riot gotten up near the polls, an armed body of whites fired upon the colored republicans, shot one of them two or three times, and drove others from the polls, and thus carried the election.

During the canvass of last fall there were frequent disturbances of republicans in their political meetings in the county, and on the day of election the rôle of February was re-enacted on a more violent and fatal scale. An account of this I read from a private letter by a gentleman well acquainted with the facts, and whose sources of information and statements can be relied on:

At Eufaula, on the day of election, good and truthful witnesses will testify that eight hundred to one thousand voters were forcibly driven from the polls and from voting by an armed mob of white-leaguers. Besides this, eight or ten republicans were killed on the ground, several have since died from wounds received, and one to two hundred more were more or less wounded. This mob commenced shooting without the shadow even of excuse, and certainly by previous understanding and agreement, as they had the guns with which they did the shooting stored or placed ready up-stairs in the houses on both sides of the streets near the polling places. When the shooting was to commence, the White League leaders called out, "Company A!" "Company B!" "Rally!" "White men to the sidewalks!" These orders were at once obeyed, and then the firing commenced on the colored men in the streets, with the results above stated.

What transpired at Spring Hill, another voting precinct in Barbour County, will appear from the following published letter from Judge Keils, who was the United States supervisor at that precinct, and was engaged in the discharge of his duties as supervisor, and from an extract from the Eufaula Times, a democratic paper:

EUFAULA, ALABAMA, *November* 6, 1874.

EDITOR JOURNAL:

I telegraphed you last night that my son Willie was dead. This you must know is almost overwhelming me—I am in poor condition to write. Just at dark, before the counting of votes had commenced at Spring Hill, the crowd rushed into the room, and commenced firing at me. When they entered, I stepped to the end of the counter (the election was held in an old store) pulling Willie behind me to prevent him being shot. Several shots were fired at me, when the lamp was smashed. All was dark then, and Willie and myself stepped behind the counter and sat down under it. A vigorous firing then commenced at the end of the counter, which I thought at the instant were entering the counter and doing no damage. It was at this time Willie was shot, one ball entering the bowels, and the other three entering the right thigh. Willie did not flinch or complain, though his hand was on my shoulder while he was being murdered, so that I knew nothing of it till after those (or the one) who murdered him had moved off. If I had known he was being shot, I could easily have killed the fellow; but as soon as he moved off Willie said to me, "Pa, let us try to get out, I am shot to pieces." This was the first intimation I had that he was shot. Then I told him to be quiet a little longer. But just then several gentlemen rushed to me and assured me they would protect me, and they did. Then I missed Willie's hand from my shoulder, felt for him in the dark, but could not find him. As he (Willie) told me afterward, some demon seized him by the leg, dragged him on the floor, and kicked him. There was such firing and yells that I heard nothing of this brutal dragging and kicking at that time. The mob was yelling "Kill him," "Shoot him," "D—n him," "Kill him," &c. One or two of those who saved me (they were of the better class of democrats) went to see after Willie, found him, and carried him away, with the assistance of some colored men. I found him at Doctor Davie's near by, to which place I was guarded a few minutes after. He, myself, and wife and daughter, who went to Spring Hill at once, as soon as they could get there, were all treated well at Doctor Davie's, and by the neighbors.

This was a put-up job to destroy the ballot-box, in which there was four hundred and fifty or five hundred republican majority, and murder me. And their treatment in dragging and kicking Willie, and telling him as they did, "God damn you, get out of here," shows that they were quite as willing to kill him as me, because they *knew* it was not me they were kicking and dragging, although it was dark in the room.

Willie was in his seventeenth year, and a better, high-toned, more honorable boy never lived, I am sure. He did no one any harm. He said to me often during the canvass that he knew I was in danger, and wanted to go with me to republican meetings, and he went with me to most of them. Then he wanted to go with me to Spring Hill to the election, as he did. When some firing was done out in the crowd and he thought I was in danger inside the room, he said he wanted to come in, the managers consented, and this is why he was in there.

I feel that I can never get over his death.

Yours, truly,

E. M. KEILS.

The accidental shooting of Master Willie Keils, a lad of fourteen years and son of E. M. Keils, judge of the Eufaula city court, is the subject of regret among all classes of the people, and he and his family have the sincere sympathy of all who have spoken to us about it, both male and female. We would not in this connection allude to the circumstances under which the little boy was shot; but would say what all must know that the shot that struck him was intended for the father, and that no one desired to harm little Willie.—*Eufaula Times.*

This democratic editor proposes to extenuate one murder by the avowal of an intent to commit another, without a word of reprobation or condemnation of the act or of those who committed it. But

even the proposed extenuation is falsified by the facts as stated by Judge Kiels, which show that the murderers intended to kill both of them, and the sympathy is mockery which accompanies its expression of regret for the killing of the son by declaring that the intention was to murder the husband. The result was, however, that notwithstanding the driving off of the republican voters at Eufaula, and the loss from the destruction of the Sping Hill box, still the majority of votes cast in the county was for the republican candidates, and they obtained certificates of election, and when the General Assembly met they were enrolled and took their seats as members, but on assembling and organizing a resolution was introduced in the house of representatives, and a few days afterward was passed by the democratic majority, ousting the republican members who were elected, and seating the democratic candidates who were defeated, as the members for the county of Barbour. There was no contest allowed as provided by law, no proofs taken, no discussion permitted; and this *finale*, dripping with blood and foul with outrage and infamy, is thus exulted over by a democratic editor in Alabama. The point (intended) to the boast is, that it is notorious that Barbour County has a large republican majority:

Barbour County can be safely put down as the banner county. She has been gloriously redeemed by the efforts of the noble men on our county ticket. All honor and praise to them for their earnest efforts.—*Clayton Courier.*

In Mobile, the other county of which I have spoken, the democracy manifested the same violent purpose to carry the election, no matter how flagrant the wrongs or reckless the means by which it was effected. What occurred and was done there on the day of the election I will give from an eye-witness, as it corresponds with what I have learned from other sources:

MOBILE, ALABAMA, *November* 4, 1874.

EDITOR JOURNAL: I think that I told you the truth when in my last to you I said that the democrats intended to carry the whole county and city election at the point of the bayonet. It has been done. Republican voters were intimidated and driven from the polls before they had deposited their ballot. It was a preconcerted plan of the democracy here to use all manner and kinds of intimidation in order that they would be successful. They had an organized army of white-leaguers, consisting of cavalry, artillery, and infantry, that paraded the street from poll to poll about two o'clock in the afternoon. Some two or three hundred colored republican voters left the seventh ward in order to vote at the fourth ward. Couriers of the army of democratic white-leaguers were dispatched to every poll to inform the white-leaguers that a lot of colored men had left the seventh ward with the intention of voting at the fourth ward. Immediately upon the reception of these courier dispatches a regular line of battle was formed. As soon as the republican voters crossed from Saint Emanuel street to Government street a volley of pistol-shots greeted them. Then the colored voters retreated, leaving one dead colored man on the street, and carrying off four wounded. From that time till the closing of the polls not a colored man could be seen at or near the poll. On last night an organized mob visited the house of Allen Alexander, Rev. George W. Bryant, and R. R. Mimms, with the intention of killing these colored men for the conspicuous part they had taken for the republicans during the day. Alexander had gone to jail in order to save his life. Bryant and Mimms slept out all during the day, and there were threats to kill Alexander and others. The seventh ward ballot-boxes had to be escorted to the office of the judge of probate by a detachment of soldiers, as it was known that in those boxes there was a majority of some five hundred in favor of the republicans. From the appearance of our streets on yesterday was brought back to memory the days of the lost confederacy. The United States special deputy marshals were abused, and all manner of insulting things said to them, the General Government denounced, saying that if the United States will only keep her hands off we will fix you Union men. If the General Government for one moment believes that these people of Alabama are loyal to its cause, they are badly mistaken. We are on the eve of another war.

Yours, ALABAMIAN BY BIRTH.

The result of the election was eighteen hundred democratic majority in a county which heretofore has about as often gone republican as democratic, and in which our republican friends, who were active and vigilant and were well posted, felt the utmost confidence that they would be the victors.

In the statements I have made with regard to specific outrages I have referred to no equivocal or doubtful facts. As to the details there might be some dispute; but as to the main facts, they are notorious in Alabama, and I do not believe that any one will dare a denial of them.

There are many others which I might enumerate, but I must pass to other topics which illustrate the animus of the southern democracy toward republicans, and develop the means resorted to by them to carry the southern elections.

The southern democracy regard the Constitution and the laws conferring citizenship and civil and political equality upon the negro as a fraud upon the white people of the South, and they intend to make them dead letters upon the statute-book. Upon this subject some of their presses are outspoken, and the conduct of the party is far more emphatic than language could be. I have given some extracts upon this point. I will give others.

The Clerk read as follows:

We must act speedily and decidedly, no matter what it costs. Better lose the lives of half our citizens than see the whole outrageously trampled upon by an ignorant and savage negro mob. We suggest to our brethren the formation of White Leagues in every civil district, in every county in the State. Let them meet in secret and be bound by the most solemn oaths, and let death be the penalty of any violations of the order. Already, we have good reason to believe, such leagues have been formed in many counties, and the thing is becoming more and more popular every day of its existence. This land is ours, by right and by inheritance, and we must, we will control it, even at the expense of oceans of blood and millions of lives. The constant cry all over the South is, the negroes are threatening to burn this town and that; to murder the women and children in this place or the other. Let the hellish, barbarian brutes go on; we will take a score of lives for every woman or child murdered, and when once we start, in fact, not a damnable negro savage will be left in the South. We accept the gage.—*Tishamingo Herald.*

The proper name for the inferior race is *negro*, and no offense need be taken thereat by negroes. As for the right of suffrage, we believe the day is not far distant when that wrong is withheld from the race. They are incapable of voting intelligently, of sitting on juries with judgment, and of witnessing against white people with truth and fairness. Therefore we hail with delight the good time coming when they (the negroes) will be put back in their normal condition—not of slavery, but simply of inferior freedom. The "fields" are the proper place for them.—*Tuskaloosa (Alabama) Blade.*

The Logan County (Ohio) Sentinel thus announces its programme:

We will use the power to smash the Congo dynasty; clean up the statute-books by rending away the whole chapter of black republican legislation, to place the sovereignty of the country once more in the hands of the only race able and fit to use it wisely and well; reinstate the white man in his place of power and supremacy; and remand the negro to his proper position of subordination. We will have a national convention of all the States to revise and amend the Constitution of the United States, and there will be no niggers in that convention. The Constitution as revised will be the Constitution as it was in 1866.

Mr. WHITE. Do not these last two sound very like the war-whoop of the secessionist of 1860 in the South answered back by his confederate copperhead ally in the North? These are some of the signal-guns of an oppressed people referred to by the gentleman from Mississippi at the last session. A proclaimed defiance of the Constitution and laws, and an avowed purpose to put them aside and to deprive the colored people of the right to vote, of the right to sit on juries, and the right to testify as witnesses in courts, and to remit them to their normal condition, as they term it, in the fields.

The oppressions of tax-payers, property-owners, &c., in the South, about which we hear so much, and upon which the democratic party of the South base their appeals to the nation, and under cover of which they press their immediate purpose of annihilating the republican party South, and their ultimate aim a southern confederacy, is traceable to their opposition to negro suffrage and the other civil rights which are conferred by the Constitution and laws upon the colored people, and to a deep-seated and unalterable purpose to subvert them, no matter what may be the peril or the cost of so doing.

Had the white people of the South cordially recognized these rights of the colored people when they were granted by law, and conferred with and advised them as to the manner of exercise of these rights; had they co-operated with them and professed a willingness and a desire to unite with them to promote the general welfare and build up and renew a common country, the colored people would have most gladly united with them; would have been counseled by them; would have put them into positions; and together, the whites taking the lead, the natives of the South, white and colored, would have ruled their own section, and the reign of the carpet-bagger, that political rawhead and bloody-bones and scape-goat, would have never been heard of in the South. The correctness of this opinion was demonstrated by the conduct of the colored people toward their white people, as they called them "our white people," for years after the war. In everything except politics they advised with their former owners and white friends. If they wanted anything, they came to them for it. If they got into trouble or difficulty, to the white people they applied for relief, and it was very generally extended to them.

It has been a common remark in the South among the white people that these darkies (say they) come to us about everything else, are advised by us and follow our advice, but in politics we can exercise no influence over them. The reason was obvious enough, but was one they did not wish to see, and therefore they did not see it; for it was the corner-stone of their party policy, "opposition to negro suffrage." This was the impassable barrier between the democratic party of the South and the colored people. These latter, ignorant as they were, knew that suffrage was the only anchorage of safety to them; that without it all other rights would be mere figments; freedom itself a mockery; and that deprived of it their place would be (as the Alabama editor from whom I have just quoted declares) in the field, and that they would be of no more consideration than the mules by their side. When in 1868 Mr. Blair wrote his celebrated letter declaring the reconstruction measures of Congress "unconstitutional, revolutionary, and void," he sounded the key-note of southern democratic policy, the central idea of their party aims, and the governing principle of all their movements, the fruitful source of our political troubles in the South since the war, and destined in the coming years to swell into the trumpet-call to another rebellion more formidable both in its moral antagonisms and its physical proportions than that from which the nation has been recently delivered. War upon negro sufferage; war upon the Constitution and laws which confer political rights upon the colored people—these have been the battle-cry which has heated and inflamed the southern mind up to the point of a war of races, and now it is war upon the negro, openly declared, defiantly and bitterly prosecuted, upon the avowal by the democrats themselves that it is a war of extermination.

A policy so deadly in purpose, so hazardous in execution, and malignant in spirit involves in its execution extreme and relentless persecution of the negro and of all republicans in the South. Proscription, calumny, persecution in business, ostracism in society, in church; these are openly advocated in their presses, resolved in their public meetings, and practiced among the people. The Tuscaloosa Blade, in an article styled "After the battle of the ballot-box," says:

We have met the enemy and they are ours. The State of Alabama is redeemed, perhaps forever. We say perhaps, because it rests with the white people of the State to determine this vital point. The fruits of this victory, so far from being

felt for two years only, will be enjoyed for ages if we do our duty. We must quit fostering the ungrateful viper—the radical, white and black—in our bosom, thereby warming into life the graceless reptile to turn upon us and smite us. Better that every acre of land in Alabama should be uncultivated than that the State should ever again fall into the ruthless hands of the fools, thieves, and knaves who have well-nigh ruined the material interests of the Commonwealth and reveled in despotic power over their superiors in everything that constitutes true manhood. One of two things regarding the negro; either he must be made to keep away from the polls, or, if he must go through the farce of voting, he must be *made*, by the controlling influence of capital, to vote with his employers. We must labor to this end unceasingly and at all temporary sacrifices pecuniarily. The political salvation of the State is above all other considerations. As for those so-called white men who acted in concert with the negro masses, white democrats must avoid such political lepers as they would shun physical lepers. *Total ostracism* is the word.

The following is from one of their organs, the Enterprise, of Franklin, Louisiana:

There should be kept and carefully preserved for future reference a black list, or book of remembrance, in every parish, wherein should be inscribed the names of those white men who in this emergency prove recreant to the instincts and duties of race and cast their lot with the African. The infamous record should be as conspicuous for all time to come as the pictures of the notorious criminals in the rogues' galleries of large cities. These men must not be forgotten. Let their names be written in the black list with a pen of adamant, that they and all who descend from their loins to the fourth generation may be pariahs forever, cast out from all association with the Caucasian race. Let all who adhere to the negro party in this political contest be reckoned negroes, and treated as such. Let the black list for Saint Mary be opened. Let the names of those who pant for immortal infamy be enrolled. Whose name shall head the list? We know two, father and son, who have equal claims to the distinction.

These among many will suffice to show the political bulls of excommunication which are issued and enforced as far as is possible by imbittered public opinion against white republicans in the South merely for being republicans. Neither food or water, fire or shelter, word of greeting or look of salutation, is to be given to them; but they are shunned and abandoned, forsaken and despised, spurned and cast out, as moral reprobates and political outlaws, because they have the conscience and the courage in an unfriendly community to stand for justice and right, for the Constitution and laws of their country.

These white republicans are known by the contemptuous appellation of carpet-bagger and scalawag, names conferred upon them by the chivalry, in whose political interest prowl the bands of Ku-Klux and White League assassins in the South, and as such, especially the carpet-bagger, they have become a by-word and reproach. We of the South are not responsible for them; they are a northern growth, and unless going South expatriates them, they are still northern men, even as you are—bone of your bone, flesh of your flesh. But who are they? I can speak for my State, for I think I know nearly all in the State, and there are a good many of them. Most of them have titles, not empty titles complaisantly bestowed in piping times of peace, but titles worthily won by faithful and efficient service in the Federal armies, or plucked with strong right arm from war's rugged front upon the field of battle. Many of them bear upon their bodies scars of wounds received while fighting under your flag for the nation's life and the country's glory. These men either went South with the Union armies and at the close of the war remained there, or went there soon after, in the latter part of 1865 or early in 1866, to make cotton. The high price of cotton in 1865 and 1866, and the facility with which cheap labor could be obtained, induced many enterprising northern men, especially the officers in the Federal armies in the South who had seen and become familiar with the country, to go or remain there to make cotton. Many purchased large plantations and paid large sums of money for them; others rented plantations, in some instances two or three, and embarked with characteristic energy in planting. This, it should be remembered, was before the civil-rights bill or the reconstruction acts, before the colored people had any part in political matters, and two years before they ever proposed to vote or claimed to have the right to vote at any election in the Southern States.

When the political contests of 1868 came on in which the colored people first took a part in politics, as near all the native population in the large cotton-growing sections were opposed to negro suffrage and opposed to the republican party, they very naturally turned to these northern men for counsel and assistance in the performance of the new duties and exercise of their newly acquired political rights, and they as natually gave them such counsel and became their leaders, and were intrusted with official power by them.

This brief summary will give you a correct idea of the manner in which, as I believe, nine-tenths of those who are called carpet-baggers became involved in political affairs South, and dispose of a very large part of the slanders which have been promulgated against them not only by their political enemies at the South, but by the treacherous northern knaves who, under the pretense of being republicans and as correspondents of so-called republican papers at the North, have gone down South prepared in advance to stab the cause of justice and of truth, of humanity and freedom, of the law and the Constitution, to the heart. Could these miserable miscreants have known with what ineffable contempt they were regarded by the very men whose credulous dupes they were, with what scathing scorn they regarded northern men who would lend themselves to traduce whole classes of northern men, who would allow themselves to be used as the tools to break down the political party to which they professed to belong, it would have diminished much the self-complacency with which their work was done. They could have realized that southern men, though bold and often reckless of the means by which they seek to attain political ends, that earnest and vehement, ardent and high-spirited, under the influence of one great ultimate aim to which all else is subordinated, they may reach politically to the parallel of the dogma which once prevailed in the religious world, "there is no faith to be kept with heretics," yet they can never be brought to descend to sympathy with or respect for such low-browed infamy as theirs.

These two classes, the carpet-baggers and scalawag, are the object of peculiar assault by the democracy, for they know that these constitute the bulwark of the republican party in the South. Without their co-operation and assistance the colored republicans could neither organize nor operate successfully in political contests, and without them the party would soon be extinguished in the Southern States.

These are the classes, especially the native republican element, upon which the civil-rights bill is brought to bear with greatest effect, and how great the effect is demonstrated by the recent elections in the South.

The native white republican element is composed of such of the white population as, accepting the results of the war in good faith as a final settlement of the political issues involved in it and with the adjustments that grow out of it, united themselves with the republican party and advocated its policy after the war, and of the Union men of the South.

The men who sustained your cause during the war, who separated themselves from friend and brother, from life-long associations, from State, and the land of their birth, to stand by the Federal Government; the men who rallied to your bugle-call in East Tennessee and kept the banner of the Union defiantly floating when it had gone down in every other portion of the State; the men in Alabama, who, far away from you and your armies, surrounded by enemies and environed with perils, still remained stedfast and true in their mountain fastnesses to the Union, no shouts of applauding multitudes, no gathering of mighty armies, no waving banners, no drum or trumpet nor aught of war's proud pageantry was there. No nation's sympathy, no beating of the great national heart swelling like the waves on ocean shores suffused them with its inspiration, or nerved them with its electric power; but in the solitudes of their forests, in remote fastnesses, prosecuted as traitors, condemned as felons, hunted with dogs like wild beasts, these men, true to God and their country, banded together first in little groups for defense and resistance to those who would have forced them into the ranks of the rebel army, and then, recruiting as friends, gathered in one by one of the few in distant communities who remained faithful, came among them to find refuge from persecution, till at last they made up a regiment, and then another, and marched forth to meet and join the Union armies to aid in suppressing the rebellion, reasserting the power of the Federal Government, and restoring that Union for which they had suffered so much and loved so well. And when the day of triumph came and the victor took from them in common with all others their property; when emancipation came, and with it was decreed the civil and political equality of all men; when the colored people were invested with citizenship and suffrage, they submitted to it all. They accepted all in good faith as the price of the nation's life, as a willing sacrifice to the demands of patriotism. Faithful to their country, its Constitution, and laws in this long and fiery ordeal, they rallied to and supported that great party which had preserved the Union with undeviating fidelity. No earthly power could have loosed your hold upon them but the republican party itself. But when you proposed to put the Senate bill upon them; when, as they were told, you proposed to invade the sanctity of their homes and to force social equality upon them; when you proposed to force their children into schools with colored children or deprive them of the benefits of the common schools, the blood of the Anglo-Saxon rebelled, and they turned away from you.

You may say that this is a prejudice but they say it is not, that it is a sentiment; but whether the one or the other it is a fact, and a stubborn fact—one that will not yield to force. If the civil-rights bill which is on your table becomes the law, you will drive these men, whose fidelity to republican principles has been proven by sacrifices and trials to which no northern republican has been subjected, permanently away from you, and you obliterate in a brief time the republican party South. I am not overestimating the danger nor mistaking the result, nor do I underestimate the colored republicans of the South. They will be faithful to you in the future as they have been in the past, as far as it is possible for them to be; but you may environ them with surroundings whose strain may tear loose the bonds that bind them to the republican party. Where are now the hundred thousand colored voters which you once had in the State of Georgia? Where were they at the last election? The poor and the weak must have support and protection, and if they cannot find it in friends they must seek it from enemies; if they cannot maintain their rights they will yield compliance to avert or mitigate wrongs.

This brings me to another objection to the bill of the committee, which is, that it can never be enforced in the South, with a strong and excited public opinion against it, with the entire white population bitterly opposed to its enforcement, with the masses of the colored people recognizing it as the chief agency by which their political strength has been dissipated and their political party destroyed. Will it not be emphatically, as the southern democracy declare your other laws conferring rights upon the colored people shall be, "a dead letter upon the statute-book?"

The substitute I offer avoids all of these evils. It will not only bring back to us the strength which we have lost, but its inherent justice will secure for it public approval in the South, and thereby render it effectual as a protection of these rights of the colored people. But if you pass the Senate bill, or it may be the bill of the committee, though far less objectionable, and I am correct in the consequences which will flow from it, you will then have a consolidated South, its entire white population united against you, irritated and inflamed by the existence of laws which the democratic party South have declared they intend to nullify—"make dead letters upon the statute-book"—engaged in a war of races against a people feeble and weak, who are unable to resist, but whom the United States Government is bound to protect. What then will follow?

Things cannot stop in that unbalanced condition. The nation cannot stand idly by and see its Constitution annulled, its laws defied, and four millions of its people exterminated, nor will the rampant spirit of southern democracy, flushed with success and buoyant with assurance of northern sympathy, stop at the half-way ground. The irrepressible conflict must go on, not between free and slave labor nor between North and South, but between State rights and Federal rights, between clashing systems, between theories which have battled with each other from the foundation of our National Government, and which must go on until definitely and conclusively settled by the assertion of the right and the power of the Federal Government to maintain its dignity and preserve the national life by the protection of its citizens in all their essential and fundamental rights, or by the dissolution of the Government itself. I confess that it is surprising to me that the minds of men, thoughtful, sagacious, and capable men, are so absorbed with commotions and complications which are mere results, superficial manifestations, as to seem not to observe or consider the mighty agencies which, beneath the visible appearances of things, are working out with resistless force and untiring energies the ultimate accomplishment, their final solution and only state of rest—agencies in whose grasp men and parties are mere instrumentalities, to which all mind and purpose and efforts are tributaries, and before whose glacier-like progress all opposition falls away or is ground to powder.

It is said that this issue is settled by the war. That it was not settled by the war and is not settled is palpable to any one who looks at the real issue that is presented by the press and the voice of the country. It is a collision of ideas, a conflict of opinions, which exists to-day as clearly defined in the South and to a very large extent throughout the nation by party lines as it did before the war.

I would like to inquire of complaisant gentlemen here, who send forth to their unapprehensive constituencies the delusive cry of "All is well," what was settled by the war? The attempt to secede now would incur precisely the same perils and penalties, and involve the same disloyalty, that it did in 1861. Was slavery settled by the war? It was in form; but as things are tending now, it will prove only a substitution of the tyranny of law, goaded by the necessities of poverty and want, for the dominion of the master. Or if the proclaimed doctrine of southern democracy (to which I just now called attention) be true, it will prove a lifting up of the colored people from slavery with one hand to turn them over to extinction with the other.

Citizenship of the United States was created by the fourteenth amendment; but what is it? Whether it be anything more than the imputed citizenship of the United States before the war, with its meager investiture of rights, vibrates with uncertain sound in the trembling balance of judicial construction. It is not yet known whether the paramount allegiance which the United States Government claims of its citizens rests upon the power in the Government to maintain and protect them in the safe and effectual rendition of that allegiance, or whether the power of protecting citizens of the United States in all their essential and fundamental rights belongs exclusively to adverse and it may be hostile sovereignties. This last construction would leave this vital and irritating question substantially where it was when it constituted the central conflict of opinions which culminated in the war of 1861.

In the present outlook nothing was settled by the war; and if Congress and the nation are not aroused to the necessity of enforcing the conclusiveness of the past arbitrament, the same political antagonisms which brought about the war of 1861, after a few but sharp collisions in the forum and on the hustings, will again appeal to arms. The southern democrats affect to be very indignant when charged with intending to make another effort at separation. They say the idea is preposterous and the charge false, that secession is dead, with a good deal more of that sort of unctuous protestation; but I have no confidence in these denials. I heard the same character of denials and protestations from the same party and many of the same men in 1850 and 1851 and in 1860, and events proved them to be false, and I have no confidence in them now. I believe the programme is somewhat changed, but the ultimate aim, "a southern confederacy," is the same. The central political idea of the democratic party South is State rights as much now as in the contest of 1860. The General Government is denounced now as a centralized despotism as it was then, only with more bitterness; and its friends and supporters in most of the cotton-growing States are calumniated and persecuted with a vindictiveness which was not approximated in the most violent period before the war. Men were not then ostracized socially, persecuted and hunted down in their private business, or murdered on the public highways by persons lying in wait, or in their own houses by midnight assassins, because they were the friends of the Government or opponents of the secession party.

But let us look at the condition South. It cannot be much longer ignored; and, unpleasant and painful as it may be, it is the part of manhood and the duty of statesmen and patriots to look it squarely in the face. There is rebellion now in the States of Arkansas, Louisiana, Mississippi, Alabama, and Georgia, deliberately and deeply concerted, widely extended, largely sympathized with in many other of the Southern States, and reaching through the democratic party no small portion of the Western and Northern States; rebellion not in form against the Government of the United States, but rebellion against its laws and Constitution, and a determinate and fixed purpose manifested by open declaration and armed force to obstruct the operation of those laws and render them nugatory.

Government rests upon law. The force of law is to government the spirit of life. It is the means of performing its functions as a government, and the power by which it perpetuates its being as well. Upon it, it predicates its claim to allegiance, and exacts obedience, and out of it issues its prestige and authority. With it, government lives, and without it, it dies. This force of law is antagonized by the law of force, which, in form more or less violent and more or less formidable, is ever contending with and seeking to evade or suppress the force of law. This, when limited to the individual, or to a number of individuals, conspired together for the accomplishment of some unlawful but selfish end, some object casual and transient in its nature, is but the normal condition of lawlessness struggling with law and seeking to disregard its commands and to evade its punishments. These carry with them no purpose to overturn the law itself and no impeachment of the authority of the government which ordained it. But when the contest is with the law *per se*, when it is made by extended combinations and secret organizations united together to resist the law and defeat its enforcement, when it is declared openly as the programme of a party "that they will not attempt the repeal of laws, but, by superior intelligence, stronger muscle, and greater energy, make them dead letters upon the statute book," when these combinations and declarations are manifested in organized armed force, which strips citizens of their rights held by tenure of such laws, takes human life *ad libitum*, overthrows established State governments by armed force and by lawless intimidation, this is rebellion; it is the substitution of the law of force for the force of law, of the will of the mob for the authority of government, and is a fatal stab at the Government itself. No matter what may be the pretenses or excuses for such conduct, the issue between the perpetrators and the Government is the same—one that rises infinitely above any casual condition or any personal or local grievance. It is an issue of force with the Government itself, in which the Government must maintain the integrity of its authority and enforce its laws or divest itself of its highest attribute, of its very soul, without which it cannot perform the functions of government, but must sink overwhelmed by faction and anarchy.

The reconstruction acts and the amendments to the Constitution conferring citizenship and the rights of citizenship upon the colored people are the immediate objective points of this movement in Southern States to which I have alluded, and beyond and above the ruins which their forcible overthrow will involve, rises to the eye of hopeful and expectant leaders the well-defined and not dimly seen form of a resurrected southern confederacy.

The continued torrent of appeals by the democratic press South to the prejudices of race and party, I have spoken of. These were the malaria of hate with which to infect the masses of the white people, but special organizations were necessary in furtherance of the ultimate design, and these were established first under the name of Ku-Klux Klans in several of the Southern States. For long time their existence was persistently denied by the democratic press South. Their crimes, when so atrocious as to constrain condemnation from democratic papers, were softened or extenuated by a denunciation of the imputed offenses of their victims, and were set down by them as the casual outbreaks of incensed individuals or outraged communities. But when the courts probed these dens of infamy and exposed their hideous atrocities, the democratic press was at once silent upon the subject. They could no longer in the face of hundreds of sworn witnesses, both white and colored, deny the existence of these organizations, and, for reason perhaps best known to themselves, they could not condemn them. I refer now to the press in the cotton States. The Courier-Journal of Louisville did nobly condemn and denounce these lawless associations, but it found little sympathy or support from the democratic press in the South.

Much has been said about the origin of this association and what provoked it into being. By some it is said to have been devised as a counter-organization to the Union Leagues, to the Grand Army of the Republic, &c., and by others to have originated in Tennessee to overawe and suppress radical violence when Governor Brownlow was governor of that State. Whatever may have been the influence of these or any of them in prompting its formation, none of them suggested the idea; that was taken from the southern rights leagues of the secessionists before the war which were so effectual in the South in "firing the southern heart" and preparing the way for secession in 1861. These were the true prototypes of these Ku-Klux Klans and White Leagues or White Brotherhood as they are differently called,

for they are the same, differing only in degree as do the different degrees in Masonry.

I will now send to the Clerk to read the oath of a Ku-Klux and the oath of a member of the White League or White Brotherhood.

The Clerk read as follows:

I, A B, do solemnly swear, before Almighty God and in the presence of these my friends here assembled, that I will truly and faithfully keep secret even unto death the plans and movements of this society. I do furthermore swear that I will come at the calling of the first grand council of the mask multitude at any hour of the moon; that I will rattle the dead bones; that I will follow upon the track of the scalawag's blood. I swear that in case of our being interrupted in any civil government, in which we may be operating, I will regard no oath that will convict one of its members, but under all circumstances stand by the order, in oath, death, and blood. In testimony of my faith, I hereupon take upon myself this most solemn and binding obligation, in the presence of three or more honorable and accepted members here present. (Those being initiated kiss the Bible.)

SECOND OATH.

I, A B, do solemnly swear, before Almighty God and in the presence of these my friends here assembled, being fully and seriously impressed with the sacredness of the act, that I never will make known either by word, sign, or deed, my knowledge of its existence. I swear that the enemies of the white man's race and of the white man's government, and the friends of the nigger equality, are now, and forever shall be, my enemies. I swear to obey the chief in all his constitutional orders and all other orders which he may issue by the direction of this society. I swear to kill any member of this society who shall prove false to this oath. I swear to defend the life of every member of this society—even at the risk of my own—should I ever see it in danger. I swear to give my patronage and support to the members of this society, in preference to all others. And, lastly, I swear by this Bible, this skull, and this blood, that, should I ever prove untrue in any one particular to the obligations I have here taken, unreservedly, voluntarily, I hope to become an outcast, an alien to my friends, my country, and my God. All of which, so help me God.

Mr. WHITE. These oaths point emphatically to a "white man's government." It is against the Constitution and laws, declaring the civil and political equality of all men and their supporters, that this powerful and dangerous secret political organization is aimed, in full consonance with the open professions and outward manifestations of the southern democratic party.

The leading feature is that it is a secret, oath-bound political organization, and its terrible efficiency springs from the obligation of implicit obedience to the command of superiors. Like the Old Man of the Mountain, whose fanatical emissaries went forth at the peril of their own lives to strike down prince or peasant, priest or layman, in fatal obedience to the commands of their chief, so, in unquestioning obedience to the command of their superior, who is not even known to them except as their superior, these myrmidons go forth upon their errands of darkness and of blood knowing but one thing, and that is, *to do whatever* they are commanded. Neither passion nor revenge prompts them, nor law or conscience or pity restrains. All motives, all constraints, are brought into absolute subordination to the one absorbing idea and purpose of the organization—the overthrow of the "nigger government." We have seen this purpose carried to accomplishment in Arkansas. In Louisiana we have seen it pull down the State government and put in its place officers whom the democracy of that State claim were elected to office nearly two years before; and in Mississippi we have seen it at the instigation of an armed mob, over the dead bodies of scores of citizens slain by that mob, seize offices and force men who had been regularly elected to office according to law and by the qualified electors to resign to the mob those offices at the peril of their lives.

Is there another government in the world, or has there ever been a government, or a thing with the name or shadow of a government, which would have quietly stood by and witnessed such violence and atrocities as these without adopting efficient means to repress them and to protect its citizens? Is it because the victims are republicans or because they are colored that we hear from the North in response to the recital of our wrongs that "It is a tale that has been often told." Yes, it has been often told; but not near so often as have been the infliction of the wrongs.

A few years ago the story of Uncle Tom's Cabin, with its large draughts on fancy, was sufficient to thrill the nation with sympathy for the suffering slave. Now the nation turns a deaf ear to wrongs inflicted upon the same people now free citizens of the United States, which in enormity in a single year would outweigh the sufferings of a hundred years of slavery. But in connection with these movements, especially that in Louisiana, there were many significant occurrences in other States, some of which I wish to present, that you may better appreciate the temper of the democratic mind South and the spirit it is instilling into the people there.

The Clerk read as follows:

[From the Atlanta (Georgia) News.]

Against the fate that confronts us what have the southern people? Is it that "prudence" which such papers as the Louisville Courier-Journal advocates, but which men less gifted than the editor of that paper call a dastardly submission? No! Our only hope is in a stern, resolute resistance—a resistance to the death, if necessary, with arms in our hands. Let there be "White Leagues" formed in every town, village, and hamlet of the South, and let us organize for the great struggle which seems to be inevitable. If the October elections which are to be held at the North are favorable to the radicals, the time will have arrived for us to prepare for the very worst. The radicalism of the republican party must be met by the radicalism of white men. We have no war to make against the United States Government, but against the republican party our hate must be unquenchable, our war interminable and merciless. Fast fleeting away is the day for wordy protests and idle appeals to the magnanimity of the republican party.

By brute force they are endeavoring to force us into acquiescence to their hideous programme. We have submitted long enough to indignities, and it is time to meet brute force with brute force. Every southern State should swarm with White Leagues, and we should stand ready to act the moment Grant signs the civil-rights bill. It will not do to wait until radicalism has fettered us to the car of social equality before we make an effort to resist it. The signing of the bill will be a declaration of war against the southern whites. It is our duty to ourselves, it is our duty to our children, it is our duty to the white race, whose prowess subdued the wilderness of this continent, whose civilization filled it with cities and towns and villages, whose mind gave it power and grandeur, and whose labor imparted to it prosperity, and whose love made peace and happiness dwell within its homes, to take up the gage of battle the moment it is thrown down.

If the white democrats of the North are men, they will not stand idly by and see us borne down by northern radicals and half-barbarous negroes. But no matter what they may do, it is time for us to organize. We have been temporizing long enough. Let northern radicals understand that military supervision of southern elections and the civil-rights bill mean war, that war means bloodshed, and that we are terribly in earnest, and even they, fanatical as they are, may retrace their steps before it is too late.

THE RACE CONFLICT MEANS THAT WHITES MUST BE RULERS.

The troubles in the South to-day are due solely to the claims made by the blacks of equality with the whites. Such an equality will not be tolerated. All the arguments of theorists will not reconcile the whites to equality with the negroes. The antagonism is instinctive. Whether right or wrong it exists without any visible means of destroying its existence.

Call it what you may—prejudice, antagonism, brutality, barbarism—it exists. On but one condition can the whites and blacks live amicably together. The whites must be rulers, and their position must be that of superiors both socially and politically.

This is not the *brutem fulmen* of political hate; it is more the solemn asseveration of an instinctive determination.

When the blacks are placed in their proper position of subordination to the whites, we will not hear any more of violence to them. The moment they accept as final the fact of their subordination, self-interest, duty, humanity, will throw around them as perfect a protection against violence from any quarter as a father would throw around a child. But so long as the negro aspires to rule white men politically, and to consort with them socially on terms of equality, so long will he be subjected to the storm which his own presumption provokes.

We sicken at heart at the contemplation of the misery which threatens Alabama, Louisiana, and South Carolina. Grant's last act shuts the door to all hope that he will veto the civil-rights bill. Nay, more; it gives to the impending conflict of races a deeper, wider, and more horrible significance; for if the whites of the States we have named, driven to desperation by the prospect of the continued rule of negroes, were to resist the Federal forces, the first resistance would be likely to prove the first spark which would fire the train of another civil war—not of sections, but of political parties.

An overwhelming majority of the white men of this country are hostile to a continuation of the rule of the negro and white adventurer in the South. If the Federal Government will keep its hands off, November next will witness the downfall of the black oligarchy. If it persists in its interference, then, in view of the almost certain success of the civil-rights bill, we believe it time for southern men everywhere to organize and prepare for revolution. Let us stand ready to resist the enforcement of the civil-rights bill, and the maintenance of negro governments by Federal bayonets. And when the contest does begin, let us call upon those of the northern people who sympathize with us, to give us their aid in tearing down the infamous radical government which seeks to force eight millions of white men down to a level with four millions of negroes. If force alone can destroy the radical party, then we must not shrink from using it, and the sooner it is used the earlier will be terminated the political struggles which are retarding the development of the South, and injuring the entire country.

Mr. WHITE. A. J. P. Garesche, a prominent lawyer in Saint Louis, at a sympathizing meeting held in that city on the 15th, said:

You will bear me witness that I do not urge the people to fight, but I do say that if Louisiana is to be drenched in blood, better let every one of her people die than submit to the usurpation of a government that the President may force upon an unwilling people; and I wish it proclaimed that while I am no man to urge civil commotion and sedition, I say as an American citizen, the protection of the liberties of the people of Louisiana will be cheaply bought if they have to lay down upon the soil of their State the blood of every son whose heart ever beat responsive to the call to defend their rights. My sympathies are with this people, and my purse is open to them, and if in their struggle the President dares to interfere, I say, "Let slip the dogs of war, and damned be he who first cries hold, enough."

I do not forget how Kellogg got into power, sneaking under the guns of a United States frigate, and he now sinks from the outraged people whom he has persecuted and oppressed, and sneaks into the United States custom-house under the protection of Casey, the brother-in-law of Ulysses the First. I say let him go, and let Grant provoke the contest; let him send his regiments, let him expose the Texas frontier to the attacks of Indians, and send ten thousand troops there, they cannot stay the arm of the people of Louisiana. If liberty is to be suppressed, if the free State governments are to be wiped out by the dictates of an imperial government residing at Washington, then tyranny may be ours if we do not choose to obey the imperial mandate. I know what resolutions you have passed, but if you have not passed this resolution, embody it now, that if it be necessary for the struggle of Louisiana and the triumph of State sovereignty in Louisiana, involving the perpetuation of our own liberties, I say let every man in this crowd swear, as I am willing to swear, that all my aid will be given to protect them in this struggle which they will maintain against the authorities and against the Government of the United States.

We have stood in silence, we have submitted to every wrong, we have seen the people outraged, we have seen the people murdered and persecuted and their women ravished, and I say now, there is nothing left but honor or dishonor, and better die than submit to dishonor. It is a question of do or die. They have unfurled their flag and taken as their motto "He who would be free must himself strike the blow." I tell you with all sobriety, God speed Louisiana, and if she wants troops or money, let her call on the Union, and let the Union respond, for it is "the battle-cry of freedom." It is a craven thought that would urge upon us "O, it is not our battle." It is our battle. Let one State be flung from the Union and put under the heel of the despot, and I say every man who submits to it and sanctions the principle proposes his own neck for the halter. I hope that that old creole blood that has never proved itself recreant, against which the finger of cowardice has never yet been pointed on the battle-field, will proclaim that death it may be, but dishonor it never shall be; and if the President sends his minions there, let the President's minions beware, for they may be damned after.

GENERAL SHIELDS'S SPEECH.

General Shields said: Before I announce the adjournment of the meeting, I wish to say that we know not what a day may bring forth. I ask you to go to your homes prepared to come together at any moment, to assemble here again not only as you have to-night, but ten times the number! We know not what we may be called upon to do to aid our suffering brethren in Louisiana; but I am sure, from the manifestations you have made to-night, that whatever the call may be, if it is in furtherance of right and justice and opposed to oppressions, the people of Saint Louis and citizens of Missouri will never fail to respond to it

LOYALTY TO BE ENFORCED BY THE BAYONET.

"We whipped those rebels, we pardoned them, traitors though they were; but now they are practicing the same tactics that they were in 1861. We made 'treason odious' at the point of the bayonet, and I think it is high time that we should compel loyalty again by the same means."—*Chicago Inter-Ocean.*

Yes, you made treason very odious. You gave Longstreet a custom-house. You invite Mosby to the White House. You enable Moses to steal. You will pat any rebel on the back who joins your party, and will tell lies by the bushel upon those who have opinions of their own. You had better cease your vapor about the bayonet. Your people are not ready to lose another million of men and roll up another debt of two billions in order to keep a few thieves in office at the South.—*Mobile Register.*

MILITARY RULE PREFERABLE.

The stolid and remorseless executor of reconstruction has once more thrust his ill-omened visage in the path of the peace and happiness of the southern people. He treats the people of Louisiana as a mob to be "dispersed," and the frightened thief, Kellogg, as the governor of that Commonwealth. In a word, the Army of the United States is to be used to pin the intelligence and the worth of Louisiana to earth, while a pack of villains, who obtained their power by a fraud, (admitted by the Congress of the United States,) is to continue to prey upon their hearts as well as their means of subsistence. The proclamation places a great responsibility upon the leaders of the Louisiana people. For the moment, removed from the actual danger of the crisis, it is not for us to advise their course. They have already exhibited a wisdom and a resolution that must be equal to the crisis, even though it is met with the last and direct resort of a people outdone and overtaxed by tyrannical wrong. So the sovereignty of Louisiana is mercifully accorded "five days" to "disperse," and great destinies, we know, have been changed in "five days."

This people might well say, "We submit to the power of the United States because we are helpless to resist it; "but to the government of Kellogg, the felon and the usurper, we will not submit. Military rule is preferable to the domination of a civil and public robber. To compel the latter, we give you warning that you must send an army here, and quarter a regiment in every parish of our State. We will yield to force, but not to its shadow; to its reality, but not to its theory. Our lordly President, whose power so many stupid asses propose to extend to a third term, sends troops to the frontier to punish savage thieves, and orders the same troops to Louisiana to sustain a band of felons whose villainy Indians could not learn to equal in a lifetime. For Grant's sake we do not regret his proclamation. It will end in his political disgrace and downfall, and put him in history alongside of his favorite, Governor Kellogg. Let the friends of liberty stand all the more firm as tyranny rears its crest to more damnable deeds. Grant has made the blunder of his life, and the truth of it will be taught to him by the American people. They are slow to make up their political judgments, but once formed they stand.—*Mobile Register.*

MILITARY RULE IS WHAT THE WHITE PEOPLE OF LOUISIANA WANT.

Grant and his man Williams, and his brother-in-law Casey, created the Kellogg government which the Senate of the United States solemnly declared a usurpation, without shadow of law or right to support it. The people of Louisiana have risen in their might to throw it off. There cannot be a whole-souled man in Georgia whose heart does not beat in sympathy with this heroic effort to sweep away the leeches that the Administration has fastened on a once prosperous and happy people. For years they have tried to cast them off in a peaceable manner, but whenever events were favorable there came the gleam of opposing Federal bayonets. The recent dispatch of troops by Grant and his Attorney-General to Louisiana was but a part of the despotic programme that has been pursued from the beginning.

Nice distinctions about constituted authorities are valueless in such a crisis as this. We have reason to believe that the people of Louisiana do not hope for a government of their own. They only hope to clear out the gang that are eating out their vitals, and then submit to military rule. Information was received here nearly a week ago that such was the plan of the white people of Louisiana, and that it would be enforced.

The monotonous revolution concerns us all, but we cannot too strongly urge that cool common sense is altogether the best article in perilous times. No outbreak has occurred in Georgia, and none need be apprehended if discretion is exercised and hot-headed ineffectual zeal discountenanced. Our whole hearts go out to the suffering people of Louisiana, and that is all the aid we can now bring them. If any opportunity presents itself, we may be sure that Governor Smith will not hesitate to put us on the right line. Let us trust him, and keep cool heads and steady nerves.—*Atlanta Constitution.*

'The rebels have proved themselves to be rebels now as thoroughly and as uncompromisingly as when they fought under Beauregard and when they were in the ranks of the confederate battalions. What assurance can they give that they will not repeat their crime again to-morrow, or next week, or next month?"—*Washington Republican.*

Yes, the Louisiana people are as great rebels to-day as the people of Massachusetts were in 1776. They can give no assurances that they will not "repeat their crime again to-morrow, or next week, or next month." On the contrary, they intend to repeat it again and again so often as the United States troops are absent. And in repeating it they will have the indorsement of every honest man from Maine to California.—*Mobile Register.*

There is no mistaking the import of utterances like these. They indicate a purpose, even at the peril of another civil war, by force and intimidation, to seize the State governments of the South, to expel the colored people and all the friends of the colored people from office there, and to deprive the colored people of the right of free suffrage and of every other right which is distasteful to them, and establish in all these States a white man's government. This can be done only—and none know this better than they who intend it—by trampling under foot the laws and Constitution of the United States.

As this dangerous and defiant scheme expands and develops at the South, we see everywhere asserting its ascendency over the popular mind the doctrine of State rights, and coming to the front the men who in 1861 led the van-guard of secession. Of the executive committee of the democratic party in Alabama, consisting of twenty-one members, there are nine who were active and conspicuous secessionists in 1861, several of them members of the secession convention; eight others equally pronounced as belonging to the extreme State-rights school, but not old enough to have been conspicuous in 1861; while all over the State the old secession leaders entered into the canvass of last fall with a unanimity and ardor not approximated since the war, and not equaled by the fiery contest of 1860. With these men and that considerable portion of the people which enabled them to plunge the State into secession in 1861 the right of a State to secede from the Union was a conviction—a right for which they went to war and deluged the country with blood. Have they given any evidence that their opinions are changed. Force may break the spirit and make the suppliant bend; it cannot master the mind. Their opinions are now what they were, and had been for many years, before 1861, only stronger and more cherished for having been, as they conceive, crushed to earth by arbitrary power.

The lost cause is dearer to them because it is lost. With it lie buried their proudest hopes and round it cluster their most hallowed memories. Pride, honor, glory, patriotism, ambition, all encircle its tomb and strew it with votive offerings.

The people of the North are in the habit of regarding the abolition of slavery as the removal of the great cause of dissension between the North and the South, (this will be in time, to a large extent;) but they seem to forget that in that very act, which fell upon all in the South, friends as well as enemies of the Government, a loss of thousands of millions of property was inflicted. That by the war the people of the South were made poor and their land desolate. That the upheaval of their social relations and unsettled political condition, with the unavoidably rude crucial of reconstruction, have multiplied many fold the sources of irritation, which demagogues may ply "to inflame the southern mind and fire the southern heart, and again precipitate the people into revolution."

When there is added to these the bitterness of a race issue, the end of which it is boldly avowed must be extermination or ruin, it may be readily comprehended that the situation is perilous in the extreme. The majority of the people of the South now, as in 1861, do not wish to become involved in war with their Government; but now, as in 1861, the violent and extreme lead the way, others follow in the whirl of excitement, and upon the swollen currents good men are borne along, catching more or less the contagion around them, until some critical event may again eliminate from the heated controversies of party the sectional antagonisms which wrapt our land in the flames of civil war in 1861.

The incredulity with which men North and South fettered and blinded their minds to the real purposes of these southern secession leaders in 1861 is being repeated now. The warnings now uttered are unheeded, as they were then; and if this apathy both North and South is not shaken off and the country aroused to a sense of its true condition, our people will ere long be waked by the bursting flames of revolution and civil war which in the fury of its conflicts will parallel the depths and intensity of the moral antagonisms which foreshadow it.

But while the nation has been thoughtless and indifferent, while the perils of the hour seemed to have attracted small attention and excited little interest in the minds of many of the guardians of the nation's life and honor, there is one who has been vigilant and faithful, amid the heaving billows of deep unrest which underlie our condition, and the dark portents that are gathering upon our political sky, the pilot placed at the helm by a people's suffrages, still holds the ship "that bears the fortunes of the Republic" steadily on her course. Recognizing the Constitution as his guide, the law as the means, and justice as the end, the President treads the perilous edge of his exalted duties with firm step and unshaken nerve. No dangers appal, no pretenses beguile him, no blandishments seduce, no opposition intimidates, no false security lulls him to inaction. He has sounded the note of warning, and the people will heed. The spirit that awoke in response to the firing on Sumter will again electrify the nation; and if seconded by Congress, the party that rescued the country in 1861 will now preserve it; will save it from misrule, from civil war, from the control of the men and the party who so lately conspired to destroy it, and will reaffirm and establish upon peaceful and assured foundations justice and right, law and liberty, and the civil and political equality of all men. These are the fundamental principles of our Government, and must be maintained, or the Government itself must fail. In these are involved no invasion of social rights, no social equality enforced by law, but only a community of those political rights which constitute the incidents of freedom under our free institutions.

But this is not to be accomplished by the enactment of a civil-rights bill, (which may add fuel to the flame and make more deplorable the condition of those it is intended to benefit,) but can only be effected by vigorous, decisive, pungent action, commensurate with the opposition to be encountered and the perils to be overcome, by measures which will make the laws which confer citizenship upon the colored people and pronounce the civil and political equality of all men living principles and a governing power, not "dead letters upon the statute-book."

We are on the verge of a crisis. The decisive moment is rapidly advancing upon us in which the results of the war shall be affirmed as assured and recognized facts, or its fearful issues will be reopened again to distract the popular mind with party strife made more rancorous by the bitter memories that darken its past conflicts, and more ominous from the conviction that such party antagonisms can reach no final adjustment but by appeal to the dread arbitrament to which these issues drove the country in 1861.

Which direction events shall take depends upon the republican members of this Congress. The responsibility is upon us. The President has done his whole duty, and upon us devolves the fate of the nation.

The people recognize this fact, and to us they look as their accred-

ited public servants, invested with power and clothed with authority, for safety and deliverance. It is a fearful but a most honorable responsibility. If we fail to realize its imminent magnitude or fail to come up to the full measure of its demands in spirit, thought, and action, shame black as the gloom and heavy as the sorrows which our indifference shall bring upon our country will be ours; but if with "the eye to see and the heart to dare," inspired by a deep devotion to the public good, we rise to the level of our exalted duties, and discharge them fearlessly, faithfully, and wisely, we shall be crowned with honors by an appreciative and grateful people.

Post-Office Appropriation Bill.

SPEECH OF HON. ROBERT B. VANCE,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1875.

The House being as in Committee of the Whole upon the President's annual message—

Mr. VANCE said:

Mr. SPEAKER: To-day when I arose in my place and offered the following amendment to the post-office appropriation bill—

After line 39, page 3, insert:

For payment of the amounts due southern mail contractors to 26th May, 1861, $370,977.17—

the gentleman from Indiana [Mr. TYNER] in charge of the bill raised the point of order that it conflicted with existing law, and had the following joint resolution read at the Clerk's desk:

Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until otherwise ordered it shall be unlawful for any officer of the United States Government to pay any account, claim, or demand against said Government which accrued or existed prior to the 13th day of April, A. D. 1861, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during said rebellion was not known to be opposed thereto and distinctly in favor of its suppression; and no pardon heretofore granted or hereafter to be granted shall authorize the payment of such account, claim, or demand until this resolution is modified or repealed: *Provided*, That this resolution shall not be construed to prohibit the payment of claims founded upon contract made by any of the Departments, where such claims were assigned or contracted to be assigned prior to April 1, 1861, to creditors of said contractors, loyal citizens of loyal States, in payment of debts incurred prior to March 1, 1861.

Now, Mr. Speaker, the war has been at an end, so far at least as fighting is concerned, for ten years; the President of the United States issued his proclamation of peace; General Grant has uttered his celebrated sentence, "Let us have peace," and still, after fourteen years' waiting, when a Representative of the people asks for the payment of an honest debt—simply the principal, without interest—he is confronted with this horrid monster "existing law" with its hydra head, and is compelled to quietly resume his seat because he cannot help himself, and he reluctantly comes to believe in his heart that gentlemen regard it as a good thing.

How long is this state of things to last? The southern people have submitted most cheerfully to all kinds of taxation in order to carry on the National Government and to pay the national debt. Not only so, but they have agreed that the wounded and disabled Union soldier shall have a pension and the widow of the fallen shall not be forgotten. This, too, when our own soldiers have nothing for their support save what they make by their own toil, and the widow of the fallen gray has nothing but what she receives from her warm-hearted but poor neighbors.

Thank God, Mr. Speaker, for that "one touch of nature" which "makes the whole world kin," and which is willing still to divide the crust of bread and the cup of water. Look, if you please, how the South has been taxed—her cotton, her spirits, her tobacco; and in turn the tax has been laid upon the goods she had to buy, not being a manufacturer. The internal revenue and the tariff have ground the face of the poor to powder. The taxes have been paid, sir; our people are endeavoring to be in all things true and faithful to the best interests of the Government; and I ask is it not a burning shame and a national disgrace that the joint resolution of March 2, 1867, should be flouted in their faces? They are not beggars. They are the honest creditors of this Government. They simply ask to be paid a just debt, contracted for by the head of a Department and by authority of law. Why, Mr. Speaker, this very day there is pending before this body a new tax bill, which proposes to raise the tax on tobacco and other southern products, and no doubt but the gentleman from Massachusetts, [Mr. DAWES,] chairman of the Committee on Ways and Means, will be thundering in our ears by Thursday of this week more taxes upon southern products. How can he do this thing and yet these very people not allowed even to have their claims considered? But gentlemen cry out "existing law!" Yes, that is the cry. Why, Mr. Speaker, when I said let us consider the amount due these people they bristled up around me like the warriors of Roderick Dhu around the astonished Fitz James.

But why does this law exist? It was saddled upon the people eight years ago, and certainly gentlemen have had time plenty to repeal it or to modify it. Was it originally intended as a punishment to southern people? If so, it seems to me that the time of punishment has been long enough. Was it to make our people loyal? If so, I regard it as the greatest of errors. What, forever keep before the eye of a child that which you regarded as a wrong in him? Is that the idea of a wise parent toward his child? Is it wise policy and good statesmanship to keep forever before the southern people the evidence that they had a war? Surely they have that mournfully enough in every southern home, where death has claimed the fairest and best. Yea, they have that in their own melancholy memories, as they call up that solemn period when they almost felt they had nothing left—

> But broken rings, and tresses of hair,
> And garments our dead used to wear.

But, sir, if the object of oaths and "existing laws" be for the purpose of making people loyal, it is a fatal error.

What is the true policy to pursue toward a people with whom you have been at variance? It is, if you have said lay down your arms and come back, (exactly our case,) to receive them with a spirit of magnanimity as your equals (a thing you will not and cannot deny) and treat them justly. The safety of our great country is in the love and devotion of the people to our Constitution and Government. The glory of our country consists in the fact, as we have always been taught, that it is a Government of consent, and not one of force. Hence the wisdom of equal laws and full protection to all. How can you love that which oppresses you? How can the heart thrill with delight at the mention of a thing which pretends to be its friend and benefactor, when in fact it seems to be seeking in every possible way to make you feel degraded and outlawed?

If you wish the people to be true—and I like that term better than I do the word loyal—you must extend over them the broad mantle of protection and encouragement.

I remember, Mr. Speaker, when a governor of North Carolina so far ignored his oath of office, and the constitution of his State and nation, as to send armed men to make arrests of peaceable citizens while at labor in their fields, and to plunge them into filthy dungeons contrary to law, that the persecuted and imprisoned people applied for the writ of *habeas corpus*. This was granted, but the governor refused to obey its sacred mandate, and held his prisoners in durance vile. Then the supreme court of North Carolina declared "the power of the judiciary exhausted," and no relief seemed at hand for our oppressed fellow-citizens. To the surprise and joy of the people a distinguished judge of the United States court became the means of their deliverance. I was at Raleigh, North Carolina, when several of these gentlemen were released, and a vast concourse of people received them on the public square. The Stars and Stripes were unfurled above the grand stand for public speaking, and when the people saw that it was in this instance an ensign of *protection* and not of *oppression*, they shouted until the earth trembled beneath them. So it will be evermore, my word for it, Mr. Speaker. You can never make the people love the Government by passing laws and horrid test-oaths of loyalty, which perpetually remind them that you do not trust them, that they must pay taxes and never murmur, and then be refused even to have their claims considered. This thing is wrong, and cries to the Congress of the United States for a change. Now, Mr. Speaker, who are excluded from the benefits of the Government by these enactments?

First, I will mention the dear old soldiers of the war of 1812—men who upheld the honor of our flag and suffered and bled for their country before the men were born who passed the laws dropping them from the pension-rolls. Can any man with half a heart forget these venerable men? Can any one forget how they still shoulder their crutches and show how fields are won? Never! Surely, never!

Now, what do I find among the rules of this Christian country? Applying at the Pension Department for papers to reinstate a soldier of 1812 upon the rolls, I was handed a paper containing the following:

That he has not borne arms against the Government of the United States, or in any manner aided or abetted the rebellion, or those prosecuting the rebellion, or manifested a sympathy with their cause; but, on the contrary, did, during the said rebellion, earnestly desire its suppression by force of arms.

This caps the climax! Here is an old soldier, say ninety years old, (and there are a few left of that age,) who is required to swear that he had no sympathy with his son—the son being of age and going into the war of his own accord; that he had not sent him a pair of socks or any other garment to protect him in the winter campaign. More than that, he (a Christian man) is compelled to swear *that he desired the rebellion suppressed by force of arms.* In other words, he is compelled to swear upon the Holy Evangelists of Almighty God that his desire was for the war to press fiercely forward through *tears, blood,* and *death* to a successful issue for the Federal party. God deliver me, Mr. Speaker, from so bloody a desire!

See further; even if the old soldier can take the oath, here is a man who dislikes him, and he, snakelike, strikes him in his back by a charge that he is disloyal. I see the man now preparing to make his charge. He is a heavy-set man, with dark hair and forbidding coun-

tenance. He is a Federal office-holder, and his heart is as full of gall and wormwood as possible. He secretly stabs the old soldier, who is dropped from the rolls, and that is the end of it.

The soldiers who followed the victorious banners of Scott and Taylor in Mexico are also dropped from the rolls.

Now, a few words about the mail contractors in the South, who carried the mails for the Government up to 26th May, 1861. It was a regular contract between them and the Government. The accounts have been audited by the Auditor of the Treasury for the Post-Office Department. They are recognized as just. Not to pay them is the repudiation of an honest debt, and I presume that the doctrine of repudiation is not popular with the party in power.

There are also the unpaid quartermaster claims. In the year 1865 the people furnished supplies to the Army and took regular vouchers therefor. This was after the war had closed and the southern soldiers had returned home, according to the terms of surrender. Now the Departments refuse to pay these debts, on the ground that the parties were disloyal. How can a man be disloyal who has surrendered and taken the oath of allegiance, which carries with it a promise of protection to life and property? In order to be disloyal, then, he must have committed some new act of hostility to the Government—a charge, if made, that cannot be sustained against our people.

Now I respectfully appeal to gentlemen to aid in the good work of repealing these obnoxious features. It will be a graceful thing for the Forty-third Congress to do before its day of final adjournment shall arrive. It will be a good thing for us all to do that which leaves a pleasure and not a sting behind it. It is my purpose to afford gentlemen an opportunity to put themselves right on the record touching this matter, as I design next Monday to move to suspend the rules for the purpose of repealing the acts referred to.

The Usurpation and Failures of the Republican Party.

SPEECH OF HON. T. T. CRITTENDEN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875.

The House being as in Committee of the Whole on the state of the Union—

Mr. CRITTENDEN said:

Mr. SPEAKER: I speak to-day upon the failure of the republican party to restore peace and give contentment to the people of this country. I do it "with malice toward none" and with a love for this country, for its flag, for its form of government, second to no one in this House. Believing that secession was wrong, that it would be detrimental to the interests of all the people, would do much to mar the simplicity of our relationship as people toward the Government and of the Government toward the States, I opposed it in society and upon the field of battle with an honest purpose and mature deliberation. I hoped that when the war was over, when peace was declared, under the new order of things in the South those people and those States, impoverished and weak, would in that magnanimity always graceful in the conqueror be permitted to adjust their broken parts to this strong Government under the Constitution and in accordance with the elevated sentiment of justice of mankind. They are of our blood and our bone, and asked only to be treated as such. They had paid in blood and fortune the heavy penalty of a wrong step, and with a courage of energy equaling their courage in battle they returned to a quiet industry and only asked the consideration of a possessed citizenship. Had the republican party met them in the same spirit to-day all would be well in this country, and it would indeed have fulfilled the solemn declarations of its platform and of its great men. That party has pursued a different policy, and I shall now undertake to show the results, being prostrate States, bankrupt people, the glisten of the bayonet everywhere, corrupt officials, debased judiciary, and an extravagant Government. Such a combination of evils has produced their natural fruits.

Sir, whenever a party, whether democratic or republican, arrives at the conclusion that it is the Government, that it is above the people, that all the machinery by which the Government is moved is theirs of right, and that it must be kept in motion merely for the purpose of perpetuating itself in power irrespective of the wants of the people and without any consideration for the minority, then it is time for the people to strike it down as a foe to liberty and an enemy to freedom. Has not the republican party arrived at that conclusion? Is not its President, the head and front of that party, making this a personal administration? In fact, is he not the Administration, and are we not rapidly approaching the time when he will declare himself the Government and then scorn that Constitution that was to our fathers the guiding star through so many years of trials and success? Some one may say, as it is often said, that the party is not responsible for the President's personalisms, for his assumptions of unauthorized power, and for his astounding inconsistencies. Those words are easily said, sir; but are they true?

The Presidents heretofore have been at the heads of their parties, by general consent dictating or molding a policy in harmony with the principles upon which that party was founded, and seldom if ever departing from those principles. Whether the sentiments enunciated by him or the acts performed were his own thoughts or his own deeds unadvised and unindorsed, it is immaterial; they at once became the "acts and deeds" of his party, and the country so considered them. It was certainly the case unless they were disclaimed by the party, by its leading representatives in and out of Congress. When President Johnson deemed it of a higher obligation, a higher duty to adhere to the Constitution of his country, to adopt a policy that would reclaim in love and allegiance those peoples, those States that had marched under a strange flag up to the very shadows of the Capitol, rather than follow in the erratic track of some excited leader like Thad. Stevens, or yield his ideas of right and justice to a Congress made violent by success and intemperate by ambition, you the republican party arraigned him for "high crimes and misdemeanors," and attempted to brand him a felon before the world. Ay, sir, your party then and there closed "the gates of honor" upon that heroic man who dared to love the Constitution—

> Turning out
> The Roman from his birthright; and for what?
> To fling your offices to every slave.

And then you gathered to your ranks a man of equal nerve and will, who has made that same Constitution the plaything of the bayonet, the foot-ball of power, and not one in this House belonging to the dominant party has the nerve, the manhood to even question the right of this "silent man" to rule as he pleases. "Send my boots to Stockholm," said Charles XII. "For what, sire?" asked the minister. "To preside at the sessions of the senate." These were the words of a great military leader, and fully indicate their own meaning. But are they any more significant of a disposition "bent on mischief" to our form of government than these words of the President spoken through his Secretary of War:

> The President and all of us have full confidence and thoroughly approve your course.

What course? The declarations of war by a rash general of the United States Army against an innocent people, proclaiming them in his own recklessness and in his own ignorance "banditti," and asking the power to murder them at will. This too, sir, ten years after peace has been declared in this country; ten years after those people, those States, had passed under republican rule; ten years after the passage of the renowned reconstruction acts; ten years after the carpet-baggers, "those plagues of Egypt," had assumed the control of those States; and ten years after those States had been robbed and desecrated by those missionaries of an excessive loyalty. I am no apologist for the crimes of those people. Doubtlessly many have been committed in those States that are unjustifiable, bald, bold, naked acts of murder and violence unworthy of the age and exceeding the moving cause. Yet are not such crimes occurring daily in every State in this Union? Let your daily journals speak. In the language of Grattan I say:

> If there were crimes committed, they were excited by you. I think now, as I thought then, the treason of ministers against the liberty of the people is much more culpable than the rebellion of the people against ministers.

These, sir, are words spoken in the British Parliament by of one Ireland's greatest orators in defense of his own people, who had been driven to desperation by the fit prototypes of such creatures as now despoil the South. They are true to the very letter. The crimes that have been committed in the South by those to the manor born have been excited by those unrepresentative men of the North who went South during and after the war to glut their vicious appetites upon the fairest and most prolific resources of that goodly land. History, with its long line of infamous characters who have "linked their names to their crimes" and emblazoned their names to eternal infamy, furnishes one striking character that those spoliators of the South should canonize as their patron saint, and that one is Verres; who in three years after he obtained the administration of Sicily, then "the richest and most highly favored province of the republic of Rome, amassed enormous wealth, and fairly rendered that island desolate by his rapacity." Victory tainted in the estimation of the robber the wealth and beauty of the island. This man was driven to an execrable fate nearly two thousand years ago by the senate of Rome for thus plundering a foreign province.

How differently does the Senate of the United States view the legions of Verres now sacking and withering South Carolina, Mississippi, Louisiana, and Florida—States (such as they are) of our own Union, peopled with our own blood, "kith and kin;" and of those States, South Carolina was one of the original thirteen that declared for independence, "and from the very commencement of the Revolution up to its close there was no sacrifice however great she did not cheerfully make, no service she ever hesitated to perform!" Should not such a history win some pity, some protection for her now? That class of men, sir, under the garb and disguise of loyalty, are the pets and wards of the republican party; and it seems to outside observers that the more abandoned they are, the more unscrupulous they are in securing wealth, the more disregardful they are of the rights of the people in the South, the more facile they are in manipulating the ballot-box, the more corrupt the judges are in issu-

ing midnight orders, bloated with whisky and scented by debauch, the more reckless the marshals are in serving party purposes, the more all such classes are elevated by the party and fêted by the President. Can you point me to one instance where such characters have been reprobated and condemned by this Administration, unless driven to do so by public sentiment and by an ignoble fear of future defeats? I do not charge all connected with this Administration with an indorsement of such constant lawlessness. I only ask those that disapprobate it to dissent openly and boldly, that we may be able to distinguish the one from the other, the saint from the sinner, the patriot from the partisan.

Is not the South in a miserable condition in consequence of such a misrule? Is it not in a worse condition than on the day that Lee surrendered his army to that of the United States? Their labor was disorganized; their homes, their plantations had gone to decay; their machinery and farming utensils had fallen to pieces; their stock had been removed for war purposes; their financial condition was even worse than was that of our fathers under the continental system. An air of desolation pervaded those States, standing ready to be dismantled, "childless and crownless in their voiceless woe." Yet amid all of this wreck hope was left to them, and to the brave and beautiful it always inspires an energy equal to the situation. And, sir, it did more than this, it rekindled a love for the old Union of States, for the old flag of a united country in the hearts of those people as they returned from another allegiance, and made them even love the power that had smitten them. President Johnson, fully comprehending the motive of those people and their sentiments even in their ruin, desired that the world should know them as he did from the pen of their conqueror. In 1865 he sent General Grant through the Southern States to examine into the condition of those States and to report to him. In that report General Grant said:

I am satisfied that the mass of the thinking men of the South accept the present situation of affairs in good faith. * * * * * * * * * My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the Government; that they are in earnest in desiring to do what they think is required by the Government not humiliating to them as citizens; and that if such a course were pointed out they would pursue it in good faith.

Was General Grant right then? Certainly he was. It was the calm, dispassionate report of the general, not of the politician, who reported men and things as they were. It will not do to say that he was mistaken, that he blundered, that the refinements of society had colored the report. Under such circumstances to blunder was to commit a crime. No, sir. Mr. Speaker, that report, uninfluenced by political ambition, must stand forever as the matured opinion of the general, and nothing that the President can do will ever wipe it from the records of his official life. It does simple justice to those brave people—then and now; and if the honor of the soldier is observed, let the President "stand by the record." Does he do so? We say not; and we say that there is a well-concealed reason why he does not. The President is at the head of the republican party—in fact, as before stated, he assumes to be the party—with the Army and Navy and office-holders at his back, and must maintain its success, even if States, peoples, and constitutions are overthrown by the effort. He sees that as a political organization based upon great fundamental principles it is a failure, and made so by his acts, and that the people of the North are deserting the ranks of that party, and unless they are reclaimed in some way the bayonet will be uncloaked too soon and his daring ambition foiled in its aspirations. The Legislature of Louisiana was to meet on the 4th day of January, 1875, and a majority of its members elected were democrats.

In 1872 that same State was made to play an important part in galvanizing the republican party into life under the decree of a debased Federal judge, and it must again resuscitate the party by the same intervention in 1875 and prevent a democratic majority from assuming quiet possession of the State. How was this to be prevented and how was the public mind to be prepared to acquiesce in the proposed design? On the 2d day of December, 1874, William W. Belknap sent the following "confidential" telegram to General P. H. Sheridan at Chicago, Illinois:

WAR DEPARTMENT,
Washington City, December 2, 1874.

GENERAL: The President sent for me this morning, and desires me to say to you that he wishes you to visit the States of Louisiana and Mississippi, and especially New Orleans, in Louisiana, and Vicksburgh and Jackson, in Mississippi, and ascertain for yourself, and for his information, the general condition of matters in those localities. You need not confine your visit to the States of Louisiana and Mississippi, and may extend your trip to other States—Alabama, &c.,—if you see proper; nor need you confine your visit in the States of Louisiana and Mississippi to the places named. What the President desires is to ascertain the true condition of affairs, and to receive such suggestions from you as you may deem advisable and judicious.

Inclosed herewith is an order authorizing you to assume command of the Military Division of the South, or of any portion of that division, should you see proper to do so. It may be possible that circumstances may arise which would render this a proper course to pursue. You can, if you desire it, see General McDowell in Louisville, and make known to him confidentially the object of your trip; but this is not required of you. Communication with him by you is left entirely to your own judgment.

Of course you can take with you such gentlemen of your staff as you wish, and it is best that the trip should appear to be one as much of pleasure as of business, for the fact of your mere presence in the localities referred to will have, it is presumed, a beneficial effect.

The President thinks, and so do I, that a trip South might be agreeable to you, and that you might be able to obtain a good deal of information on the subject about which we desire to learn. You can make your return by Washington and make a verbal report, and also inform me from time to time of your views and conclusions.

Yours, truly, &c.,

WM. W. BELKNAP,
Secretary of War.

That telegram is written with peculiar craftiness and is full of "significant expressions." Why was it sent to Sheridan instead of McDowell, who was already the commander of that department? And why was General Sherman, then domiciled at Saint Louis, the active Commander-in-Chief of the United States Army, overlooked or omitted? If the President desired "judicious suggestions," why did he not send a man capable of making such suggestions? Ah! sir, the President knew his man; one whose brain could conceive of no law but that of arms; one whose heart shuddered at nothing so much as peace; and that man was General Sheridan. Upon his arrival at New Orleans General Sheridan forwarded to the Secretary of War the following telegram, which seems to have been prepared for the occasion as a part of the bloody drama "to fire the northern heart:"

HEADQUARTERS DIVISION OF THE MISSOURI,
New Orleans, January 4, 1875. (Received 4—11.45 p. m.)

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized, that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

This telegram was sent and received on the very day that the Legislature was to meet, and it was sent within three days after his arrival in New Orleans. Few men, even greater than Sheridan, could grasp the condition of a State within such few hours.

But, sir, the last telegram was only a part of the desperate game, and only foreshadowed what was in the fertile brain of that Claverhouse of the Army. Here is the telegram that exhibits the whole plot, and that makes mankind stand aghast the world over:

Telegram dated headquarters Military Division of the Missouri, New Orleans, Louisiana, January 5, 1875. Received January 5.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Such a telegram should brand him for all time to come as the Haynau of our Army; as one who stands isolated and alone, "unapproached and unapproachable" in the blood-thirstiness of his nature, and should drive him, as one of old, a fugitive and vagabond from civilized society. The blood of the innocent Indian shed by this man, dressed in a little brief authority, still haunts him, and he, like all other shedders of blood, seeks to "wash it out" by other murders; but it will cling to him as his Nemesis with unwearied step and untiring spirit.

On the 6th of January, 1875, Secretary Belknap sent the following telegram to General Sheridan at New Orleans:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

Approved of his course in what? In declaring a whole people banditti. In doing that that Burke said he could not do, draw an indictment against a whole people. In seeking to subject those people to military trials in the very face of the celebrated Milligan case, in which the Supreme Court of the United States declared "that there was no unwritten criminal code to which resort can be had as a source of jurisdiction in times of peace." Although a great outrage was committed by the President and all concerned upon the sovereignty of a State in invading its legislative halls by an armed force and expelling its members at the point of the bayonet under the direction of Kellogg, De Trobriand, and Sheridan, and one that would in such States as New York or Pennsylvania provoke bloodshed, yet, be it spoken in all honor to those people, to those law-abiding, patriotic democrats, they submitted with heroic courage to the oppressions, and so acted as to foil the President in his revolutionary scheme, and by thus acting have elicited the applause of mankind and mortally wounded the whole carpet-bag system of governments. An English writer of great ability says of the President's usurpation in Louisiana:

Three months earlier President Grant might have urged with some plausibility that he was only following what had once been the popular republican policy, and that he did not know that the feeling of the party had changed. But after the greatest party reverse that has been witnessed for many years in the United States, this plea is too absurd to be even suggested. The President must have foreseen the

unpopularity he was creating for himself and his party, and must have had some motive for incurring a danger which lay so immediately before his eyes. What, then, could this motive have been? The only possible answer to the question seems to be this: President Grant sees that the maintenance of the carpet-bag governments in the Southern States is indispensible to the recovery of the republican party, and that the only means by which these governments can be kept in being is by creating a state of things which shall unmistakably call for the interference of the Federal Government. If the Southern conservatives can but be committed to open resistance to the United States troops, this requirement would be abundantly fulfilled.

If the democratic members, instead of submitting under protest to General De Trobriand's orders, had snatched up their revolvers and fired upon the soldiers under his command, civil war would have broken out that day in New Orleans, and the white population in Louisiana would have been exhibited in overt rebellion against the Government of the United States. When once things had come to this point the indignation of the Northern States would have been roused, and the democrats would have been loaded with the odium which would have attached to a revival of the old secession temper. The self-control of the Louisiana conservatives has frustrated this design, but it is exceedingly difficult to resist the belief that it was really entertained. We are well aware how grave a charge this is to bring against President Grant. To aim at provoking civil strife in order to secure a party advantage is as great a crime as a public man can well commit. If there were any other way of accounting for President Grant's attitude in this matter we should not suggest this one. But we have seen how inadmissible the alternative explanations are; and in this way the choice has come to lie between taking this last explanation or none at all. President Grant does not seem the sort of man who would act in a matterof this gravity without any conscious motive; and with all the care we can give to the consideration of what his motive is likely to have been, no other seems to present itself which is not demonstrably impossible.

I wish that I could acquit the President of the charge of having confederated with that most notable usurper, Kellogg, to overthrow the liberties of the State of Louisiana. His services have been great to the country, have made our Army renowned in history and song, and I would not willingly, even if able to do so, place the slightest cloud on his fame. But, sirs, it is my profound belief that he has violated the Constitution in acting as he has done toward that State, and I would not be doing my duty to say less. And to tide you over those blunders, and to break the force of the report of the first committee sent there by this House, you have sent a second one to produce a report, if possible, different from the first. That report has been made, and in the language of one of the Administration organs in this city it will suit the party. Your whole Louisiana intermeddling has been wrong and has been sickening to the whole North.

Speaking of the usurping governor of Louisiana, the Philadelphia Inquirer, a strong republican paper, says:

"William Pitt Kellogg, governor of Louisiana by virtue of the midnight order of a drunken judge who resigned from the bench to save himself the disgrace of being impeached for high crimes and misdemeanors, is getting tired of office. Its cares and responsibilities sit heavily upon him, and he now announces his perfect willingness to settle the respective gubernatorial claims of himself and McEnery by a friendly and dispassionate game of poker or seven-up. Why not? He showed no more honesty in his way of getting into the office than the professional gambler shows in getting into the pockets of his victim; and why should he hesitate to get out of it like a gambler?"

Having failed to provoke civil strife in Louisiana, and standing to-day condemned by all persons freed of subservient partisanship, and having exhibited to all by the failure the purpose for which that State was invaded by his booted warrior, he, not abashed, has turned "his policy" upon Arkansas. In that State an election was had for governor in 1872 between Elisha Baxter and Joseph Brooks. The former was supported by all the carpet-bag, scalawag, and negro elements, and the latter by the honest republicans and democrats. CLAYTON, DORSEY & Co. believing that they could manipulate Baxter as they desired, had him declared governor, although Brooks had received the majority of the votes. That power is the peculiar outgrowth and production of those graceless scamps all over the South called "loyalists." Brooks appealed to the President and to arms for his rights, and was soon declared an outlaw, a "turbulent fellow," and was ordered to disperse. Baxter was recognized as governor by the President, and his legislature as the legal Legislature. Senator CLAYTON telegraphed from New York to Elisha Baxter on the 3d of June, 1873, that he (Baxter) was the legitimate governor of Arkansas, and that he must stand firm regardless of results. Senator DORSEY on the same day and from the same city telegraphed to Governor Elisha Baxter:

You have the unqualified support of myself and friends. The revolutionary proceedings instituted will not be sustained by the people.

Baxter discharged the duties of the office with marked honesty and ability until Governor Garland was elected under the provisions of the new constitution. And now, Mr. Speaker, the President, with a wonderful forgetfulness of the past, seems determined to do in Arkansas what he failed to do in Louisiana—provoke, if possible, a revolution in a State that had become peaceable and prosperous. I call your attention to his words, full of dictation and partisanship:

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore furnished relative to affairs in the State of Arkansas. I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown, and a new constitution adopted and a new State government established. These proceedings, if permitted to stand, practically ignore all the rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations, on certain conditions, from changing their constitutions and violating their pledges, if this action in Arkansas is acquiesced in? I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in the matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

EXECUTIVE MANSION, *February* 8, 1875.

What has been done in that State that establishes "a precedent so dangerous to State governments?" The Legislature met by which the convention was called with his full knowledge and approbation, and the changes that took place in that State transpired under his immediate eye. Again listen to the evidence I produce against the President:

On the 22d of April, 1874, Baxter telegraphed to the President as follows: "I propose to call the Legislature together at an early day, and leave them to settle the question, as they alone have the power; but to do this the members of the Legislature must have assurances of protection from you and a guarantee that they may meet in safety. This will be a peaceable solution of the difficulty, and I will readily abide by the decision of the Legislature." On the same day the President replied to Baxter as follows: "I heartily approve any adjustment peaceably of the pending difficulties in Arkansas by means of the Legislative Assembly, the courts, or otherwise. I will give all the assistance and protection I can under the Constitution and laws of the United States to such modes of adjustment. I hope that the military on both sides will now be disbanded." On the 24th of April Baxter replied as follows: "In accordance with my correspondence with you by telegraph, I have convened the Legislature for the 11th May. I have sent home part of my forces and would willingly send the balance, except a small body-guard, but Brooks retains his whole force and receives re-enforcements. All the people desire is that peace be restored, and the Legislature protected in the performance of their legitimate business."

The convention called by that Legislature met as was required by the voice of the people, and put forth a constitution, "and the people ratified it by an overwhelming majority." The President says the constitution of 1868 "was by violence, intimidation, and revolutionary proceedings overthrown and a new constitution adopted and a new State government established." Is that so? Is the offense in the manner in which the old constitution was displaced, or in the selection of democratic officials to fill the offices? If the former, I here in my place pronounce it legal and challenge refutation; if the latter, I refer you to the report of the committee of this House, of which the venerable Mr. POLAND, of Vermont, is chairman.

The committee are satisfied that the convention to frame the constitution and the constitution itself were voted for and are satisfactory to the majority of the voters and people of the State. The State officers were certainly elected by a majority of the votes cast, and we think by a majority of the votes in the State. The condition of the State has been as peaceful since the new government was inaugurated as it ever has been. Acts of violence have been very few indeed.

This is the clear and emphatic language of that committee appointed to report upon the affairs in Arkansas. Now, sir, as to the manner in which the new constitution was made to supplant the old constitution. I have no hesitancy in declaring it legal. Although there were some technical informalities in the mode of its adoption, those informalities cannot "invalidate the instrument thus adopted." The committee say:

We are asked to recommend, that the National Government shall declare in some form that the new constitution has not suspended that of 1868, but that the old is still the true fundamental law of the State, and that Mr. Brooks, who doubtless was elected and ought to have been declared governor, is now the lawful governor of the State, and that the Government will support and uphold him as the lawful governor of the State. * * * The people of every State have a right to make their own constitution to suit themselves, provided it be republican in form and in harmony with the Constitution of the United States; and the National Government has not the authority to deprive them of that right. Here we have the case of a State having a constitution republican in form, adopted and ratified by a large majority of its people, manned by officers of their choice, and going forward with reasonable quiet and peace. Your committee cannot find any solid ground on which to stand to say the General Government can or ought to interfere; and no amount of irregularity in the processes by which this state of things was brought about furnishes just reason for doing so. The committee believe, upon principles now well established, all these defects and irregularities in the proceedings must be regarded as cured by the verdict of the people.

Admitting that Joseph Brooks was lawfully elected governor of the State of Arkansas, and that he has been "unlawfully deprived of the possession of the office," who did it? Strange to say, the President; the very man who in eight months after he did it undertakes to restore him, although since the election and since his removal the old constitution of 1868, under which he claimed his election, has ceased to exist, and another and different man than his opponent occupies the office under and by virtue of a new constitution invoked into existence by that normal and inherent power ever existing in the people, above the forms and ceremonies of the law, so well expressed in words in the Declaration of Independence:

Whenever any form of government becomes destructive of these ends [of government] it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. * * * We hold these truths to be self-evident.

Comparisons being in themselves odious, frequently make odious inconsistencies in men, and more especially those inconsistencies in our officials when caused by a guilty ambition. Now let us place side by side the President's letter to the Senate on the 8th of February, 1875, and his proclamation of warning to Joseph Brooks dated 15th May, 1874, and see how well they harmonize. It must be remembered they are about the same persons, the same State, and the same election.

IN MAY.

By the President of the United States of America—A Proclamation: Whereas certain turbulent and disorderly persons, pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive, and other authorities of said State; and whereas said Elisha Baxter has been duly declared elected by the General Assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered the lawful executive thereof; and whereas the said Elisha Baxter under section 4 of article 4 of the Constitution of the United States, and the laws passed in pursuance thereof, has heretofore made application to me to protect said State and the citizens thereof against domestic violence: Now, therefore,

I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter submit themselves to the lawful authority of the said executive and other constituted authorities of said State; and I invoke the aid and co-operation of all good citizens to uphold law and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 15th day of May, in the year of our Lord 1874, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

IN FEBRUARY.

To the Senate of the United States:

Herewith I have the honor to send in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore furnished relative to affairs in the State of Arkansas. I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown, and a new constitution adopted, and a new State government established. These proceedings if permitted to stand practically ignore all the rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations, on certain conditions, from changing their constitutions and violating their pledges if this action in Arkansas is acquiesced in? I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in the matter to relieve the Executive from acting upon the questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

EXECUTIVE MANSION,
February 8, 1875.

I ask you gentlemen upon the other side of this House why is the President pursuing such a course toward Arkansas? It is not because that State has not a republican form of government, because the committee say the present constitution is preferable to that of 1868; it is not because that convention by which the constitution of 1874 was formed was not called into a legal existence, as nearly every State in the Union has at one time or another changed its constitution as Arkansas has done. Georgia did so twice in the year 1789 and again in 1838. South Carolina did so in 1790; New Hampshire in 1791; New York in 1801, 1821, and in 1846; Connecticut in 1818; Massachusetts in 1820 and 1853; Rhode Island in 1824, 1834, 1841, and 1842; Virginia in 1829, 1850, and 1864; North Carolina in 1835; Pennsylvania in 1837; New Jersey in 1844; Missouri in 1845, 1861, and 1865; and Indiana in 1850. It is because the President "aims at provoking civil strife in order to secure a party advantage," and in the midst of that strife to secure a third nomination for the Presidency.

I have enumerated Arkansas and Louisiana as the States in which he seeks to provoke this strife. It will not end there when commenced, but will be incited all over the South, and what little liberty, what native honesty, what little independence is found there will be crushed out under the upper and nether millstone of the President's wrath; and he will stretch over that fair region "the line of Samaria, and the plummet of the house of Ahab." What will all of this be but an acknowledged and conceded failure before all of the governments of the world, before mankind trembling for liberty, of the reconstruction of the Southern States, after ten long weary years of effort. And what is it but the failure of the republican party to give peace, prosperity, and contentment to the whole country after fifteen years' possession of nearly all the States; fifteen years' possession of the Government, with all of its departments, its courts, its Army, its Navy, and its billions of money?

The condition of the South is known to all, and all pity her but the heavy "mailed hand" resting upon her. It seems, sir, that if the course pursued toward that bowed country is continued much longer, it will be in the sad condition of Ireland, when Lord Gray, its governor, wrote to the Queen of England "that Her Majesty would soon reign over only ashes and dead bodies."

We see that the policy pursued by the President has failed, shamelessly failed, to give peace, to create and establish commerce, to revive agricultural and manufacturing life in the Southern States. Now let us turn to the Northern States and ascertain what effect it has had upon them. It is an admitted fact that these States, upon the close of the war, were stronger and richer than ever before. The very causes that produced poverty in the South were those that added wealth, unanimity, and wonderful force to the North. As long as the war lasted, and the excitement growing out of that war existed, all the States lying north of Mason and Dixon's line accumulated immense wealth and an unusual increase of population from immigration and other sources. Those fomenting the strife and excitement, after peace had been declared, were either greatly ignorant of the teachings of history or wantonly wicked in not applying those lessons to the case in hand.

There is a point beyond which, in the commercial, political, and physical natures of all people, you cannot go, without affecting the internal organisms of each. Trade has its natural, arbitrary laws, which permit no disturbance of long duration without exacting a penalty. If those laws are violated under any state of circumstances, troubles, panics, paroxysms will as inevitably follow as disease does in the track of dissipation or any abnormal disturbance of our physical natures. The prosperity of the North during and immediately following the war was a natural incident of that war, as the demands of the Government at that time caused it to scatter with a lavish hand billions of money among that people. This money was not expended to create wealth, but to conquer and desolate one-half of our own country, and then, as future events have demonstrated, to hold that half for political purposes only, in which political storms were to be engendered by those "vipers that creep where man disdains to climb," just preceding elections, for party ends, for party measures.

Onward and onward with the wild dance has been the cry of the republican leaders, until it has brought the whole country to the brink of bankruptcy and ruin. Distress, pinching, persecuting distress, is felt all over our land, making the strong father and resolute mother bow in anguish over a hungry family of children, and amid all this the solemn voice of Mr. DAWES, the chairman of the Committee on Ways and Means, is heard in this House calling for more money, more taxation, as if it were a new appeal to the people and they could respond as in other days. Only forty millions more he says; that is not much; only a dollar *per capita*. But this is not all by any means—only a fraction of the demand. In 1858 the expenditures of the Government reached their maximum before the war, when the net ordinary expenses amounted to $72,000,000 in round numbers. In 1874, nine years after the war closed, these same expenditures amount to $194,000,000! The following table will show how the items of these two years compare:

	1858.	1874.
War expenses	$25, 679, 121	$42, 313, 927
Navy expenses	14, 053, 264	30, 932, 587
Indian expenses	4, 978, 266	6, 692, 402
Pensions	1, 219, 768	29, 038, 414
Miscellaneous	26, 400, 016	85, 141, 593
Total	72, 330, 435	194, 118, 985

The net ordinary expenses of the Government from 1869 to 1874 were in round numbers—

1869	$190, 000, 000
1870	164, 000, 000
1871	157, 000, 000
1872	153, 000, 000

Thus far there seems to have been a reasonable determination to curtail expenses, but the economy was short-lived, for in the next year, instead of decreasing still further as it should have done, the amount spent was—

1873	$180, 000, 000
1874	194, 000, 000

In the language of Mr. WOOD, of New York, comment upon these figures is unnecessary. They tell their own story, and that is not complimentary to the Administration nor satisfactory to the people. To those vast sums of yearly expenditures by the Government must be added $100,000,000 interest upon our public debt, aggregating in demand for this fiscal year $334,000,000 in times of peace. Surely comment is unnecessary. Great Britain with an interest-bearing debt of $3,872,000,000, more than double that of the interest-bearing debt of the United States; with an army and navy immensely superior to ours in size and appointments; with a costly royalty; with an empire upon which the sun never sets; with a vast outlay of money in her commercial strife with Russia, $25,000,000 of expended capital, and over $350,000,000 of guaranteed capital in internal improvements in British India; with a tonnage four times greater than ours, only expends about $40,000,000 more than our Government, and every dollar of her expenditures realizes in some way peace, happiness, and contentment to her people. How is it in this country now? Mr. RANDALL, one of the clearest thinkers of this House, a distinguished member from Pennsylvania, on this floor a few days ago, in speaking of the mismanagement of the Government by the dominant party, said:

I have stood here resisting any change in the established rules of this House in the particular in which it is now attempted to change them. And why? Because, in the first place, it was designed to open the door of the Treasury to the scheme of every private corporation and individual who sought to apply it. Secondly, because it was for the purpose of letting in legislation to oppress the people of the South. It was to put the iron heel of your expiring power upon the head and body of this people. Moreover, in doing it you have brought distress and want upon my own people. See how it works. You are interfering with the industries of the North, because you deprive them of their best customers for their manufactures. Since the war we have been deprived of our best customers. To-day the only natural, the only willing purchasers of goods manufactured in the North are the southern people, and so long as this crusade is made against the South, so long will they be unable to be the customers of northern industry, and that long you

take from the people of the North the bread they might otherwise have eaten and the raiment they might otherwise have worn.

All along through this discussion I have told you, as one member on this floor, that we on this side of the House stood ready to go on with the legitimate business of the country. Instead of this legislation which you propose, prompted by the meanest passions and aimed to crush out a race, we have told you to come to your legitimate duties of legislation; pass your appropriation bills, reducing the amount as far as possible; revive the industry of the country; let us once again be a happy and a prosperous people throughout the length and breadth of this land, whether in the North or in the South. When, in the name of Heaven, is this crusade against the South to end? When will you get over your mean purposes against this people? They surrendered their arms as brave men at Appomattox Court House, and if the policy of General Sherman had run through your legislation from that time to this hour we should have had a people reposing in tranquillity and peace, the terror of all other nations.

Some one may say that is the language of a democrat who has labored for fourteen years in this House to break down the republican party; therefore he cannot be trusted. I admit that he is a democrat of the strictest school, and he is a man of great comprehension and unquestioned honor. If Mr. RANDALL is objected to upon that ground, then let us see what Mr. KELLEY of the same State has to say upon the same subject. He is a republican of undoubted fealty, and a leader of his party:

The falling off in the revenues demonstrates the poverty of the people. They do not contribute to the Treasury, because they cannot supply their wants. They are unable to consume dutiable and taxable commodities, because we have by our legislation paralyzed their productive power. It is a maxim of mine, and I cannot too often repeat it, that a prosperous people not only supply their wants but gratify their desires; while a people suffering as the laboring people of this country now are not only do not gratify their desires, but are unable to provide themselves with the necessaries of life.

More than a million working people of the country are in want. In one week, ay, in the first five days of one week, it is recorded that forty-one sober, industrious, and honest workingmen in my own city begged the privilege of passing the winter in the house of correction rather than starve or steal.

This speech was made on the 13th of this month in this House on the new revenue bill. In the same speech he said:

But we are asked to close our eyes upon this suffering and maintain the honor of the country by imposing taxes enough to enable the Treasury to purchase more than $31,000,000 of bonds. When the sufferings of our people are alluded to, it is asked, Was ever any nation able to put its bonds at a premium so speedily as we have done? That is no answer to me, and it is no answer to the men who, having accumulated by long years of toil and economy a little homestead embarrassed by a small mortgage, have seen it pass under the sheriff's hammer at a nominal price to the mortgagee. It is no answer to the worthy people who have lived under a noble sense of independence, in view of their ability to maintain themselves and their families by labor, and who now find themselves forced to endure the torture of living on the bitter bread of charity.

Sir, I am as anxious as any gentleman on this floor to sustain the credit of the country. I have desired to see it gradually appreciated; but when I see our finances so managed as to feed the gold and bullion brokers on the blood of my constituents, I feel constrained to beg my friends to order a halt, and if possible to retrace some of their mistaken steps. My colleague on the committee from New York, [Mr. ELLIS H. ROBERTS] says that the public debt has been reduced $600,000,000. Sir, I know that these figures represent the reduction as it appears in the books of the Treasury and in the debt statement. But, sir, in its effects upon the industries of the country the debt has not been reduced. No, sir; measured thus it has been more than doubled. Let me demonstrate this.

What is the burden of a debt on a great country like this, to which four hundred thousand people would gladly come every year and identify themselves with its fortunes and share the burdens of its debt if our unwise legislation was not repelling them? It is not the ultimate extinguishment of the principal. It is the draught it makes upon the current resources, the annual earnings of the people. Let us measure our debt by what it required to pay the interest when we owed the $600,000,000 which we have extinguished and what it now requires. Everybody that could work was then employed; now more than a million workers are idle. Yet in day's labor we now pay more than two for every one the interest on the total debt required. We pay more than two pounds of tobacco for one, more than two pounds of cotton for one, two bushels of wheat, two barrels of flour for one, and infinitely more than two gallons of petroleum, and so on with all the great staples of the country we are able to export. And this is all due to the processes we have resorted to for enhancing the value of our bonds in foreign markets. We have thus doubled the burdens of the people while reducing the total of the debt. We have thus made the property of the rich man more valuable, while we have robbed millions of laborers of their whole estate. The wages of the current day they waste in enforced idleness.

Does that language, used by a gentleman so well informed and so skillful in debate in the defense of his party, describe a prosperous and happy people? Weigh it, ponder over it, workingmen; and then tell me, you who still vote the republican ticket, what you think of the management of a country, by a party claiming to be successful, when "more than a million of your own class, your own brothers," are in want; when in one week, ay, in the first five days of one week, it is recorded, says Judge KELLEY, that "forty-one sober, industrious, and honest workingmen in the city of Philadelphia begged the privilege of passing the winter in the house of correction, rather than starve or steal." If such results are the evidences of statesmanship, then I say the sooner the country is delivered from it the better, else the idle men, made so by compulsion, who are the majority in every hamlet and city in this country, will form from necessity, from the piteous appeals of wives and children for bread, the most dangerous societies within our land.

The *Carbonari* of Italy and Spain was formed to resist such oppressions as now disturb our laboring classes. Their motto was to wreak revenge on the wolves who destroy our lambs. Such societies naturally grow during such times as these. The administration that produces such times is responsible for their existence. The republican party met its first and general defeat last fall by those people made idle by its legislation, and others of a more important nature will follow in the coming years. The cry of disloyalty, the shout of "rebel," the swinging aloft of the bloody shirt, may please the well-fed crowd; but they cease to influence the hungry laborer who understands the object. Curran said in the British Parliament that an oppressed and hungry people will in some way strike down their oppressors, even with their own shackles. They have commenced the work in this country by the quiet ballot. In the language of the accomplished WILLIAM WALTER PHELPS, of New Jersey—

One hundred of them have been shaken out of this Capitol, and I say their places have been supplied with better men.

There must be some prominent cause for this prevalent want in the North as well as the South—this great revulsion in the political sentiment. When the democratic party sought to prolong its existence in office before the war by exclusive party measures, without regard to the peace of the country, it soon aroused a sentiment of opposition so strong that it completed its overthrow. The republican party is pursuing the same course now, and is meeting with the same result all over the country. Partisanship is not yet stronger than patriotism in this land, however much the latter may have been debased by the thousands who have assumed to be the peculiar friends of the Government and country merely to secure individual preferment.

The republican party is not dead by any means; but under its present management it has been led so far away from its old landmarks, so far away from that lofty dignity and love of country with which such men as Greeley, Seward, Lincoln, and Adams imbued it; so far away from the Constitution that has been our pillar of cloud by day and our pillar of fire by night for so many years, that myriads of its old lovers, its old founders, are leaving it with trembling steps and heavy hearts. Such men hang their harps upon the willows, as they sit beside strange streams and listen to the burning words of the New York Tribune, the original organ of the party, now pecked at by jackdaws:

What has the party to remember with pride or satisfaction in all its history which the Tribune does not share? Go through these six years of President Grant's administration with a lighted candle and bring us anything accomplished—anything whatever of which the party can boast—any act or policy or anything else which a judicious friend can set up and go around and look at from all sides without a sense of shame or pity. When the war was over and the sword was laid aside and the nation settled all its differences, with an outstretched hand the Tribune looked into the faces not of enemies but of fellow-citizens, of men of the same race and blood, between whom now all differences had been washed away. It feeds no grudges, harbors no animosities, treasures no unkindly memories. The labors of the crusade, the hardships of the march, and the glories of the field it shared; in the plunder of the camps it has no part. It recognized the logic of events in the period of greed which a condition of war had engendered, and it lost no time in turning its weapons at once upon the corrupting influences and debasing tendencies which were the natural accompaniments of such a time.

If we have denounced the corruptions and condemned the dishonesty of the party in power, it has not been recklessly or with wantonness. If any well-meaning republican has been offended by the freedom of our criticism, and the persistence with which we pursue the abuses of power by men who call themselves republicans, we can only say that it has given us greater pain than he could possibly have felt to find these abuses sheltered under a name of whose memories, traditions, and glories we inherit so large a share. But country is more than party, and truth is above all names. Of what significance is the name of a party which twenty years ago was born out of opposition to the extension of slavery, passed through all the stages of development till it culminated in the establishment of the freedom and citizenship of all men, and then fell into the hands of men who brought neither intelligence nor patriotism to the task of organization, and only contributed audacity and cunning to the wrangle for the spoils? All that remains of the party is the name. In common with thousands of sincere patriots all over the country, we should rejoice to see that rescued from the men under whose bad leadership it has been discredited and disgraced. But there seems to be a lack of the muscle and fiber, the courage and manliness, to make the attempt.

Without harmony or coherence upon any single question, agreeing in nothing except subserviency to a President whose will is absolute and whom it is bewilderment to follow, the party leaders propose now one supreme effort to retain power by a crime against the Constitution and the peace of the country. The gravity of the crisis cannot be overestimated.

Why is it, sir, that such great papers as the Tribune have been discarded? Why is it that its great leader and editor in his life-time was so pursued and villified by the Administration now in power? Because he said peace to the South and halt to his party when the war closed. Because he held up the Constitution of our country to his party, and said, suffer that not to perish! Rather surrender the Capitol, with all of its prestige and glory, to the democratic party. This was "the very head and front of his offending." It was a lofty patriotism, such as will do to imitate.

Sir, in the days when Themistocles led the Athenians to victory at Salamis, he advised them to surrender their capital for the preservation of the constitution of their country. That gallant people rose under the impulse of patriotism as one man, and with a stern resolution to yield life itself rather than abandon their liberties and surrender the proud privilege of legislating for themselves to the delegate of a Persian despot, who offered them "all their own dominions together with an accession of territory ample as their wishes upon the single condition that they should receive law and suffer him to preside in Greece." At that eventful period of their history Crysilus alone proposed the surrender of their constitution to save the capital, and they stoned him to death. And the Athenian matrons in their indignation then rose and inflicted the same punishment on his wife. Loving their capitol and their noble city, rich as it was with the production of every art and glittering all over with the proudest trophies and the most splendid temples in the world, deserting in the cause of free government the very land that gave them birth, they embarked on board their ships and fought that battle the name of which has made the bosom of freemen to thrill with sympathy in all the ages that have followed it, and shall cause the patriot's heart to beat higher with emotion through countless ages to come. Have we such patriots in the republican party now? Are there any now in

that party as its leaders who would be willing to give up the capital with its power, its wealth, its Departments "glittering all over with the proudest trophies of its victories," for the preservation of the Constitution of their country? I am inclined to think not. In such an emergency I think it would be said by many now in power, in the language of one of their old leaders, "The Constitution is a league with the devil and a covenant with death"—let it slide.

It is an unfortunate day for any country when men secure high places who prefer power to the constitution, and seek the elevation of the political body to which they adhere at the hazard of the constitution. It is not the best men of a party who do this—only the adventurers and time-servers within its ranks. But it sometimes is the case with all parties, as with the republican party now, that their good men are silenced by the audacity of the bad men, who in the midst of appalling times—to men of heart, soul, and brain—"howl strange songs and reel in strange dances amid the turbulence and carnage." Sir, whenever a dominant party like the republican party, so full of men of great ability and great undertakings, permits its fledglings and "carrion-crow" men, fresh from the extremes of the other party, double-dyed traitors of easy consciences, and facile morals, to rule in its deliberations and dictate its policy, to openly asperse its founders—men who lived in thought and deed in an atmosphere too pure for such creatures, then, sir, that party has passed from its "first estate," and will soon be numbered among the things in the past, "a school-boy's tale, the wonder of an hour." We witness that sight often on the other side of this House. The ranks of the republican party, North and South, are filled by men whose denunciations of the Union and its flag, of Lincoln, and his administration, are still reverberating over the hills and valleys of the seceding States, who from some cause unknown and undesired by good men—

Rode the storm when the seas were rough,
Yet in some sunny hour fell off.

And, sir, these men are the very ones in God's providence who are destroying that party. Macaulay says "the vilest spy and sycophant is he who serves his conqueror against the interest of his native land." Violence and more violence, blood and more blood, make up their whole policy. The party, backed and ridered by the carpet-baggers, scalawags, and traitors, the Hessians of our politics, has succeeded in bringing about a demoralization in the South of which none of us may see the close; and having brought it about, they marvel at it, bewail it, execrate it as the work of rebels; they ascribe it to everything but the real cause—their own bad legislation, their own immorality, and their own profound incapacity for the conduct of great affairs. There can be no partial or censorious legislation by Congress in a country like this without evil effects upon the whole. Every part of the country is too intimately blended together by streams, railroads, seas, and gulfs not to feel in its trade, its commerce, from center to circumference, every manifestation of partisanship toward any of its parts. The republican party has disregarded this relationship for the last fifteen years in its determination to rule the country; and now look at the result in the simple value of real and personal estate in 1870 compared with 1860. Their value in—

States.	1870.	1860.
Alabama	$255,855,841	$495,237,078
Arkansas	156,394,691	219,256,473
Florida	41,163,655	73,101,500
Georgia	268,169,207	645,895,237
Louisiana	323,125,666	602,158,508
Mississipi	209,197,245	607,324,911
North Carolina	260,757,248	258,739,399
South Carolina	208,176,989	548,138,754
Tennessee	298,237,734	493,903,892
Texas	159,052,542	365,200,614
Virginia	409,588,133	793,248,681
Kentucky	604,318,552	666,043,112
Maryland	348,155,671	376,919,944
Total	3,683,163,260	6,245,129,108

These reliable figures show a shrinkage in ten years of nearly 50 per cent., and it has been since 1870 up to 1875 25 per cent. more, making a loss to those States, to the whole country, of quite $4,000,000,000—$1,000,000,000 more than the debt of Great Britain and $2,000,000,000 more than our own national debt. Is that not giving the peace of death to this country rapidly? Is that not one of the marked reasons why one million laborers in the North are begging for bread, and Mr. DAWES, as the mouth-piece of the Secretary of the Treasury, is appealing to Congress for greater revenues? These figures also show the remarkable fact that whenever one or more of the above-named States has been continuously under democratic rule, the decrease in values has been slight compared with one or more of those that have been under republican rule. Take for example Kentucky and South Carolina:

States.	1870.	1860.
Kentucky	$604,318,552	$666,043,112
South Carolina	208,146,989	548,138,754

The decrease has been only about 10 per cent. in Kentucky, and nearly 200 per cent. in South Carolina. So with the other States does the comparison obtain under similar circumstances. Now let us view in another light the ruinous effects of republicanism in the management of the Southern States. We have seen the astounding decrease in the valuation of the real and personal estates in those Southern States from 1860 to 1870. Now permit me to show you and the country at large the increase in taxation and of the public debt in those same States between the same periods of time; and it seems to me that did you men of the North live under the same misrule, that your very children would rise in indignation and exclaim—

If you have nature in you, hear it not.

Statement exhibiting taxation and public debt of the Southern States (not including national) with the percentage of increase during the period of ten years from 1860 *to* 1870.

Southern States.	Taxation, (not national). From report on ninth census.		Percentage of increase.	Public debt, (not national.)		Percentage of increase.
				In parts from unofficial sources.	From report on ninth census.	
	1860.	1870.		1860.	1870.	
Alabama	$851,171	$2,982,932	250	$5,048,000	$13,277,154	163
Arkansas	635,393	2,866,890	351	3,092,622	4,151,152	34
Florida	159,121	496,166	219	383,000	2,185,838	471
Georgia	797,885	2,627,029	229	2,670,750	21,753,712	715
Louisiana	4,960,780	7,060,722	42	10,023,903	53,087,441	430
Kentucky						
Mississippi	954,806	3,736,432	291		2,594,415	
Missouri						
North Carolina	1,044,732	2,352,809	125	9,129,505	32,474,036	256
South Carolina	1,280,386	2,767,675	116	3,691,574	13,075,229	254
Tennessee	1,102,793	3,381,579	207	16,643,666	48,227,191	193
Texas	533,265	1,129,577	112		1,613,907	
Virginia	3,672,689	4,613,798	26	33,248,141	55,921,255	70
West Virginia		1,722,158			561,767	
Total	15,993,021	35,737,767	149	84,931,161	249,523,097	178

It will thus be seen that while the assessed value of the taxable property in the eleven southern States has been decreased 75 per cent. since 1860, taxation for State purposes only, as above given, shows a fearful increase, equivalent in many cases, in the language of Senator SHERMAN, to confiscation. The county taxation in 1860 in those States on all the property they then owned was only $3,115,184, while now under carpet-bag and negro rule it is over $15,000,000, nearly $12,000,000 more on the remnant still in existence than on the whole property owned when the war began. In the language of another I say:

In view of the enormous debt which we have shown has been wantonly, corruptly, and fraudulently heaped upon a people as poor as the census reports, taken by United States officials, show the people of the South to be, with five-eighths of their property gone and the taxation on the remnant nearly fourfold as much as it was on the whole when the affairs were honestly managed, is it to be expected that the people of these States will have either love or respect for the men or the party by whom they have been thus plundered?

Republican officials and Congressmen, as well as the press and politicians of that party, have tried to impress upon the country how magnanimous they have been to the people of the South, how mercifully they have treated them, and point with triumph to the fact that no men were executed for any of the acts of war. We think no man can look over the testimony taken before this committee without coming to the conclusion that no people had ever been so mercilessly robbed and plundered, so wantonly and causelessly humiliated and degraded, so recklessly exposed to the rapacity and lust of the ignorant and vicious portion of their own community and of the other States, as the people of the South have been for the last six years.

History, till now, gives no account of a conqueror so cruel as to place his vanquished foes under the dominion of their former slaves. *That was reserved for the radical rulers in this great Republic.*

Such derangement in State governments cannot exist without having its effect upon the productive capacities of such States. Consider them now with reference only to one staple production, cotton. The following shows the relative productive capacities of the cotton States in 1860 and 1870:

States.	1870.	1860.
	Bales.	*Bales.*
Alabama	429,482	989,955
Arkansas	247,968	367,393
Florida	39,789	65,153
Georgia	473,734	701,840
Louisiana	350,832	777,738
Mississippi	564,938	1,202,507
North Carolina	144,935	145,514
South Carolina	224,500	353,412
Tennessee	181,842	296,464
Texas	350,628	431,463
Virginia	183	12,727
Aggregate	3,009,031	5,344,170

This shows a decrease of 2,335,139 bales; about the same proportion of decrease as the value of real and personal estate in the same States between the same years. This decrease must continue under the demoralized system of labor now existing in those States. Nothing is raised in those States to supply this deficiency in material wealth; and what is the effect of it upon the country? The millions of money sent South after the war from the North has been dissipated, thousands upon thousands of men have been pecuniarily ruined, railroads have failed to meet their indebtedness, steamboats and shipping of all kinds have become dead capital, cities have become desolate, and the hungry laborers maddened into desperation. Commerce sits as a widowed mother over the graves of her children, mourning as Rachel did of old, and will not be comforted because of the loss, and over all that fair region that once teemed with a fruitful industry there now hangs the wrath of a political power unsanctioned by justice and unrestrained by patriotism. Do you republican Representatives of the agricultural States of the West and of the manufacturing interests of the North believe that such an anarchy can exist in one-half of our own country by your own acts and those of your President with his brothers-in-law and Gatling guns without affecting your own districts of the country? If you do, you study history to little advantage and are slow indeed in understanding the causes of the stagnation all over your once thrifty section.

Says Macaulay:

Nothing is more ridiculous than the manner in which writers and historians, like Carnot, defend or excuse the Jacobin administration in France, while they declaim against the reaction which followed. That this has produced and is still producing much evil is perfectly true. But what produced the reaction? The spring flies up with a force proportioned to that with which it has been pressed down. The pendulum which is drawn far in one direction swings as far in the other. The joyous madness of intoxication in the evening is followed by languor on the morrow. And so in politics it is the sure law that every excess shall generate its opposite; nor does he deserve the name of a statesman who strikes a great blow without calculating the effect of the rebound. But such calculation was infinitely beyond the reach of the authors of the Reign of Terror.

They in their madness, like you gentlemen belonging to the majority in this Congress, rushed on from one wild scheme of legislation to another, tampering with sacred personal rights as with toys; striking down State after State and patriot after patriot; discarding prophet and priest and thrusting in their stead, as the religion of France, the Goddess of Reason; tearing from their cemeteries, their tombstones, the beautiful inscriptions of immortality and rearing over their entrances *their* lesson of progress, that "Death was an eternal sleep," until at last that violence produced a reaction, and that reaction redeemed and regenerated France into an empire of power.

To show you that the evil consequences of a badly managed government have reached the Western and Northern States, let me call your attention to the failures in business in 1874. I embrace all the States and Territories. It is a conceded fact that all the Southern States which have been under republican rule since 1865 are irredeemably bankrupt, and the cases given of individual failures only show how such maladministrations are reaching the various branches of business.

States.	Number of failures.	Amount of liabilities.
Alabama	48	$963,000
Arkansas	22	406,000
California	68	2,571,000
Connecticut	151	2,286,000
Delaware	27	578,000
District of Columbia	18	256,000
Florida	14	293,000
Georgia	118	1,845,000
Illinois	332	7,510,000
Indiana	167	2,397,000
Iowa	144	2,034,000
Kansas	94	988,000
Kentucky	167	1,879,000
Louisiana	99	4,429,000
Maine	84	1,063,000
Maryland	110	1,691,000
Massachusetts	416	10,600,000
Michigan	286	4,477,000
Minnesota	60	1,020,000
Mississippi	66	1,535,000
Missouri	175	3,061,000
Nebraska	42	521,000
New Hampshire	32	266,000
New Jersey	146	3,854,000
New York	573	10,295,000
New York City	645	32,580,000
North Carolina	56	542,000
Ohio	343	8,481,000
Pennsylvania	644	34,774,000
Rhode Island	71	1,250,000
South Carolina	61	1,521,000
Tennessee	94	1,585,000
Territories	67	969,000
Texas	142	2,201,000
Vermont	36	380,000
Virginia and West Virginia	111	1,514,000
Wisconsin	101	2,575,000
Total	5,830	155,239,000

Is this enumeration all? I ask you men from the North, from the New England States, from the broad prairies of the West, in what condition are the industries in your States? But one voice is heard in response, and that is in the language of Judge KELLEY, of Pennsylvania: *"More than a million working people of the country are in want!"* Why is it? Who is to blame for it? The republican party. Look at the condition in which it has placed some of the States which it has ruled since 1865:

The aggregate of State debts in the Union in 1874 was $382,970,517, being an increase of $38,200,000 since 1870. Of this amount $164,732,000 is in default—the defaulting States being Alabama, on $21,350,000; Arkansas, on $12,800,000; Florida, on $3,774,000; Georgia, on $11,000,000; Louisiana, on $24,433,000; Minnesota, on $2,275,000; Mississippi, on $7,000,000; North Carolina, on $24,900,000; South Carolina, on $13,200,000, and Virginia, on $46,000,000. Of the total State debts $92,924,000 is estimated to be held abroad, and of the amount in default $54,174,000 is held abroad. The debts in default bear an average interest of about 7 per cent. Some of the defaulting States, Georgia and Minnesota, have disowned the debts; others, like Mississippi, Louisiana, and South Carolina, have repudiated them; and others, like North Carolina and Virginia, declare their inability to pay—Virginia, because the new State of West Virginia refuses to assume its just share of the indebtedness. Of the whole amount ($164,732,000) it is probable three-fourths will never be paid.

Why are your factories closed, your wharves barren, your warehouses empty, your business men idle, your railroads delinquent and at war with each other, your furnaces as silent as the grave, your fishermen with folded arms, your factory girls driven to absolute want and ruination, your streets silent or sounding only to the heavy step of desperate laborers, your immigration stopped, and your churches only filled by the favored few who seek salvation through their money? I say, why is all this? It is because you legislate for a party and not for the country; and, in the language of Judge KELLEY, by thus legislating, "have made the property of the rich man more valuable, while we have robbed millions of laborers of their whole estate." Sirs, you can no more make a part of a country connected together like ours prosper while you subject the other part to a vassalage worse than that of Ireland, than you can have a healthy head and heart while the limbs are gangrened by some foul disease. These States must stand or fall together. If one or more is made the victim of unauthorized power, its fall will affect the whole system, and the precedent will but encourage future encroachments. When Louisiana falls, New Hampshire is not safe. If Arkansas writhes in the fold, then Connecticut may next feel the pain.

The republican party, with the President at its head, is legislating for an increased centralization of power, and against the democratic party, the great representative of the people, the poor as well as the rich; using the bayonet and the sword to accomplish the defects of legislation—fit instruments in the hands of a reckless tool to quiet conscience and override the Constitution. They have collected from the people in the same length of time more money than was ever taken from any people under the sun by their own government. Bismarck made France pay $1,000,000,000 for being conquered by Germany, and this party now in control of the Government has made our people pay in the last ten years very nearly four times as much, and yet it is said that the republican party has given happiness to the people and placed light burdens upon their shoulders. Mr. HEREFORD, of West Virginia, said with great force a few days ago:

From the foundation of this Government, March 4, 1789, to June 30, 1866, there was received into the Treasury of the United States $3,049,034,567.15. During the eight years commencing July 1, 1866, and ending July 1, 1874, there was received into the Treasury $3,473,622,887.55, making about $400,000,000 more received into the Treasury within these eight years than was received from the foundation of the Government down to July 1, 1866. In view of these figures, I ask this Congress whether it is not high time that we should engage in the work of retrenchment and reform and cutting down our expenses.

Furthermore, the same report of the Secretary of the Treasury shows that on the 1st of July, 1866, the debt of the United States was $2,773,236,173.69. Thus we received into the Treasury of the United States during those eight years the enormous sum of $700,000,000 more than the whole debt of the United States. Yet gentlemen tell us that we must still impose additional taxes upon the people of the United States!

It is further shown by the last report of the Bureau of Statistics that our exports for last year were more than they have been in any year since the foundation of the Government. Yet we are told that we need more money; that our Treasury is not in as prosperous a condition as it should be.

On page 13 of the report of the Secretary of the Treasury submitted to this Congress we find the net ordinary receipts from March 4, 1789, to June 30, 1874, were $6,049,034,567.15; and the net ordinary receipts for—

1866	$519,949,564 33
1867	462,846,679 94
1868	376,434,453 82
1869	357,188,256 09
1870	395,959,833 87
1871	374,431,104 94
1872	364,694,229 91
1873	322,177,673 78
1874	299,941,090 84
	3,473,622,887 55

In the same report we find the indebtedness of the United States on June 30, 1866, was $2,773,236,173.69, and the amount received between June 30, 1866, and June 30, 1874, was $3,473,622,887.20, showing that the receipts in those eight years were $700,386,713.51 more than the whole debt of the United States was on June 30, 1866. We also find from the last report of the Bureau of Statistics that our exports from September 30 to June 30 in merchandise (domestic) were $569,433,421, and foreign exports during same period were $16,849,619, making an aggregate for that period of $586,283,040, which is more than our exports ever were before for a like period. And we are also told in the same report that our imports in merchandise during the same period were $567,406,342, leaving a balance of trade in our favor of $18,876,698. I wish my time allowed me to amplify and draw the legitimate con-

clusions from these figures. During the year 1860 (President Buchanan's administration) our entire expenditures, including war, Navy pensions, and Indians, were only $6,056,754.71; while during the eight years from June 30, 1866, to June 30, 1874, our expenditures, excluding the interest on the public debt and pensions, averaged per year about $250,000,000.

Few men, indeed, stop to think the value of the commerce and of the agricultural productions destroyed by the course pursued by the republican party toward the Southern States since the war. It is placed by some writers of close observation at $100,000,000 per year. This sum pertains to the Southern States exclusively. I consider the sum too small. Upon this basis $1,000,000,000 have been lost to the wealth of this country—one-fourteenth of the whole assessed value of this whole country. If one billion be the sum lost in the South by republican rule in States sparsely settled, torn and wrecked by war, what an immensely larger sum it must be in the populous North, boisterous with the tread of its industrious people, upon whose every hill-side was once heard the music of machinery and in every valley the song of the laborer. Sir, that party has absorbed all the wealth of this country, and that is the reason why it staggers under the depletion. Its party extravagance drives it on to seek out other ways to extort money from the people. It sees power receding from it from Maine to California, and its leaders, made desperate by defeats, are determined to maintain the supremacy of the party in the offices even at the peril of liberty itself. The evils performed by those in office are of such a grave character that the record of the Departments cannot, will not, be permitted to pass in review before an opposing party.

The money of the people has been used for party purposes; the Army has been withdrawn from the frontier to decide legislative rules and judicial points; the Navy no longer bears our flag as an emblem of power in foreign waters, but is used to train its guns upon our own people, our own cities; our Federal judges, once the pride of our country as men of legal attainments and incorruptible principles, have become efficient instruments of oppression and partisan tools of corruption. Our halls of legislation, that once were the grand arenas of debate and honest legislation, have become the home of the juggler and the hot-bed of partisanship; and their seats, once so elevated that only the pure and the just dared aspire to them, have become objects of public traffic, or the rewards of an active political manager, virtue, dignity, and merit being unconsidered.

The republican party is responsible for all of these evils. When the war closed, had it tendered the olive branch of peace and justice to the South, had it pursued the line of policy marked out or foreshadowed by Mr. Lincoln in the reconciliation of those States, had it been moderate in the collection of the public revenues and economical in their expenditures, had it used the Army to protect our frontiersmen, those bold civilizers of nature, had it used our Navy to guard our commerce on the seas, and illustrate the power and justice of our own flag at home and abroad, had it sent to foreign courts representative men of our country, had it elevated to the bench pure and able men, had it made the Constitution its guide, then, sir, to-day it, from an exhibition of those virtues and from that admiration mankind ever gives to the victor, would be the most potent party with the people that ever had possession of the Government. It has failed in all, and it will pass into history a victim of individualism and of extravagance, a party whose emoluments and offices have become an annuity fund and sinecures for the royal relationship of the President, who revel in wealth, dress in purple and fine linen, while the whole country is staggering like a drunken man under the heaviest burdens that were ever borne by any people.

Before I close permit me to recapitulate some of the sins of omission and commission, some of the unauthorized acts, some of the extravagances of the republican party.

It has overthrown Louisiana by the bayonet, and placed a man in office as governor of that State who was elected, if it all, according to their own statements, by fraud.

It has decided one election, for governor in Arkansas, by the voice of the President, and the same voice is ready to overthrow a constitution, regular in the manner of its making, liberal in its parts, and republican in its form.

It has by its bayonet displaced one sheriff at Vicksburgh and substituted another.

It has by its Army intimidated the large and intelligent white element in the South, and has made that element subordinate to the negro and the plundering carpet-bagger.

It has appointed men United States marshals in those States of pliable consciences and lawless in dispositions, whose only ambitions are to serve their party and accumulate wealth.

It has kept in each of the Southern States an army of deputy United States marshals, men of infamous characters, to vex and annoy those people by illegal and offensive acts.

It has appointed to the judgeships in those States partisans of the most unscrupulous characters, whose ermine has in every instance been blackened by suspicious acts.

It has kept members in this House from some of the districts in those States by its majorities who were discarded by the people, black and white.

It has sent its favorites and tools South with special permits to become enriched from the "widow's mite" and the honest man's toil.

It has arrayed by special legislation and peculiar privileges the colored element against the white, keeping the electors divided on the "color line" for political purposes.

It sends strangers with bitter animosities among the people to collect the revenues.

It has made the custom-houses in the South legislative halls and threatening arsenals.

It has encouraged unscrupulous military officers of the Government to seek by force positions of profit and trust over those people in those States.

It has removed from the South those officers of the Army who have spoken words of peace and kindness to the people.

It has suspended in times of peace the *habeas corpus*, the great writ of right for the poor and oppressed.

It has enacted harsh and severe laws against those depressed people since the close of the war.

It has attempted by every possible means to enforce social as well as political equality among the races.

It has by Federal legislation and by the use of the Army absorbed and destroyed the reserved rights of the States and centralized the power in the General Government.

It has by ways unknown to the Constitution made those States for all political purposes appendages to the Government, giving them in form only the privileges of States, but denying to them the rights of freemen.

These are some of the evils afflicting the South under republican rule. Now, what are they in the North and what do they cost?

It has thrown one million men out of employment and made them beggars whose labor, if employed, is worth $1.50 per day.

It has closed two-thirds of the factories, founderies, machine-shops, and places of artisan labor in the North, at a loss of millions of dollars per day.

It has destroyed our shipping and commerce by bad legislation during and since the war, until our tonnage ceases to command respectability at home or abroad, thereby losing to our own citizens $100,000,000 per year for the last fourteen years.

It has made the custom-houses of New York, Boston, and Philadelphia hot-beds of political intriguery, efficient means of official robberies, and hiding places for the most corrupt band of villains that ever "cut a throat or scuttled a ship."

It has made the patronage of the Government the "cohesive power" of the Administration.

It has by its varying system of financial legislation made the commercial marts of the North stock-jobbing and gambling places, demoralizing to every branch of trade and corrupting to every pursuit.

It has increased the ordinary expenses of the Government from $60,000,000 in 1860 to $194,000,000 in 1874.

It has encouraged an extravagance in our people beyond their real wealth and resources, and to-day the individual, city, county, State, and Federal indebtedness of our entire country exceeds somewhat $10,000,000,000.

It has reduced our carrying trade on the oceans from 71 per cent. n 1860 to 15 per cent. in 1874, and this reduction was not produced by rebel cruisers; for we had, according to Senator CRAGIN, of New Hampshire, only 443,032 less tonnage in 1865 than we had in 1860.

The loss of this carrying trade to our people is $100,000,000 per annum.

Hon. David Wells, one of our foremost political economists, said that we had lost in values during the war $9,000,000,000. Sir, that is an immense sum, one-half of the value of the assessable property in this whole country according to the last census. Yet I believe that the republican party by its bad legislation in State and Federal Governments, in the shrinkages that it has caused, in the direct and indirect losses that it has produced by such legislation, in the money it has collected and recklessly expended, has cost the people of this country a sum equally as great, and the consequences are now bearing hard upon those people without reference to party lines or political bias.

That party, sir, has prostrated States once of great wealth under the heel of the serf and the robber, has bankrupted one-half of the States of this Union, in fact almost the Government itself; and the financial policy that it has pursued for years has been more in the interest of the foreign bondholder than in defense of the rights of the poor of this land. Sirs, a large number of the intelligent people of this country look upon the President of your party and of the United States with great distrust, and believe that he for partisan purposes has erected in the Southern States a multitude of new offices and sent hither swarms of officers to harass those people and eat out their substance, and has kept among them in times of peace standing armies without the consent of their Legislatures. What have you done by such acts? You have done to that part of our common country what Grattan said the Parliament had done by its injudicious legislation toward the American Colonies: "They have lost her warm heart by practices vile and abominable; they have lost her by their speculative tyranny, by a system of coercion, followed up by a system of blood, and urged so far and continued so long as to leave in the breast of America an eternal alienation." I am done. I wish that our country was in a better condition, with but one hope, one God, one destiny.

Hennepin Canal.

SPEECH OF HON. W. S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 6, 1875.

The House having under consideration an amendment reported by the Committee on Railways and Canals to the bill (H. R. No. 145) to provide for the construction of a canal connecting the waters of Lake Michigan and the Illinois, Mississippi, and Rock Rivers—

Mr. HOLMAN said:

Mr. SPEAKER: The remark just submitted to the House by the chairman of the Committee on Ways and Means, that in the present state of affairs there will be a deficit in the revenues to meet the public expenditures by the 1st day of July next of $50,000,000, may well arrest the attention of this House and the country. The report of the Secretary of the Treasury discloses the fact that during the last month the current expenses of the Government added $3,659,967.88. to the public debt. In the month previous, your debt was increased $1,397,870.27. And yet, sir, while your Committee on Ways and Means are devising new taxes to meet our prodigal expenditure, gentlemen are deliberately urging upon this House to enter upon a new field of expenditure, a local improvement in one of the States, and propose as a beginning on this isolated work a present appropriation of a million dollars from your Treasury. Is this a proper time, when every industry of the country is sorely depressed and our people struggling under the weight of excessive taxation, to appropriate large sums of money even on works of national importance and of recognized utility? At such a time as this shall we abandon the traditional and constitutional policy of our Government, of confining expenditures from the National Treasury to works of common benefit to the whole people, and tax the whole country for a mere local improvement?

What is the character of this work for which we are asked to appropriate by this bill a million dollars? What is to be its ultimate cost? This bill and the report of your engineers furnish an answer. The bill proposes to construct a canal from Hennepin, on the Illinois River, to Rock Island, on the Mississippi River, supplied with water from Rock River by a feeder canal thirty-eight miles in length. I quote from the report of the engineer:

The estimated cost of the whole work appears from the following summary:

Divisions.	Miles.	Cost.
Eastern division	25.86	$5, 779, 277 24
Western division	39.45	4, 429, 566 13
Feeder division	38.12	2, 270, 849 90
Total	113.43	12, 479, 693 27

And your Committee on Railways and Canals deliberately propose that, with your revenues insufficient to meet the current expenses of the Government, you shall enter upon the construction of this local improvement to cost you ultimately $12,479,693.27, and ask even now a million dollars for a beginning! Do gentlemen think there is no limit to the endurance of labor in bearing taxation—no limit to the patience of our people when the fruits of their industry are squandered in enriching local communities and giving fortunes to skillful manipulators of your revenues? It is true, sir, that this report states that a canal of less capacity than the one for which the estimate is made, that is to say, a canal sixty feet wide at the water line and six feet deep, with locks one hundred and fifty feet long and twenty-one feet wide, can be constructed on the proposed route for $3,899,722.64; but it is too manifest that this bill does not contemplate the construction of a canal of the reduced proportions.

There is the usual ambiguity in this bill common to all questionable schemes to draw money from the Treasury. The language is:

Said canal and said branch shall not be less than seventy feet wide at the water line and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys, and to enter upon and appropriate to the use of the United States for the purpose aforesaid any lands for the construction of such canal and branch, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures, as may be necessary for the safe and convenient navigation of the said canal and branch.

The minimum proportions only are fixed, but no limit to the magnitude of the work. I am safe in asserting that the purpose of this bill is to construct a work the cost of which, without any estimate for the right of way and land to be submerged by the reservoirs, will be $12,479,693 even according to the estimates, and how much more it is useless to speculate upon.

Mr. HAWLEY, of Illinois. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. HAWLEY, of Illinois. Does the gentleman mean to tell the House that this bill contemplates the construction of a canal such as was estimated for at $12,000,000 and over?

Mr. HOLMAN. I say so without any hesitation.

Mr. HAWLEY, of Illinois. That estimate was for a canal of one hundred and sixty feet wide, with locks three hundred and fifty feet in length and seventy-five feet wide.

Mr. HOLMAN. I understand that very well. The canal already constructed by the State of Illinois from Lake Michigan to the Illinois River, ninety-six miles in length, is comparatively a small canal, the insufficiency of which has been conceded. The improvements of the Illinois River, however, are below that and are on the plan contemplated by the provisions of the act authorizing the survey for this canal. Only a canal made in accordance with this survey would correspond with the improvements in progress on the Illinois River.

But if the Committee on Railways and Canals had intended to limit this work to a canal such as has been incidentally estimated for, to cost $3,899,722.64—a canal sixty feet in width and six feet in depth—why is not the bill so drawn? The bill is drawn for a canal not less than seventy feet wide. Why is there no limitation? The purpose is clearly, sir, to enter upon this work without limitation, and upon the strength of these surveys, that gentlemen may say to Congress, after a million dollars have been expended, that it was manifest from the very terms of this law that provided for the surveys that the intention was to enter upon an enterprise in conformity with the terms of the surveys and the estimates made by the authority of the law authorizing the survey and estimates. The lower estimate was not for such a canal as the survey was authorized for by the law. It was clearly incidental.

The engineer in his report says:

According to original instructions all calculations and estimates for excavation, locks, &c., were to be based on the dimensions recommended for the enlarged Illinois and Michigan canal.

[Here the hammer fell.]

Mr. HOLMAN. I trust the House will allow me a few minutes more.

Mr. HAWLEY, of Illinois. How much time does the gentleman want?

Mr. HOLMAN. I would like to have ten minutes more.

Mr. HAWLEY, of Illinois. If my time is extended, I have no objection to the gentleman having ten minutes more.

There being no objection, Mr. HOLMAN'S time was extended.

Mr. HOLMAN. The dimensions of this canal are of little moment; the principle involved is the question at issue. Not only is this scheme in every proper sense a local enterprise, in no sense national, confined to a single State and of local concern even to that State, affecting and promising benefits even to a small portion of the people of the great State of Illinois, and not entitled to be a charge upon the industry of the whole country, but it is a pioneer measure, a part of a system devised by gentlemen preparing a raid upon your Treasury, which, if it shall be consummated, will bring disaster and bankruptcy upon the nation. Hitherto you have improved the national channels of commerce. The improvement of rivers and harbors of national importance, in aid of our internal and foreign commerce, has been recognized as constitutional and proper from the early days of the Government, under the control of the general principle that the improvement aided by the Government should be "*of a general, not local, national, not State character.*" The construction of the Louisville and Portland Canal, the Rock Island Canal, the Des Moines Rapids Canal, the Sault Sainte Mary Canal, connecting Lake Superior and Lake Huron, and other works of a like character by the General Government, come within the recognized principle for such works, improve the great navigable water channels of the country, and each of them improves and promotes the commercial intercourse of many States, not remotely but directly. Your river and harbor bill appropriates annually from four to six million dollars to works in the main of a national character, yet it must be admitted that not infrequently appropriations are made by that bill through inadvertence or insufficiency of information, or through questionable combinations, to which all such legislation is exposed, for works in fact of mere local concern. You have appropriated money in the improvement of two water-channels between the lakes and the Mississippi River, and large sums of money in keeping up the outlets of that great river to the Gulf, but all of these appropriations have been within the scope of your annual appropriations for rivers and harbors, and yet as large as the industry of the country ought to bear.

But within the last two years an extended and vigorous combination has been formed, composed in part of gentlemen animated by a spirit of public enterprise and local interest, and in part of that ever-increasing class of adroit lobbyists, to involve the country in a system of enterprises of startling magnitude, embracing the Atlantic and Great Western Canal, the James River and Kanawha Canal, the Cumberland and Ohio River Canal, the Hennepin Canal, the canal around the falls of the Saint Lawrence River, the Texas and Pacific Railroad, the Atlantic and Pacific Railroad, the Northern Pacific Railroad, a railroad from New York to Chicago, with a branch to Saint Louis, a railroad from this capital to Saint Louis and Chicago. But why enumerate? I have before me sixty-four bills pending in this House, each seeking an avenue into your Treasury on some pretense of public improvement, and this Capitol literally teems with eager adventurers vigilant in their support. Some of these projects seek a direct road to the Treasury,

while the corporations adroitly ask you that their imperial enterprises may be consummated for their exclusive benefit and aggrandizement on the exclusive credit and at the risk of the whole people by your indorsement of their bonds; but all, sir, have a common purpose, private fortunes at the expense of the nation, the benefits of the people incidental and remote. If Congress, in a moment of weakness, shall embark in these visionary schemes, are gentlemen able to estimate how many hundreds of millions it would add to the public debt?

Our people are now staggering under the burden of a vast public debt which even now "takes from the mouth of labor the bread it has earned." Is this debt now such a public blessing that we shall be eager to enlarge it without limit? No, sir; it is now seen that the fears entertained of our fathers of a permanent and heavy public debt were well founded. Our debt and the severe taxation to which it subjects our people are already working a perceptible change in our institutions of Government, transferring, not even with the secrecy of stealth, "power from the many to the few." Corporate power and consolidated wealth, an outgrowth of your public debt, stand behind every public measure imperfectly concealed. The exactions of the public debt and the excessive and ever-increasing expenditures of the Government, are actually exhausting the industries of this country. Gentlemen talk about "panic" in our finances. Panic! We contracted a vast public debt on the basis of a currency enormously inflated and in the interest of capital. You are paying it off in coin, while every financial measure for the last nine years has been dictated by capital your current expenses of government have swollen in nine years from $145,000,000 to $183,000,000, while the volume of your currency has been steadily and remorselessly reduced; you have deliberately relieved capital from taxation and piled the burden on the shoulders of labor; and when by slow and painful steps those measures have produced their legitimate fruits, you call it a "panic." No, sir; it is the exhaustion of your industries. There is a limit, even in a nation like ours, to the capacity of labor to bear taxation. It is only seen in the progress of years. A hopeful, vigorous people like ours, full of recuperative energy, will yield only by degrees to the exhaustive drain, to the weight of excessive taxation. But the result is inevitable. Our industries will revive and business actively will be resumed; but the so-called "panic" will add enormously to the permanently impoverished class of your people. You may conceal the countless avenues through which the vital forces of labor are absorbed by indirect taxation, but you cannot conceal the result. Your system produces excessive private fortunes on the one hand and hopeless poverty on the other. Can gentlemen deliberately propose to increase the public burdens?

But, sir, does this system of internal improvements harmonize with our republican institutions? Have you the right to tax the whole people to promote the interests of favored sections and build up individual fortunes? In a country of such vast extent and of such varied industries, is it possible to arrange the elements of such a system as to benefit even the larger portion of our people? No, sir. You may, by the vast expenditures contemplated, add to the material grandeur of our country and to the brilliancy of its administration, but the bitter fruits of it all would be an impoverished and hopeless people.

There is always at least a plausible argument for the schemes by which public-spirited gentlemen seek to grow rich off of the labor of other men. "Cheap transportation" is now the argument. Have gentlemen noticed that this demand for cheapening the cost of transportation by a system of internal improvements by the General Government sprang up at the moment when the people were proposing to lay their hand on the consolidated corporations which control seventy-three thousand miles of railway and compel these common carriers to transport persons and freights at fair and reasonable rates, as at common law they are bound to do? Was not the first object of this internal-improvement system to divert the people from their purpose? And suppose, sir, these great artificial water-channels were created through a heavy increase of your public debt, can any man who has watched the course of these great corporations doubt that with their absolute control of the carrying trade of the country they would not, by endless discriminations, render these artificial water-channels comparatively valueless? Look, sir, to your great navigable highways even now, and see the result; and is it not apparent that the same power that could prohibit these discriminations could compel these common carriers to fulfill the conditions of common honesty, and carry persons and freight at fair and reasonable rates?

But, sir, one consideration remains which, if there was no other, ought to be conclusive against this system of internal improvements by the General Government. All that is valuable in Government must rest on the integrity and purity of its administration. Does our experience during the last thirteen years invite this country to this new field where the lobby must become a recognized power in government? The first raid was upon your once magnificent public domain, the rightful inheritance of the landless people of this Republic, the only promise and hope and shelter from the oppression and domination of wealth of the laboring people of this country and their children, this imperial possession under the new and vicious force which has seized upon this country and in the name of development and progress seeks to centralize its elements of wealth, has in these thirteen years passed under a monopoly as remorseless as that which has for centuries covered the face of Europe with poverty and wretchedness. That source of private fortunes is exhausted, and the lobby turns its attention to your Treasury and calculates with composure the capacity of our people to endure taxation. During these years vast subsidies in bonds, moneys, and lands have been granted on the ever-present pretense of public improvement and promoting our commerce; and yet it cannot be safely asserted, however humiliating may be the fact, that any one of those measures has been consummated without dishonor to the country.

We have been taught, sir, that virtue and intelligence are the only foundations on which a republic can rest, and that these fundamental attributes must have their highest illustration in the administration of public affairs. Can republican government long survive a settled, widesrspread, and general belief in the corruption of Government? Can all that has been accomplished in the improvement and development of the country during these years through subsidies in bonds, moneys, and lands ever compensate the nation for the humiliation and sense of dishonor that they have been consummated by fraud and corruption in the trusted repositories of the public power? O, no, sir. Our fathers well knew that a plain, frugal system, confined to the simple duties of government, meting out equal and exact justice to all, exciting no wild schemes of sudden fortune to tempt cupidity and deprave the sense of honor, and leaving the development of the country to the vigor and energy of the people, unoppressed with taxation, was the only path of safety. In those days a public trust was sacred, and the nation was never humiliated by the venality of its public men. But the era of subsidy is upon us; a splendid government and a brilliant capital, with the industries of the nation prostrate and an impoverished people.

The era of subsidy is upon us, and a principal employment of each successive Congress is inquiring into the venality and corruption of their predecessors and devising new subsidies under more attractive and specious forms, and devising new taxes upon the people.

If you would restore purity and true greatness to the Government and honor and justice to its administration, you must retrace your steps, and limit your legislation to the measures that involve the interests and welfare of the whole nation; frown down the teeming and countless schemes of restless and unscrupulous adventurers that crowd into this Hall, seeking to make your Treasury a convenient agency for amassing private fortunes.

The Policy of the Republican Party toward the Southern States.

SPEECH OF HON. W. M. ROBBINS

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1875.

The House being as in Committee of the Whole on the state of the Union–

Mr. ROBBINS said:

Mr. SPEAKER: It is undeniable that the policy pursued toward the South since the late war, with the ostensible purpose of rehabilitating that section and restoring to it prosperity, happiness, and hopefulness, has resulted in a most lamentable failure. This is substantially confessed, even by the partisans of the Administration, in the continual charges they are making, that the South is full of violence, disorder, and bloodshed, and that there is no security there for the personal and political rights of a large class of the citizens. Representing in part one of those Southern States, I indignantly repel the accusations of violence and lawlessness put forth against our people, as basely false and slanderous, born either of pitiable ignorance or diabolical hate. But that the course of treatment to which the South has been subjected with a view to its restoration has been somehow or other fatally defective is amply demonstrated by the fact that that naturally fertile and glorious region lies this day in ruins, while the people, after ten years of weary waiting and untold hardships and self-denial, are not only bankrupt, but profoundly disheartened and dismayed at the prospect before them—indeed, contemplate the future with less hope and courage than they did on the day of the surrender. It is a sad, fearful spectacle to see an entire people, by nature proud, brave, energetic, and high-spirited, reduced to the verge of despair by poverty, oppression, robbery, slander, and the persistent injustice and implacable hatred of their rulers. Such is to-day the miserable situation of those ten millions of white men who fill that immense domain stretching from the Potomac yonder to the far-off Rio Grande.

Instead of rebuilding the waste places left by the war, our desolation grows more desolate; no progress, no money, no accumulation of property, no opening to enterprise, no hope. Need we ask who is responsible for all this? There is no difficulty in determining where the responsibility rests. It rests upon the leaders and so-called statesmen of the republican party. The close of the war found that party omnipotent in this country, occupying all the departments of the Government, controlling the Army, and having, also, all the prestige of the great victory just won in the field—a conjunction of favoring circumstances which might have insured to that party perpetual predominance had not the splendor of its achievements been so soon

eclipsed by the magnitude of what I shall call its mistakes—history will call them crimes. The task of rehabilitating the defeated States, and replacing them in their normal relations to the rest of the Union, necessarily fell into the hands of the radical leaders. It was theirs to devise and execute the plans for this purpose, and there was none to say them nay or seriously obstruct them. Statesmanship never had a grander opportunity nor a nobler field in which to exhibit its resources of skill and beneficence. But behold the fruits. Failure, shameful, wretched failure, is the outcome of it all. The people of the whole country have said so in the verdict of utter condemnation they gave in the late elections against the republican party and its policy.

In spite of the overwhelming defeat that party has so recently experienced on account of its mistaken course, its leaders here show no signs of heeding the popular voice, and the Administration appears more recklessly resolved than ever to push forward in the path of usurpation. These men seem stricken with a fatal blindness, so that they cannot or will not see that their aims are really destructive to all that the American people hold dear. They imagine or pretend that they are saving the institutions of the country, and yet fail to comprehend that those institutions, when transformed as they seek to have them, would really be destroyed or not worth saving. For example, they are trying to suspend the writ of *habeas corpus*, in order to secure (as they say) free and fair elections, forgetting that the only object of elections ought to be to preserve such sacred privileges as the writ of *habeas corpus* from ever being suspended.

The reasons which urge the republican party forward still in its unwise course are the same that have led to failure in its whole policy toward the South. It may be useful to inquire concerning the reasons of that failure. I shall not have time to notice many of them, but only one or two of the most prominent.

The first that I will mention is that the men who have controlled the republican party never did know the South, or understand its people. Unlike every other political organization which has ever existed in the United States, the republican party is and has been always essentially a sectional party—a thing which the Father of his Country warned the people against in his farewell address. In its birth that party was sectional. When it acceded to power in 1860 it was exclusively sectional, and the natural result of its entrance into authority was the hostile array of the two sections against each other in mortal strife. To this day that party remains sectional in its whole spirit and tone and leadership, and mainly so in its composition; for, with the exception of a small minority of honest, but poorly-informed men, its only supporters in the South are the negroes and carpet-baggers, and a few pliable gentlemen who joined it for the sake of office and spoils. During the six years of Grant's administration, no southern man of any race or color has occupied a place in his cabinet. Instead of giving men of that section a share in the Federal administration, it has been common to send northern men down to fill the offices among us, to be legislators and governors for our States, thus converting them into radical satrapies instead of self-governing commonwealths. In brief, under the republican party one end of this country governs the other, and home-rule is utterly ignored.

If the northern people wish to understand how grinding and irritating this is to us let them imagine the tables turned and consider how they would like to have the people of the South intermeddling in all their local and domestic concerns; watching with a jealous and suspicious eye all the movements of their social life; espousing the cause of one class of their population against another; interfering between the capitalist and the operative in Massachusetts or the employer and the miner in Pennsylvania; recognizing or deposing governors, and setting up or putting down State governments at pleasure; imagining all manner of evil concerning them and ever ready to believe the lying stories of their enemies, and renegades; showering all our favors upon the base and venal among them, or upon corrupt political adventurers whom our own society had vomited forth upon them; driving immigration and capital away by holding them up to the world as brutal and barbarous; speaking of them commonly as traitors, murderers, and bandits; sending our military officers among them to hector, browbeat, and threaten; and if under all these accumulated injuries and insults they showed the least anger and resentment, or despair drove them to any rashness, feeling all the tyrant rising up in our souls and longing to clutch them by the throat and crush them into the earth as rebel slaves. Look on this picture, O, men of the North, and tell me, how would you like to have it yours? It is ours. Were that condition your own would you believe yourselves living under a free government? Would your philosophy and self-control enable you to be always calm, always wise? Would not the American freeman's soul within you sometimes burst forth in wild passion and irrepressible rage? *We* are learning to bear these things with patience. Patience and endurance are our watchwords, and will, I hope, continue to be so under all the provocations of those who apparently seek to madden us that they may make capital out of our exhibitions of just resentment. Such trials are sore indeed, and would crush the manly spirit of almost any people; but there is a vitality, a fortitude, and a high mettle in that magnificent race of southern white men which will, I trust, enable them to go successfully through the dreadful ordeal and come out of the crucible with finer, grander, nobler qualities, and fitted to stamp their impress upon the pages of future history in characters even more resplendent than those which record their past.

Because the radical leaders did not know the South, nor the motives and spirit of its action, nor the real temper of its people, they never comprehended the problem they were set to solve at the close of the war. The task of restoring the Union at that time was far easier and simpler than will ever be believed by those who have so wofully bungled over it. Even assuming that the southern people, in entering upon that great conflict of arms, committed an error of judgment, nevertheless, it is beyond doubt that they were faithful to their solemn convictions of duty; that they were true to their honest opinions concerning the adjustment of powers under our system of government; and that they verily believed their cause was the cause of true liberty on this continent. With this faith in them tens of thousands died for that cause with the purest motives of patriotism, and with the cheerful resignation of martyrs. These are sober truths, and I should think the northern people would love to recognize them as such. If they do not, they must judge all those millions of men who are now their countrymen to be conscious and willful traitors and criminals of the worst type, and surely there would be small satisfaction in thinking thus of so large a number of those who are fellow-citizens with them of this great country. On the other hand no one questions that those who fought on the side of the Union were likewise honest, patriotic, and thoroughly true to their sense of duty, and the cause of liberty and country as they viewed it. The differences of opinion which divided the combatants were as old as the Government itself. They had been debated bitterly in this very Hall for two generations, but they remained undecided until finally referred to the dread arbitrament of arms where each side maintained its views with a heroism and devotion which struck the nations with awe and shed undying luster upon the American name. The South was overpowered in the fight. Her people gave up forever all claim of the right of secession, and submitted without repining to the abolition of slavery as having been the immediate occasion of the contest in which they were defeated. When the issue was fairly decided by overwhelming, through the force of numbers, their armies in the field, they yielded at once. There never was a great war that ended so suddenly and left so little resentment in the minds of the vanquished. They might have kept up a guerrilla war for an indefinite period, and bankrupted the continent. But they yielded to their fate with that resignation which became a brave and patriotic and Christian people, as they are; for they felt they were surrendering not merely to the bayonets of their adversaries, but to the inscrutable decree of the God of battles; and they felt, also, that the welfare of their country required that, if they yielded at all, they should yield without reserve. That people, whose types and leaders were God-fearing heroes, like Jackson and Lee, may have been mistaken, but must have been conscientious.

How easily could the breach between the sections have been healed then by the exercise of magnanimity and wise forbearance on the part of those who shaped the policy of the victors. Suppose, when the folds of the old flag of our fathers, so glorious with their deeds, floated out over us again, there had come with it the assurance that we were under the ægis of constitutional law and liberty, even as understood by our adversaries when the fight began. Suppose it had been said to us, "You have sought to divide the Union. That never shall be done. But, having saved the Union and destroyed the institution which threatened it, we now invite you back to your place under the common Government. Let us forget our strifes and be brothers again, and unite in building up and beautifying our common glorious heritage." Could there but have been in the rulers of this country the faith and charity to have spoken such words, the winds and waves of sectional conflict would soon have subsided into a great calm, and the people would have well-nigh forgotten, before this time, the horrors of that strife. I say this knowing as well as any how the defeated felt, for I was one of those who fought it through to the last, with my whole soul enlisted in the cause, and with no thought of giving it up while there remained a shadow of hope; and the bitterness of defeat was made more poignant to me by the recollection of many dearest friends fallen in vain.

I have heard republicans in this Congress boast of their magnanimity to the South in that they put nobody to death after the war. Well, as I will not be unfair or unjust, I deem it due to say, what is a matter for universal pride and congratulation, that the American people, both North and South, are free from that blood-thirsty temper which marks some races of men, and which takes delight in blood and butchery for their own sake. History will record with satisfaction the fact that no vengeful slaughter of vanquished foes added to the rivers of fraternal blood which the war itself had shed. But candor requires the confession that no such slaughter could have occurred except through wanton barbarity, and in contravention of the law; for it is, I believe, well understood that even the confederate president was released from prison without a trial for treason because the ablest jurists of the country gave it as their opinion that he could not be convicted under the laws of the land; and the Government of the United States, having triumphed in the field, did not care to risk submitting the questions thereby decided to a new trial before a court and jury. Pardon my saying another thing. If the death-penalty had been resorted to, whether by regular trials in the law-courts or through drum-head courts-martial, it would have been

out of the question to put to death the whole southern people, or even any considerable portion of them. Perhaps a hundred, or at all events, a thousand victims would have satisfied even a bloodthirsty people, and I have already said that the men of the North are not of that disposition. Now, I hope I shall not be considered as indulging in bravado when I express the deliberate opinion that if the southern people could have foreseen all that has befallen them since the surrender—the infinite wrong and ruin, the oppressions, humiliations, petty insults, and indescribable villainies—and had been offered the choice of suffering all that or, on the other hand, to stand up and abide the casting of the lot, so as to furnish from their whole number a thousand men to be offered up as a sacrifice to the wrath of their enemies, they would have chosen the latter alternative as the more merciful.

Frequent reference is also made in the debates here to the liberality which has been shown to southern men in the removal of disabilities and restoration to the privileges of citizenship. But it ought not to be forgotten that those who now boast of removing disabilities first imposed those disabilities, and for the most selfishly partisan purpose, that they might tie the hands of the most intelligent and experienced class of the southern people until carpet-baggers and negroes, backed up by the military, could seize upon the governments of all those States and control them for the republican party. The manner in which those disabilities were imposed, was also in violation of every principle of justice and liberty, for they were in the nature of penalties laid upon individuals without trial, and for offenses whereof they were never convicted. Their operation was most unfair and inequitable, for they often fell upon men who had been at heart faithful to the Union, while many of the most active confederates entirely escaped. Those disabilities were never removed until the radical leaders supposed their grip upon the South was too secure ever to be seriously endangered by any opposition. And now, when they behold the intellect and virtue of the South once more partially unfettered, and advancing to that supremacy there which those attributes always will and ought to maintain in every community of enlightened people, the Administration in Washington becomes profoundly uneasy, because ignorance and dishonesty are losing control of the South; and at this very moment the most high-handed and tyrannical schemes are being devised here by which new shackles may be put on the limbs of southern white men, so that the subservient tools of the Administration may be enabled to wriggle their slimy way up again into place and power in that hapless section. All this is done, too, upon the pretext that the South is plotting a renewal of the war, when every man in America with a spoonful of brains ought to know that such an idea is as preposterous as it would be to expect a volcano to burst out this day on Pennsylvania avenue.

No; the course of the leaders of the dominant party is not and never has been magnanimous toward the South, but tyrannical, unpatriotic, exasperating, and thoroughly selfish.

For one, I have always believed if that kind-hearted man who was assassinated in this city on the 14th of April, 1865, had lived to deal with the problem of reconstruction, the South would have been generously treated, and would have been happy and prosperous long ago. Not that the man who succeeded him in the Presidency was wanting in honesty or faithfulness to his sense of duty; but Abraham Lincoln was the only man able to control the republican party who possessed the spirit of clemency and charity. There were many other men in high place equal to him, perhaps, in intellect, but he alone of them all seems to have had any soul. O, mysterious Fate! to quench the warm pulses of that kind heart, and turn us over to the tender mercies of bitter, implacable tyrants!

Among the causes which have gone far to produce incalculable evils to the whole country, and greatly hindered the solution of the problem of southern restoration, must be specially noted that selfish ambition of the radical leaders which has prompted, and still prompts them, to labor with far more zeal for the perpetuation of their own political ascendency than for the welfare of the American people and the preservation of our free institutions. I say the *leaders*, because I wish it to be well understood that in this as well as every other point of my arraignment of the republican party, I draw a broad line of distinction between the motives of those *leaders*, and of the *masses* who have followed and been misled by them. I believe in the people. I have an abiding faith in the upright and patriotic impulses of the popular masses, both North and South, in their fidelity to the principles of free government, and in their wish to do right, if they know what right is, and are not misled by demagogues and deceivers.

I am satisfied that the northern people, and especially those gallant Union soldiers who constitute so considerable a part of that people, and between whom and us there sprang up so profound a respect for each other in the long and well-fought contest, would never have sanctioned the unjust and despotic measures imposed upon the South if they could have known our real situation and purposes, and if their passions and prejudices had not been aroused against us by those scheming, daring plotters who sought a selfish advantage from these sectional strifes and hatreds. It is upon these, and not upon the people whom they have deceived, that my censures are meant to fall. What words can portray the wickedness of those who have not allowed the people of the two bleeding sections of this country to be at peace, though the fight was over; who have kept alive the strife; who have fanned the flames of discord; who have, for ten long years, been nurturing the seeds of hate, because out of all this wide-spread misery and ruin they could reap preferment or coin gold for themselves? Surely, surely, the execrations of posterity and the maledictions of Heaven must light upon such unparalleled criminality!

When the subject is looked at closely, it is astounding to perceive how greatly the leaders of the republican party have been governed in their whole policy by the ambition to strengthen their own grasp upon the reins of power. Common sense might have taught that, in rebuilding the shattered fabric of civil institutions in the South, those classes of people should have been allowed to bear a share in the work whose experience and knowledge of affairs fitted them for it. But, by the ingenious contrivance of disfranchisement and test-oaths, most of those men were banned and excluded from the councils of their respective States and communities at that most trying and important crisis. Why was this done? Simply because those were men of too stubborn and independent material to become the tools of the dominant party. It is false to say they were excluded because they would have been dangerous to the country by forming new plans to reopen the war. Every man knew that this was impossible; and none knew it better than those who, having just overthrown the mighty armies of the confederacy, felt themselves able to put down, without the slightest effort, any new outbreak. No, sir; those men would have built well enough for the welfare and peace of the country, for the restoration of the Union, for the happiness and renewed prosperity of the defeated States—ay, they were the only men, with a few exceptions, who could secure these things—but they would not serve the ends of the radical leaders. It was not happy, prosperous, resurrected States that were wanted; it was States that would vote the radical ticket. A restored Union was not the object, but a Union in which the radical leaders could rule and revel in power and plunder.

For the same reason the poor, confiding, ignorant freedmen were given the ballot, all utterly unprepared as they were to use it except for their own injury and that of the communities of which they formed a component part. No impartial man can deny that the grant of universal suffrage to the colored race so soon after their liberation was a most dangerous experiment, full of peril to popular government, fraught with evil to that race itself, and leading to inevitable civil confusion and pecuniary ruin in several States. Even its mad authors shrank back at first from this measure and confessed it wild and impracticable. But the need of votes for their party overcame their scruples and drove them on to perpetrate what I unhesitatingly denounce here, as I have often done elsewhere, as a crime against civilization. When I speak thus, I know there are those who will seek to pervert my meaning and charge me with hostility to the colored people. But I have no such feeling, nor have those whom I represent here. Between the southern white people and the negroes, with scarcely an exception, there always existed a good understanding and sentiments of friendship and kindly regard. This is incomprehensible to those self-conceited fanatics whose knowledge of southern affairs is not derived from a study of the facts but "evolved from their own inner consciousness" and poisoned with prejudice.

No friend of the negro could fail to perceive that the preservation of those relations of mutual confidence and benevolence between him and the white people among whom his lot is cast is of the highest importance to him. But these pretended friends of the negro have done all they could to bring about race antagonisms. The negro, when freed and thrown out to shift for himself, needed to go to work industriously and without distraction, so as to secure a competency for himself and his family. But the radicals diverted him from this plain road of honest thrift, and made him a noisy, lazy politician, and in too many cases the only thing he does now is to steal and vote, while the men he elects to office govern and steal. Suffrage was given to him, they said, to enable him to protect himself, and now they say suffrage is no protection, but a peril to him; and they propose to pass the most extraordinary laws, even going so far as to suspend the writ of *habeas corpus*, in order to secure to the negro his right to vote. Through such contradictory theories and inconsistent pretexts the devious policy of the radical leaders proceeds, consistent only in this, that its sole and constant aim is their own aggrandizement.

Instead of fostering peace between the races, so needful to both and especially to the weaker, these selfish men banded the negroes together in secret, oath-bound leagues, instilled into their minds jealousy and hostility toward the white people, led them to the polls *en masse* to vote into office the vilest of men, used them to overthrow the governments and plunder the people of States, to ruin credit, insult decency, and trample out all hope of prosperity; in short, these men have led the negroes to disgrace themselves by their miserable failures in spheres of action for which they were unfit, and also to become, as far as possible, a nuisance to the communities in which they live. In spite of all this, the generous-hearted people of the South, who know the poor negro, do not hate him—they only pity him. They know that he is little to blame for it all, for in his ignorance he has simply been the deluded tool of designing hypocrites, who told him pleasing lies, but cared nothing for him except to get his vote.

One of the great incidental injuries done the negro in this whole business is that he has been taught to depend so entirely on others

and not on himself for his advancement—a trait which is naturally prominent in his negative, parasitical character, and needs to be eradicated and not fostered, if you would make a man of him. Another thing is the wild and extravagant notions that have been awakened in his bosom concerning what is to be done for him, concerning his rights and his wrongs, and his whole relations to the American Government and people. For example, some of you sedulously inculcate upon the negro, and try yourselves to believe, that his inferiority in mental and moral advancement is the result of his former subjection in the South. I have more than once heard the expression on this floor that the "negro has been brutalized by southern slavery." It is time for such preposterous and slanderous nonsense to stop. A century or two ago the negroes went into that slavery, a few utterly degraded, besotted, grub-eating, snake-worshiping savages. Ten years ago they came out from that yoke, millions of civilized, Christianized men, even able, in your opinion, to help govern this glorious country. Strange "brutalizing" that!

But the negro is kept unhappy and restless with the idea that he is still a terribly wronged man. Instead of teaching him to use wisely the gifts he has received, you keep him pining for some great imaginary blessing still ahead, some El Dorado, some Hesperian garden, to which your legislation is to transport him, where the ills which, alas, must always oppress poor humanity, white and black alike, cannot come. I was greatly struck with this thought the other day during the debate on the so-called "civil-rights" bill. One colored member said, "Pass this bill and give my people a chance in the race of life." Another said, "Give us our liberties; give us our rights; give us our privileges." No thought seemed to enter their minds that anything had yet been done for them, or that there was any savor of absurdity or ingratitude in their present clamor. A few years ago those men were slaves, hoeing in some master's cotton-patch or corn-field. Now, they are not only freed and made citizens, but promoted to be rulers and law-makers for the proudest nation in the world. If there be a spectacle on earth more transcendently ludicrous than all others it certainly is to behold a corn-field negro standing up in the Congress of the United States and exclaiming in piteous tones of grief and supplication, "Do give the poor African some chance; give us our rights; give us our liberties."

After what I have said in regard to the folly and absurdity of the policy which has been pursued with respect to the negro, it is proper that I should add that I know of no serious purpose on the part of anybody to deprive the negro of the privilege of voting, or any other privilege which has been conferred on him. We do, some of us, think that the Government might wisely cease to bolster up ignorance and incompetency, mainly represented by the negro, stop interfering with the natural order of things, and trying to make the pyramid stand on its apex, and allow the virtue and intelligence of the South, at present mainly found with the white race, to resume their normal control in that section. *The radical plan* is to make slaves of ten million white men for the pretended good of four million blacks. *Ours* is to so shape the conduct of affairs that all, both white and black, may be happy and free. In a word, our principle is "home rule." Since every other programme has failed, would it not now be wise to try this?

Another grand reason, which I must mention but have not time to elaborate, why the radical policy has failed to restore confidence and tranquillity to the South and to the whole country, is that the leaders of that party have been secretly engaged in revolutionizing our Government in its very essence. They never have been willing to see the Government re-established on the basis whereon the fathers founded it, even with slavery abolished and the privileges of the negro guaranteed. Herein is a marvelous thing, and yet true, that those who prate so much about the "life of the Government" should be seeking to destroy it indirectly. In the Inter-Ocean, one of the most prominent organs of radical opinion, I observed only a few days since the bold avowal "that this is no longer a government founded on the consent of the people, but a government of force."

If I mistake not, the American people will soon demonstrate to everybody that they entertain a very different opinion. But radicalism would make our Government one of force. It has been trying for years to rule ten millions of citizens by force and fear; and if it could succeed, pray how much liberty would be left in the land? There are persons even in this Congress whose geography seems to be at fault, and who talk about affairs in Louisiana, Mississippi, and Arkansas, as if those were provinces in Central or South America, whose sufferings and wrongs could not vitally affect them, forgetting that the gangrene which is beginning there at the extremities will soon eat into the heart of the body-politic, if it is not arrested. But we are told that the "results of the war" must be secured, and it is under this pretext that most of the dangerous innovations in our system of government are being made. Of course, as one of those who fought on the other side, I cannot, with decorum, say that you ought not to secure the legitimate results of the war; but every American has a right to ask what they are.

The war was begun to prevent the division of the Union. That was the prime cause for which your brave men came forth in such overwhelming numbers against us. Has not that result been secured? Has it not been ten years since we sheathed our swords, hauled down our bullet-rent battle-flags, and swore by the honor of soldiers to accept the Union as perpetual? You ought to believe us, for whatever else we have done, we have never deceived you. We did not do so at the beginning of that war. There was no sneaking conspiracy nor dishonorable double-dealing on our side then. Our Representatives went forth from these halls proclaiming openly the purpose of the South. Our movements were all made in the broad daylight, without any attempt at concealment or fraud. Standing before you, therefore, in the attitude of men who have never been false to honor, we demand that you trust us when we give our sworn pledges of eternal fidelity to the Union. If any outside foe should attack it, we shall see who can strike the most gallant blows in its defense. During the war the issue was extended so as to include the abolition of negro slavery. Many of your soldiers were displeased, but they were induced to acquiesce upon the plea that it was this slavery that had endangered the Union. Thus the war was fought through and no other question arose during its continuance. The negro was freed, every Southern State so amending its constitution as forever to prohibit involuntary servitude within its borders.

Thus both the objects of the war were attained, the perpetuity of the Union and the emancipation of the negro. All other pretended results of the war, of which we hear so much, are ingenious subterfuges, invented long since the war by those who were seeking excuses by which they could cajole a confiding people into supporting them in the most selfish and sinister designs. And so subtle an influence have these plotters acquired, that if any American looks back to and longs for something like the republic of the fathers he is hooted at as a "Bourbon." The results of the war, indeed! Why, sir, if the gallant heroes who fell under the Stars and Stripes could see the ruin you have wrought, the outrages you have perpetrated, States wrecked, millions of white men enslaved, the travesties of governments you have set up, bayonets in legislative halls, farce and tragedy stalking alternately across the stage, American free institutions themselves in deadly peril, and could hear you say this was what they fought and died for, they would turn over in their graves this day.

My time is nearly out, and I must close, leaving many things unsaid which ought to be said, in justice to the honest, patriotic people who sent me here. Before I ever came to Congress, I longed for the opportunity to speak to the people of the North from some elevated platform like this, and tell them the real feelings and purposes of the sorely-maligned people of my section, believing that, if the popular masses of both sections could understand one another, we should at once see genuine peace and friendship restored. This I have endeavored to do on the few occasions during this term of Congress when I could obtain the floor; but in doing this, you can bear witness that I never have spoken (as I never shall) in the whining tones of the whipped spaniel, but in the independent and fearless spirit of a freeman who represents freemen. We speak out boldly and bluntly our thoughts, because we have no sinister designs to cover up, and we are too proud to be treacherous. If ever the time shall come here when I must tune my voice to soft accents and speak with bated breath for fear of offending some tyrant then I shall leave these halls forever, and, seeking a home in some quiet cove of our mountains, try to forget that I ever had a country.

But, thank God, no such evil foreboding is called for now, for the future is brightening, and the old-time spirit of American liberty is awaking out of sleep. The great North has seen through the mists of misrepresentation with which radicalism has so long hid the truth respecting the affairs of the South, and in the fall elections pronounced her emphatic condemnation of the men in power. We in the South understand what this means. It means that our fellow-countrymen of the Northern States are willing to trust our patriotic fidelity to the common country, its institutions, its grand progressive aims, and its future greatness and glory; and we are resolved not to disappoint their confidence. I am aware that hard trials await us, and we shall be subjected to severe temptations. I know that the radical leaders, in their chagrin at the prospect of deposition from power, are concocting the most desperate and daring measures for the purpose of recovering control in the South. They even contemplate a suspension of the writ of *habeas corpus*, that great safeguard of personal liberty, in order to harass, oppress, and exasperate the southern people and drive them to desperation. Ominous whispers are heard in the political circles of this city that the intention is to provoke outbreaks and bloodshed in the Southern States, and that legislation aimed really to bring about these things is to be perfected before this session of Congress terminates. Thus a pretext is to be sought for sending the military into all those States to intimidate and overawe the people, and either secure their votes in the next presidential election or find excuses for throwing them out of the count. Let me say to these desperate schemers that we mean to foil their plans by the sublimity of our patience. Keep the peace, obey the law, and trust in God and the justice of the American people. These are the guiding stars by which we shall continue to steer; and we look forward with confident anticipations to the achievement of a glorious victory by the conservative and democratic voters of the North and South in the great contest of 1876, when a President who reveres the Constitution and respects popular rights shall take control of affairs, and the centennial of American Independence shall dawn upon our country happy and united, and our free Government rescued from the perils which now threaten it.

Troubles in Louisiana.

SPEECH OF HON. C. W. MILLIKEN,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1875.

The House being as in Committee of the Whole on the state of the Union—

Mr. MILLIKEN said:

Mr. SPEAKER: I ask the patient indulgence of the House for a very brief period, that I may consider and offer my views to some extent upon the unhappy condition in which we find the State of Louisiana.

Indeed, I feel that silence on such occasions would be but little if any better than crime; and if a crime, I wish here and now to enter my protest against the interference in that State by the military, that my silence heretofore may to some extent be mitigated.

Before the late war individuals and States alike were free from molestation and intimidation at the hands of the Federal Government or any of its Departments. To-day neither is free from either. We have indeed fallen upon evil times. We were told that the war was being prosecuted for the preservation and maintenance of the Union of the States and the liberties of the people. Not a mere union of the States as territories, but for the preservation of local self-government, as had before, in all the history of our country, existed. Impressed with this idea, and moved to action by the highest impulses of patriotism and with the hope, too, that this was in good faith the purpose of the war, the Northern, Eastern, and Middle States, together with many individuals of each of the Southern States, came forward with a unanimity unparalleled in the annals of history and offered their treasures and their lives to the country. Billions of money and hundreds of thousands of lives were given up for these purposes and for these alone. It was solemnly declared that the war was not being prosecuted for conquest or subjugation, but to maintain the integrity of the Union and preserve the liberties of the people.

Sir, ten years have elapsed since it was declared from the highest official authority known to civil government that the war was over. Then if it is over, why are not each of the States free and independent as before the war, if the war was in good faith prosecuted for the maintenance of the integrity of the Union and the preservation of the liberties of the people, and not for conquest or subjugation? Why is it, sir, that the State of Louisiana is to-day held in subjugation by the military power of the United States, which I charge to be true? To establish this charge as true I need but go back to the election for governor in that State in the year 1872; nor will I go further into that history than to notice the message of the President in response to a resolution of the Senate of January 8, 1875, calling on him for information as to any interference by any military officer or any part of the Army of the United States with the organization or proceedings of the General Assembly of that State in either branch of it, and also inquiring in regard to the existence of armed organizations in that State hostile to the government thereof, and intent on overturning such government by force. In response to this resolution he says:

Resulting from these proceedings, through various controversies and complications, a State administration was organized with William P. Kellogg as governor, who in the discharge of my duty under section 4 article 4 of the Constitution I have recognized as the governor of the State.

In the very next sentence he uses the following language:

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion had more right to it than his competitor.

It will be remembered that the President claims to derive authority from the fourth article and fourth section of the Constitution for aiding Kellogg in maintaining his seat as governor. That section is as follows:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic violence.

This article and section are clear, plain, and unmistakable, wholly free from ambiguity; no two or more constructions can be given it. The President may interpose with the whole powers of the United States to suppress domestic violence by virtue of this authority when called on by the Legislature of the State for that purpose. If it is not in session, and cannot be convened within practicable time for the purpose, then the governor of the State may call on him and he is authorized to act in the premises, and in no other state of case can he dare act without violating the Constitution.

Now, let us see if he is sustained in his course toward that State by the authority cited. The Legislature did not call on him, nor is it claimed by him that it did. But Kellogg did make application for protection upon the ground that domestic violence existed. Then if Kellogg was truly and in fact the governor at the time of his application, the President was not only justifiable in his course but was right in all he did.

The question therefore naturally presents itself, Was Kellogg the governor? I answer he was not, no more than the President himself was, and without referring to the evidence on this subject, or the debates of Congress in both ends of this Capitol in a former session of Congress, I will make good the assertion by the testimony of the President alone, in the message and words above quoted, in which he admits that "it is not altogether certain that Kellogg was elected." Then if not altogether certain, a doubt necessarily existed, and if doubt existed how could the President find in the section of the Constitution cited authority for his action when it expressed none in cases of a doubtful governor? The section referred to means, if it means anything, the man who received the majority of votes legally cast under the form and requirements of the laws of that State for the election of a governor, not the probably or possibly elected governor, not the questionably or doubtfully elected governor, but the governor *de facto et de jure*.

Again the President says:

The election was a gigantic fraud, and there are no reliable returns of its result.

If a gigantic fraud, and there are no reliable returns, in the name of all that is reasonable and right and fair can he claim justification for his action from this article and section? For nowhere in it does it say in case of a fraudulent election in a State for governor he or the Legislature may interpose; nor can the inference be reasonably drawn by the most extravagant stretch of imagination. But he says:

Kellogg obtained possession of the office, and in my opinion had more right to it than his competitor.

If, as he says, the election was a gigantic fraud and there are no reliable returns, how is it that possession gave him any more right than his opponent? Fraud never invests one with a right, nor does possession which is obtained by fraud invest the possessor with any more right than if it did not exist. Sir, his possession of the office conferred upon him no more right than the possession of the same office by a stranger to the State, without first having received a majority of the lawful vote of the State. This is a condition-precedent to a legal possession of the office which must exist before the possession can be justified or excused, for if he did not receive a majority of the lawful votes, he was then and is now a usurper and a criminal, and the President would therefore, in that event, not only be aiding and abetting, but maintaining and protecting crime. I do not use these expressions in any unkind spirit toward the President, but because they are the only rational deductions to be drawn from his own statement of the facts.

Ours, sir, is a government of delegated powers, and I hold that it is never safe to exercise a power that is in doubt as to whether or not it is delegated, more especially should it not be so exercised as to hazard the liberties of the people of an entire State. The action of the President is without justification or excuse, to my mind, from the facts as given by himself, for they convict Kellogg of usurpation because his election "was a gigantic fraud and the returns uncertain."

Having, as I think, upon the testimony of the President clearly established the fact that Kellogg is not the governor of Louisiana and never was, I wish to call your attention to the late legislative election and the occurrences attending the effort to organize that Legislature.

This epoch in our history, sir, is pregnant with the direst consequences. On the 4th of January last, gentlemen claiming to be representatives of the people in that Legislature assembled in the city of New Orleans and attempted to organize themselves into a legislative body, (much confusion existed, doubtless through wrongs committed on the part of both political parties,) when it was broken up and disbanded by the armed military forces of the United States acting under orders of an officer of the Government. Of this the President says he knew nothing until the 5th of January, the day after they were dispersed; he learned it from the newspapers; and he further says:

I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence.

Then for this unlawful and unwarranted act he is not to blame. But there is no apology for his acquiescence in and continuance of the act after it was committed; in fact, a vein of approval is seen throughout his entire message of the 8th of January; and on the 6th of January, two days after the occurrence, General Belknap, Secretary of War, and one of the President's Cabinet and advisers, telegraphs from this city to General Sheridan at New Orleans, and at the time in command of the United States troops there, that—

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

Though General Sheridan did not give the order to disperse the Legislature, if I mistake not he was in the city of New Orleans at the time it was given, and on the same evening took command of that city with other parts of the South. He takes command without one word of dissent or disapproval at the outrage perpetrated by the military, but on the other hand he approves all that had been done, and in addition to his approval of these usurpations he says:

[Telegram.]

HEADQUARTERS DIVISION OF THE MISSOURI,
New Orleans, January 4, 1875. (Received 4—11.45 p. m.)

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is

hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people, all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Who does he mean when he says there is a spirit of defiance to all lawful authority? Why, sir, he means the conservatives who, as I will show before I am through, were swindled out of their seats in the Legislature as the people's representatives by the Kellogg party, who are misleading and deceiving both General Sheridan and the President.

I have no doubt but the people did feel outraged, as in truth they were, and gave utterances to some unguarded expressions of their indignation at the manner in which they were treated. They are more than human if they did not. General Sheridan seems to have received everything communicated to him by the Kellogg party as true, and everything from the conservatives as untrue; for when the dispatch last read was sent to the Secretary of War, he had certainly not been in New Orleans a sufficient length of time to have acquired a true state of the facts from his own observation.

But to denounce them as defying all law and as murderers is not severe enough for him. On the next day he says, in a dispatch to the Secretary of War:

Please say to the President that he need give himself no uneasiness about the condition of affairs here. I will preserve the peace, which it is not hard to do with the naval and military forces in and about the city; and if Congress will declare the White Leagues, and other similar organizations, white or black, banditti, I will relieve it from the necessity of any special legislation for the preservation of peace and equality of rights in the States of Louisiana, Mississippi, and Arkansas, and the Executive from much of the trouble heretofore had in this section of the country.

It is not hard to preserve the peace with the Army and Navy in and around the city, and yet he asks Congress to pass a law declaring this people banditti, that he may try them by court-martial and shoot them down as so many outlaws or mad dogs, simply because they, like American citizens everywhere, are jealous of their liberties and are clamorous, if you please, for their rights under the Constitution equal with the other States of the Union.

But now the cry of rebel, secession, and traitor serves as a justification for all wrongs to individuals and abuses of constitutional rights in the States that were once in rebellion against the Government, when the truth is there has not been an armed force in a State of this Union since peace was declared that could not have been suppressed without the slightest danger by the properly elected executive of the State if left to the States to settle their own troubles. If peace is what you wish, why do you not secure to each individual voter perfect and ample security at the polls, whatever may be his politics, and not wait until unlimited and unrestrained fraud has been committed throughout the State at its elections, and then come forward with the Army and in every instance declare your own particular partisan elected? You have no right to do either; but if either and nothing will satisfy you but to interfere, in the name of peace, if not for the sake of republican government, do the former. You will not then have to keep standing armies in the States to terrify and intimidate her people.

As shown by the returns of the commissioners of election, compiled and forwarded by the supervisors of registration, the conservatives of Louisiana had a majority of twenty-nine members in the lower house out of one hundred and eleven. But these returns had to go through a rectifying and refining process. The returning board had to shuffle and deal the cards over. Twenty-nine conservative majority tied the hands of that doubtfully elected governor; it gave the people some assurances of peace, liberty, and freedom from bankrupting taxation, and very likely secured the State in future to the conservative or democratic party. Here lies the great, the unpardonable sin, as I will more fully show after a while.

The law provides that the returning board shall consist of five persons, to be chosen from all political parties. In this case there were five, but each one of them was a republican in politics. Before they concluded their labors one of the number (General Longstreet) resigned; a conservative was chosen to fill the vacancy, who also resigned before the conclusion of their work, because of the determination of the board to go into secret session; this left but four, a number in law that had no power and could do no lawful act; yet they did act; they acted in secret session; they received testimony in that secret session that was never heard of while in open session. They changed that twenty-nine conservative majority and gave to each political party fifty-three members, leaving five cases undisposed of, but to be determined on by the Legislature when convened, hoping and believing, no doubt, to be able by changing one of the conservatives, who, to use the language of the sub-committee, was not a "staying democrat," to thereby secure a republican majority.

The election laws of Louisiana provide for a supervisor of registration, who appoints his own deputies for each ward in New Orleans, and for a supervisor of registration for each parish in the State; but the sub-committee tell us that the doubtfully elected governor took the trouble upon himself to appoint each one of these officers in positive violation of law. Yet he must be maintained in office because he got possession of it first.

Again, the law provides:

In case of violence, intimidation, or corruption at or near either poll, either during registration or election, as prevented a fair, free, peaceable, and full vote, the commissioners of election, if the occurrence was on election day, the supervisors of registration, if on the day of registration, should make a full, verified statement of the occurrence, and forward the same with and annexed to the returns; and that when the returning board in canvassing the returns should come to any polls where they were accompanied by such a protest, they should *not* canvass, count, or compile the statement of votes from such poll until the statement from all other polls had been canvassed and compiled.

This law, too, was willfully violated by the returning board, there being some few polls protested against. The board did canvass, count, and compile these polls thus protested against in violation of the law, and their counsel attempts to shield them from this crime by asserting that the law is impracticable. I will not inquire into this now; but whether it was or not, it was a matter of law, and was or should have been binding upon every citizen of the State, whether he was an officer or a private citizen, and no man or set of men should be permitted willfully to violate the plain letter and spirit of law with impunity. These, though, are loyal officers, not to law, but to the powers that be; and because here and there a citizen becomes outraged in his feelings for these violations of his right and says or does some rash or imprudent act from the impulse of the moment, he is to be declared a bandit, an outlaw, and shot down under sentence of a drum-head court-martial like a beast.

The President says:

If a mob or a body of unauthorized persons seize and hold the legislative hall in a tumultuous and riotous manner, and to prevent any organization by those legally returned as elected, it might become the duty of the State executive to interpose, if requested by a majority of the members-elect, to suppress the disturbance and enable the persons elected to organize the house.

No such case existed. No mob had assembled or had seized and held the hall of representatives in the case before him. His case is an extreme one, not likely ever to exist.

Take the case as it is and you have, as before stated, the Legislature composed of one hundred and eleven members, with a conservative majority of twenty-nine until it reaches the returning board, who cut it down to an even vote of fifty-three each, the credentials of the remaining five not being acted upon at all. How could this be done? Why, by going into secret session as they did and there admitting affidavits that were never before heard of, though both political parties had their employed attorneys representing their respective cases before the board and up to its going into secret session. To show more conclusively and perhaps more satisfactorily the fraudulent purposes and acts of this board, I will here read from the report of this House committee, on page 3 of their report:

The parish of Rapides chose three members of the Legislature; the returns elected all three conservatives. When the proofs closed, the only paper filed with the returning board was the affidavit of the United States supervisor that the election was in all respects full, fair, and free. It was not known in the parish that any contest existed against these members. They left their homes and proceeded to New Orleans to be present at the opening of the Legislature, no intimation of contesting their seats or objection to their election having been given by their opponents. At one of their last sessions the returning board declared all the republican members elected from that parish. When the papers of the returning board were produced before your committee there was found among them an affidavit by Mr. Wells, the president of the board, declaring that intimidation had existed at certain polls in that parish, and that the returns from those polls should therefore be rejected. The counsel for the democratic committee testified that they had had no opportunity to contradict the statements of this paper; that they never had seen or known of it before, and that upon an examination of the papers before the board when the proofs closed it was not among them. The counsel for the republican committee reserved the right to make explanation upon this point, but offered none. The affidavit was dated the —— day of December, 1874. It appeared that Governor Wells was not himself in the parish on the day of the election, and though at the opening of their first session your committee declared their intention to examine into the action of the returning board, Governor Wells never came forward as a witness. At the close of our proceedings leave was asked that his deposition might be given in. This was declined, and Mr. Wells was himself invited to appear before the committee; but he never came. Leave was also given for taking his testimony by commission if he desired, but was not availed of.

Your committee are therefore constrained to declare that the action of the returning board, in rejecting these returns in the parish of Rapides, and giving the seats for that parish to the republican candidates, was arbitrary, unfair, and without warrant of law.

The committee say when the proofs closed the only paper filed with the returning board was the affidavit of a United States supervisor, stating that the election was in all respects full, fair, and free. Therefore no officer or other person protested against the election; there was no fraud or intimidation used or attempted to be used to procure the election of the three conservatives; indeed, the election was so fair and peaceable that it was not known in the parish that their seats were contested. Admitting the truth of this report, as every member must, can a more gigantic fraud than the ejection of these three members and the supplying their places with three republicans exist? Yet these three conservatives constituted a part of the *mob* that was dispersed by the military. This Mr. Wells, yes, Governor Wells, seems to have occupied a conspicuous position in this glaring and unblushing fraud. He was the chairman of the returning board, and swore that intimidation had existed at certain polls in the parish; this after they had gone into secret session; and at the same time it further appears that he was not in the parish on the day of the election. What a shameful commentary upon the justice with which elections are carried on and justice administered down there! Opportunity after opportunity and various modes were given this *honorable* chairman to make explanation of this most extraordinary affidavit, but he declined them all.

And strange as it may appear, upon this man's statement the President in part attempts to justify the interference of the military in dispersing the Legislature of Louisiana. Among the documents accompanying the President's message is found the following appeal from this honorable chairman:

[Telegram.]

NEW ORLEANS, *December* 10, 1874.

President GRANT,
Washington, D. C.:

I transmit the following dispatch by request of ex-Governor Wells, president of the returning board.

WM. P. KELLOGG.

NEW ORLEANS, *December* 10, 1874.

President GRANT:

Authentic information in possession of the returning board justifies them in believing that an attack is intended upon the Saint Louis Hotel, now occupied as a State-house, wherein the returning board holds its sessions, and where the returns of the late elections are deposited. The board has nearly completed a careful and impartial canvass of the returns, in compliance with law, and expect to make promulgations therefrom as soon as the same can be properly compiled. The members of the board are being publicly and privately threatened with violence, and an attack upon the State-house, which is likely to result in bloodshed, is also threatened. By request of the board, I respectfully ask that a detachment of troops be stationed in the State-house, so that the deliberations and final action of the board may be free from intimidation and violence.

J. MADISON WELLS,
President of State Returning Board.

Judging from the report of our committee, as to his course and conduct, I am wholly unable to believe one word he may say of the situation in New Orleans.

The vote of poll No. 1 in the parish of Iberia is no better or clearer of the basest fraud on the part of this returning board. The committee say that this poll had been rejected on account of intimidation, but that the papers produced by the clerk of the board showed no such thing. They say one of the counsel for the republicans produced some affidavits tending to show intimidation, when the opposite counsel denied that any such affidavits had ever been before the board. The republican counsel thereupon attempted to prove they had, but in the opinion of the committee proved the reverse. Being defeated in this piece of villainous strategy, it is asserted that this poll was rejected because it was not returned to the supervisor of registration within the time prescribed by law; when the truth is this officer, from the report of the committee, had purposely kept himself out of the way on the day fixed by law when they should have been returned; and when offered to him on the next day he refused them, but did receive others, which were republican, on the same day and after he had refused to receive the conservative poll.

In the parishes of De Soto, Winn, and Terre Bonne the fraud is no less clear, palpable, and criminal. Here, sir, are six conservative representatives, each of whom has been grossly, willfully, and deliberately swindled out of his seat and a republican seated in his stead, and these frauds are this day being upheld and maintained by the Army of the United States. If you intend to disregard the will of the people and all State laws, and are determined by Federal interference to manage and control State elections, let me beg of you to have the honest thing done. Send a commission of honest men down there and let them examine and determine fully and fairly who is entitled to seats; and then, as you did when the States adopted their constitutions after reconstruction, require them to vote on all measures as you may dictate—by all means, if oppressively, let it be conducted honestly. Let it not go down to history and to posterity that men through the instrumentality of the Federal Government have been held and maintained in high places of honor and trust in violation of constitutional law. I know no language with which to denounce the action of that returning board as it deserves and at the same time maintain a decent respect for this House.

But the military interference is to be excused upon the ground that if it had not done so probably violence would have resulted, may be bloodshed and life lost. Ay, sir, what State in this Union, the blood of whose every citizen would not boil within him under similar circumstances? I would, and do now beg that people to bear everything with patience and Christian fortitude that may come upon them for the sake of peace; hoping, as I do, that the day is not far distant when they may be as free as their former slaves now are.

This House will remember that but a few days ago a scene more turbulent and violent occurred in the proud old Commonwealth of Pennsylvania than ever occurred in the State of Louisiana, yet no military was sent there, no Federal interference in that instance; and well there was not, for every man, woman, and child would have been in arms in the defense of their local self-control.

But Louisiana must submit to the indignity of having her Legislature dispersed by the soldiery of the Government without a murmur, and none to plead her cause, upon the application of a man who claims to be governor, though the election was a gigantic fraud at which he claims to have been elected. He got possession of the office though, and therefore has a better right to it than has his opponent! Nor is this all. His right to the office was adjudged by a Federal judge to be better than his competitor. Yes, sir; a Federal judge, whose drunken midnight order has covered him with obloquy and shame that will haunt him to his grave, and forever blot the fair fame of the American judiciary.

Not satisfied with the prostration and humiliation of Louisiana, but poor Arkansas must soon undergo the same trials and oppressions and forbearance unless Congress shall pass some law or do some act to protect her governor. On the 8th of January the President sent to the other end of the Capitol the following message:

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore furnished, relating to affairs in the State of Arkansas.

I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown, and a new constitution adopted and a new State government established.

These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations on certain conditions changing their constitutions and violating their pledges, if this action in Arkansas is acquiesced in?

I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

EXECUTIVE MANSION, *February* 8, 1875.

What does all this mean? What has come over the spirit of the President's dreams? Not a year ago he by proclamation recognized Baxter as the governor of that State, now he ventures to express the opinion that Brooks was elected. Well, for one I am willing to wait for the facts. But I beg pardon for this digression.

In conclusion I have to say, that in point of right I care not whether Wiltz was elected speaker of the Louisiana Legislature by the forms of law or parliamentary rules; it was a matter to be determined wholly by the members of the Legislature, and no other party or power on earth had any lawful right to interfere either peaceably or by force.

Take your Army away from these people, that they may once more feel that they are freemen, and as in the States of Tennessee, Virginia, and North Carolina, peace will follow. Their paralyzed energy and industry will spring into new life, their wasting untilled fields will bloom again with abundant and luxuriant harvests, their naked and starving families of pure women and innocent children will be made happy and bless you. They will fill your depleted and depleting Treasury with their sugar, rice, and cotton; your commerce will revive, hard times will pass away, and prosperity bloom out all over the land. You will not be required to increase your internal taxation upon the home industries of the country, nor your impost duties. Until you do this, my word for it, you will have no more general peace and prosperity in this once happy country.

Treaty Relations with China.

SPEECH OF HON. HORACE F. PAGE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1875.

The House being as in Committee of the Whole on the state of the Union—

Mr. PAGE said:

Mr. SPEAKER: Near the close of the last session of Congress, in a few remarks I had the pleasure to submit to the House upon the question of Chinese immigration and cooly labor and their effects upon the laboring classes, especially of the Pacific coast, I endeavored to impress upon the House the importance of some action by Congress that would remedy this great evil. And now, sir, in connection with my remarks made at that time, I desire to present evidence of the facts relating to that subject; to read statements made and sworn to by citizens of the highest and most irreproachable character; to bring before you the universal sentiment of the people of California as expressed in the platforms of all political parties, in the resolutions of the State Legislature and the message of Governor Booth, and in the petitions to this House of more than seventeen thousand laboring men in my State, who through their representatives are to-day earnestly appealing to you to be relieved from the dreadful scourge. And I also desire to call the attention of the House to the views of eminent jurists touching the power of Congress to afford such relief; and I trust, sir, that I may be able to dispel all doubts, if any have existed, either as to the character and extent of the mischief or the power and duty of Congress to remedy it.

I send to the Clerk's desk to be read the statement of Ira M. Condit.

The Clerk read, as follows:

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Ira M. Condit, being duly sworn, deposes and says that he is an American citizen, forty-one years of age, and a regularly ordained minister of the Presbyterian Church. That he went to Canton, China, as a missionary in the year 1860, and resided there in that capacity for nearly six years; that he studied the Chinese language and learned to speak and understand the same; that in the course of his

work as a missionary among the Chinese he became well acquainted with their habits and customs; and he knows of his own knowledge that it is a very common practice among them to buy and sell young girls for purposes of prostitution, and that a regular trade is carried on for this purpose. That deponent came to San Francisco in June, 1870, and took charge of a Presbyterian mission in the Chinese quarter, and ever since has been a resident of this city and engaged in that work; that he has striven to inform himself of the condition and character of the Chinese people living here, and knows of his own knowledge that there are men in the Chinese quarter who are engaged in the regular business of trafficking in women whom they purchase in China, bring to this country, and sell to houses of prostitution or place in houses of their own of the same character. Deponent knows of instances where they have been sold or exchanged for money or used to pay off a debt. These women are thus transferred from owner to owner like so many cattle, and valued according to age and appearance. They are kept in strict subjection, and retained in this slavery by menaces and even force. There have been repeated instances where they have escaped from their masters and sought refuge in one of the missions which have been established in the Chinese quarter. But it is very difficult for these women to escape, because their masters threaten to take the life of any person who shall assist them to get away. There are from two to three thousand Chinese women in this city, and certainly nine-tenths of them are prostitutes and have been brought from China for that purpose. The business of dealing in them has become very profitable, and a society known as the Hip Yee Tong Society, has been organized to protect and aid those who are engaged in it. All the different houses pay a certain sum to this society, which undertakes therefor to assist them in importing the women and in keeping them under subjection here and in preventing their escape.

Many of the better class of Chinese merchants are strongly opposed to this whole business, and are conscious of the disgrace which it brings upon their nation, and have on one or two occasions tried to prevent the further importation of lewd women, but without success.

IRA M. CONDIT.

Subscribed and sworn to before me this 19th day of October, 1874.

[L. S.] JOHN HAMILL, *Notary Public.*

Mr. PAGE. I now ask the Clerk to read the statement of Rev. Otis Gibson.

The Clerk read, as follows:

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Rev. Otis Gibson, being duly sworn, deposes and says: I am a clergyman of the Methodist Episcopal Church; was born in the State of New York in 1827; graduated at Dickinson College, Carlisle, Pennsylvania, in 1854. Went to Foo Chow, China, as a missionary in 1855, and remained in the field till 1865, when I returned to the State of New York. In 1868 I was appointed missionary to the Chinese on the Pacific coast, and have ever since resided in San Francisco, and have had charge of the Methodist Episcopal Chinese mission in this city.

I have had considerable experience among the Chinese people, both in China and in this country. Have some knowledge of the written language, and also of the spoken dialects of Foo-Chow and Canton.

In California my whole time and labor are expended upon and among the Chinese.

According to a general estimate there are about twenty thousand Chinamen in this city, about twenty-five hundred of whom are women or girls. A very large proportion of these females are enslaved prostitutes. It is my belief, founded upon personal observation and examination into the matter, that of all the Chinese females in San Francisco there are not more than three hundred who are really claimed as *wives* by the Chinese themselves, and nearly all of these are only secondary wives or concubines, in accordance with the custom of China. Of really *first* wives I do not think there are fifty in all the Chinese population of this city.

The importation of females from China for sale or rental is a regular and lucrative branch of business with a certain class of Chinese. About thirty of these women, at different times, have sought refuge from forced sales and from personal abuse in the mission asylum for Chinese women. A few of them on coming to the asylum brought with them the original bill of sale, of which the accompanying red paper in Chinese characters is a *bona fide* specimen. The translation, made by myself, is attached. The said red paper and translation is attached hereto, marked Exhibit A, and made a part hereof.

The process of buying and selling, as I have learned from various sources, from Chinamen and Chinawomen, and from these original bills of sale, is as follows: The trader, generally using some old woman as agent, purchases the girls in China for prices varying from thirty to two hundred dollars, pays the outfit, passage, &c., to San Francisco. Then the girl is sold to the highest bidder, she having no choice. In executing the bill of sale an effort is made to evade the American law against buying and selling human beings, the paper usually stating that the girl (to be sold) is indebted to her master or mistress so many hundred dollars (the sum for which she is to be sold) and that now ——— advances the money to the girl to enable her to pay this indebtedness; for which kindness on the part of ——— the girl agrees to prostitute her body for his benefit, for so long a time and on such and such terms.

The paper being executed and signed, the money is paid by the purchaser into the hands of the girl-victim, and she immediately passes it into the hands of her mistress, while she (the girl) is at the same time transferred to ———. A copy of this red paper bill of sale is given to the girl at the time, but as she cannot read she soon loses it, or it is taken from her, or just before her time expires a new charge of indebtedness is brought against her and she is resold; and this process is continued as long as the woman is marketable.

A powerful society exists in this city well organized called "Heip Yee Tong," (the temple of united justice,) which stands ready to aid these slave dealers in any difficulty that may arise, and no Chinaman who values his life would dare to expose the deeds of cruelty transacted by the agents of that society.

That Exhibit B, attached hereto and made a part of this sworn statement, is the record of the arrest and conviction of Mee Yung, a Chinawoman who was convicted on precisely this same charge in the police court of San Francisco.

OTIS GIBSON.

Subscribed and sworn to before me this 20th day of October, 1874.

JOHN HAMILL,
Notary Public.

EXHIBIT A.

An agreement-paper by the person Mee Yung.

At this time there is a prostitute woman, Yut Kum, who has borrowed from Mee Yung $470. It is distinctly understood that there shall be no interest charged on the money and no wages paid for services. Yut Kum consents to prostitute her body to receive company to aid Mee Yung for the full time of four years. When the time is fully served, neither service nor money shall be longer required.

If Yut Kum should be sick fifteen days she shall make up one month. If she conceives, she shall serve one year more. If during the time any man wishes to redeem her body, she shall make satisfactory arrangements with the mistress, Mee Yung. If Yut Kum should herself escape and be recovered, then her time shall never expire. Should the mistress become very wealthy and return to China with glory, then Yut Kum shall fulfill her time, serving another person.

This is a distinct agreement made face to face, both parties willingly consenting. But lest the words of the mouth should be without proof, this agreement-paper is executed and placed in her hands for proof. There are four great sicknesses against which Mee Yung is secured for one hundred days, namely, leprosy, epilepsy, conception, and "stone-woman," *i. e.*, inability to have carnal intercourse with men. For any of these four diseases she may be returned within one hundred days.

Truly with her own hands Mee Yung hands over $470.

Tung Chee 12th year, 8th month, 14th day. This agreement is executed by Mee Yung.

The foregoing is a correct translation of the original bill of sale of the girl Yut Kum. Name given in the complaint, Gun Yoke.

O. GIBSON.

EXHIBIT B.

In the police judge's court of the city and county of San Francisco, State of California.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Personally appears before me this 22d day of May, A. D. 1874, Frank Spiller, who on oath makes complaint and deposes and says that on the 12th day of August, A. D. 1873, and from that day continuously until the 21st day of May, 1874, in the city and county of San Francisco, State of California, the crime of misdemeanor was committed, to wit, by Mee Yung, (whose real name is unknown to this complainant,) who then and there, on account of certain money by the said accused pretended to be due to her from Gun Yoke, whose real name is unknown to deponent, did then and there, willfully and unlawfully solicit, persuade, and induce a certain person, to wit, said Gun Yoke, to be and remain in a state of servitude, and did then and there unlawfully attempt to hold and did hold the person of a certain human being, to wit, said Gun Yoke, and unlawfully claim the services of said Gun Yoke and unlawfully claim the possession of said Gun Yoke, and all without authority of law, thereby violating the provisions of section 1, order No. 1120 of the board of supervisors of said city and county of San Francisco; all of which is contrary to the force and effect of the statute in such cases made and provided and against the peace and dignity of the people of the State of California. And this complainant, upon oath, accuses the said Mee Yung of having committed the said crime, and this complainant further alleges and deposes that the said accused was then and there arrested therefor in the actual commission of said offense, and prays that the said accused may be brought before a magistrate and dealt with according to law.

FRANK SPILLER.

Subscribed and sworn to before me this 22d day of May, A. D. 1874.

DAVIS LOUDERBACK,
Police Judge of the City and County of San Francisco.

[Indorsement.]

Filed in the police judge's court of the city and county of San Francisco this 22d day of May, 1874.

D. F. McCARTHY, *Clerk.*

[Minute docket.]

In the police judge's court of the city and county of San Francisco State of California.

STATE OF CALIFORNIA,
City and County of San Francisco, court-room of said court, ss:

Thursday, May 28, 1874, in open court. Present, presiding, Hon. Davis Louderback, police judge.

THE PEOPLE OF THE STATE OF CALIFORNIA *vs.* MEE YOUNG. } Convicted of misdemeanor.

In this action the defendant personally present and appears for sentence. The court renders its judgment that whereas the said Mee Young, having been duly convicted in this court of the crime of misdemeanor, it is ordered and adjudged, as a punishment therefor, that said Mee Young pay a fine of $500, and in default of payment thereof, that said Mee Young be imprisoned in the county jail of this city and county for the period of one hundred and eighty days.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

I, David F. McCarthy, clerk of the police judge's court of the city and county of San Francisco, State of California, do hereby certify that the foregoing and annexed copies of complaint and judgment are full, true, and correct copies of the original complaint and judgment in the above-entitled criminal action, said complaint having been filed in said police judge's court on the 22d day of May, 1874, and said judgment entered on the minutes of said court on the 28th day of May, 1874; and that I, clerk aforesaid, have compared the foregoing and annexed copies with the original complaint and judgment in said action in said court, and that the same are full, true, and correct transcripts and copies from and of said originals and of the whole thereof.

Witness my hand and the seal of the police judge's court of the city and county of San Francisco this 3d day of October, 1874.

[L. S.] DAVID F. McCARTHY,
Clerk of the Police Judge's Court of the City and County of San Francisco.

Mr. PAGE. In addition to these, I offer the statement of Mr. E. Z. Simmons, which the Clerk will please read.

The Clerk read, as follows:

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

E. Z. Simmons, being first duly sworn, on oath deposes and says: I am an American citizen, of the age of twenty-seven years, and for the past six months a resident of the city of San Francisco. I am a missionary. In December, 1870, I left San Francisco for China as such missionary and as a representative of the Southern Baptist convention. I remained at Canton, in China, in the capacity of a missionary for over three years. I speak the Chinese language, and made it a part of my duty to study the habits and customs of that people.

I know it is a regular trade or business there to buy young girls before they attain their growth, and when nearly or quite grown to sell them for purposes of prostitution. I also know that most of the Chinese women who are brought to San Francisco come here for the purposes of prostitution, and they are brought here as the slaves or property of individuals, firms, and companies, and sold here to other Chinese as chattels. At least nine-tenths of all female Chinese now in California are of that class of persons, brought here for that purpose, and treated as slaves. Chinese women never organize houses of prostitution. The men do this, and then fill the houses with these unfortunate characters.

E. Z. SIMMONS.

[L. S.]

Subscribed and sworn to before me this 19th day of October, 1874.

JOHN HAMILL,
Notary Public.

OFFICE OF THE COMMISSIONER OF IMMIGRATION,
San Francisco, California, December 21, 1874.

DEAR SIR: The steamer Great Republic arrived here on the 19th instant from Hong Kong with five hundred Chinese passengers; thirty-one were females; twenty were upon examination decided to be prostitutes. In the face of the late decisions of the various courts of this State and of the United States I am powerless to prevent their landing. I therefore deem it proper to inform you that the importation of that class of people still continues, and hope that Congress will without delay pass suitable laws to prevent their coming to this country. I notice your efforts in trying to abolish a traffic which is demoralizing to the people of this State. It is well known that every city and town in this State has Chinese brothels in such numbers as to spread disease to the young and inexperienced of our population.

Since my appointment as commissioner of immigration I caused the present State laws to be framed and passed by the Legislature of this State in the hope of especially preventing that class of people coming to our State, and inasmuch as the law has been declared inapplicable to the case, I have the satisfaction of knowing I have been the means of calling the attention of the people to the great evil, and thereby remedying the defect by your prompt action in the introduction of a suitable law.

I have fought the case to its present position, and shall not cease until the Supreme Court of the United States shall have passed upon the right of a State to protect itself against a moral pestilence of such great magnitude.

I have all the testimony published on the trial before the courts, also the various decisions of our judges and courts. If you deem them of any importance to you in matter, I will with pleasure forward the same to you without delay. I would esteem it a favor if you would send me copies of the laws introduced relative to Chinese immigration.

Wishing you every success in your endeavor to advance the interests of the people of this State, I remain

Your obedient servant,

R. KORWIN PIOTROWSKI,
Commissioner of Immigration.

Hon. H. F. PAGE, *M. C.*

Mr. PAGE. There, sir, is the testimony. It is from the mouths of pure men, and is in all respects incontrovertible. It is eloquent of the truth. And what a spectacle does it present in a nation that boasts its civilization, its enlightenment, its Christianity!

Upon this state of facts, sir, it is not strange that the people of California should be united in opinion and let no proper occasion pass without expressing it. In presenting their views to the House, I offer first a resolution adopted by the republican convention of California, June 28, 1871, as follows:

That the presence in our midst of large numbers of Chinese who are incapable of assimilation with our races, ignorant of the nature and forms of our government, and who manifest no disposition to acquire a knowledge of the same, or to conform to our habits, manners, or customs, is a serious and continuous injury to the best interests of the State; that their employment under the plea of cheap wages is offensive to the exalted American idea of the dignity of labor, detrimental to the happiness and prosperity of our laboring classes, and an evil that ought to be abated. That while we unsparingly reprobate and denounce all acts of violence wheresoever and by whomsoever committed upon them, we are inflexibly opposed to their admission to citizenship, and demand of the Federal Government the adoption of such treaty regulations and legislation as shall discourage their future immigration to our shores.

The democracy of California, in their convention held June 29, 1869, expressed their views upon this subject, as follows:

That the democracy of California believe that the labor of our white population should not be brought into competition with the labor of a class of inferior people, whose living costs comparatively nothing, and who add nothing to the wealth of our churches, schools, societies, and social and political institutions.

Upon the subject of Chinese immigration Governor Newton Booth, in his first biennial message to the Legislature of California, December, 1873, says:

The increased volume of Chinese immigration in the past year has excited unusual attention. Those who are so far removed from us as to form their opinions on this subject from general principles rather than from special facts, and many persons here who are not brought in competition with Chinese labor, but are benefited by its cheapness, have often indulged in harsh criticisms upon the prevailing sentiment of this State in regard to Chinese immigration. Upon this subject I beg to repeat substantially what I have before said. The Chinese immigration constitutes a marked class, a distinctive element of society. We cannot be blind to the fact that China, with a population of more than three hundred millions, is as near to us practically as New York, and may send here such a volume of immigration as would modify our society and substantially change the relations of capital to labor. That modification would not be such as we desire in American civilization; that change would not be in the interest of free labor. The labor of the Chinese who come here is cheap, because in the mass they have no families to support, no children to educate, and are free from the wants which differentiate our civilization from theirs; and in order to compete with them in price, other laborers would be compelled to reduce themselves to the same conditions.

Besides these considerations, the presence of a large population in our midst, to whom we are unwilling to accord equality of political rights, establishes, to that extent, a system of caste, and is at variance with the genius of our institutions.

I believe the general sentiment of the people of the State will concur in the view that while the Chinese who are here, or who may come under the stipulations of our treaty, should be protected from violence and persecution, the General Government should call for such a readjustment of the treaty as will restrain their further immigration.

And now, sir, as bearing upon the question of the power of the State to exclude these people from its limits and to prevent their landing, on account of the immorality of their lives, I desire to call your attention to the opinion of Mr. Justice Field, delivered September 24, 1874, in the case of Ah Fong, a Chinese woman, brought before the circuit court of the United States for the district of California on a writ of *habeas corpus*.

The court, among other things, takes the ground that the extent of the power of the State to exclude a foreigner from its territory is limited by the right of self-defense. Whatever outside of the legitimate exercise of this right affects the intercourse of foreigners with our people, their immigration to this country and residence therein, is exclusively within the jurisdiction of the General Government, and is not subject to State control or interference.

That the sixth article of the treaty between the United States and China, adopted on the 28th of July, 1868, provides that Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by citizens or subjects of the most favored nation; and as the General Government has not seen fit to attach any limitation to the ingress into the United States of subjects of those nations, none can be applied to the subjects of China.

I read from the decision:

The petitioner alleges that she is illegally restrained of her liberty by the coroner of the city and county of San Francisco, and asks to be discharged from such restraint. The facts of the case, as detailed in the proceedings before us, are briefly as follows: The petitioner is a subject of the empire of China, and came to the port of San Francisco as a passenger on board of the American steamship Japan, owned by the Pacific Mail Steamship Company, and under the command, as master, of J. H. Freeman. On the arrival of the steamship at this port, which was on the 24th of August last, she was boarded by the commissioner of immigration of California, who proceeded under the provisions of the statute of the State to examine into the character of the petitioner and other alien passengers. Upon such examination the commissioner found, and so declared, that the petitioner and twenty-one other persons, also subjects of the empire of China, arriving as passengers by the same steamship, were lewd and debauched women. He thereupon prohibited the master of the steamship from landing the women unless he or the owner or consignee of the vessel gave the bonds required by the statute. Neither of the parties designated would consent to give the required bonds, and the women were consequently detained by the master on board of the steamship. They thereupon applied for a writ of *habeas corpus* to a district court of the State to inquire into the cause of their detention, alleging in their petition its illegality on the ground that the statute under which they were held was in contravention of the treaty between the United States and the empire of China and in conflict with the Constitution of the United States, and denying also that they were either lewd or debauched women. The district court granted the application and heard the petitioners, and after the hearing remanded them back to the charge of the master of the steamship, holding that the statute of California was neither in violation of the treaty or the Constitution, and that the evidence presented justified the finding of the commissioner that the petitioners were lewd and debauched women. The petitioners thereupon applied to the chief justice of the State for another writ of *habeas corpus*, alleging the illegality of their restraint on grounds similar to those taken in the petition to the district court, and also alleging that they were, since the order of the district court remanding them to the custody of the master of the steamship, about to be forcibly returned to China against their will and consent. They therefore prayed that with the writ of *habeas corpus* a warrant might issue to the sheriff of the city and county of San Francisco to take them into his custody.

The chief justice granted the writ, returnable before the supreme court of the State, and at the same time issued a warrant commanding the coroner of the city and county to take the parties into his custody and bring them before the court.

Under this warrant the parties were taken into the custody of the coroner, and in his custody they still remain. The supreme court sustained the ruling of the district court, and denied the application of the parties to be discharged, holding that the statute of the State under which they were detained was valid and binding under the treaty between the United States and China and the Constitution of the United States, and that the evidence justified the finding of the commissioner of immigration as to the character of the women.

It therefore made an order directing that the coroner return the parties to the master or owner or consignee of the steamship Japan, on board of the steamship, and requiring such master, owner, or consignee to retain the parties on board of the steamship until she should leave this port, and then to carry them beyond the State.

The order further provided that in case the steamship Japan was not in the port of San Francisco, the coroner should retain the parties in his possession until the arrival in port of the steamship, and then enforce the order returning the parties to the vessel or retain the parties until the further direction of the court.

The petitioner is one of the women thus held by the coroner, and she now invokes the aid of this court to be released from her restraint, alleging as in the other application that the restraint is illegal; that the statute which is supposed to authorize it is in contravention of the treaty with China and the Constitution of the United States, and averring that she is not within either of the classes designated in the statute. It further appears from the special traverse to the return of the coroner, and it is admitted by counsel, that since the judgment of the Supreme Court the steamship Japan has sailed from the port of San Francisco, and will not probably return under three months, and that Freeman has been discharged from the service of the steamship company and is no longer master of the Japan.

The statute of the State under which the petitioner was restrained of her liberty on board of the steamship is found in the provisions of chapter 1, title 7, of the political code as amended by the last Legislature. The provisions require the master of a vessel arriving at any port of this State, bringing passengers from any place out of the State, within twenty-four hours after its arrival, to make a written report under oath to the commissioner of immigration at such port, stating, among other things, the name, place of birth, last residence, age, and occupation of all passengers who are not citizens, and whether any of the passengers thus reported "are lunatic, idiotic, deaf, dumb, blind, crippled, or infirm, and not accompanied by any relatives able to support them, or are lewd or abandoned women."

Then follow the special provisions which have given rise to the present proceeding. They are contained in section 2952 of the code as amended. They require the commissioner of immigation "to satisfy himself whether or not any passenger who shall arrive in this State by vessels from any foreign port or place (who is not a citizen of the United States) is lunatic, idiotic, deaf, dumb, blind, crippled, or infirm, and is not accompanied by relatives who are able and willing to support him, or is likely to become permanently a public charge, or has been a pauper in any other country, or is, from sickness or disease, existing either at the time of sailing from the port of departure or at the time of his arrival in this State a public charge, or likely to become so, or is a convicted criminal, or a lewd or debauched woman;" and they declare that "no person who shall belong to either class, or who possesses any of the infirmities or vices specified herein, shall be permitted to land in this State unless the master, owner, or consignee of said vessel shall give a joint and several bond to the people of the State of California, in the penal sum of $500 in gold coin of the United States, conditioned to indemnify and save harmless every county, city, and town of this State against all costs and expenses which may be by them necessarily incurred for the relief, support, medical care, or any expense whatever resulting from the infirmities or vices herein referred to of the persons named in said bonds within two years from the date of said bonds; and if the master, owner, or consignee of said vessel shall fail or refuse to execute the bond herein required to be executed, they are required to retain such persons on board of said vessel until said vessel shall leave the port, and then convey said passengers from this State; and if said master, owner, or consignee shall fail or refuse to perform the duty and service last herein enjoined, or shall permit said passengers to escape from said vessel and land in this State, they shall forfeit to the State the sum of $500 in gold coin of the United States for each passenger so escaped, to be recovered by suit at law."

It is undoubtedly true that the police power of the State extends to all matters

relating to the internal government of the State and the administration of its laws, which have not been surrendered to the General Government, and embraces regulations affecting the health, good order, morals, peace, and safety of society. Under this power all sorts of restrictions and burdens may be imposed having for their object the advancement of the welfare of the people of the State; and when these are not in conflict with established principles or any constitutional prohibition, their validity cannot be questioned. It is equally true that the police power of the State may be exercised by precautionary measures against the increase of crime or pauperism or the spread of infectious diseases from persons coming from other countries; that the State may entirely exclude convicts, lepers, and persons afflicted with incurable disease; may refuse admission to paupers, idiots, and lunatics and others who from physical causes are likely to become a charge upon the public until security is afforded that they will not become such a charge, and may isolate the temporarily diseased until the danger of contagion is gone. The legality of precautionary measures of this kind has never been doubted. The right of the State in this respect has its foundation, as observed by Mr. Justice Grier in the Passenger cases, in the sacred law of self-defense, which no power granted to Congress can restrain or annul.

But the extent of the power of the State to exclude a foreigner from its territory is limited by the right in which it has its origin, the right of self-defense. Whatever outside of the legitimate exercise of this right affects the intercourse of foreigners with our people, their immigration to this country and residence therein are exclusively within the jurisdiction of the General Government, and not subject to State control or interference. To that Government the treaty-making power is confided; also the power to regulate commerce with foreign nations, which includes intercourse with them as well as traffic; also, the power to prescribe the conditions of migration or importation of persons, and rules of naturalization; whilst the States are forbidden to enter into any treaty, alliance, or confederation with other nations.

I am aware that the right of the State to exclude from its limits any persons whom it may deem dangerous or injurious to the interests and welfare of its citizens has been asserted by eminent judges of the Supreme Court of the United States. Mr. Chief Justice Taney maintained the existence of this right in his dissenting opinion in the Passenger cases, and asserted that the power had been recognized in previous decisions of the court. The language of the opinion in the case of The City of New York *vs.* Miln, 11 Peters, 141, would seem to sustain the doctrine. But neither in the Passenger cases nor in the case of The City of New York *vs.* Miln did the decision of the court require any consideration of the power of exclusion which the State possessed, and all that was said by the eminent judges in those cases upon that subject was argumentative, and not necessary and authoritative.

It is evident that if the possible violation of the laws of the State by an emigrant, or the supposed immorality of his past life or profession, where that immorality has not already resulted in a conviction for a felony, is to determine his right to land and to reside in the State, or to pass through into other and interior States, a door will be opened to all sorts of oppression. The doctrine now asserted by counsel for the commissioner of immigration, if maintained, would certainly be invoked, and at no distant day, when other parties, besides low and despised Chinese women, are the subjects of its application and would then be seen to be a grievous departure from principle.

I am aware of the very general feeling prevailing in this State against the Chinese, and in opposition to the extension of any encouragement to their immigration hither. It is felt that the dissimilarity in physical characteristics, in language, in manners, religion, and habits, will always prevent any possible assimilation of them with our people. Admitting that there is ground for this feeling, it does not justify any legislation for their exclusion, which might not be adopted against the inhabitants of the most favored nations of the Caucasian race and of Christian faith. If their further immigration is to be stopped, recourse must be had to the Federal Government, where the whole power over this subject lies. The State cannot exclude them arbitrarily, nor accomplish the same end by attributing to them a possible violation of its municipal laws. It is certainly desirable that all lewdness, especially when it takes the form of prostitution, should be suppressed, and that the most stringent measures to accomplish that end should be adopted.

By the fifth article of the treaty between the United States and China, adopted on the 28th of July, 1868, the United States and the Emperor of China recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of free migration and emigration of their citizens and subjects respectively from the one country to another, for purposes of curiosity, of trade, or as permanent residents.

The sixth article declares that citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by citizens or subjects of the most favored nation, and reciprocally that Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by citizens or subjects of the most favored nation.

The only limitation upon the free ingress into the United States and egress from them of subjects of China, is the limitation which is applied to citizens or subjects of the most favored nation! And as the General Government has not seen fit to attach any limitation to the ingress of subjects of those nations, none can be applied to the subjects of China. And the power of exclusion by the State, as we have already said, extends only to convicts, lepers, and persons incurably diseased, and to paupers and persons who, from physical causes, are likely to become a public charge. The detention of the petitioner is therefore unlawful under the treaty.

But there is another view of this case equally conclusive for the discharge of the petitioner, which is founded upon the legislation of Congress since the adoption of the fourteenth amendment. That amendment in its first section designates who are citizens of the United States, and then declares that no State shall make or enforce any law which abridges their privileges and immunities. It also enacts that no State shall deprive any person (dropping the distinctive designation of citizens) of life, liberty, or property without due process of law, nor deny to any person the equal protection of the laws. The great fundamental rights of all citizens are thus secured against any State deprivation, and all persons, whether native or foreign, high or low, are, while within the jurisdiction of the United States, entitled to the equal protection of the laws. Discriminating and partial legislation favoring particular persons or against particular persons of the same class is now prohibited. Equality of privilege is the constitutional right of all citizens, and equality of protection is the constitutional right of all persons. *And equality of protection not only implies equal accessibility to the courts for the prevention or redress of wrongs and the enforcement of rights, but equal exemption with others of the same class from all charges and burdens of every kind.*

Within these limits the power of the State exists, as it did previously to the adoption of the amendment, over all matters of internal police, and within these limits the act of Congress of May 31, 1870, restricts the action of the State with respect to foreigners immigrating to our country. "No tax or charge," says the act, "shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country which is not equally imposed or enforced upon every person immigrating to such State from any other foreign country; and any law of any State in conflict with this provision is hereby declared null and void." (16 Statutes at Large, 144.)

It appears by the opinion just read that the Legislature of California have attempted to deal with this subject. That they have passed acts which have been adjudicated by the State courts. But finally, in the opinion of the Federal courts, we find that the State Legislature has no power over the subject, and that it is entirely within the control of Congress.

Congress has recognized its right to legislate upon this subject. By an act approved February 19, 1862, entitled "An act to prohibit the coolie trade by American citizens in American vessels," it was made unlawful for any citizen of the United States or foreigner coming into or residing within the same, for himself or any other person, either as master, factor, or owner of any ship or vessel registered or enrolled or licensed in the United States or any port within the same, for the purpose of procuring from China or from any port or place therein any subjects of China known as coolies to be transported to any foreign country, port, or place whatever, *to be disposed of, sold, or transferred for any term of years, or for any time whatever, as servants or apprentices, or to be held to service or labor*, and that any person violating the provisions of this act, said vessel or steamship, her tackle, apparel, and furniture, shall be liable to be seized, prosecuted, and condemned in any of the district or circuit courts of the United States, and that any person or persons aiding or abetting therein shall be severally liable to be indicted therefor, and on conviction thereof shall be liable to a fine not exceeding $2,000 and imprisonment not exceeding one year.

The sixth section of this act provides:

That the President of the United States shall be, and he is thereby, authorized and empowered, in such way and at such time as he shall judge proper to the end that the provisions of the act may be enforced according to the true intent and meaning thereof, to direct and order the vessels of the United States and the masters and commanders thereof to examine all vessels navigated or owned in whole or part by citizens of the United States, and registered, enrolled, or licensed under the laws of the United States, wherever they may be, whenever in the judgment of such master or commanding officer thereof reasonable cause shall exist to believe that such vessel has on board, in violation of the provisions of this act, any subjects of China known as "coolies" for the purpose of transportation; and upon sufficient proof that such vessel is employed in violation of the provisions of the act, to cause such vessel to be carried, with her officers and crew, into any port or district within the United States and be delivered to the marshal of such district to be held and disposed of according to the provisions of this act. (12 Statutes at Large, 340.)

Our relations with China are regulated by the treaty of June 18, 1858, with the supplemental or additional articles of 1868. In regard to emigration of citizens and subjects from one country to the other, the fifth additional article to the treaty between the United States and China, July 28, 1868, (Statutes at Large, volume 16, page 740,) provides that—

The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to China or to any other foreign country without their free and voluntary consent.

Sir, I again refer you to the facts, and ask whether China enforced these stipulations? Has she acted in good faith? It may be urged that her subjects come here under a voluntary contract; that her women voluntarily sell themselves into slavery. Can one person induce another to voluntarily do an unlawful act without bringing both within the penalties of the violated law? If this be true, which I very much doubt, then they are doubly guilty. For they add to the crime of prostitution that of voluntary slavery, both of which the Chinese Empire permits its subjects to commit in violation of the laws of our country and in open defiance of the treaty.

The testimony produced abundantly shows that the Chinese nation have violated their treaty stipulations with us, and that the exigency has plainly arisen in which Congress may exercise whatever powers it may possess. As to what those powers are, I read from the opinion of Mr. Justice Curtis in the case of Sanford *vs.* Scott, 19 Howard's Reports, 629:

By a treaty with a foreign nation the United States may rightfully stipulate that the Congress will or will not exercise its legislative power in some particular manner on some particular subject. Such promises when made should be voluntarily kept with the most scrupulous good faith. But that a treaty with a foreign nation can deprive the Congress of any part of the legislative power conferred by the people so that it no longer can legislate as it was empowered by the Constitution to do, I more than doubt.

The powers of the Government do and must remain unimpaired. The responsibility of the Government to a foreign nation for the exercise of those powers, is quite another matter. That responsibility is to be met and justified to the foreign nation according to the requirements of the rules of public law; but never upon the assumption that the United States had parted with or restricted any power of acting according to its own free will governed solely by its own appreciation of duty.

The second section of the sixth article is: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." This has made treaties part of our municipal law; but it has not assigned to them any particular degree of authority, nor declared that laws so enacted shall be irrepealable. *No supremacy is assigned to treaties over acts of Congress.* That they are not perpetual, and must be in some way repealable, all will agree.

If the President and the Senate alone possess the power to repeal or modify a law found in a treaty, inasmuch as they can change or abrogate one treaty only by making another inconsistent with the first, the Government of the United States could not act at all, to that effect, without the consent of some foreign government. I do not consider, I am not aware it has ever been considered, that the Constitution has placed our country in this helpless condition. The action of Congress in repealing the treaties with France by the act of July 7, 1798, (1 Statutes at Large, 578,) was in conformity with these views. In the case of Taylor *et al. vs.* Morton, 2 Curtis's Circuit Court Reports, 454, I had occasion to consider this subject, and I adhere to the views there expressed.

I now beg leave to present the petition of the laboring men of my State. It is signed by seventeen thousand as true and loyal citizens as ever petitioned the representatives of a free people or supplicated the throne of Grace:

To the honorable the President and Senate of the United States:

The petition of the undersigned citizens resident in the State of California respectfully shows—

That your petitioners view with just alarm the systematic importation and immigration of Chinese laborers into the United States to be employed at rates of wages ruinous to the free labor of our citizens.

That the vast sums granted by Congress in bonds and public lands to aid in the construction of transcontinental railways, are perverted to the employment of this debased Asiatic labor, while thousands of our own citizens in all parts of the Republic are destitute of work.

That your petitioners cannot regard such a misdirection of the revenues collected from the industry of the people but as a flagrant abuse of the objects contemplated in these munificent grants of the national resources.

That in all future measures of congressional aid provision should be embodied against such abuse, and that supplementary legislation to this end should be provided in the exercise of existing grants.

That our recent history shows with what devotion to the great principles of freedom our citizens placed their lives at the command of the Government and poured out their blood and treasure to terminate the blighting influence of slavery in our midst. Yet an equally and, if possible, a more insidious danger must eventuate by the great increase of this servile population.

That this immigration is in no manner homogeneous with us as a people; that their social wants, habits, and character differ so materially that the standard of labor must be debased to such a degree by their vitiating influence as to repel vast bodies of our most valuable operatives, and not only degrade the social status and moral welfare of our producing classes but arrest the advancement of our civilization.

That the Asiatic has displaced to a great extent the citizen operatives formerly engaged in the various manufactures of the city of San Francisco, and is rapidly displacing others.

That all occupations giving profitable employment to both male and female have suffered through this cause.

That the aggregate diminution of wages to American citizens cannot be less than $9,000,000 annually.

That the expenditure of such vast industrial resources, thus withdrawn from circulation, has entailed privation among the working classes, taxed the most generous benevolence, and operated most detrimentally against the prosperity of the city.

That there are fifty thousand Chinese now in California, whose average net gain is estimated at fifty cents per day—$25,000—and at least $7,500,000 per annum, all of which is shipped to China, for they are and intend to remain strangers in our midst, and it is the fixed policy of the government of China that they shall so remain. This great and increasing drain on California is one of the causes of the great depreciation in property and stagnation of business in our State.

That the spread and augmentation of the number throughout the State of California has seriously discouraged the increase of the most desirable class of European immigrants, such additions to our industrial population seeking homes where labor is less degraded, or in greater demand.

That your petitioners would urge upon your honorable consideration the necessity of an immediate revision of our treaty relations with China to restrain this overwhelming evil.

That all treaty stipulations should be based on the principle of reciprocal advantages, not mutual privileges. The right or privilege for a citizen of the United States to migrate to China, and for a subject of China to migrate to the United States are not mutual in advantages, for it is an advantage to the subject while it is disadvantageous to the citizen to migrate. Hence, such provison in the treaty is impolitic and unwise.

That the inundation of incompatiable races into the various avenues of labor, which are still so inadequate to supply employment to our own producing classes, must evidently lead to the most disastrous consequences.

That your petitioners are actuated by no illiberal feeling inimical to the less advanced races. On the contrary, it is their earnest desire that all the offices of friendly intercourse should be generously fulfilled; that religious instruction and the advantages of scientific education should be placed at their command; that instead of permitting the unchristian sordidness of our own race using them to degrade the social condition of our people and to desecrate the noblest hopes of our national destiny, we should render them every service to elevate their civilization.

That a cause which projects and accelerates the concentration of wealth and thus erects in the very bosom of the nation a power destructive of republican institutions, as evidenced by every record of history, and which draws into conflict the millions whose sole dependence and property consist in labor, and therefore sacred to the interests of their families, impeaches equally the justice and wisdom of such a policy.

That we are but in the first stages of this fatal policy.

That its destructive influence on the industrial condition of California is the inevitable result which must follow its extension into every other State of the Union.

That it may now be arrested by the foresight and sagacity essential to the guardianship of a great nation, while the delay or neglect of necessary measures will leave the growing antagonism of interests to gather force and ultimately consolidate its power in resistance to the most salutary legislation.

That your petitioners earnestly hope that your honorable body, pre-eminent under the Constitution in its deliberative functions, will not disregard their prayer nor underrate the solemn importance of a subject so grave.

That large numbers of our most valuable operatives have withdrawn from this degrading competition while others are preparing to abandon a State where a beneficent Providence has spread such immeasurable blessings over its fair valleys. This assuredly demonstrates how limited is governmental knowledge in the administration of divine bounty, and how much the prosperity of a nation depends on the wisdom of its statesmen.

The complaint herein set forth by your petitioners is most respectfully submitted to your honorable consideration.

I hope, sir, that these petitioners may be heard. For more than a year past the laborers of the country have been and are to-day suffering for want of employment, with what results let the last few months bear witness. But it is believed that their sufferings are only temporary, and that with the restoration of the finances they will again find something to do. Not so, however, with the petitioners should Chinese immigration continue. They have no refuge. Their destruction will be as hopeless as it is certain.

I am aware that the sentiment of the country, attracted by the tinsel and glitter of wealth, is fast growing inimical to the laboring classes. That sentiment is fed and inflamed here. Enormous subsidies are granted. Great corporations, monstrous moneyed monopolies, are built up, which are utterly absorbed in the desire for gain. The power already envelops the land. Their minions swarm everywhere. They knock and clamor at the doors of the Capitol, impeding and perverting the legislation of the country. And amid their confusion the peaceful, patient, and earnest demands of free labor, like the voices of the night, grow fainter and fainter, and I believe the time is fast approaching when they will be entirely hushed within these walls; when the pampered sons of wealth, unmindful of honest, toiling manhood, will alone occupy seats upon this floor. The signs of the times point unerringly to this result. The excessive and daily increasing expense of living at the national capital, the grand displays made here by the millionaire, his princely style of living, his magnificent establishments and gorgeous entertainments, and, above all, the homage that wealth everywhere receives, admonishes those of moderate means how futile will be their attempts to gain place, position, or power here.

Sir, I make no apology for what I say in behalf of the workingmen of the country. Sprung myself directly from the loins of toil, associated with it from the earliest moment of my life until the present time, bound up in it by the endearing tie of a parent who at the very summit of life tills the soil that gives him bread, it will not be wondered that I make their cause my own.

But the prayer of the petitioners especially commends itself to you. It is the appeal not only of the tried bone and sinew, but of the best blood and highest courage. The petitioners are largely composed of the early emigrants to California and their children. They were allured thence by your promise of the public domain. It is true it was a glittering prize, but they must traverse hundreds and thousands of miles of unsettled, wild, and dangerous country to reach it. You offered them no convoy of safety. Your laws afforded them no protection. Yet these stout-hearted people, gathering up all they had, with their wives and children, staked everything upon the venture. The way was perilous. The arid, inhospitable, and apparently boundless plain, strewn with the bleaching bones of their fellows gone before, wild beasts howling upon their track and hostile savages confronting them, warned them of danger and death in every form. But nothing daunted by the perils of the desert, or beast, or savage, they pressed bravely on to the end. Their destination saw them commence life anew. They began again upon the bed-rock of human existence. Their means spent or lost, they had no resort except the labor of their hands, and to that they betook themselves. In their new home your laws barely shawdowed, they did not protect them. They were compelled to protect themselves. Yet amid all these adverse circumstances they neither murmured nor complained, but worked hopefully, cheerfully on, and made a home for themselves and their children. They have established and maintained that relation to capital which gives happiness, contentment, and prosperity to all. From anarchy and confusion they have wrought out a well-ordered and exemplary society and poured untold millions of treasure into your coffers. Their patience and industry, wisdom and virtue, entitle them to the highest rank of honor; for they are not only the founders, but also the builders of a most magnificent State. And now while their voice may yet be heard on this floor they appeal to you for protection. This deadly blight seems to have marked them out for destruction on this the day which should be sacred to their triumph. It is true they ask it for the frugal meal and humble cot, but it is asked in the name of that elevated, dignified, and ennobled labor which is the bulwark of American liberty. Will you withhold it? I charge you, no.

And again, sir, if the hope of the Republic lies in the virtue of its youth, protect that virtue.

Thus, Mr. Speaker, in what has been heretofore and now said, I have attempted to place before the House the incalculable evils of Chinese immigration; to show its alarming extent; its withering effects on the morals of society; its degrading and destructive influence on American labor; the decided and unequivocal views of the people of California condemning it; and the decisions of the courts, showing that the State is unable to protect itself, and that in Congress alone lies the power to remedy it.

But why dwell longer upon a subject so disgusting, so revolting, that it must shock the moral sensibilities of every one who has listened to or will read the evidence submitted to the House to-day? I hope, sir, that it will have the effect to place a dividing line between vice and virtue; that it will send the brazen harlot who openly flaunts her wickedness in the faces of our wives and daughters back to her native country, and teach these traffickers in human beings that in this land of ours, where virtue is respected and honest toil appreciated, we will no longer submit to their infamous practices. That while we are willing to put forth a helping hand, we insist that a common respect for our Government demands of China, if she insists on sending here none but the lowest and most depraved of her subjects, that they shall obey our laws, and have a decent respect for our customs and the rules of society. We have long enough been her cess-pool.

Finally, Mr. Speaker, I leave this question with the House, believing that justice, sometimes slow but sure, will be done, and that the cause of these complaints will be removed, and in its place will be heard the grateful acclamations of a long-suffering people; and that then, through the Golden Gate and across the continent, will come a race of people to settle among us who will plant the vine, cultivate the soil, and add something to the substantial wealth of

the country. And then from the north, where Mount Shasta rears her snowy peaks; to the south, where the orange tree perpetually blooms; from the east, where the Sierra Nevadas, clad in their priestly robes, stand sentinel to guard our homes; to the west, where the amber waters of the Pacific lave her golden sands, a half million people with one acclaim will hail the day of their deliverance.

Senator from Louisiana.

SPEECH OF HON. JOHN S. HAGER,

OF CALIFORNIA,

IN THE UNITED STATES SENATE,

February 17, 1875.

The Senate having under consideration the following resolution, reported from the Committee on Privileges and Elections by Mr. MORTON on the 8th instant:

"*Resolved*, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning on the 4th of March, 1873"—

Mr. HAGER said:

Mr. PRESIDENT: It is with great hesitation and reluctance that I rise to address the Senate at this late hour at night after this prolonged sitting, upon a question that has been so ably and so thoroughly discussed by others who have preceded me. The subject, however, with all its correlative issues, is of paramount importance, and one that is entitled to our serious and I may say melancholy reflection. It relates to events of greater significance and magnitude, next to the firing upon Fort Sumter, than any that have occurred in the history of our Government since the formation of the Federal Constitution.

Although the pending resolution relates to the admission of a Senator from the State of Louisiana, it is understood the whole subject relating to Louisiana affairs is before the Senate. I shall therefore not confine myself strictly to this resolution, but will speak generally upon the so-called Louisiana case. When the news first reached us of the invasion of a sovereign State, of the investment of its State-house, of the forcible ejection of persons, claiming to be elected members, from the legislative chamber, and finally of the organization of one branch of the Legislature by the Army of the United States, there was a spontaneous outburst of indignation from one end of the Union to the other. Why has this marked interest been manifested in this Hall among the people and by the press throughout the entire country? Not because it is a mere question of party politics, but because it involves great questions appertaining to constitutional liberty and our republican form of government.

I am glad that this interest has been manifested. It indicates that there is yet a spirit in the land not dead to the calls of liberty and country; that sentiments of patriotism yet predominate over all considerations of party. I have observed too, sir, with gratification the calm and temperate discussion of the independent and in many instances of the party press. So long as the weight and power of the press is true and devoted to the country, there is yet hope for the country, whether it be amid the calamities of civil war or whether it be amid usurpations in times of peace. We have had rebellion in hot blood against the flag in the open field, and we have had and now have a more dangerous rebellion in cold blood against the Constitution. One was war, open war, and was met and overthrown by war; the other, more insidious and more inexcusable, can only be overthrown by the slow process of public opinion, often too slow to arrest the danger. That public opinion will yet accomplish it, I have no doubt, for in this enlightened age no sovereign is so ensconsed behind his battlements but what that public opinion will make itself heard, and no President, and no Congress, and no party is so enshrouded in the panoply of power but what it will make itself felt.

Mr. President, who stands to-day before the American people as responsible for the events that have occurred in Louisiana which have so convulsed the country? Not the President of the United States, for, as we must infer from his late message, he disclaims them as having been done by his knowledge or authority; not the General of the Army, for he was not consulted and had no part or lot in the matter; not the major-general in command of the Southern Division, including Louisiana, for the order went not through him; not the Congress, for Congress has not declared war against the sovereign State of Louisiana. Who then is responsible? All that we know is that the Army with General Sheridan, sent secretly with sealed instructions, in command, executed and the Secretary of War "and all of us," as he telegraphed to Sheridan, approved. That is all the information as to authority that we have. Who gave the orders? Who invested Kellogg with the authority to direct the movements of the Army of the United States? Whoever he may be, let it be avowed before the American people and let the responsibility rest where it properly belongs. Be the responsibility where it may, it must be sustained and justified by law, or it must be denounced as a usurpation.

It will not do for Senators to shirk or blink the true issue by telling us that murders have been committed and lawlessness prevails in Louisiana, and that there have been unlawful combinations for political or other purposes. The public mind is not to be thus diverted. If any principle of the Constitution has been violated, does it follow as a logical sequence, as we must infer from the remarks of some Senators, that it may be justified by the recitals of crimes and murders committed in that State. A thousand homicides, murders, if you will, will not justify unlawful assaults upon the life of the nation. No injustice to the living, white or black, can excuse or justify usurpation or violation of the Constitution.

About a year ago it was my privilege to be honored by taking a seat in this Chamber. This Louisiana case, in one of its phases, was then pending before the Senate upon the report of the Committee on Privileges and Elections, made February 20, 1873, which has been so often referred to and quoted from—it was the business of this Committee to inquire substantially as to the form of government that was existing in Louisiana. That report during the progress of this debate I for the first time have read and made myself to some extent familiar with. Although it be a thrice-told tale, as has been said, it unfolds a story that cannot be too often repeated. I believe, sir, that it discloses the first fatal error; the first great departure in government; the foundation, the origin of the evils the fruits of which we are reaping this day; and at the risk of being tedious I desire to refer not extensively but briefly, chronologically rather than in detail, to certain portions of that report.

In 1872, on the 4th of November, under the laws and constitution of the State, an election took place in Louisiana. The administration of that State, the governor and all the officers, so far as I know, were republican. It was a republican administration of the State government. Warmoth, elected as a republican and at the time, I believe, acting with the republican party, was governor; and the election was entirely under the control of persons acting with and claiming to be of that party. After it took place an extra session of the Legislature was called by Governor Warmoth to meet on the 9th day of December. Between the issuance of the call for the meeting of the Legislature and the day on which it was to assemble important events transpired in Louisiana, as contained in this report of the committee and to which I will briefly refer in chronological order.

On December 3 was the dispatch which has been read so often of the Attorney-General:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEORGE H. WILLIAMS,
Attorney-General.

I find no predicate for this dispatch in the report of the committee. I am unable to determine why the Attorney-General should have sent this dispatch to the officer to inform him that he was to do that which the law required him to do. It was the duty of the marshal, as I understand it, to enforce all lawful decrees and mandates of the United States courts whenever conveyed to him in l gal form. I can only infer that it was in anticipation of some unusual, some extraordinary events that were about to ensue.

December 5 following December 3, almost as soon as the dispatch could reach Louisiana, Captain Jackson, of the United States Artillery, arrived in New Orleans at two o'clock at night with two batteries of artillery.

REPORT OF COMMITTEE.

Captain Jackson testifies that he took possession of the State-house at about two o'clock on the morning of the 6th, with instructions to take and hold it under the direction of the United States marshal, and to act in obedience to his orders. He further testifies that he was not stationed in the State-house to prevent riots, but to hold the building, and that if a riot had occurred in front of the building he would not have interfered.

Who gave this order does not appear by the records or by anything that is disclosed in this report. Why was it so timely, connected with this dispatch, that an officer of the Army went at night with two batteries of artillery? That same night, December 5, Judge Durell issued his void order to Marshal Packard to take possession of the State-house, as follows:

Now, therefore, in order to prevent the further obstruction of the proceedings in this cause, and, further, to prevent a violation of the order of this court, to the imminent danger of disturbing the public peace, it is hereby ordered that the *marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute*, and *occupied as the State-house for the assembling of the Legislature therein*, in the city of New Orleans, *and hold the same subject to the further order of this court*, and *meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers* in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

E. H. DURELL.

I will simply in this connection read what the committee say in regard to that order. The order, which is pronounced by the committee to be a void order, made by Judge Durell is spoken of by the committee thus:

It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. Conceding the power of *the court* to make such an order, the judge *out of court* had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

That was an order that under the telegram of the Attorney-General the marshal was bound to execute in case he obeyed his superior officer I suppose. This order issued as I say on December 5. On December 6, Captain Jackson took possession of the State-house about two o'clock in the morning. On December 6, the same day, Durell's injunction to restrain the action of the legal canvassing board was issued, which is quoted in this report at page 24, and is as follows:

Injunction.—Issued December 6, 1872.

Circuit court of the United States, fifth circuit and district of Louisiana.

WM. PITT KELLOGG
vs.
HENRY C. WARMOTH, JACK WHARTON, FRANK H. HATCH, DURANT Da Ponte, John McEnery, and The New Orleans Republican Printing Company. } No. 6830.

The President of the United States, greeting:

Whereas it has been represented to us in our said circuit court on the part of William P. Kellogg, by his bill of complaint lately exhibited against you and each of you, touching certain matters and things therein set forth:

Now, therefore, in consideration of the premises and of the allegations in said bill contained, you, the said above-named defendants, your attorneys, and each of you, are hereby commanded and strictly enjoined under the penalty of the law that you absolutely refrain and desist during the pendency of this cause, until the further order of this court, from in any manner, either directly or indirectly, considering or pretending to consider or canvass any statement, certificate, or return of any supervisor or assistant supervisor of registration, or any officer having any duties to perform about or concerning an election held on the 4th day of November, 1872, in the State of Louisiana, or relating to any votes or ballots cast at said election, except in the presence of John Lynch, Jacob Hawkins, James Longstreet, and George E. Bovee, a board of returning officers for said election, or from submitting or allowing to be submitted, or from aiding or assisting in the submission to the said defendants, Frank H. Hatch, Jack Wharton, Durant Da Ponte, or any other person or persons whatsoever, other than the said Hawkins, Bovee, Lynch, and Longstreet, any paper, document, affidavit, statement of votes, return of officers of election, or other proof in any manner relating to said election, and from allowing any other person or persons whatsoever, other than those in this order excepted, whether pretending to act as returning officers or in any other capacity, to inspect, consider, have access to, canvass, or tamper with any paper, document, affidavit, statement of votes, return, or written proof relating to said election, or to the fairness and correctness thereof, that may have heretofore or may hereafter come into his hands or possession, and which by law should properly be laid before, submitted to, or considered by such returning officers of election in making a canvass thereof; and that the said defendant, H. C. Warmoth, be further enjoined and inhibited from altering, suppressing, mutilating, destroying, or secreting any such document, proof, or paper.

And that he further desist and be enjoined from in any manner interfering with, obstructing, or hindering the said Lynch, Longstreet, Bovee, and Hawkins, or either of them, from full and complete access to, as well as custody of, such documents, proof, or paper.

And that he further desist and be enjoined from in any manner interferring with, obstructing, or hindering the said Lynch, Longstreet, Bovee, and Hawkins, or either of them, from full and complete access to, as well as custody of, such documents, papers, and proofs relating to said election as he may or shall have in his possession, custody, or control, or as they shall or may demand, either by refusing to deliver such documents or proofs to them, or either of them, or by any suit or proceeding instituted with the intent to hinder, delay, or obstruct them in the performance of their duty as returning officers; and that he be further restrained and enjoined from issuing any commissions to any persons based upon any calculation, deduction, or pretended canvass of ballots cast at said election, or make, publish, sign, or deposit in the office of the secretary of state, or in any other public office, or cause to be so deposited, any document, statement of persons elected to any offices or positions of trust at said election, and from giving any effect to the same if already filed and deposited, unless the same be with the concurrent action and lawfully given consent of the said Lynch, Hawkins, Bovee, and Longstreet, or a majority thereof, or of a sufficient number of them to constitute a majority of a board of returning officers.

And it is further ordered that the said defendants, Jack Wharton, Frank H. Hatch, Durant Da Ponte, and the New Orleans Republican Printing Company, until the final hearing of this cause, or until the further order of the court, be severally and respectively enjoined and restrained to the same extent, effect, and manner as said complainant has in his bill of complaint prayed they may severally and respectively be restrained.

And that writs of injunction in due form of law issue against the said defendants in accordance with the terms of this order.

And that the restraining order heretofore issued and allowed in this cause continue in full force and effect until the court shall otherwise order.

Witness the Honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, at the city of New Orleans, this 6th day of December, in the year of our Lord 1872.

[SEAL.] F. A. WOOLFLEY, *Clerk.*

Upon this order to restrain the canvassing board and upon the action of this judge and his decrees and what followed the regularity of the proceedings in setting up a government for Louisiana depends, and what say the committee in regard to this order? On page 17 of the report we read as follows:

Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty, and have so far overstepped the limits of Federal jurisdiction.

No words of mine are necessary to give force to this opinion of the committee.

On December 6, the same day, the Lynch board pretended to have canvassed the returns. We will see what the committee say in regard to that:

On the 6th of December, 1872, the Lynch board—Bovee, (who was then acting as secretary of state in place of Herron,) Lynch, Longstreet, and Hawkins—pretended to have canvassed the returns of the election, and certified to the secretary of state that Kellogg had been elected governor; Antoine, lieutenant-governor; Clinton, auditor; Field, attorney-general; Brown, superintendent of education; and Deslondes, secretary of state; and also certified a list of persons whom they had determined to be elected to the Legislature.

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board.

The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.

3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.

It was testified before your committee by *Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican legislature, and made their canvass to that end.* The *testimony abundantly establishes the fraudulent character of their canvass.* In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases where they had nothing whatever to act upon, they made an estimate based upon their knowledge of the political complexion of the parish of what the vote ought to have been. *They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits, and delivered them to the Lynch board, while it was in session.* It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

Further on we read as follows:

But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, *the McEnery government would to-day have been the de facto government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity,* and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election, and by the employment of troops set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

This is the language of the committee, and upon the acts here enumerated hinges the legality of the election and of the organization of the Legislature in Louisiana which elected Mr. Pinchback, the applicant for a seat in the Senate. The persons declared elected by this Lynch board, as set forth by the report of this committee, have been the State officers and the Legislature of Louisiana for the past two years, sustained as they have been by the Army of the United States. Now although we have the act of Congress of May 31, 1870, still in force, as follows:

SEC. 23. *And be it further enacted*, That whenever any person shall be defeated or deprived of his election to any office, *except* elector of President or Vice-President, *Representative or Delegate in Congress*, or *member* of a *State Legislature*, by reason of the denial to any citizen or citizens who shall offer to vote, of the right to vote, on account of race, color, or previous condition of servitude—

and further providing that such person may have his right of action in the Federal courts; yet in express violation of its provisions, in the case of Antoine, lieutenant-governor, *vs.* Warmoth, Judge Durell issued his restraining order to prevent the organization of the senate and house of representatives except as he indicated in his orders, and in his orders he enumerated by names the persons that might convene and the persons who should not convene as members of the Legislature of Louisiana, and made that a part of his restraining order. I will omit this restraining order on account of its length and merely read what the committee say in regard to it. The opinion of the committee is on page 43 of the report and is as follows:

Here was a restraining order, having the force of an injunction, issued for no purpose under heaven except to control the organization of the Legislature and compel the seating of those members who had been returned and certified to by the Lynch board, and exclude those who had been certified to by the De Feriet board.

When we consider that the act of Congress under which this proceeding was instituted by express words excludes members of the State Legislature from the right to maintain any proceedings in a Federal court to obtain their seats, even when they have been defeated and deprived of their rights, because citizens have been denied the right to vote on account of race, color, or previous condition of servitude; and that the State-house was held by Federal troops under the unlawful and void order of Judge Durell, hereinbefore set forth, which order commanded the marshal to prevent "all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said De Feriet board," we can comprehend the full force and effect of the additional restraining order in the Antoine case.

* * * * * * *

Indeed, it is impossible not to see that this bill was filed, and the restraining order thereon was issued, for the sole purpose of accomplishing, what no Federal court has the jurisdiction to do, the organization of a State Legislature.

And your committee cannot refrain from expressing their astonishment that any judge of the United States should thus unwarrantably have interfered with a State government, and know no language too strong to express their condemnation of such a proceeding.

I do not think that any language I could use would be stronger in condemnation of the action of the judge in pronouncing that decree than the committee use themselves.

While these proceedings were progressing before Judge Durell let us look at the moving power behind the throne. We find while they were in progress in Louisiana the United States marshal was telegraphing to the Attorney-General of the United States, and the collector of the port (Casey) was telegraphing to the President. The correspondence is here recorded. I will present these telegrams to the Senate without remark in the order of their dates, as follows:

NEW ORLEANS, *December 6, 1872.*

President GRANT:

Marshal Packard took possession of State-house this morning at an early hour, with military posse, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board, in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the

result of the election of officers of State and Legislature, which will meet in State-house with protection of court. *The decree was sweeping in its provisions, and if enforced will save the republican majority, and give Louisiana a republican Legislature and State government*, and check Warmoth in his usurpations. Warmoth's democratic supporters are becoming disgusted with him, and charging that his usurpations are ruining their cause.

JAS. F. CASEY.

NEW ORLEANS, *December* 6, 1872.

Attorney-General WILLIAMS,
Washington, D. C.:

Returning board provided by election of seventy, under which election was held, and which United States court sustains, promulgated in official journal this morning result of election of Legislature. House stands seventy-seven republicans, thirty-two democratic; senate twenty-eight republicans, eight democratic. Board counted ballots attached to affidavits of colored persons wrongfully prevented from voting, filed with chief supervisor.

S. B. PACKARD,
United States Marshal.

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington D. C.:

Returning board has officially promulgated in official journal this morning the result of the election for State officers. Kellogg's majority 18,861.

S. B. PACKARD,
United States Marshal.

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General:

Governor Warmoth has been impeached by vote of 58 to 6. Warmoth's legislature returned by his board has made no pretense of a session.

S. B. PACKARD,
United States Marshal.

NEW ORLEANS, LOUISIANA, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General:

Senate, by vote of 17 to 5, have resolved into high court of impeachment. Senator Harris elected president of the Senate, Lieutenant-Governor Pinchback being now governor.

S. B. PACKARD,
United States Marshal.

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington, D. C.:

Lieutenant-Governor Pinchback qualified and took possession of the governor's office to-night. Senate organized as high court of impeachment, Chief Justice Ludeling presiding, and adjourned to meet Monday next. It is believed that all the democrats members of General Assembly will qualify and take seats to-morrow.

S. B. PACKARD,
United States Marshal.

Hitherto nothing appears to justify or warrant Federal interference in the local government in Louisiana. The President had not been called upon for Federal protection; but after the mischief had been done he was called upon to protect the creature called a government set up by Federal authority, as follows:

NEW ORLEANS, *December* 9, 1872.

We have the honor to transmit to your excellency the following concurrent resolution of both houses of the General Assembly and to request an early reply:

Whereas the General Assembly is now convened in compliance with the call of the governor, and certain evil-disposed persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence: Therefore,

Be it resolved by the senate and house of representatives of the State of Louisiana in General Assembly convened, That the President of the United States be requested to afford the protection guaranteed each State by the Constitution of the United States when threatened with domestic violence, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

Adopted in General Assembly convened this 9th day of December, A. D. 1872.

P. B. S. PINCHBACK,
Lieutenant-Governor, and President of the Senate.

CHAS. W. LOWELL,
Speaker of the House of Representatives.

Next in order we have—

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution, although all is quiet here.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

NEW ORLEANS, LOUISIANA, *December* 11, 1872

Hon. GEORGE H. WILLIAMS,
Attorney-General:

I have the honor to acknowledge the receipt of your dispatch. May I suggest that the commanding general be authorized to furnish troops *upon my requisition upon him for the protection of the Legislature and the gubernatorial office?* The moral effect would be great, and in my judgment tend greatly to allay any trouble likely to grow out of the recent inflammatory proclamation of Warmoth. I beg you to believe that I will act in all things with discretion.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor.

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Parties interested in the success of the democratic party, particularly the New Orleans Times, are making desperate efforts to array the people against us. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; our members are poor and adversaries are rich, and offers are made that are difficult for them to withstand. *There is danger that they will break our quorum. The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies.* If requisition of Legislature is complied with all difficulty will be dissipated, the party saved, and everything go on smoothly. If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can but be encouraged. Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue.

JAS. F. CASEY.
Collector.

NEW ORLEANS, 11, 1872.

Hon. GEORGE WILLIAMS:

If President in some way indicate recognition, Governor Pinchback and Legislature would settle everything. Our friends here acting discreetly.

W. P. KELLOGG.

NEW ORLEANS, 11, 1872.

President GRANT:

Democratic members of Legislature taking their seats. Most, if not all, will so in next few days. *Important that you immediately recognize Governor Pinchback's legislature in some manner*, either by instructing General Emory to comply with any requisition by Governor Pinchback, under joint resolution of Legislature of Monday, or otherwise. This would quiet matters much. I earnestly urge this, and ask a reply.

JAMES F. CASEY.

NEW ORLEANS, *December* 12, 1872.

President GRANT:

The condition of affairs is this: The United States circuit court has decided which is the legal board of canvassers. Upon the basis of that decision a Legislature has been organized in strict conformity with the laws of the State, Warmoth impeached, and thus Pinchback, as provided by the constitution, became acting governor. The chief justice of the supreme court organized the senate into a court of impeachment, and Associate Justice Taliaferro administered oath to Governor Pinchback. The Legislature, fully organized, has proceeded in regular routine of business since Monday. Notwithstanding this, Warmoth has organized a pretended Legislature, and it is proceeding with pretended legislation. A conflict between these two organizations may at any time occur. A conflict may occur at any hour, and in my opinion there is no safety for the legal government without the Federal troops are given in compliance with the requisition of the Legislature. *The supreme court is known to be in sympathy with the republican State government.* If a decided recognition of Governor Pinchback and the legal Legislature were made, in my judgment it would settle the whole matter. General Longstreet has been appointed by Governor Pinchback as adjutant-general of State militia.

JAMES F. CASEY.

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

Thus the fraud and usurpation were recognized by the Attorney-General.

Now for a moment we will refer to what the report discloses as to the other side representing the people and not the Federal officials:

NEW ORLEANS, *December* 11, 1872.

The PRESIDENT OF THE UNITED STATES:

Under an order from the judge of the United States district court, investing James Longstreet, Jacob Hawkins, and others with the powers and duties of returning officers under State election law, and charging them with the duty of completing the legal returns and declaring the result in accordance therewith, those persons have promulgated results based upon no returns whatever, and no evidence except *ex parte* statements. They have constructed a pretended General Assembly, composed mainly of candidates defeated at the election, and those candidates, protected by United States military forces, have taken possession of the State-house and have organized a pretended Legislature, which to-day has passed pretended articles of impeachment against the governor; in pursuance of which the person claiming to be a lieutenant-governor, but whose term had expired, proclaimed himself acting governor, broke into the executive office under the protection of United States soldiers, and took possession of the archives. In the mean time the General Assembly has met at the city hall, and organized for business with sixty members in the house and twenty-one in the senate, being more than a quorum of both bodies. I ask and believe that no violent action be taken, and no force used by the Government, at least until the supreme court shall have passed final judgment on the case. A full statement of the facts will be laid before you and the Congress in a few days.

H. C. WARMOTH.
Governor of Louisiana.

NEW ORLEANS, 12, 1872.

His Excellency U. S. GRANT,
President United States:

Claiming to be governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all facts, and both sides, touching legitimacy of either government. The people denying the legitimacy of Pinchback government and its Legislature simply ask to be heard, through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard.

JNO. McENERY.

NEW ORLEANS, *December* 12, 1872.

SIR: As chairman of a committee of citizens appointed under authority of a mass-meeting recently held in this city, I am instructed to inform you that said com-

mittee is about leaving here for Washington to lay before you and the Congress of the United States the facts of the political difficulties at present existing in this State, and further earnestly to request you to delay executive action in the premises until after the arrival and hearing of said committee, which is composed of business and professional men, without regard to past political affiliations.

THOMAS A. ADAMS,
Chairman.

His Excellency U. S. GRANT,
President of the United States.

These appeals from Governor Warmoth and Governor-elect McEnery and from the citizens of Louisiana were spurned and treated with contempt, as the following will show:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

Finally we have the following:

WASHINGTON, *December* 14, 1872.

General W. H. EMORY, U. S. A.,
Commanding New Orleans, Louisiana:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.

By order of the President:

E. D. TOWNSEND,
Adjutant-General.

And thus the government was established under the decrees made by Judge Durell, which by the committee are pronounced void and without authority of law, and this government has been maintained in place, and is all the government the people of Louisiana have had for two years past.

Now what does the committee say of these proceedings? I will read from the opinion of the majority, which is reported on page 44. The committee making the majority report were composed of Messrs. CARPENTER, LOGAN, ALCORN, and ANTHONY, still members of this body, all of the republican party, and I believe in good standing in that party, and is as follows:

OPINION OF MAJORITY OF COMMITTEE.

It is the opinion of your committee that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell and the support given to him by United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject, and ignoring the distinction between good faith and fraud.

Your committee are therefore led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, *McEnery and his associates in State offices*, and the persons certified as members of the Legislature by the De Feriet board, *ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress or Congress must provide for a re-election.*

Now, if this Senate should be disposed to follow the recommendation of the committee, the election of Mr. Pinchback must be declared illegal, for he was not elected by the legal Legislature, as certified by the De Feriet board, but by the Kellogg usurpation.

I will also read from the opinions of the minority Senator Trumbull's opinion on page 61. He says:

The history of the world does not furnish a more palpable instance of usurpation than that by which Pinchback was made governor, and the persons returned by the Lynch board the Legislature of Louisiana.

I also quote from Senator MORTON'S minority opinion, pages 76, 77:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amendment, and the act amendatory of that, passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act. Under the first act two classes of cases might arise: first, actions to enforce the rights of those who had been illegally denied the right to vote upon the ground of race, color, or previous condition of servitude; and second, actions to enforce the rights of those who had been deprived of office by reason of the denial to persons of the right to vote on account of race, color, or previous condition of servitude; and suits in equity ancillary or in aid of these rights of action would come within the jurisdiction of the circuit court of the United States, among which would be a suit to perpetuate testimony. But the pretense that in a suit to perpetuate testimony the court could go beyond the natural and reasonable jurisdiction to decide who constituted the legal returning board under the laws of Louisiana, and to enforce the rights of such as it might determine to be members of that board and to enjoin others who were not, is without any foundation in law or logic.

In the Antoine case, Judge Durell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors for Congress, or for the State Legislature. His order issued in the Kellogg case to the United States marshal to take possession of the State-house for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States as a *posse comitatus* can only be characterized as a gross usurpation.

Such is the opinion of Senator MORTON, who is still present here in the Chamber and also in good standing in the republican party.

Senator Hill substantially agreed with the majority except as to the proposed remedy. We thus have the unanimous opinion of the entire committee as to the usurpation of Judge Durell in promulgating his decrees which was the foundation upon which the government was constituted and the Legislature was organized. To the government and Legislature thus brought into existence the applicant for a seat in this Chamber is indebted for his election.

Thus stands the record among the archives of the Senate on the report of a committee which was instructed to inquire into the facts of this case. As I say they report that this government was established by the void decrees of this Federal judge sustained by the Army of the United States and the Attorney-General. It was a government that was conceived, according to my interpretation, in the telegram of the Attorney-General of December 3 and brought into being by a prearranged combination and interference by the Federal officials at New Orleans not native or to the manner born. Bovee testifies they "were determined to have a republican Legislature and made their canvass to that end." Casey telegraphs to the President:

Durell's decree is sweeping, and if enforced will save the republican party and give Louisiana a republican Legislature and State government.

A telegram of that character to the President of the country and of the whole country requires no comment. Casey calls on the President to recognize the government thus established and to sustain the action had by the Army; Packard calls on the Attorney-General for like purposes; and by both it is granted. The Army sustained and yet sustain the usurpation.

Sir, can despotism in the destruction or formation of governments go further than this? Yet these men are all in office, Casey, Packard, and the Attorney-General. A decent respect for the opinions of mankind required that Durell should abdicate, and a decent respect for the opinions of mankind required he should resign his office to escape impeachment. The Attorney-General not only remains in office, but has been nominated to the highest judicial position in the gift of the Government, no doubt the reward of merit. Durell is out of office—parties, like republics, are sometimes ungrateful—but perhaps he, too, is destined to be elevated or at least nominated to some more exalted position as his reward for valuable services rendered. And at some future day some eulogist of his party, equally gifted with those who have preceded me, will perhaps rise here in his place to pronounce his panegyric, and with like force and emphasis apply to him *clarum et venerabile nomen.*

For two years this State government, this usurpation, has remained in power, and the people of Louisiana have been without remedy here or elsewhere. For two years this record has remained before the Senate showing that Louisiana has been deprived of her sovereignty, yet not a voice of the dominant party has been raised here in her behalf. Perhaps I should except one, the Senator from Wisconsin not now in his place, [Mr. CARPENTER.] He offered a remedial measure, and supported it with an argument of great power and eloquence; but he might say to his compeers of the dominant party in this Chamber with Coriolanus:

Alone I did it.

And alone he stands as the only one of the dominant party upon this floor who has raised a voice in behalf of down-trodden Louisiana.

Sir, if the action of the Administration in Louisiana, unveiled as it is by this report, is to stand as a precedent unrebuked and without remedy; in Louisiana to-day, in Arkansas to-morrow; in State after State over the whole Union, and finally in the Congress itself, how long will it be before some one bolder than the rest, some American Maximinus or some American Napoleon, shall seize upon all, and concentrating all and consolidating all shall stamp his heel on all that we regard as sacred and valuable and in the place of our republican institutions establish an overshadowing despotism.

After every appeal to the Executive and to Congress for relief had failed, on the 14th of September last the people of Louisiana rose in their majesty and by force—say by revolution—drove the usurpers from place and installed those in office who they believed were elected by the people. Sir, I do not stand here to justify or condemn their act, or to draw refined ethical distinctions between usurpation and revolution. Our fathers rose in rebellion against Great Britain and proclaimed to the world that governments derived their just powers from the consent of the governed, and that when any form of government became destructive of certain ends enumerated, it was the duty of the people to alter and to abolish it. Perhaps, too, they remembered the injunction—

Who would be free themselves must strike the blow.

At all events it illustrated how weak was the creature called government set up by Federal power and the void decrees—I was going to say, of a corrupt judge—I will say of a pliant and degraded judge. It illustrated how strong were the people and how strong was public sentiment against that government. It was swept away like chaff before the whirlwind; it was the power of the majority against the minority, of the people against the usurpers, and it showed to the world how weak was the government thus set up as against that power. But again the Executive interfered, the Army was interposed, and again the people submitted and bowed their heads to Federal authority.

If it be true, as reported by the committee, that the government of 1872 was established by usurpation, will any Senator of the dominant party tell us how Louisiana is to regain her liberty, her autonomy, the control of her government? Do Kellogg and the Federal officers enjoy a perpetuity? Are they to remain in place forever? With the returning board under his control, with the Army at his command, how is Kellogg to be dislodged from power? Louisiana complains to-day for the usurpation of 1872, not of her own citizens, but of Federal officers, the collector, the marshal, the judge, the Attorney-General, and the Army of the United States, as the disturbers of her peace, the usurpers of her government, the oppressors of her people, and the plunderers of her citizens. As the committee say, if she had been left to herself the McEnery government would have been installed and the people would have acquiesced. They would then have had a majority and not a minority government. A government of the people and not a usurpation. Did not the Attorney-General know what would follow when he sent his telegram of December 3? Did he not know that the void decrees of Judge Durell would follow when he sent that telegram? Did not the Attorney-General know that the proceedings before Judge Durell were void, and that the government thereby established was a usurpation? If he did not he is unfit to hold the office he now occupies. Officers of the Army, as we are told, are not presumed to know much about law, but the same cannot be said of the head of the Department of Justice, and I presume he knew what the effect of these orders were. I presume when he was telegraphing responsively to communications from Packard and from Kellogg that he knew what had transpired, and that these void decrees were being enforced. Is not the President now fully advised in regard to this Kellogg government and how it has been inaugurated and maintained in place? In his late message, January 13, 1875, he says:

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.

On the 20th of February, 1873, the Committee on Privileges and Elections of the Senate made a report in which they say they were satisfied by testimony that the manipulation of the election machinery by Warmoth and others was equivalent to 20,000 votes; and they add that to recognize the McEnery government "would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of the State." Assuming the correctness of the statements in this report, (and they seem to have been generally accepted by the country,) the great crime in Louisiana, about which so much has been said, is that one is holding the office of governor who was cheated out of 20,000 votes against another whose title to the office is undoubtedly based on fraud and in defiance of the wishes and intentions of the voters of the State.

The President refers to the same report from which I have been so largely quoting.

Did he read all that report?

I regret that the President overlooked that portion of the report which I have read this evening—especially that on the twenty-seventh and twenty-eighth pages—of forged affidavits, and of the fraudulent manner in which the returns were gotten up. Those things are entirely omitted, also the conclusions of the committee; and yet the President says that there were frauds, as the committee say, to the extent of 20,000 votes. The majority of the committee also say that the McEnery government ought to have been installed in office, and would have been if the Government had not interfered, and that the people would have acquiesced in it as the rightful government.

The usurpation of 1872 is the first that has occurred in times of peace in the history of our country where a sovereign State has been invaded and a government set up by Federal and military power. It is without precedent, and the cases that have been referred to are not parallel with this; none but itself can be its parallel; and if it ever becomes the duty of some future Gibbon to write the history of our decline and fall, it will stand a memorable monument to guide the researches of the historian.

The events that have transpired since, in the last election in Louisiana, are the natural results of the usurpations to which I have referred, and the same instruments have been used for their accomplishment. In the election of 1874 there was the same manipulation of the returns, by the same set of men, the falsification of the vote by the returning board, and the voice of the people was again set aside. Kellogg again appears as the agent and manager, supported by Federal authority. I shall not attempt to recapitulate the history of this last election. I propose merely to speak of these events so far as they are national. The important question to my mind is, even if we admit the first election or the second election were void for fraud, can the President with the Army invade a State and set up a government? It must not be forgotten that the day the Legislature assembled the State-house was invested and under guard, and none were admitted except by Federal authority. The proceedings that took place have been detailed so often that it is hardly necessary to refer to them. Wiltz organized the house temporarily. He was elected as its speaker. He called upon De Trobriand to quell some disturbance that had taken place in the lobby. That is made use of here and by the President, in his late message, as a point against the democratic party. It is said in the message "the first call upon the military was made by the democrats." In such matters there should be neither democrats nor republicans. Wiltz as speaker did first call on De Trobriand. But it must not be forgotten the State-house was under guard of the United States Army, and that none were permitted to enter therein but by the permit of the guard. Even members of Congress, the committee of the House sent there to investigate and report, could not enter the State-house or the legislative chamber except by the permission of United States officers. There was, therefore, no one else to call upon but the United States military officer, who allowed them to enter and who had the control of the State-house at the time. The State authorities and police were displaced by the military, and had no power or authority to interfere.

Next De Trobriand, without being invited by the speaker, marched in with his sword by his side and his platoon of soldiers and marched out those persons who were there claiming to be elected by the people, and then he proceeded to organize that branch of the Legislature. Now, by what authority did he take possession of the State-house? By what authority did he remove persons claiming to be elected members, and by what authority did he proceed to organize that branch of the Legislature? It was a house of representatives *de facto*, all that Louisiana has had, all that the President has sustained in Louisiana for the past two years. It was peaceably assembled. At the time De Trobriand entered it was an organization effected and peaceable, and it was dissolved by military force. Can despotism go further than this? By what authority did the United States interfere with the Army? Who will explain? Whether or no the speaker was regularly elected, whether or not the yeas and nays were called, are questions for Louisiana and her authorities to decide, and not for the Federal Government. Whether it was a house *de facto* or a house *de jure*, who must decide? The rule must be the same in every State of the Union. The President or the Army has no more authority to organize or to interfere in the organization of the Legislature in Louisiana than in Pennsylvania, Indiana, or any other State of the Union.

Now, in regard to the pretext for Government interference in Louisiana, we have the report of the House committee, a committee that was sent there to investigate this very matter, composed of two members of the republican party and one Democrat. The report of that committee is a complete refutation of the allegations which have been made on this floor against the people of Louisiana, and in substance is as follows:

First. That there was no intimidation of negroes, but that there was intimidation of the white voters by Federal power.

Second. That the election was remarkable for its fairness.

Third. That the conservatives had a large majority.

Fourth. That the action of the returning board was unfair and illegal.

Fifth. The stories about oppression, &c., of the white-leaguers were fictions.

This report is the best evidence that we have, better than any mere rumor, better than any newspapers or telegrams that have been received and referred to, and the only *quasi* official evidence that has been brought before us. And it is corroborated and sustained by the clergy and the laity and the better class of the people of Louisiana generally.

If this organization thus effected by Wiltz had been an organization of the republican party, no De Trobriand and no Sheridan would have interfered. I put that on record before the American people, that no officer of the Army of the United States would have interfered with the organization had it been an organization effected in the same way by the republican party.

In regard to the subsequent acts of Sheridan, I have nothing to add to that which has been said by others. I have no desire to pluck one laurel from his brow. But if the report from the committee of the House be true, his dispatches in denunciation of the people of Louisiana are inexcusable, and will stand among the most infamous and despotic acts perpetrated in times of peace to be found recorded in our history, which the brightest page in his military career can never obliterate, which no ignorance of law can excuse, and humanity and decency will never forget. If I had been told that Sheridan's acts were intended to add insult to injury, to rekindle the dead embers of civil war and again plunge the South into scenes of blood and violence, I could understand it. If such was the design, it has most signally failed, and I am glad of it. I am glad that the people of Louisiana have submitted to usurpation and even indignity. Their forbearance has enlisted the sympathy of the people of the whole country, and will yet lead to their deliverance and emancipation.

Now, sir, I would ask, does any Senator pretend to deny the truth of the report made by the Senate Committee on Privileges and Elections, that the government of Louisiana as organized in 1872 was brought into existence by the void decrees of Judge Durell, sustained by the Attorney-General and the Army of the United States, and that it was a usurpation? So far as I remember I cannot recall that one Senator has precisely placed himself upon that ground and made that denial here. Does any Senator pretend that there is any constitutional authority to justify the recent investment of the State-house of Louisiana and the forcible ejection from the legislative chamber of persons claiming to be members, and the organization of the house by the officers and military of the United States? So far as I know, not one. If in the Constitution there be any warrant or authority for the proceeding, let it be produced. The President does not pretend to justify it. I believe my colleague [Mr. SARGENT] did attempt to justify it to some extent, and to maintain that the President had such authority to interfere, but against his position I quote the Pres-

dent himself. We must infer the President does not approve of the military interference in Louisiana. On page 5 of his late message of January 13, in reference to this matter, the President says:

Respecting the alleged interference by the military with the organization of the Legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops of the United States with the organization of the State Legislature or any of its proceedings, or with any civil department of the Government, is repugnant to our ideas of government. *I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified.* But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

Whatever Senators may think, the President does not justify interference by the Government.

The President declares in his message he did not give the order for interference. Further, he says on page 7 of the same message:

I have no desire to have United States troops interfere in the domestic concerns of Louisiana or of any other State.

Now, sir, that reads very well in print. It sounds very well in words. When, however, we remember that the President was privy to the usurpation of 1872; when we recall the recent message that he sent to us in regard to Arkansas affairs, we might say with the Latin poet—*Sic notus Ulysses.*

But, sir, notwithstanding the declarations of the President in this message, the deed has been done, the usurpation has been accomplished. Yet no one is censured, no one is recalled, no one reprimanded, and no one punished. Senators do not pretend to defend the act, and the Army is still retained in place. As was in substance said by the Senator from New Jersey [Mr. FRELINGHUYSEN] and by others, inasmuch as it has been done, they were not disposed to see it undone.

We have the evidence that an act of despotism and usurpation has been accomplished in Louisiana, and yet the Senators of the dominant party are willing the government thus established should be kept in power, and are unwilling that it should be resolved back into a republican form: one of the people. I do not know that any other Senator has pretended to justify the acts that have been perpetrated in Louisiana unless it be the Senator from New York, [Mr. CONKLING,] who claimed to justify it on the ground that it was intended to quell a riot. If I understood his argument rightly, it was to the effect that the governor of Louisiana, as chief magistrate, had the right to call on the military of the United States to suppress riots, and that De Trobriand entered the State-house, with his sword by his side and his platoon of soldiers with him, rightfully and for the purpose of quelling a riot. When we have the evidence before us that De Trobriand had possession of the State-house; that he let nobody in there except by the permit of his authority; that by a cordon of soldiers the State-house was corraled, and every man therein was there only with his consent, it is very strange that De Trobriand would enter his own castle thus guarded and protected to quell a riot among those he had so completely under his control. If that was a riot, about the time the Senator was speaking there was a similar riot in the State-house of Pennsylvania, and equally good reason for Federal interference in the organization of the Legislature of that State. The breaking up of a democratic organization of a Legislature, removing members claiming to be elected, and then reorganizing a republican Legislature in its place may be quelling a riot in political ethics, but it is something new in jurisprudence.

Sheridan, unacquainted with law, has exhibited a disposition to trample laws and constitutions under foot, and asks for unusual and unlimited powers; and yet he remains in place unrecalled and unrebuked.

Why was Sheridan sent to Louisiana? Where was the necessity? McDowell was the general of division in command, an officer of high rank and of recognized ability. The General of the Army, of the very highest rank and of the very highest ability, was close at hand. Why were they not called upon? It seems that it required some more reckless, more subservient, more despotic officer to perform what was required to be done in Louisiana. Whether it was to give the *coup de grace* to liberty in Louisiana or to accomplish a *coup d'état* for other purposes, the impulse seemed to be—

If it were done, when 'tis done, then 't were well it were done quickly.

When we ask for information and criticise these proceedings, how are we answered? By high-sounding notes in praise of Sheridan and in denunciation of the people of Louisiana as rebels and murderers; that they are engaged in slaughtering negroes by the thousand, and that they are yet in a state of *quasi* rebellion against the Government. In that connection we have the report that was sent to us from the Secretary of War, in which we have the communication from Lieutenant Colonel Morrow, of December 24, an officer who was there in Louisiana, better acquainted with the condition of affairs than perhaps any other officer that has communicated information to the Department, and I ask the Secretary to read what I have marked.

The Chief Clerk read as follows:

I now come to the general condition of affairs in the parishes on Red River, and, without the slightest exaggeration, I may say it is bad. Respect and regard for the General Government are expressed by all classes of people, and so is the determination not to be, under any circumstances, brought into collision with the Federal troops; but there is a universal expression of contempt for the State government, and, so far as language could express it, there is open defiance of its authority. The governor is everywhere and by almost every white man denounced a "usurper," and the determination is openly expressed by nearly every white man not to submit to his usurpation longer than submission is compelled by the presence and force of Federal soldiers.

Dissatisfaction and discontent are plainly visible in all the acts and conversation of the people, and the result is manifest in almost every department of business. Uncultivated fields, unrepaired fences, roofless and dilapidated dwellings, and abandoned houses meet the eye at every step, and the whole aspect of the country has a look of poverty and neglect. The schools in many parishes are closed for want of money to pay the teachers, and I was told again and again that the school funds had been stolen by the State officials. In one parish a criminal court had not been held in nearly two years, and in other parishes no court, criminal or civil, had been held for a long time. In a community where there are no courts crime finds a genial soil, and the natural result is that the law has fallen into disregard and disrepute. Judges were openly charged with corruption, and money, and not justice, is charged with turning the judicial scale.

The people reported and seem to believe that the machinery of the Federal courts had been used to oppress them for political ends, and that the Federal troops had been used for political purposes. How far this has been the case I have no means of knowing, but I do believe that deputy United States marshals have used United States soldiers in cases where there was no necessity for them, and, from my investigations, in the parishes of Ouachita and Lincoln, I am quite certain that these civil officers discharged their duties in an unnecessarily harsh if not cruel manner. It was represented to me that the marshals are in the habit of prowling through the country in the night time, accompanied by a posse of soldiers, to make arrests of citizens who could be arrested by the marshal unaided, and under any circumstances should be arrested in the open daylight.

The complaints against the State officers were so numerous that a mere enumeration of them would fill a volume. Corruption and jobbing in office; partiality and favoritism in the administration of justice; exorbitant taxes, rising in some instances to 7 and 8 per cent. on the appraised value of the property; a ruined credit; a depleted State and parish treasury; enormous debts, State and parish; and multiplication of officers in the person of favored individuals, are a few of the charges made by the people against their State authorities.

The political condition of the State is the one subject of conversation everywhere, in public and private, and among all classes, except the negro, who feels no interest in it, because he does not comprehend it. The dissatisfaction is wide-spread and deep, and I am firmly convinced that sooner or latter there will be an outbreak of public feeling which will be attended by scenes of fearful violence. The determination to escape from the rule of the present State government is fixed in every mind, and whenever the opportunity presents itself a blow will be struck for the "liberation of Louisiana," to use the expression in common use. A combination or organization among the white men ramifies every parish and neighborhood, and there is a perfect unanimity of sentiment and will be concert of action whenever the time comes to take a decisive stand. Without going into needless details, I give the following as my deep-seated convictions: The present State government cannot maintain itself in power a single hour without the protection of Federal troops. I do not believe that the present State authorities, even with the protection of Federal troops, will be able to collect taxes and perform the functions of government after an early day in the new year. Opposition to them will be made at every turn, and every step they attempt to take will be beset with obstructions. Outside of New Orleans there is no party or organization in the State with sufficient strength or influence to afford the slightest aid. *The State government has not the confidence or respect of any portion of the community.*

I not only do not believe, but I am absolutely certain, that there will not be, at any time, in Louisiana any organized or authorized resistance to the General Government. If the expressions of the people are to believed, and I do believe them, there is a very sincere desire to live quietly under the protection of the Constitution of the United States and enjoy the blessings of the National Government. But there is no disguising the fact the protection afforded by the Federal Administration to the government of the present State executive is the cause of bitter personal and political feeling in the breasts of nineteen-twentieths of the white inhabitants of the State.

Mr. HAGER. Colonel Morrow's report is the latest and best official information we have as to the true condition of the State of Louisiana. It is dated December 24, 1874, and to it is appended the following:

HEADQUARTERS OF THE ARMY,
Saint Louis, Missouri, January 4, 1875.

This paper is most respectfully forwarded to the Secretary of War with a request that he submit it for the personal perusal of the President. I know of no officer of Colonel Morrow's rank who is better qualified to speak and write of matters like this, and his opinions are entitled to great consideration. I profess to have some knowledge of the people of that section, both white and black, from a long residence among them before the war and several visits since, but I shall not intrude my opinion in the confusion in which the subject is now enveloped.

W. T. SHERMAN,
General.

This is a letter from the General of the Army commending that communication to the special personal consideration of the President. Colonel Morrow does not speak of crimes and murders, but he speaks of roofless and dilapidated buildings, abandoned houses, desolated homes; that judges were openly charged with corruption, and money, not justice, is charged with turning the judicial scale; and that the State government has not the confidence nor the respect of any portion of the community.

In connection with that same subject I have here a document addressed by the Southern Patrons of Husbandry to their brethren, which I should like to have read. I believe it has not yet been referred to.

The Chief Clerk read as follows:

PATRONS OF HUSBANDRY,
OFFICE OF THE STATE GRANGE OF LOUISIANA,
68 *Camp Street, New Orleans, January* 16, 1875.

At a joint session of the executive committees of the State granges of Louisiana and Mississippi, called at New Orleans by Worthy Master H. W. L. Lewis, on the 16th day of January, 1875, the following appeal to the Patrons of Husbandry throughout the United States was offered and unanimously adopted:

To the Patrons of Husbandry throughout the United States:

After mature and most thoughtful consideration, and after long hesitations in appealing to you on the subject of our domestic governmental disturbances, we can no longer remain silent. The people here do not govern! They are the subjects of satraps. Men rule here who have no sympathy with the people of any race, color, or previous condition. Government has become a speculation, a huge monopoly, and, as patrons, we know that when these things exist with power, the people—especially the farmers—suffer. We are loaded with debt accumulated by these governmental monopolies; taxes are eating up what little property the late unhappy and fratricidal war left us. Capital avoids us or locks itself in the dark cells and coffers of the cautious. Our broad savannas and magnolia-crowned summits are desolations; and the grandest soil on the continent hungers and begs for the trusty, hardy, and worthy sons of the soil in the West and North; but, alas! it hungers and begs in vain, for the Government is against us, and your brothers avoid it as a lazar-house. Give us peace. Give us good government. Give us the rule of our people. Take the military of the General Government from our houses, homes, and legislative halls—and so shed upon us the glorious light of true republicanism, the splendid civilization and true liberty of America.

We assemble on this occasion for the purpose of entering into an extended discussion of this whole subject, and giving to you, brothers throughout the United States, a simple statement of facts, under our obligations as patrons, of all our troubles; but happily we have been forestalled by the sub-committee of the Congress of the United States, whose report has just reached us. Believe us, this report, made by gentlemen of the North, and intelligent Congressmen of both political parties, tells the truth. We refer to it, and trust that every patron to whom this appeal may come will give it an attentive reading.

A. G. CARTER,
Chairman Executive Committee of Louisiana.
L. O. BRIDEWELL.
Chairman Executive Committee of Mississippi.

Official:
WM. H. HARRIS.
Secretary State Grange, Louisiana.

Resolved, That the press of the United States be requested to publish this appeal of the Patrons of Husbandry of the States of Louisiana and Mississippi to the patrons throughout the United States, and that this resolution be appended to said appeal.

Such are the matters, as related by these documents, of which Louisiana complains; and yet it is boldly asserted by Senators in face of these facts that this exercise of arbitrary power on the part of the Government and military has been in behalf of humanity and as friends of the country. Friends of humanity! Senators, you are staking it on the means of ruin and convulsion. Friends of the country! You are rapidly becoming its iron parricides, cleaving down its institutions for partisan purposes and tearing them limb from limb—not man's inhumanity, but in this instance man's humanity to man makes Louisiana's burdens greater than her people can bear.

But it has been frequently asserted during this debate that there has been a great decrease in the negro vote in the South, which is evidence of fraud in the late elections. I would ask does the negro vote belong to the republican party by right of conquest as booty of war? Perhaps the blacks of the South as well as the whites of the North have discovered that it is to their interest to vote with the conservatives. In the South the whites and the blacks are dependent on each other. Their future destiny for good or for evil is necessarily intermingled. The one is the owner of the soil; the other supplies the labor. If they are to live in harmony, there must be accord in feelings as well as in interest. To array the one in hostility to the other is an act of barbarity calamitous to each and to the prosperity of their State.

But, sir, the republican vote of the South has not diminished more than it has elsewhere; and if that be a cause for interposition with Federal authority in Louisiana, the same or greater cause there must be for interference in New York, Pennsylvania, and other States. In the late election the contest was one in which other elements than those of mere politics were involved. It was a movement on the part of the people *pro patria*. It was in behalf of honesty against dishonesty in matters pertaining to government, of reform against corruption and wide-spread demoralization, of well-administered constitutional government against usurpation and lawlessness. The conservative element, non-combatants in party politics, that large class of thinking, intelligent men who vote for country rather than party, supported by the independent press, have availed themselves of opposition organizations and best nominations to set their seal of condemnation upon the dominant party and a corrupt and despotic administration of the Government. The result is that the great republican party, late so powerful, so reckless, and so arrogant, is to-day prostrate not only in Louisiana but also in New York, Indiana, Pennsylvania, and other States, with its pride and its banner humbled in the dust. But the lesson is not understood, and Senators are at a loss to account for this great change in public sentiment. It was not accomplished by the slaughter of negroes or by fraud North or South, but by—

> Freemen casting with unpurchased hand
> The vote that shakes the turrets of the land.

Read its causes in the reckless, aggressive legislation of Congress. With a deranged, depreciated paper currency; with the accumulated burden of a great national debt, and a high protective tariff upon the necessaries of life, look at the legislation of Congress. Special privileges, subsidies, bonuses have been bestowed with unsparing hand, contracts have been awarded—even the collection of the revenues farmed out, by which party favorites have been enriched at the expense of the Government without the expenditure on their part of a dollar. Extravagance, peculation, and corruption pervade every Department of the Government, and scarcely a day passes but we hear of frauds, defalcations, and peculations being practiced, and practiced with impunity, by Government officials. Public opinion has reached the conclusion that unless there be some reform of the abuses of the administration of public affairs; unless the usurpation and extravagance of the Government be checked; unless the avalanche of corruption which now is threatening and impending over us be stayed, they will soon come upon us with such crushing force as utterly to destroy and overwhelm us as a nation. A sublime proclamation stands on record. God said, "Let there be light: and there was light." In the recent elections the people said, "Let there be light:" and there is light. *Vox populi, vox Dei.* It is tinging the western and the eastern hills. It may not yet have illumined this Chamber, but there is the dawn of a better day at the other end of the Capitol. It has brought joy and confidence and hope to our despairing people, especially to those of our own race and lineage of the South, who are struggling for wife and child and sacred home against an invasion of vandal spoilsmen from the North and a tyranny and oppression on the part of the Government unparalleled in the history of the nation. I trust, sir, that this light is yet destined to illumine the land and bring the nation back to honesty, reason, intelligence, and truth. May God speed the day!

Mr. President, facts and popular sentiment in Louisiana, so far as developed, indicate beyond a reasonable doubt that in the recent election in that State the popular vote was with the conservatives. Equally conclusive does it appear to me that by a combination between the same parties who conceived and effected the usurpation in 1872 the people of Louisiana were prevented from installing in office the officers they elected. The determination is manifest in despite of the popular vote, in despite of Constitution and laws, to establish negro supremacy, and through the negro the supremacy of the republican party in Louisiana. To effect this the white race and its civilization must be made subservient to the black race and its civilization—the black race just emerged from the condition of slaves, and which as a people has never exhibited any administrative capacity for self-government. We may rejoice that the genius of American liberty is no longer destined to bear a fettered companion by her side in the car of triumph; but I am not among those who believe it is the mission of the American Republic to champion this race and place them in the van of civilization to the exclusion of our own race. Better that the republican party should die and that our race and the Constitution live. This black race has been emancipated, made citizens, armed with the ballot, and like all other citizens must work out their destiny according to their capacity. You cannot legislate them into a more exalted condition than nature has placed them in, or the people into a belief in their intellectual equality. You might as well undertake by legislation to remove the distinguishing marks in their physiology that characterize their race from ours, or to legislate the people into a belief in the Darwinian theory of the creation or any particular system of theology or metaphysics.

Sir, I have no prejudices against this race on account of color and previous condition. I acknowledge all their constitutional rights under the late amendments to the Constitution. I have no wish to disturb them. Involuntarily, by the avarice and cupidity of our race, they were sold and purchased in every State of the Union where slave labor was profitable. Upon their emancipation they should have been regarded as wards of the nation and taken care of as such on reservations or colonized, as has been the case with the Indians, although I would wish them a better fate and kinder treatment than has befallen the Indians. Upon their emancipation they were ignorant, uneducated, and incapacitated for governmental purposes; they had no interest in the soil, and were dependent upon the white race even for subsistence.

It was necessary for them as well as the white race, if they were to live in accord and peace, that they should be in harmony. But, sir, other counsels prevailed; they have been the instruments, not the subjects, of reconstruction and legislation. Numerically, if not intellectually, they proved a voting power too available to withstand partisan purposes. But this is not sufficient. The struggle is still pending in the effort by penal laws to force the two races into social relations which set at defiance the laws of nature, our tastes, our reason, and public sentiment even in our families. Is this malice or philanthropy? Is it the behest of party or a sense of duty that dictates this policy? And why is it confined to the African race? There is another race in our midst, the aborigines of the country, more homogeneous as a race, more entitled to our sympathy, once the lords paramount of our vast domain, native to the soil, and yet driven from their homes and habitations. Is there no tear of sympathy and no philanthropy for the Indian? Is he not also our brother and part of the great human family? Sir, we have evidence that the Indian has attained a higher civilization, a more advanced position in art and science than was ever attained by the negro in his native Africa. To the Indian the Congress has sent balls and bayonets and reservations; to his inferior, the negro, it would send not only political and social eqality, but dominion in government. Can this inconsistency be explained? Perhaps it consists in this: The Indian is of no political significance, but the negro, if properly managed, can contribute something to sustain a decaying party.

Sir, as a member of the senate of the State of California, it was my privilege to vote for the thirteenth amendment to the Constitution. I regarded the question of slavery as involved in the war; that it was placed in the wager of battle, and that by the wager of battle it was determined. It was guaranteed and protected by the Constitu-

tion, but by the adoption of this amendment, acquiesced in by the South, it was abolished; and I sincerely hoped that there would never thereafter be a great national question to disturb us as a people or prevent us from fulfilling that great destiny which I believe, in the providence of God, lies before us. It was also my privilege to vote against the ratification of the fifteenth amendment, and I then expressed my views at length in regard to that proposition; and as they were reported at the time by the press, in order to show to what extent I prognosticated what would ensue, I will here reproduce some of the views I expressed on that occasion. I ask the Secretary to read what is marked.

The Chief Clerk read as follows:

This suffrage question is not without its difficulties and embarrassments, and is attracting attention in all civilized countries having any pretensions to free institutions. Since the decay of the feudal system there has been a struggle on the part of the people to resist oppression and to gain power. The tendency of modern civilization has been to destroy aristocracies, level ranks, and diffuse power among the people. A writer has justly remarked: The history of European society is the history of the feudal system; the record of its rise and growth is the history of Roman polity and primitive barbarism; the record of its decline and fall is the history of modern social development. Ancient progress was toward extreme social and political inequality; modern progress is toward extreme social and political equality. Submission was the great lesson taught by the former; freedom is the still greater lesson taught by the latter. Monarchies and aristocracies were the flowers of the old seed; democracy is the first fruit of the new. This is true of all homogeneous peoples, peoples of the same race and lineage, and only as to such. Under our system we recognize no distinctions among men of races kindred with our own, but admit all, without regard to station or intelligence, to political and social equality. Perhaps for the first time we present to the world the singular spectacle of a superior race struggling to admit an inferior degraded race to political and social equality, when, too, that race has not capacity sufficient to demand it as a right, or intelligence enough to understand or exercise it if it should be conferred. In England in particular this suffrage question is engaging the attention of publicists, the Parliament, and the press. Much has been spoken and written in regard to impartial manhood suffrage, and arguments used there have been reiterated by our public men in this country, where in fact they have no application.

But in England the people are not struggling for equality of races, but for political, religious, and industrial freedom, which is constitutional with us. There the people have not yet fully attained free school, free church, free press, and free assembly, which is also constitutional with us. The liberalists there do not contend that all are qualified to enjoy the elective franchise; but, as we gather their ideas from the publications of the day, progression with them tends to the evolution of a preponderating power in the State—well understood and recognized by us—the power of the people; and the result they wish to attain is what we enjoy—self-government by an intelligent people. By the term manhood suffrage they do not intend suffrage should be extended to all classes properly belonging to the *genus homo*, but by manhood is meant the physical, mental and moral maturity of a nation, and political progress consists in bringing within the pale of the Constitution so much of the national manhood and no more than is qualified. No English reformer is so insane or fanatic as to clamor for extending the elective franchise to all races of men, as, for instance, to their subjects in South Africa, the Hottentot, or to their subjects in Asia, the Hindo, or the native of India. John Stuart Mill, perhaps the most liberal and progressive of all, while he is disposed to disregard all distinctions of sex or color, would yet limit suffrage to those who could read an English book or do a sum in the rule of three.

To ratify this amendment and admit this race without restriction to the enjoyment of the elective franchise and exclude those who participated in the rebellion, is to surrender the greater portion of the Southern States to the dominion of the blacks. For a time they may be controlled by the Congress and its agents as is now the case, but soon leaders of their own race or of ours will appear on the surface, and what will be the result? Necessarily class legislation, in which the majority will legislate to promote its own interest, and the interest of the minority and the general interest will be disregarded. Such are the teachings of history. Suppose, as is aptly put by Mill in discussing this question, the majority are whites and the minority are blacks, or the reverse, is it at all probable the majority would allow equal justice to the minority? Or, as he further says, suppose the majority are Protestants and the minority Catholics, or the majority are English and the minority Irish, or the reverse, would there not be the same danger; or, to bring the matter home to ourselves, if under this amendment Congress should extend suffrage to the Chinese, and they should be in the majority, what would be the result here to our own white race? If the policy of the Congress prevails, the result will be we will have States composed of different races, which, by the inevitable laws of nature and population, can never become homogeneous, either socially or politically, in which the governing power will be controlled by the numerically preponderating race. Which that may be in the Southern States or in our own State remains to be revealed in the future. When the Congress shall abandon the idea of legislating negroes into white men, and of retaining the political control in the late insurgent States by negro suffrage for purposes of party supremacy, reconstruction becomes easy. If the same amount of money spent for these purposes had been expended to encourage emigration from Europe, we might have added to our population at least ten millions of inhabitants of our own race and lineage—worth more to us than the whole African race.

Mr. HAGER. Mr. President, although entertaining these views at that time, I bow to the supremacy of the Constitution and accept the negro as a citizen and a voter and as our equal before the law, I am willing to extend to him words of encouragement, and if he proves himself our equal physically, mentally, and intellectually, I will rejoice. If he outstrips us in the race for supremacy I shall be willing to yield him the palm.

The fourteenth amendment to the Constitution, or so much as it is necessary to cite, is as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The fifteenth, as we all know, is that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Our Government under State and Federal Constitutions is a representative government, with a distribution of powers, as we all know, between the executive, the legislative, and the judiciary. It is composed of States sovereign to the extent of written compacts, with a Federal Government sovereign to the extent of delegated power, recognizing the source of all power to be with the people, and leaving the elective franchise to be settled and determined by the respective States. To what extent are these amendments limitations on the States? To the extent expressed in the amendments. It is for the judiciary, not the Executive or the Congress, to determine if a State law be in contravention of these amendments or not. There the negro is protected in all his constitutional rights. Congress may legislate to provide remedies and to facilitate actions in the courts if any citizen is deprived of any constitutional rights, but Congress has no more right now than before the amendments to annul the legislation of a State than a State has authority to annul acts of Congress. Neither has the President, or the military any more constitutional authority to invade the States than they had before these amendments were made—either to annul or interfere with the elections or to organize or destroy State governments. To do so is a usurpation dangerous to the whole Union and to our republican form of government.

But the Congress is not satisfied with these constitutional guarantees, but is engaged in efforts by legislation to make the white and the black races homogeneous by forcing on them social equality; and I confess that I have heard with abhorrence during the present and at the first session of this Congress utterances within this Chamber in support of this kind of legislation favoring the total obliteration of social distinction between the races.

Now, sir, although it be an old subject, what is the history and character of this negro race for which our own must be degraded and displaced, our country convulsed, and our Constitution invaded and endangered? Historically speaking, we have known something of him for the last four thousand years, from the days of Moses and the Egyptian kings. As he was in his native Africa four thousand years ago, so he remains at this day unchanged and unimproved, still engaged in fetich worship, still practicing human sacrifices, and the kings of Dahomy are at this day floating in their reservoirs of human blood as they were centuries ago. We have seen him on this continent in Hayti attempting to found a state and to build up a government upon the ruins of one of our own race, excluding the white man from all participation in that government, and what find we there? Degeneracy and decay. We have seen him in Jamaica emancipated, outnumbering the whites; and what find we there? The island, once among the most lovely and prolific on the sea, is to-day regressing to its primitive forest and jungle, and the negro is relapsing into his primitive barbarism. We have seen him in Mexico and Central America in the mixed blood; and there, too, we find degeneracy and decay. On his native continent we have heard of Egyptian and Carthagenian states. On the borders of that same Mediterranean Sea that bounds his native continent we have heard of Syrian, Phœnician, Grecian, Roman states; but who ever yet heard of an African negro state that has emerged from barbarism and risen to any position among civilized nations?

There have been various degrees of progress and civilization among the Aztecs and Incas on this continent, in Japan, China, India, Persia, Arabia; but the African negro in his native Africa remains as unchanged at this day as the African baboon. We search in vain in the dim mists of the past for their philosophers, their mathematicians, their astronomers, their civil engineers, their political economists. We in vain explore their records to find a Plato, a Socrates, a Newton, a Bacon, a Shakespeare. Such is the past; now what will the future reveal?

We are told, and it has been reiterated again and again in this Chamber, that all men are created equal. I admit it. That it is so declared by the great charter of our liberties, the Declaration of Independence. I do not deny it. All men are equal precisely in the sense in which it was intended by the framers of that instrument—equal in the enjoyment of all natural rights; equal to breathe the free air of heaven and to enjoy the light of the sun, moon, and stars; equal to earn their bread by the sweat of their brow; equal to partake of the fruits of the earth and the waters of the babbling brooks. In these respects all men are equal. But to say that they are physically, mentally, morally equal is a fallacy that never has been and never will be true. It is not true of our own race. It is not true of Senators in this Chamber. It is not true even of brothers in the same family. One may be a Hercules in strength, another a mere pigmy. One may be a Henry or a Webster, holding senates and assemblies spell-bound by his eloquence, while another is a mere mumbling idiot. One may be a mathematician or astronomer, calculating the dimensions of the sun, moon, and stars, and their distances from each other, while another, with all the education you may bestow upon him, is incapable of demonstrating the simplest problem in mathematics. One may be a poet, soaring on the wings of song, while another is incapable of turning two lines of rhythm. One may be a meek and lowly follower of his divine Master, engaged in works of charity and love, while another is never satisfied unless he is engrossed with scenes of violence and blood. Are these men equal—physically, morally, mentally equal? Is the Laplander of the north of Europe the equal of the intelligent German of Central Europe? Is the Hottentot of South Africa the equal of the Italian of South Italy? Are the Esquimaux of the north, or the aborigines, the Indians in our midst, the equal of the men I see about me in this Chamber?

But, sir, I shall not undertake to discuss this question theologi-

cally or psychologically. I am willing to concede that Adam was the great final consummation of the works of the Almighty, and that He then rested from his labors. I do not dispute it; but how He arrived at this great consummation we have not been informed. Whether it was by gradual advancement or by one act of creation has not been revealed to us.

Paleontology has disclosed foot-prints on the sands of time—stepping-stones—showing that much has been dropped by the wayside and become extinct before the end was reached. In our researches in natural history, in physiology, and in ethnology we find much to attract our attention and to engage our serious reflection. We can do this philosophically without subjecting ourselves to the charge of intention to ridicule any portion of the creation.

When we see the monkey sometimes dressed in our habiliments we are amused and surprised at his displays of watchfulness and intelligence. He looks something like our race, but we do not regard him as such. A step higher and we have the ourang and the chimpanzee, and the resemblance is yet greater, but we do not receive them as of the human family. Still a step upward and we have the gorilla, and there the resemblance is still stronger. In the gorilla you have the same bodily organization, without the caudal appendage, the same articulations, the same internal viscera, the same venous and arterial circulation of the blood, the same nervous system and vital organs, substantially the same number of bones in the body; and the most skillful anatomist is unable to distinguish his skeleton or the greater portion of it from that of the human race when they are intermingled; but we do not regard him as of the human family.

Now, sir, I do not wish it to be understood that I am making these remarks with any view to compare this portion of the creation with the negro, but rather with the human family generally, while referring to certain physiological and ethnological facts. Leaving the gorilla and advancing upward we reach the savage of Australia and Borneo, the wild man of the interior of those islands, untamable and unapproachable; without a written or spoken language; uttering an unintelligible muttering gibberish, and fleeing from the face of the white man like the beasts of the forest. Does humanity commence here? Is this the dividing line? When we leave the Australian savage and pursue our investigations further through the different races or species or types of mankind—place the negro where you please, I have no disposition to misplace him—through the Esquimaux and the Digger Indian, the lowest of the race on this continent, through the Kanaka, the Hottentot, the Arab, the Mongolian, &c., we finally reach the last great consummation, the crowning work of the Almighty when he rested—the Caucasian Adam, the type of man I see about me in this Chamber.

Now, sir, admitting that the human family are all a part of the same brotherhood and of the same creation, must we not admit that there are types, varieties, species of man that we can neither ignore nor conceal? And this distinction pervades the whole animal creation. The Newfoundland and the poodle, the greyhound and the spaniel belong to the same family. Are they equal? The thoroughbred, the donkey, the Shetland pony, and the zebra are different species of the same race—the *genus equus;* are they equal? I do not think the donkey is the equal of the horse; nor do I think it possible to legislate them into physical or social equality. You may cross them and you have the hybrid, the mule; but you cannot propagate a race of mules.

You may cross the negro with the white race and you have the mule, or the mulatto, which is a synonymous word, but you cannot propagate a race of mulattoes; you must go back to the original stock, on the one side or the other, or the race will become extinct. Such are the facts and they are as well ascertained as anything that is recorded in physiology. So with the aborigines of this continent. They have disappeared before the approach of civilization, and the white race, like the forest. So with the Kanaka of the Sandwich Islands intermingled with our race; he is rapidly dying out. So, too, with the admixture of blood in Mexico and Central America—you have but to go there to learn it is limited by inexorable laws. We cannot change the immutable laws of the creation by legislation, but must accept of facts as they are. Long back in the past the question was asked, Can the Ethiopian change his skin or the leopard his spots? The answer to-day is the same that it was two thousand years ago. In our Father's house, as we are instructed, there are many mansions; so it might be said in our Father's family there are many races or species of mankind. We cannot change it by legislation. Leave it where God and the immutable laws of the creation have left it, now and forever, for man cannot cover what God has revealed.

But, sir, if we extend social equality to the negro, can we deny it to the Chinese? They are superior as a race to the negro. They have attained a higher civilization and have maintained a government for thousands and thousands of years, and far beyond historic records. We on the Pacific coast have a peculiar interest in this question. We are in that position where western and eastern civilization meet. We have to breast this influx of immigration that is flowing in upon us from Asia. With our new commercial relations and with steam communication with Asia; with these new ideas of political and social equality among all races of men, what is the future destined to reveal in California and on the Pacific coast? China might, without injury to herself, spare from her surplus population a million or ten million men, sufficient to give to that race the control and dominion on the Pacific.

We in California have tried by legislation to prohibit Chinese immigration—especially such as are brought there as coolies and for immoral purposes—and by penal laws have tried to exclude them, in order to protect our people from demoralization and contamination. But we have not succeeded. These laws have been sustained by our tribunals and by the unanimous opinion of the supreme court of our State. But recently a case occurred where some Chinese women, imported, as it was proven, for immoral purposes, were remanded under the laws of California to the vessel that brought them there to be transported back to China. This judgment, on appeal to the supreme court, was unanimously affirmed; yet a Federal judge of the Supreme Court of the United States, who happened to be there at the time, released them on *habeas corpus* because, as he held, their detention was in contravention of the fourteenth amendment of the Constitution; in other words, that that amendment gave the same protection to coolies and prostitutes that it did to decent people, and that no legislation of the State of California could prevail against it. If this be the law, in the course of a few years Chinese coolies and prostitutes may be in dominion in California, and may as thoroughly control the destiny of that State as the negroes now control in South Carolina, provided you extend to that race political and social equality. I presume consistency will require this to be done.

Is it more improbable that political and social equality will be extended to the Chinese in the next ten years than it was ten years ago that it would be extended to the emancipated slaves of the South? They have proved themselves superior as a race to the negro, and have exhibited a better capacity to govern. As far as possible you have placed the negro in the van of civilization in the South, and are struggling by acts of despotism to maintain him there. How long will it be before the Chinese will take the same position on the Pacific? If you recognize universal political and social equality among races and species of man, you cannot deny to him what you require shall be yielded to the negro.

In this respect we have presented to the world a memorable example, for the first time recorded in history, where a superior race has struggled to place an inferior one on social and political equality with themselves; and that, too, when the inferior race had not the power to enfoce it and did not demand it as a right. If it be necessary to control the States of the Pacific for political purposes, will not the same influences now operating in Louisiana demand that suffrage shall be extended to the Chinese?

But, sir, it is sometimes asked, why do you object? Do you fear the rivalry of these inferior races and that they may outstrip us in the race for supremacy? No; I have no such fears. As soon might you expect the thoroughbred as he nobly leaps from the springing turf should be outstripped in the race by the browsing donkey. As well might you expect that the—

> Falcon, towering in her pride of place,
> Should by a mousing owl be hawk'd at, and kill'd.

No; I do not fear that they will outstrip us in anything, unless in some of the Southern States the negro or in California the Chinese may outstrip us in number. But with these new ideas as to amalgamation, miscegenation, civil rights, and social equality now prevailing, with juxtaposition and density of population, I fear in the slow revolving years of the future we may present to the world that effete and moribund national condition that we now see exemplified in Mexico and Central America. While we cannot raise them up to our level, they may drag us down.

Now, Mr. President, it is not the part of wisdom nor does humanity require that, either by legislation or by usurpation, we should place the negro or the Mongolian in dominion over men of our own race and lineage or force them into social relations in violation of the laws of creation and the rational judgment of mankind. Such were not the teachings of the founders of the Republic. They came here from civilized Europe seeking political and religious liberty and social equality. They landed upon this then unexplored continent where before them was wide, unbounded, magnificent wilderness, where sprang and fell the forest leaves, where ebbed and flowed the ocean's tide in uninterrupted stillness, where the same sun that looked upon the vast empires they had left, their moldering kingdoms, their solemn temples, their gorgeous palaces, their oppressive aristocracies, here looked upon the still dwelling of utter loneliness where nature sat enthroned in original beauty undisturbed by the tyrannies, the oppressions, and fettered humanities of the lands they had left. They met almost beneath the wide-spreading branches of this primeval forest—for what? To discuss the rights of man, forms of government, and social equality. They founded a state; they framed a constitution. The negro and the Indian were here. Did they recognize them as of their fraternity? Did they take the negro and hug him and press him to their hearts as an equal and a brother? Did they talk of or practice amalgamation or miscegenation? No such fanaticism then prevailed. Why, sir, among the earliest of my recollections in my own home in a northern State, and my friend the Senator from New Jersey, [Mr. FRELINGHUYSEN,] I may also say my friend of former years in our native State, will probably corroborate what I say, whether it was in the public school-room, in the domestic circle, or in the holy sanctuary, the black man and the white man had each their place. State after State was admitted,

constitution after constitution was formed, and yet it was an almost universally recognized principle of constitutional law that the governing power was the white race.

Such were the example and teaching of our fathers. But they went further. They invited friends and relatives they had left in the Old World to join them in the New. They passed naturalization laws to encourage immigration. Did they extend them to the negro or to the Indian? No, they confined them to our own white race; and in our legislation a few days ago to correct mistakes in the revised laws you were reminded of this when we went through the form of restoring the word "white" in the naturalization laws because it had been expunged without authority. All Europe availed themselves of our liberal laws, and ship after ship freighted with men of our own white race have landed upon our shores and added to our population and to our prosperity, and the supply is yet unexhausted. And all Europe is to-day thankful for the blessings that our institutions have conferred upon the human race. Go among the laboring classes of Europe, go to Germany, to Switzerland, to Ireland, tell them you are an American, and see the radiant face, the sparkling eye as group after group gather around you to inquire after friends who, more fortunate than they, have reached this land of abundance and prosperity. Listen, too, if you will to the downtrodden, broken-hearted man as from under the covering cloud of his poverty and his oppressions he pours forth his prayer to the Father of all that ours may be the steady, the radiant course that shall never bewilder or betray. So let us join him in his prayer that it may be. Let the downtrodden and oppressed of all civilized nations still hail our country as the lifeboat of liberty to the world, as the little ark destined of Heaven to bear it through all the dangers of tempest and of deluge. But God forbid, Senators, God forbid that we should extend this invitation to or amalgamate with the semi-civilized hordes of Asia, or with the barbarous tribes of Africa. They will but deteriorate our race and retard our civilization. Now our civilization on luminous wings soars eagle-like to Jove. Fetter it, weight it down, crush it to the earth by an admixture with these inferior races, and it needs no scroll—no prophet's scroll—to predict the Hyperions of this century may become satyrs in the next; that the noble godlike Caucasian North American that I see around me here may a century hence become what the ignoble hybrid Mexican or Central American is to-day.

In saying this, again I must disclaim any intention to reflect on any of God's creatures, either of the black or other races of man. I take them as we find them with no disposition to criticise or inveigh against the wisdom of their development, and fully impressed with our inability to change the laws that control the universe. As I have said, I concede to the negro all that the Constitution guarantees. But I ask you to examine the records of the past and instruct me, if it be possible, how you will inforce full social equality and an admixture of races without reaping the consequences we see exemplified in Mexico and Central America.

Mr. President, no imperial decree has been promulgated for the preservation of our country. She must rely upon the patriotism, the intelligence, and the devotion of her sons in the day of her prosperity as well as in the hour of her adversity. The warning voice of history of every country and of every age, as has been eloquently remarked, comes to tell us that republics when once lost are lost forever; that though their spirit never dies to others, it never revives when lost to regenerate themselves. Look at the shadows and darkness that have rested for ages on the habitations of the Holy City. Look at despotism worse than either as it has brooded with raven wing upon the very bosom of the buried republics, and let us be warned by their mysterious doom.

Does the same destiny await us? Are we too to fall beneath the assaults of ambition and usurpation, the madness of some factious hour, and our country, now so grand, so full of hope, to be remembered as a delusive meteor which rose full of promise, dazzled with momentary splendor but to leave the world in greater darkness than before?

> A thousand years scarce serves to form a state;
> An hour may lay it in the dust.

A hundred years have not yet elapsed since our nation's birth, and yet we have almost verified the truth of the lines of the poet. We have undergone the fate of nations—been baptized in the blood and thunder of civil war. But it is not the first time that a nation has been thus scourged and afflicted. To say nothing of ancient times, point me to any modern nation that has risen to any proud distinction among the nations of the earth that has not had its civil war and its rebellions. Look at England, at revolutionary France, at Germany, at Italy, at Spain now in the midst of revolution; all have had their rebellions and civil wars; yet they live, and if they are not homogeneous it is attributable to other causes than animosities engendered by recollections of these calamities. Cannot we of the same race and lineage without giving the ascendency and dominion to the negro, without this social equality being thrust upon us, once more gather around the same common altar of our country, and hand in hand and shoulder to shoulder go through the great work of elevating our nation to that high position which I believe with good government she is destined to attain?

In the course of this debate Senators have expressed devotion to the country and a determination to cling to the ship of state whether she is to ride the waves in triumph or to be ingulfed. When corruption and demoralization are overspreading the land, when we see a growing intolerance of law throughout the country, a disregard for constitutional restraint, and a tendency to despotism at this great center, when we see legislation for the perpetuity of party rather than country, I would ask, in all solemnity and seriousness, is it not time to port the helm? Under your guidance the ship of state is drifting into turbulent waters and untried seas. The Constitution is overboard and you are without chart or compass. The warning voice of patriotism from all quarters of the land is exclaiming to you to-day in appealing tones, behold those treacherous rocks, that dangerous sea into which you are drifting. But you heed it not. Rather than give up the control of the ship, rather than surrender the political ascendency you now enjoy, you would dare the breakers. And yet what is party in comparison to country? Parties are ephemeral, rise and fall and pass away. In a few years the places that know us now will know us no more; but I trust our country will flourish in immortal youth, to bless those who may succeed us until the utmost generation of men. Again I would say, port the helm.

Senatoris est civilatis libertatem tueri. Let us bow to the injunction in a spirit of devotion and of love and of reverence for our country. It is the duty of the Senator to preserve the liberties of the State. It is the duty of the Senator to protect the Constitution of the country. Let us never forget to protect it. It comes to us as our heritage from Washington and his compatriots. So let it be preserved, or what remains of it be preserved inviolate. Cling to it with a patriot's love, with a father's enthusiasm, and with a Christian's hope. And in these degenerate days, amid the struggles for party supremacy, when blind ambition or treason or ultraism or usurpation would hawk at and tear it, let us, forgetting all and sacrificing all in its favor, inculcate the necessity of its preservation and of a once more harmonious and united country. Do it with that same devotion as of old chaste virgins kept bright the sacred fires upon the altars of Vesta, until shrine and worshiper perished amid the ruins of a shattered empire. Let your devotion, I say, be equal to this, and in the words of Lincoln, "with charity for all and with malice to none," our ship of state will again drift into a silent sea, and our glorious Union, like the rock of Megara upon which was placed the lyre of Apollo, will resound with the same voice of sweetness and of harmony from whichever side it may be touched. But if this violation and intolerance of law now so manifest is to continue unchecked, this tendency to usurpation is to pass unrebuked, and our republican institutions shall be once submerged in the rising tide of despotism, you will recover your liberties when the sun shall linger in the evening cloud forgetful of the voice of morning—

> When ships are drifting with the dead
> To shores where all is dumb.

Zachary Taylor Statue.

SPEECH OF HON. R. C. McCORMICK,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1875.

The House having met, as in Committee of the Whole, for general debate—

Mr. McCORMICK said:

Mr. SPEAKER: On the 14th of December last I introduced the following joint resolution for the erection of an equestrian statue in the city of Washington, District of Columbia, in honor of General Zachary Taylor, twelfth President of the United States, namely:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of War are hereby authorized and directed to contract, at a price not exceeding $20,000, for an equestrian statue, in bronze, of General Zachary Taylor, twelfth President of the United States, to be placed in the circle at the junction of Massachusetts avenue and Fourteenth street, northwest, in the city of Washington, District of Columbia.

I was led to this step not only by my high appreciation of the character of General Taylor and his services, both military and civil, to the American people, but also by the recent announcement that his grave is not marked by even the plainest slab, and that throughout this broad land, which he served so well, no monument worthy of the name has to this time been erected in his honor.

Representing as I do upon this floor a part of that vast and valuable domain which came under the American flag through the campaigns of Taylor and Scott, I have thought that I might with propriety introduce the resolution which I have read and advocate its passage as a matter of simple justice to the memory of one of the purest, bravest, and most sagacious of American generals.

In his address before the veterans of the Mexican War assembled in this city in September last, Albert Pike said:

More than to any other one man, more perhaps than to all others of our generals in Mexico, we owe to Zachary Taylor our victories and the extension of the Republic to the golden shores of California, with all the great results that have already come or are to come from these. There were greater battles fought in Mexico, and many beyond comparison, greater, in the number of combatants and loss of men in our

civil war than Palo Alto, Resaca de la Palma, Monterey, and Buena Vista; but these were the first that destroyed Santa Anna's veterans and taught the Mexicans to expect defeat and our men to be confident of victory, no matter how much they were outnumbered; not that Taylor's men won greater glory, but that, being by good fortune the first to win, they made it possible for their fellow-soldiers under Scott to win equal glory with themselves. Taylor was one of those men of action to whom the nations always owe their greatness; like Clive, the savior and almost creator of the Anglo-Indian Empire, who early displayed an aversion to studious pursuits; like Marlborough, who, always victorious, never knew the sensation caused by defeat; like Suwaroff, conqueror of the Turkish provinces and of Poland. With little education, but considerable reading, of plain manners and simple habits, his will was inflexible and his resolution indomitable. He never hesitated or doubted, was never discouraged or dispirited.

* * * * * *

Fearless as Ney, he was a man of the largest truth and honesty and most perfect honor. He could not deceive or falter or equivocate. Clearly as he thought, he stammered in his speech, and no man was more incapable of oratory. But if he had been eloquent, that which is so easy would have been impossible to him. He could not have advocated the cause that he knew to be wrong, nor have been zealous to demonstrate that a lie was truth.

He was indeed, as a soldier, great without pretence—

And as the greatest only are,
In his simplicity sublime.

One who was with him in Mexico described him as in person—

A very thick-set farmer-looking, old gentleman, remarkable for short legs and a long body, mounted on a snow-white charger.

John J. Crittenden said of him in an eloquent speech at Pittsburgh:

He is a man you cannot buy, a man you cannot sell, a man you cannot scare, and a man who never surrenders.

His long service upon the frontier in Indian warfare, in which he was eminently successful, does not seem to have blunted the finer sensibilities of his nature. His biographers all say that among his many good qualities none was more conspicuous than the tenderness of heart which he ever exhibited toward the soldiers under his command as well as to the enemy. Like Washington he engaged in war only from necessity, and not from love of the dearly bought honors of military glory. More than once he was officially thanked for the civility and kindness shown to his prisoners and to all the inhabitants of Mexico with whom he came in contact.

Compared with our armies engaged in our late civil war the American force in Mexico, numbering as it did of regulars and volunteers a total of but one hundred thousand men, was small, but it was a working force, and its rapid and severe engagements will ever hold high rank in our military history. If faults may be detected in some of the operations when viewed with the knowledge of the motives and the powers of both parties, how trivial they appear when compared with the heroism displayed in every achievement and the brilliant success which ultimately crowned the conflict. Nor am I willing, as some have been, to speak lightly of the military qualities and achievements of our antagonists, now happily our friends, as displayed in this memorable war. The truth is the Mexicans fought well according to their character and training, and they were beaten "not so much," to borrow the words of another, "in consequence of their bad generalship, their want of courage, or of patriotism—for in these respects no deficiency can be really alleged against them—but because of the inferiority of the national morale."

General Taylor was yet in the field and had only won his first triumphs on the Rio Grande when he was regarded by a large body of the people as a proper candidate for the Presidency. To letters addressed to him upon the subject he replied that he was not a candidate and would take no steps to become such, and he did not; but his friends brought him forward even before the meeting of the national convention of the whig party in 1848, by which he was nominated over Clay, Webster, Scott, Clayton, and McLean.

The only message of President Taylor shows, says Benton, that he comprehended the difficulties of his position and was determined to grapple with them; that he saw where lay the dangers to the harmony and stability of the Union and was determined to lay these dangers bare to the public view, and as far as depended upon him to apply the remedies which their cure demanded.

The first and the last paragraphs of his message looked to this danger, and while the first showed his confidence in the strength of the Union, the latter admitted the dangers to it and averred his own determination to stand by it to the full extent of his obligations and powers. It was in these words:

But attachment to the Union of the States should be habitually fostered in every American heart. For more than half a century, during which kingdoms and empires have fallen, this Union has stood unshaken. The patriots who formed it have long since descended to the grave; yet still it remains the proudest monument to their memory, and the object of affection and admiration with every one worthy to bear the American name. In my judgment its dissolution would be the greatest of calamities, and to avert that should be the study of every American. Upon its preservation must depend our own happiness and that of countless generations to come. Whatever dangers may threaten it, I shall stand by it, and maintain it in its integrity, to the full extent of the obligations imposed and the power conferred upon me by the Constitution.

It will be remembered that he died in the second year of his Presidency, having as President fully maintained the popularity which had led to his election. His administration, so far as it went, was applauded by both great political parties, and he proved faithful to his declaration made when nominated for the highest office in the Republic—

I have no private purposes to accomplish, no party projects to build up, no enemies to punish, nothing to serve but my country.

Mr. Chairman, I should be glad to dwell at greater length upon the public and private virtues, the military and civil record of this representative American, whose life exhibits so much to challenge our admiration, our respect, and our gratitude; but I arose at this time, having had no other opportunity, simply to call attention to the resolution which has been referred to the Joint Committee of the Library, and upon which I hope for favorable action at the present meeting of Congress. I have been warmly thanked by the Associated Veterans of 1846, through their officers in this city, for the position I have taken in this matter, but I claim no interest in it beyond that which should animate every lover of his country and of the patriots who have given their lives and abilities to the defense of its liberties and its institutions. Among the more worthy of these Zachary Taylor must ever occupy an honorable and enviable distinction in history, and it is not for the reason that he needs a monument (for I believe with Hawthorne, that no man who needs a monument ever ought to have one) that I ask Congress to erect one to his memory, but because I thing the country cannot afford to let the services and example of such an illustrious man go unnoticed and unrecognized while inferior characters are commemorated in marble and in bronze at the public expense.

After such long and discreditable neglect, I trust the Government will provide that at least one prominent site in the capital city shall be decorated with a statue of the sturdy and genuine hero who, if sometimes "rough," was always "ready" honestly, courageously, and unselfishly to perform any duty and confront any danger to which his country summoned him.

And for his epitaph, let there be graven in letters of gold the words of his own famous dispatch to Secretary Marcy, dated at Army headquarters, March 3, 1847, namely:

I ask no favor and I shrink from no responsibility. I shall continue to devote all my energies to the public good, looking for my reward to the conciousness of pure motives and to the final verdict of impartial history.

Condition of Affairs in the South.

SPEECH OF HON. REES T. BOWEN,

OF VIRGINIA.

IN THE HOUSE OF REPRESENTATIVES,

February 19, 1875,

On the condition of affairs in the South.

Mr. BOWEN. Mr. Speaker, I would be false to the people I have the honor to represent in this Hall were I not to mingle my voice with the Constitution-loving people of this great country, from every portion of which comes up remonstrances against the high-handed usurpation in the State of Louisiana.

I had hoped, sir, that in retiring from public life I should not be compelled, as among the last of my official acts, to criticise the conduct of the Chief Magistrate of this great Republic, and to denounce as the greatest political crime of this age the armed interference of Federal power in the organization of the Legislature of a sovereign State of the Union, and the ejection from their seats of five of its members claiming to have been duly elected, and whose rights to seats in that body could be lawfully determined by the Legislature alone. The act has had its parallel in England, but never before in a government like ours, where the people are the sovereigns and the law alone is king. What a spectacle was presented to the world as a commentary upon republican government on that memorable 4th day of January in the city of New Orleans! The representatives of a free State assembling to organize for deliberation on affairs in which the State was the party most deeply concerned, marching into a legislative hall surrounded by armed soldiers and through files of Federal bayonets fixed and ready to do bloody work at the nod of a usurping governor or at the command of a too willing but still more heartless and cruel major-general, only to be dispersed when fairly congregated and denounced afterward as "outlaws and banditti!" And, as if the cup of our shame and humiliation as a once liberty-loving people was not already filled to the brim by these lawless acts of tyranny and power, men of exalted station and claiming to be lovers of freedom, of law and order, and the champions of popular liberty, are found ready to defend and apologize for such acts of despotism. They seek to justify the President by imputing to him ignorance of any attempt of the soldiery to interfere with the organization of the Legislature, but in their efforts to do so fail to tell the public that Sheridan was in New Orleans three days prior to the outrage committed, and was there by executive direction. He was sent there for some purpose, and that purpose is abundantly manifest and readily to be inferred from his famous "banditti" dispatch to the President.

No plea of ignorance will avail where facts reveal a knowledge of what was to be done and who was to do it. Sheridan was obeying the orders of his Commander-in-Chief, who had dispatched him to New Orleans as a "right bower" to support the usurper Kellogg. He carried

with him, in advance of the assembling of the Legislature, by order of his master, the Federal manacles to shackle Louisiana and lay her prostrate beneath the heel of military power. It was he who, from the custom-house, through General Emory and by means of telegraph wires, communicated with the soldiers at the State-house and ordered the putting out of the five members. The conduct of this major-general of "banditti" notoriety cannot be extenuated or justified by anything in the history of Christian civilization, or by any law, human or divine. His name will be handed down through the ages as a cruel, blood-thirsty trooper, and his desire to outlaw a Commonwealth will be a dark chapter in the pages of our history when some future chronicler shall transmit to posterity the deeds of the present.

A sovereign State shackled and bound at the feet of military power, that a usurper may ravish it and the carpet-baggers who, like foul birds of prey, have flocked thither may fasten their filthy beaks in the quivering flesh of a prostrate people; her citizens taxed without representation; her children practically outlawed without the forms of law and in violation of that wise provision of the Constitution which guarantees trial by jury—these are the monuments which testify to the infamy of all who were concerned in the outrage done to liberty.

Mr. Speaker, the question is not at whose instance the soldiers entered the legislative halls, but that they entered at all and under authority of what law. To say it was done because somebody had improperly been elected speaker is not sufficient to justify an invasion of the rights of a sovereign State. If Wiltz and his people in the Legislature had usurped power, the sovereign State of Louisiana was fully able to do justice in the premises and right the wrong without any impertinent intermeddling from outsiders. If we tolerate or countenance such unlawful interposition of Federal power, we strike down the right of local self-government, which is the chief cornerstone of our institutions. It was for this principle our fathers fought, and I am mistaken if their sons are not as jealous of it as they were. The whole country has spoken in unmistakable tones of the great usurpation in Louisiana. We hear it from Boston, the cradle of liberty; from the broad-swelling prairies of the West; from the down-trodden South; and we hear it echoing along the galleries and throughout the halls of this Capitol. Thank God, the people are aroused.

Mr. Speaker, General Sheridan when he arrived in New Orleans, as the whole country knows, telegraphed the Secretary of War asking that the leaders (and by this he no doubt meant the prominent men) be declared "banditti." Yes, he asked that that people, nearly all the prominent men of a sovereign State, be convicted without law or authority, and then forsooth he would, I suppose, with his bold troopers have gone through that State killing and plundering until almost the entire white population would have been destroyed. Did the Christian world ever hear such a proposition? One's blood curdles at the contemplation.

There are times and occasions when the human heart must give utterance. Though I preferred to have been a quiet listener and have heard some voice more eloquent than mine upon this subject, and though I have been a quiet member of this House, I should be recreant to those who sent me here, as well as to myself, were I not to enter my earnest, prayerful protest against the conduct of the Federal officers, troops, and the President in this Louisiana matter. It is natural that the South should feel deeply about this matter. The human heart is full of pride and prejudices; but the people of the South had conquered both. They did all that has been required of them since the war by the Federal Government. They freed the slave; they enfranchised him in obedience to the wishes of the Federal Government; they have cheerfully borne all the burdens of taxation, sometimes without representation. In many instances men who have assessed and collected the largest portion of the taxes are men who never paid a shilling; but under all these circumstances they have shown a fortitude and courage never before shown by any people. Houses have been repaired, fences have been reset, forests have been hewn down, roads constructed, and with good government the country would rapidly improve, as it has in those States and sections where they have been under democratic and conservative rule.

But in addition to the outrages in Louisiana, another State is threatened with annihilation, and Executive power has given the country to understand that its government, established by the voice of a majority of the people, is to be overthrown. False to his former action and unmindful of the fact that by the connivance of Federal power the existing government in the State of Arkansas was called into being, the President of the United States, assuming the power of an autocrat, and confessing that he winked at fraud in recognizing the Baxter government, turns now upon its offspring, like Saturn upon his children, to destroy it. Great God! has it come to this; that a creature of the States is permitted to destroy that which gave him official life! Have we sunk down into the quietism of indifference to liberty and law, that we tamely submit to such acts of despotism? Will the people of the North countenance such bold attempts to enslave a people and strike down liberty? In the name of the Constitution, in behalf of liberty and law, and by all the hallowed memories and associations clustering around the establishment and progress of the Republic, I invoke them to let their condemnation of this last threatened outrage be such as will make executive power and tyranny tremble and pause in its career.

Mr. Speaker, in a few days my congressional life will have closed. I shall, perhaps, never again address this House, but let me beseech you and your people of the North, by the ties of a common ancestry and common destiny, by all we were, and by all we expect to be, for justice and moderation toward the South.

Security of Elections, &c.

SPEECH OF HON. HORACE F. PAGE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875.

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. PAGE. Mr. Speaker, some of the constitutional luminaries of the opposition, seconded by some feeble lights in our own ranks, have told us that the fourteenth and fifteenth amendments are merely inhibitions upon the States, and that therefore they confer no authority upon Congress to legislate for equal protection of the laws or the right to vote. I do not belong to the legal fraternity, but I have been consulting some high judicial authority upon this question as to how Congress derives its powers.

Looking over the Constitution as it was before the war for freedom, I find the following:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.—*Constitution of the United States*, article 4, section 2, subdivision 3.

This seems also to be merely an inhibition upon the States. It forbids any State legislation interfering with ownership of a fugitive slave. Did this confer power on Congress? If it did, what difficulty is there in finding the same power to legislate under the fourteenth and fifteenth amendments? If the Constitution guarantees a right, Congress can enforce that right. It matters not if the guarantee of that right is found only in a clause forbidding the State to interfere with the right. That is a sufficient grant of power to Congress to enact all laws appropriate and necessary for the enforcement of such right.

Without presuming further to tread this path to which I am somewhat unaccustomed, I will cite two authorities of great value which I do not recollect to have seen quoted heretofore. First, I read the following from the opinion of Chief Justice Nelson, then of New York, who subsequently sat for many years as an honored member of the Supreme Court of the United States. In the case of Jack and Martin he said, in discussing the fugitive-slave law:

The counsel for the plaintiff in error contends, the mode of making the claim and of delivering up the fugitive is a subject exclusively of State regulation, with which Congress has no right to interfere; and, upon this view, the constitutionality of the law of this State is sought to be sustained.

It is material to look into the object of this clause of the Constitution, the evil to be guarded against, and the nature and character of the rights to be protected and enforced, in order to comprehend its meaning and determine, what powers and to what extent, may be rightfully claimed under it.

At the adoption of the Constitution a small minority of the States had abolished slavery within their limits, either by positive enactment or judicial adjudication; and the Southern States are known to have been more deeply interested in slave labor than those of the North where slavery yet to some extent existed but where it must have been seen it would probably soon disappear. It was natural for that portion of the United States to fear that the latter States might, under the influence of this unhappy and exciting subject, be tempted to adopt a course of legislation that would embarrass the owners pursuing their fugitive slaves, if not discharge them from service and invite escape by affording a place of refuge. They already had some experience of the perplexities in this respect under the Confederation which contained no provision on the subject, and the serious and almost insurmountable difficulties that this species of property occasioned in the convention were well calculated to confirm their strongest apprehensions. To this source must be attributed, no doubt, the provision of the Constitution, and which directly meets the evil; by not only prohibiting the States from enacting any regulations discharging the slave from service, but by directing that he shall be delivered up to the owner; it implies a doubt whether they would, in the exercise of unrestrained power, regard the rights of the owner, or properly protect them by local legislation. The object of the provision being thus palpable, it should receive a construction that will operate most effectually to accomplish the end consistent with the terms of it. This we may reasonably infer will be in accordance with the intent of the makers, and will regard with becoming respect the rights of those especially interested in its execution.

Which power, then, was it intended should be charged with the duty prescribing the mode in which this injunction of the Constitution should be carried into effect and enforcing its execution—the States or Congress? It is very clear if left to the former the great purpose of the provision might be defeated in spite of the Constitution. The States might omit any legislation on the subject, and thereby leave the owner without any known means by which to assert his rights; or they might so encumber and embarrass the prosecution of them as that their legislation on the subject would be tantamount to denial. That all this could not be done or omitted without disregarding the spirit of the Constitution is true; but the provision itself is founded upon the assumption that without it the acknowledged rights of the owners would not be observed or protected; it was made in express terms to guard against a possible act of injustice by the State authorities. The idea that the framers of the Constitution intended to leave the regulation of this subject to

the States, when the provision itself obviously sprung out of their fears of partial and unjust legislation by the States in respect to it, cannot readily be admitted. It would present an inconsistency of action and an unskillfulness in the adoption of means for the end in view too remarkable to have been overlooked by a much less wise body of men. They must naturally have seen and felt that the spirit apprehended to exist in the States, which made this provision expedient, would be able to frustrate its object in regulating the mode and manner of carrying it into affect; that the remedy of the evil and the security of rights would not be complete unless this power was also vested in the National Government.

This of itself would be an unanswerable argument in support of the power of Congress to legislate for the enforcement of the rights guaranteed by the thirteenth and fourteenth amendments.

My other authority is Chief Justice Story of the United States Supreme Court. In the case of Prigg *vs.* The State of Pennsylvania that great jurist used the following language:

If, indeed, the Constitution guarantees the right, and if it requires the delivery upon the claim of the owner (as cannot well be doubted) the natural inference certainly is that the National Government is clothed with the appropriate authority and functions to enforce it. The fundamental principle applicable to all cases of this sort would seem to be that where the end is required the means are given; and where the duty is enjoined the ability to perform it is contemplated to exist on the part of the functionaries to whom it is intrusted. The clause is found in the National Constitution and not in that of any State. It does not point out any State functionaries or any State action to carry its provisions into effect. On the contrary, the natural and necessary conclusion is that the National Government is bound, through its own proper departments, legislative, judicial, and executive, to carry into effect all the rights and duties imposed by the Constitution.

It will probably be found, when we look to the character of the Constitution of the United States itself—the objects which it seeks to attain, the power which it employs, the duties which it enjoins, and the rights which it secures, as well as to the known historical facts that many of its provisions were matters of compromise of opposing interests and opinions—that no uniform rule of interpretation can be applied which may not allow, even if it does not positively demand, many modifications in its application to particular clauses. Perhaps the safest rule of interpretation after all will be found to be to look to the nature and object of the particular powers, duties, rights, with all the light and aid of contemporary history, and to give to the words of each just such operation and force, consistent with their legitimate meaning, as may fairly secure and attain the ends proposed.

I submit that these two citations, if admitted to contain good constitutional law, do positively demonstrate that whenever the Constitution guarantees a right, even in a clause merely inhibitory upon the States, Congress has ample power, and it is its duty to enforce the right by all necessary and appropriate legislation. I have done with that branch of the subject. I could not refrain from saying this much for the power of Congress, reluctant though I was to attempt the discussion of questions which I have not been trained to deal with. It has not been my intention to participate in the discussion of the bill now under consideration, but to vote quietly for some measure that would seem adequate to meet the emergency. But, sir, while I am reluctant to occupy a moment of the few remaining hours of the session, I feel it my duty to say a few words in favor of protecting the rights of citizens in every State, without regard to their political opinions, race, or color.

As much as any one on this floor I regret the necessity for legislation of this kind, but all having the good of the country at heart must see that it is absolutely demanded. The condition of affairs in some of the Southern States, revealed to us by the reports of committees of the House at this and previous sessions, presents a picture both anomalous and startling. In times past neither life nor property has been safe, but both have been wantonly and brutally sacrificed. Yet they have asked us to "let them alone;" "they only wanted time." And they have been let alone. We have given them time, and with what result? Instead of the gleam of daggers aimed only at the hearts of individuals, they are lighting the torch of open war against the Government; and instead of contenting themselves with the destruction of private property, they subvert the government and seize the property of the State itself. Gentlemen on the other side, and I regret to say a few upon this side of the House, tell us these things are not so, and affect to believe what they say. If they are to be taken at their word, with all the evidence before us, I have to say that they either willfully ignore the situation or else are dealing with it in a weak, frivolous, and supercilious manner. There can be no dispute about the facts. They are well attested, and stand out before us like a rock of adamant. They cannot be wiped out by the mere assertion that they do not exist. They must be believed.

There is one right, sir, esteemed above all others by an American citizen—the right of the ballot. Why? Simply because it protects him in his life, liberty, property, and the pursuit of happiness, and insures to him and his posterity the perpetuity of those inestimable blessings which have never been vouchsafed to any other people. This right has been shamelessly invaded; it has been ruthlessly trampled under foot, and with its fruits is altogether brought to naught.

Sir, without distinction of color, or distinction of any other character, the Constitution, through your means, has guaranteed this right to all the colored people of the South. It was you who snatched them from the humiliation of bondage and invested them with this great right. It is your duty to protect them in its exercise, and the case has arisen and is now before you when that duty is imperative. Not only people of color, but those of your own race and blood, in attempting to carry out in a peaceable and proper manner the laws which you have enacted, have been confronted at the ballot-box with the willing implements of murder. Nor this alone; but they have been foully and brutally murdered in their homes, in their fields, by the wayside, and in the open street while pursuing their legitimate avocations.

I think, sir, if there be any force left in the Government it should take prompt and speedy means to restore to these people the free, untrammeled right to vote.

But they say it is "*unconstitutional.*" Unconstitutional! Methinks I have heard that cry before. Sir, I believe in the Constitution and will go any length to maintain it, and I believe that we should be carefully guarded in all we do lest its sacred provisions should be infringed. But when they tell me that it is unconstitutional to protect the lives, property, and the dearest rights of American citizens wherever they are, I do not believe it. That was the very purpose and intent of the Constitution, and this bill is proposed for that and no other purpose.

I have observed in the history of the legislation of the country that when anything was proposed which affected the States at the South other than giving them money from the public crib, this cry has been uniformly raised. And when, on the other hand, any act was proposed in their interest, however degrading, however subversive of human rights, however flagrantly in violation of the Constitution and all divine and human laws, that cry was never heard. When in 1850 Congress, at their instance, passed the memorable act of September 26—the fugitive-slave law—empowering them to reclaim fugitives from labor wherever they might be found, placing the Federal courts with all their machinery at their disposal, commanding all good citizens to aid and assist them in its prompt and efficient execution, declaring that the testimony of the fugitive should not be admitted in evidence on any hearing, but that the oaths of claimants or their agents, however irresponsible, should be conclusive of their right to reclaim the respondent, and thereupon, after this legal mockery had been concluded, providing that the fugitive should be removed to the place whence he came without any hinderance or molestation from any court, judge, magistrate, of any person whomsoever, did you hear the democratic watchword "unconstitutional" then? Some of the States in and through which fugitives were pursued under that act had never been touched by the foot of a slave, and they had enacted laws expressly forbidding any interference with fugitives from labor within their limits by any persons whomsoever, and made such interference a crime. Where then was the vaunted democratic doctrine of "State rights"? Did the democrats then raise their voices in upholding the laws of Michigan or Massachusetts? No. Did they cry "unconstitutional" then? Not at all. Did they then think that Congress had no power to legislate? Sir, they claimed for it most ample power, and that the free States, at least, had no rights that Congress was bound to respect.

No parallel, however, can be drawn between that act and the one now proposed. They are wholly dissimilar. The former dragged the fugitive back to slavery, while the latter insures to the citizen his freedom and safety in the exercise of his plain, recognized, constitutional rights. And I now invoke the same Constitution in behalf of the freemen of the country that they invoked in behalf of slavey.

And believing that the passage of the bill is demanded by every consideration of justice and humanity, I shall vote for it as it is. Unlike the gentleman from Connecticut, [Mr. HAWLEY,] I am unwilling to admit or believe that the Constitution of my country is too weak and powerless to protect the rights of its citizens upon its own soil and underneath its own flag. Sir, three hundred thousand of the best men of the country have sacrificed their lives upon the battle-field to protect those rights. We have seen the friends of freedom stricken down in the Senate Chamber; the knife and pistol have been resorted to in this very Hall to beat down the advocates of human rights. One of the most gigantic civil wars known to history has been waged to bind more closely the chains of slavery on the black race. Desolated homes, the widow's weed, the orphan's wail, bear testimony of the sanguinary conflict.

And now, Mr. Speaker, it is time for peace. You said we should have it. You promised to be peaceable and obey the law. I demand that you keep your promise and all will be well. The people of the country are tired of this continued lawlessness. Abandon your attempts to overthrow State governments. Stop your midnight raids. Unmask the villains under the name of "white-leaguers." Lay aside the bowie-knife and pistol and take up the implements of peace. Permit the black man to enjoy his rights. Treat the men you call "scalawags" and "carpet-baggers," simply because they fought for the preservation of the Government, as men who have the right to live among you if they choose to do so, and then, and not till then, will there be peace.

Security of Elections.

SPEECH OF HON. ABRAM COMINGO,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875.

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. COMINGO. Mr. Speaker, I do not deem it necessary to discuss at any great length the provisions of this bill. I have felt from the time it was first brought before the House for consideration that

discussion and resistance would prove unavailing, at least so far as the determination of the measure by this body was concerned, and I now perceive nothing whatever that encourages a hope that my first conclusions were erroneous.

Believing this, I ought, perhaps, to content myself with simply protesting against the passage of this bill and recording my vote in the negative when the main question shall be presented, thus placing the responsibility for this most unwarranted and dangerous legislation on those by whom it was originated and by whose votes it will be accomplished should this bill become a law.

But I will briefly examine some of the provisions of the bill, and endeavor to point out some of its objectionable features and present a few of the reasons that induce me to oppose its passage. This I shall endeavor to do, Mr. Speaker, with the utmost fairness and impartiality. I shall do it not as a partisan nor as a democrat, nor for the mere purpose of building up or strenghtening the democratic party, but in good faith as a citizen of our common country and as a representative of a constituency who, like myself, unqualifiedly deprecate and condemn the proposed legislation, believing it to be not only unwarranted by the fundamental law of the land, but unwarranted by the facts which its advocates insist demand it, and unquestionably inimical to the best interests of our country. The avowed and ostensible objects are to prevent the subversion of the authority of the States and maintain the security of elections; but notwithstanding this high-sounding title, no one who is at all familiar with the history of this measure can doubt that its ultimate and chief object is to strengthen and perpetuate the power of the republican party, and enable those who have neither the sympathy nor the respect of the people they represent to maintain themselves in the official positions which they have virtually usurped. Indeed, the Administration organ in this city comes boldly to the front, and declares and publishes to the world that the passage of this bill "is required to preserve to the republican party the electoral vote of the Southern States." This is a frank but a startling confession, and may be regarded as the exponent of the motives and purposes of those who, whether in or out of Congress, favor this extraordinary legislation. It is like the frantic efforts of a drowning man. The cry is, save us or we perish, and save us regardless of consequences to others, and regardless of the restraints imposed by the Constitution on legislative power. Such recklessness, inspired by such motives, cannot fail to appal those who love their country and revere or even respect its Constitution.

I do not, however, insist, Mr. Speaker, on trying and determining the merits of this measure, nor indeed of any other, by the motives that govern those who give it their support. True, these are proper subjects for consideration, but there is always danger that we may give too much importance to them, and may not duly consider the actual and important questions involved. If these are meritorious, or if, in other words, the measure proposed is wise and just, the motives that may control the action of those who give it their support cannot deprive it of these characteristics, nor will they warrant us in refusing to give it our support. The friends of this measure claim that it possesses the virtues of necessity, wisdom, and justice. This is the utmost that can be said in commendation of any proposition; and if it may be truthfully predicated as to this, there is an end to the discussion. But let us examine the provisions of this bill and see to what extent, if to any, it possesses actual merits.

To my mind, Mr. Speaker, this bill, together with all kindred legislation that has been effected or attempted this session, is suggestive of impending trouble. View it as you may it presents this unpleasant aspect. If it is necessary to provide against the invasion of the States and prevent the subversion of their authority and maintain the security of elections by such means as are proposed by this measure, it follows that the demoralization of the people is such as to extinguish the hope that we are capable of self-government, and to render it manifest that force has become and that it must henceforth remain an indispensable and the chief agent by which the people are to be controlled and governed. And if, on the other hand, there is, as many of us believe and insist, no actual public necessity or no authority for this legislation, and it is to be forced on the country as a partisan scheme to perpetuate mere party power, the future does not present a more encouraging aspect, nor does it become any less alarming to those who love their country and realize the fact that the liberties of the American citizen are founded upon and must be preserved and regulated by law. These are actual and not imaginary dilemmas, one of which must present itself to the friends of the bill before the House if they are sincere in the support they propose to give it, and the other of which is equally apparent to those who have expressed a determination to prevent, if in our power, the perpetration of so great an outrage on the rights of the people and such an unmistakable infraction of their Constitution.

Mr. Speaker, before any gentleman justifies himself in casting his vote for this measure, he must be able to show, first, that there is an unmistakable public necessity for it; and secondly that it is fully authorized by the provisions of the Constitution he under oath promised to support. This necessity and authority must both exist. The one without the other will not answer; and unless both exist, the proposed legislation may be justly characterized as an act of unmitigated tyranny. The necessity does not exist. It does not appear from the testimony that has been taken by the various committees that have been sent out to investigate the political affairs and actings and doings of the people of the Southern States, and no one pretends that it exists elsewhere; nor was it intended by those who prepared this skillful device of oppression that it should vex and harass any State or section north of Mason and Dixon's line. But the electoral vote of some of these Southern States must be secured for the republican party to prevent the scepter from departing from its hands, and to this end all other considerations must be subordinated and considered lawful.

But, Mr. Speaker, I not only deny that the alleged necessity exists, but I assert, without the fear of successful contradiction, that there is not even the shadow of authority for the legislation we are attempting under the guise of this bill.

When we look into the Constitution given us by our fathers, we find a provision that permits, or rather requires, the United States to "protect each of the States against invasion, and on *application* of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence." To this extent and no further may the General Government go in its effort to protect a State in our great sisterhood of States; and any and every interference or attempted interference in the domestic affairs of a State that is not clearly within the purview of this authority is a clear usurpation of power, and tends to the ultimate subversion of our political system and the enslavement of the people.

No one pretends, Mr. Speaker, that any one of the States has been invaded or is threatened with invasion, nor is there such domestic violence in any of them that is of such a character as seems to be contemplated by the Constitution of the United States, and against which the latter must afford protection if it is applied for in the manner prescribed in that instrument. If the bill confined the exercise of the power within the limits just mentioned, it would not be objectionable so far as this feature of its provisions is concerned; but it virtually annuls the constitutional limitation on the power and right of the General Government to interfere in State affairs, and makes the Federal authority paramount to all others. The inevitable tendency of the proposed legislation is to the ultimate centralization of power at our Federal capital. Lest this may be pronounced a bug-bear, a mere creation of a distempered imagination, I here submit the text of the entire bill and ask its careful consideration:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if two or more persons, within the jurisdiction of the United States, shall invade any of the States of this Union for the purpose of forcibly overthrowing the existing government of said State, or any constituted authority of the same, or for the purpose of interfering in any forcible or unlawful manner with the due execution of the laws of said State or of the United States; or if two or more persons, within the jurisdiction of the United States, shall conspire with any other person or persons for any of the unlawful purposes hereinbefore recited, with intent to commit the same, each person so offending shall be deemed guilty of felony, and, on conviction thereof, shall be punished by a fine not exceeding $10,000 and by imprisonment and confinement at hard labor for a term not exceeding ten years, at the discretion of the court trying the same.

SEC. 2. That if two or more persons shall conspire together to overthrow by force or to usurp by violence the State government of any of the States of this Union, or any department thereof; or if any two or more persons shall, in fact, by force and violence attempt to subvert or usurp such State government, or any department thereof; or if any two or more persons shall, by like force and violence, actually overthrow the existing government of any State, or any department thereof, each person so offending shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $5,000, and shall be imprisoned not less than one year and not more than twenty years, at the discretion of the court trying the same.

SEC. 3. That any person or persons using or proposing to use fire-arms or other deadly weapons against any peaceable individual or individuals, or assemblages of the same, at or near the place and on the day or days of registration or holding an election for Representatives or Delegates to Congress, for the purpose of intimidating or injuring such individual or individuals while such election is in progress, and before the same shall have been completed, or before such election has commenced to be held for the purpose of intimidating such individuals from coming to the same, shall be guilty of a crime, and on conviction thereof shall be fined not less than $500 nor more than $2,000, and imprisoned not less than one year and not more than three years, at the discretion of the court trying the same: *Provided*, That in all prosecutions under this act, the open or concealed carrying of fire-arms or other deadly weapons at such elections or place of registration, shall be taken as presumptive evidence of the intent to intimidate under this act.

SEC. 4. That in case the registration officers appointed under the laws of any State or Territory, where by the laws of said State or Territory registration is required as a condition of voting at any election for Representatives in Congress, shall willfully or corruptly refuse or neglect to give any persons entitled to vote, at any precinct or voting-place established under the provisions of the laws of Congress, or of any State or Territory, full and sufficient opportunities to register in the manner prescribed by law, and within the time fixed by law, or shall, by any device or subterfuge, impose conditions or enforce discriminations upon voters or classes of voters not declared in such registration laws, or shall refuse or neglect, on request made by the voter or his agent, to furnish such voter with a certificate of registration, or such other form of evidence of the same as may by law be required in such State or Territory, such officer shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $1,000, or imprisoned not less than six months nor more than two years, or both, at the discretion of the court trying the same.

SEC. 5. That any person or persons, who, at any election for a Representative to Congress, shall by cunning or device, fraud or force, take, or cause to be taken, from the legal custodian or custodians of the same, or from any place where kept in deposit by any such custodian or custodians, the box or boxes of ballots, or the poll-lists, or either of them, or shall carry away, conceal, scatter, deface, mutilate, or destroy said ballots or poll-lists, or any or either of them, before the final count and comparison of the same has been completed, and the result of the election ascertained and publicly announced, or before the time has expired for which such ballots and poll-lists, or either of them, have to be preserved under the laws of the United States, or of such State and Territory, every such person shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than $500 nor more than $3,000, and imprisoned not less than two years nor more than five years, at the discretion of the courttrying the same.

SEC. 6. That if in the prosecution of any of the undertakings hereinbefore de-

clared unlawful, or in the commission of any of the offenses hereinbefore set forth, any person not participant in said offenses or unlawful undertakings shall be killed by any persons engaged in the same, or any of them, such killing shall constitute the crime of murder; and any person committing the same, or accessory before the fact to such commission, shall, on conviction thereof, suffer the penalty of death.

SEC. 7. That the district courts of the United States, within their several districts, shall have, exclusively of the courts of the several States, jurisdiction of all crimes and offenses against the provisions of this act, and also concurrently with the circuit courts of the United States of all causes, civil or criminal, arising under this act, except as herein otherwise provided; and the jurisdiction hereby conferred shall be exercised in conformity with the laws and practice governing United States courts; and all crimes and offenses committed against the provisions of this act may be prosecuted by the indictment of a grand jury, or, in cases of crimes and offenses not infamous, may be, either by indictment or information, filed by the district attorney in a court having jurisdiction.

SEC. 8. That the supervisors of elections hereafter appointed for any county, parish, or voting precinct in any congressional district, at the instance of ten citizens, as provided in existing laws, shall exercise the same powers and perform the same duties as are now given to and required from supervisors in towns and cities of twenty thousand inhabitants or upward. All supervisors of elections within any congressional district may hereafter be appointed from the congressional district; and the judge of the circuit court of the United States within whose circuit such district may be situate shall appoint such supervisors on petition as now provided by law at least thirty days prior to the registration or election in which they are to act; and one of said supervisors, so appointed by said judge, shall be by him denominated as chief supervisor of said congressional district, and shall possess the powers and perform the duties now required by law of a chief supervisor.

SEC. 9. That the provisons of existing laws as to the appointment, powers, and duties of special deputy marshals for cities and towns of twenty thousand inhabitants or upward, in elections for Representatives to Congress, are hereby extended to the several counties, parishes, and voting precincts in each congressional district, and such special deputies may be selected from any portion of such congressional district.

SEC. 10. That at all elections for Representatives in Congress hereafter held, the managers of such elections or board of officers charged with the conduct of the said election, by whatever title denominated, at the several polling places, shall immediately after the closing of the polls and before separating or adjourning to any other time or place, count and declare in the presence of the supervisor and deputy marshal, if any shall have been appointed and shall be present at said polling place, the result of the vote polled at said place of election, and shall thereupon immediately certify the same so far as relates to Representatives in Congress or presidential electors, if voted for in said election, under the laws of the State, and shall deliver such certificate to said supervisor or deputy marshal, whichever may be present; and such supervisor or deputy marshal, as the case may be, shall at once transmit such certificate to the chief supervisor of the congressional district, who shall, as soon as practicable, forward the same to the Clerk of the House of Representatives. And the officer or officers charged with the canvassing or consolidation of the vote of any county, city, or parish shall in like manner perform such duty in the presence of such supervisor, if present, who shall, if appointed, attend in each county, city, or parish at the time and place provided by law for such canvass and consolidation.

SEC. 11. That no officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained.

SEC. 12. That the ballots, poll-lists, tally-sheets, or other papers which by the law of any State are evidence of an election, and which have been used in elections for Representatives to Congress, shall hereafter be preserved and safely kept by the custodian provided by the laws of the several States until the close of the first session of the Congress to be affected by such election; that either party to an election contest in the House of Representatives of the United States, in which contest an allegation of fraudulent count or change of ballots is made, may have a subpœna directed to said custodian, who shall, if so required by said subpœna, produce such original ballots, lists, and other papers connected with said election, and the same, after the usual notice to the contestant or contestee, may be examined and compared before any person in the county or parish authorized to take depositions in contested elections, and such person shall certify under his hand and seal, and forward in the manner provided by law, said examination and comparison to be used as evidence in the case. After said examination and comparison shall be completed, said ballots, lists of voters, and other papers shall be returned to their lawful custodian in the same condition as when by him produced before said examining officer.

SEC. 13. That whenever in any State, or part of a State, the unlawful combinations named in section 5299 of the Revised Statutes, and in the first and second sections of this act, shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of said State, and of the United States within said State, or when the constituted authorities are in complicity with, or shall connive at the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and, during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when, in his judgment, the public safety shall require it, to suspend the privilege of the writ of *habeas corpus* to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of the act entitled "An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *And provided further*, That the President shall first have made proclamation, as provided by law, commanding such insurgents to disperse.

If these provisions become a law and are rigorously executed, as they may be, and as they certainly will be should it become necessary in the effort to secure the electoral vote of the Southern States, it is not difficult to tell what will remain of State authority or what remaining rights of the States that may be subjected to this rule will thereafter be worth preserving.

But the bill goes still further, and proposes ruthlessly to trample under foot one of the strongest safeguards of personal liberty. In suspending, or rather proposing to suspend, the writ of *habeas corpus*, the authors of this measure have shown at least that constitutional barriers give them no apparent trouble. They read in the Constitution of their country, in language of unmistakable interpretation, that—

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

They read but heed not this limitation to both legislative and executive power. There can be no controversy as to its meaning. Unless there shall be a rebellion against the lawful authority of the United States, or an actual invasion of her territory, the privilege of this writ cannot be violated without trampling down every principle in the civil liberty of our country. This we are about to do, or at all events this we propose to do, by the terms of this bill, and this I have no doubt we will do. Thus step by step are we approaching the verge of our ultimate ruin; thus, almost imperceptibly, is liberty perishing in our midst, while despotism is placing her children in bondage and binding them with fetters it will take centuries to break. It may be that such apprehensions are unfounded; it may even be that they appear idle and ridiculous to some; but when we look into the history of the recent past, and realize what wonderful strides power has made and is yet making toward centralization; when we hear the mutterings of the spirit of partisan strife and witness the apathy and unconcern of the people, and when we see a political party striving to perpetuate its power by means of artful and pernicious legislation such as is here proposed, our fears cannot be pronounced idle, nor can we too speedily arouse from our slumbers and strive to avert the impending danger.

I do not, Mr. Speaker, charge those with whom I thus disagree with intentional wrong. Men never err nor commit crime intentionally. The end, in their opinion, justifies the means they use; and if disaster results, we are told that party interests demand the sacrifice and it must be made—a proposition so monstrous that it but tends to increase and heighten our dismay. The minority are powerless to prevent these wrongs. They have endeavored to point them out and to present the dangerous tendencies of the policy that seems to control the majority. Having done all in their power in this behalf, and having exhausted all the means they could devise to prevent legislation which they regard and have not hesitated to characterize as pernicious, if not atrocious, they can only submit to the results, and labor in the future, as in the past, to preserve the liberties inherited from the fathers.

Security of Elections.

SPEECH OF HON. JOHN B. STORM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875.

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. STORM. Mr. Speaker, a very short time has been afforded to the members of this House for the examination of the report of the committee appointed to examine into the affairs of Alabama: yet that time has been sufficient to satisfy me, and this House, too, I hope, that it is one of the most extraordinary reports ever made to this body.

I do not see how any man could put his signature to such a document; I am at a loss how a man with the education and instincts of a lawyer could give it his sanction. That my colleague [Mr. ALBRIGHT] could have spent the greater part of this session in gathering such a mass of trash and twaddle, and publish it to the world for evidence, pains and surprises me. The strangest of all is, Mr. Speaker, the action recommended by the committee on this report. I am sorry that any American lawyer could so far ignore the genius and spirit of our laws and institutions, which form the basis of our prosperity and greatness, as to lend the sanction of his name to such a measure as the bill now pending.

To protect the privilege of this most sacred writ—the writ of *habeas corpus*—has been the glory and pride of every great English lawyer for centuries; and no great lawyer in this country has ever failed to raise his voice against any attempt to suspend it except in the spirit and mode provided for in the Constitution.

The bill under consideration reads as if its draughtsman had never read the parliamentary struggle of Great Britain over this writ, running through centuries of her history. No, Mr. Speaker, charity compels me to think that my colleague had nothing to do in drawing this bill. Indeed it has been disclosed in debate that this bill was in existence long before the report was made. It is the work of some more cunning and designing mind. It bears the ear-marks of a distinguished lawyer of the Judiciary Committee. The bill is a monstrosity and an anomaly in our legislation. It is the embodiment of the hate and malignity which have survived our late civil contest. It is the agonizing cry of an expiring party; it is the last effort of the republican party in this House to recover power and to elect Grant a third time. Such a measure deserves to be supported by such a party. It was conceived in a midnight caucus of intolerant partisans whom the people by a storm of indignation and disgust last fall swept from place and power. It is the concentrated essence of all that is mean, hateful, and revengeful in republican politics; it combines all the extreme measures of the civil-rights bills, Ku-Klux acts, enforcement, and reconstruction measures of the last ten years of our history.

Let us, Mr. Speaker, examine some of the features of this hideous measure.

The first section makes it a felony for two or more persons to invade any of the States of this Union for the purpose of forcibly overthrowing them, or for the purpose of interfering in any forcible or unlawful manner with the execution of the laws of the United States, or to conspire to do these acts, and provides a punishment by a fine not exceeding $10,000 and an imprisonment at hard labor for a term not exceeding ten years, at the discretion of the court.

The second section makes it a crime for two or more persons to combine together, or to attempt to overthrow by force, or to usurp by violence, the government of any State, or actually do overthrow the same, or any department thereof, and prescribes a punishment by a fine of not less than $500 nor more than $5,000 and imprisonment not less than one nor more than twenty years, at the discretion of the court.

The third section makes the use of fire-arms at an election for the purpose of intimidating voters a crime, punishable by fine and imprisonment; and the open or concealed carrying of fire-arms or other deadly weapons at any election or place of registration shall be taken to be presumptive evidence of the intent to intimidate under this act.

The fourth section punishes with fine and imprisonment any violation of the registration laws of Congress or the States and Territories.

The fifth section relates to the custody and control of ballot-boxes, poll-lists, &c., and closes with the usual fine and imprisonment.

The sixth section makes the killing of any person by any one while engaged in the prosecution of the unlawful acts mentioned in the bill murder, and to suffer the penalty of death.

The seventh section gives the district courts of the United States *xclusive jurisdiction* of the offenses named in the bill.

The eighth section provides for supervisors of election in counties, parishes, and voting precincts to be appointed by the judges of the circuit court of the United States, who are to perform the duties and exercise the same powers as are now required of and given to supervisors in towns and cities of twenty thousand inhabitants and upward.

The ninth section extends the existing provisions of law relative to special deputy marshals for cities and towns of twenty thousand inhabitants and upward to the several counties, parishes, and voting precincts in each congressional district, and these marshals may be selected from any portion of such district.

The tenth section provides for the time and manner of counting, declaring, and certifying the results of elections.

The eleventh section, which says that no officer whose office is created by this act shall receive any compensation other than heretofore provided by law is a mere dodge to save the bill from a point of order which would have sent it to the Committee of the Whole House, where a fair chance for discussion and amendment would have been afforded.

The twelfth section provides for the preservation of ballots, poll-lists, tally-sheets, and other evidences of election.

The thirteenth section, which is more mischievous than all the others combined, says that the unlawful acts named in section 5299 of the Revised Statutes—which is the third section of the act of April 20, 1871, known as the "enforcement acts," and in sections 1 and 2 of this act—shall be deemed a *rebellion* against the Government of the United States, and authorizes the President of the United States to suspend the privilege of the writ of *habeas corpus* whenever and wherever he may deem it necessary to do so.

Such are the extraordinary provisions of this bill, stripped of its verbiage and superfluities, and which it is proposed to pass in the expiring hours of a dying Congress, and at a time too when the public mind is agitated about what may be the intentions of the "silent man" at the other end of the avenue with regard to its enforcement; at a time, too, when the air is full of whispers as to the means he is employing to force this bill through before this session closes.

I regard the bill wrong in policy and principle.

It is wrong in policy; for whatever wrongs and irregularities now exist in some portions of the South, they have nearly all been produced by just this kind of pernicious legislation. Instead of this bill removing the evils, it will only aggravate them and make them perpetual.

That there is a condition of affairs in the South that all good men must deplore none can doubt. But the surprise to me is that it is not worse. And I am glad to know that some of the best republicans in this House agree with me in this statement, and among them is the distinguished and patriotic gentleman from Connecticut, [Mr. HAWLEY.] It is with pleasure and pride that I read the able and patriotic speech of the gentleman from Michigan, [Mr. WILLARD.] How grand and noble his utterances are when compared to the spread-eagle oratory of his colleague, [Mr. BURROWS,] who is as full of blood and thunder as his speech is of "sound and fury signifying nothing."

Take the best-governed State of the North and subject it to the same course of treatment that the States of the South have been compelled to endure for the last ten years and you would find the same state of things, for human nature is the same in all ages and in all places. The extreme remedies of the Constitution have been too long administered to the South. If this course of treatment is not soon changed the patient will die on our hands.

It is clearly proven by undeniable events that where you have left the people of the South to control their own affairs, without Federal interference, order and good government have been established and maintained, as in Virginia, North Carolina, Georgia, and Texas; and where the Federal Government has continued its interference, as in Louisiana and Alabama, you have disorder and violence; and such will always be the case. I repeat, therefore, that the republican party is responsible for the troubles that afflict the South.

Take any State in the Union, break up the very foundations of its social and political structure; enfranchise the slave and disfranchise the master; deprive the culture, wealth, and talent of a community of the power of legislation and taxation and place that power in the hands of the ignorant and non-property-holding portion; send into such a community a lot of adventurers seeking political power by pandering to and misleading this ignorant population; send to them from the North a few such men as the gentleman from Michigan, [Mr. BURROWS,] who will sow the seeds of discord between the slave and his former master and fire the heart of the black man by communistic appeals to plunder, rapine, and murder; and, above all, let the Federal Government, through its military President, aided by the Army and Navy and encouraged by an unfaithful Congress and Cabinet, constantly interfere with the domestic concerns of such a State, setting aside its duly elected governor and Legislature and putting in power men to govern and to legislate for the people who were not elected by their votes and have no title to such offices, and then imagine what would be the condition of such a State, what would be the condition of such a people.

Nay, I beseech you, reverse your policy toward the unhappy South. Deal with it as if it was still a portion of our common country, and not a conquered province to be held as Germany to-day holds Alsace and Lorraine.

The measure then is impolitic and ill-timed, and can have no possible good effect.

I also deny, Mr. Speaker, the constitutional right of the Congress to pass this bill. No one has yet pointed out the clause that supports the thirteenth section of this bill. And the burden of showing that fact is with the friends of the measure.

What is this bill, briefly analyzed? It is an attempt by the Congress to create a new kind of invasion and rebellion. Although these terms are well understood by every one possessing ordinary common sense, and are well defined by writers on constitutional and statute laws, yet the bill before us creates a new kind of "invasion" and "rebellion" that no lawyer ever heard of before.

The framer of the bill was astute enough to see that to justify the suspension of the privilege of the writ of *habeas corpus* the offenses defined in the first and second sections of the bill must amount to a "rebellion or invasion." This analysis will make the unconstitutionality of the measure manifest to the dullest understanding.

The Constitution provides that—

> The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion and invasion, the public safety may require it.

Rebellion and invasion are the only acts that justify the suspension of the writ, and they must be of such a character as to endanger public safety. The crimes forbidden in the first and second sections of this act and of section 3 of the act of April 20, 1871, must be elevated to the rank of "rebellion" or "invasion;" so that if two persons should "invade" a *State* for the purpose of overthrowing its government, that is to be deemed a "rebellion" under the thirteenth section of the bill; so if two persons shall conspire to overthrow or usurp a State government, or actually do overthrow or usurp such *State government*, that is deemed to be by the thirteenth section a "rebellion" against the *United States*. Is that the kind of rebellion and invasion contemplated by the framers of the Constitution, who weighed every word with the nicest care which they placed in it?

Against such a trifling with words I must protest. It does honor to the distinguished gentleman from Massachusetts [Mr. E. R. HOAR] that he opposed this attempt to create a new kind of technical or constructive rebellion and invasion not warranted by the Constitution. That I am not wrong in this view of the case, I can show by a reference to what took place in the various State conventions which had the ratification of the Constitution under consideration. Serious objections were raised to the new Constitution because this clause of the Constitution had no limit as to the time of duration of such suspension. Governor Randolph, of Virginia, met the objection by saying that it "is only suspended in cases of *extreme emergency*."—*Elliot's Debates*, volume 3, page 203. And Judge Dana, of the Massachusetts convention, replied to the objection by saying:

> The safest and best restriction arises from the nature of the cases in which Congress are authorized to exercise that power at all, namely, in those of rebellion and invasion. *These are clear and certain terms, facts of public notoriety*, and whenever these shall cease to exist, the suspension of the writ must necessarily cease also.—*Elliot's Debates*, volume 2, page 108.

When you come to the application of this act to supposable cases its absurdity becomes manifest. If two men should "invade" the State of Pennsylvania from the State of New York for the purpose of resisting a sheriff in the execution of a writ, such an offense would amount to an "invasion" under the first section of the bill, and when you reach the thirteenth section it becomes a *rebellion against the Government of the United States!* Could absurdity go further?

Section thirteen says when the combinations mentioned in the first and second sections "become too numerous and powerful," &c., it is a "rebellion." But I beg the gentlemen of the committee to remember that the first and second sections say that *two* are "numerous" enough to commit the offense.

Mr. Speaker, I am opposed to the seventh section of the bill, which gives the Federal courts exclusive jurisdiction of the offenses named in the bill. This section strikes at the very roots of our federal system. The life of that system is that in its legislative, executive, and judicial departments it leaves to the States the management and control of their local affairs, and the States in their turn have left to the minor municipal divisions of their territory the management of all affairs still more local in their character. Thus in the distribution of power under the Federal Constitution the classes of cases which the Constitution reserved for adjudication in the Federal courts are clearly enumerated. And they are of that class of cases only which either directly appertain to the inherent exercise of national sovereignty, or where disputes might arise between States or between citizens of different States, &c., and the want of a common arbiter or an impartial one was to be met. But by the Constitution the Federal courts could have no exclusive jurisdiction over crimes except they were offenses committed on the high seas, in dock-yards, &c., or in such place as might subsequently become the seat of government, not exceeding ten miles square. The idea of the Federal Government taking cognizance of offenses against the laws of a State never entered the brain of the wildest federalist in the worst days of loose construction.

Our present system of State and Federal jurisprudence has stood the test of eighty years and upward, and its excellence has been admitted by all. All the States have their county and district courts, which hear and try all causes, criminal and civil, arising within the county, district, or parish. These municipal subdivisions of the State are usually small, so that wrongs can be redressed without great expense or delay to the parties. The jurors, witnesses, and parties are near the seat of justice. From these inferior tribunals appeals and writs of error are taken to a higher or supreme court, the court of final appeal in the State. The bill under consideration proposes to take from these local and convenient courts in the State all jurisdiction in a large class of cases that may arise under this act, and to give the district court of the United States exclusive jurisdiction. So that jurors will have to be summoned from distant parts of the State; the parties with their witnesses will have to travel in many cases two and three hundred miles to attend the trial, so that in many cases where the defendant is poor, and perhaps in jail, it will amount to an absolute denial of justice. Thus the costs of the Department of Justice will be fearfully increased for fees to marshals and jurors, justice will be denied, and the unity and perfection of our excellent system of judicature partially destroyed, and nothing gained by it in the end.

Again, the machinery of these courts will be in the main political; the judge and jury being in most cases partisan, and the district attorney and marshal always, any man can well imagine what work they will make of political offenses—the class of cases that will most frequently come before them. When I recollect, too, the kind of men who have been called upon to fill the position of district judge, in the South, my apprehension of evil is increased.

This bill will become, if passed, a fearful instrument of oppression. The bill provides that all crimes and offenses not infamous may be prosecuted either by indictment or information filed by the district attorney. The ignorant black man of the South for light and trivial offenses; for "ostracism," of which we have heard so much, may, by the aid of the district attorney, or by the instigation of that class of men whose only mission in the South seems to be to create trouble and disputes between the races, use this act to annoy and harass his political antagonist. He may have him arrested and held for trial, and the defendant, after bringing his witnesses two or three hundred miles at great expense to meet the issue, finds the case has been discontinued. It is a fact that under the Ku-Klux act not ten in one hundred that were arrested were ever tried. The arrests were made out of sheer political spite and to annoy the persons arrested. Such will be the case under this bill.

Again, Mr. Speaker, I would not place the power to suspend the privilege of the writ of *habeas corpus* in the hands of the best man that ever lived. I do not think we have the right to place it in the hands of the Executive. It is a trust committed to Congress by the people through the Constitution, and that trust cannot be delegated. But when it is asked to place the suspension of the privilege of this writ in the hands of the present Executive, the thought of doing so is repugnant to every man who desires to see the liberties of his country protected and maintained. The President is not a statesman of either learning or ability; he is a military man with the instincts and training of a soldier. With him the sword is mightier than the pen, the bayonet more efficacious than the law. And when we consider that the man who is to wield this power for the next two years is aspiring to a third term of the Presidency, and that it is intended to place the entire South at his feet, the proposition becomes startling; and I can say in the language you employed the other night, Mr. Speaker, when a few desperate men in this House ask you to trample all law, constitutional and parliamentary, under your feet, "We are standing on the brink of a volcano."

The South faithful to her duties.

SPEECH OF HON. MATT W. RANSOM,

OF NORTH CAROLINA,

IN THE UNITED STATES SENATE,

February 17, 1875.

The Senate having under consideration the resolution for the admission of P. B. S. Pinchback as Senator from Louisiana—

Mr. RANSOM said:

Mr. PRESIDENT: After the long and anxious night we have passed, the light of morning pours through the eastern windows of the Capitol. I trust it is the auspicious dawn of a brighter day for the Republic. I approach this debate with extreme anxiety. Never before did I feel so deeply the want of those great abilities that can assert and vindicate the truth; for never before were questions of profounder magnitude presented to the American Senate.

For nearly three years I have sat silently in this Chamber, with the hope that by pursuing a course, as I thought, of impartial and patriotic duty toward all and every part of the country, I might have some influence in satisfying northern Senators that the South desired peace with the North and a restored and fraternal Union of all the States of the Republic. I came from the true State of North Carolina to the Senate of the United States with a sacred purpose to reconcile the once divided people of my country, to harmonize all sectional differences and disputes, to bury in oblivion every bitter recollection of war, and to convince the people of the North that our people of the South sincerely desired to live with them in concord under the common protection of a constitutional and united Government. Before this greatest and best desire of my life, the desire of having a part in restoring the Union of the States firmly in the hearts of all our people, all other passions sank into insignificance. This was the great object of my political existence. To accomplish it, no sacrifice seemed too dear, except the dishonor of my State and the South. I knew this inestimable blessing to my country could only be consummated by our doing full justice to the North and by the North doing full justice to us, and I had faith that both sections would be equal to that great duty. If this faith was right, I saw for my country the grandest destiny upon earth; if it was false, I beheld in the future nothing but appalling darkness. For, unless this Union is based upon the foundations of justice and the affections of all the people, nothing but force can maintain it; and a Union habitually supported by force ceases to be a free government and becomes a despotism, the stronger and the sterner in proportion to the extent of territory and the magnitude of the interests it dominates. I had too, and still have, this thought, one that to many of you may appear strange and unnatural, but still sincere and true and ardently cultivated in my bosom, that as I had fought for the South and its cause had failed and the Union had been established, it became me as a true man to render to the Government of my country, now embraced by me, the same devotion—for I could have no greater—that I had exhibited to the South.

With these sentiments, Mr. President, I took the oath of office on the right of the chair which you now occupy. With any others in my breast I never would have taken a seat in this Chamber. I felt the pride of a man when these thoughts stirred within me. I knew that they did not lessen in any sense my duty, my love, my very soul for the people of the South. I felt that these sentiments were compatible with their highest honor, and that in entertaining and acting upon them here I but represented their own generous and patriotic sensibility. I knew we had passed a dark and stormy night, but I also knew that political justice was the great element which, like the sun in the morning, would dispel from the hearts of our people every cloud and memory of the tempest.

With these convictions I have thought most anxiously, day and night, upon my duty since the commencement of this debate. It is true I have had no doubt at any time—I could not possibly have a doubt—as to the character of the events that have transpired at New Orleans. Unless the lessons of human history and the principles of free government had been suddenly eclipsed in my judgment, I could have on that subject but one opinion. But my anxiety has been in reference to the right course for me to pursue in meeting the issues that have arisen in this discussion. I have considered that subject with the deepest concern. I have devoted to it the best thought I possess. I have brought to it as pure patriotism as I can feel, and I am profoundly thankful that a paramount regard for the purposes which I have declared to animate me as a Senator imperatively commands me not to depart a hair's breadth from the line of those purposes in consequence of any of the provocations given in this discussion. Acting under this high duty, I feel that I owe it to the noble State that honors me with her confidence, to the people of the South who have my sympathy and affection, and to the country at whose altars I minister, to surrender the natural and just resentments excited by unprovoked assaults of a personal and sectional character, as another offering to the peace of my country, and to speak this day without passion or prejudice for the safety and honor of the nation. Yes, sir, I am thankful, profoundly thankful that my wish for harmony is too deeply cherished, my resolution to reconcile and restore

too firmly fixed. to be shaken by unjust utterances here or elsewhere.

If at any time during the progress of this debate an intelligent stranger had entered this Chamber and listened to the speeches of republican Senators he would have been profoundly impressed with their statements in reference to the South. Hearing the repeated accusations that that people were ruthlessly violating every principle of justice and humanity, that their hands were red with innocent blood, and that they were organizing a conspiracy to subvert by armed force the authority of the National Government and to establish a revolution on its ruins, he would naturally have been shocked at the startling enormity of the charge and in all probability would examine the foundations upon which it was based. Inquiring into the history, condition, intelligence, and character of this denounced people, he would behold them numbering eight million beings, occupying a territory that extends from the Potomac and the Ohio to the Gulf of Mexico, and from the Atlantic Ocean across the great Mississippi to the very boundaries of civilization, embracing in its area twelve States, subdivided into more than a thousand counties. All over these States he would see public and private schools, seminaries of learning, colleges and universities. Throughout their length and breadth are the churches and the altars of all religious denominations. Long and frequent lines of railroads permeate and traverse every portion of their surface. The United States mails are distributed throughout every township in their limits. The press of the country, that great luminary which, with the sun, scatters its daily beams over the world, penetrates with diversified and opposing rays every corner of this vast domain. The lines of the electric telegraph flash intelligence to all the people. The great highways of commerce unite all their interest with the North and the world. Visitors by thousands from the East, the North, and the West, for curiosity, for health, or profit daily cross their lines and pass over their country. Tourists from Europe, attracted by the climate and interested in the history of the people, linger among the beautiful scenes of nature or visit the shrines and spots in that stricken land that are consecrated to deathless fame. The earnest seeker for truth would fail to find in any of these incidents cause for or proof of a dark and hidden conspiracy greater in proportion, but not less damning in its character, than the accursed conception which made the name of Catiline an immortal infamy.

Mr. President, not in India, not in South America, not in Mexico, not in Jamaica, not in Rome in the last and bloodiest days of her decline, not in lawless and impious modern Italy, has there ever been found a people so lost, so blind, so callous to every sense of justice and humanity as the people of the South are, if one-half that has been charged in this Chamber be true. And yet we behold that people surrounded by and possessed of all the incidents of the highest type of civilization.

If Senators will examine their own hearts, if they will weigh this question with calm judgment, they will find that they have deceived themselves. They will find that they express what in their deepest convictions they do not feel.

I do not intend to irritate or to give offense in what I shall say here. If any person thinks so he mistakes me. I wish to pour oil on these troubled waters. I desire to heal these wounds. I seek to cure this malady. I do not intend to aggravate or continue it. I am speaking to-day with all the solemnity of a man who defends a great people, and if I should utter one word that might retard, or prevent, or in any way hinder a thorough reconciliation between the sections, I should deplore the day that I was born. I ask Senators now to think with me on this question. It has been a custom in this Senate—which is the most deliberate, the most courteous, the most refined, the most exalted legislative body upon the earth, where every propriety of speech, every courtesy of manner, every sentiment of duty is strictly observed, where Senators are tender of the feelings of brother Senators—to speak of the southern people as traitors, as red-handed murderers, as stained with barbarism, as having attempted the darkest and the bloodiest horror in human history. Senators, it is but just to you for me to say that when you so speak you do not utter your own convictions. You are obliged to say you do not in justice to yourselves. For if you think that the southern people, eight millions of them, the leaders of them, are traitors, murderers, and assassins, how dare you, in the light of your duty to your country, to your families, and to your God, consent to embrace them as countrymen and brothers? You did not believe it; you do not believe it. You know you do not believe it.

Perhaps there is something in the history of this southern people that justifies this frightful suspicion and fills the minds of Senators with alarm and dread. That cannot be. For they are the children of the brave English ancestors who for love of civil and religious liberty left the shores of Europe and settled the New World. They are the immediate descendants of the bold and wise men who helped to establish American independence and to frame this grand and magnificent Government. Their illustrious fathers have certainly handed down to them the passion for liberty and the principle of constitutional freedom. We have inherited it for eight hundred years from our ancestors; but those ancestors have not transmitted any taint of or example for secret treasons. In the English heart the spirit of conspiracy never found a congenial home. It is the growth of other soils. But have not recent events, you will say, furnished reasonable grounds for these apprehensions of a secret colossal organization hostile to the Government? Has not the South just emerged from a gigantic war which menaced the very existence of the Union? That is very true; but remember that it was open, bold, defiant war—threatened for years, proclaimed here, published to the world; declared by the press, from the pulpit, and the hustings; the opinion of mankind and the blessings of Heaven invoked in its behalf, and the lives of a people offered to vindicate its justice. It was no concealed, hidden, mysterious, masked conspiracy. Had it been, never, never could it have enlisted the devoted hearts of the noble people who sacrificed everything but honor around its shrine. Its purposes were spoken here; they were never concealed or denied. Its councils were in the light of heaven. Its lines of battle stretched across the continent. Brave hearts in broad day were its defenses, and around it clustered the hopes and pride of a pure and patriotic people. Are courage, truth, honor, constancy, fortitude, and unsullied virtue evidences that the people who possess them will descend from that high estate, and, forgetful of all duty, resort to the lowest practices of cowardice and crime? If this be true, human character is indeed worthless, national honor a mockery and an imposture.

Senators, if you will think for a moment; if you will reflect upon the character of the people whom you denounce, their history, their associations, the language they speak, their great ancestors, their brotherhood with you for nearly a century, and their position now, you cannot believe this calumny. Do you, can you, believe that a people from whom have sprung in each succeeding generation for one hundred years a line of statesmen, divines, scholars, and heroes inferior to none in any portion of the Union have suddenly descended under the shadow of your civilization to the depth of barbarism? Does history or human experience justify any such conclusion?

And yet you call now upon the public opinion of the world to believe that one-half of your whole nation, brothers in blood with you, sharers of the same inheritance of our fathers, honored American freemen, educated, virtuous, and associated with you—you call upon the world to believe that they are now guilty and habitually guilty of darker crimes than have ever been committed in human history. And instead of devoting our energies, our patriotism, our intelligence, and our virtues here to develop, reform, and improve this great country, we are now carrying on a war on the floor of the Senate with each other almost as bitter, and I fear not quite as manly, as that in which we were engaged a few years ago upon the Potomac and the Susquehanna.

Senators this is wrong. Before God, it is wicked. Cannot we stop it? An incident in history occurs to me now which I do not know that I have thought of for twenty years. I remember the story, told I think by Thucydides, of the two Greek generals who had not spoken for years. A bitter and hereditary feud separated them. The Persians were at the gates of Athens. The lines of battle were drawn in front of the city. The Persian hosts, vastly superior in number, confronted the thin line of the Greeks, and the great fear with the city was that the dissension between the two generals might cause defeat and ruin. Just before the battle commenced, the historian says, from either wing of the Greek lines the rival leaders were seen approaching in front of their troops, and simultaneously reaching the center impulsively seized each other's hands and exclaimed—I remember the old Greek words—*Καταβαπτῶμεν χολήν*—"Let us bury our anger." Need I repeat that victory shone upon that godlike act of patriotism?

They buried their anger; and why cannot you and I, the North and the South, shake hands and bury our anger? I think I know the South. I was born south of the Potomac. My ancestors have lived there for two hundred years. I was raised there; I was educated there. I hardly know any other place. Everything I have is there. I love her people and am with them. I see them at home. I see them in Louisiana. I see them in Texas. I know them in Virginia. I am in the very bosom of the South, and I think the sentiment that I utter here to-day is the sentiment of her people. I do not think—I know it is their sentiment.

Mr. President, the charge made on this floor that the "expression and operation of Union sentiments from southern representatives are confined to this Chamber, that one set of opinions prevail in the Senate and another at home," is as absurd as unjust. The telegraph takes the words from your lips if they are worthy to go, and bears them immediately to the Gulf. The RECORD carries them all over the country. And every Senator understands as well as I do--you, Mr. President, understand it perfectly, and I say it in no disparagement; it is what every public man ought to understand, it is what every public man ought to appreciate—you know that public men are not apt to avow sentiments that they suppose to be unpopular at home. If the Senate will pardon me, as this imputation has been made by two Senators in this debate and may have some weight, I will ask the Clerk to read the extract on the first page of the book I send to him.

The Chief Clerk read as follows:

I thank God there are flowers enough in this beautiful land of the South to strew upon the graves of those who fell alike in the Gray and the Blue, and there are hearts pure and large enough and hands gentle and generous enough to perform the holy duty.

Mr. RANSOM. In May, 1870, I was honored by the ladies of North Carolina with a request to deliver a memorial address over the con-

federate dead in the capital of the State. And before thousands of our people I felt it my duty at that time, five years ago, to utter those sentiments.

Mr. President, can it be said that the operation and influence of Union sentiments are confined to the Senate Chamber? I know the Senate will pardon me, for there is nothing like making a clean breast when you want to bring conviction. I spoke those words when the ink was not dry upon the paper which proclaimed to the southern people that their friends had not been allowed to honor the graves of the confederate soldiers at Arlington!

I knew very well that day's injustice had consecrated a sorrow to immortality. I knew that as long as letters and language endured, whenever the good read of that act, their hearts in tender thought would go to the heights of Arlington and in imagination scatter upon those bleak graves with the tears of sympathy the immortelles of affection.

I will be obliged to the Clerk if he will read a protion of the paragraph in the second column of the paper which I send to the desk. It is in reference to a speech delivered by me in Salisbury, North Carolina, two years ago—since I have been in the Senate.

The Chief Clerk read as follows:

On this ground the speaker foresaw the early return of a day of thorough reconciliation between the sections lately engaged in deadly conflict and still estranged by the yet lingering passion kindled by the war and kept alive by the arts of the demagogue. He could see the returning sense of justice, the growth of a more fraternal feeling, and a consciousness of mutual dependence and co-operation for the grand purpose of building up and maintaining the mighty nation it seemed the purpose of Providence to have founded.

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It was a speech for the nation to hear, for it was so full of wise counsel and hopeful suggestion that its influence would be most happily felt in allaying sectional animosities and kindling afresh the fire of a common patriotism.

Mr. RANSOM. That is the comment of a leading newspaper upon a feeble effort made in that part of North Carolina known as the rebellious section of the State. The character of that people in the American Revolution won from Colonel Tarlton of the British army the expression that it was the "Hornet's-nest of America." I think that I would have spoken those sentiments had they cost me my popularity, had they cost me my position; but you see what the newspaper says about them, and papers generally reflect public opinion. Mr. President, may I say that my presence here to-day is the best proof that these sentiments are approved by the people of my State?

But, Mr. President, I hope you will pardon me for another personal allusion. I do not make these allusions as affecting me. I speak of them as the expressions of a representative of his State. One of my first acts in this body, one of the first places in which my name appears upon the record, is where I was appointed on the committee of conference with the Senator from Louisiana [Mr. WEST] and the Senator from Illinois, [Mr. LOGAN.] There was a disagreement between the Senate and the House upon an amendment appropriating about a million dollars to erect permanent and durable monuments over the graves of Union soldiers. The amendment was attached to the Army appropriation bill by the Senate. I remember well telling my friend from New Jersey [Mr. STOCKTON] what my course would be on it. The Senator from Louisiana is in his seat and I know he will say that I was the first and last man to enforce the adoption of that amendment. I received the thanks of the Senator from Illinois [Mr. LOGAN] and the thanks of the Senator from Louisiana, and of a gallant Union general of the House; and that is the cause of my being at present on the Committee on Military Affairs of the Senate of the United States. I felt it to be my duty as an American Senator, as a patriot, to give that vote, although I knew that a hundred thousand of the bravest and truest men who ever walked the earth, my comrades in arms, lay buried from the Potomac to the Rio Grande, almost without a stone to mark their graves from the common dust. When did the Senator from Indiana manifest more constancy to the Union? But let me not be misunderstood. I did not think that I dishonored or sullied the memory or the ashes of my dead comrades by that deed. If I had I would have seen the stars torn from their beautiful spheres before I would have consented to an act that was unjust to their great virtues and character; and you would not have respected me if I had.

Senators, when that cause expired the soldiers of the southern armies, following the example of their great leader, laid down their arms and with their arms their hostilities to the Union forever. Never were truer words spoken than when General Grant said at the close of the war just after the surrender—I read from his report:

General Lee's great influence throughout the whole South caused his example to be followed, and to-day the result is that the armies lately under his leadership are at their homes, desiring peace and quiet, and their arms are in the hands of our ordnance officers.

There is the testimony of a soldier and of your President to the disposition and to the conduct of southern soldiers after the war. Let those who sometimes throw out taunts about our courage see what he who had a right to speak said about us. The concluding lines of General Grant's report are as follows:

Let them hope—

Meaning the northern soldiers—

for perpetual peace and harmony with that enemy, whose manhood, however mistaken the cause, drew forth such herculean deeds of valor.

The swords that were then sheathed, the muskets that were then grounded, were never again to be lifted against the nation; and, further, I must say—God forgive me if I am wrong in saying it—the swords that were then victorious, the bayonets that were then bright with triumph, should never, never have been used against the liberties of those who had laid down their arms.

Nor can I furnish any better evidence of the condition and the temper of the southern people after the war than this extract from General Grant's report, made upon the state of the South some months after the surrender:

I am satisfied that the mass of thinking men of the South accept the present situation of affairs in good faith. The questions which have heretofore divided the sentiment of the people of the two sections—slavery and State rights, or the right of a State to secede from the Union—they regard as having been settled forever by the highest tribunal—arms—that man can resort to. I was pleased to learn from the leading men whom I met that they not only accepted the decision arrived at as final, but, now that the smoke of battle has cleared away and time has been given for reflection, that this decision has been a fortunate one for the whole country, they receiving like benefits from it with those who opposed them in the field and in the council.

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My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government not humiliating to them as citizens, and that if such a course were pointed out they would pursue it in good faith. It is to be regretted that there cannot be a greater commingling at this time between the citizens of the two sections, and particularly of those intrusted with the law-making power.

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In some instances, I am sorry to say, the freedman's mind does not seem to be disabused of the idea that a freedman has the right to live without care or provision for the future. The effect of the belief in division of lands is idleness and accumulation in camps, towns, and cities. In such cases I think it will be found that vice and disease will tend to the extermination or great reduction of the colored race. It cannot be expected that the opinions held by them at the South for years can be changed in a day, and therefore the freedmen require for a few years not only laws to protect them, but the fostering care of those who will give them good counsel and on whom they rely.

In these words of General Grant will be found a conclusive answer to many of the accusations that are now brought against our people.

I was not present when the discussion took place between my friend the Senator from Georgia [Mr. GORDON] and the distinguished Senator from Vermont, [Mr. EDMUNDS;] I did not hear the Senator when he alluded to the name of General Lee. I regret that I did not, and for a very different reason from what that Senator may suppose. The mention of that name, Mr. President, can never give me anything but pleasure. If for a moment at any time in this debate I had lost sight of my duty; if I had permitted personal resentment and sectional passions to obscure the path I should tread; if I had forgotten the high character that should attach to a Senator of my country, let me assure the Senator that he could have mentioned no name with more talismanic power to bring me back to the line of my own and my country's honor. The very memory of the name of Lee now reminds me that this is not the place nor the time to vindicate a life that has passed to the tribunal of history; but I will say that name now inspires me with higher and purer devotion to my country. It elevates me above sectional lines, it lifts me over local and temporary prejudices, it animates me to embrace the nation in the sentiment of patriotism, and it commands me to be constant in laboring to unite the American people. Far from feeling any mortification at the Senator's allusion, I thank him for presenting to my mind an image of transcendent virtue, which can never cease to excite my highest aspirations for excellence.

Mr. President, there was not a soldier in the Army of the Potomac who did not render to that grand impersonation of courage, dignity, virtue, and manly and Christian grace the homage of a soldier's respect. It was my fortune at Appomattox Court House to see General Lee and General Grant side by side. That scene can never fade from my memory. I see them now as they then stood. I remember both—the one for his majestic serenity under defeat, the other for his quiet magnanimity in victory; qualities which, if exercised by the American people, would long since have restored every heart within its limits to affection for the Union.

But, what is there in the condition of the South upon which a probable or possible ground for the charge of hostility to the national authority can rest? Where is the motive for it to be located? What result is it expected to accomplish? With what reason could it be presented to the people of the South? Where is the argument, the inducement, the incitement to such peril? The slaves are free, and no intelligent human being at the South would see them return to bondage. Is that the truth? I speak it here to-day when the clock is at sixteen minutes after ten in the face of the American Senate, and the people from the Potomac down to Mexico will read it. Their rights to citizenship and the ballot are immutably secured—fixed as firmly as the foundations of the Government. They are sacredly and inviolately intrenched in the Constitution, and can only perish with American liberty. The idea of secession does not exist; it expired with the war; it is buried, and for it there is no resurrection. The Union is established permanently, perpetually, indissolubly, and nowhere in the South is there a desire that it should be impaired.

Disunion has ceased to be a word in our language; it has dissolved, it has vanished, it has gone; no trace of it is left. Until I heard it in this debate my ear has not caught that sound since the roar of the cannon was hushed. I hope never to hear it again. Its echoes will

never come up from the South. I pray and believe that it is obliterated, extinguished, annihilated forever. What possible, conceivable interest can the South have in war or in revolution? I hope Senators will put that question to themselves and as reasonable men ask what interest can we have in war or revolution. What has the South to gain? Nay, what has she not to lose by it? Where are her resources for the conflict? Have Senators reflected that more than one-half of all the subsistence now consumed by the South is purchased from the North? There is not meat enough in the Southern States to feed Lee's army sixty days. Where are the preparations and provisions for war? Is not our whole trade conducted with the North? We have no direct trade with Europe. In the event of civil war—and, Mr. President, you have considered this question well—what would become of our cotton crop, the great and only resource of the South, now worth over $200,000,000 annually? Shut up by blockade within our lines, it would be valueless. Where would we find our markets—from whence derive our supplies? As long as we are at peace and in the Union we have friends and supporters at the North, but the moment we lift our hands against the Government or bring on civil war we know that the whole North would be united to crush us. Sir, peace is the only safety and hope of the South. War knows no laws, and if we were again madly to rush to arms, how long would it be before one-third of our population would be armed and arrayed against us and our wives and children exposed to the dangers of savage cruelty? The people of the South shrink from civil war with unutterable horror. They would regard it as the direst calamity that ever cursed a people. They can see nothing in it but imbittered and intenser ruin. They desire, they seek, they cultivate peace; their duty is peace, their prosperity is peace, their honor is peace, their liberty is peace, their aspiration is peace; and there is no intelligent, thoughtful man in the South who does not comprehend it.

Senators cannot believe seriously what they say. Danger of convulsion, revolution, civil war, the overthrow of the Government! If they so think, let me assure them that the serious business men of this country and of Europe do not sympathize in their panic. If, these fears, these dangers were real, if they had any foundation, I think you would find American securities tumbling rapidly downward. You would see gold advance with unprecedented excitement. You would behold the merchants and manufacturers and traders of the North rushing wildly to the South to gather up their imperiled credits. The universal repose of all business interests in this country, our credit at home and in foreign countries, the habitual communications of trade in all its branches between the North and South, all refute and condemn this wild cry of alarm. I am gratified to see that the panic of the Senate has not reached Wall street, nor Paris, nor London, nor Berlin, nor the thoughtful, sober business men of this country. *For once the politicians are more sensitive than the capitalists.* During the unhppy conflict betweena the sections the Government kept constantly in the field to meet the contending forces of the South over a half million soldiers trained to war. The shock of the conflict made the earth tremble and now we see the whole people of the South, whose forces resisted the power of the Government for four years, kept quiet by not more than two thousand men distributed over half the country.

Will any Senator deny, if these statements were true, that this people who are so shamefully calumniated as abandoned, desperate, and fatally hostile to the Government could sweep every vestige of Federal authority in the South from existence in a month? Is not the national authority maintained in absolute supremacy in every part of the Southern States? Is not the presence of the American flag everywhere respected? Did not the rebellion of Penn in Louisiana, bristling, as has been charged, with fiery war, retire and disarm itself upon the first appearance of national authority? Where is the menace, the peril to the nation's peace in all this? What kind of opposition, of hostility, of danger to the Government and the laws of the country is that which now for ten years has not once raised its voice or lifted its hand against their authority? Will Senators tell me what interest the southern people can have in separation from the North or in the disturbance and upheaval of the Government, that they should contemplate these results? That fatal effort has cost us the loss of untold millions, the lives of our best sons, years of anguish and suffering, and now casts dark shadows far, far into the future. Is it supposed that we are blind, stupid, infatuated enough to fancy that we can consummate by subtle and insidious subterfuges, by secret and occult societies, by unlawful, skulking combinations, by expert and hateful wiles, what we signally failed to accomplish by a common, united, determined, manly struggle of all our people when we had faith and invoked the blessing of God upon our arms?

Do Senators know so little of the character of the southern people as to imagine that they surrendered their armies and submitted to the nation's power until they exhausted every resource, gave up every hope, and abandoned every purpose of resistance? Can any one believe that that proud, brave, generous people, capable of every manly and honorable sacrifice, cherishing the jewel of their honor with more than eastern idolatry, now, when they have nothing left but its unstained sentiment, would ever consent to sully and tarnish for the gratification of base prejudices, of unjust resentments, of cruel hatreds, the name they have kept so bright? They know little, they know nothing of our proud manhood, who can think that the South would surrender its inheritance of valor, truth, and uncalculating honor to any consideration, to any passion beneath it. When they returned to the Union, when they renewed their loyalty to the Government, they embraced it as a duty and nobly conceived that their highest glory lay in maintaining their faith without a blemish. But, thank Heaven, to prove their truth to this faith they have not, they never can think it necessary, they can never think it right to disown, to repudiate, to dishonor the principles that once animated their hearts. Upon the altars of their country, for peace and with the hope of liberty, they have burned their passions, their prejudices, their policies; but their sacred memories, their hallowed affections, their holy duties to their past, they still cherish with increased devotion.

Mr. President, what interest has the South in further disturbance, hostility, agitation? Do not the great rivers of commerce flow through both sections? They cannot be divided. Do not the great railway lines bind us in links of iron and bonds of interest together? Do we not hope to see the rich streams of your wealth flow down to our beautiful but desolated fields? Do we not desire your support and defense against foreign dangers? Do we not ardently, prayerfully desire harmony, peace, fraternal peace, with you as neighbors and as brothers? Can you think after fifteen years of war, suffering, agony, and torture the South does not long for repose, tranquillity, and the subsidence of the bitter waters of strife? Let the last messenger from that sad ark bring back to us the green leaves of hope.

Is it not enough for atonement, is it not enough for all ends, that we have surrendered to necessities $3,000,000,000 in slave property, that we have lost $3,000,000,000 more in other values? These are not my estimates. They are the estimates of the committee which in 1872 went to the Southern States to inquire into their condition. Is it not enough that our recent slaves are now our political equals; that we have been "steeped in poverty to the very lips;" that our "utmost hopes have been given to captivity;" that we have been tried with every affliction; that our bosoms are brimful of sorrow? And still we have found in our souls some drops of patience. What greater sacrifice is required? I know of none other that we can make, unless it be base and abject submission to unlawful power and the confession before mankind that we are unworthy the name of men, and are ready to kiss the rod and the feet that smite and oppress us. Senators, this can never be. We cannot, we will not do this. We will not consent to our own degradation—never, never. We would be unworthy associates, we would not be fit to breathe the free air of a republic, if we would consent to it; and there is not an honest man or a good woman under the sun who would respect us for a moment if we could consent to it.

Will you penetrate our hearts, and undertake to eradicate from them the sentiments and feelings of education and association? Will you thrust your hands into our bosoms, and tear from them the images impressed there by our fathers and our mothers? Will you enter the chambers of the mind, to uproot its convictions and strike from its tablets the very memory of long-cherished opinions? No, Senators, this must be the work of time, the slow process of experience. The human head and heart are not material; you cannot change them as you do the grounds and the scenery around the Capitol. God has planted in them his laws of truth and duty, and they can be erased only by reason and time. Do not drive the South to the terrible alternative of despotism or anarchy. Do not present that deadly dilemma, with its double ruin, to our people—

> Which way I turn is hell—
> * * *
> And in the lowest deep a lower deep still
> Threatening to devour me, opens wide
> To which the hell I suffer seems a heaven.

How long can the North survive the slavery and ruin of the South? This country cannot endure with one-half of its limbs and body paralyzed and decaying. The genius of ancient Greece was taxed to invent the most cruel and appropriate punishment for the murderer who had slain his own brother. The unhappy felon was doomed to have the dead body of his victim chained to his own living limbs and to carry the frightful burden wherever he moved. The penalty was greater than the crime. The wretched and accursed fratricide found relief only in death by contagion from the mortified corpse to which he was fastened. And such would be the fate, the just fate, of the Northern States if they should persist in the unnatural and unhallowed work of crushing out the liberties of the South and extinguishing her yet vital sparks. The yoke that oppresses our necks will extend its mortal fetters around your proud steps and bring down both to a common grave if not a common infamy.

I shall not follow some examples that have been set me in this debate. I cannot consent to place the defense of the South upon the defects or misfortunes of other sections of the country. I must put her defense and her honor upon higher ground. Whenever I feel that I am obliged to defend the South by criminating and recriminating the North, I shall retire from this Chamber, and ask the proud State that I represent to send another here to do that work.

Nor shall I deem it any part of my duty here, of my duty anywhere, to ransack the sources of unjust misrepresentation to give them the appearance of respectability by their development on the floor of the Senate; nor shall I at any time feel at liberty to go into the proud States of this Union to see if, with envious or malignant eye, I cannot find something that shall blacken their bright names or

mortify their just pride. Nor, sir, should I feel altogether justified in constructing an argument to be listened to by the American Senate and read by the American people composed of extracts taken here and there from the heated furnace of journalism. Nor should I consider that I served my country when I undertook to enlighten her counsels or direct her legislation by the uncertain and unsteady light that I had collected up from the passionate expressions, the intemperate sentences, the inconsiderate words of a few rash men scattered over the extent of half a continent; and least of all should I think or feel that I did justice to my country's history or reflected honor on her character or credit on my own name by going back over the records of her people or of her States, in whatever section they may be, to drag from their resting-places the errors or the follies of the past. No, sir; I shall not descend into the grave to see if I cannot bring to light from the tomb of the dead past something that may gratify malignant and insatiate passions. I shall shun that cowardly instinct of the hateful beast that finds its subsistence in the buried remains of nobler creatures and delights to feed on the dead forms it feared and shrank from while living. If my purpose was to destroy the fame of the American Republic; if I desired to diminish and circumscribe her beneficent influences all over the world; if I hoped to plant perpetual discord between her great sections; if my aim was to engage her statesmen and patriots in endless and bitter strife, such is the course I should adopt. I desire no such work. It is not consistent with any principle of my life to devote the time and ability of a Senator to the unprofitable and uncommendable task of discovering and exposing the faults and the vices of any sister State of this Union. I shall be content to believe that in the intense light of our civilization the people of each State can take best care of its own domestic affairs in the way that to them seems right and proper. I shall not, sir, come down to the language of aspersion against the character of any State or the character of her people. I have no ambition to prove that any one of the States has less title than another to the respect and admiration of the American people. I desire to see all of them great, good, and happy. If I behold any of her sister States advancing with grander strides and exhibiting more enterprise, virtue, or patriotism than North Carolina, I shall hold up that State as an example to our own people, and commend for their imitation her virtues and her glory. I shall not endeavor to detract one laurel from her brow or cast a shadow on the excellence of her character. I shall claim a part of her glory as my own, as a common renown in which every American has a share. If I shall unhappily see any State depressed, downcast, and wandering away from the orbit of her usefulness and dignity, far, far be it from me or mine to strike, to wound, to humiliate her; but her adversities shall excite my kindest consideration, and I will endeavor to support and strengthen her, and employ all constitutional means to restore her to health, prosperity, and honor.

What, sir, is the meaning of "sister States?" Is it an empty sound? Is it an epithet of irony? The Greeks, by a strange figure of speech, called the "Furies" Eumenides—the "Gracious." Are we to copy the fiction of their language into reality, and convert the "sister States" into the "States of Discord." In the name of a common country and by the sanctities of a common suffering, I protest against this family war. Cannot the States be indeed sisters in the full sense of that sacred word; sisters in interest, sympathy, affection, and duty, giving one to all and all to one support, assistance, and mutual confidence? In an unhappy hour they were torn apart and divided, and now after years of war and sorrow shall they not be again united in peace forever? Heaven forbid that discord should relight her consuming fires in their bosoms.

The honorable Senator from New York, who has discussed the pending question with his usual ability—and he always contributes to any subject the light of uncommon learning and the interest of a master's style—has discovered the secrets of all the troubles in the Southern States, has found the key that unlocks the hidden mysteries to whatever of lawlessness prevails in that unhappy section. Most earnestly the Senator informs us that opposition to negro suffrage, to colored citizenship, to manhood rights under the Constitution is the one cause for whatever is to be found in the South of aberration from the path of peace and law. Mr. President, has not the Senator confounded cause with effect? If the Senator's vision, usually so acute, had looked quite through the question, must he not have seen that negro suffrage, negro citizenship, and not opposition to these principles, was the cause of the anomalies at the South? Does the honorable Senator see no cause for unusual disturbance in the political elements from the fact that four millions of ignorant, uneducated, untrained people, totally unaccustomed to any self-government and utterly incapable of comprehending the principles or appreciating the duties that attach to this great function, have been suddenly invested with more than the balance of power in the Southern States? Does the Senator find in this ascendant fact no cause, no sufficient cause, for convulsion and upheaval in the political systems of the South? Does the intelligent Senator suppose that this unparalleled transformation could take place without producing shocks to the harmony of our polity? Is human government in the opinion of the Senator so unlike everything in the material universe that this vast and unwieldy mass of blind power could be instantly thrown on its wheels and not reverse or destroy their revolutions? If the Indian Ocean should be suddenly emptied into the Atlantic, boundless as are its capacities, the immense accession could not be withstood, and a tidal wave would in all probability submerge a continent. Elastic and vital as is the circumambient air, the sudden passage of a colder or a more heated current produces tornadoes and simooms that sweep over a hemisphere.

Is human government here in the American Republic superior to all laws of cause and effect, and are its genius and energy equal to any strain that may be placed upon it? The accession of a new planet in the measureless heavens would make the very suns tremble and stagger in their spheres; and yet the honorable Senator, with his acute and sensitive observation, can discover in the disorder of the southern planets no influence of that foreign body which counterbalances their established order and disarranges all the laws of their being. He would not be reckoned a faithful astronomer who, watching the heavens, should behold the beautiful constellation of the Southern Cross eclipsed by some "burning comet" of "pestilence and war," and then should hold up his hands in holy horror and exclaim against the malignant influence of the stars. Sir, the Senator advances yet a step further in this line of his argument, and declares that so desperate and extreme was the hostility to the constitutional rights of the colored man, his enemies resolved that the reconstruction acts and the constitutional amendments embodying their rights should be a failure, even at the point of producing a revolution at the South and overwhelming law, order, peace, liberty, and everything valuable in its ruins. It may be true, Mr. President, that the wrongs inflicted on the South were cruel enough to suggest to the Senator's mind the image of the blind giant, seizing the pillars of the temple and burying the oppressor and the oppressed in a common calamity. But let me assure the Senator that the people of the South have too clear a conception of their duty, too deep a sense of their obligation to the age and the country, and a too abiding hope in the ultimate triumph of justice, to have blindly despaired of the return of reason and madly rushed to their own destruction and infamy, in order to defeat a policy which, if successful, whatever motives prompted its adoption or whatever their opinions of its justice or wisdom, would result in their political ascendency and the physical regeneration of their country.

Let me assure the Senator that he has yet much to learn of southern character if he for one moment imagines that under the impression of passion or delusion they would imperil their lives and honor and the happiness and safety of their wives and children to revenge a fancied wrong, to mitigate a temporary evil, or to gratify a prejudice and resentment. In all candor let me ask the distinguished Senator if he really believes that the people of the South were so opposed, so hostile, so antagonistic to negro suffrage and citizenship as to commit suicide to defeat its success, as to annihilate everything of worth to accomplish its failure. I say I ask the Senator, if he so believes, does he think it quite right, quite just, quite patriotic, to have imposed on a brave and generous people a burden that they would surrender their lives and all that is dearer than life sooner than bear? Does the Senator think that such a sacrifice of the white people of the South would have been right? I cannot believe he does.

Let me inform the Senator that the proposition to bestow suffrage and citizenship upon four millions of human beings just emerging from slavery, and known to possess not the first qualification or requisite for the proper discharge of that highest power, did shock the moral sense and the patriotic emotion of the southern people to their deepest foundations. They could not realize the fact that the intelligent, virtuous, and patriotic people of the North could intrust the sacred responsibilities of the ballot and the higher duties of popular rulers to a class of persons, who no one was found insane enough to believe were in any sense fitted for the exercise of these inestimable rights and privileges.

The southern people were appalled at the danger which, like some mighty avalanche, was thus in a moment suspended over their rights, their social happiness, and their liberties. They with all sincerity regarded it as the most perilous experiment ever attempted at any time by a civilized people not entirely dissolved from all moral allegiance to the opinion of mankind. But, sir, they never proposed, they never conceived the supreme madness of attempting to avert these threatened and probable evils by the certain and purposed destruction by their own hands of all the muniments of law, society, civilization, and freedom. No; the South never looked to anarchy or chaos as their desperate deliverance from negro supremacy. They feared too deeply that these terrible curses would be the result of that reckless experiment. They never dreamed of precipitating that awful crisis. On the contrary they determined with the most patriotic fidelity to stand by the covenants of a constitution which had been imposed by power upon them, and to give the new departures from the great original the fairest trial and the most favorable test which the life of the country could bear. They saw the fourteenth and fifteenth amendments intrenched, imbedded, incorporated in the body and very life of the Constitution. They saw no possibility of any reversal of the popular judgment thus embodied in the organic law of the Republic. And in perfect good faith the people of the South resolved to make the best of their situation and to do everything in their power to carry into proper effect and enforcement the laws of the country. They determined to respect the rights of the black man, to cultivate his friendship, to conciliate his confidence, to promote his welfare, to elevate him by education, by counsel, by example, and by counte-

nance and support up to the high duties of an American citizen. This was the general sentiment, wish, and purpose of the southern people after the reconstruction of the States. The history of that period attests its truth; it is illustrated in the acts of State Legislatures, the resolves of popular assemblies, and the common expression of the people and the press.

I regret to say what was the fate of this sincere and honest effort on the part of southern whites to live in political peace and prosperity with the colored race. Our offerings were spurned, our tenders mocked, our generosity ridiculed, and every effort we made, every word we spoke only united, intensified, exasperated the great body of colored voters yet more against us. This was not the fault of the negro, and the southern people have been too generous to charge him with it. The sin of its failure lies at the feet of those who for mercenary ends arrayed him, to the common injury of both, against the white man. We still labor, we still hope, we still faithfully strive to conquer his prejudices and convince him that we do not intend to destroy his rights or impair his happiness. But, while this has been our course—sincere, faithful, and determined—pursued with fidelity but not with confidence, let me say to the honorable Senator from New York that hatred of suffrage and equal rights of black men has not ruled the hour. We have no "unquenched resentment and prejudice," but we all have in our hearts kindly, anxious solicitude, deep concern, and a Christian humanity for the black man.

Sir, we have no prejudice of race, but we have a sentiment born with us, coeval with human creation, running through every age and felt in every clime—a sentiment as ineradicable as life, as inexorable as fact, as permanent as nature, as strong as the attraction of gravity, as invincible and irrepressible as the flow of the tides or the revolution of the seasons—that the white race is the leading, progressive, dominant race upon the earth. This is not prejudice of race. It is pride of race, character of race, dignity of race. It is not an unjust and arbitrary habit of the mind or the heart; it is an honorable conviction, founded in the experience of mankind from the beginning, and always maintained in every stage of human history. Not to admit it is to convict this nation of the grossest wrong and cruelty ever exercised in its treatment of the Indian tribes. Any other theory would make our forefathers ruthless robbers and their descendants the bloody successors to their crimes. Sir, I deny that this is so.

I say no man can read the world's history—no man can take up the map of the habitable globe to-day and fail to see the proof of this assertion. Look at the atlas of all the States and peoples upon the earth; run your eye back along down the long vistas of all the generations that have gone before us; consider the Assyrian, the Babylonian, the Greek, the Roman, the English, the French, the German, and all the people who are known in history; consider well all the nations of the earth and all the races of men, and tell me if you find civilization, art, science, enlightened government, happy society, law, order, progress, or true humanity among any but the white race. The Persians were white, the Greeks were white, the Romans were white, their conquerors were white, the Britons, the Saxons, the Normans, the Swiss, the Germans, the Russians, the Franks, the Northmen of Europe, were all white. Demosthenes, Cicero, Alexander, Cæsar, Columbus, Bacon, Shakespeare, Napoleon, Washington, Fulton, and Morse; the great scholars, the great captains, the great poets, the great orators, the painters, the sculptors, the inventors to whom we are indebted for steam and the telegraph; the great patriots, the great philosophers, the great characters of the Bible, the children of Israel, and also the conquerors of the earth, the philosophers, the benefactors, the masters of law, the masters of medicine, the constructors of human languages, the framers of good government, in every age and period of human life have belonged to the white race.

With these lights before us was it the "prejudice of race," the hatred, the unquenched resentment against the negro that inspired us? No, sir; but we could not eradicate our convictions, we could not falsify history, we could not surrender all that was high and noble and valuable to the mad idea of negro supremacy in the South. The descendants of Locke, Milton, and Hampden; the countrymen of Washington, Webster, and Story; the proud sons of fathers and mothers who had cherished and preserved liberty and law and honor with their lives and with every sacrifice for hundreds of years could not surrender all the heritages and the memories and the lessons of their own race, and look to the dark land of the sun for their rulers and exemplars. They saw Europe, the country of white men, radiant with civilization and learning and beauty. They saw America, his home in the New World, bright with liberty, progress, and Christian glory; and they could but see Africa in its dark and arid night, unbroken in successive barbarism and ignorance, and all the rays of civilization for five hundred years battling around its coasts and not able to penetrate its dense and deathly deserts a mile from the shore. Could we hesitate, ought we to have hesitated about our duty?

We resolved to be just, to be kind, to be humane to the black man, to respect his equal rights before the law, to give him every opportunity for improvement and advancement; but never, never to give up to him the proud inheritances of our race, the love of civil and religious liberty, the administration of justice, the lights of knowledge, the virtues of our fathers, and all the inestimable blessings of a Christian civilization. Far from incurring your censure for this, we are entitled to your commendation. In your mistaken policy of reconstruction you struck down the white race and you exalted the black. In your amendments to the Constitution there are no discriminations against the black man, but there were and are cruel exclusions, impediments, disabilities on the white man. You disqualified from holding office, and voting too, during the progress of reconstruction every man in the South who having ever held any public office of trust and honor had aided the rebellion. This disabling clause included all the experienced, trusted, able men of the South who had administered her governments. It left the government of that country in the hands of the inexperienced, embarrassed as they must be with the difficult element of negro suffrage, misled by designing and corrupt men. See what immense power you placed in the hands of four millions of blacks in the Southern States. Is there any precedent or parallel to it in the annals of human government? It is the first, the only time in the history of the human family that slaves have been made the political rulers of their former masters. Senators, when you put the chains and fetters of your disabling clause upon the white men of the South and excluded them from participation in the Government and invested the black man with all the rights and powers and privileges of the citizen unimpaired, did you not commit an act of cruel proscription against the white people of the South? You bound the southern people in inexorable contact and collision with blind, untrained negro suffrage. You lashed Mazeppa hand and foot to the wild steed of the desert, and left rider and horse to the vultures who pursued their ruin.

It is true we had fought you boldly and bravely; but the war was over; we had made peace; we wished to be brothers again. And now I ask if there was any just reason that the negroes of the South, whom your fathers no less than mine had made slaves, who had contributed nothing to the discovery and conquest of this continent, who had given no aid in the establishment of our liberties, who had exhibited no capacity for civil government or for social order, and who had none of the qualifications of education or experience for self-administration—I ask you if there was any just reason that these people should be given political supremacy, political advantage, political rank over a proscribed people who for eighty years had been your brothers, whose fathers had fought with yours at Bunker Hill, Yorktown, and New Orleans, and who could array against four years of civil war, against four years of alienation, four generations of patriotic, unselfish, illustrious devotion to the nation, its liberties and its glory?

Yet, Senators, here to-day, in the face of all that may be said about these four years of hostile and confronting war by men threatening disunion, men trying to tear down the Government, by men shedding oceans of blood, I present to you eighty years of our devotion to the country. I show you these houses builded by our fathers. I walk this Capitol, and as I enter the Rotunda I see four pictures illustrating southern history. As I go out upon the eastern square of the Capitol I see the statue to the Father of his Country, with that immortal inscription—

Istud simulacrum
Ad magnum exemplum libertatis
Nec sine ipsa duraturum.

As I go to my home and pass down the Potomac the toll of the bell tells me that there sleeps Washington, a southern man. As I go by way of Baltimore and down to Fortress Monroe, I see the Ripraps, the work of Calhoun. Though his name has been stricken from the fort he projected, I tell you, you can never tear it from the pages of American history. As long as those stones he planted there beat back the waves to the sea, the morning gun and the twilight cannon will echo that name; and there is not a gallant tar on the proud decks of your Navy who, as long as he respects and loves free trade and sailors' rights, will not remember the name and honor the patriot who defended them in this Chamber and the other end of the Capitol.

I repeat again, I would impair no right of the colored man. I would protect him faithfully in every right secured to him by the Constitution, and especially by the thirteenth, fourteenth, and fifteenth amendments. I would protect him in his liberty, his citizenship, his right to vote. I would go further, and educate him and elevate him to the high position of all the duties and capacities of an American citizen. I would take him by the hand and lift him up and sustain him. I would never oppress or depress him because he is poor, ignorant, and a colored man. I would give him every opportunity of improving his physical, mental, and moral condition; and I would oppose and denounce any man or any party who would undertake to proscribe him and deny him these rights and these privileges. The laws, the Constitution of my country, guarantee to the negro these rights, and I will never violate them. But while I would endeavor most faithfully to do full and complete justice to the colored man, let me once for all say that I never could consent that the white people of the South, the white people of the country, should subordinate their rights, their attainments, their capacities, their prestiges to the colored man. On this subject my convictions are firmly fixed—immutably fixed and settled.

The capacity of the colored man for self-government is not yet determined; his capacity to attain and to utilize high intellectual culture has not been proved; his moral nature has not yet been fully developed; his disposition and his ability to maintain enlightened Christian civilization are yet in doubt, and to commit to him the des-

tinies of the South, its fate, its future, with all its hopes and possibilities, would be an act of madness far beyond any language of mine to describe. It is a great mistake to think that the people of the South are unjust, unkind, or inimical in any sense to the colored race. We have felt too deeply the weights and burdens of oppression to desire to impose them on others. Our own experience has taught us profound, sincere sympathy for an oppressed people. We know what political vassalage is, and nothing could provoke us to inflict it on a weak and defenseless race. The yoke has been too bitter and galling on our necks for us to be willing to place it on the necks of others. We certainly now know the value of freedom, the blessing of free government, the happiness of equal laws, and we would be the last people on earth to deprive any human beings of these inestimable rights. Nor, sir, if we desired it, could we afford to be unjust or ungenerous to the colored people at the South. The greatest misfortune under which the South suffers is the ignorance of the northern people in reference to our real condition. You know but little of our wants and necessities. You do not understand our true situation. You are not the jurors of the vicinage. You are strangers, undertaking to compose and settle a question the first and simplest elements of which you do not understand. If you fully comprehended the state of things at the South you would know that there is a mutual dependence now and likely to be for a long time between the races. The blacks are poor and generally own no land. The whites possess all the land, and without labor they find their land valueless; hence the necessity of mutual concession, forbearance, and kindness; and I measure deliberately my words when I declare that to no laboring class has capital—land—ever made such concessions as have been made to the colored people at the South. The land-owner is compelled by every motive of interest and duty to treat the colored laborer with extreme kindness and fairness.

The competition among the land-owners for tenants and laborers to cultivate their lands is excited and constant; and the great object of the planters is not, as has been most untruly alleged, to drive the negroes from their homes, but it has been and will be to get negroes to settle on and work their lands. I am perfectly well satisfied that any systematic attempt to intimidate the blacks by threats to drive them from the plantations for opinion's sake would result in utter and ridiculous failure. They would not leave one plantation before they would be gladly invited and welcomed to another. Every effort in the South in the direction of any combination to control or regulate our labor system has signally failed. The interests of the land-owners themselves always defeat any such enterprise. And such will always be the case—the necessary state of things in any country in which labor is scarce and land is plentiful.

There is another fact in the history of the negro at the South that constitutes a great safeguard to his interests and some protection to his rights. It is well known that the colored man will not remain where he is not well treated. The planter who practices injustice or cruelty or oppression on the colored man soon finds his plantation depopulated and his fields a desert, and I promise my friend from New York that "resentments and prejudices" do not long survive defeats of this character. And then, sir, over and above all of these considerations, far above all of them, is the sense of justice of the honorable men of the South. That sense of justice would scorn to wrong the colored man. Enlightened public opinion at the South demands and exacts fair dealing with the blacks. No white man at the South can maintain a respectable position in society who is habitually cruel or unjust to the colored people; and the calumny that they do not receive justice in our courts is gross and flagrant. In the name of that learned and honorable profession to which it is my pride to belong, and which in all ages of the world has proved the fearless advocate of the oppressed and the manly defender of right, whose history is the record of justice and liberty, I protest against this cruel libel on the lawyers, the judges, the courts of the South. I appeal to that common law of honor known among the profession, wherever the English language is spoken, to disbelieve and refute the calumny.

Think you, Senators, that the bar that took its stamp from Marshall, Iredell, Gaston, Badger, and Pinckney would descend from its high estate to become the persecutors of poor helpless blacks?

Mr. President, there is a matter sometimes intimated, sometimes charged, sometimes advanced in one direction and sometimes demonstrated in another, that I feel it part of my duty to answer. I think it is my duty to do it, and I hope it will not be thought to be inappropriate here. We have been told that there will be in the next Congress eighty-eight confederate soldiers. I ask the Clerk to read the first paragraph from an address delivered by General Burnside a day or two ago.

The Chief Clerk read as follows:

Some of our people are naturally enough alarmed at the election to Congress by the southern people of a large number of the ex-officers of that army. Now, comrades, it seems to me that a little consideration will show that there is no great cause for alarm. These ex-officers, it should be remembered, are under paroles of honor. While we all believe that the most sacred earthly duty of an American citizen is that of loyalty to the Republic, yet we must not lose sight of the fact that a soldier, in his individual capacity of a soldier, can realize no contingency that would make him violate his parole.

Mr. RANSOM. Mr. President, I desire to send from this Chamber my thanks to General Burnside, the Senator-elect from Rhode Island, for that manly sentiment in behalf of the men whom he so lately met bravely in battle. I tell you that there is with us, if it can be, a higher sentiment of honor and duty even than the parole of which he speaks. And here, let me say that since the surrender at Appomattox we have been accustomed at the South, the soldiers and the people, to look upon the soldiers of the North as our best friends. It is true that for four years we met them in battle after battle, and that blows were given and blows received such as the god of war has seldom witnessed. But when the strife was ended we felt that the soldiers of both armies were and would be forever friends. Next in our hearts to our own loved comrades were the gallant adversaries with whom we had striven in honorable conflict; the ashes of our noble dead mingled in the same field with the honored dust of the brave men of the North, and their common memories were the sacred trust of our affection and sorrow. Between the survivors there existed that brave sympathy which in all ages has done so much honor to a soldier's character. On both sides they knew the convictions which inspire men when they take their lives in their hands and offer them to the service of their country. They knew that nothing but the highest and purest sense of duty can animate and sustain a soldier through a long and bloody war. They knew a soldier's devotion to honor. They remembered the lines of a hundred battles upon which the brave men of the North met the brave men of the South, and along which no soldier ever refused to a wounded adversary the last drop of water in his canteen or to divide the last cracker in his haversack. They remembered their common dangers, privations, and patriotism. They felt a mutual admiration for their virtues, and they had the common memory of gallant and devoted achievement. There was between them that high respect which courage always inspires, and both had won too much glory for either to envy the trophies of the other. I need not say that in their brave hearts there was no place for hatred or revenge. When the arms were grounded and the flags furled and laid away all antagonism ceased, and one generous desire for peace and fraternal union pervaded all ranks of the dissolving armies. Hands that had lately met in deadly conflict were now grasped with friendly fervor, and tears of regret and of joy flowed freely down cheeks scarred with the furrows of war. Can it ever be forgotten that in that unhappy struggle brothers were arrayed on opposing sides, and that when the contest was over they met as brothers again. May I not say that it was a conflict between brothers, sons of the same glorious mother, and when it was over they were brothers once more.

Since the surrender at Appomattox I have met hundreds, yes thousands of your gallant men, the men who fought for the Union, and I have yet to meet the first soldier who did not grasp my extended and open hand with the cordial clasp of friendship and patriotism. I cannot, I will not permit these feelings, these sentiments, honorable alike to the gallant men of both causes, to be disturbed by any words that may be spoken here. No party excitement, no intense zeal, no heated denunciation, no intemperate expressions, no sectional animosities shall obscure or obliterate the just, hopeful, patriotic impressions which these noble facts have left on my mind. I prefer to cherish and preserve them in undimmed and glowing brightness—

> Within the book and volume of my brain,
> Unmix'd with baser matter.

Instead of sectional passions, divisions, strifes, let the blood, the tears, the affections of American soldiers, be they from the North or from the South, form a bow of peace that shall stand forever as the bond and arch of a united people. Upon it there will be drops of sorrow, but it will be radiant with honor and patriotic duty and hope.

We have been told by the press and we have heard here that in the next Congress there will be more than eighty confederate soldiers. Let that fact, Mr. President, give the country no alarm, no excitement. You will find these representatives conservative, patriotic, and national, eminently desirous of being just and generous to the whole country, and resolved to demonstrate their fidelity to the Government and to prove to the world that they are as true and honorable defenders of the Union and the Constitution as they were gallant and devoted soldiers of the confederacy. If the soil or the honor of the nation were to be assailed by a foreign or domestic foe you would see them with their noble comrades rushing to its defense, illustrating the same courage and constancy which they displayed for their own altars and furnishing the world an example of the invincible prowess of American arms when united. I pray the calamity of war may not befall this country; I pray God to avert it from us; but if unhappily it should come, the American people will witness the unsurpassed valor and patriotism of southern soldiers, and will embrace with gratitude and affection their countrymen whom they now distrust and denounce. Deploring war as among the greatest if not the greatest scourge, if my country should summon her sons to her defense I would go as far to protect her rights and her honor, and I would advance with the same sense of duty and the same devotion, that I hope animated me in the struggle of the South.

How, Mr. President, as a man sworn to support the Constitution and the Union, could I have in my heart one spot hostile or indifferent to either? Surrounded by the afflictions and deep harassments of my section, and deprecating war from the bottom of my heart, I have at times almost wished for it with some foreign foe, that in the united sacrifices of the South and the North all the bitter memories of the civil conflict and all the animosities of section might be buried and forgotten.

Mr. President, there is another subject upon which the South is

gravely misunderstood. We are represented as hostile, cherishing bitter, deadly, low hate to northern people. I do not know how to discuss it. We desire northern people to come among us. We wish them to come. If there is anything in the world now that is more desirable at the South except peace than good northern settlers, I do not know what it is. I know of nothing that we so welcome, nothing that is so cheerfully embraced. Sir, I will say that the present unhappy condition of the South might have been very different if good northern people had come in place of many who came only to curse us.

The condition of the South might have been far different. I can imagine a large number of intelligent, virtuous, patriotic citizens from the North, animated by love of enterprise and attracted by our beautiful climate and soil, coming to the South to make their homes with us. I can see them bringing with them the thrifty industries of northern habits. I can see in them a firm adherence to their own opinions, tempered with a just tolerance for our convictions. I can see them bringing their pure and happy families, the beloved pledges of their attachment, to their new homes. I can see them benevolently striving to mitigate the calamities that surround their southern neighbors. I can see them laboring to restore and establish friendship and kindness between the white and black races. I can see them persuading our people to adopt their improved system of common schools, and teaching us by the example of their success to divide our large estates into small and flourishing farms. I can see them leading us to utilize all the grand resources of our forests, our mines, our rivers, our water-powers, and all the unequaled production sand fruits of our generous soil. I can see them building beautiful villages, erecting comfortable homes, raising stately churches, and opening up new avenues of commerce all over the South. And I can see the ardent, frank, brave, generous southerner taking these honorable, useful comers by the hand, welcoming them to the land of his birth, and to the hospitalities of his heart. I can see springing up by their common efforts a cordial, sympathetic, indissoluble union of interest and sentiment, and the growth of a progressive, happy, honorable community. I can see there a true and perfect forgetfulness and oblivion of all the bitter memories of past conflicts, and a united love and affection for a Government founded by their fathers and illustrated by a common glory. On such a scene my eyes would delight to rest, my heart rejoice to repose. Descendants of those who landed at Plymouth and Manhattan, and of those who settled on the James and the Cape Fear, again meeting, after years of terrible conflict, to enjoy peace, and to live under a free Government of equal laws.

But, unfortunately, the South presents a very different scene. The class of northern citizens whom I have described did not come in large numbers to the South. Among those who came after the war were many honorable and worthy men, who have remained with us and to-day, without exception, enjoy the confidence and respect of the southern people.

In my own State there are many such men, for whom I have great respect and kindness, and who I believe entertain confidence and attachment to me. There is at Elizabeth City, North Carolina, a colony of northern men of two hundred prosperous, contented, patriotic people, very generally belonging to the republican party.

I do not desire to put party in this speech. If I could write it and leave the word out, I would do so. There is something to me in the condition of our country far above party. The honor of my country, the perpetuity of this Union, the preservation of its liberties, are far, transcendently above party. No party ties, associations, or fetters could bind me for a moment where my duty to the South was concerned. A northern colony is on the Roanoke, near Jamesville; another is at Ridgeway's, in Warren County; another at Henderson, in Granville County; another at Raleigh, the capital of the State; another at Beaufort, another in Guilford County, another on the Cape Fear, and they are all doing well and are greatly respected.

Sir, we have been asked in this debate to name the northern man who had been honored by the South with high position, and the question was put with an air of triumph, indicating that it could not be answered. Sir, let me tell Senators what I supposed was obliged to be known to all the world, that the noble Commonwealth of Virginia, the "Mother of States," elected to her executive office—the highest position in her gift—Hon. Gilbert C. Walker, a northern man by birth and education, a Union man during all the war, and not a resident of the State of Virginia until its conclusion. Governor Walker is my answer, my example, and my illustration. Of him it is feeble praise to say that he is a gentleman without reproach, a patriot without fear, a statesman without sectional prejudice, and an American citizen with a warm, honest heart. These qualities gave him the confidence of that illustrious people. He deserved it; and now he is to represent the capital district of that grand State in the next Congress of the United States, and there is no more honored or loved name among that intelligent and patriotic people. Virginia makes the son of New York, the citizen of Illinois, who fought against her on her own sacred soil, her governor and her Representative in Congress. There is the reply to the unjust charge that the South is unfair in any sense to men of worth, come from what State they may.

But unfortunately many who came to the South were not like Governor Walker. Another and a widely different class flocked to our borders as the great armies dissolved and the work of restoration began. They were not of the Adamses, the Hancocks, the Websters of Massachusetts. They were not of the Hamiltons, the Clintons, the Wrights of New York. They were not of the patriot statesmen of Pennsylvania. They were not of the steadfast, vigorous character of Ohio. They were not of the bold, honest freemen of the West. They were not of the intrepid, generous pioneers of the Pacific slope. Without character or position in the States that gave them birth, with no ties of property or association there, without respect for themselves and with no regard for the rights or feelings of others, they saw in the prostrate South a field for enterprise congenial to their natures and pursuits. They came as the vultures come. They entered the despoiled and wasted garden of the South only to plant in it a curse darker and deadlier than the ruins of war. There they planted no cheerful fruits, there they cultivated no gentle flowers, but there they sowed with a profuse hand the thorns and thistles of hate and bitter passion. They spared no sacred relic of time, they respected no cherished custom of our fathers. To the demon passion of a groveling avarice they sacrificed every sentiment of justice and humanity, and to that base idolatry they were alone faithful. Finding the unhappy colored man just emerging from slavery, they used him as the ladder to political preferment, and prostituted the position so acquired to the vilest venality and peculation. Whatever was necessary to the accomplishment of their rapacious purposes was accomplished boldly and without remorse. Restrained by no conscience, recognizing the white people of the South as the victims of conquest, and the colored race as the convenient instruments of their oppression, they sacrificed both to their personal aggrandizement. To unite the negro race against the white people, and thus secure the possession of power, they deliberately alienated the blacks from the whites, and wrought them into a compact, unbroken, and inflamed mass, desperately opposed to anything the whites could propose for their common benefit. They exasperated this antagonism of race to the highest and last pitch of intensity. They arrayed the blacks against the whites in almost deadly division.

Not content with this fearful exploit, they maliciously set to work to excite the poor and uneducated against those who had education, property, or position. They aroused every prejudice of class and appealed to every passion of discontent. From the most degraded walks of life they selected the accomplices of their schemes of public wrong and exalted them to high and respectable offices and places. Aided by the United States Army and constantly supported and encouraged by congressional legislation, they united with southern men, some of whom were corrupt and others misguided, and obtained official power, patronage, and place all over the Southern States. Military rule, commonly the terror of a civilized people, proved in this time a mercy and a protection to Virginia. She was spared the spoliation and humiliation that befell her once proud sisters. No sooner were they securely fixed in power than that unparalleled carnival of venality, peculation, waste, and spoil began that has shocked the moral sense of the civilized world and brought reproach upon the age in which we live and the country where it transpired.

In two years the debts of the Southern States were increased two hundred millions. Every available resource, revenue, and assets of these afflicted States were converted into money, and went the same dark road to enrich the office-holder and beggar the people. Funds sacredly dedicated to educate the children of the people did not escape the common fate of spoliation. Public justice was shamelessly bartered in the streets. Offices, laws, and honors were sold after the manner that the pretorian guard sold the crown of the Roman Empire to Julianus, the most corrupt and infamous of usurpers. The National Government even did not escape the general contamination. You beheld with patriotic shame the precious privileges of admission to the lofty schools for the soldiers and sailors of the Republic bartered and sold; a price in money fixed upon those exalted duties. How long will honor survive when the youth who is to guide the nation's armies and sail her proud navies knows that his commission was bought, and that the representatives of his people are purchasable with money? Young man, blush to wear the star of a soldier, that should be won with a soldier's duty, when bought with the base coin that stains your country's honor!

In the presence of this spoliation and dishonor of a people the cruelties of Verres in Sicily, the wrongs of Hastings in India, sink into trifling misdemeanors. In the grand eclipse of the last six years these historic enormities are but feeble spots on the dark picture. History has drawn in her darkest colors, poetry and eloquence have arrayed in their gloomiest outlines, painting has elaborated with her somber skill, the rapacity and ruthless extortions of Cortez and Pizarro; and though their perishing forms have moldered for more than a century, the moral sense of mankind has kept alive their memories for universal execration and their accursed example as a dreadful warning to the transcendent in wickedness. But what were their deeds compared with the spoliation, the corruption, the misrule that prevailed in the Southern States under the governments that sprang up after the reconstruction acts? Far be it from me, Mr. President, to include in this class whom I have thus feebly endeavored to describe the large majority of northern men who come South. Among them are many excellent and worthy persons, whose coming to the South promises much good to our section; men of character, of virtuous habits, of patriotic impulses, belonging to both parties—republican and democrat. We welcome these men among us with-

out regard to their party sympathies; we acknowledge their usefulness. I only denounce those who, in unison with bad men of the South, have brought this ruin upon our States. In this denunciation I shall not be guilty of that injustice which has been perpetrated on the other side of this Chamber. Far be it from my purpose, because a few extremely wicked and corrupt men have despoiled my section, to cast a stigma upon a large and estimable class of useful and patriotic citizens. That would be as unjust, as cruel, and as untrue as the attempt to make the whole southern people or the people of any southern State responsible for the excesses, the outrages, the crimes, that have been committed by a few individuals, in a few isolated spots, in a few unhappy localities over the South.

But, sir, other imputations are brought here against the South, all calculated to create prejudice against her people. Frequent allusions have been made in this debate to what Senators are pleased to call "southern chivalry," in terms of derision and reproach. I shall not discuss with Senators the propriety of their criticisms. That is a question of taste, about which we may well differ. I trust sincerely that the day is not far distant when a just corrective of a custom I do not defend, and which has been greatly abused, shall be found in an enlightened Christian public sentiment. To that humane arbitrament I hope always to be able to defer. But, sir, to whatever tribunal I shall feel called upon to refer that responsibility, which seems in some quarters to give so much offense, I trust I shall be scrupulously careful to observe, in all controversies, every law of courtesy and kindness, and never so far to forget what is due to myself and equally due to others as to substitute in intellectual combat for the parliamentary weapons of reason and argument the use of opprobrious epithets, harsh aspersions, violent crimination and recrimination. I shall leave such means of warfare to be employed by those to whose tastes and sentiments they are more compatible. While I should regard them as the feeblest instruments of assault upon the position of others, I should certainly feel that they were the weakest armor for my own character or honor. Holding myself strictly accountable for all that I may utter in this Chamber or elsewhere, I shall not dispute with any champion the laurels that are to be won on the field of personal or partisan abuse. Those who are ambitious of that palm may wear it.

But if by these references to "southern chivalry" Senators intend to impute to the people of the South any want of those high qualities of honor, virtue, truth, courage, and dignity of character which have been asserted to belong to them, or the absence of those gentler humanities of charity, courtesy, generosity, and all the graces of Christian life, I meet the Senators on the threshold of their accusation, and I tell them before the world that this impeachment of the character of our people is groundless and injurious; as unjust to those who make it as it is to the brave, honest, noble people who are thus misunderstood, misrepresented, and defamed. I repel the aspersion with the indignant scorn of an injured and outraged people. I repel it in the name of eight millions of living, virtuous freemen; I repel it in the name of twelve generations of gallant patriots; I protest against it by the solemn judgment of history; I refute it by the character of the living and the dead; I appeal from it in its error and madness to the universal and concurrent testimony of mankind. I hurl it to the ground; I trample it in the dust. There is not an event in the nation's annals connected with the South that does not condemn and rebuke the odious sentiment. It can find no habitation or sympathy in the heart of the civilized world; it can find no lodgment in one solitary, isolated spot of authentic tradition; it will be banished and driven away from the face of men in despair of finding a home where truth and justice reside. Branded with infamy all over, it must seek a resting place only in bosoms from which the dark passions of hate and fury have forever excluded the light.

Before the Republic has attained little more than a man's life have we reached a development of passion that France did not mature for nearly a thousand years? Are we in the early youth of the nation about to discover the worst symptom of the insane maladies that assailed France in the revolution? Have we so soon fallen on the dark scene in the drama of nations which marked the declining days of the Roman Empire? Is all truth confounded before our eyes, and are the very vestiges of justice obliterated from our hearts? What unheard-of madness has destroyed the consciousness of fact in our minds and the sensibility of conscience within us? Has the storm of sectional strife drowned the voice of history? Are the living records of the age erased by the intensity of party heat? Has memory been dethroned from the human mind and her proud scepter surrendered to prejudice? For such must be our melancholy condition when we can believe that the "South is degenerate." Rise from your graves, immortal founders of the Republic, and rebuke the impious calumny! Great Father of your Country, I invoke your hallowed name to silence it forever. Illustrious author of the "Declaration," has thy glory been so soon extinguished? Father of the Constitution, has thy honored name perished amid the blows inflicted on thy great work? Hero of New Orleans, has the bright fame of your victory over a foreign foe been eclipsed by a more recent victory over the liberties of the State you defended? Has the 8th of January, 1815, been blotted out by the 4th of January, 1875?

When did the South become degenerate? When her sons unaided and alone bore the "Lone star" westward and carved an empire State from the heritage of the Montezumas? Or did her courage expire on the blazing heights of Buena Vista, and did Taylor and Bragg and Crittenden dim its luster? Was her honor lost by Scott or Lee in the valleys, on the hills, or before the walls of Mexico, or was her bright sword tarnished when Butler and the Palmetto Regiment left on the field of Churubusco the example that was to be no more gloriously followed by the six hundred at Balaklava? Are we to be told of southern degeneracy in the Halls of this Capitol, where the echoes of the mighty words of Clay and Calhoun still ring in our ears and the proud images of Marshall and Taney stand guard at the altars of justice; where ten Presidents of the United States rise before our eyes to attest its falsehood, and a train of heroes, statesmen, jurists, with an endless line of patriots, proclaim its injustice? Senators, before you can believe it, you must tear from American history its brightest pages; you must pull down the Capitol, remove its monuments, and obliterate its name. Go to the uttermost limits of the earth, follow the remotest waves of the sea, stand on any spot in the vast breadth of your country, and look up and behold the flag of the Republic, and the starry banner that blazes over your head will recall at the "dawn's early light and the twilight's last gleaming" the genius and soul of the southern patriot from whom it derived its dearest inspiration. But Senators will exclaim this is the South as she was, not as she is; the South years ago when she stood with the North in the Union, not the South during and since the war, shorn of her strength and beauty.

I am admonished not to tread on ground on which the smothered fires are not yet extinguished; but though I walked barefooted and blindfolded over burning plowshares, in this I ought not to hesitate; for he who with a right heart bravely treads the path of truth and duty has nothing to fear. Yes, Senators, duty more sacred than life commands me to ask on what field in the late ever-to-be-deplored war did the South betray anything but the highest qualities of the best of men? Where were the evidences of her decline and degeneracy? Ask your noble patriots who met her no less noble sons on a hundred ensanguined fields? Read the reports of your generals and all contemporaneous history and you will look in vain for but one response. I will draw no contrasts between those brave armies, those true, devoted men on either side. I only wish their great struggle had been a united effort to expand the area of free institutions, to extend the light of American civilization, to enlarge and magnify all the beneficent influences of American liberty. While I shed tears over the loss of the gallant men of both armies I rejoice in their common bravery, truth, fortitude, and splendid achievements, and still more in the fact that no one but Americans could have resisted as we did and that none but Americans could have persevered as you did; yet I but speak the simple truth before the world and before Heaven when I declare that human history from the beginning has failed to furnish a brighter example of all the devoted qualities of soldiers' duty than was daily exhibited in the army of the South. I need not recall those who formed that glittering line of bayonets on Marye's burning hill; who met the red storm of blood and fire at Chancellorsville; who stepped like bridegrooms to a marriage feast up the stony ridge at Gettysburgh, and meeting death from foemen worthy of their steel, fell back like the sullen roar of broken waters. I need not recall those noble spirits who drew their expiring breath in the mortal trenches at Petersburgh or who bore their wasted forms and looked for the last time upon earth upon the bleak hills of Appomattox.

No, Senators, we are worthy to be your countrymen, worthy to be the patriot-brothers of your own ever-glorious and honored men who prevailed against us. Instead of carping and criminating and taunting, let us bury deep and forever every recollection of that war that does not revive the common honor and courage and Christian humanity of the North, and the South, and the whole American people. If there be any cloud upon the arms of either, thank God there is glory enough for the arms of both, and that glory belongs to the American people. Are not the victories of Pompey and Cæsar the common renown of Rome? Are not the "red rose" and the "white rose" now intertwined in the crown of England's history? Is it indelicate for me to remind you that the noble Greeks, the Athenians and the Spartans, erected monuments of perishable wood to celebrate victories over their countrymen? They built them for their triumphs over foreign foes of enduring marble and brass. The brave Romans, whose conquering legions made the world their empire, never permitted a triumph to any victor in their civil wars. Those nations of antiquity would not perpetuate their own strifes. Shall this Christian Union be less magnanimous than the republics of the idolatrous ages?

The Southern States tender you their faithful support of the Government; they offer you their treasure in peace, their valor in war, their resolution to pay their part of the national debt, incurred for their coercion; they desire to extend to you the trust and affection of warm and loyal hearts, and for all this they give you the pledge of an honor that was never broken. What more can you wish? Will you refuse these proffered duties; will you repel these priceless offerings; will you insult this generous spirit? Will you treat with incredulity and disdain these honorable conciliations? Will you return for them alienation, taunt, and mockery? Or will you receive them with just confidence, with reciprocal affection, with unreserved patriotism? What more do you desire? Do you hope to see us descend to self-abasement and self-degradation? Do you expect us to dishonor our history, to deny our convictions, to humble and debase our manhood, to forget our duty, and to cover our names with inexpia-

ble shame, by false, cowardly, servile pretenses and professions that would shock every sentiment of truth in our bosoms? Let me tell you, Senators, this can never, never be. These proud States will not come on bended knees and bow their majestic forms on the steps of this Capitol, mortified, humiliated, prostrated in the dust. Better, a thousand times better, that the stars on the flag of the Republic which bear the names of Virginia, North Carolina, South Carolina, Georgia be blotted out forever, like the lost Pleiad from the constellation, than become pale and feeble satellites to represent dishonored and degraded sisters!

What will be the sentiment of the great people of the North? What will be the opinion of the world, when it is known that northern Representatives in Congress rejected with scorn and contempt every effort of the South for peace and justice? In what characters will history record the fact, that after four years of bloodiest war and the expenditure of countless millions to preserve the Union, the North persistently declined with contumely and crimination every expression of friendship, every offer of peace, every tender of good-will, every aspiration for fraternal restoration that the people of the South could with justice, with propriety, and truth make? That will be a startling page in history which transmits to future ages that all our sentiments and hopes and wishes and exertions for conciliation were answered with doubt, distrust, reproof, and bitter calumniation. I cannot, I will not believe this condition is to continue. Between the North and the South there is now no just cause of quarrel, no ground for separation, no necessity for hostility. No great moral sentiment, no transcendent material interest now divides us. But every argument of reason, every motive of interest, every obligation of duty, every consideration of honor, every sentiment of patriotism—all demand and enforce peace and perpetual harmony between the sections.

But, Senators, peace at the price of our honor is impossible. That sacrifice will never be made. Abuse, denunciation, aspersion, are not the instruments of reconciliation. Silence under them, submission to them, concurrence in them would be the highest crime. The people who consent to their own dishonor deserve to be slaves. Heaven save us from this deepest wrong to ourselves.

If with all the lights before us, with the lessons of the great past, the instructions of our forefathers, in the noonday of the nineteenth century, in the blaze of its civilization, we could so far forget our duty, our love of country, our own self-respect, and our regard for the opinion of the world as to consent for the sake of a temporary repose to the violation of our consciences, to the concealment of our opinions, to the suppression of the truth, and descend to the base and abject confession that the calumnies on our people were true, we should deserve the supremest curse of mankind for having attained the most exquisite refinement in infamy and for having discovered new and profounder depths of hypocrisy and falsehood. By the eternal love of truth that binds man to his Maker we protest, and we will protest to the end, against the injustice that would destroy our character. We can bear our poverty; fortitude and patience will overcome our privations. Energy will restore our desolated fields, industry will repair our lost homes, economy will recover our wasted wealth, time will heal our great sorrows; but for lost and abandoned character there is no future, no regeneration. No people have ever survived the death of their character. Nothing can relume that luster when once extinguished. Let us thank God that the people of the South, in the wreck and darkness of their disasters, still cherish and defend with deep and fervent devotion their honor. It is the cloud of light by day and the pillar of fire by night that will preserve them in the wilderness of their troubles. No people who love truth, who respect virtue, who cultivate courage, who defend freedom, who reverence religion, can ever be enslaved or degraded.

Mr. President, if I desired to see the two great divisions of the Republic—the North and the South—forever alienated and antagonistic, if I desired to reopen and deepen and widen the bitter gulf between them, if I wished to plant the ineradicable seeds of hatred, revenge, and vindictive passions in the hearts of their people, I should pursue the course of the republican Senators on this floor, who have denounced without remorse the people of the South. I speak not of the injustice of the indiscriminate aspersion of eight millions of people; but I refer to the thoughtless impolicy of that aspersion. If Senators desire sincerely the harmony of the sections, is relentless vituperation the road that leads in that direction? Do they not consider that if there be, as they charge, those at the South who are not reconciled to the Union; if there be discontented, unhappy, misguided men among us who yet desire to continue the strife of the sections, do they not perceive that this unjust, sweeping imputation and impeachment of our whole people lays the foundation for hostile argument to the Union and the North? Sir, let me in all candor ask what reply is to be made to the restless and passionate demagogue at the South, ay, to the just and honest son of that devoted section, who shall demand of me, "With what propriety do you ask us to unite in heart with those who delight to abuse and to vilify us? We are doing all that honorable and good men can do for peace and union, and we are met with denunciation and calumny. It seems that nothing can satisfy the animosity of our enemies. Our ruin has only excited them to more cruel wrongs, and when they have exhausted all our resources, they propose to destroy our reputation." I confess that such statements are difficult to answer, and were all the northern people like those who so misunderstand and misrepresent us, I should have but little hope for the future of my country. But happily the great mass of the North, in my judgment, respect our motives and are beginning to earnestly desire our deliverance. Ten years of devoted suffering at the South, and the immense difficultics that surround our situation, are beginning to enlighten the northern mind to our true condition. Their sympathies are being excited, their sense of justice aroused, their sensibility to their own interests awakened, their love of good government and fear of its overthrow alarmed, and their confidence reversed in the wisdom and patriotism of those who now, at the expiration of a decade since the last gun was fired, resort to the "soldier and the sword" for the establishment of law and order.

But to those who in patriotic sincerity ask, "How I can daily hear the unjust abuse of our people and still labor and hope for reconciliation and justice without yielding to indignant resentment?" I will say that before the South lies a great duty, a duty far above the passions of the day; a duty whose influence is to descend to distant generations—the duty of preserving constitutional liberty and of vindicating and maintaining in undiminished glory the character of the southern people. The success of that duty must not be imperiled by resentment or excitement. In the presence of such interests the ordinary emotions of the human heart stand rebuked, and the highest and noblest sentiments of our souls and the most exalted powers of the mind are summoned to exertion. Before such a duty the sacrifice of passion is a glory, the conquest of our nature sublime honor. Nothing can secure its accomplishment but disciplined virtue and patriotism; the subordination of impulse to that chastened wisdom and devotion which, relying on justice, truth, and reason for defense, leave far beneath them the disordered tempers that are excited in the inferior conflicts of life. By the fate of our people, before the sacred magnitude of our duty, what are personal or party irritations? I disown and dismiss them as not approaching the dignity of our defense. My faith is in the justice of our cause and the ultimate triumph of truth and right. No, sir, I do not put the defense of the South upon the crimination of the North. I place it on higher ground. I found her vindication not on imputation, aspersion, denunciation of another section, but I plant it firmly on her own character and reputation, upon her integrity and truth, upon her honor and virtue, upon the history of her patriotic services and the candor, manliness, and good faith with which she has always acted.

Sir, I have received since this debate commenced paper after paper, extract upon extract, letter on letter, with statement and account in summary and in detail of violations of the law at the North and of unjust expressions to the South. I have no use for such material. I discard it altogether. This is not the place for it. Aggression on the North is no justification for wrong at the South, and the South holds such a policy of argument in scorn and contempt. Justice to her character demands that any imputation on her good name should be met and repelled, and she will meet and repel it with indignant truth. Sir, what is to be accomplished by this mutual and reciprocal denunciation of the sections? Will it elevate our character abroad? Will it dignify it at home? Will it confer a blessing upon any American citizen? I had much rather see mutual and reciprocal forbearance and commendation; mutual and reciprocal desire for the improvement of the sections; mutual and reciprocal purpose to render justice to all parts of the country, and a mutual and reciprocal union of interest, rights, duties, and sentiments for the common benefit and glory of all. No, sir; I shall send no firebrands to the South to incense and inflame her proud people. I shall send no poisoned arrows to the North to rankle in the bosom of her peace. I shall endeavor to hold up the light of truth to both sections, that each may see in the other much to commend and something to forgive and forget. And shall unjust assault be made upon any State of this Union, be it North or South, I shall spring to her defense with whatever of courage or ability I may have.

Mr. President, an immense drag-net has been cast over the entire South to discover some fact, some circumstance, some fragment of evidence that might give color to the charge that the southern people were unfriendly to the Government of the United States, utterly regardless of their duty as citizens, and generally violent and lawless. Telescopes of every magnitude have swept the whole southern horizon; microscopes of the largest magnifying power have been brought to bear upon the condition of the South and every atom subjected to their influence to find some speck of latent rebellion among the various and differing tempers of an impulsive people. The inquisition has been thorough and complete. Nothing has escaped the vigilance of our watchful guardians. Nothing has been too high for their reach, nothing too low for their supervision. Their analysis of all the alleged poisons in the prostrate system of the South has been acute, jealous, and comprehensive. Their opportunities for conducting this searching and expanded examination have fully equaled their anxieties. Agents, spies, detectives, informers—the mercenary and corrupt instruments of power—have gone all over the South to discover, invent, and expose the denounced crimes. Eleven thousand postmasters in the Southern States are the sentinels of the administration party. The revenue officers by hundreds watch with jealous care the party's interest. The judges, the attorneys, the marshals, the clerks, and all the officers and their assistants and subordinates in the United States courts are the vigilant guardians of the nation's laws and peace. Senators, Members of Congress, governors

of States, members of State Legislatures, and almost every office-holder in the South, faithfully collect and develop every fact, incident, and circumstance that tends to prove this accusation of their party and upon which they seem to think its existence depends. Able committees have been appointed by Congress to investigate these conditions of the South. Military detachments, are stationed all over the suspected districts of the South. The press, too, with the hundred hands of Briareus and with the hundred eyes of Argus, observe and report every occurrence of general interest. Light blazes all over the scene. Nothing is left in obscurity or doubt. The eyes not only of the Administration but of the whole country are concentrated on the South. And now, with all of the evidence before us, let us determine the truth of this indictment of the Government against the country.

I do not propose, Mr. President, to rely upon the presumption of innocence until crime is proved; that just, humane, wise rule of our law, established and approved in all enlightened jurisprudence for ten centuries. I wish to meet the allegation upon the facts before the country. With the permission of the Senate let me direct your attention for a moment to the State of Kentucky. She stands first on the roll of the impeached and prosecuted States. And what, sir, I repeat, what is the evidence against that proud, patriotic, gallant State? Will Senators reflect? The conviction and condemnation of her great people is demanded upon the floor of the Senate upon one newspaper paragraph—a solitary half-column in the single issue of a daily paper—and that article an able and eloquent protest against the sentiment it condemns. Sir, is not the very rebuke of that popular journal proof that the enlightened public sentiment of the State is against the error it so boldly denounces? Was not that article written to correct and reform the very abuse; and does not that argument reflect and represent the best public opinion, the opinion of the intelligent and moral influence of the country? But Senators have deluded themselves and endeavored to beguile us with the absurd proposition that a newspaper by criticising and condemning an alleged neglect of the law convicts a State and her people of disregarding and violating all law!

Mr. President, I ask with all respect if the humblest human being who walks the earth would be restrained one moment by any intelligent judge in all Christendom upon this testimony? There is not a magistrate or a justice of the peace who would issue a warrant on it. In all judicial history an indictment was never found by a grand jury upon such proof. And yet the American Senate is gravely, passionately, vehemently asked upon such a pretext to condemn one of the fairest States of this Union as disloyal, violent, and lawless. Sir, I cannot, I will not, undertake to argue such a proposition.

Virginia has nearly escaped the common charge made against her sisters. Not one word of evidence has been produced of disloyalty, hostility to the Government, or of any unusual prevalence of crime within her limits.

The honorable Senator from Illinois, it is true, says that "it would not interfere materially with Virginia, whether certain resolutions presented to her Legislature were unconstitutional or not." I cannot restrain my astonishment at this expression. My knowledge that the Senator is eminently patriotic increases my surprise. Virginia indifferent to the Constitution, while she holds in her bosom the ashes and cherishes in her heart the memories of Madison and Marshall! The mother of Washington, Jefferson, Monroe, Tyler, Taylor, Scott, Maury, Thomas, the theme for a jest, the subject of a taunt! When the Senator or myself or thousands like us shall have achieved for liberty and glory a shadow of what Virginia has, then a jeer or slur upon her great name may have some grace. Has the Senator forgotten how much this nation owes to Virginia? He must for the moment have forgotten that she had given to the Union the States of Kentucky, Ohio, Indiana, and Illinois. Had the Senator reflected that his own State was one of the monuments of Virginia's patriotism these words could never have fallen from his lips. Nor, sir, are these a tithe of her contributions to the Republic. She has borne seven Presidents who at the head of the Government have illustrated her devotion to liberty. She has nurtured on her breast the soldiers who have covered yours arms with renown, the sailors who have brightened your flag with honor, the scholars who have extended the conquest of science from the bottom of the sea to the verge of the stars. Her trophies, her memories, her great names, her priceless virtues are before the world; they are the brightest jewels of the Republic, they are the noblest heritages of humanity. I pray the day may never come when the great spirit at Mount Vernon shall not protect her from insult and avert her from error. Her proud sorrows are sublime, and like her glories will be immortal. When she sheathed her sword and returned to the Union her constancy to her national duties and her loyalty to her sister States were renewed with all their original v[illegible]r and truth. Her care for the Constitution and her devotion to [illegible]ights of man had never slumbered. Great State! Whatever is grand [illegible]d patriotic and excellent should be compared to thee. When thy name does not inspire the respect, excite the admiration, and kindle the affections of American patriots the love of liberty and of country will be expiring in our hearts.

The next State in the order of succession as you advance south is North Carolina. I listened with interest to hear what charges were to be made against the good people to whom I owe my position here. For it seems to be the policy and purpose of republican Senators to assail every Southern State that is under democratic government. Knowing the traditions of my State, and that she had always resented and resisted oppression and tyranny under every form, I was not entirely sure but that upon the banks of the Yadkin or Catawba, or in the valleys of the Cape Fear, or among the hills of "Old Bute" and Alamance, or up in the bold mountains where the people partake of the character of their sublime but rugged country the spirit of '76 had flamed out and that their jealous love of liberty had assumed the form it did a hundred years ago. But this anxiety was groundless.

The evidence of disloyalty and lawlessness in North Carolina consisted simply and alone in the fact that the district in which an esteemed friend, Hon. David Schenk, resides and where he was born, and his ancestors for generations before him, had elected that worthy man a judge. Why, sir, there is no more upright, conscientious, honorable man than Judge Schenk. He is a lawyer of eminent ability and attainments, and of the highest moral character and of uncommon general intelligence. Without disparagement let me assure my honorable friend from Pennsylvania [Mr. SCOTT] that in all the attributes of a just man, a pure judge, an enlightened patriot Judge Schenk is the peer of the Senator, and I know no higher position to assign him. It is true he belonged to the Ku-Klux organization, he so stated himself, but he expressly avowed that he had never participated in, approved, or sympathized with any unlawful act, and the committee of which my friend from Pennsylvania was the honored chairman believed him. In North Carolina we entertain for the Senator a very high regard; we would be very ungrateful if we did not, for it was chiefly due to his magnanimity that the victims of the Ku-Klux delusion were released from prison. The Senator had been firm and vigilant in his efforts to suppress that organization, but that accomplished, he was as generous and merciful in exerting his just influence for the pardon of the offenders. I am solicitous that my friend should have no unjust impression of our people; and let me inform him that Judge Schenk's character as a lawyer and a man was so high and just that he was voted for by the most prominent republicans in his district, among others by Hon. Rufus Barringer, elector in 1872 on the Grant and Wilson ticket.

I hope I need not say that the other incident alluded to by the Senator was a gross and cruel exaggeration and that the conduct of Judge Schenk was entirely justifiable. I will not tire the Senator with details, but I assure him that the action of the judge in that whole transaction was what his or mine or any proper man's would have been under the circumstances. Mr. President, all excitement in reference to the Ku-Klux organization in North Carolina has been so completely obliterated that the republicans have elected members to the Legislature who once belonged to the Ku-Klux, and our people in their wisdom and magnanimity, without distinction of party have buried that controversy in forgiveness and oblivion forever.

The Senator from Illinois in his ardent crusade against the Southern States paused for a moment as he crossed the limits of North Carolina to discharge at her people a reproach which he will find was quite without foundation. He asked with an air of triumph, in which some tinge of ironical mercy seemed to mingle, "How long has it been since we have had this glorious peace in North Carolina?" "Grant told you that you had to stop, or he would make you do it; and you stopped through fear, not because you desired it." Mr. President, I rejoice that there is peace, profound peace in North Carolina with all her people. The Senator tells the country that it is the peace of "fear," and not the peace of the will, of the reason of the people. Whence, sir, did the Senator derive his opinions of the people of North Carolina, that he should venture the assertion that they act from "fear" and not from their judgment and disposition? Is the history of that brave, true State so little known to the Senator that he could commit this injustice? If he had studied the character of her plain, truthful, fearless people, he could not have so wronged himself as to utter this unjust reproach. Let me for a moment refresh the Senator's historic recollections with some annals of North Carolina and see if I cannot convince him that his censure of that good State was groundless. I will read from an author the most eminent and illustrious of all Americen writers—an author who is no less a scholar than a patriot—who of all others among the living or the dead has done more to illustrate American character and incident, and who I hope may long live to enjoy the serene evening of a nobly passed life. I will now read from Bancroft's AmericanHistory:

The planters of Albemarle were men who had been led to the choice of their residence from a hatred of restraint, and had lost themselves among the woods in search of independence. Are there any who doubt man's capacity for self-government, let them study the history of North Carolina; its inhabitants were restless and turbulent in their imperfect submission to a government imposed on them from abroad; the administration of the colony was firm, humane, and tranquil when they were left to take care of themselves. Any government but one of their own institution was oppressive.—*Bancroft's History of the United States*, volume 1, page 467.

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North Carolina was settled by the freest of the free; by men to whom the restraints of other colonies were too severe.

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But the settlers were gentle in their tempers, of serene minds, enemies to violence and bloodshed. Not all the successive revolutions had kindled vindictive passions; freedom, entire freedom, was enjoyed without anxiety as without guarantees; the charities of life were scattered at their feet, like the flowers of their meadows.—*Bancroft's History of the United States*. volume 1, page 472.

The people of North Carolina would neither receive a stamp man, nor tolerate the use of a stamp, nor suffer its ports to be closed. The meeting of its Legislature was so long prorogued that it could not join in the application of the Congress; but had there been need of resorting to arms "the whole force of North Carolina

was ready to join in protecting the rights of the continent."—*Bancroft's History of the United States*, volume 5, page 369.

The people of the county of Mecklenburgh had carefully observed the progress of the controversy with Britain; and during the winter political meetings had repeatedly been held in Charlotte. That town had been chosen for the seat of the Presbyterian college, which the Legislature of North Carolina had chartered, but which the king had disallowed, and it was the center of the culture of that part of the province. The number of houses in the village was not more than twenty; but the district was aleady well settled by herdsmen who lived apart on their farms.

Some time in May, 1775, they received the news of the address which in the preceding February had been presented to the king by both houses of Parliament, and which declared the American Colonies to be in a state of actual rebellion. This was to them the evidence that the crisis in American affairs was come, and the people proposed among themselves to abrogate all dependence on the royal authority. But the militia companies were sworn to allegiance; and "how," it was objected, "can we be absolved from our oath?" "The oath," it was answered, "binds only while the king protects." At the instance of Thomas Polk, the commander of the militia of the county, two delegates from each company were called together in Charlotte as a representative committee. Before their consultations had ended the message of the innocent blood shed at Lexington came up from Charleston and inflamed their zeal. They were impatient that their remoteness forbade their direct activity; had it been possible they would have sent a hundred bullocks from their fields to the poor of Boston. No minutes of the committee are known to exist, but the result of their deliberations, framed with superior skill, precision of language, and calm comprehensiveness, remains as the monument of their wisdom and their courage. Of the delegates to that memorable assembly the name of Ephraim Brevard should be remembered with honor by his countrymen. He was one of a numerous family of patriotic brothers, and himself in the end fell a martyr to the public cause. Trained in the college at Princeton, ripened among the brave Presbyterians of Middle Carolina, he digested the system which was then adopted and which in effect was a declaration of independence as well as a complete system of government. "All laws and commissions confirmed by or derived from the authority of the king or Parliament," such are the bold, but well-considered words of these daring statesmen, "are annulled and vacated; all commissions, civil and military, heretofore granted by the Crown to be exercised in the Colonies are void; the provincial congress of each province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within the respective provinces, and no other legislative or executive power does or can exist at this time in any part of these Colonies. As all former laws are now suspended in this province and the Congress has not yet provided others, we judge it necessary for the better preservation of good order to form certain rules and regulations for the internal government of this county until laws shall be provided for us by the Congress."

In accordance with these principles the freemen of the county formed themselves into nine military companies and elected their own officers. Judicial powers were conferred on men to be singled out by the vote of the companies, two from each of them; the whole number of eighteen constituting a court of appeal. The tenure alike of military and civil officers was "the pleasure of their several constituents." All public and county taxes, all quit rents to the Crown were sequestered; and it was voted that persons receiving new commissions from the king or exercising old ones should be dealt with as enemies of the country.

The resolves were made binding on all, and were to be enforced till the provincial congress should provide otherwise, or, what they knew would never take place, till the British Parliament should resign its arbitrary pretensions with respect to America. At the same time the militia companies were directed to provide themselves with arms, and Thomas Polk and Joseph Kenedy were specially appointed to purchase powder, lead, and flints.

Before the month of May had come to an end the resolutions were signed by Ephraim Brevard, as clerk of the committee, and were adopted by the people with the determined enthusiasm which springs from the combined influence of the love of liberty and of religion. Thus was Mecklenburgh County, in North Carolina, separated from the British Empire. The resolves were transmitted with all haste to be printed in Charleston, and they spread through the South, they startled the royal governors of Georgia and North Carolina. They were dispatched by a messenger to the Continental Congress, that the world might know their authors had renounced their allegiance to the King of Great Britain, and had constituted a government for themselves.

The messenger stopped on his way at Salisbury, and there, to a crowd round the court-house, the resolves were read and approved. The western counties were the most populous part of North Carolina; and the royal governor had flattered himself and the king with the fullest assurances of their support. "I have no doubt," said he, "that I might command their best services at a word on any emergency. I consider I have the means in my own hands to maintain the sovereignty of this country to my royal master at all events." And now he was obliged to transmit the deliberate, consistent, and well-considered resolutions of Mecklenburgh, which he described as the "boldest of all," most traitorously declaring the entire dissolution of the laws and constitution, and setting up a system of rule and regulations subversive of His Majesty's government.—*Bancroft's History of the United States*, volume 1, page 370.

At Wilmington, North Carolina, the sum of two thousand pounds currency was raised in a few days for the relief of Boston; the women of the place gave liberally; Parker Quince offered his vessel to carry a load of provisions freight free, and master and mariners volunteered to navigate her without wages. Lord North had called the American Union a rope of sand; "it is a rope of sand that will hang him," said the people of Wilmington.—*Bancroft's History of the United States*, volume 1, page 73.

Were these, Mr. President, acts of "fear"? Were these patriots told that they must do this immortal deed? And before the one hundredth anniversary of this unparalleled glory has returned are we to hear in the American Senate that the children of these bold patriots make the peace of "fear"? No, sir, the people of North Carolina fear nothing but to do wrong. They fear God and they have no other fear. Her history is before the world; it is modest and unpretending; her people have preferred to tread the paths of virtue rather than the heights of fame; but they have always done their duty. They love liberty, and they do not fear but they hate tyrants. On her soil the voice of "independence" in America was first raised, and to that great example she will forever stand true. Next to liberty her people love justice; and while they respect law they despise unlawful power. Peace prevails throughout all her borders—the fearless peace of liberty, justice, and law, not the trembling silence of timid slaves nor the breathless stillness of prostrate cowards. The light of peace that shines on North Carolina must come from the sun of liberty; it cannot be reflected from chains or the sword.

Let me assure the honorable Senator from Illinois that he will find nothing in the history of that State, nothing in the character of her people that will not make him yet prouder of the blood that flows in his own veins. Grand in the majesty of her moderation and faithful to all her duties, there she stands in the light of her own great virtues 'without fear and without reproach."

But, Mr. President, are we to be told upon the floor of the American Senate, this forum of the States—yes, sir, in this citadel of the States—for it is in this Chamber that the States are represented as States, equal and coequal, are we to be told here that a great State, one of the original and immortal thirteen, has performed an obligation not from a sense of duty but through fear of the President of the United States? Sir, such sentiments shock me. I can conceive no more melancholy evidence of the decline of liberty and popular government in this country than the prevalence of such expressions. A State in fear of the President and that condition of slavish submission a subject of exultation in the mind of a Senator! Where are we traveling? Are not these the symptoms of approaching despotism? How long will republican liberty survive when the States of this Union stand in awe of the President? The Constitution makes it the duty of the President to see that the laws are faithfully executed, but I trust the day is far distant when "fear" is to be one of the attributes of his office. I thought this was a free government of consent, of affection, of interest, and not the stern and iron grasp of force and fear. For the President in his official capacity the American people should hold the high respect, the profound deference, the serious regard for authority that is due to the most exalted office, and to the President as a man the people should extend that homage, reverence, and affection which belongs to the distinguished and patriotic citizen who should possess the most eminent intellectual ability and moral endowment, exerted in the service and for the benefit of his country. But fear is not one of the duties that we should render to the office or to the person of the President. Fear is the prerogative of tyrants and the fealty of slaves. It is not the sentiment of freemen, who should walk the earth and in the image of their Maker look up to heaven with no fear but of Him.

South Carolina is the next Southern State. She has escaped entirely the animadversion of Senators. I rejoice to see that illustrious State enjoy a moment's repose from her persecutions. The inexorable ascendency of the republican party in that State shields her from the criticisms and assaults of its friends in this Chamber. O, that it had protected her wasted and bleeding bosom from the ravages of its spoilsmen at home! Fortunate and thrice happy State. The republican party stands guard over the cradle and the grave of secession. Poverty, exhaustion, and a helpless minority defend you from further ruin. But beware, proud old Commonwealth, mother of Marion, Rutledge, Pinckney, Butler and Hampton how you undertake to throw off the yoke of republican domination. The effort may cost you the penalties that visit Louisiana. He would be too cruel who could say one word to disturb your brief relief from oppression, who could stretch your perishing form on the rack again and arouse the resentments and fears of your sleeping tormentors.

Then comes Tennessee. Why, sir, at the very mention of that name I see the eyes of Senators open wide with the expectation that the overwhelming flood of rebellious proofs will crush the rash friend who undertakes to defend that insurgent State. But what are the facts? Passing from North Carolina into her daughter State, we traverse East Tennessee, we cross Middle Tennessee, we penetrate the western belt of the State to the waters of the Mississippi, and what evidences of the frightful crimes and disorders which are attributed to that State do we find? In one county, in only one of the eighty-five counties in all that broad State, a bloody riot has taken place, in which the laws have been shockingly violated; and the judges, the law officers of the State, the juries, the governor of the State with the authority of his office and personal influence, and the moral sanctions of the people, are all earnestly at work to bring the offenders to justice. Would it be right, just, or safe to charge a whole State with rebellious and desperate crime because a riot had occurred in a single county and the whole judicial, executive, and popular powers of a State were being exerted to punish the perpetrators of the outrage and make them an example to the country? Would it be just or fair if crime did exist in one, two, or three counties of a State holding a million of people, and the whole authority of the State exerted through its proper officers was being employed and employed effectively to suppress and prevent it? Would it be just or fair or honorable to charge the whole State with sweeping lawlessness? In Tennessee the riot has submitted to the laws of the State and the authority of the courts is undisputed and supreme. No intelligent man can doubt that the violated laws will be fully vindicated in their utmost majesty and purity. But, sir, a seal has been set upon the loyalty of Tennessee which our republican friends cannot deny. The Legislature has just returned Andrew Johnson to the United States Senate, whom neither majorities nor tumults nor wars could drive from his support of the Union. With all her daring confederate leaders, the State of Tennessee has sent to the Senate of the country the defender and lover of the Union. Andrew Johnson may be the bold and defiant rebel of a party, but from his unflinching attachment to the Union of the States he has never wavered.

Let us now, Mr. President, turn our attention to Georgia and investigate the temper and condition of her people. We are told by her able and honorable Senators on this floor that they are peaceful and law-abiding, that they recognize their duties to the General Government, submit to its authority, and respect and enforce its laws. These Senators are with and of the people of Georgia. They are

supposed to know and do know the sentiments of their constituents. They are supposed to represent, and do most ably represent the opinions, wishes, and I may say interests of their people, and their voice is heard here and heard all over the country declaring that the people of Georgia respect the Constitution of the United States, abide by all of its amendments, and maintain at home order, good government, and general quiet. Have you analyzed the evidence presented to the Senate to support the charge that the State of Geergia is rebellious, disloyal, and oppresses the colored race? That evidence in the aggregate and in the detail consists of an article in a newspaper and a letter from a solitary witness, uncorroborated by any concurrence of testimony from any other reliable or trustworthy source. The Ku-Klux organizations we are told were dissolved in 1870, and now the evidence upon which Senators seriously attempt to impeach the char acter of the empire State of the South is the effusion of one issue of a newspaper and a letter from the unsupported correspondent of a Senator.

Can such things be,
And overcome us like a summer's cloud,
Without our special wonder?

Will Senators weigh these frail, flimsy, fleeting shadows against the truth of Senators avouched here with all the sanctity and solemnity of their words of honor as Senators? Mr. President, let us pause and behold the pass to which we have come. A State, an organized State, a State of the American Revolution, with a million of people, charged and condemned by the American Senate upon the evidence of a few hasty, heated lines in a newspaper and an unverified letter from a defeated aspirant for office. With all of my respect for the press of the country—and I respect it as the great representative and expression of thought in this age—I cannot denounce the whole people of a State as wicked, violent, and revolutionary upon one editorial; nor, with all the charity that I can exercise, can I consent to damn and degrade them upon the slender statement of one witness who has been unfortunate in running for office.

I rejoice that the beautiful State of Florida seems undisturbed by any of the violent disorders which we are told distress her neighbors. I apprehend from recent, quite recent events that she will continue to become yet more quiet. Our republican friends have not yet made a presentment against the land of flowers and the orange-trees. O no, Mr. President; fifty thousand intelligent, orderly, courteous, respectful visitors of both sexes go from the North, from the rigor of your winter, to find genial repose in the bright sun and balmy air of that lovely State. They come for health and pleasure in the fall, and return in the spring as cheerful and as happy as the birds who make their annual visit to the South. I have heard of no insult, injury, violence, to one of them. They pass through Virginia, the Carolinas, and Georgia, and return through Alabama, Tennessee, and Kentucky, and they bring no reports of offense to them or of crime in the South. And yet we are told that the life of a northern man is not safe in the South.

Mr. President, with the letter of Hon. A. H. BUCKNER, of Missouri, to which I specially invite the attention of the Senate, I shall pass over the State of Alabama. I will now read that letter:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 25, 1875.

SIR: I was much surprised to hear Senator SHERMAN lending the weight of his character to the slander on the people of Louisiana, uttered by General Sheridan, as to the number of murders that had taken place in that State. While it is not stated by these gentlemen that these thousand murders were political assassinations, the charge has no significance unless they design it to be so understood. I venture the opinion that it will be found to be an atrocious misrepresentation, with the smallest amount of truth to support it. I come to this conclusion from the testimony adduced before the Alabama committee appointed by the House of Representatives to investigate the condition of affairs in that State during the late political campaign. You will recollect the letter of Hon. CHARLES HAYS to Hon. JOSEPH R. HAWLEY, specifying numerous outrages that had taken place from about the 1st of July to the 15th of September, 1874, and also telegraphic dispatches to the same effect published in the northern papers. The number of murders thus stated as having occurred in the counties of Choctaw, Marengo, Sumter, Pickens, Greene, and Coffee, (all of which are included in Mr. HAYS's congressional district except the last,) and which occurred within the space of two months and a half, amounts to thirty-six, to say nothing of twenty or thirty wounded. With the exception of the murder of Billings and Ivey, in Sumter County—the former a white, and the latter a colored man—there was not a particle of evidence before the committee that any such killings had taken place in either of these counties, and they were proved to be unfounded as far as a negative can be.

I was of the sub-committee that examined witnesses in Sumter County for four days—near the center of these alleged outrages—and with the exceptions I have mentioned no witness stated that any such homicides, or any homicides at all, had occurred in these counties, as stated in the Hawley letter or the telegraphic dispatch referred to. The evidence, now in course of publication, will confirm my statement in every jot and tittle.

But if by murders is to be understood all homicides of every description, including the killing of negroes by negroes, and the justifiable killing of negroes and white men in the perpetration of a felony, such as robbery, arson, burglary, rape, &c., then there may be some semblance of truth in this statement of General Sheridan, indorsed by Senator SHERMAN. I was informed by a gentleman in Montgomery County, Alabama, that at the time we were there the jail of the county contained upward of one hundred prisoners awaiting trial, principally for felony; that all were negroes except one or two, and that there were not less than a dozen murders in that county during the year 1874, and all of them committed by negroes upon negroes. This county has a large republican majority and has been entirely under the control of the negroes since reconstruction. I apprehend that a thorough investigation as to these thousand murders in Louisiana will show that at least four-fifths of all that have been committed have no political significance whatever, which General Sheridan knows, if Senator SHERMAN does not.

I have the honor to be, your obedient servant,

A. H. BUCKNER.

Hon. A. G. THURMAN.

Judge BUCKNER, an honored member of the House of Representatives, was one of a committee sent by the House to investigate the condition of the State of Alabama. From his letter it will be seen that the crimes in Alabama are mostly committed by the negroes. This evidence may be regarded as having all the force of official impression.

In reference to Mississippi, there is no evidence of any violence by the white people except in the city of Vicksburgh. The events there have been laid before the country, and I hardly think the people of an entire State should be condemned and the State itself be "disestablished" for the act of a hundred men in one place. For three years in the great State of Mississippi there has been one riot which is charged, justly or unjustly I shall not determine, on her white people. Where is the evidence of widespread conspiracy, rebellion, and murder against the Government and the friends of the Union?

As to the State of Arkansas, I beg to refer the Senate to the very able report of the committee of the House, of which Judge POLAND, of Vermont, who once with no ordinary distinction held a seat in this Chamber, is the chairman. I will read from Mr. POLAND'S report:

The new constitution we regard as republican in form, and in many respects an improvement upon that of 1868. Some question has been made as to the dropping from the declaration of principles some of the professions of loyalty contained in the old constitution. Most of the reconstruction constitutions contained rather a *surplusage* on that subject. We think the substance has been retained.

The committee are satisfied that the convention to frame the constitution, and the constitution itself, were voted for and are satisfactory to the majority of the voters and people of the State. The State officers were certainly elected by a majority of votes cast, and we think by a majority of the votes in the State. The condition of the State has been as peaceful since the new government was inaugurated as it ever has been; acts of violence have been very few indeed. It is alleged that this is all because they are now under congressional investigation and on their "good behavior."

The committee believe that in Arkansas the mass of the people on both sides are inclined to peace and good government, and to allow all the enjoyment of their legal rights; but there are a class of men, the

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Your committee cannot find any solid ground on which to stand to say the General Government can or ought to interfere; and no amount of irregularity in the processes by which this state of things was brought about furnish just reason for doing so. The committee believe that, upon principles now well established, all these defects and irregularities in the proceedings must be regarded as cured by the verdict of the people.

It will be seen that since the overthrow of the attempted usurpation of Brooks and the establishment of a just and conservative government in that State, quiet and tranquillity prevail, the law is maintained, and liberty enjoyed.

I have inquired with some concern of the Senators and Representatives of the State of Texas in reference to the condition of their people. I am informed that the people of that State are enjoying a high degree of prosperity. Both of her Senators inform me that their State is annually receiving an immigration estimated at two hundred thousand souls. What better testimony of the prosperity of a people and their peaceful and law-abiding habits and their respect for the Government and their tolerance of northern opinions than the established fact that from one to two hundred thousand settlers, largely from the Northern States, annually find homes among them?

And now, we approach the State of Louisiana. Yes, I say the State of Louisiana. You remember her, I remember her as a State; and we hope she may yet be a State. Yes, prostrated, disfranchised, an armed soldiery holding her capital, she is still a State; and no power on earth can deprive her of her rights, powers, position as a State; neither her own suicidal hand nor all the powers of the United States combined. If there is anything true in the theory and principles of this Government, it is that the existence of a State is as indestructible as the Government itself; but, I will not now discuss this question. We are told that "bloody treason flourishes" all over that once proud and happy State; the domination of a white minority over a black majority; the intimidations of a black majority supported by the Army and upheld by the patronage of the United States Government, by a white minority restrained, arrested, depressed by that same Army and influence. There have been bloody riots committed in Louisiana. I do not defend them; but let us examine them, their numbers and their magnitude. We should no doubt differ about their causes and origin. We are told by Senators that the "whole people are in revolt" and that there are "seas of blood," "thousands of murders" there.

I invoke the attention of the Senate. There have occurred in the State of Louisiana since the election in 1868 a riot at Colfax, a riot at Coushatta, and the revolution against the Kellogg usurpation at New Orleans. I accept the statement of republican Senators. Three riots, if you will, in that State since 1868, disconnected with each other, occurring in widely separated districts, under entirely different circumstances, and neither having any reference to any election that was to succeed it—no common interest between them. Upon this statement of fact, we are asked, seriously asked, to pronounce that the people of Louisiana are in armed rebellion and conspiring to overthrow the national authority and all government and substitute anarchy and "the slave power."

Against all of these charges, against all this denunciation, against all this cry of "organized political crime," against and as everlasting answer and refutation and rebuke of its cruel injustice, I present one paragraph from the calm, able, patriotic report of Messrs. FOSTER, PHELPS, and POTTER, the sub-committee of the House of

Representatives sent to see and hear for themselves the *facts* in Louisiana. Here is what they say:

Indeed, in our judgment the substantial citizens of the State will submit to any fair determination of the question of the late elections, or to anything by which they can secure a firm and good government. What they seek is peace and an opportunity for prosperity; to that end they will support any form of government that will afford them just protection in their business and personal relations. *In their distress they have got beyond any mere question of political party.* They regard themselves as practically without government and without the power to form one.

To that statement I call your attention and the attention of the American people. "*In their distress they have got beyond any mere question of political party.*" In these few words there is an eloquence of argument and fact far above the power of speech. What must be the extent, the depth, the agony of that "distress" which goes far "beyond political party." It is the "distress" of homes, for families, for life, for liberty. It is the "distress" which only those can feel who on the deck of some burning and sinking vessel, amid the despairing faces and prayers of wives and children, hear the last signal-gun that tells them they are going down to rise no more.

I have thus attempted at the peril of being very tedious to review the condition of the Southern States in the light which the evidence furnished by the republican party presents it. I think I may with candor rest the case of the South here without pleading her immense defenses, her overwhelming justifications, her mitigations of nature that appeal with the force of justice to the universal sense of right and reason of mankind.

In thus vindicating the Southern States let me not be misunderstood. I have done so from an anxious desire to dispel the imputations against them. But it is not the duty nor the right of any Senator to institute an inquisition into the character or conduct of any State of this Union. The Constitution defines the duties of the United States in this respect, but it has not made and I trust never will make Congress an inquisitorial court to investigate the States. Sir, is the Senate to become the star chamber of the Republic, in which States are to be immolated and their people put on the rack? Was it for this that these columns were reared, that this emblazoned roof pours down its gilded light on our heads? If this is to be, Senators, let us leave this Chamber and with stooping and muffled forms descend to the gloomy and dismal basement of the Capitol, there to revive the examples of Venice.

Consider the condition of the Southern States immediately after the war and what a spectacle do we behold! There were twelve States embracing an area of over eight hundred thousand square miles, larger than Great Britain, France, Germany, Spain, Austria, Switzerland, Belgium, and Holland combined, with a population of twelve millions, two-thirds of which were whites and one third recent slaves. The peace in 1865 succeeded a frightful civil war of four years' duration in which over a million and a half of men were engaged in armed conflict and all the terrible passions of sectional strife were excited. The war ended with an upheaval and transformation unprecedented in all time. Systems as old as the settlement of the country and deeply rooted in the very foundations of the structure of the South were suddenly subverted and abolished; government, society, the established order of labor and capital, the organic laws of States, their relations to the General Government, and the whole frame-work of material, moral, social, and political proportion were overturned and demolished.

I recall in all history no example of such complicated wreck and confusion. Four millions of slaves, one-half the population, totally unfitted for self-government, were suddenly set at liberty and invested with all political power. A great army had dissolved, and its soldiers, accustomed to the camp for years, returned to their homes to find them in ashes and their country without fixed laws. And for years, either from adverse seasons or mistaken husbandry or capricious labor, or all combined, the very earth refused her beneficent increase to our stricken people.

Unfenced desolation
Had left us as naked as the vulgar air.

I will not lift the veil from the picture of our social suffering. There was not a board in all our land that had not fasted; there was not a fireside in all the South from which some loved face was not missing; there was not a heart in all the South that had not bled. Senators, may you and your prosperous people never learn by your own experience the extremity of our afflictions. I have thought how to describe it; I am powerless to do it justice with speech.

I speak the simple truth when I declare that had I seen at the conclusion of the war the sea of dark and bitter troubles through which we had to pass, I should have despaired of the fate of my country and regarded the continuance of life as a doubtful blessing. A people exhausted by war and broken down by anguish were to try again the experiment of self-government for themselves. They were to test the capacity of a new race for self-government, they were to determine the question of labor in all its forms, and they were to conduct these trials at the same time and on the same field with that other grander trial of the capacity of different races to live together in harmony as political equals. These were some of the difficulties the South had to confront. And, Mr. President, had you then done as you ought to have done—and I must say right here what I do think—had you extended your right hand to the South in this hour of sorest trial, had you treated her people with magnanimity, had you given them your confidence as countrymen and brothers, the attachment and the gratitude of that people to you and the Union would have been boundless.

But Senators remind us of the magnanimity of the Government. Holding that quality to be the crown of all the virtues, I should be pleased to recognize it in the conduct of the Government toward the Southern States. It has been exercised in all our relations with others; it has been manifested toward the Indians; it has been manifested toward all our feebler neighbors; it has expressed itself in sympathy for all the oppressed people of the earth. But was it magnanimous, was it wise or politic, when the South was in the condition I have just described, to extort from her poverty a cotton tax of $70,000,000, now almost universally admitted to be unconstitutional? Was it magnanimous, wise, or politic, in your amendments to the Constitution, while you bestowed all political and civil rights on those who had been our slaves to disfranchise without discrimination every human being in the South who had ever been trusted by his people? And, let me ask the Senate of the United States if it is magnanimous, grateful, patriotic, or honorable to deny to the surviving soldiers of the war of 1812 who live in the South the pension of the Government? Sir, in this debate we have heard much of Jackson and the glory of New Orleans, and the heart of the nation swells with gratitude and pride when the 8th of January, 1815, is mentioned. Is it possible that the brave comrades of Jackson on that glorious day, now past four score years, tottering to their graves, are dishonored by the country they gave their blood to defend? Senators, let not this reproach longer dishonor the justice, gratitude, and glory of the American people. This is not the magnanimity that conquers hearts.

But let it be recorded to the imperishable and transcendent glory of the South that amid all this ruin, revolution, eclipse, and darkness her great people, as a people, never once lost their self-control, forgot their duty, violated their moderation, or broke any of the restraints of law or honor. But let it also be written to their undying and supreme renown that amid these speechless calamities they have cherished and preserved in unquenchable light their love of liberty and constitutional freedom. Sir, in all history has there been anything like it? Look at the civil wars of Marius and Sylla, and behold their fires smothered to-day but to burst out to-morrow in wilder flames and deeper streams of blood. Look at the thirty years' war of our great ancestry—the houses of York and Lancaster. Read the account of the recent "commune" in Paris after the peace with Germany, in which in three months ninety thousand Frenchmen were slain by their own countrymen before the passions of war would subside. And then turn and behold the "great southern ocean," when the storm had ended, become, with all its power and depths, almost as calm as when the "Sea of Galilee" responded to the Spirit of Peace.

Is it remarkable, that over this vast deep, stirred by the storm of war and strewed with the wrecks of so many institutions, institutions of ages, there should be left some agitation? Is it not more remarkable that there has been so little disturbance; that the great waves of war and passion have so soon and so universally subsided? And are these disturbances and outbreaks to be taken as proofs of general dissatisfaction and violence? We might as well fear that because the volcanoes on the Andes occasionally burst out, the great central fires were about to break their earthbound cerements. Crimes have been committed in the South; crimes sometimes of a horrid character. I condemn and denounce them; wherever the violence, the terror, the tyranny of numbers has prevailed over the weak and defenseless, I utterly abhor and execrate it. I have no sympathy with crime in any shape it may assume. For the authors of these crimes I have no toleration. They have accomplished no good. It is impossible under the providence of a just Ruler that crime can accomplish good. But they have brought unjust, cruel reproach and aspersion upon whole communities. Mobs, combined lawless numbers, are not of or with the South. In the name of the courage, manliness, and truth which distinguish the name of "southerner" over the civilized world, I repudiate and disown such disgraceful acts as utterly abhorrent to our sentiments and character. Senators can have no conception of the gross and cruel injustice they perpetrate against the South by the charge that any considerable, any respectable portion of our people can be guilty of such infamous offenses. I have already demonstrated that such is not the fact. The world knows it is not.

But, sir, if we feel proper indignation against the perpetration of crime in the case of individuals, what must be our abhorrence and scorn for the authors and agents of that system of gigantic crime which spread wide over the whole Southern States, and at one time threatened to involve in general ruin not only political liberty, but all the safeguards of civilized society. If we feel just and stern indignation against the massacre at Coushatta, or Colfax, or Trenton, what must be our surprise and passion when we behold the State of Louisiana, with her half million of people, the helpless victim of a deliberate, systematic, organized, and accomplished conspiracy, which has destroyed the value of her lands, broken down the credit of her stocks, paralyzed her commerce, annihilated her industries, prostituted her laws, prostrated every honest interest in her limits, trampled on her liberties, and brought down her proud name to the dust. What crime can be greater than the destruction of a State, whether

accomplished by the armed soldiery of the nation in the capital of the State or perpetrated by the slower processes of the poisons of corruption? Nor, sir, can this high crime be mitigated by denunciation, abuse, calumniation of the people of Louisiana. The attempt by the authors of these calamities to tarnish, to blacken, to mutilate the character of the unhappy and distressed people whom they have despoiled and oppressed proves the "guilt of their own great quell." The ancient Carthaginians cut off the eyelids of the noblest Roman and exposed him to the blazing sun until he perished because he had not betrayed his own nor his country's honor; but amid their tortures the barbarians applauded the virtue and patriotism of Regulus, and erected on the plains near their city a trophy to his memory. The countrymen of Hannibal admired the stern integrity their cruelty could not shake; their savage policy inflicted the rack, but their sense of justice honored the duty that survived it. In Louisiana we have witnessed the rapacity and cruelty that could strip and starve its prostrate victims, accompanied with the infamy that sought to destroy the character it had vainly tried to corrupt.

And now, Mr. President, I submit to a candid country if there is any just ground in the condition or conduct of the southern people to justify the interference of the Army with the Legislature at New Orleans.

Louisiana was first admitted as a State in this Union on the 8th of April, 1812, and again readmitted under the reconstruction acts on June 25, 1868. She is a State, her Representatives are in Congress, the United States courts are over her people, the jurisdiction of national laws extends throughout her limits, she is in all the elements recognized by the Constitution a State in this Union. In November, 1872, a general election for all State officers and members of Congress was held in that State, and the conservative party elected their ticket by a majority of about ten thousand votes. On the night of the 5th of December following, under color of a void order issued at midnight by a corrupt and profligate judge, supported by regiments of the United States Army moving before the dawn of day, a fraudulent and usurped State government was imposed upon the people of Louisiana. I will read from the report of Messrs. PHELPS, FOSTER, and POTTER:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature abolishing existing courts and judges, and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws, centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia, subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults and removing filth, and doing work as wharfingers; by the abolition of courts with elective judges, and the substitution of other courts, with judges appointed by Kellogg, in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks issued during the years 1870 and 1872; by laws declaring that no person in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Governor Kellogg's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

I will also read from the report of Messrs. HOAR, WHEELER, and FRYE, three distinguished republicans of the House of Representatives:

On the other hand, the order of Judge Durell and the so-called canvass made by the returning board in the interest of Kellogg seem to us to have no validity and to be entitled to no respect whatever. We concede and declare, as emphatically as any person can desire, the unsatisfactory character of the methods adopted for arriving at this conclusion. There is, in our judgment, whatever may be the opinion one may form from the statement of men familiar with the campaign of 1872, or from the registration of white and colored voters, no legal evidence whatever which will warrant the declaration that either Kellogg or McEnery was lawfully elected.

I will further read from the report of the Committee of the Senate on Privileges and Elections, then composed entirely of republicans:

3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.

It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate, based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits, and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

It has never been pretended by any intelligent or respectable man that Kellogg received a majority of the votes cast in Louisiana in 1872. The honorable Senator from Indiana [Mr. MORTON] does insist that, by an "estimate" of what he imagines the vote ought to have been, according to the census of the State and upon the "line of color," Kellogg was elected. But that Senator has never asserted that Kellogg had any legal expression or sanction of an election.

Upon this question I refer to the message of the President to the Senate in reply to the resolution of the Senator from Ohio, [Mr. THURMAN:]

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.

Thus a State government was imposed upon the people of Louisiana and has been continued over them for more than two years against their expressed will and by the fraud of a Federal judge, sustained by the Army of the United States. The facts deposed before the Committee on Privileges and Elections develop a system of glaring and disgraceful fraud without any parallel in the annals of political crime. In 1874 the people of that oppressed State again with determined patriotism entered the canvass and carried the election in November by an acknowledged majority of the popular vote, and returned a majority of *twenty-nine* conservative members to the house of representatives of the State Legislature; and again a corrupt and fraudulent returning board undertook to defeat the popular will and actually reverse the majority in the house of representatives.

I beg to refer to the report of the committee of the House again on this subject:

Whereas both branches of the Legislature of Louisiana have requested the special committee of this House to investigate the circumstances attending the election and returns thereof in that State for the year 1874; and whereas said committee have unanimously reported that the returning board of that State, in canvassing and compiling said returns and promulgating the result, wrongfully applied an erroneous rule of law, by reason whereof persons were awarded seats in the house of representatives of Louisiana to which they were not entitled and persons entitled to seats were deprived of them:

Resolved, That it is recommended to the house of representatives of Louisiana to take immediate steps to remedy said injustice and to place the persons rightfully entitled in their seats.

By which it will be seen that a clear, manifest, undeniable majority in the house of representatives was overthrown by the action of the Kellogg returning board. I also read from the same report to show that the election in November, 1874, was fair, lawful, peaceful:

We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

It will thus appear from the report unanimously made by the committee of seven, composed of five republicans and two democrats, that the conservatives elected a majority of members to the house of representatives in the State of Louisiana, and that the Kellogg returning board undertook to unlawfully supplant that conservative majority, and actually returned a roll giving to the republicans a majority in that house.

On the morning of the 4th of January the Legislature was to convene and organize in the State-house at New Orleans. One hundred and two members who were returned on the roll of the returning board assembled in the legislative hall, of whom fifty-two were republicans and fifty democrats, and with them five members who had the parish certificates, *prima facie* evidence of their election, and who had not been rejected or enrolled by the returning board. After a temporary organization of the house the five members were admitted to seats in the chamber and Mr. Wiltz was elected speaker. Against the admission of the five members and the organization of the house with Mr. Wiltz as speaker there was earnest protest from the republican members. And then occurred a scene which has but few precedents in the history of free governments, and these all conspicuous for the calamities which succeeded them.

General De Trobriand, an officer of the United States Army, in the uniform of his country, entered the legislative hall of the State of Louisiana, and with a file of soldiers with fixed bayonets ejected from their seats five persons sitting as members of that body. There is the simple statement of the facts. The Army of the United States enters the hall of a State Legislature and expels its seated members. Is it necessary to comment on the character of the act? When the day comes, and I pray it never may, that such a deed fails to strike the American people with amazement and indignant horror, our liberty will already have perished. There is no danger to our free institutions which the Constitution of the United States and the constitutions of all the States guard with so much vigilance as that which must always arise in a free government when the military interferes with the civil authority. And, sir, let it be forever kept in mind that this jealousy of the civil government is just, for it cannot be too watchful against the ambitions of military power. The constitution of every State protects this fundamental vital principle, without which there can be no civil government. This principle is the foundation, the life of all representative government. Strike it down, and nothing remains but military despotism. Its subversion is the end of liberty and the establishment of arbitrary power. That is what it is.

As a Senator from North Carolina I feel instructed to protest against all military interference with the civil authority. That State for

years has had, in addition to her constitutional provision, on her statute-books this law.

21. It shall not be lawful to call or direct any regimental, battalion, or company muster on election days, or to assemble armed men on the day of election at any place appointed by law to hold elections for electors, governor, members of Congress, or members of the General Assembly, under the penalty of $1,000, to be recovered of any person who shall call such muster or assemble such armed men, and applied one-half to the use of the informer and the other half to the use of the State.—*Revised Code of North Carolina*, 308, 309.

And to her honor let it be known that during the civil war her military officers, her governor, and her State officials, all her people respected the writ of *habeas corpus*. In looking back over a life now approaching its meridian, I recall no incident of a public character that gives me more pleasure than when surrounded by thousands of armed troops I felt it to be my duty to obey that writ and surrender to the unarmed officer of the law a conscripted soldier from the army. So jealous has North Carolina ever been of her liberties.

Among all the safeguards of a free government there is not and there cannot be one more essential and more sacred than the right which the Constitution of the United States secures to each House of Congress and the constitution of every State secures to each branch of a State Legislature, that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

The nature of this power has been well discussed by Mr. Reverdy Johnson—and when I have mentioned that name in connection with constitutional law I will say no more. I will use his words. He says:

It is a power essential to legislative freedom. The history of the legislative department of Great Britain shows that this power, after various struggles with kings and lords, secured its permanent place in Parliament and has never since been called into question. If the Legislature cannot delegate the power, still less can it be exercised by the Executive, State or Federal. To suffer it to be done by either would be to divest the Legislature of a power essential to its own integrity. To permit the executive of a State to purge the legislative halls of members whom he may suppose not to have been elected would be not less fatal to the very end of such a department than to give him the power to select its members. And to authorize the President so to interfere would be a total violation of the powers admitted to belong to the States, and of the limited powers conferred upon the General Government.

It will do us no harm to glance for a moment at the history of this great legislative right and see with what care our English ancestors have established and preserved it. I will read a short extract from Hallam's Constitutional History, a book which I commend alike to statesmen and American soldiers:

Nothing further appears on record till in 1586 the house appointed a committee to examine the state and circumstances of the returns for the county of Norfolk. The fact was, that the chancellor had issued a second writ for this county, on the ground of some irregularity in the first return, and a different person had been elected. Some notice having been taken of this matter in the Commons, the speaker received orders to signify to them Her Majesty's displeasure that "the house had been troubled with a thing impertinent for them to deal with, and only belonging to the charge and office of the lord chancellor, whom she had appointed to confer with the judges about the returns for the county of Norfolk, and to act therein according to justice and right." The house, in spite of this peremptory inhibition, proceeded to nominate a committee to examine into and report the circumstances of these returns, who reported the whole case with their opinion, that those elected on the first writ should take their seats, declaring further that they understood the chancellor and some of the judges to be of the same opinion; but that "they had not thought it proper to inquire of the chancellor what he had done, because they thought it prejudicial to the privilege of the house to have the same determined by others than such as were members thereof. And though they thought very reverently of the said lord chancellor and judges, and knew them to be competent judges in their places; yet in this case they took them not for judges in Parliament in this house; and thereupon required that the members, if it was so thought good, might take their oaths and be allowed of by force of the first writ as allowed by the censure of this house, and not as allowed of by the said lord chancellor and judges. Which was agreed unto by the whole house."—*Hallam's Constitutional History of England*, volume 1, pages 274, 275.

There is an example of the independence of the English House of Commons and of the respect which Queen Elizabeth, the daughter of the haughty Tudors, rendered to a majesty greater than the throne. Shall the Army of the American Republic exhibit a disregard for the constitutional privilege of a Legislature which the proudest sovereign who ever wore the crown of Great Britain dared not infringe?

But we have been told on this floor that the expelled persons were not members of that Legislature and that they had no right to the seats which they occupied. Sir, is the Senate, is the general commanding the United States troops, is the governor of Louisiana, is the President of the United States, to judge that question? No, sir; no. That question belonged by the constitution of Louisiana exclusively to the house of representatives itself, and we have no power to decide it here. Our right and duty to judge the elections, qualifications, and returns of Senators in this Chamber is not more exclusive. But there are proofs, strong, positive, certain that the conservatives had elected a large majority of that house and that the act of the returning board in undertaking to defeat that majority was unlawful and corrupt. I again call attention to the report of the committee of the House of Representatives and their resolution which I have already quoted.

The committee unanimously recommend "that immediate steps be taken to remedy said injustice and to place the persons rightfully entitled to their seats." Are we to hear after this expression of an able and patriotic committee that the soldiery of the United States which unseated and expelled lawful members of a State Legislature was only suppressing a riot, was putting down domestic violence, was quelling an insurrection? Was the convention of a Legislature "duly, peaceably, quietly elected by the people" a riot, domestic violence, or an armed insurrection? Sir, such a question is not susceptible of argument. It cannot bear the light. Is not the origin, the cause, the fountain of all this wrong in the corrupt, willful, wicked conspiracy of the returning board to defraud the people of Louisiana out of their second election? And was not the Army used, in the words of Kellogg, "to clear the hall and State-house of all persons not returned as legal members of the house of representatives by the returning board? Of this returning board the committee of the House say:

We understand the committee to be unanimous in finding the fact that the action of the returning board has defeated the will of the people as expressed by them at the polls on the 3d of November, 1874. The people then elected to the lower house of their Legislature a majority of conservative members; a portion of the conservative members thus elected were refused their certificates. This is an act of great injustice to the individuals, of gravest danger to the State and free government, and ought to be immediately corrected by any power competent to correct it.

* * * * * * *

Without now referring to other instances, we are constrained to declare that the action of the returning board, on the whole, was arbitrary, unjust, and, in our opinion, illegal; and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of conservative members of the lower house.

And, sir, what do we now witness?

We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

And then we behold the Army of the United States used to sustain "the unjust, illegal, and arbitrary action of the returning board" by expelling members from the legislative hall because they had not been returned by that board.

And we witness further, now when days and weeks have passed since that interference by the military, these same members excluded from the hall and the injustice thus continued. Is this violation of the most sacred rights of a State of this Union to be perpetuated? Is a usurping Legislature sustained in authority by the United States Army to make laws for the people of Louisiana, and are the people expected to obey and respect their acts? The usurpers in Louisiana may well exclaim with the bloody Dane:

Forgive me my foul murder!
That cannot be; since I am still possess'd
Of those effects for which I did the murder,
My crown, mine own ambition, and my queen.
May one be pardon'd, and retain the offense?

No, sir, the smallest remedy that is due the violated constitution of that State and her outraged people and the just sentiment of American freemen is to allow the rightful members of the Legislature to assemble in the capitol and discharge their legislative duty. I protest against this continuing wrong, and every hour of its existence increases its enormity and solidifies its despotism. Its inception may have been a blunder, its prolongation is the greatest crime.

In the light of these facts what becomes of the argument that the Army of the United States was used to suppress a riot? When the soldiers entered that hall there was quiet and order within its walls. All disturbances had ceased and legislative duties were being actually performed. Mr. President, there was a way, a safe, constitutional, just mode of composing all the difficulties of that day. If the returning board instead of acting "unjustly, illegally, and arbitrarily" had discharged their duty fairly, justly, legally, there would have been no trouble in that State-house. But that board corrupts, perverts, suppresses the just returns from the election, and when the conservatives in spite of the desperate action of the board succeed in securing the organization of the house, the military power of the General Government is invoked to consummate the usurpation the board had begun. Where was the riot? With whom, between whom, and by whom was it made? In the legislative hall there were not one hundred conservatives—citizens, members of the Legislature and its officials—men of all ages. Was it their purpose to commit a riot? No. They had but an hour before called on the millitary to restore order among their opponents and their followers. How was that riot to be suppressed? Order had been once restored upon the simple appearance of General De Trobriand. I apprehend that the learned jurists of the country to whom the Senator from New York referred so eloquently will think it rather a novel method of quelling a riot by ejecting with bayonets five members of a State Legislature from the seats they were quietly holding. The idea of a riot by the conservatives in that hall and on that day is simply impossible. The State-house was surrounded by eighteen hundred United States soldiers; charged cannon commanded the streets of the city, and the guns of armed vessels of war in the river were trained upon all the approaches to the capitol. The State-house was encircled with lines of bayonets. A riot in that hall was impossible. The purpose was to eject the five members, to turn the Legislature over to the republicans and to complete the usurpation commenced by the returning board. Is there a rational man on the face of the earth who can doubt that this was the purpose, who does not know that a simple word from the officer in command to "keep the peace" would have maintained order; and are any so blind as to imagine that that feeble band of conservatives so environed could contemplate violence? Sir, I will pursue this line of argument no further. The riot has been suppressed now for six weeks but the five expelled members are still excluded from the Legislature.

But the honorable Senator from Ohio says that "to call this one of those great historic outrages where the rights of a whole people are trampled upon is simply making a mountain out of a molehill." I have great respect for the candor of that Senator, but he must pardon the same candor in me when I say that I fear he looks upon this event in Louisiana in a very different light from that in which he would view it in Ohio or New York. I fear Senators do not yet fully realize that the Southern States are States of this Union, with all the duties and all the rights of their northern sisters. I wish I could see armed intervention in Louisiana as the Senator sees, and that his was the true view. I pray that it may not prove one of those great eclipses which have rarely occurred in history to overshadow free government. In my opinion that will depend upon the courage of Congress and the patriotism of the American people. I think it will not be unprofitable to the Senator and to the people to review those remarkable examples in history which have preceded the tragedy in Louisiana. I will read the account given by Hallam of the usurpation of Charles I, when he invaded the British House of Commons:

The following account of the king's coming to the house on this occasion is copied from the pencil notes of Sir R. Verney. It has been already printed by Mr. Hatsell, but with no great correctness. What Sir R. Verney says of the transactions of January 3 is much the same as we read in the journals. He thus proceeds:

"TUESDAY, *January* 4, 1641.

"The *five* gentlemen which were to be accused came into the house, and there was information that they should be taken away by force. Upon this the house sent to the lord mayor, aldermen, and common council to let them know how their privileges were likely to be broken and the city put into danger, and advised them to look to their security.

"Likewise some members were sent to the inns of court, to let them know how they heard they were tampered withal to assist the king against them, and therefore they desired them not to come to Westminster.

"Then the house adjourned to one of the clock."

As soon as the house met again, it was moved, considering there was an intention to take these five members away by force, to avoid all tumult let them be commanded to absent themselves; upon this the house gave them leave to absent themselves, but entered no order for it. And the five gentlemen went out of the house.

A little after the king came with all his guard, and all his pensioners, and two or three hundred soldiers and gentlemen. The king commanded the soldiers to stay in the hall, and sent us word he was at the door. The speaker was commanded to sit still with the mace lying before him, and then the king came to the door, and took the palsgrave in with him, and commanded all that came with him upon their lives not to come in. So the doors were kept open, and the Earl of Roxburgh stood within the door, leaning upon it. Then the king came upward toward the chair with his hat off, and the speaker stepped out to meet him; then the king stepped up to his place and stood upon the step, but sat not down in the chair.

And after he had looked a great while he told us he would not break our privileges, but treason had no privilege; he came for those five gentlemen, for he expected obedience yesterday, and not an answer. Then he called Mr. Pym and Mr. Hollis by name, but no answer was made. Then he asked the speaker if they were here or where they were? Upon this the speaker fell on his knees and desired his excuse, for he was a servant to the house, and had neither eyes nor tongue to see or say anything but what they commanded him; then the king told him he thought his own eyes were as good as his, and then said his birds had flown, but he did expect the house should send them to him; and if they did not, he would seek them himself, for their treason was foul, and such a one as they would all thank him to discover; then he assured us they should have a fair trial; and so went out, pulling off his hat till he came to the door. Upon this the house did instantly resolve to adjourn till to-morrow at one of the clock, and in the interim they might consider what to do.—*Hallam's Constitutional History of England*, volume 2, pages 125, 126.

Does the Senator discover no coincidence with the recent event in New Orleans? While the principal incidents of the two events are concurrent, does the Senator discover no painful similitude in the *exact days* of the *month* and the *week* and the ominous number of the *five* expelled members; the same month, *January;* the same day of the month, the *4th;* the same day of the week, *Tuesday;* the same number expelled, *five.* Slight as these circumstances are, I trust they may make sufficient impression on our minds to warn us against the fatal consequences that followed that unhappy mistake of the best of the Stuarts. Hallam says:

But the single false step which rendered his affairs irretrievable by anything asort of civil war, and placed all reconciliation at an insuperable distance, was his attempt to seize the five members within the walls of the house; an evident violation, not of common privilege, but of all security for the independent existence of Parliament in the mode of its execution, and leading to a very natural though perhaps mistaken surmise that the charge itself of high treason made against these distinguished leaders, without communicating any of its grounds, had no other foundation than their parliamentary conduct.—*Hallam's Constitutional History of England*, volume 2, pages 125, 126.

I will now read from Hume's history his graphic account of the dissolution of that Parliament, the most distinguished of all others for its vicissitudes of glory and shame, by the usurper Cromwell:

Cromwell, in a rage, immediately hastened to the house and carried a body of three hundred soldiers along with him. Some of them he placed at the door, some in the lobby, some on the stairs. He first addressed himself to his friend St. John, and told him that he had come with a purpose of doing what grieved him to the very soul, and what he had earnestly with tears besought the Lord not to impose upon him, but there was a necessity, in order to the glory of God and good of the nation. He sat down for some time and heard the debate. He beckoned Harrison, and told him that he now judged the Parliament rife for a dissolution. "Sir," said Harrison, "the work is very great and dangerous. I desire you seriously to consider before you engage in it." "You say well," replied the general; and thereupon sat still about a quarter of an hour. When the question was ready to be put he said again to Harrison, "This is the time; I must do it." And suddenly starting up, he loaded the Parliament with the vilest reproaches for their tyranny, ambition, oppression, and robbery of the public. Then stamping with his foot, which was a signal for the soldiers to enter, "For shame," said he to the Parliament; "get you gone; give place to honest men; to those who will more faithfully discharge their trust. You are no longer a Parliament. I tell you you are no longer a Parliament. The Lord has done with you; he has chosen other instruments for carrying on his work." Sir Harry Vane exclaiming against this proceeding, he cried with a loud voice, "O! Sir Harry Vane, Sir Harry Vane! The Lord deliver me from Sir Harry Vane!"

* * * * * * * *

Having commanded the soldiers to clear the hall, he himself went out last, and ordering the doors to be locked, departed to his lodgings in Whitehall.—*Hume's History of England*, volume 7, pages 192. 193.

And now, coming down to a period nearer our own times, I will draw the attention of the Senate and the country to another scene of military interference with a representative assembly of the people. I read from Thier's French Revolution:

At this moment Bonaparte heard outside the scene that was passing in the Assembly. He was alarmed for his brother, and sent ten grenadiers to bring him out of the hall. The grenadiers entered, found Lucien encompassed by a group, laid hold of him by the arm, saying that it was by his brother's orders, and hurried him away. The moment had arrived for taking a decisive step. If there was any wavering all would be lost. Rhetorical means for working upon the Assembly having become impracticable, no alternative was left but force. It was requisite to hazard one of those daring acts before which usurpers always hesitate. Cæsar hesitated before he passed the Rubicon, Cromwell before he turned out the Parliament. Bonaparte determined to march his grenadiers against the Assembly. He mounted his horse, with Lucien, and rode along the front of the troops. Lucien harangued them. "The Council of the Five Hundred is dissolved," said he; "it is I that tell you so. Assassins have taken possession of the hall of meeting and have done violence to the majority; I summon you to march and to clear it of them." Lucien afterward swore that himself and his brother would be the faithful defenders of liberty. Murat and Leclerc then took a battalion of grenadiers and conducted it to the door of the Five Hundred. They advanced to the entrance of the hall. At the sight of the bayonets the deputies set up tremendous shouts, as they had done at the appearance of Bonaparte. But these shouts were drowned by the rolling of the drums. "Grenadiers, forward!" cried the officers. The grenadiers entered the hall and dispersed the deputies, who fled, some by the passages, others by the windows. In a moment the hall was cleared and Bonaparte was left master of this deplorable field of battle.—*Thiers's French Revolution*, volume 4, page 428.

There, Mr. President, are brought before us in the faithful light of history the three most remarkable instances of military usurpation in the invasion of the rights and powers and the seizure of the persons of a legislature. Is it necessary to remind you that each of these scenes was followed by dark years of blood and sorrows, of convulsions that overturned the foundations of government, of despotisms that overshadowed the liberties of nations? They with the history of their calamities have been handed down to us as warning examples, and they stand as beacon-lights to direct us from their dangers. I trust that the American people will study these eminent lessons, and, contemplating the mighty disasters of which they were the sign or the origin, will command their representatives to rebuke their repetition and to anticipate the recurrence of their influence in this Republic.

Nor, will the defenders and apologists of the military usurpation in Louisiana derive much comfort or support from the examples to which they have referred in our own country. While altogether different in most important circumstances, and certainly in their constitutional character and relations not parallel to the event in Louisiana; yet, in the unhappy occurrences that succeeded them neither the dispersion of the territorial Legislature at Topeka nor the suppression of the State Legislature at Annapolis will be pleasant or safe authorities for our guidance. They too are conspicuous examples against the evils that certainly flow from military interference with civil authority even when exercised with the greatest caution and under the sternest necessity.

No, sir; military interventions with legislative assemblies have always been fruitful fountains of blood.

By the side of these examples in what light will the spectacle of the 4th of January at New Orleans appear? In what colors will some future Hume or Hallam draw the picture of that State-house surrounded with its cordon of polished steel; those brave batteries of artillery posted in the streets of the capital of Louisiana; those dark armaments frowning from the great Mississippi; those squadrons of armed troops stationed with their unfurled standards up and down the mournful city; that legislative hall, as the officer of the Army, with his buckled sword, and his file of soldiers, enter and seize the devoted five, and with fixed bayonets bear them from the capitol? Will it be recorded along with the event which occurred near that city sixty years ago as one of the great victories of liberty, or will it descend to other times as one of the dark and melancholy examples that begin a nation's downfall?

The history of Louisiana for the last few years presents an instructive but melancholy picture. We behold that once proud State occupying the most eligible position on the continent for the enjoyment of every element of material prosperity, and we should naturally expect to find in her rapidly reviving fortunes the promise of a greater future for the South. Her soil is as fruitful as a garden. Her climate, tempered between the glow of the tropics and the milder winds from the Gulf, is genial and delightful. Her productions are more abundant than those of the Nile. Her fruits are more delicious than those of Italy. Her flowers as fragrant and as beautiful as imagination can paint. The great Mississippi, once laden with the richest commerce of the world, flows through her borders. The Gulf of Mexico, like another Mediterranean, opens its broad bosom to her trade. Nature has blessed her with its most munificent gifts, and art has contributed to cultivate them to usefulness and beauty.

The people of Louisiana are a bright, brave, patriotic race, "unsurpassed among the nations of the earth in courage, spirit, generosity, and hospitality, and have that love and habit of truth which

becomes brave men." They combine the refinement, the courtesy, the grace of the knightly Norman with the sterner and sturdier virtues of sterling English character; for in their veins are doubly united both streams of these noble bloods. Such is the physical State of Louisiana, and such is the character of the people who once possessed, but, in the language of the House committee, "do not now hold, the State government." From the union of such a country and such a people what of happiness and honor might we not naturally expect? And yet, Senators, you behold in Louisiana a scene of calamity which defies description. In all Europe, Asia, and America you will see no country, no people so cursed and so forlorn. For two hundred years in the receded past her history is without a parallel in mingled infamy and sorrow. There was genius and romantic devotion on the darkest page of the French revolution. Over the corruption and ruin in Louisiana there falls not a gleam of truth or intelligence. We travel through deserted and wasted districts only to contemplate the evidence of decay and to witness the symptoms of approaching dissolution. The sight of a once great, generous, gifted people sinking suddenly into irretrievable degeneracy and degradation, with no hope of deliverance, has rarely, if ever, occurred in the history of nations.

In that magnificent art gallery which one of the noblest benefactors and philanthropists of the age has presented to the people of this city to delight their tastes and elevate their sentiments there is a painting that represents the "Famine in Egypt." Whenever I enter that beautiful hall and behold on the sad canvas the shrunken forms and wasted faces and appealing eyes of that stricken people as they gaze on the tender and pitiful figures of their starving children and press the wilting bodies to their unnourishing breasts, my heart turns to Louisiana, and by the agony and ruin of that once noble State and the dark river that lays before her the painted death and despair on the Nile seems but a miniature. Sir, physical suffering is much; want, hunger, disease, pain, all try the mind and body; but what are they when a proud, refined, intelligent, Christian people behold the government, the liberty, the virtue their fathers left them, and which they in their souls cherish, dying out and passing away, never to return to them or their children—when they behold the shadows of Mexico, of Jamaica, of Central America, worse than the shadows of death, gradually but surely settling over their country?

Sir, when I have read of Palmyra and Balbec and Memphis and Thebes and the great empires and cities of remote ages, and have been told that no vestige of their existence remains and that the traveler looks in vain for the sites where they stood, I have often doubted their reality, for I could not understand how so many monuments of art and time could entirely perish; but in the rapid decline and transformation of Louisiana I see the truth of history vindicated. There can be a government so bad to which nothing of ruin is impossible, as there can be a government so good to which nothing of beneficence is impossible. But much as I deplore this gloomy picture, it is not entirely without some compensation. Had a State government established by the corruption of the Federal judiciary and sustained by the military power of the General Government been even tolerable, had it not been utterly and absolutely self-destructive, the American people might not have been awakened to its enormity, and the evil might have grown until it was too large and too deep to conquer and to eradicate. The melancholy and lamentable example is now before us in all its disastrous consequences, and I believe the country will administer a remedy. At least the usurped State government cannot stand. It is dying from its own corruption so fast that bayonets cannot support and give it life. Springing from no popular will, surrounded by no popular affections, restrained by no moral sense, directed by no enlightened patriotism, it is obliged to fall crushed by the weight of its own abuses, and universal contempt and detestation await its downfall.

Let us be more than thankful that usurpation cannot take root in the soil, cannot flourish in the pure air of the Republic. Beneath the withering shadow of its bayonets the prosperity and freedom of half a million people have sickened and fallen to the earth, and its depressing influences have extended far beyond the limits of a State and are felt in every limb and artery of the Republic. The commerce of a nation lifts its hands against the wrong; the manufactures of a country protest against the impolicy; all the trade of the States condemns the folly; all the industries of the Republic resist the injustice; all the humanities of the people rebuke the oppressions that have depressed, paralyzed, and exhausted their best resources and cast a frightful cloud upon their hopes. Every interest in the Union sympathizes with the misfortunes of Louisiana. The blow that struck her down has staggered the energies of the North and the East. Her blight and the adversities of her southern sisters have extinguished the fires in your furnaces, closed the doors of your mercantile palaces, left your ships to decay in the docks, stopped the music of your looms, and have taken their daily bread from the mouths of the noble sons of labor who support your wealth, prosperity, and glory.

When the Senator from Delaware [Mr. BAYARD] declared a year since in clear words that "justice to the South was self-protection to the North," he uttered a great truth, one full of wisdom and full of patriotism. Time has verified his statesmanship. Justice is the safety of the nation. It is the only law of perpetual life, the only principle of permanent possession, and whenever or wherever it is violated, the sooner and the more palpable its retributions come the better will it be for the country. That relation which makes the prosperity of each section depend upon the prosperity of the other sections of the Union is the guarantee of its justice and the indissoluble bond of its integrity; and every American patriot must rejoice when he beholds a conspicuous illustration of the sublime principle. It is the union of duty, of interest, of self-preservation that binds together more firmly than laws, the union of the States, and the people. The destruction of material prosperity in the South has been followed, as the night follows the day, by the derangement, depression, and distress of all interests at the North; and the injury to constitutional liberty committed on the State of Louisiana may not as promptly but will as surely extend its dangerous influences over the free institutions of the country. An organ, a limb, one of the senses of the human frame, can no more be cut off or maimed without impairing the vital strength of the whole system than can a section or State of this Union be mutilated, stricken down, or dishonored without weakening, corrupting, degrading the power and character of the whole Republic? Sir, let this Union, with its harmonies unbroken by injustice, mad hate, and jarring discords, be a great and continuing circle of beneficence, diffusing its influence as the light comes from the firmament over our heads, and let its protection, its benefits, and honors descend equally upon all parts of the country as the dews from heaven; and it will stand as bright and as grand as the stars.

Let it not be thought that I have exaggerated the wrongs and misfortunes of the people of Louisiana. I refer to these extracts from the report of the House committee, and of Colonel Morrow, of the United States Army:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature, abolishing existing courts and judges and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws, centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults and removing filth, and doing work as wharfingers; by the abolition of courts with elective judges, and the substitution of other courts with judges appointed by Kellogg in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks, issued during the years 1870 and 1872; by laws declaring that no persons in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Governor Kellogg's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

With this conviction is a general want of confidence in the integrity of the existing State and local officials; a want of confidence equally in their purposes, and in their *personnel*; which is accompanied by the paralyzation of business and destruction of values. The most hopeful witness produced by the Kellogg party, while he declared that business was in a sounder condition than ever before, because there was less credit, has since declared that "there was no prosperity." The securities of the State have fallen in two years from 70 or 80 to 25; of the city of New Orleans from 80 or 90 to 30 or 40, while the fall in bank shares, railway shares, city and other corporate companies, have in a degree corresponded. Throughout the rural districts of the State the negroes, reared in habits of reliance upon their masters for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry so generally—as Bishop Wilmarth stated without contradiction from any source—that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while within the parishes, as well as in New Orleans, the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission for the amount assessed, and houses and stores are to be had there for the taxes. In Natchitoches the taxation reached about 8 per cent. of the assessed value on the property. In many parishes all the white republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln; there are seven of the Boults in office in Natchitoches. As the people saw taxation increase and prosperity diminish, as they grew poor while officials grew rich, they became naturally sore. That they love their rulers cannot be pretended.—*Report of the select committee composed of Messrs. Foster, Phelps, and Potter.*

I now come to the general condition of affairs in the parishes on Red River, and, without the slightest exaggeration, I may say it is bad. Respect and regard for the General Government are expressed by all classes of people, and so is the determination not to be, under any circumstances, brought into collision with the Federal troops; but there is a universal expression of contempt for the State government, and, so far as language could express it, there is open defiance of its authority. The governor is everywhere, and by almost every white man, denounced a "usurper," and the determination is openly expressed by nearly every white man not to submit to his usurpation longer than submission is compelled by the presence and force of Federal soldiers.

Dissatisfaction and discontent are plainly visible in all the acts and conversation of the people, and the result is manifest in almost every department of business. Uncultivated fields, unrepaired fences, roofless and dilapidated dwellings, and abandoned houses meet the eye at every step, and the whole aspect of the country has a look of poverty and neglect. The schools in many parishes are closed for want of money to pay the teachers, and I was told again and again that the school funds had been stolen by the State officials. In one parish a criminal court had not been held in nearly two years, and in other parishes no court, criminal or civil, had been held for a long time. In a community where there are no courts crime finds a genial soil, and the natural result is that the law has fallen into disregard and disrepute. Judges were openly charged with corruption, and money, and not justice, is charged with turning the judicial scales.

The people reported, and seem to believe, that the machinery of the Federal courts had been used to oppress them for political ends, and that the Federal troops had been used for political purposes. How far this has been the case I have no means of knowing, but I do believe that deputy United States marshals have used United States soldiers in cases where there was no necessity for them, and, from my

investigations, in the parishes of Ouachita and Lincoln, I am quite certain that these civil officers discharged their duties in an unnecessarily harsh, if not cruel, manner. It was represented to me that the marshals are in the habit of prowling through the country in the night-time, accompanied by a posse of soldiers, to make arrests of citizens who could be arrested by the marshal unaided, and, under any circumstances, should be arrested in the open daylight.

These night arrests seemed to have a peculiar terror for the people, and my attention was repeatedly called to them. Another subject of complaint was the fact that citizens are arrested without the shadow of a cause, and after long and vexatious delay and great expense, are set at liberty without affording them even a preliminary hearing.—*Letter of Henry A. Morrow, lieutenant-colonel Thirteenth Infantry, United States Army.*

HEADQUARTERS OF THE ARMY,
Saint Louis, Missouri, January 4, 1875.

This paper is most respectfully forwarded to the Secretary of War with a request that he submit it for the personal perusal of the President. I know of no officer of Colonel Morrow's rank who is better qualified to speak and write of matters like this, and his opinions are entitled to great consideration. I profess to have some knowledge of the people of that section, both white and black, from a long residence among them before the war and several visits since, but I shall not intrude my opinion in the confusion in which the subject is now enveloped.

W. T. SHERMAN,
General.

How, Mr. President, let me ask you, is this Union to be maintained and preserved? In the Southern States there are eight millions of white people who entertain political sentiments of great unanimity. I know you can govern this people by force for a time. You have the physical power to do it; you have already done it. Russia governs the whole of her immense territory by this system. It is a simple form of government; unlimited and irresponsible power on one side and passive obedience and blind submission on the other—the despot and the serf. Senators, I know you do not intend to erect here on the ashes of American liberty an iron throne and place on it an emperor with the imperial purple of the Cæsars or the ice-bound diadem of the Russias. From the very thought you shrink back in horror, with indignant incredulity. You love the institutions of our fathers and you love the Union and can proudly point to the sacrifices you have made to hold and bind it together. But let me ask you, if you think it possible to govern one-half of this country by despotic force and administer free government for the people of the other half? Can one-half of this country be free and the other half enslaved? Can fifteen States of this Union be stricken down; their liberties conquered; their laws overthrown; their free government subverted; their spirits, their hopes, their aspirations crushed to the earth; their industries paralyzed, and their prosperity prostrated, and the other twenty-two States under the same General Government enjoy their free and popular institutions, move in their regular orbits of State powers and duties, advance in material wealth and physical development, and maintain all their domestic laws and rights without disorder, confusion, and ultimate ruin? History has furnished no such example of a government, one half free and the other half enslaved. The imagination of Milton in his great sorrow, with the holy light of heaven shut out forever from his eyes, has drawn that picture in the "portress of hell-gates." There we behold the head, breast, and arms of a lovely woman, fair as Liberty herself; but below the waist are seen in loathsome contrast the hideous forms of beasts, of serpents, of satyrs, and of demons, the horrid types of despotism and slavery. That picture was justly drawn by the patriot poet in "Paradise Lost;" and when it shall displace the pure and beautiful image of American liberty, always rightly presented to our eyes as a virgin in the loveliest form of attraction to the hearts of men, it will be in the land of "liberty lost."

No, this Government cannot last if this is to be its character. It is an impossibility. The Southern States must be free and independent, or the Northern States will soon be enslaved and degraded with their southern sisters. A government that exercises tyranny, that practices oppression, that enslaves whole communities, must lose its love of liberty—must become indifferent to the forms and principles of popular freedom, and will soon overthrow and destroy not only the forms but the substance of liberty itself. This must be true. Every violation of the rights of the South, every sacrifice of our constitutional guarantees, every disruption of the principles of good government, every unlawful precedent, every example of violence, each instance of indifference to constitutional duty exhibited to us is a blow, a thrust, it may be a deadly wound to popular government itself.

The Constitution which protects and defends and regulates American liberty cannot be stabbed, wounded, prostrated in Louisiana; cannot be violated, prostituted, abused in Mississippi; cannot be awed, terrified, intimidated in Arkansas; cannot be menaced, threatened, imperiled in North Carolina and Georgia, and survive and live in health and vigor to shield and bless New York and Ohio. Every blow inflicted on the fundamental charter of American liberty weakens all its just powers and tends to reduce it to the contempt of mankind. The pure form and spirit of constitutional liberty once, twice, thrice violated, must lose the power of virtue, the beauty of chastity, and either become the Venus of despotism, or like the model of Roman virtue, perish with its dishonor. Nor would the sacrifice of this noblest victim appease the passion for power.

Upon what line, let me ask you, will unconstitutional ambition pause? Do you think it will respect geographical boundaries or State limits? Do you suppose it will halt on the banks of the Potomac, or will it turn back from the waters of the Ohio? Senators, do not delude yourselves. If you do not desire, and I know you do not, that these noble rivers should be the Rubicons of some future Cæsar, do not follow the blind confidence of Pompey, when he boasted that he "could raise armies with the stamp of his foot" to crush the conqueror of Gaul; but rebuke, chasten, and while you have the strength forever put an end to that usurpation and abuse of power which, beginning in the South, may at some day march over the liberties of the North and erect upon the ruins of both another empire as brilliant and as grand as the one which Augustus founded, and as dark, as miserable, and as infamous as that which ended with the last of the Cæsars. Power, unlawful power, never has and never will stop in its career. It grows on what it feeds. Unbridle it, and, like the imprisoned winds let loose, it spreads; its force swells and gathers new strength, and nothing stays its march until all resistance and opposition are swept before it.

Do not deceive yourselves. You cannot confine within the limits of prostrate and trampled Louisiana the spirit or the operation of unconstitutional usurpation. That once fair State will not be, unless you make it so, the grave of unauthorized power—Heaven forbid that it should be the grave of the Constitution. I think we can already see the bared arms of military ascendency stretching out for further conquest and seizing the shrinking forms of two neighboring States. Shall that power put its feet upon their necks and trample in the dust what is left of their liberties? It is not in the nature of unlawful power to regulate itself; an excess, a wrong, a usurpation itself, it has no capacity to limit or check its own abuse. It can only exist by advancing; it dares not pause in moderation; the very necessities of its own being, the very laws of its life inexorably drive it to the extremest limits of possible conquest. The violation of one law compels the violation of another, the overthrow of one principle anticipates the overthrow of another, the subversion of one guarantee makes the subversion of another guarantee necessary to sustain the first breach, and usurpation cannot and dare not pause, cannot hesitate until every barrier, obstacle, impediment to its success is demolished and removed. It trembles for its existence while any of the citadels of liberty or law remain unsubdued. They stand as a constant menace and peril to its permanence. No sooner does the gracious Duncan sleep well in his grave than the mind of Macbeth is full of scorpions, for "Banquo and his Fleance live," and soon all causes give way to his own good and he is

> In blood
> Stept in so far, that, should he wade no more,
> Returning were as tedious as go o'er.

It was the inexorable destiny of usurped power which never permitted the First Napoleon to repose upon his victories. That destiny drove him to Egypt, drove him to Russia, drove him to Waterloo, and drove him to his ruin; and had it not terminated in his overthrow his usurped power could have been consummated in nothing but the subversion of all established government and liberty in Europe.

Laws are silent under the thunders of artillery; in the blaze of bayonets their lights are eclipsed and amid clashing sabers their forms perish. Before the tread and tramp of armed legions their unshielded ministers are powerless. Let it never be forgotten that the sword is the mortal enemy of liberty, the argument that tyrants throw into the scales of justice. But unhappily for mankind there is something in the splendor of military display that captivates the human heart. The sword has its fatal charms. "The pride, pomp, and circumstance of glorious war," the caparisoned steed, the gorgeous pavilion, the mounted warrior, the stir of martial music dazzle and blind men to the wrongs of which they are the instruments. Admiration and gratitude for distinguished military service are just and noble sentiments, honoring no less those who receive than those who render them, when exercised with respect for the laws of the country and the rights of the people. But these sentiments become crimes when they obscure the love of liberty or defend the abuses of power. Let us beware of the fascinations of the sword; familiarity with it is certain contempt for law. The two cannot embrace, and all history warns us which falls.

Mr. President, the American people are not exempt from the imperfections of men, and we shall quickly advance headlong to the downfall of our liberties unless we consider the warning lessons of those who have gone before us. We have been repeatedly told in this debate that in republican America there is no danger to be feared from military ascendency. The eloquent Senator from New Jersey with patriotic ardor asked, What would become of our little Army of thirty thousand men before the indignant rebuke of millions of freemen? Has the learned Senator forgotten that Cæsar did not have thirty thousand men when he left Gaul and overthrew the liberty of six hundred years? Sir, far be it from me to intimate that there are any among us who would willfully destroy the institutions of their country. I cast no suspicions, for I have none, upon the patriotism of my countrymen. They no doubt desire as ardently as I do that this beneficent Government should be perpetuated in all its usefulness and glory to distant ages.

But, Senators, the Constitution intrusts to us in perhaps the highest degree the guardianship of its rights, and we should deserve universal execration if we were not faithful to the duty. Sir, I would be unwilling to trust myself with the liberties of my country. When statesmen do not fear to commit these liberties to the hands of any man I tremble for American freedom, for its sentinels will

sleep with fatal security. Human wisdom and human virtue are neither perfect, and we must provide against the errors of both. The liberties which a dictator preserves have already lost their virtue. Liberty protected by despotism is but a name; despotism is the government. I, sir, am afraid, ever afraid of military ascendency. Every lesson of history commands me to fear it. What is the history of all republics? In some necessity of the state the civil supremacy gives way to the military power. This becomes the habit of government, until some chieftain, popular with the army and with the people, succeeds in making both his slaves.

This is the history of the world. It is the story of the downfall of liberty everywhere. Cæsar's three hundred victories paved his road to the Roman Empire; Napoleon's triumphs as general of the army and first consul prepared his way to the crown of France; but for his moderation and virtue and supreme patriotism the services and successes of Washington would have made him sovereign of the American people. The picture in the Rotunda that represents the popular general of the army in the act of surrendering his sword to the Congress of his country should not perpetuate the immortal deed on canvas alone, but should imprint it in light that will live forever in the hearts of the people. That great sword was never so bright as when sheathed and surrendered to the majesty of law. But few, few have been the swords that have shone with that moral glory. That best picture of Washington should be placed where those who are expected to follow his illustrious example should daily behold its grandeur and be inspired by its patriotism and virtue.

And as the examples of Washington are never without instruction and benefit, it will be well to contemplate his prudent steps in the discharge of that most delicate duty—the suppression of an insurrection in a State by the National Government. In Marshall's Life of Washington, giving an account of the insurrection in Pennsylvania in 1794, we find this passage:

> While the necessary steps were taking to bring this force into the field, a last essay was made to render its employment unnecessary. The Attorney-General, who was a citizen of Pennsylvania; Judge Gates, of the superior court; and Mr. Ross, a Senator representing that State, who was particularly popular in the western country, were deputed by the Government to be the bearers of a general amnesty for past offenses, on the sole condition of future obedience to the laws.
>
> It having been deemed advisable that the executive of the State in which the insurrection had taken place should act in concert with that of the United States, a proclamation was also issued by Governor Mifflin, and commissioners were appointed by him to unite with those of the General Government.

And a few pages further we are told that the "President issued a second proclamation," and then we see that—

> The President, in person, visited each division of the Army; but being confident that the force employed must look down all resistance, he left the Secretary of the Treasury to accompany it, and returned himself to Philadelphia, at which place the approaching session of Congress rendered his presence almost indispensably necessary.

And we learn also that—

> On the 19th the President met both Houses in the Senate Chamber, in order to make, personally, those communications which the state of the nation required.
>
> As many would read the speech who might not peruse the documents which had been published for the purpose of unfolding the conduct of Government to the insurgents, the President thought proper to detail at considerable length the progress of opposition to the laws, the means employed both by the Legislature and Executive to appease the discontents which had been fomented, and the measures which he had finally taken to reduce the refractory to submission.—*Marshall's Life of Washington*, volume 5, pages 584, 589, 595.

In the letter of instruction from Alexander Hamilton, Secretary of the Treasury under Washington, to General Lee, then commanding the Army to suppress the insurrection, dated October 20, 1794, occurs this passage:

> You are to exert yourself by all possible means to preserve discipline among the troops, particularly a scrupulous regard to the rights of persons and property and a respect for the authority of the civil magistrate; taking especial care to inculcate and cause to be observed this principle: that the duties of the Army are confined to the attacking and subduing of armed opponents of the laws, and to the supporting and aiding of the civil officers in the execution of their functions.

And in Washington's own letter of the same date, written to General Lee, we find this paragraph:

> There is but one other point on which I think it proper to add a special recommendation; it is, that every officer and soldier will constantly bear in mind that he comes to support the laws, and that it would be peculiarly unbecoming in him to be in any way the infractor of them; that the essential principles of a free government confine the province of the military, when called forth on such occasions, to these two objects: first, to combat and subdue all who may be found in arms in opposition to the national will and authority; secondly, to aid and support the civil magistrates in bringing offenders to justice. The dispensation of this justice belongs to the civil magistrate; and let it ever be our pride and our glory to leave the sacred deposit there inviolate.—*Sparks's Writings of Washington*, volume 10, pages 447, 448.

And in his letter to Alexander Hamilton, of October 31, 1794, from Philadelphia, he says:

> Press the governors to be pointed in ordering the officers under their respective commands to march back with their respective corps; and to see that the inhabitants meet with no disgraceful insults or injuries from them.—*Sparks's Writings of Washington*, volume 10, page 450.

Thus, we see the prudence, the care, the anxiety, the patriotism with which Washington proceeded in suppressing the first insurrection that broke out after the formation of our Government. He issues a first and then a second proclamation. He sends a commission of three distinguished citizens of the country, one his Attorney-General, and all popular and influential gentlemen with the insurgents, to confer with them and offer full amnesty. He influences the governor of Pennsylvania to appoint a similar commission for the same purpose. He visits the divisions of the Army in person "to obtain more correct information." "He leaves his Secretary of the Treasury with the Army in his absence." He meets both Houses of Congress and "thinks proper to detail to them at considerable length" the fullest advice of his conduct. He publishes his address for the information of the country, and "he takes special care to inculcate and causes to be observed this principle," "the military is always to be subordinate to the civil authority," and that "the soldiers are never to insult or injure the people."

Such are the lessons of Washington, widely different from those of Cæsar, Cromwell, and Napoleon. In these lessons we shall look in vain for precedents for the recent conduct of our Army in Louisiana. I trust that these wise, prudent, patriotic, successful examples of the Father-President of the Republic may always commend themselves to the admiration and imitation of his successors. I hold them up to-day as lights for the encouragement and guidance of his countrymen. Senators, let us at least be inspired by their patriotism and directed by their wisdom.

The time will come, when the excitements of this heated hour are gone, that the country will thank the South for the exhibition of that virtue which saved the Southern States from the fate of Mexico and Jamaica. You are not now in a temper to appreciate this fact, but time, the great arbiter, will do justice, and for that judgment we must wait. History will write it down that your policy if accomplished would have turned the Southern States over into the hands of the newly emancipated blacks and the desperate and corrupt men who united with them. It will record the fact that this party under the reconstruction acts obtained possession and control of most of the Southern States, and established over them a government of supreme and startling wickedness, exceeding in corruption and licentiousness the darkest drama of the Middle Ages. It will paint with the pen of Gibbon or Macaulay for the instruction of future ages that black picture of fraud and infamy from which I shall not this day lift the veil, which came like a plague over the prostrate and bound South. It will tell of the ruin, the waste, and the despair. It will then draw the faint lines of hope and courage, and show the great heart of our people rising in its might to break the power that crushed it. Sir, the struggle was long and desperate—often doubtful; the cause of good government often trembled in the balance, and many times it seemed that the light would go out and nothing but darkness and dismay be left on the face of our country. It was not due to the General Government that the Southern States did not succumb in this crisis, for the authority of the Government was arrayed on the side of those who were destroying the South. It was not due to the reconstruction acts, for they proscribed and disabled the best men of the South. It was not due to the republican party, for it supported and sustained the despoilers of our substance and liberties.

To what cause is due the deliverance of the South from that misrule which in two short years wrought more ruin than the war? It is due solely, but proudly and justly due to the courage, the faith, the prudence, the watchfulness, and the unwavering devotion of the southern people to the ever-living principles of constitutional government. To these great qualities of our people we are this day indebted that eight millions of people are not in revolution, in anarchy, in chaos, in a living death of misery and shame. There is no grander achievement than the rescue of the Southern States by her own people from the mortal dangers that environed them. Our forefathers met no such odds during or after the Revolution. The English people from whom we are descended at no time encountered such complicated evils and no people ever displayed nobler qualities than the people of the South in this the gloomiest period of her history. Was their forbearance ever equaled? When before was a proud, warlike race subjected to the domination of their recent slaves? Has their courage been surpassed? What other people disarmed, despoiled, surrounded by armies, and exhausted by disastrous war would not have surrendered principle? Has their patriotism been exceeded? When before did a people lose so much property, suffer so many disappointments, bear so many vicissitudes, and keep faith to their country? Has their virtue ever been eclipsed? Neither threats, nor blandishments, nor promises, nor preferments, nor fears, nor hopes have for one moment seduced them from fidelity to their convictions of duty.

Senators, at any time in the last ten years, if the people of the South could have embraced the republican party, they might have basked in the smiles of the Administration and silenced every accusation against them. They thought they saw the tendency of that party was to their degradation and the ruin of their country, and they could not unite with it. Is it a just cause of offense that they did not purchase place and amnesty at the sacrifice of what they believed right? Let us suppose for one moment that instead of resisting the republican party at the South the white people of the South had joined the negroes, the adventurers, and the corrupt and misguided natives who seized the State governments after reconstruction and united in that desperate and reckless movement against all public virtue and private respect. Let me ask what would be the condition now of the Southern States? Human imagination can conceive nothing so horrible. United with undivided energy and resolution against them, we barely saved the vestiges of government and the fragments of property from demoralization and rapacity? Had

we presented no check, no obstacle to their schemes, but fallen in with their policy, how unutterably deplorable would have been the result?

Who has saved the country from those accursed consequences? Who has been the great conservative health element of the South? Who has rebuked public spoliation? Who has exposed enormous public crime? Who has checked extravagant public expenditure? Who has resisted general corruption? Who has stood faithfully by constitutional government? Who has maintained public morality and social order? Who has driven from the country the authors of high state crimes, and who has brought to light and exposed to the civilized world for just indignation and punishment the usurpations, the tyrannies, the rampant violations of all law that have been committed in the South? And yet we are denounced as great criminals, sympathizers with murder, accomplices of assassins, organizers of horrid crime to accomplish political success. Yes, sir; the time will come when the country will do justice to our motives and our conduct, and the true character and cause of our people will appear as bright as the day.

Mr. President, is this hostility between the sections never to cease? Is the temple of Janus never to be closed? Will not a war which cost so much precious blood, so much dear-bought treasure, suffice for this insatiate passion? Have we not had suffering enough? What other sacrifice is necessary to appease this mad demon, this gory Moloch of hate? Are more priceless offerings yet to be burned on his altars before peace will come? Will nothing appease this destructive god of discord but the ruin, the overthrow of free government, and the perpetual misery and strife of this great people? Is this war, this feud, to last between the sections forever? Is there nothing that will stop its fury, nothing that will quell its flames, nothing that will allay the wild winds that fan its fires? It has not been quenched in blood, it has not been exhausted in desolation; the distress, agony, and sorrow of eight millions of people have not softened its angry spirit; ten years of bitter anguish have but exasperated its malignant heat. It is here to-day in unabated fierceness, spreading dismay and baleful shadows over all the land. Is there no exorcism for this hateful fiend of dissension? No calm, quiet spirit to walk on the bitter waters of sectional strife and bid them be still?

Senators, the highest and holiest motives that ever inspired the breasts of mortals should impel us here on this floor to compose this question forever and give peace and repose to the entire country. The South demands it to secure and restore her wasted fortunes, and to educate her people, and to give them comfort and material life. The North requires it that she may have a market for her products and a great support in all times of distress from whatever cause or quarter it may come. Both need it for their mutual safety, happiness, honor, and existence. It is our duty to settle this disturbing and harassing difference. We cannot escape it; we cannot leave it to time; we cannot trifle and palter with it. It involves the life of the nation, the happiness of millions, the fate of free government on the earth. If we are not equal to the great event, if we have not the ability and patriotism to discharge it, if we are not able to accomplish this the first object of our office, let us at least have the manly courage to acknowledge our weakness and bravely surrender our places to those who are superior to our infirmities, and who can and will march up to the line of this high duty and wisely and nobly perform it. We can at least do that; and if we can render no other or better service to our country, we ought certainly to be men and give way to those who can.

The great father of our country, in his farewell address, the last words he spoke to the nation, warned us against these sectional lines and divisions. We did not heed that paternal warning. Disobedience to it brought us innumerable woes, and there is but one road back to a condition of peace, prosperity, and liberty. That road was marked out by the founders of the Republic, and unless it be faithfully followed, we will wander off into a wild career of uncertainty and tumult, ending finally, where all the other free governments have ended, in despotism. Remember the civil wars of the Grecian republics were soon followed by the Roman, along the same road, from freedom. The wars between Athens and Sparta, between Sparta and Bœotia, between first two and finally all the free states of Attica, left Greece an easy victim for Philip. Their dissensions, their wars, their factions broke down the spirit of liberty, and the Greeks who, when united, made Thermopylæ, Salamis, and Platea immortal, succumbed, when divided, to Macedon almost without a struggle, and forever obliterated their greatness and their liberties. Heaven forbid that we should repeat their melancholy examples.

Mr. President, are we to revive here the strifes of the unhappy years that preceded the war? Are these noble Halls, dedicated to human liberty, to become arenas for the exhibition of mad passions? Is the genius, the courage, the resistless energy of this wonderful people to be perverted and wasted here in angry controversy, in mutual crimination and recrimination, in wicked, blind efforts to pull down and destroy the great sections of the Union? Are all the powers of our minds and the forces of our hearts to be forever enlisted in the execrable attempt to destroy and degrade the character of sister States? Is discord to reign here forever? Senators, the terrible calamities of such a course cannot be doubted. I will not even dare to foresee or predict them. I will simply say how much nobler, grander, wiser would we be if we would unite all our faculties, our hopes, our purposes, our aims, our efforts in the work of pacifying all our conflicts, reforming our errors, improving our institutions, and giving strength, stability, beauty, and beneficence to our Government.

Have we no objects to engage our talents or excite our aspirations but hostile assaults and counter assaults upon our own people? Are there no other aims or hopes to government? Are these the grand purposes written on the face of the Constitution for which the Government was established? Is this the way to "form a more perfect Union"? Is this the way "to provide for the common defense?" Is this the way "to insure domestic tranquillity?" Is this the way "to promote the general welfare?" Is this the way "to transmit the blessings of liberty to our children?" Sir, a continent, embraced by the great oceans of commerce and extending through all the degrees of latitude, and receiving as its own the children of all the world, is ours, ours to enjoy, to improve, to enlighten, to beautify, and to bless. Strife, feuds, hates will do none of these good works. Devote one-half the earnest passion, the excited intellect, the ardent exertion to reconcile, restore, benefit, and advance the country that is madly and wickedly spent in attempts to array one portion against the other, to oppress one portion to aggrandize the other, to traduce one portion to exalt the other, and we shall build up here in this western world an example of human wisdom and virtue far surpassing any vision of splendor and happiness that human imagination has yet conceived.

Mr. President, what is the temper and spirit of the southern people at this time? You would doubtless like to learn it exactly from one who has the opportunity of knowing it, who has the authority to represent it, and who can also speak it from his own bosom. I know no better way of describing it than by saying that there are two illustrious characters in Roman history who for two thousand years have divided the admiration of mankind, and whose names have become the synonyms of patriotic sacrifice. The first is Quintus Curtius, mounted on his brave horse and in the presence of the Roman people riding calmly into the yawning gulf in the forum to save his country; the second is Marcus Brutus, standing in the capitol with the dagger with which he stabbed Cæsar and with which he was ready to stab himself—both among the greatest examples of devotion to country. Mr. President, were I to express the patriotic sentiment of the South at this hour, I would simply say that there are thousands in the South who would follow the example of Curtius and willingly walk into the threatening gulf, if the sacrifice will close its deepening abyss and give peace and liberty to the country, and there is not one who is mad enough to play the role of Brutus. We have lost none of our love of liberty, none of our independent spirit, none of our attachment to our country, none of our admiration for the sublime virtue of the "last of the Romans;" but we consider that peace is a necessity with us, and we hope that a returning sense of justice at the North will unite with us in preserving liberty, law, and constitutional government.

We have not yet despaired of the influences of reason, truth, equity, right, and interest in the opinion of the great but often mistaken North. We have learned that patriots have a higher duty to perform than to follow the example of Cato at Utica. It is sometimes nobler to live and suffer for your country than it is to die for it. The patriotism of Curtius saved the seven-hilled city; the patriotism of Brutus precipitated the downfall of Roman liberty. Preserving then the fires of liberty in our hearts as sacredly and devotedly as the vestal virgins kept them burning on their ever-blazing altars, and relying upon the ultimate patriotism of the North, we are resolved with heroic patience to stand around and guard the temples of the nation's peace and to manifest in its defense and preservation, if possible, a higher and holier and firmer devotion and fortitude than our brave men displayed on the battle-field. We are now in the lines, in the intrenchments, in the bulwarks of the peace, harmony, prosperity, and union of this great people and country; and fanaticism, sectional hatred, unjust animosities and prejudices and passions cannot prevail against us. No, sir, we shall be successful. Already I see the snows of the great North dissolving and soon to flow in warm and genial streams to the bosom of the South; already I see its great systems of industry awakening and beholding in the ruin of the South the certain destruction of their own prosperity; already I discern its great heart beginning to warm under the influence of gentle light from the South and to open its deepest and broadest sympathies for our sufferings and our wrongs. Already from the "clear upper sky," where the serene spirits of the great founders of American liberty and government shine, come pouring down upon us streams of fervent and radiant light, rekindling in our hearts the fires of patriotism and duty and mutual forbearance that animated their great souls.

From the summit of Bunker Hill the voice of American history and patriotism spoke to the heart of Mr. Sumner, the great apostle of emancipation, and commanded him to remember the devotion and sacrifices of the South in the "times that tried men's souls," and he could not sleep under the shadows of that eloquent stone until he had made an effort to extinguish the hostile memories of war. From every battle of the Revolution arise the shades of immortal martyrs and command us to end this strife. From the bloody and honorable fields on the northern lakes, around this capital and from the plains of New Orleans, from the gallant decks of the proud Navy that proclaimed that the universal seas should be free and from the yet fresh victories in Mexico, from all comes an appeal for peace. Ah, Mr. President, does

not the same appeal with more tender and touching pathos speak to us from Manassas, Fredericksburgh, Sharpsburgh, and Gettysburgh? The great spirits who fell there and passed from the shadows of earth amid the roar of artillery and the red blaze of war have long since made peace on the camping-grounds of the brave and the just; over the scenes of their last mortal combat the green grass and the sweet flowers of nature have returned with the beautiful spring, and from their united ranks on that august field of review before which all human actions must pass there descends to their countrymen the "white flag" of a final and unending truce, with the message that their blood has been sufficient atonement for the sins of the nation, and that over their peaceful graves their countrymen must shake hands and forever be friends.

Then, Senators, in the name of our great forefathers who for civil and religious liberty braved the ocean, the tempest, the forest, and the savage to rescue freedom from its fate in Europe and plant it in this new world; by the memory of those patriots who one hundred years ago gave their blood and treasure like water to establish our independence; by the names of those who have fallen on every field from Lexington to Appomattox, let us be friends, countrymen, brothers. I invoke the Senators of Massachusetts by the memory of North Carolina's succor in her darkest hour; I invoke the Senators from New York, Pennsylvania, New Jersey, and Delaware by the memories of their united struggles with Virginia, the Carolinas, and Georgia; I invoke the Senators from every State—from the great daughters of Virginia and North Carolina, from those mighty Commonwealths that sprang from the Louisiana purchase by Jefferson and were saved by the valor and patriotism of southern men under Jackson—I invoke all this day and this hour to gather around the family altars and end forever and forever this fratricidal strife. And we shall rear upon the ruins of our errors and follies, over the prejudices, passions, and hates of the past a grander and nobler temple of wisdom, justice, and liberty than the sun has yet shone upon, and all over and through that temple from its foundation to its dome we shall behold arrayed side by side the virtues, the valor, the sacrifices, and the immortal achievements of the North and the South. And then as the sun rises in the east and makes his daily revolutions until he sinks to rest in the west his beams will spread the light of American liberty and the glory of a happy and united people over the whole earth as a blessing to all mankind.

And now, Senators, I conclude with the sentiments with which I began. I thank a merciful Providence that I have been spared to see this day and inspired with the courage and truth to vindicate the character of the South and make a faithful effort to restore and preserve the American Union. I thank God that, if I do nothing else, I can at least leave to my sons this record, that when they shall remember that the people of the South, animated by patriotic courage, undertook in obedience to the principles handed down to them by their fathers to separate the Union and arrayed themselves in arms to accomplish that end, and they shall see the name of their ancestors among those whose bright bayonets on the 12th day of July, 1864, reflected the beams of the morning sun back on the dome of the nation's Capitol, my children shall also behold the name of their father, when that sad war was over, enrolled in the same Capitol among those who were striving with unalterable and unchangeable devotion to cherish and perpetuate forever the Union of the States, the Constitution, and liberty. And may God bless me with the strength and patriotism to do so much for the peace, happiness, and honor of my country that no human being can doubt the sincerity of my attachment and love for her.

Senators, I cannot take my seat without expressing to you more than my deepest acknowledgments for the kindness with which you have this day heard me and for the sympathy and generosity which all of you have manifested for me since my admission to this Chamber. Extend that sympathy and generosity to the noble people of the South, and they will return to you the warm gratitude and friendship which I now feel, and hope to carry in my heart through life.

The Louisiana Law.

SPEECH OF HON. T. M. NORWOOD,

OF GEORGIA,

IN THE UNITED STATES SENATE,

February 17 *and* 26, 1875.

The Senate having under consideration the resolution to admit P. B. S. Pinchback as Senator from Louisiana—

Mr. NORWOOD said:

Mr. PRESIDENT: When the fox, weary from the chase, begins to trail his brush and hears the deep-mouthed bay of the pack and the shout of the hunters pressing hard upon him, his instinct teaches him to double on his track in order to elude the hot pursuit. When the politician finds himself pursued by an indignant people he, too, from instinct, turns in his path—endeavors to cover up his tracks and reach his point of departure. Sir John Falstaff was pregnant and quick with this high moral virtue. He was a model politician He knew the true prince from instinct. His modern lineal descendants reflect no shade of dishonor on the valorous instincts of their great progenitor.

There is a story told of an animal whose depredations upon the beasts of the forest continued and grew to be so outrageous that he was finally called to an account. That animal was Reynard, the fox. He had abused Bruin; he had abused Chanticleer; he had maltreated Isegrim, the wolf, and Gieremund his wife, and, indeed, every beast of the forest and field. At length complaints were laid before King Noble, the lion, and Reynard was accordingly arraigned before the King, but instead of confessing his crimes, or putting in a plea of not guilty, he appeared and began to confess the sins of the other beasts.

Mr. President, we have an illustration of the history of Reynard in the political party which has had control of this Government for the last ten years. Beyond the close of the war I do not propose to go, because that is holy ground. The republican party has gone on, step after step, leading first the whites and then the blacks into difficulties, but in every instance they have reaped the advantage. They have at length reached a point in their transgressions where the people of this country have issued their summons to bring the transgressors to an account. They have gone on with tentative measures to see how far they could test the spirit of the American people, until they have finally reached the point where, by the bayonet, a sovereign State has been overthrown. And when charged with the offense, they answer by retaliation, and by confessing the sins of the democratic party. The republican party had its origin in the institution of slavery; by slavery it grew and strengthened; and now it seeks to prolong existence by the carcass of slavery long after it has perished. Every struggle to maintain itself is fought over the grave of slavery. Like the wary fox, that party when hard pressed returns to the point of its origin.

During this discussion the Senate has been entertained, not to say charmed, by the sheet-iron thunder which has constituted the staple production of the Senator from Indiana for the last six years on every southern question. He has "split the ears of the groundlings" with measured and long-drawn agony. He has rung the changes in a gamut of two notes, which are murder and fraud, with their appropriate variations, consisting of assassination, killing, butchery, manslaughter, and infanticide, (which last was, no doubt, the attempt at killing Kellogg;) while the variations on frauds extend in grade from those which are pious to those committed by Kellogg, Packard, and Jacques. That honorable Senator will, I am sure, pardon me for telling the Senate, that the extent of his scale of subjects, the regularity of their succession, the dirge-like solemnity of their pitch, and their exceeding similarity at each reproduction, find a fitting parallel in the select repertory of classical pieces which were ground out alternately by the organ-grinder whose only tunes on a two days' engagement to furnish music for a dance were, "Old Dog Tray" and the "Mulligan Guards." I pray that Senator to vary the performance. It is too much like the bill of fare which was bacon and greens for breakfast, greens and bacon for dinner, and bacon and greens for supper. When the press reporters can say, "Senator MORTON spoke to-day on Louisiana, or Pinchback, or southern outrages; for a full report of which, see his speech delivered four years ago and twenty-one times since, verbatim," I feel apprehensive that he may lose his reputation for originality.

The honorable Senator may not be aware of what all others know, that his cry of murder has become monotonous and chronic, not to say "stale, flat, and unprofitable." The miller soon becomes a sound sleeper amidst the clatter of his mill. The residents on Broadway grow unconscious of the "rattle over the stony street," and even the cry of murder, when the audience know it is only a part of the play, loses its alarm. Whenever one of the opposition denounces the despotic treatment of Louisiana, we as naturally expect to hear the customary refrain and epilogue of murder and fraud, as to hear the doxology at the close of religious worship.

And yet I would not do the honorable Senator the injustice to say that he never varies this melancholy exercise, for there is one other object that divides his distinguished sorrow. For over two years he has carried almost alone a burden whose weight deterred all friends from lending him a sympathetic hand. During that period there has been a nondescript person flitting through this Capitol from one wing to the other, in rapid succession, claiming at one end of the building to be an embassador from a State, and at the other to be a Representative of the people. When he faces from the rotunda toward this Chamber, he is a Senator. When he faces toward the Representative Hall, he is a tribune of the people. When he is in Louisiana, he is a governor or a legislator. But he is one and all at one and the same time. He is to-day the most elected man on the face of the earth, and yet he cannot get an office. The Senator from Indiana, fully sympathizing with his melancholy condition, has exhausted all his wonderful resources in the vain endeavor to secure this dove of peace a resting-place, that he might be relieved of the labor and burden of carrying so many commissions. When the Senator has presented him here, he has been rejected. He would then face about and march with him to the House and present him there; but they, too, would not receive their own "man and brother." Whether the Senator has failed to get this valuable acquisition off his hands be-

cause he is suspected of dealing in a spurious article, or the article itself is supposed to contain too much alloy, no one can say. But the Senator evidently imagined at the date of this acquisition that he had "found a pearl of great price." I suspect, however, that he does not value it quite as much as he did two years ago. The demand has grown dull. The styles have somewhat changed; and public taste has changed likewise; and the Senator's commodity is nothing but the stock of two seasons past, and is out of date. But I must not be understood as reflecting on the character or standing of "the coming man," who for two years has burdened the Senator from Indiana as the "old man of the sea" rode the weary back of Sinbad the sailor. For I cannot withhold my admiration from a man who has upset our settled faith in the motto of Dick Swiveller, that "no obscure individual ever set himself up against fate and proved a success." A man who could organize a bigger fraud than Warmoth, Packard, and Casey, and overcome the brother-in-law of the President, backed by the whole strength of Executive patronage in a race for this Senate, must be one of prowess. I do not wonder that the Senator from Louisiana, dazzled by his genius and alarmed by the result of the last November election, should press for the potent aid which Pinchback could render on every call of the ayes and noes. It is a needful exhibition of that unselfish gratitude which is "but a lively sense of favors yet to come."

The charge of murder and frauds is made by the honorable Senator from Indiana against his former political friends. "This is the most unkindest cut of all." He ought to be generous enough to be silent, even though he may suppose, since his desertion of us, that we still possess any of the spirit of lawless men. But if he will not be generous, the least he should do is to assume, for the time, such a modicum of modesty as to permit the world to doubt, whether all the virtues and humanity of the democratic party departed from it in the hem of his garments, when he abandoned us to our fate.

But the Senator from Indiana stands not alone in his charge of cruelty and wrong against the Democratic party. The Senator from Illinois has also joined in the cry against his former associates with all the zeal of a recent convert. We had hoped that he would rest content with a proper exhibition of his pious devotion to his new allies, and of the miraculous saving grace by which he has been born again, and would have spared us the not unusual spectacle of young ambition kicking at the ladder by which it climbed to glory. But our hope was dashed, and we were dismayed when he joined in the tintinnabulation of the Senator from Indiana, by beating for two mortal days his accompaniment on a dry skull as his kettle-drum, with two dry bones for sticks. The symphony was most appropriate, but his music, if at all celestial, was only so because he adopted the mode of warfare of the ancient Chinese, who rushed on their enemy to frighten them by the clatter of resounding gongs. It yet remains to be determined whether in those two days' conflict he "overcame the Nervii" by the skillful and energetic rattling of those bones. The American people in the main are not of the nervous temperament, and were I to venture an opinion in advance of the day in 1876 when they shall pass judgment on this Administration, I would say that the Chinese mode of warfare adopted habitually by the Senator from Indiana, and on this special occasion with lusty sonorousness by the Senator from Illinois, has utterly failed to frighten a people risen in indignation at the overthrow, by military force, of their constitutional rights. But, should I be mistaken in this opinion, and the people have become terrified by this skeleton exhibition and cry of murder, then the empire is at hand; and the Senator from Illinois may congratulate himself on his foresight, as Mrs. Toodles congratulated herself on the purchase of the crutches, for having adopted in advance of the formal establishment of the empire, and given to the country through the CONGRESSIONAL RECORD, his heraldry and coat of arms, consisting of two marrowless thigh-bones crossed and surmounted by an empty skull. As all heraldry is symbolic, I read the present design to mean that the Senator thereby announces to the world that he has smitten his enemy hip and thigh and taken off his head.

Certain it is that there is no need for the honorable Senator to file a caveat to prevent piracy of his ingenious device and combination. His patent-right will never be infringed. For no one, not even a sawbones—no, not even a coroner, nor a grave-digger—will ever claim it as his family escutcheon. I doubt if even the Senator himself will wear it long, provided, like Nessus's shirt, it do not stick to him against his will. But, should he stand by his choice, there is one addition which I would respectfully suggest to enhance if possible the already unparalleled beauty and resistless attractiveness of the present device. The addition was suggested by the cruel slaughter of his former democratic allies by the Senator in his death's-head speech, and by his evident intention to spread terror throughout the land among aged women and sucklings and babes. And it is, that he will adorn his coat of arms with a tomahawk uplifted, and press wide open the jaws of the gaping, chapless, eyeless, noseless skull, so the terror of the young and aged may be greatly heightened by imagining that there is an unceasing war-whoop bursting in stentorian volume from that grinning vacuum. But, after all, the object of the Senator in adorning his remarks with the head and bones may be more ingenious than we have supposed. It is one of the amiable weaknesses of man to desire to live in the memory of posterity. This desire is the root and spring of all ambition. And it may be the Senator intended, that when some Old Mortality shall come to wander through that grave-yard of genius—the CONGRESSIONAL RECORD—attracted by the only tombstone there, he would pause to observe this emblem of death, whose utter dryness so fitly typifies the offspring buried beneath, and over which the devoted parent, rejecting the heresy of the Sadducees and fondly but vainly trusting in the resurrection, has erected a monument so appropriate.

But, Mr. President, lovely as is this tombstone or armorial design, as the case may be, of the Senator from Illinois, it is not more admirable than the line of logic by which he endeavored to excuse or justify the military usurpation by the Administration in Louisiana. His defense—for be it remembered that the people have called the Administration to the bar of judgment to answer for a gross violation of their chartered rights—may be briefly stated thus: He answers, "We are not guilty, because this is not the first instance of military tyranny in the history of our Government;" second, "If the republican party is guilty, then the democratic party is also guilty;" and, thirdly, "If I, as a republican and supporter of the Administration am guilty now, it is not the first time I have been guilty, because I, as a democrat and supporter of a democratic administration, did the same thing in 1856." These premises being solemnly laid down, he proceeds to his "argal" and by crowner's quest law of logic draws his deduction, that the Administration is not guilty of military usurpation in Louisiana.

But this happy line of defense is not surpassed in its *non sequitur* by the dissimilarity between the historical incidents which he arrays in its support, and the one we are now considering. The first he referred us to was the action of General Jackson at New Orleans. General Jackson acted just at the close of a great war, when there were enemies of his country within his camp, and before the order establishing martial law, to secure a great victory, had been revoked. President Grant acted when the country is at peace with all foreign powers, and when there was no insurrection nor domestic violence. General Jackson acted for the good of this whole country. President Grant has acted to keep in power one man, who has been declared by a standing committee of this Senate and by the honorable Senator from Illinois, as a member of that committee, and by the President himself, not to be the lawful governor of Louisiana, and to seat republicans who by the unanimous report of a committee of the House, composed of two republicans and one democrat, were not elected to the Legislature. General Jackson acted at a moment of danger to the whole country and when the maxim *inter arma silent leges* is held to be right. President Grant acted at a moment of danger to the republican party and in a time of peace and on another maxim, which is, "I use the bayonet to silence the laws." General Jackson arrested one man. President Grant seized and holds to-day, under bayonet law, a whole State. Jackson, as soon as the peril to his country was past, when he had routed the veteran hosts of Packenham, laid aside his sword, dropped his conquering arm, acknowledged his error, bowed his majestic head to the law, and paid the penalty imposed by the court from his own scanty purse. President Grant, when he had at the point of the bayonet triumphantly routed five unoffending and unarmed citizens who were peacefully insisting on their constitutional rights, justifies the act by persisting in the wrong. There is, however, one coincidence in the careers of these two distinguished soldiers. It is that both were honored by the American people by being twice chosen their Chief Magistrate. But, one was chosen after his alleged usurpation—the other before.

The second instance of military usurpation under democratic rule cited by the Senator from Illinois was in the arrest of the fugitive slave Burns. This example is more unfortunate for the Senator than the first. That was done by a United States marshal under a statute of Congress, which was passed to enforce a provision of the United States Constitution, and the force employed by the marshal, who had been resisted and overcome, was the very kind of *posse comitatus* which the law of Congress, under which the marshal was acting, authorized him to employ.

The third instance of democratic usurpation cited by the Senator is more unfortunate, if possible, than either of the former two. I refer to the Topeka Legislature in 1856. In Louisiana the election was held by the whole people of a State. Whether Louisiana be a sovereign State or not, I will not now inquire. Whether any State in the Union, since the fate of Louisiana, be sovereign or has any reserved rights is a question of greater pertinence—of much graver doubt. But be that as the Administration may determine, we at least have supposed, though perhaps delusively, that the election held in Louisiana on the 3d of November last, was held in and by the people of a State. The people have always supposed, and the Supreme Court and the courts of all the States (excepting Judge Durell and the judges in Louisiana) have uniformly held, that in a State election the Federal Government had no control, and that the Legislature of each State and not the President, nor the Army, nor any officers in the Army, nor a governor, had the exclusive right to determine who were elected as members of such Legislature. The pretended election in Kansas was held in a Territory over which the Federal Government had exclusive jurisdiction and control; the Legislature of Louisiana was elected under the constitution and laws of that State. The Topeka Legislature was elected without any authority of law whatever; the Louisiana Legislature was a lawful body. The Topeka Leg-

islature was not only unlawful but revolutionary; the members-elect of the Louisiana Legislature met in pursuance of law. The Topeka Legislature met at a time and place unauthorized by law.

The Senator was sadly mixed when he was trying to press this example into shape to make it appear analogous to the case of Louisiana. For in one breath he calls the Topeka Legislature that of a "free State," and in the next he calls it the Legislature of "an inchoate State." What an inchoate State is under our system of Government has never been defined by any lexicography I have ever seen. The latest edition of Webster's Dictionary, since the republican party came into power, has undergone many changes in its definitions, and this may be one of them. We may have States and "inchoate" States, Territories and inchoate Territories. But it may be that the bloody ghost of Louisiana rose before the Senator just at that moment in his guilty banquet, and so paralyzed his sophistry that the imprisoned truth of logic escaped from his restraining lips. For when he called out the words "inchoate State" he was unconsciously uttering the name of Louisiana. She is indeed an "inchoate State." She is not a Territory, for she has the mocking form and semblance of a State. She is not a free State, because she is under the military heel of one man. Her Legislature is organized by his command; it sits only by bayonet support; taxes are levied and collected only by military power; and she is indeed a State "inchoate." "I thank thee, Jew, for teaching me that word."

But the honorable Senator still laid on, raising his bludgeon (or I should say his belaying-pin, as he announced himself in his opening sentence as a sailor) high in the air in the midst of the fog which by the heat of his own zeal he had raised around him, and like a blind cyclops he began to strike right and left, fore and aft, his friends as well as his foes. For he then began to belabor Abraham Lincoln for military usurpation committed under his administration. It is true that the Senator tried to fasten the guilt on McClellan, because he was a democrat. But how feeble the attempt! Mr. Lincoln was Commander-in-Chief of the Army; McClellan was his lieutenant and acting under his orders. This logic is on a par with the Senator's attempt to convince the American people that the usurpation in Louisiana is not the act of President Grant. He says:

> Sheridan had nothing to do with it, Grant had nothing to do with it, the Senate had nothing to do with it; but Kellogg must take the responsibility of issuing the order. There is the responsibility, and there is the whole of it. Your denunciation of President Grant for using the Army in a legislative body goes for naught, for he knew no more about it than you did until he saw it announced in the public prints.

Poor Kellogg, he has no friends! He is kicked by the democrats and he is kicked by republicans; by the Senator from Illinois, by the Senator from Indiana, by every Senator on the Committee on Privileges and Elections; he is kicked by the President; and yet they hold him fast in his seat, for no other purpose one would suppose, from the way they abuse him, but to kick him.

But the Senator says "Grant had nothing to do with it." Well, let us test the truth of this bold assertion. He says Kellogg issued the order for the military to invade the Legislature. What military? Of the United States, of course. Who is Commander-in-Chief of the United States Army, Kellogg or Grant? Who commands De Trobriand, Kellogg or Grant? Who commands Sheridan, De Trobriand's superior officer, Kellogg or Grant? Who sent the troops into Louisiana, Kellogg or Grant? Who keeps them there now, Kellogg or Grant? Ah, Mr. President, this defense is simply pitiable. It would not avail the Senator or do credit to his ingenuity before a justice's court, and yet it is gravely presented to the United States Senate. The Senator should not be blamed, however, for giving us nothing better. He deserves the same commendation which was bestowed on the widow who gave her mite. He has given us not only the best, but all he had.

But the Senator says that the President knew nothing of the military interference until he saw it announced in the public prints. No one supposes he did. When President Grant sent his commission to San Domingo he knew nothing of what they had done until they returned to Washington. But how did the commission get abroad? Did not the President send them? How did the troops get into Louisiana and into New Orleans? And why have they been held there so long? But, further, what has been the President's course since he knew what Kellogg did with the United States troops? He has ratified every act of Kellogg, be it right or wrong, by permitting the troops to hold in *statu quo* the Legislature as organized by Kellogg only by their assistance. While it is true that President Grant "did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officers in that State upon the subject prior to the occurrence," it is also true from his own statement that he sent troops to Louisiana under Kellogg's requisition, and allowed them to remain there from September 15 to January 4, "to render to Kellogg such aid as might become necessary to enforce the laws of the State." I shall use this fact for another purpose after a while, and I quote it here to show that the Senator from Illinois is not as candid in his defense of the President as the President in his own defense. The zeal of the advocate has outstripped the desire of his client.

At this point in the Senator's darkness and gloom the mist had so thickened that it seems he lost his hearing as well as his sight. For the Senator from New York, anxiously looking for him, but not being able to see his logical *locus in quo* and utterly powerless to extricate the Senator from his perilous situation, called out to encourage him at least by his voice. When the Senator from Illinois, imagining that McClellan stood before him, was hammering his friend Abraham Lincoln for the arrest of the Maryland Legislature, the Senator from New York suggested to him that "Maryland had not been declared in insurrection," and the Senator, clutching at anything for help, caught eagerly at the sentence, which came back re-echoed to the Senate, "And Maryland had not been declared in secession;" reminding me of the little boy who never learned his lessons, and who was asked by his teacher, "What river divides Maryland from Virginia?" A young friend sitting behind prompted him and whispered, "the Potomac," which the little idle and confused boy echoed back, "The Stomach River, sir!"

The Senator from California sitting near me then generously, but most innocently, came to the relief of the Senator from Illinois by offering him a copy of the Constitution. The Senator meant well, for his countenance betrayed sympathy and distress, but the aid he offered was a cruel piece of irony and satire. He ought to have known that the Constitution was the last thing the Senator from Illinois desired in his extreme situation. The satire of the proffered aid could scarcely be equaled by offering an anchor to a drowning man. The Senator from Illinois had no use for the Constitution at that hour. He was trying to save the Administration from condemnation for a violation of that Constitution. "Justice!" said the client to his lawyer who said he should have justice, "that's just what I don't want; if I get justice I'll be hung." The Senator from Illinois understands this case far better than does my friend from California. He should have remembered that the Senator from Illinois had just confessed in open court that this is the third scrape of this kind he has been in, and with his enlarged experience he ought to know the kind of defense to be set up. And he does know, as shown by the fact that he promptly declined the assistance so kindly but innocently offered by the Senator from California.

The Senator having at this stage of his struggle exhausted his own strength and that of his friends who had rushed to his relief, fell back as a desperate venture on the statements of Jack Brown, of Georgia, and E. M. Kiels, late of Alabama.

Mr. President, you are no doubt familiar with a historical event which occurred in this city during the administration of President Jackson. A stranger called on that Chief Magistrate, who from his personal appearance plainly showed that for worldly goods he was much in the same strait that the Senator from Illinois was for argument, law, and facts to support his defense of the Administration. On inquiry by the President as to the urgent nature of his business, he replied that he desired a foreign mission. On being told that they were all filled he asked for a consulship. The same reply being made, he asked for a postmaster's position, then for a clerkship, then for the place of doorkeeper, and all these being denied, he requested the President to give him a pair of his old breeches. The Senator from Illinois has at length got down to the pair of old breeches.

"What a fall was there, my countrymen." On reflection, however, the Senator did not fall at that moment. He was already down, and it would be more historical to say that on Brown and Keils he flattened out from absolute exhaustion. The honorable Senator set out with the high-sounding declaration that he would discuss this question "fairly, candidly, and truthfully, and from a just, honest, and legal stand-point." From such a thundering index we were delighted with the anticipation of a rich repast in the coming volume. Expectation stood on tip-toe, and we chided the too sluggish moments because they kept us from our feast of reason. But was ever realization so unlike anticipation? Instead of reason we had declamation; instead of the ascending we were borne on the descending scale; instead of analogues to support his assumptions we had prologue and epilogue with argument omitted; instead of facts we had rumors and fancies; instead of being luminous the Senator grew voluminous. He fell back, or came down, down from his lofty beginning until he was glad to avail himself of anything, even of the wretched comfort to be drawn from the statements of Jack Brown and E. M. Keils.

Having said so much as to the character of the Senator's argument, I shall now notice very briefly the kind of evidence which he adduced in its support. The charge against the President is that he has grossly violated the Constitution by putting the military over the civil power, and the Senator from Illinois sprang forward and took the whole case on his broad shoulders. He opened the case for the defense by producing a print of a skull and two bones to justify the President for dispersing a State Legislature, and proceeded to say:

> Now, I state it as a fact, and I appeal to the Senator from Louisiana to say whether or not I state truly, that on the night before the election in Louisiana notices were posted all over that country on the doors of the colored republicans and the white republicans.

The Senator in his place states it as a fact, not as information—but as a *fact*—that the death's-head image was posted on the doors of white and black republicans all over Louisiana. And he appealed in the same breath to the Senator from Louisiana to say whether or not "he states truly;" but the Senator from Louisiana opened not his mouth. And when the Senator from Louisiana refuses to open his mouth, on any pretext, in accusation of the democrats of his own State, we know he is only constrained by an attack of hopeless lockjaw.

The honorable Senator states it as a fact that this charming symbol of peace was posted "all over" Louisiana. He is the only witness on this point. Yet I believe he was not in Louisiana at that time. How does he get his information? From whom? How does he know the statement to be a fact? We are not allowed to doubt the statement, because when a Senator rises and states without qualification that he knows a thing to be true, to be a fact, we are, by courtesy, concluded. And as the Senator has told us he never "withdraws a statement," that "he is not of that kind," we must take it as true that this promoter of the elective franchise was posted "all over" Louisiana, and even on the door of Kellogg, who, we all know, required no intimidation.

The joy which I imagine the Senator felt in presenting the strange device of this unaneled skull and these thigh-bones to the Senate, is only comparable to that of Mr. Pickwick when he produced before the Pickwick club his treasured hieroglyphic stone, which, on being interpreted, was simply "Bill Stumps, his mark;" and the Senator was as profoundly convinced of wide-spread death and murder in Louisiana by the figures "2 x 6" written under these bones, as was Sergeant Buzfuz that Mr. Pickwick had made a violent assault on the affections of Mrs. Bardell, because he addressed to her the tender and endearing words, "chops and tomato-sauce."

The next fact which the honorable Senator from Illinois brought forward to show that President Grant had not been guilty of usurpation was a certificate that a barber was a member of a democratic club in New Orleans.

This is a *fact* produced by the Senator from Illinois; and I do not blame him for producing it, because it was probably the best he had.

It seems from this, that there was one Charles Durassa, a colored Figaro of New Orleans, a lineal descendant of a craft whose pleasure and profit were once measured by the quantity of blood they drew from their fellow-creatures. The ancestors were no doubt the founders of the Ku-Klux Klan. How natural, then, the Senator from Illinois might say, for their descendants to join that klan. But the descendants, having grown more humane, have, of late, ceased to grow fat on the plethora of their neighbors' veins, and derive their subsistence now by relieving their fellow-man of an excess of hair. But as the said Durassa—who had an eye to the main chance—could not find on the scalps and barren cheeks of his own race sufficient hair to whet even the appetite of his Sheffield blade, much less to appease his own, and not being honored with an invitation by Kellogg to share in the more substantial spoils he was gathering from the whites of Louisiana, he fixed his hungry gaze on the Caucasian Absaloms of New Orleans, and determined to put himself in the line to poll their heads. To this end he adopted the worldly wisdom of the "scurvy politician" and joined the paying side, and received his certificate of membership, which the Senator from Illinois has construed to be a notice to the Angel of Death abroad in Louisiana, like the blood sprinkled on the doors at the Passover of the Jews in Egypt, to let Durassa live. The shrewdness of the barber, Durassa, though not sufficient to excite the envy, is still enough to challenge the admiration, of the republican party. He knew there were no men in Louisiana with manhood enough to wear beards except the democrats, and that to set up a shop to shave his own brother would be a device not only entirely republican, but as absurd as to establish a ship-yard in the middle of the great Sahara Desert, and almost as hopeless as to expect peace and prosperity in the United States under the present Administration. But even this sharp resort to earn a penny is paraded before the country by the Senator from Illinois as proof of murder and death to all Republicans who could not obtain a like certificate. The Senator's ingenuity is even more creditable than the cunning of Durassa.

The next fact stated by the Senator to prove that the President was not guilty of usurpation in Louisiana was the kidnapping of a republican member-elect of the Legislature, called by one man, Cousin, and by another, Cousinier. "And yet," says he, "these kidnappers and murderers are not to be denounced in this Chamber. These are the gentlemen of Louisiana I presume." No; the kidnappers and murderers of Louisiana are no more the gentlemen of Louisiana than they are of Illinois. I will tell the Senator who is the kidnapper and murderer in Louisiana. I would not say he is an Illinois gentleman, but I will say that he is a man from Illinois. The kidnapper and murderer in Louisiana is Kellogg, a carpet-bagger from Illinois. Kellogg, in the vigorous expression of the Senator from Connecticut [Mr. FERRY] used on yesterday, "with falsehood in his hand and perjury on his lips," kidnapped the gubernatorial chair; in the language of President Grant, by a "gigantic fraud," he kidnapped the Legislature of that State in 1873; and he has by Federal troops and the fraud and perjury of his returning board, kidnapped the Legislature of 1875. As to who is the murderer of Louisiana, I say that the man who inaugurated these wrongs upon the people of Louisiana; the man who continues these wrongs; the man who summons to his aid the military power of the United States for the purpose of perpetrating these crimes, is himself responsible for every act of violence committed by the white people of that State in resistance to these wrongs, and the blood of every man who has fallen in this righteous struggle is on the garments of the usurping, perjured Kellogg.

But, sir, this is aside from the point and from my line of discussion. The Senator from Illinois said that Cousin was kidnapped by democrats to keep him away from the organization of the Legislature. I wish it to be borne in mind that the Senator stated this as a fact; not a surmise, not an inference, not upon information, but as a *fact*. I will leave this issue of fact between the Senator and two other republicans who are members of the House, and who went to Louisiana and examined into the question as to whether Cousin had been kidnapped by the democrats. I refer to their report, page 10. Mr. FOSTER and Mr. PHELPS, to say nothing of the democrat upon this committee, make this statement:

> The republicans claimed that one of their members, A. G. Cousin, had been kidnaped and forcibly taken to a district parish to prevent his presence at the organization of the house.
>
> Your committee was about to investigate this charge, when in public session it was claimed by the democratic counsel and admitted by the republican counsel that the arrest was under legal process and by the hands of the sheriff. It was further claimed, and not denied, that the privileges of his office did not shield him from arrest. The charge was embezzlement.

This statement of a republican committee was in the possession of this body and I suppose was lying on the desk of the Senator from Illinois at the time he made this statement.

Just here I will state that the Senator from New York, [Mr. CONKLING,] in his speech the other day, made the same statement. He stated as a fact, that Cousin was kidnapped by democrats for the express purpose of keeping him out of the Legislature. The latter made certain statements as facts which I have found nowhere else except in the paper to which I now make reference. If the Senator from New York relied upon any other evidence than this to which I now call attention, I should be glad if he would say so. I call the attention of the Senate to this paper to show that the Senator from New York, in his zeal in defense of the Administration—no, Mr. President, I withdraw that statement—the honorable Senator from New York in his speech expressly disclaimed that he was defending the Administration. He said:

> I do not appear for General Emory. I am not his attorney of record, or his counsel, nor is he triable here. I do not come to champion, justify, or befriend either of these persons. I do not appear to vindicate the President of the United States. He needs no vindication. He was a stranger to the whole proceeding. I do not appear to champion the republican party.
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> It is no part of my purpose, I repeat, to vindicate Governor Kellogg. Much has been done in Louisiana, formerly and lately, on both sides, which I cannot approve. If my wish could prevail, iniquity, wherever found, would be chastised and eradicated. I speak only for common sense and common right. For this purpose I have nothing to do with Mr. Kellogg, except that he was acting governor of Louisiana.

I therefore withdraw my remark, that the Senator from New York was defending the Administration. I have yet to ascertain whom he was defending, because the list that has been furnished by him, it seems to me, covers all parties and persons that might by possibility have been concerned in that transaction. The document to which I call attention is among those furnished by the President in his message to the Senate, and was sent to him by General Sheridan. It is dated January 7, 1875. I call particular attention to the fact that it has no signature. It is waste paper, bearing no name, and purports to be a hearsay statement of the circumstances of the arrest of Cousin. The Senator from New York used it in his argument, and on its authority asserted as a fact, that Cousin was kidnapped by democrats to keep him away from the organization of the Legislature. The Senator did this with the words "no signature" at the end of this anonymous hearsay statement under his eyes.

The paper begins:

> About ten o'clock Thursday morning, A. J. Cousin and his father arrived in this city from Covington, Saint Tammany Parish. His statement is as follows.

Mr. Nobody says that Mr. Cousin said, he was kidnapped, and on the authority of the hearsay statement of a man in a mask, or of no man at all, the Senator from New York places his declaration, that Cousin was kidnapped by democrats.

The next fact relied on by the Senator from Illinois in justification of the overthrow of the State government in Louisiana is, that violence has for years prevailed in that State. He stated without qualification that thirty-five hundred murders have been committed in that State within "the last few years." And he says he makes this statement on the authority of General Sheridan. Well, the Senator does not withdraw his statements, as he is "not of that kind." But this is all one to me. I will simply put the statement of General Sheridan, who is the Senator's authority on this question of fact, over against the statement of the Senator, and leave them to settle the question. I quote from General Sheridan's report as embodied in the Senator's own speech:

> Since the year 1866 nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded.
> * * * There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time on account of their political sentiments.

So it seems that General Sheridan did not authorize the Senator to say 3,500 persons had been murdered. He said that number within eight years, since 1866, had been killed and wounded. General Sheridan did not say, as the Senator does, that that number was killed and wounded for political opinions. General Sheridan does not say, that they were "all republicans, not one of them a democrat." How the honorable Senator, who never withdraws—is "not of that kind"—and General Sheridan will settle this slight discrepancy in statement, I cannot see, unless General Sheridan will withdraw and adopt the Senator's statement as his own.

The Senator, having finished his raid on Louisiana, passed over to Alabama and Georgia. And as a specimen of the material on which he built his castle in the air, I refer the Senate to his statement to show that intimidation of republicans is practiced there. He said that in the fourth congressional district, at the last election, only eighteen republicans voted out of a population of over 64,000, while over 9,000 democrats voted out of a white population of 67,000, and that only twelve republicans voted in the eighth district of a negro population about equal to that in the fourth. I must do the Senator the justice to say, that he was willing to stand corrected when my colleague told him there was no republican candidate in either district. But my purpose in citing this instance is to show the kind of facts by which he was supporting his charge of intimidation, that we and the country may see how utterly fanciful they are when the truth is known. *Ab uno crimine disce omnes.* And I will observe here that the Senator from New York [Mr. CONKLING] and the Senator from Ohio [Mr. SHERMAN] both reiterated the error of the Senator from Illinois as to the killed and wounded as stated by General Sheridan.

February 26, 1875.

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. No. 796) to protect all citizens in their civil and legal rights—

Mr. NORWOOD said:

Mr. PRESIDENT: When I suspended my remarks the other day I was reviewing the speech of the honorable Senator from Illinois, [Mr. LOGAN.] I was endeavoring to show that he had made statements in his review of the causes of the trouble in Louisiana which were not sustained by the record.

The Senator from Illinois, in his anxiety to make out a case against the people of the South, came down to the statements of Jack Brown and E. M. Keils. I know the gentleman, Mr. Brown, and know nothing against his personal character. I do not know Mr. Keils, but I know he was judge of the city court in Eufaula, Alabama, and resigned to avoid impeachment on many grave charges of corruption in office. My object in referring to their statement is to show the character of facts which are relied on by the Senator from Illinois, to prove that President Grant has not been guilty of usurpation in Louisiana.

Here is a specimen taken from the letter of Jack Brown:

At midnight after my nomination scores and scores of democrats came to my hotel and serenaded me with tin pans, bass-drums, tin horns, pieces of old sheet-iron, &c., applying to me every kind of insulting epithets. The people were permitted thus to insult justice and right undisturbed by a vigilant police, and the next day were discharged by the mayor of the city when arraigned for disorderly conduct. On the same night these democrats went to the house of B. F. Bell, a republican, with their tin pans and other discordant instruments, serenaded and abused him for being a damned radical, in the presence and hearing of a sick wife.

Again he says:

In the city of Americus, where I live, there was but one place of voting. The ballots were handed to managers through a window. In front of this window the colored voters formed a line and stood throughout the entire day like a stone wall, each one waiting for his turn to vote. The democrats did everything in their power to break their line and scatter them. For instance, they would go among them puffing tobacco smoke in their faces, snatching tickets from them, throwing cayenne pepper among them, persuading, begging, and trying to bribe them to vote the democratic ticket. At least half of the colored voters were challenged, the challengers asking all kinds of silly questions, such as "Are you old enough to vote?" when perhaps the voter was fifty years old; "Have you paid your tax?" when the voter actually had his tax-receipt in his hand; "Haven't you got some other name?" and other foolish questions.

While the Senator from Illinois was thus presenting the case of the South to the country, I was thinking that he would have done well had he turned his face toward his own State instead of toward Louisiana, for it happened that just at the time he was addressing the Senate, Governor Beveridge of Illinois was making application to the Legislature of that State to make an appropriation of $10,000 to assist him in suppressing an incipient rebellion in Williamson County, which was formerly the residence of the Senator from Illinois. The turbulent spirit in that county had risen so high as to override the civil authorities; and the governor of his own State, while the Senator was here enlightening the country as to the condition of the South, and charging us with violence and the commission of crime, was unable without the assistance of the Legislature to suppress crime and violence in Illinois.

But, Mr. President, there is no community, there is no society, there is no deliberative body that does not have its Mrs. Jelleby. You will find Mrs. Jelleby everywhere. She is personified in almost every assembly. Mrs. Jelleby had her Borrioboola-Gha. She must send assistance to the Africans abroad. The poor, the helpless at home received no commiseration from her, but all her philanthropy and her devotion to human rights was expended upon Borrioboola-Gha, somewhere in the midst of Africa; and here we have Mrs. Jelleby over again. While the people of every northern State, while the whites are being ground by poverty, all the sympathy and all the philanthropy of their Senators here have been expended upon the negroes in the South.

Mr. President, it would be well, if some attention was devoted to their own people. The poor they have with them always, and while the poor are suffering, while the finances of the country are depressed, while we have been brought to the strait in which we are by a republican administration, the wrongs and the evils that their own people suffer are lost sight of and they, forsooth, must devote all their talents, and waste the public time here that might be devoted to an alleviation of the condition of their poor, in considering the condition of the negro.

Referring again, for a moment, to the statement of facts made by the Senator from Illinois, and which I have been reviewing, I ask, is it not lamentable when a Senator, one to whom the people look for light, for information, for guidance, will, for partisan purposes, to support a bad cause and to defend a defenseless case, libel the white people of a whole State—of a large section of the Union—as murderers, assassins, and banditti on rumors reaped from the air on which they grow, or on a statement of facts which when touched vanish like bubbles? This is a fair illustration of the justice which the leaders of the republican party mete out to the South. This is the quality of evidence on which we are arraigned without warrant and condemned without hearing. This is the kind of evidence—and I wish the fair-minded, true-hearted, honest republicans in the North to hear it—with which their leaders deceive and mislead them; arouse their prejudices against us who are one with them in race, hopes, interest, patriotism, and destiny. This is the evidence on which their leaders reconstruct States, disorganize labor, embroil society, foment war between the races, drive northern capital from the South, destroy the South as a market for the products of their factories, their looms, their furnaces, and fields. Such evidence would not be received by Justice Shallow in a cause between man and man on an issue involving the life of a dog. But the leaders of the republican party receive it, and on it base legislation palpably unconstitutional to create strife between whites and blacks and to furnish fresh cause for further aggression. On such evidence and by such legislation they are widening the breach between the sections which have been honestly struggling for nine years of grief, to reunite in the cordial bonds of one harmonious brotherhood.

But the Senator from Illinois, having finished his discussion of law and facts, gracefully swept away into the region of poesy.

With "most excellent fancy" he delighted the Senate with a picture of a gallant ship scudding before the gale with sails all full, pennant flying at the mast-head, and bearing, like a rich argosy, her precious freight of the Constitution and the hopes of a happy people. I listened with a pleasure not unmingled with some apprehension for his own safety. I feared he had launched a craft too light to live in such a heavy sea.

The old ship which he described is manned by the Administration. Her captain, slumbering in his cabin and never looking out to mark the weather or to watch for danger, had left the ship in command of his lieutenants, Kellogg, Packard, and Durell, who reported everything lovely, and all clear ahead. The chart—the Constitution—had been laid aside and was never consulted. While the captain slept, the officers and crew caroused. But suddenly the old ship struck, and the Administration, seeing their danger, gave the signal of distress. And then it was, the Senator from Illinois rigged his craft and put out from shore to the rescue of his friends. It was a right gallant act; for while "it is decorous and sweet for one's country to die," it requires a marvelous degree of heroism to rush on certain death to save a man whose friendship, at best, is of doubtful assurance. But soon a fog gathered round about that daring sailor, and the harder he pulled, and the farther he went, the denser grew the fog. His friends on shore became alarmed, for they saw that he was heading on fearful breakers, while the sailor in happy innocence was alone unconscious of his peril. Soon he was lost to sight, and like the "babes in the wood," he began to move in a circle, for the fog was so dense that, though amidships, he could see neither stem nor stern of his own craft. But at last he struck on a rock and for two days hung suspended, and as the fog for a moment lifted, the wistful faces of friends showed too plainly that they were painfully suspended on the "ragged edge of anxiety" for his fate. As the little craft of this adventurous sailor there heaved and pitched and thumped and bumped, his situation and impending fate suggested to my mind the foundering of a Mississippi scow, as witnessed and immortalized by a western poet, who sang in description of her wreck—

She hove and sot and sot and hove,
And high her rudder flung;
And every time she sot and hove
A worser leak she sprung.

[Laughter.]

But the honorable Senator—I beg pardon, the courageous sailor—after struggling and tugging for a while to extricate himself, and blowing his fog-horn for two days to warn his friends that he was lost, and finding that there was no hope of relief, heroically resolved on a sensational farewell, and charging himself with a bomb-shell of rhetoric, he blew himself to pieces with a dash of spray and a detonation which would have aroused Neptune to arms in defense of his invaded realms.

The honorable Senator from Mississippi [Mr. PEASE] has also paid his distinguished consideration to the State of Georgia. Mistaking perspiration for inspiration, as some are wont to do who seek to soar, he labored for two days to give the world assurance that his hind-sight is quite as good as his foresight, and to tell us a part of what he does not know. Ah, what a work of supererogation! Had the honorable Senator attempted to tell us what he knows, there might have been a saving of much valuable time and printer's ink. Would he had

done so. But he saw fit to open his budget of fables and to defame a people whom he does not know. These people are my constituents, and the constituents of—no, I cannot say that, as I do not know who are the constituents of the honorable Senator from Mississippi. I presume, from his abuse of them, they are certainly not the white citizens of that State. If they are not, then his constituents must consist of the only other classes in the State—the negroes and the carpet-baggers. Of the first class I have nothing to say. For that people, in the main, I have great respect and entertain the kindest feelings. They are naturally kind, docile, tractable, and faithful. But they are ignorant, superstitious, and clannish. And from these qualities spring the dangers to themselves and to the native white people of the South. They are pipes on whose stops any knave can play.

They are incomparably the more respectable of the Senator's constituents. And yet I fear the negroes of Mississippi are not up to the standard of loyalty which makes a citizen of the South respectable. I fear they, too, are growing slightly rebellious. There are ominous indications that they are becoming a little select in their society of late, and it may be that Congress will have to reconstruct them; for when the honorable Senator called and cried aloud, "Let us have Pease," they rebelliously stiffened their necks and replied, "We prefer to have Bruce." There is no accounting for taste, even that of our colored fellow-citizens. They are wonderful imitators of the Caucasian race, and we know that there is a strong and constant tendency in our own race to choose, in business affairs and in social relations, the best there is at hand. The negroes of Mississippi may not be an exception to this rule.

Further than this I do not propose to follow the Senator from Mississippi. I would as soon attempt to seriously discuss the truth or falsehood of the stories of Scheherezade in the Arabian Nights Entertainments, as the myths which make up that Senator's speech.

But, Mr. President, during the progress of this discussion the honorable Senator from Massachusetts [Mr. BOUTWELL] addressed the Senate, and I must express the pain that I felt at the words that fell from his lips. When the Senator from North Carolina, [Mr. RANSOM,] with his heart full of devotion to the Union, to law and order, told yuo the true condition and feeling of the southern people, and assured you that they, too, are true to the Union, the Senator from Massachusetts, even while the spell of the eloquent words of my friend still held us like the enchantment of a delightful dream, arose and not only rejected the assurances, but said he could "observe elements of danger in the speech which, if not removed from the minds of the people of the South, will end in civil war." The war, sir, which will result from the sentiments uttered by the Senator from North Carolina would indeed be civil, very civil. It would be a war of competing looms, a war of rival factories, for commercial mastery, of scholars for ascendency in the field of letters, of mechanism and of mind. And the influence which would animate the combatants to glorious deeds would not descend upon them from the angry face of fiery, bloody Mars, but it would come as an inspiration, with the voice of "peace on earth, goodwill toward men," from the risen Star of Bethlehem. But let the views of the Senator from Massachusetts come into active operation, and the war would not be quite so civil. It would be, perhaps, of a class in which the Senator might prefer to occupy his seat in this Chamber rather than to buckle on his sword and move to the front as the appointed agent to enforce by compulsion quiet and harmony among the contending forces.

The Senator seems to be perfectly convinced that the South can never enjoy peace until "the whites and the blacks are compelled to go to the same schools, sit upon the same forms, accept the same teachers, and study the same books." This may be true. The people of the South have had no peace for forty years on account of the negro. It may be possible that the Senator is right in his opinion that we shall never have peace until we "sit upon the same forms" with the negro. He has made other wonderful discoveries before. I am at a loss whether to admire him more as a humanitarian philosopher, or as an exploring astronomer. As an astronomer, he, about six years ago, while peering through his immense telescope, discovered "a hole in the sky," and, singular enough, that hole was in the southern sky. And the Senator now, as a moral philosopher, as a humanitarian, has discovered "a hole in the sky" of southern society. It stretches wide between the constellations of Ham and Shem, and as the honorable Senator, like nature, abhors a vacuum, he now proposes to fill up this hole in southern society by drawing these recalcitrant, repelling, social elements together. He proposes to capture them with a lasso, drag them humanely to the same schoolroom, tie them on the same forms, lash their arms together to hold the same book, fix their eyes on the same page, make their eyeballs stationary, and then, by some patent process as yet unknown to any one except the inventor of this exquisite machinery for the propagation of knowledge and peace among men, to wind up their brains like eight-day clocks, and set their tongues, like pendulums, in motion, to tick out learning in harmonious measure. [Laughter.]

But the honorable Senator, though not very happy in imparting to our minds any new discoveries in social science, did inform us of a fact which to all enlightened men on both hemispheres, and especially to the people of Massachusetts, must be news indeed. In presenting his own views of the Constitution, liberty, and the Union in their harmonious relations to each other, the thought seems to have broken in on the Senator's mind, that a critical reader might discover some discrepancy between the sentiments he was expressing and those which, as a nation's oracles, were uttered and impressed on the American heart for forty years by Daniel Webster. And the ingenious Senator saw no escape from the grasp of his formidable antagonist except to slay him in cold blood; and accordingly he astonished the civilized world by the announcement, for the first time made, that Daniel Webster had fallen, and that, too, by his own hand. The honorable Senator informed us that on the 7th of March, 1850, "in the rock and tumult of those times he (Daniel Webster) felt that concessions must be made; he yielded and fell."

If it be true that Daniel Webster fell, then let the world wear mourning! If it be possible that Daniel Webster deserted the cause of liberty, who can ever have faith again? If the righteous could not be saved, where shall the ungodly appear? No, sir; Daniel Webster "still lives." His fall would have shaken the continent with a vibration as great as that from an earthquake. Daniel Webster fallen! As well might a Persian have attempted to persuade the Greeks that Jupiter had fallen from Olympus, as the Senator to satisfy Americans that Daniel Webster fell away from the Constitution. We would as soon expect to hear that the brightest star in the heavens had madly shot from its appointed orbit. No, sir; the Senator must be laboring under some cruel delusion. He must at some time have seen the little finger of that mighty intellectual Samson, in horizontal repose, and looking up at it from his stand-point, have believed it to be the prostrate form of its giant owner. If the Senator will graciously permit one so humble as myself to turn his eye for a moment to that field of learning over which, in violation of the fourteenth amendment, according to his own construction, he has a chartered monopoly, I will remind him that astronomers tell us there have been stars which were ages ago consumed by the intensity of their own heat, and that their light is still streaming, and will continue for centuries to pour, in undimmed effulgence upon the earth. And the light of the bright mind of Daniel Webster, though the orb itself from which it beamed be quenched in the darkness of the grave, still illumines and will continue to illumine the pathway of man, until the earth itself shall be rolled away as a scroll.

But, sir, I have some views of my own which I desire to express, and I cannot, therefore, consume any more time in replying to the speeches which have been made in defense of President Grant. And I will say here that it is not my purpose or desire to retort on any Senator by using epithets, or by the attempt to disgrace or defame or bring into disrepute the people of any State in this Union. I am not one of those who believe that all the virtue of our race, all the statemanship, all the true elements of civilization, belong to their State or section of the Union. And when I hear an American from one section accusing the citizens of another section of all manner of crime, and claiming by inference if not in terms, superiority for himself and his constituents over all other Americans, and of course over all the rest of mankind, I at once suspect that his education has been neglected and that he should be placed under a tutor and made to travel. He may know something of books; is no doubt thoroughly familiar with the tenets of the Pharisees, but his subjective knowledge is lamentably deficient. He knows nothing of himself or of his fellow-man. He either has not read the history of the race to which he belongs, or, reading it, he has not seen its philosophic teachings, and has only retained its dry and useless facts. He is but a walking *hortus siccus*, bearing in his memory only the skeleton of history without its life and spirit.

But I cannot believe—I wish I could—that the leaders of the republican party are ignorant of the philosophy of history, of the fact that the laws which govern the moral are as fixed and unchangeable as those which control the physical world. I wish I could believe they do not know that human nature works with unvarying regularity under the same circumstances. It would be charitable to think so, but we cannot so believe. The Senator from Indiana has reminded us during this debate, that human nature is the same everywhere and at all times. He knows, then, that like causes operating on mankind always produce like results. He knows that a sense of wrong begets resentment. He knows that a superior race will never tamely submit to the enforced dominion of an inferior race. He knows that a former master will not cheerfully take the subordinate place of servant to his former slave. He knows that intelligence, and the manly pride which is but the consciousness of superiority in intellect, culture, social position, and in all the elements which make up true manhood, have never yielded without resistance to be governed by an ignorant, semi-barbarous tribe. He knows, too, that such a state of things is in violation of the spirit and genius of American civilization, and has no parallel even in the most despotic and tyrannical governments of ancient or modern times. But we all know, that all these monstrous wrongs and a thousand more have been forced upon the people of the South by the republican party for eight years gone by.

I have no hope that anything I can say will reach the hearts of the leaders of that party. Their motto, if we may judge by their acts and legislation, is, "We will rule or ruin." They look to but one end, that is to perpetuate their power. But there is a court of appeal, which is the judgment of the American people, and to that I appeal for justice to all sections and all races. And to this end I shall now for a few minutes review the course pursued by the republican party

toward the South ever since the close of the late war between the North and South.

That war, sir, was fought on a principle. Its origin was in a difference of opinion on the right construction of the Constitution. We of the South, honestly believing that rights which we held were guaranteed by that instrument, could not be preserved in the Union, sought to secure them under another and an independent government. We struck no blow at the existence of the Federal Government, and so impartial history will pronounce its verdict. But we all know the result. When the war closed, we laid down our arms, went peaceably to our homes, and set to work. The scene was sad beyond the power of mortal pen to tell. Two billions of property in slaves had vanished in a night. More than another billion had crumbled under the iron tread of war. Hundreds of millions more invested in confederate bonds were swept away in a breath. Many millions more of confederate treasury notes perished in the same instant. Besides all this, nearly every planter was in debt, and his land which in the main was all that was left of his estate, was covered by mortgage. Labor was disorganized. Negroes, elated by freedom, like children by new toys, played and danced and loitered. The white people were disarmed, but negroes were allowed to have arms because they were pronounced loyal. Farming utensils had been destroyed, stock had been used up in the army, and cattle largely consumed for commissary supplies. Such is but a very meager statement of facts setting forth our financial and social condition. Of our untold sorrows, of homes desolated by death; of ghostly chimneys that alone marked the spot where the mansion of opulence, refinement, and culture had stood; of the graves destined to be leveled by time and nature's pelting elements, because the surviving kin, so rich in love, were too poor in purse to erect an humble slab to mark the spot where all they cherished in life was sleeping; of the wealthy who in the sweet spring-time of 1865 awoke to the poverty of the manger and rose to wander in woe and without a home, till the kind hand of the hermit Death shall lead them to his welcome abode—of these and much more I shall not speak. They have a sacredness over which pride and manhood keep eternal watch. They are all our own. They are issues of the war which we accepted; and the same manhood which met the embattled legions of the North without dismay, will cloak our private griefs without repining.

But under all these discouragements, all this poverty and insolvency, up and out from the dark and bitter waters we moved once more to the shore and met Fate face to face and closed in for an almost hopeless struggle.

It was then that the President of the United States issued his proclamation that we should rise and rehabilitate the Southern States and return to the enjoyment of the rights which the Constitution guaranteed to every State. We held conventions, abolished slavery, reorganized our governments, and elected Legislatures and members of Congress. Throughout the years 1865 and 1866 there was but little disturbance between the two races. General Grant, who had been sent by the President to ascertain the condition of affairs in the South, reported, in December, 1865, that quiet prevailed, and that the intelligent, controlling citizens accepted the situation in good faith.

And just here let me remark that at that hour the republican party held in its hands the grandest opportunity that has ever been seized or dropped by any king, monarch, ruler, or party known in history. A spirit of magnanimity which would have required no sacrifice of advantage from the war, nor the surrender of any principle of good government, would have won the southern heart, would have given that party legitimate control of the intellect and patriotism of every Southern State, and have continued their rule for at least another generation.

When the Southern States had reorganized and elected their Senators and Representatives, and they came here and applied for admission to their seats, on inspection and examination of them by the republican party it was discovered, first, that they were all white men, and, secondly, that they were all democrats. The republican party challenged the array, and Congress decided they were incompetent and unfit, and sent them back. And instantly another discovery was made, which was, that "no legal governments existed in any of the States lately in rebellion." These States had not been "in rebellion" for two years. They had been under the watchful eye of the republican party every hour in the day and night for these two years. That party had sat by and heard the President call on them to rise and take their places in the Union, had seen them rise, hold conventions, elect Legislatures, elect Senators and Representatives, and nothing was said. But when those Senators and Representatives came forward with their credentials, marvelous to relate, these States were suddenly discovered not to be States.

Then there was enacted a drama which, but for the calamities with which it was fraught, would rank as the greatest farce known in history. Then came that grand abortion called reconstruction. In its train have followed more pangs and woes than war with all its horrors has. It was a crime, because it was a willful trampling of the Constitution in the dust. It was a dishonor, because it was an insult to a fettered people. It was a disgrace to American statesmanship. It was a blow at the life of the Republic. It disfranchised the intelligent, the virtuous, the honorable citizens of the South, and gave power over them to the ignorant, the licentious, and the base. It gave those who had neither property nor education the power to tax without limit the owners of the remnant of property left to them by the war. It bound the hands of the whites and turned them over unprotected to the unbounded rapacity and savage brutality of the blacks.

And why was all this done? Was it because the people of the South were disposed to take up arms again? No one has ever been bold enough to suggest such a contingency in justification of reconstruction. Did the North, victorious and unimpaired in all the strength and appliances of war, fear a people conquered, disarmed, scattered, without leaders, or organization, or money? No one is simpleton or coward enough to make this a pretext for reconstruction. Was it because we were turbulent and unruly? No, sir; history does not show it. The legislation of Congress does not assert or even assume it. The preamble to the act for reconstruction does not declare it. It states expressly the ground on which Congress pretended to base its action in destroying the autonomy of ten States, and that ground was, that no legal governments then existed in those States. Let this be remembered now and forever. It was solely on the assumption that no legal governments existed in these States. There was no social disturbance in the South. There were individual instances of violence, such as must occur in the nature of things at the subsidence of every great civil commotion. They occurred in the North, and are occurring there now as well as in the South. They are occurring now in several of the Northern States—Iowa, Indiana, Pennsylvania, and notably in Illinois.

What, then, was the motive of the republican party in subverting the governments of the ten Southern States? It was only to perpetuate its own existence and keep control of the Government. All these crimes were committed to keep power in its hands.

Now, sir, I have asserted that all the evils which the South has endured were the offspring of reconstruction; and I assert in the light of history that the violence, the bloodshed, the conflict of races which have taken place are the legitimate, the natural results of the same fruitful cause of our immeasurable calamities. I have shown that we were at peace before that iniquitous step was taken; I have shown that we were not able or disposed to take up arms; I have shown that Congress did not pretend that reconstruction was necessary to suppress domestic violence; and I have shown that Congress expressly asserted by solemn enactment the ground and the only ground on which it would stand for justification in entering on the perilous experiment of destroying, not one State, but near one-third of the States in the Union. Now let us see whether the violence in the South is not traceable directly to the republican party.

I have already said that the laws which control the conduct of men are as fixed as the law of gravitation, and that under like circumstances mankind will manifest the same qualities of heart; and this law, which is general to the human family, is especially true of a single race, of a single family of that race, and of a single people born and educated under the same Government and institutions. What is true of the people of one section of the United States is true of any other. We are all born freemen. Our earliest lessons teach us to abhor kings and tyrants, to resent wrong, to resist oppression, to protect at the risk of life, our honor and our homes. There is nothing in the past to justify any American statesman in supposing that the people of the South are in this respect inferior to any people known in history. Their record in the Revolution, their heroism in the war of 1812, in the war with Mexico, and in the late civil war, attest their lineage as sons of freedom. Nothing, sir, has occurred in the South that would not have been done by the people of any State in the Union had they been the victims of like wrongs and oppression.

Crime in Massachusetts is less than the crime committed in newly settled States in the West, because her social organization is older and the relations and rights of men and their remedies for redress are better established. She has had no social revolution within two hundred years. There are no disturbing forces pressing upon her from without. But, subject her people to-day to the ordeal through which the people of the South have had to pass, and the same social forces will instantly appear which have disturbed the South for the last eight years. Double her population, and let one-half be a people of an inferior order, a people ignorant and poor, superstitious and vile, and having from previous servitude no individuality and but little conscience. Then clothe them with equal political rights in a day and turn loose among them a band of hungry, greedy, unscrupulous adventurers from another clime, who have no interest in the State but to get office to rob, and to do which they engender distrust and revenge in the breasts of these savages by working on their superstition and persuading them, the people of Massachusetts intend and are trying to enslave them again, and her condition would be but a feeble picture of the South. But what would be the result? I ask the Senators from that glorious old Commonwealth which struck the first blow for constitutional liberty on this continent, would his sons tamely submit to such a wrong? Would they sit passive and hold their hands while looking at these incendiaries putting the torch to their factories and their dwellings? Would they stay their hands when these robbers had burdened them with a tax which would take their houses from over their heads to pay the debt? Would they stand idle and see their credit ruined, their fields becoming fallow, their judiciary debauched, their governor robbing the treasury, their Legislature an organized mass of ignorance

wielded by hostile knaves, and their homes pallor-stricken by the constant dread of arson, rape, and murder? No, no! Faneuil Hall would again quiver with the eloquence of her patriot orators, and Bunker Hill would tremble under the indignant tread of her marshaled heroes. They would rise in their strength and drive these demons headlong into the sea.

But, sir, reconstruction was accomplished. Near a million negroes, finding themselves voters, became more turbulent than before. Crimes multiplied with amazing rapidity. Murder, red-handed murder, threatened the white race by day, and arson became an institution of the night. Blazing gin-houses, on the least fancied wrong, illuminated the dismal night like merry bonfires, and the profits of a year dissolved to ashes in an hour. Thefts were as common as opportunities; and opportunities were forced when not to be found. In the rura, districts, female honor was so often violated, that men and women dreaded the coming of night, and many abandoned their homes and took refuge in the cities. Let me state a fact in the history of Georgia as a proof of what I say of the prevalence of crime. The judges appointed by Governor Bullock in 1868 were all republicans, with but one exception. They could hardly be charged with injustice to the blacks. Under these judges the number of convictions for almost every grade of crime can be imagined, in absence of accurate criminal statistics, from the statement, that during Bullock's term of four years, he pardoned over four hundred negroes who had been convicted of crimes of all kinds, including murder, manslaughter, rape, arson, burglary, robbery, and all others down to petit larceny. From the number thus pardoned you may form a general estimate of how many must have been convicted, and the number of convictions must, in the nature of things, be far short of the number of offenses committed.

But such was the state of immorality and crime which followed naturally the sudden enfranchisement of a people who knew not how to exercise any of the privileges growing out of their new and intoxicating condition. Then, sir, what must follow, in natural order, such a state of things as this? You do not need to be told. Ask yourselves what you would have done under such a trial? You would have done what every community on earth, Christian or pagan, would. You would have protected your homes, your property, your families, and the honor and virture of your wives, sisters, and daughters by every means that God and nature had given you. The early settlers of California when infested by thieves and lawless men, finding no protection in the law, became a law unto themselves, and by an organized force, called a committee of vigilance, restored order to the community. Many citizens of the South in communities where the negroes were in the majority combined for self-defense. This was the original motive—nothing more. But, as in all organizations which operate outside the forms of law, so in this, violent men, who often have private grievances to revenge, crept in, and the purpose of the organization, which was simply for protection, was perverted and unlawful aggressions followed. And at this point of deflection, what was intended only for self-preservation, changed into what is commonly known as the Ku-Klux organization.

But who was to blame for this? Can any fair-minded man say that the original intention to unite for mutual protection against such lawlessness, was not justifiable? Who is responsible for a conflagration; the man who sets the torch to the building, or the flame which he kindles? The republican party must have known the nature, the ignorance, the passions, the unbridled lusts, and the low moral sense of the negro in the South. They knew the history of Hayti and Jamaica. They knew the violent social disturbance which would inevitably follow the freedom, enfranchisment, the political equality, of the negro race, inflamed as they were, by incendiary office-seekers, against the native whites. And the results are only such as any statesman would have foreseen, and such as any one, who did not value party dominance more than the good of his own race and of his common country, would have exerted every effort to prevent.

But I am glad to see, that while the President charges the existence of disorder, he, inadvertently, no doubt, places the responsibility where I have already shown it rests, and that is on the republican party. He tells us that "lawlessness, turbulence, and bloodshed have characterized the political affairs of Louisiana since its reorganization under the reconstruction acts." And here is the key that unlocks the secret of all the trouble in the South. He strips the mask from his own party with one brush of his hand. Reconstruction is the evil genius of American civilization. It arrested the progress of the whole Union, as the breath of the monster which appeared in the pathway of Regulus checked the onward march of his army. It was that lawlessness on the part of Congress which begat lawlessness in the people. It was that disregard for the rights of white citizens, in order to make republican voters of the blacks, which convinced the people of the South that the Government had cast them off, or was holding them for adventurers to plunder through the power of an ignorant, pliable negro constitueucy. It was that futile but wicked effort of the republican party to legislate a stupid, unlettered semi-savage into an American statesman. It was that folly of hitching the white man between the shafts and mounting the mule in the cart to hold the lines and drive. Reconstruction will be written down by the philosophical historian not only as the greatest folly of all time, but as the worst crime against civilization, human progress, and self-government, that was ever perpetrated through the cunning or wickedness of man. It has no justification. The people of the South were not permitted to show what they would do to reinstate themselves in the Union. You did not give them the opportunity. You would not give them a trial. There was no *locus penitentiæ* allowed them.

You legislated, in the language of Thaddeus Stevens, "outside of the Constitution," to crush the pride, the manhood, and destroy the material interest of the South for the sole purpose of getting control of the political power of those ten States. And the whole country has been paralyzed by that monstrosity in statesmanship. We were seized by the throat just as we were attempting to rise from the ashes of the civil conflagration, knocked down, and bound and placed under guard of our former slaves. Evil upon evil has followed the march of the republican party in the South since reconstruction. The North has suffered in all its industries and the South has been almost destroyed as a market for the North. Their factories have been lying idle for want of purchasers. Their poor have been thrown out of employment and sent shivering, wandering, naked, hungry, and begging into the streets. The public Treasury has been exhausted in maintaining a few vagabonds in power over the Southern States. Insurrections have followed, State governments have been overthrown and set up by the bayonet at the call of worthless, homeless adventurers, because for the loaves and fishes they claimed to be republicans, and the whole country has been convulsed and alarmed through fear of civil war. Every State over which these heartless, unprincipled scapegraces have obtained control has been the theater of riots, bloodshed, ceaseless commotion, and in several, of dual governors and dual Legislatures engaged in open war. As long as we lie supinely and let these vampires suck our life-blood, there is peace; but when we rise and shake them loose, we are disloyal. If we order them from our grounds when crawling around a negro cabin, the President is telegraphed that we have insulted the flag, and they rush to Washington and cry piteously for protection and to be allowed to return to their leeching. Sir, it was a cruel punishment which Samson inflicted when he caught the three hundred foxes, tied them in pairs with a firebrand to their tails and turned them loose to burn the corn and vineyards of his enemies. But it was a more wicked and destructive punishment which the republican party inflicted on their own race, their own fellow-citizens, weak, defenseless, stricken in poverty and sorrow, when they turned loose a thousand remorseless adventurers, as firebrands between the races. Samson slew his thousand enemies with the jaw-bone of one ass, but the southern people, white and black, have been smitten and slain with the jaw-bones of a thousand asses. The Administration accepts their frantic stories as gospel truth and rejects the sworn statements of the truest and bravest men in the South, laymen and clergy. Northern men and Union soldiers, who have gone South since the war to engage in legitimate business, also add their testimony to our own; but they are not politicians—do not bow the knee to Baal; do not devote themselves to strife and plunder—and their voice is not heard. Officers of the Army when sent to investigate and report are not heeded. And special committees of Congress (republicans,) when they deny the statements of these carpet-baggers, are insulted by their own party and called renegades and liars. And when we put these creatures of reconstruction out of office and establish stable and peaceable governments, the cry is raised that it is the peace of intimidation. But, sir, this train of thought is too melancholy for me to pursue it further. If I could believe that the good people of the North who love honesty, truth, liberty, and good government are willing to indorse the action of the Administration toward the South, I should lose all faith in the stability of the Republic.

I come now to consider the action of the Executive in the part he has taken in the affairs of Louisiana. And here I must premise, that he who expects to hear denunciation fall from my lips, will be disappointed. I shall use no language which is not respectful to the Chief Magistrate of this Government. However much I might condemn his action in this or any other matter, I should extend to him that courtesy which, as a member of a co-ordinate and coequal department of the same Government, I would exact of him. Denunciation proves nothing. One fact is stronger than the strongest vocabulary of vituperation. Logic may be enforced by rhetoric, but rhetoric without facts or argument is idle breath. Genius may create the one, but truth must supply the other. The truest eloquence is often but the simplest narration. The strongest reasoning is often but a statement of facts. The grandest, the most terrible denunciation is the condemnation pronounced by truth.

But, before proceeding to the facts, I beg just here to enter my protest as a Senator, and as an American citizen, against the implication which runs through the discussion of this question, that any condemnation of the acts of the Executive, if made at all, must be uttered with bated breath. No American citizen, however humble, need walk in the shadow of even the Federal Executive. He is but a citizen clothed for a brief hour in the life of the Union with a power not his own, but delegated by the people, to be exercised for the common good. He is but a steward, and to be called to a strict account for the unfaithful discharge of his duty. The law is alike his master and our own. It is as much mightier than he is, as forty million people are mightier than one man. It is as much superior to his will, as is that of six million voters, whose will is embodied in and constitutes the law. It is grander than all mortals. It is as sacred as

personal honor. It is as dear as life. In it are all the issues of freedom; without it there is no safety, and just beyond and contiguous to it is the boundary of the region of anarchy and death. The American people cannot afford, however strong may be their sense of gratitude and obligation to any man for any service, to permit him to lay unholy hands on the ark of the covenant.

The President, in his message to the Senate, was not content with stating the facts responsive to the inquiries embraced in the Senate resolution. He entered into an elaborate discussion of the whole Louisiana troubles. He goes back to 1868, and sweeps together all the disturbances which have occurred, both political and personal, quarrels and affrays. More than this, he discusses the questions of law which arise out of these unhappy events. Still further he undertakes a defense of Durell, which he was unwilling to make for himself, and to avoid which he resigned his office. And all this I am sorry to say the President of the United States, of the whole people, does in what seems to be the spirit of a partisan.

The President prejudged the case and then set to work to make an argument to support his judgment. He tells us (page 6) that "each branch of a legislative assembly is the judge of the election and qualification of its own members" and in the next breath he decides the question of the election and qualifications of the members of the Legislature of Louisiana, by telling us in unqualified terms, that "Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature."

The President first decides the question for the people of Louisiana that the House of its Legislature was an unlawful organization; that it was but "a democratic minority organized by fraud and violence by trampling law under foot;" and then he decides for that branch of that Legislative Assembly, that the members who were seated had no legal right to occupy seats in that body. Again he says, (page 5,) "I am well aware that any interference by the officers or troops of the United States with the organization of the State Legislature, or any of its proceedings, or with any civil department of the Government, is repugnant to our ideas of government."

He goes on to say—

I can conceive of no case not involving rebellion or insurrection where such interference by authority of the General Government ought to be permitted or can be justified.

"No case not involving rebellion or insurrection," says the President. Was there rebellion in Louisiana in January last? Was there insurrection or rebellion in the Legislature of that State on the 4th of that month? Who has ever asserted there was? Has any champion of the Administration ventured on the assertion? What is a rebellion, or insurrection? It is, briefly, an armed uprising against and resistance to the constituted and lawful authority of a State. And what constituted and lawful authority of a State was the disturbance which occurred in the organization of the House against? Was it rebellion against the executive or the judiciary of that State? Was it against the constituted Legislature of that State? No, sir: there was no Legislature, and it was a disturbance not extending to blows even, which arose in the organization of one branch of that Legislature. That body, then assembled under the ægis of the constitution, was sacred against all interference except by its own order and will. Had the members fallen upon each other by the throats and taken life, the only interference which could have been justified, would have been to preserve the peace of the State and to make the offenders answer for whatever crime they may have committed. The governor had no right to interfere until the violence might have swelled to proportions beyond the power of the house to control it, and he could in that event have done nothing more than keep the peace. He had no power to establish or remove a doorkeeper even—much less a member of that body. In Ohio, in 1844, two bodies, claiming each to be the lawful house, sat for two weeks in the same room. They had the power and the right to sit or not to sit, to organize or not organize, and the Governor of that State had no more right to disturb them than he had to disperse Congress. So in Louisiana, neither the President, nor the Governor, nor Federal soldiers, had the right to cross the threshold of that house without permission first asked for and granted.

Republicans need not be troubled with the doctrine of state sovereignty, which vexes their souls like the ghost of a murdered foe, to find this law. It exists as a necessary element of our system of government, even if the States be not sovereign; and when it ceases to be law—constitutional, fundamental law—when a State legislature no longer has absolute control over its own action and plan of assembly, the Republic will be lost in despotism. But I return to the message.

The President says that nothing except rebellion or insurrection can justify interference by the General Government with the organization of a State legislature. He says, in other words, that the interference by the military of the General Government in the organization of the Louisiana legislature, or with its proceedings, cannot be justified unless that legislature was in rebellion or insurrection.

But, assuming that the President is right, and admitting for argument's sake that insurrection or rebellion can be committed by members-elect in the mere act of organizing themselves into a legislature, (which with all respect I conceive involves a legal absurdity,) how does he apply the law thus laid down when he comes to the facts of the case? No case not involving rebellion or insurrection can justify Federal interference, he tells us. As Federal interference did take place—as he is defending that interference—as he has taken no steps to undo what he has done by Federal bayonets—we naturally expect him at the next step to tell us, or attempt to show us on the facts, that rebellion or insurrection existed when his troops interfered and organized a State legislature. Hear him in the next sentence. Does he say there was rebellion, or insurrection, or bloodshed, or a riot? No; the expected plea of justification for his military is not put in, and in its stead (I say it with all respect for the President) we hear a plea which, if entered to a charge on the criminal side of a court, could be called nothing but the plea of insanity or *infortunium*; for he says—

But there are circumstances connected with the late legislative embroglio in Louisiana which seem to exempt the military from any intentional wrong in the matter.

I will say here, before proceeding to show, by his own confessions, the great wrong which the President has done, that I shall not dwell on the details of the acts of either democrats or republicans in the organization of the House on the 4th of January. It has been shown by several Senators on this side that the organization took place according to law, even though it was done in a boisterous manner. I shall not occupy this ground, which has already been so fully and ably reviewed; first, because I could only repeat what has been so well said; and secondly, but mainly, because I do not consider it material. I regard it as a side issue. Whether the organization was regular or irregular, was lawful or unlawful, does not affect the main question. The request of Wiltz to the Federal military to preserve order was a great mistake. It was inviting a Federal officer to do what he had no right to do. His presence in that house was a humiliation to the State, it matters not by whose request or whose order he went there. It was the duty of that house to preserve order by the authority vested in it and necessarily belonging to it, and to do so by the forces of the State. So, on the other hand, if the republicans were the lawful house, they should have used the same power. I justify neither democrats nor republicans in the use of Federal troops. If they were not allowed to assemble in the State-house, they should have organized elsewhere. It would have been their right, as well as their duty, to employ the power which is vested in every Legislature for its protection. A body calling itself the Legislature of Alabama two years ago met, not in the State-house but in a court-house, and their organization and proceedings were held by this Senate to be valid. The men, and not the place, make a Legislature legal.

But the manner of the organization, the legality or illegality of it, are all aside from the solemn question presented to the American people by the conduct of the troops in Louisiana. In discussing it I shall not assume any doubtful ground. I waive the question of the legality of the action of the President in suppressing the violence on the 14th of September. I will grant, for my purpose, that his action then was right, and I take the question of fact from that time on the President's own statement. I shall raise no question of fact which any friend of the President on this floor or elsewhere will deny, for I shall use no facts except those relied on by the President himself in his own justification. These are enough, more than enough, to convince the candid mind which is seeking for truth and is not blinded by party zeal that neither the President nor his defenders on this floor have met the true issue face to face and overcome it. The solemn questions which the freemen of America are waiting to have answered are—

First. By what authority of law did the President of the United States, who by the Constitution is sole Commander-in-Chief of the Army and Navy, delegate and resign this exclusive constitutional power to the governor of Louisiana?

Second. By what authority of law did the President of the United States, sole Commander-in-Chief of the Army and Navy, turn over his troops and ships of war to the governor of Louisiana, to be used against the citizens of that State when and how he pleased, and for an indefinite period of time, and to enforce any law of the State which he, the governor, might wish to enforce?

These are the questions which remain unanswered. They go to the heart of the issue now pending between the republican party and the people of this Republic. Are the facts assumed in these grave inquiries true? Let us look to the message of the President to test their truth. The argument is brief, for it consists in a recital of the President's own statement and admissions and the reading of but one clause in the Constitution.

He tells us that "early in last summer (1874) the troops were all withdrawn from the State (Louisiana) with the exception of a small garrison at New Orleans barracks," &c. Quiet prevailed there until the 14th of September. Then domestic violence occurred, and he sent troops again into Louisiana. He issued his proclamation for the insurgents to disperse. They did disperse, as we all know, without raising an arm against the Federal Government. They surrendered every position which they had taken, resigned every office they had assumed, and Kellogg and his party were at once reinstated. And now comes the statement—the admission which excludes all hope of escape from condemnation.

The President says, (page 5:)

Troops had been sent to the State under this requisition of the governor, (that is, of September 14,) and as other disturbances seemed imminent, they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State and repress the continued violence which seemed inevitable the moment the Federal support should be withdrawn.

Here is his confession that the troops were left in Louisiana after the domestic violence was over; that they were left there because other disturbances seemed imminent, and that he left them there "to render the executive (Kellogg) such aid as might become necessary *to enforce the laws of the State.*" With these facts before us, let me place by them the only clause in the Constitution which can justify Federal interference, under any circumstances, with the people or government of a state.

I quote the fourth section of the fourth article of the Constitution:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature or of the executive (when the Legislature cannot be convened) against domestic violence.

Every State shall be protected against invasion and domestic violence. That means, sir, against domestic violence in being, not against "disturbances which seem imminent." It does not mean against violence which by the President's own admission was past, which had subsided without the necessity of striking a blow or firing a gun; a violence which was hushed into obedience by his voice. But the President allowed his troops—no, sir, not his troops, but the Army of the United States, composed of freemen and citizens of the United States, organized, fed and clothed by the whole people of the United States and in part by the citizens of Louisiana, whom they were left to crush—he allowed the United States troops to remain in Louisiana, not to suppress domestic violence there in action, but "to enforce the laws of the State." What are the laws of Louisiana? They are her statutes and Code Napoleon, and the President turned over the troops of the United States to Kellogg, to be used by him at his will, to enforce any and all laws of that State. With them he could collect taxes if any resistance was made to the demands of his cormorant tax-gatherers, and with them he could oppress the people on the appearance of any opposition to his usurped power, and he, Kellogg, was to be the sole judge of the occasion when he should order United States troops to march against and shoot down American freemen. Do I state the case too strongly? Let the President himself answer for me and vindicate the charge. In attempting to excuse the Federal troops for their unlawful conduct in taking five men by the collar, who had been seated in the House and leading them out, he says, (page 6:)

Knowing that they (the troops) had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called on by the governor for that purpose.

Again he says, (page 8:)

Under these circumstances the same military force has been continued in Louisiana as was sent there under the first call, and under the same general instructions.

But again and in still stronger terms the President admits the fact. On page 6, last paragraph, he says:

Whether it was wrong for the governor, at the request of the majority of the members returned as elected to the house, to use such means as were in his power to defeat these lawless and revolutionary proceedings is perhaps a debatable question, &c.

What further proof do we need than this, that the President delegated his authority as Commander-in-Chief of the Army to Kellogg as to the forces then and now in Louisiana? He sent the officers in command of those troops to Louisiana with "general instructions." What were those general instructions? He tells us that they were to aid in the enforcement of State laws. To aid whom? To aid Kellogg. Who was to judge when such aid should be rendered; the President or Kellogg, the officers or the troops? Kellogg and no one else, which is shown by the fact that on the 4th of January last, when the disorder occurred in the organization of the house of representatives in Louisiana, Kellogg did not make an application to the President for protection, stating that there was domestic violence, as the Constitution requires him to do. He did not say, "Domestic violence prevents the assembling of the Legislature, and therefore I, as governor, make the application," but he issued his order as governor to Colonel De Trobriand.

Mr. EDMUNDS. May I ask the Senator a question there?

Mr. NORWOOD. Certainly.

Mr. EDMUNDS. I would ask the Senator whether Mr. Speaker Wiltz, as he called himself, did any other or different thing? Did he apply to the President, or did he apply to the commander of the troops?

Mr. NORWOOD. The Senator, I am sorry to learn, has not heard me up to this time, or he would have heard me say awhile ago that I thought the application of Mr. Wiltz was unjustifiable. I do not justify Mr. Wiltz nor any one else in applying for Federal troops to interfere in the organization of that house.

Mr. EDMUNDS. Then, if I do not disturb the Senator, may I ask him, that being the case, how he says that the President is responsible?

Mr. NORWOOD. I am endeavoring to show that; and if the Senator will listen to me I think I will show him; at least I will give him food for reflection.

Mr. EDMUNDS. Did the Senator hear my question?

Mr. NORWOOD. I am listening.

Mr. EDMUNDS. My question is how he holds the President responsible when, upon the only evidence we have that I have ever heard of, the President was as ignorant of what was to take place or what took place on that occasion, until it all had occurred, as the Senator himself or myself?

Mr. NORWOOD. I cannot repeat all I have said. The Senator has not heard the premises with which I set out, and consequently he probably may not so well understand the deduction that I am drawing. I say the President is responsible, and I say it because he put it in the power of Kellogg to do what Kellogg did.

Mr. EDMUNDS. May I ask the Senator another question?

Mr. NORWOOD. Certainly.

Mr. EDMUNDS. Do I understand the Senator to maintain that the President was wrong in overthrowing the Penn operations of the 14th of September, if I am right in the date?

Mr. NORWOOD. If the Senator will ask me a question that is pertinent to the point I am discussing, I will answer him; but I do not think his inquiry has anything to do with this question. If the Senator wants to know whether I think the President was wrong in delegating power to Kellogg to overthrow the State government or to enforce the laws of the State of Louisiana, I tell him yes.

Mr. EDMUNDS. Yes; but that does not answer the question. The President overthrew Penn on the 14th or 15th of September, whatever the date was, upon the application of the only person who was then exercising executive authority in the State of Louisiana. Now, in order to understand the application of the Senator's remarks, I wish to ask him whether he maintains that in doing that thing, under the circumstances then existing, if the President did do it, the President was right or wrong?

Mr. NORWOOD. In order to avoid all difficulty on questions of law that have no application to this case, and all issues of fact about which there might be dispute, I stated in the beginning that I should introduce no facts except those that are stated by the President in his message, and that all questions of law arising out of the disturbance of the Penn insurrection, or the suppression of it by the President, I should waive, and I take the facts and the law from that date.

Mr. EDMUNDS. Why will not the Senator say?

Mr. NORWOOD. Granting for the sake of argument that it was right, that answers the Senator. I proceed from that point to show that what followed was wrong in law.

Mr. EDMUNDS. May I ask the Senator why he will not grant it as a fact if he thinks so, instead of for argument's sake?

Mr. NORWOOD. Because it is not necessary to my argument at all. I say, admitting that it was right at that time, what occurred in January, nearly five months after, was all wrong, and I am endeavoring to show that the President is responsible for what occurred, because he put the troops under the command of Kellogg, turned his back upon the scene, and left Kellogg to use them as he might please.

Mr. EDMUNDS. If I do not unpleasantly interrupt the Senator——

Mr. NORWOOD. Not at all.

Mr. EDMUNDS. I would like to ask him whether he thinks that under the Constitution, when the President has been called upon as on the 14th or 15th of September, by executive authority to aid in suppressing domestic violence, the next day, the violence not being repressed, nobody being put under arrest, and everybody merely having gone back to his place of rendezvous, it is necessary then, in order to overturn a revival of the same insurrection or domestic violence, that the governor of the State and the commander of the troops must wait until the President of the United States, two thousand miles off, can be communicated with?

Mr. NORWOOD. I do not think that another application is to be made every day, or every two or three days, or every week.

Mr. EDMUNDS. I was sure the candor of my friend would admit that.

Mr. NORWOOD. Certainly I do not think that; and if I had had the honor of his attention up to this point, he would have seen the drift of my argument, and that his question was unnecessary. I will briefly state my position.

A disturbance occurred on the 14th of September. On the day following the President sent troops into Louisiana to suppress that domestic violence. Now I take the position that in point of fact there was no other domestic violence there from that day until the present.

Mr. EDMUNDS. That requires proof.

Mr. NORWOOD. And I attempt to prove it by the message of the President. This is why I said, I assumed no fact that was in dispute. No domestic violence has occurred there from that day to this. The imbroglio, as the President calls it, on the 4th of January did not even amount to a blow by the fist; no assault and battery occurred, not a single drop of blood was shed; and I am going on to show that under this state of facts the President of the United States placed ships of war, and infantry and cavalry and artillery, under the command of Kellogg, and left them there from the 15th of September until the 4th of January under the control of Kellogg; the President himself being by the Constitution the only person who can control and issue orders to these troops. When the disturbance occurred on the 4th of January no application was made to the President. When Kellogg made his request, which amounted to a command, on De Trobriand, he did not report the fact to the President, and the matter was thoroughly understood between the Department here and Kellogg and the troops in Louisiana, that whatever orders

were issued by Kellogg should be implicitly obeyed and carried out. That is my line of argument.

[At this point the honorable Senator yielded to a motion that the Senate take a recess till half past seven o'clock p. m.]

At the evening session—

Mr. NORWOOD. Mr. President, when the Senate took a recess I was endeavoring to show that President Grant is responsible for what occurred in Louisiana the 4th of January; and, in order to show that, I was giving the facts presented in his own message in which he tells us of the purpose for which those troops were sent to Louisiana and for which they were left there from the 15th of September until the 4th of January.

The President did not judge of the necessity for troops on that occasion as the law requires him to do, and why should he, after having delegated to Kellogg that constitutional power vested in him alone? No orders were issued by the Commander-in-Chief of those troops to suppress domestic violence. No, sir, none of these requirements of the Constitution and laws of the land were complied with. But the President's lieutenant—one he had appointed without warrant or shadow of law—a governor, or rather one acting as governor, issued his orders to a colonel of the United States troops to move them against the freemen of a State and drive them from their places in the capitol. But the President does not leave any room for inference as to the power he placed in Kellogg's hands. He admits that after he sent the troops to Louisiana, he left them to obey Kellogg's orders. Speaking of the affair of the 4th January, he says, (page 5, bottom,) "I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State, upon that subject, prior to the occurrence." This shows that the officers were sent there under "general instructions;" that Kellogg did not make known to the President what was transpiring on the 4th, (for the President learned of the despotic step taken by the troops through the press on the 5th of January,) and that he was not consulted by even his own subordinate officers before they obeyed the orders of Kellogg. Who can doubt, therefore, that the general instructions given by the President to his officers extended to obedience of any orders Kellogg might issue on his own motion and of his own wicked counsel to enforce any law against that distracted people?

But this, deplorable and condemnable as it is, is not all. I have said that the President placed the military of the United States in the hands of Kellogg for an indefinite time and a discretionary service. He sent them to him on the 15th September. He held them there under the representation of that usurper—trembling for his office and spoils—that further danger was apprehended. The election passed off quietly and peaceably on the 3d of November, and still Kellogg commanded the troops. November and December passed off as September and October had, without domestic violence, but the State still continued a military camp. January came and the bayonets still encircled the usurper. The President held them still subject to Kellogg's behest. He knew of no necessity for their continuance, for he says that he did not know that the trouble of January 4 was even anticipated. So, without excuse, he held the State under military power even after he had reason to believe domestic violence was imminent. And the President thus abdicated his constitutional power over a portion of the Army; delegated the command to Kellogg; issued none but "general instructions" to the troops; instructed them to obey Kellogg in any step he might take to enforce any law of Louisiana; placed no limits to his instructions as to how far the troops should go in obeying Kellogg; kept them under Kellogg's will for over three and a half months when the citizens were quiet and peaceable, and has held that State under bayonet rule, and crouching before the guns of armed ships, for more than a month since the last disturbance in the State—a disturbance, sir, in which not even a blow with the fist was struck. If this is lawful, what act of the Federal Government in crushing a State would not be lawful? If a State can be kept under military power for near five months because a cowardly governor apprehends trouble, what limit is fixed beyond which such despotism cannot be enforced? The same power which holds Louisiana in its iron grasp can hold every Southern State and every Northern State. The pretext for this oppression can be alleged against any other State when it should be made to appear that such State must be bound in fetters to prevent a rebound which would depose by election the republican party or a usurper. And should the American people submit tamely, supinely, and without protest to this incalculable wrong, the Republic is at an end, and let us hail the empire at once and stop the struggle.

But, sir, I have a few words more to say on this message. It is a sweeping indictment against the people of the South but especially against the people of Louisiana. I wish to call your attention to the evidence in which the President places implicit trust and has presented in support of his charge, and on which he acted and gave Kellogg an army to crush a State. I will not consider the statements of General Sheridan, because they are not stated on his own knowledge. They are only hearsay. He arrived in New Orleans in January last and his reports are based on what he has gathered from others. He does not even say who his informers are, or how his information is derived. And, first, the witnesses whose statements the President relies on are all republicans, and therefore all partisan. Secondly, no witness swears to his statement, though that perhaps would not add to its value, as their word is worth as much as their bond. These two facts are enough to make any judicious, impartial judge or juror skeptical at the opening of the case. But they are, with one or two exceptions, all carpet-baggers, who having no business at home go abroad to intermeddle with the business of others. Fourthly, they are all office-holders. These facts ought to be enough to "make the judicious grieve," and even a republican doubt. Listen to the names of this cloud of witnesses: William Pitt Kellogg. The William Pitt sounds excellently well, but there is a terrible decadence as we step from Pitt to Kellogg—Kellogg the immaculate, who, as the Senator from Connecticut, [Mr. FERRY,] a republican of unquestionable faith, a gentleman cautious in judgment, clear in perception, and prudent in expression, tells us, obtained his office as governor "with falsehood in his hand and perjury on his lips"—Kellogg the patriot, who has been sacrificing himself on the United States Senate and on the governor's office for the good of the republican party and his own pocket for six laborious years—Kellogg, the hero who, as commander-in-chief of the army and navy of Louisiana and of Longstreet, on the 14th of September last, while desperately willing to immolate Kellogg on the altar of liberty, nevertheless reluctantly consented to retreat to the custom-house to preserve the sacred person of the governor, is the first and main witness. If he could not say, as he reached that sanctuary, with the Apostle Paul, "I have fought the good fight," he could at least have said "I have finished my course" in the fastest time on record, and "kept the faith" by saving the governor for the republican party. [Laughter.] I know of but one other man in all history who could have drawn the same delicate but very plain distinction, when one sees it, between Kellogg the man, and Kellogg the governor. But danger sharpens Kellogg's perception most miraculously. He could swear—if his office depended on the distinction—to the exact line in the rainbow where yellow ends and orange begins. And as the President puts him up as the first and leading witness, his discrimination, apart from his absolute impartiality, commends him to our confidence.

The other person I refer to is Major Lewis Merrill, who is another witness introduced by the President. His order of intellect is, if possible, even more prismatic, when under oath, than Kellogg's when he is under fire. Merrill, when at Shreveport in command of his regiment, made affidavit before a civil magistrate to have certain persons arrested for alleged crimes; and when condemned for taking part as Army officer against the citizens of Louisiana by becoming a prosecutor on the criminal side of the court, he overwhelmed and silenced the Secretary of War and the President by "emphatically claiming" (to use Colonel Morrow's own language) "that his act was that of Lewis Merrill a citizen, and not of Major Lewis Merrill, an officer of the Army." As "in the mouths of two or three witnesses a matter shall be established," I do not see why the President did not rest his case on the testimony of these four witnesses: Kellogg, the man, Kellogg, the governor, and "Lewis Merrill, a citizen, and Major Lewis Merrill, an officer of the Army." And let me here protect myself from all suspicion or charge of disloyalty in presuming to speak of an Army officer, by affirming that what I say of Lewis Merrill, is of "Lewis Merrill, a citizen." I have the profoundest consideration for "Major Lewis Merrill, an officer of the Army." How fortunate it is for me that Lewis Merrill is two different men! But, however clear this fact is to either Lewis Merrill, or to Major Lewis Merrill, Colonel Morrow, an officer whose statements do not, chameleon-like, take color from his surroundings, whose honor as a soldier or a gentleman is not the minion of power, does not see so clearly the distinction between the officer of the Army and the politician-citizen making partisan affidavits, for he continues his report by saying:

> Whether a military officer in an important command can separate his private from his official character, and, without subjecting himself to censure, take original action in his own person whereby he becomes identified with political partisans, and whereby also the whole Army is brought into disparagement in the minds of many well-disposed people of the country at large, and whereby also the reputation of the service for fair and impartial conduct in the delicate and responsible duties it is required to perform in conjunction with the civil authorities in this and other Southern States is impaired, I leave, without any expression of opinion on my part, to the decision of higher authority.

If that "higher authority" ever made a decision on this perplexing duality, the message of the President and the letter of the Secretary of War to the Senate do not disclose the fact. Perhaps they tried to administer a proper censure, but when they approached "Major Merrill, an officer of the Army" he disappeared, to their bewilderment, in "Lewis Merrill, a citizen," just as, to the entire satisfaction of Robert Dale Owen, Katie King, the terrestrial, vanished into Katie King, the celestial. The capacity and determination of "Major Lewis Merrill an officer of the Army," to organize States, (as we shall see directly,) and the keen analysis and clear perception of his own want of identity, mark him as a man of "fate and metaphysical aid." He is just the man to pacify the South; for when Lewis Merrill a citizen shall fail—if failure can be supposed of one with head so clear—to swear his antagonists into prison, he can then fall back and call on "Major Lewis Merrill, an officer of the Army" to pacify them by the "moral influence" and the "moral suasion" of his troops; for the major does not omit to tell us that he understands the purpose of making a military camp of Louisiana, is "to maintain civil law, first, by the moral influence of glittering bayonets, and next, by physical force."

The next witness is Mr. Packard. He needs no introduction to this body. He is chairman of the State central republican executive com-

mittee. Upon his misrepresentations, says the Senator from Connecticut, [Mr. FERRY,] troops were sent to Louisiana in 1872 for the purpose of enforcing the order of Durell, and upon that order and by the assistance of those troops, the government of Louisiana was overthrown. This is the man who during the last election intimidated the people of Louisiana—and by that I mean the democrats—by scouring the State from one end to the other with a military posse for the purpose of serving blank warrants. This is a matter of record.

W. H. Twitchell, another witness, is a State senator and a warm supporter of Kellogg. He was defeated in the election of 1872, but seated nevertheless under Durell's order and by Federal troops.

J. R. Beckwith is the United States district attorney in Louisiana, and he "settled" in that State when he was appointed to that office after the war.

W. G. Brown (colored) is from Jamaica. He was defeated in 1872, but was counted into the office of superintendent of education by the "Lynch board." Before his elevation to this position he kept a gambling-house for negroes

Charles Clinton also "settled" in, or rather *on*, Louisiana after the war. He settled into the office of treasurer; and he has confessed on the stand in court that he diverted funds intended for payment of interest on State bonds to fit out Kellogg's gun-boat, and his excuse was that he desired "to clean out the rebels."

J. H. SYPHER, C. B. DARRALL, and F. MOREY also "settled" in Louisiana after the war, and are members of Congress.

A. B. Levisa is another witness. He acknowledged before the subcommittee of the House, Mr. FOSTER chairman, that he was not elected to the Legislature, but he was returned to the present house by the returning board.

J. Madison Wells is another. It is sufficient to say of him that he was president of the late returning board in New Orleans, who in violation of law and their oaths rejected twenty-nine men who were clearly elected to the house, as has been admitted by every member of the committee of the House of Congress who were sent to New Orleans to inquire into the action of that board.

The President also presents a telegram from Mr. Hewlitt, the mayor, which I will read. It is addressed to the Attorney-General, dated September 19, 1874, and is as follows:

> The timely arrival of Federal troops has saved the lives of unoffending republicans. We look confidently to the loyal North for the support which they have so generously extended the weak, and hope the protection of the Government will continue until the elections are over. Life is dear to us, but we cannot risk an article so precious when surrounded by murderous white-leaguers.
>
> ROBERT HEWLITT,
> *Mayor.*

We know what he is from the above dispatch. He understands the situation in Louisiana. He knows the danger is grossly exaggerated, for he does not wish for troops any longer than "until the elections are over." The election is his refuge of safety. All he wants is an election. He knew who would do the counting. He is so full of the huge jest of the necessity for protection, that he grows facetious in his application to the Attorney-General. He speaks of life as if it were a bale of goods, and intimates that it is too dear to be parted with unless he could get a bigger price than the amount of his salary as mayor. And yet, Mr. President, I am credibly informed that, grotesque as this dispatch is, the witness Hewlitt has sworn, before an investigating committee, that the whole dispatch is a wicked forgery.

That reminds me of a specimen of this evidence which I was about to omit. It has been alleged that the democrats in Louisiana attempted to break up a majority of republicans in the house by arresting one man who would have made a quorum. That man is named A. J. Cousin. In reference to that transaction the President, on page 26 of his message, gives us a document that is signed by nobody, has no authentication, and is of no more value as a matter of evidence than so much waste paper which might have been picked up on the street or in a gutter. But I need say no more of this paper than to remind the Senate that it is the same on which the Senator from New York relied to demonstrate the kidnapping of Cousin.

There is another significant fact disclosed in one of the documents accompanying the President's message, which I will now bring to the attention of the Senate, and which is ominous of evil to the whole country. Whether it escaped the notice of the President I cannot say. I take it that he did not see it, or he would have attempted an explanation of its meaning. The President says in his message that the officers and troops were sent to Louisiana with "general instructions." What these instructions were, however, he did not see fit to inform us. The scope of those instructions was a very fitting subject to communicate to the Senate, as it might show on whom the blame rests for the overthrow of the State of Louisiana. But the fact I have to deal with is found in one sentence of the report which Louis Merrill, major of Seventh Cavalry, made from his headquarters, Upper Red River, December 30, 1874, to the adjutant-general of the Department of the Gulf at New Orleans. Major Merrill says—and I call especial attention to this quotation

> It is, I think, pretty well understood that my instructions cover the following points and will be carried out: That I organize as the legal State officials only such persons as are recognized as such by the recognized executive or judicial officers of the State.

Major Merrill, commanding a regiment of United States cavalry on Red River in Louisiana, receives "instructions" as to what part he is to play in the dreadful drama of overthrowing the sacred rights of American citizens and freemen in the State. And he writes to the adjutant-general of the Department of the Gulf, "Let it be understood that I will carry out my instructions." He does not disclose the author of those instructions. They remain a State secret that rests in the breast of the star chamber. Whether they went forth from Washington to this faithful servant, who with alacrity and burning zeal emphasizes his subserviency and purpose to earn the meed of "well done," or whether the adjutant-general instructed him directly and but repeated what he had been instructed by his superior officer, we are left in doubt.

But of one fact we are not permitted to doubt, which is that Major Merrill was instructed by an authority higher than himself and one which he felt bound to obey. An Army officer is not bound to obey any one except another Army officer of rank superior to himself. But let us contemplate for a moment, dispassionately if we can, the deed he was instructed by some one in authority to commit. He was instructed, which means he was ordered—for instructions to a military officer from his superior are commands—and he must obey, or refuse at his peril. He was, therefore, ordered to *organize a State government.* He was ordered to organize only such State officials as Kellogg might select and name, or the courts might recognize. He is commanded, under penalty of sentence of court-martial, loss of his commission, or other punishment, to receive from the hands of Kellogg a list of the names of such persons as he might nominate, and to *organize* them as the legal officers of that doomed State! But this willing, zealous, eager organizer of governments for States proceeds to a further rehearsal of the part he is appointed to perform, and excites our admiration for his valor, while he allays all apprehension for his success. He assures his superior officer that he understands his duty by stating the second part of his role to be, "that in the legal exercise of their official duties such officers must not be violently disturbed or interfered with; and if such violence occurs, it is my duty to suppress it, and that I will do so." Commend me, sir, to that young man as a maker of States and governments. He is evidently a man of nerve, and dutiful withal. He gives rich promise of distinguished rank in the new art recently invented by the republican party of dissolving States by act of Congress, and more recently improved upon by a drunken judge—Durell—and now rendered facile by that magic solvent, the sword. He has instructions first to organize the civil affairs of Louisiana and to suppress any opposition to them in the legal exercise of their official duties, and he assures us he "will do so." He of course is to be sole judge of what is a "legal exercise" of the duties of those civil officers, and to "suppress" at will all opposition.

But, sir, this is but the report of a subaltern to his superior; he is but rehearsing to show he knows his part in the drama. The plot is not his own. Another and a higher head has cast the play and arranged the tragedy. A stronger hand controls the machinery. And the question springs to the lips of every one, Who issued those instructions; who ordered this subaltern of the Commander-in-Chief to organize the civil officers of a State by force of arms? I will not say the President did it, but I do say, the President is responsible for it. And I am justified in saying so. These instructions either issued from the Department of War or from some officer under its authority, or they emanated from Kellogg. I have shown that the officers in Louisiana "were sent and allowed to remain there" under control of Kellogg. The orders to Merrill must have been issued by the adjutant-general of the Department of the Gulf, and he acted either by direction of Kellogg, or the general commanding that department, or by the Department of War in Washington. If they were issued at the direction of Kellogg, then the President is responsible for the deed, because he admits that he placed the officers and troops in Louisiana subject to Kellogg's direction and without restraining their service by any specific instructions. If the instructions were issued by any of his subordinates, the responsibility is his in law and in fact, unless he repudiated them as soon as he was informed of them. But he knows they were issued, for he attached Merrill's report to the message he sent to the Senate without a syllable of disapprobation. In either event, the President is responsible for these orders to subvert civil authority by the sword, and he stands responsible for the overthrow of the Legislature, because he voluntarily gave Kellogg the power by which the deed was done. I do not say that the President sent troops into Louisiana for the express purpose of overthrowing her Legislature, but I do say that to Kellogg, a man not an officer under his command, a man who holds his place as governor by what the President in his message denounces as a "gigantic fraud," he committed the military power, of which he is by the Constitution sole commander, and thus aided and enabled Kellogg to do the deed.

I do not say that the President directed those unwarrantable, unpardonable instructions to be given to Merrill, but I do say that some officer under his command is the guilty author of them, and that the President, with knowledge of his act, has uttered no condemnation. But what does it matter to the people of Louisiana whether the one or the other be the fact? If their liberty is lost, what boots it to them whether the hand by which they have fallen, struck by intention or by mistake? What consolation can they draw in their ruin, from speculation as to the motive of their destroyer? If a madman rush into the thronged street with deadly weapon and slay the passing stranger, the anguish of the loved ones bereft is none the less be-

cause the fatal missile missed the foe at whom it was aimed. If your neighbor, knowing that a desperado desires your life but has not the power to overcome you, lends him a fire-arm with which the bloody intent is carried into effect, your murder would be none the less complete and bloody, even though your neighbor should protest above your grave, he did not do the deed. Whether the liberty of American freemen in Louisiana has been destroyed by intention, or by a blunder, is not the question. The fact is before us that the executive arm of the Federal Government supplied the power by which their subjugation was accomplished and by which it is continued to this hour.

But I now ask your attention to a cipher or secret telegram sent by Colonel Emory to the Adjutant-General of the United States Army on December 13, 1874, as given on page 65 of the letter of the Secretary of War to the Senate:

[Cipher telegram.]

NEW ORLEANS, LOUISIANA, *December* 15, 1874. (Received December 16.)

TO ADJUTANT-GENERAL UNITED STATES ARMY:

The returning board and people representing opposing party differ on vital questions. Each avers against the other crime of such enormity that, in the present excited state of the public mind, violence is imminent. On the occasion of the 14th of September I was informed, in a dispatch dated 15th September, that the President directed you to say previous orders are not to be observed; in consequence of which, my order to Colonel Brooke to recognize Governor Kellogg was revoked and an interregnum intervened. To avoid future misunderstanding in the impending disturbance, which may happen at any moment, or may not occur until after the meeting of the Legislature in January, I asked to be informed if the instructions contained in your dispatch of September 18 are to be considered in force, or if I am to await the result of another application from Governor Kellogg to the President.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

What the instructions in the dispatch of September 18 from the War Department to General Emory were, we are left to ascertain by deduction. General Emory on the 16th of December appealed again to the War Department, and begged that the question asked in his former dispatch should be answered. Here is the supplicating request. I ask attention to this dispatch:

In this connection I beg to refer to my cipher dispatch of yesterday, and beg that the question therein asked may be answered. In the absence of information, I proceed on the assumption that the instructions in the dispatch from the Adjutant-General of September 18 are to continue to govern me in the event of another outbreak here or in the country; and, in following out these instructions, grave results may follow, which it may not be the intention of the General Government should occur.

This is a most remarkable dispatch. General Emory implores for other instructions to guide him in the event of another outbreak and warns the President that in case he must carry out his instructions of September 18th, (those "general instructions" which the President tells us he had given to General Emory,) "grave results may follow which it may not be the intention of the General Government should occur." I suppose there is no one, not even a republican, who will not be surprised when I announce to the Senate and to the country the fact, that to this second dispatch, this imploring appeal on the part of General Emory, no response was given by the President. The Secretary of War, in his letter responding to the Senate resolution asking for "copies of correspondence relative to certain disorders in the State of Louisiana," omits to furnish a copy of this most material dispatch of September 18. Strange to say, every copy of the correspondence with General Emory is of later date than the 18th of September.

But we learn from this secret telegram of General Emory, first, that he received certain instructions four days after Kellogg's application to the President for protection; secondly, that those instructions were not revoked or changed as late as December 15, nearly three months from the day they were issued; thirdly, that General Emory, being in doubt as to whether they were "to be considered in force, or if he was to await the result of another application from Governor Kellogg to the President," asked the Adjutant-General to remove the doubt, and we know that if he was further or otherwise instructed, neither the President nor the Secretary of War reveals to us the fact. The only dispatch which can be considered a reply to General Emory's earnest request is to be found on the same page, (65.) General Emory made his first application on December 15. December 16 the Adjutant-General issues this order to him:

The President directs that you make arrangements to be in readiness to suppress violence, and have it understood that you will do it.

He says not a word about the instructions.

I have said that we are left to infer not only what these instructions of September 18 were, but how long they were to be obeyed by General Emory. But these questions admit of very little doubt. When we bear in mind that Kellogg made his application to the President for protection on the 14th of September; that the President responded and sent troops to him on the 15th; that he then issued certain instructions to the officer in command of those troops (General Emory) on the 18th; that no other instructions have been issued to that officer since that date; that that officer desired to know if he should wait for Kellogg to make another application in case of renewed violence; that Kellogg did not make any other application after the 14th of September; and that General Emory implicitly, and without questioning his authority, obeyed the order of Kellogg as governor, on the 4th of January, 1875, to unseat five members of a legislative assembly, no room is left for doubt as to the extent of the instructions issued to Emory. They were nothing less in effect than to march and countermarch, suppress or kill, as Kellogg might command. As to the length of time General Emory was thereby required to thus obey, there can be no doubt whatever. He must obey, of course, all military orders until they are revoked. They have never been revoked so far as we are informed, and they will stand, no doubt, until Congress by its action, or the people in their majestic moving, shall direct the President to release the State of Louisiana from her thralldom.

Let us hear no more that the President is not responsible for the overthrow of the reserved rights of the people of Louisiana. True, the President was not present nor did he order De Trobriand to march with bayonets fixed and loaded muskets into that sanctuary of the freemen of Louisiana, where arms are a dishonor to the American name; but he made that result not only probable but almost certain by giving over his *baton* to an adventurer, who, the President must have known, would use it with the recklessness of despair to hold an office gotten only by "gigantic fraud." The President did not strike the fatal blow, but, judged by the Constitution and the laws of the land, he is accessory before the fact.

But I pass from the report of Major Merrill and the dispatch of General Emory to another feature of this message and of the letter of the Secretary of War to the Senate.

There is a closet breathing in the instructions of the Secretary of War issued to General Sheridan which belongs not to the free, open spirit of a Republic. They are enveloped in the mystery which marks the movements of European diplomacy. They exhibit a distrust of the people. They are characterized by the secrecy by which armies are directed on hostile soil. They set the ruler at a distance far removed from and above the citizens. They, I am pained to say it, speak in the cautious undertone which bears to the keen ear of a spy the role he is to play in an enemy's camp. They are not American, they are not ingenuous, they are not indigenous to this land of freedom. They have an imperial tone, which Americans have never heard since they declared for independence. They open and begin with the word "confidential." The Secretary of War issued a secret order to General Sheridan on the 24th of December, 1874. After stating that the President had sent for him early in the morning to direct him to send the order, he continues:

Inclosed herewith is an order authorizing you to assume command of the Military Division of the South, or of any portion of that division, should you see proper to do so. It may be possible that circumstances may arise which would render this a proper course to pursue. You can, if you desire it, see General McDowell in Louisville, and make known to him confidentially the object of your trip; but this is not required of you. Communication with him by you is left entirely to your own judgment.

Of course you can take with you such gentlemen of your staff as you wish, and it is best that the trip should appear to be one as much of pleasure as of business, for the fact of your mere presence in the localities referred to will have, it is presumed, a beneficial effect.

The President thinks, and so do I, that a trip south might be agreeable to you, and that you might be able to obtain a good deal of information on the subject about which we desire to learn. You can make your return by Washington and make a verbal report, and also inform me from time to time of your views and conclusions.

Yours, truly, &c.,

WM. W. BELKNAP,
Secretary of War.

From this we learn that General McDowell was in command of the district embracing Louisiana; we know that General Emory was in immediate command of that State, and was on duty at his post. But the President passes them by, calls General Sheridan from his duties at Chicago, and, through the Secretary of War, orders him to proceed to New Orleans, and to let his "trip appear to be one as much of pleasure as of business." He is advised that it is left optional with him to inform General McDowell of the object of his trip; but should he inform McDowell, it must be done in the secrecy of confidence. "Communication with him by you is left entirely to your own judgment." He was permitted to take with him on this pleasure-business trip such gentlemen of his staff as he might wish. He was to find out the general condition of matters in New Orleans, returning from New Orleans to Chicago by the direct route of Washington City, and "make a verbal report" to the President of his observations as to what he might "deem best for the interests of the public service." He was to "assume command of the military division of the south," if "circumstances should arise which should render this a proper course to pursue." General Sheridan, appreciating the service as being profoundly secret, did not even let General McDowell have his confidence; and McDowell did not know until eleven days had elapsed, that General Sheridan had been sent into his military command on this secret service. The secret was not communicated to General Sherman, the General of the Army, until the order had been issued two days, and then it was made known to him in confidence. He acknowledged receipt of it in these remarks:

HEADQUARTERS ARMY OF THE UNITED STATES,
Saint Louis, Missouri, December 30, 1874.

GENERAL: I have the honor to acknowledge receipt of your *confidential* communication of December 26, with inclosures.

Your obedient servant,

W. T. SHERMAN,
General.

General W. W. BELKNAP,
Secretary of War, Washington, D. C.

But, sir, this is not all. The correspondence between the Secretary of War and the Army officers in Louisiana is cloaked and masked in cipher. More than one-half the dispatches thus sent and the answers thereto are secret.

A stranger to the transactions would at once conclude that Louisiana is a foreign power at war with the United States.

Major Merrill, fully impressed with the importance of his isolated command, when reporting that Lieutenant McDonald had been out with troops to assist Deputy Marshal Stockton in serving civil process, speaks of the movements of those troops as military "operations," as if he were commanding a force in the territory of a foreign country at war with us. And, sir, the whole tenor of these communications from the War Department and from the officers in Louisiana are full of evidence that the President and Secretary of War treat the people of Louisiana as public enemies. This secrecy cannot be explained on the supposition or charge that the citizens of that State feel unfriendly to the General Government. The evidence on this point is concurrent, overwhelming, and given by Federal officers. I take their statements from the documents furnished by the Secretary of War. And I cite them for a twofold purpose: to show, first, that there is no opposition to Federal authority in Louisiana, and therefore there can be no necessity for this mystery in the movements of the General Government; and, secondly, to show that the only opposition there is to the usurpation of Kellogg.

Arthur W. Allyn, captain Sixteenth Infantry, commanding at Colfax, where whites are called murderers and banditti, says:

Resistance to State troops is spoken of openly, should any be sent, but no disposition to oppose the United States troops appears.

Major Merrill reported to General Emory, November 28, that a bad state of affairs existed in the Upper Red River district; and General Emory sent Colonel H. A. Morrow to investigate and report.

The following report shows what is the treatment by the citizens of Louisiana of United States deputy marshals, and that Major Merrill's report of the condition of things on Red River is contradicted.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, Louisiana, November 28, 1874.

SIR: Major Merrill telegraphs that there is a bad state of affairs in the Upper Red River district; that negroes are murdered and otherwise ill treated, and asks additional force.

Persons from a portion of that district, some of them claiming to be republicans, represent a different state of things, and aver that any respectable deputy United States marshal can travel through that country and serve writs without opposition or without being molested. In some cases, too, it has come under my observation that officers new in the duties of aiding the United States marshal have not confined themselves strictly to the duties with which they are charged, and have, beyond doubt, been led into deviations from the line of duty, which, as I have stated in my annual report, was undefined, and which it was then earnestly asked should be defined.

Under the circumstances stated in the foregoing part of this letter, and to prevent further abuses, if any, and to guard against misrepresentation, and obtain all the facts in the case, I have concluded to send Lieutenant-Colonel H. A. Morrow, Thirteenth Infantry, an officer of judgment and discretion, into that district, with instructions, of which the inclosed paper is a copy.

I am, sir, very respectfully, your obedient servant,

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

The ADJUTANT-GENERAL OF THE ARMY.
(Through headquarters Division of the South.)

Colonel Morrow went through the Red River district (Merrill's command) and made a "skeleton report," December 11, in which he says:

SIR: I cannot, for want of time, submit anything more at this moment than a skeleton report of my investigation here. It may be slow work getting down the river, and I say briefly, for the information of the department commander, that there is no need of more troops in this vicinity; and in this view of the situation Major Merrill entirely concurs.

An arrangement has been made between the United States civil authorities here and certain prominent citizens, under which it is more than probable that there will be no further calls for troops to act as a posse to marshals. If this shall follow from the arrangement referred to, the Army will be relieved from a most unpleasant and onerous duty, and a great cause of local irritation will be removed.

* * * * * * *

In all I have said it is important to understand that, so far as relates to the United States, there is not the slightest disposition to oppose the General Government, but the opposition to the State government is determined and expressed, and will manifest itself in open violence whenever and wherever it asserts itself.

Colonel Morrow made a full report (December 24) of his investigation. He says:

In relation to the necessity of sending more troops into that section of the State, I respectfully report that there is no need for more troops in any portion of Louisiana visited by me. * * * I mean to be understood as saying that troops will not be required at these points (Alexandria, Colfax, and Natchitoches) to compel obedience to any law of the United States.

He says again, (page 72:)

Respect and regard for the General Government are expressed by all classes of people, and so is the determination not to be, under any circumstances, brought into collision with the Federal troops.

Again Colonel Morrow reports (December 3) on the condition of these parishes:

NEW ORLEANS, LOUISIANA, *December* 3, 1874.

SIR: I have already reported verbally, and now by order report in writing, that I am of the opinion there was no necessity of the use of troops to aid the United States marshal in the service of the processes of the courts in the parishes of Lincoln, Ouachita, and Jackson, Louisiana. This opinion is based on the statements of respectable gentlemen of both the great political parties. A marshal discharging his duties in a gentlemanly manner does not, in my judgment, require the aid of the military.

Again, the House committee, consisting of Messrs. FOSTER, PHELPS, and POTTER, in their report (referring to Penn's overthrow of the Kellogg usurpation) say, (page 9:)

The movement was everywhere quietly accepted by the whites throughout the State until the Federal Government interfered, when Penn and his associates at once surrendered. * * * * * * *

The conservatives of Louisiana do not propose to fight the Federal Government.

Thus I have shown by Army officers who were sent into and through Louisiana to investigate the condition of affairs there, and by members of Congress who were sent to New Orleans to examine into the whole question, that the people of Louisiana have no thought of raising an arm against the authority of the Union.

But the conservatives of that State are charged with intimidating the blacks. Sir, the whites are the people who have been intimidated. Stockton, deputy of United States marshal S. B. Packard—two of the men the President relies on as disinterested witnesses in his indictment of the conservatives in Louisiana—has used every effort in his power to intimidate and harass that people, and that by virtue of his office. For this statement I rely on Army officers again and the republican members of Congress. Having some legal process to serve, Stockton made a requisition for troops as a posse before he attempted to serve the writ. Donald McIntosh, first lieutenant Seventh Cavalry, was sent with a squad of men to assist him. Stockton, on reaching Natchitoches, assumed such authority as will appear by the following correspondence. J. F. De Vargas, mayor of that town, addressed Lieutenant McDonald:

NATCHITOCHES, LOUISIANA, *October* 27, 1874.

SIR: I have been informed by Mr. J. B. Stockton, the deputy marshal of the United States for the district of Louisiana, that he claimed the right to control the police regulations of the city, through the military force under your command, to disband any special police which I, in the exercise of my official duties, might employ, and arrest myself if he thought proper.

This statement of the deputy marshal, made to me, is of too grave moment to be passed over without bringing it to your notice; and as I cannot believe that this assumption of authority is warranted by any military orders or instructions, I feel justified in addressing to you this communication.

Lieutenant McDonald, in his report to the assistant adjutant-general, after saying that "The statements of the mayor are substantially true," proceeds—

Mr. Stockton gave me to understand that he had authority to displace the sheriff, parish judge, and other parish and city officers, and appoint others, in their stead. Besides this he had an exaggerated idea as to the extent of his authority as United States marshal. Had I concurred with him in his views on this point, (his authority,) and used the force under my command accordingly, instead of being here, the chances are I would now be swinging from a tree with a rope round my neck, or be a prisoner in one of the parish jails of Northern Louisiana.

Very respectfully, your obedient servant,

DONALD McINTOSH,
First Lieutenant Seventh Cavalry, Commanding Company G.

The ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Gulf, New Orleans, Louisiana.

Colonel Morrow, in his report already referred to, says, (page 72:)

The people reported, and seem to believe that the machinery of the Federal courts had been used to oppress them for political ends, and that the Federal troops has been used for political purposes. How far this has been the case I have no means of knowing, but I do believe that deputy United States marshals have used United States soldiers in cases where there was no necessity for them, and, from my investigations in the parishes of Ouachita and Lincoln, I am quite certain that these civil officers discharged their duties in an unnecessarily harsh, if not cruel manner. It was represented to me that the marshals are in the habit of prowling through the country in the night time, accompanied by a posse of soldiers, to make arrests of citizens who could be arrested by the marshal unaided, and under any circumstances should be arrested in the open daylight.

Thus we see, that doomed people are not only victims of a usurper as governor; of a Legislature put into power by military force, (though not elected;) of a corrupt returning board convicted of perjury by the House committee; of a judiciary so accommodating as to make two opposite decisions on the same question, but they are also oppressed by the civil as well as the military power of the United States.

But, sir, I must for want of time turn from this branch of the subject.

Let us now try to realize the condition of Louisiana. And, in depicting her forlorn state, I shall draw no fancy picture. I will let others tell the sad story, and I will call to the stand no democrat, no conservative, but let republicans and Army officers only speak. And first I will quote at length from the report of FOSTER and PHELPS, republicans of the House of Representatives:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature abolishing existing courts and judges, and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws, centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia, subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults and removing filth, and doing work as wharfingers; by the abolition of courts with elective judges, and the substitution of other courts with judges appointed by Kellogg, in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the

payment of legislative warrants, vouchers, and checks issued during the years 1870 and 1872; by laws declaring that no persons in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Governor Kellogg's counsel, "a degree of power in the governor of a State scarcely exercised by any sovereign in the world."

With this conviction is a general want of confidence in the integrity of the existing State and local officials; a want of confidence equally in their purposes and in their *personnel*, which is accompanied by the paralyzation of business and destruction of values. The most hopeful witness produced by the Kellogg party, while he declared that business was in a sounder condition than ever before, because there was less credit, has since declared that "there was no prosperity." The securities of the State have fallen in two years from 70 or 80 to 25; of the city of New Orleans, from 80 or 90 to 30 or 40, while the fall in bank shares, railway shares, city and other corporate companies have, in a degree, corresponded. Throughout the rural districts of the State the negroes, reared in habits of reliance upon their masters for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry, so generally—as Bishop Wilmarth stated without contradiction from any source—that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while within the parishes, as well as in New Orleans, the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission for the amount assessed, and houses and stores are to be had there for the taxes. In Natchitoches the taxation reached about 8 per cent. of the assessed value on the property. In many parishes all the white republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln; there are seven of the Boults in office in Natchitoches. As the people saw taxation increase and prosperity diminish—as they grew poor while officials grew rich—they became naturally sore. That they love their rulers cannot be pretended.

The Kellogg government claims to have reduced taxation. This has been effected in part by establishing a board to fund the debt of the State at 60 per cent. of its face value. This measure aroused great hostility, not so much because of the reduction of its acknowledged debt, as because it gave to the funding board, whose powers seem to be absolute and without review, discretionary authority to admit to be funded some six millions of debt alleged to be fraudulent. So that, under the guise of reducing the acknowledged debt, it gave opportunity to swell the fraudulent debt against the State. This nominal reduction of the State taxes has been accompanied by a provision that the parish taxes shall not exceed the State. But the parishes have notwithstanding created liabilities; judgments being recovered on these, the courts have directed taxes to be levied for their payment, and thus the actual taxes have been carried far beyond the authorized rates. Rings have been formed in parishes, composed of the parish officers, their relatives, and sometimes of co-operating democrats, who would buy up these obligations, put them in judgments, and cause them to be enforced, to the great distress of the neighborhood, a distress so general that the sales of lands for taxes have become almost absolutely impossible.

But the reduction of wages, the non-fulfillment of personal or political pledges, the misfeasance of some local officials, disputes among the leading colored persons in other localities, the loss or embezzlement in some cases of the school funds, and the failure of the Freedman's Bank, all combined to divide the views of colored voters during the late campaign. An effort was accordingly made by the conservatives to acquire a part of the negro vote; with that view it was sought in many quarters to propitiate them. Frequent arrests by the United States marshals for intimidation or threats of non-employment, and the apprehension that was felt that the returning board would count out their men if excuse for such a course were offered, all combined, especially after the 14th of September, to put the conservatives on their good behavior, and the result was that in November, 1874 the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

Colonel Morrow, in his report, says:

Dissatisfaction and discontent are plainly visible in all the acts and conversation of the people, and the result is manifest in almost every department of business. Uncultivated fields, unrepaired fences, roofless and dilapidated dwellings, and abandoned houses meet the eye at every step, and the whole aspect of the country has a look of poverty and neglect. The schools in many parishes are closed for want of money to pay the teachers, and I was told again and again that the school funds had been stolen by the State officials. In one parish a criminal court had not been held in nearly two years, and in other parishes no court, criminal or civil, had been held for a long time. In a community where there are no courts crime finds a genial soil, and the natural result is that the law has fallen into disregard and disrepute. Judges were openly charged with corruption, and money, and not justice, is charged with turning the judicial scales.

The people reported, and seem to believe, that the machinery of the Federal courts had been used to oppress them for political ends, and that the Federal troops had been used for political purposes. How far this has been the case I have no means of knowing, but I do believe that deputy United States marshals have used United States soldiers in cases where there was no necessity for them, and, from my investigations, in the parishes of Ouachita and Lincoln, I am quite certain that these civil officers discharged their duties in an unnecessarily harsh, if not cruel, manner. It was represented to me that the marshals are in the habit of prowling through the country in the night-time, accompanied by a posse of soldiers, to make arrests of citizens who could be arrested by the marshal unaided, and, under any circumstances, should be arrested in the open daylight.

These night arrests seemed to have a peculiar terror for the people, and my attention was repeatedly called to them. Another subject of complaint was the fact that citizens are arrested without the shadow of a cause, and after long and vexatious delay and great expense, are set at liberty without affording them even a preliminary hearing. And another subject of bitter complaint, especially in Coushatta, is the fact that there is not a United States commissioner in the parish, and persons arrested are required to be sent to the city of New Orleans, several hundred miles distant, for even an examination. The expense of getting witnesses to so distant a point will make even justice a luxury that only the rich can procure. A man of moderate means could not hope to prove his innocence if the presence of many witnesses was required for the purpose. The people at Coushatta complained also, and I think justly, that a person had been sent there last fall as commissioner who was a brother to one and brother-in-law to another of the unfortunate men who were so brutally and dastardly murdered in August last. However brutal may have been the circumstance attending the massacre of these men, it will be at once conceded by every man at all familiar with rules in American and English courts, that a near relative of the persons murdered is not a proper person to sit as judge in even a preliminary hearing.

These were complaints made to me against United States officials, and I therefore report them for the information of the department commander. The complaints against the State officers were so numerous that a mere enumeration of them would fill a volume. Corruption and jobbing in office; partiality and favoritism in the administration of justice; exorbitant taxes, rising in some instances to 7 and 8 per cent. on the appraised value of the property; a ruined credit; a depleted State and parish treasury; enormous debts, State and parish; and multiplication of officers in the persons of favored individuals, are a few of the charges made by the people against their State authorities.

The political condition of the State is the one subject of conversation everywhere, in public and private, and among all classes, except the negro, who feels no interest in it, because he does not comprehend it. The dissatisfaction is widespread and deep, and I am firmly convinced that sooner or later there will be an outbreak of public feeling which will be attended by scenes of fearful violence. The determination to escape from the rule of the present State government is fixed in every mind, and, whenever the opportunity presents itself, a blow will be struck for the "liberation of Louisiana," to use the expression in common use. A combination or organization among the white men ramifies every parish and neighborhood, and there is perfect unanimity of sentiment, and will be concert of action whenever the time comes to take a decisive stand. Without going into needless details, I give the following as my deep-seated convictions: The present State government cannot maintain itself in power a single hour without the protection of Federal troops. I do not believe that the present State authorities, even with the protection of Federal troops, will be able to collect taxes and perform the functions of government after an early day in the new year. Opposition to them will be made at every turn, and every step they attempt to take will be beset with obstructions. Outside of New Orleans there is no party or organization in the State with sufficient strength or influence to afford the slightest aid.

The State government has not the confidence or respect of any portion of the community. I do not believe the Legislature, as organized under the recent action of the returning board, will be allowed to assemble, except under the protection of United States soldiers. Whether the reported action of the board is correct or not I am unable to say. If it is not, these remarks will have no force, as the contingency upon which they are based will not arise. I do not mean by this that the soldiers must necessarily be in force in the State-house, but the presence on the ground of a representative of the military power, with authority to declare in the name of the General Government that the Legislature will be under Federal protection; will be necessary to prevent in my judgment a terrible scene of disorder and perhaps bloodshed. I not only do not believe, but I am absolutely certain that there will not be at any time in Louisiana any organized or authorized resistance to the General Government. If the expressions of the people are to be believed, and I do believe them, there is a very sincere desire to live quietly under the protection of the Constitution of the United States and enjoy the blessings of the National Government. But there is no disguising the fact that the protection afforded by the Federal Administration to the government of the present State executive is the cause of bitter personal and political feeling in the breasts of nineteen-twentieths of the white inhabitants of the State.

I shall not be astonished if two Legislatures are organized in New Orleans on the 4th day of January next.

I have refrained from expressing opinions of my own on the causes which have brought the State of Louisiana to a condition of rebellion against its State government; but I do give it as my deliberate opinion that there will be open and organized forcible opposition to each and every act of the State government in a short time, unless Congress by appropriate legislation shall provide a means for the satisfactory settlement of affairs in this section of the Union. If Congress fails to legislate, a standing military force in almost every parish will be necessary to give protection to persons of the agents of the State executive; but a military force cannot compel people to pay taxes and do a thousand things necessary to good government; and I think, therefore, there is danger of the State organization coming to a standstill for want of necessary agents and machinery to keep it in motion. On every account, in my opinion, it is important that Congress should do something; and if there is any way by which the military department can bring the subject to the attention of that body it should be done.

I am, sir, very respectfully, your obedient servant,

HENRY A. MORROW,
Lieutenant-Colonel Thirteenth Infantry.

ASSISTANT ADJUTANT-GENERAL,
Department of the Gulf, New Orleans, Louisiana.

For the benefit of those who do not know this officer, I submit the following indorsement of General Sherman, commander of the Army, and of General Emory.

The latter, when transmitting the report of Colonel Morrow, from which I quote, says:

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 27, 1874.
(Through Headquarters Division of the South.)

The report of Lieutenant-Colonel Morrow is respectfully forwarded.

This officer, who has heretofore been intrusted by the Government with important and delicate commands, was, by reason of his experience and the high confidence reposed in him, sent to make an inspection of the state of affairs in Northwestern Louisiana, as reported in a letter to adjutant-general, dated November 28, inclosing a copy of my instructions to him. I think it my duty to place the Government in possession of the facts stated and the views expressed by this officer.

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

General Sherman, in speaking of the report, says:

This paper is most respectfully forwarded to the Secretary of War, with a request that he submit it for the personal perusal of the President. I know of no officer of Colonel Morrow's rank who is better qualified to speak and write of matters like this, and his opinions are entitled to great consideration.

Senator SHERMAN, in his speech made in the Senate during this debate, has given us the following picture of the condition of things in Louisiana:

They have to encounter another great difficulty in the novelty of former masters and slaves living together as freemen. This we know by all history is a most difficult problem. Those who were once slaves, whose wives and children were bartered and sold like sheep, are now citizens. The masters have been impoverished; they have lost their slaves; they have lost the use of their lands; all their labor is broken up. All these things are to be considered, and we must not overlook them. We must not therefore expect from them the same orderly regularity, the same freedom from violence and force, that we should expect in a stable, orderly people like the people of Ohio or New York. All the sources of wealth are dried up. When I was there last winter I conversed with gentlemen of all political parties, and saw the great change in the value of their property and the amount of their income. Some families had incomes dependent upon the rents of real estate in New Orleans, and the real estate would hardly pay the taxes, and they were reduced to poverty, hardly able to gather money enough to pay their taxes. All that creates acerbity and bitterness of feeling, and no one felt it more than I did at that time. Thoughtful men I say should give heed to all these discouragements and difficulties; but after all, considering them all, we have a right to ask of these people to respect the law, to be obedient to the law.

Such, Mr. President, is the picture of the condition of Louisiana as

drawn in faintest colors by those whose interest and desire restrain them from exaggeration. And such is the fruit of reconstruction.

The republican party sowed the winds, and now they affect to stand appalled and rebuke the work of their own hands. They bound Prometheus on the rock, and when he writhes under the agony of the claws and beaks of vultures, they smite him for his convulsive struggle to be free. Hard as stone and cold as ice must be the heart which does not go out in sympathy for the people of Louisiana. In a land of boasted freedom she is in slavery; the slavery of intelligence to ignorance; of refinement to brutality; morality to crime. Fast as the wheels of time can bear her, she is speeding from the light of civilization into the night and darkness of barbarism. The blossoming garden is fading into a wilderness. A once noble race, with altars of worship neglected, is changing to a nomadic tribe who are followed only by tax-gatherers for money and marshals with military escorts to make arrests. And they are giving way to a race so inferior in intellect and moral sense, that they "feel no interest in the political condition, because they do not comprehend it."

Uncultivated fields, unrepaired fences, roofless and dilapidated dwellings and abandoned houses meet the eye at every step, and the whole aspect of the country has a look of poverty and neglect.

Schools in many parishes are closed for want of money to pay the teachers, because the State officials have stolen the funds "appropriated to education."

In one parish a criminal court has not been held in nearly two years, and in other parishes no court, criminal or civil, has been held for a long time.

Judges are openly charged with corruption, and money, and not justice, turns the judicial scales. Federal courts are believed to be used for political ends, and Federal troops for political purposes. United States marshals, backed by troops, arrest citizens at night and in a harsh if not cruel manner.

Kinsmen of persons killed are commissioned to sit in judgment on the accused. Bayonets uphold a usurpation which "without their protection could not maintain itself a single hour," because "nineteen-twentieths of the white inhabitants" cannot and will not acknowledge its power, and because it "has not the confidence or respect of any portion of the community." Taxes are levied as high as 8 per cent. of the appraised value, and the greed of assessors is stimulated by paying them a commission for the amount assessed," and taxation is "carried almost literally to the extent of confiscation," and "the distress is so general that the sales of land for taxes have become almost absolutely impossible."

Mr. President, this is the calamitous condition of things in Louisiana, and their existence is only evidence of the fact that the virtue and patriotism of the whole country are on the decline.

The whole body-politic is sorely diseased. Gangrene has seized upon one extremity and its deadly virus is spreading by natural circulation to the seat of life. If the malady of Louisiana be not cured, the Republic must die. Compression will not heal it and isolation is impossible. Already is the whole head sick and the whole heart faint. Rome began to decay in her extremities. The rapacity of satraps and pro-consuls on her remotest confines brought on revolts. The legions were sent to enforce civil law, and the work was done. But the eagles that spread their guardian wings over the tents of satraps and minions of power on the banks of the Euphrates, the Tagus, and the Rhine, to enforce civil law by force of arms, covered the hosts of Cæsar when he set his face against the capitol of Rome. The legions that yielded dumb obedience to the commands of the consul in the provinces, were his willing instruments when he planted his martial foot on the civil law. History repeats itself, and always will under the same conditions. The only unchanging quantity in the problem of human destiny is the moral nature of man. Ambition, pride, hate, revenge, lust of power are the same to-day they were when Adam fell. The Christian religion is the only restraint upon their mad career, and we to-day, with all our boasted civilization, are on the verge of a dreadful abyss. Rome as a republic withstood the shock of assaults from without and dissensions within for five hundred years. We, before the close of our first century, in the vigor of youth, are about to fall by our own hands.

History not only repeats itself, but it moves with striking coincidence.

I do not say that President Grant is a Cæsar, but his champions tell us, "history repeats itself." When Cæsar, the soldier, fixed his coveting eye on the coming empire, he first had himself elected consul. He was then chief magistrate and the commander of the army at the same time. "History repeats itself." He moved his army to the province of Gaul and subjugated it to his will. "History repeats itself;" and the inhabitants of Louisiana are the descendents of the Gauls of Rome, who were the first conquered subjects of imperial Cæsar. "History repeats itself;" and when Cæsar the dictator had established himself in the capital of the empire in fact, though in form and semblance it was still a republic, imperial Cæsar, the former soldier, who had led his legions in victory against the Gauls when they were in arms against the republic, addressed to the assembled senate and people these historic words:

> Let not these appearances of military force alarm you. The troops which are quartered in the city and which attend my person are destined to defend, not to oppress the citizens; and these troops I trust know, upon every occasion, the limits of their duty.

The President tells the people of Louisiana, "You must obey the law." Kellogg, with "damnable iteration," like a prating parrot, repeats, "obey the law," and Senators rise and say, the people of Louisiana must "obey the law." What law, Mr. President, are the people of Louisiana to obey? In 1872 they held an election, and by the report of your committee, the candidate of the conservatives had the majority, and yet, through the order of a drunken judge, the government of that State was overthrown, and the President said, "You must obey the law." Kellogg usurped the governorship of that State, and the President held him by force of arms and said to the people of Louisiana, "You must obey the law." I have shown you to-night that they have never resisted a law of the United States; they have raised no arm; they have not even raised their voice except against the usurpation of Kellogg. Their submission has been more sublime than any heroism that was ever displayed upon the field of battle. They have obeyed the law. They were encouraged and told last year they should have a fair and honest election. They obeyed the law and held their election peaceably and without intimidation, and it is conceded that the conservatives carried the State by an overwhelming majority. Kellogg organized his returning board. A majority of twenty-nine was overturned by that board, the Legislature was literally stolen from the democrats, and republicans defeated in the election were seated by Federal troops, and yet the President says, "You must obey the law."

The Senator from New York advises them to go to work. They were at work; but, says Bishop Wilmur, without contradiction, "theft of the products of the soil became so general the production had to be abandoned." They worked and filled their coffers with money to educate whites and blacks, and the State officials, guardians of these wards, stole the fund. The devotees of Bel, the heathen god, were required by their king to make offerings by day to satisfy the appetite of his idol at night, and his high priests entered by night and stole their offerings from the temple. So the people of Louisiana have been plundered and robbed by the guardians of law and order for six years past, and they are now mocked in their calamity by the advice to make more for the thieves to fatten on.

Were I called on to counsel that stricken and deserted people, I would appeal to them in behalf of themselves and their children, to bear for a brief time longer the ills they have; I would appeal to them in the name of liberty, and of forty million souls, to abide in patience the verdict of the people in the centennial year of our Republic. Their destiny is our own. If their thralldom shall not be broken, the prison walls must expand and embrace us all. We cannot live half free, half bondmen. The advice to them may seem cruel, it may be selfish, because they hold the destiny of us all in their hands; for the flame of revolution kindled there will spread to the confines of the Republic. I would beg them to believe that even their—

> Existence may be borne, and the deep root
> Of life and sufferance find its firm abode
> In bare and desolated bosoms; mute
> The camel bears its heaviest load,
> And the wolf dies in silence; not bestowed
> In vain should such example be; if they,
> Things of savage and ignoble mood,
> Endure and shrink not, we of nobler clay
> Can temper it to bear—it is but for a day.

Yes, sir; I believe as strongly as I believe in the progessive destiny of mankind, that the justice of the great American heart, like an angel of mercy, will go to the rescue of Louisiana on the morning of our centennial day, and will roll away the stone which now entombs her, and that she will rise and come forth to walk the earth again in full communion with her glorious sisterhood.

Texas Pacific Railroad.

SPEECH OF HON. E. D. STANDIFORD,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1875,

On the Texas Pacific Railroad and its relation to the industrial interests of the country.

Mr. STANDIFORD. Mr. Speaker, the Texas Pacific Railroad bill, to which I wish to call the attention of the House, is a subject of such vital interest to the country that I approach the discussion of it with a great deal of hesitation and reluctance, fearing that I shall not be able to do it the justice which I feel its importance demands or make my views fully comprehended. It is a question the correct solution of which will, I believe, do away with the complications now surrounding our financial affairs, and will restore our agricultural, commercial, and manufacturing interests to their normal condition of prosperity; nay, more, will give a stimulus to those interests which will start us on a course of prosperity which we have never before enjoyed. I deem it a question so materially affecting our industrial interests, that it becomes a duty for me to give my views as to how its adoption will be greatly beneficial to all classes.

I have carefully considered the question as to its effect upon the nation in an economical point of view as well as in reference to the financial condition of the Government and the present state of its Treasury, and I am forced to the conclusion that it is a measure to which we, as the Representatives of the people of the United States, should give our support. While it cannot be regarded in a sectional light, it is a measure which will go toward making up the balance of even-handed justice toward the South. It will show that we have something besides enforcement acts and military rule for that portion of our country, and demonstrate to them that we consider their commercial interests, and are willing to aid in bringing them out of their financial distress when we can do so consistently with the nation's ability.

It is a truth as well established as Holy Writ, that when the industries of one portion of our country are paralyzed the whole nation suffers, and I believe that the whole of our financial troubles can be traced to the exhausted and bankrupt condition of the States of the South. Before the war the South was the North's great market. Northern manufactories were constantly employed in producing their various articles for her consumption, and northern ships were tracking the ocean to procure those necessities or luxuries that could not be produced in this country, while on the other hand the fields of the South were taxed to their capacity to procure the wealth with which she paid you for the results of that labor and skill. The bone and sinew and brains of both sections were constantly and remuneratively employed, and the result was continued prosperity and growing wealth.

The war laid waste the fields of the South, destroyed her accumulated means, revolutionized her labor system, and at the same time destroyed the North's best market. Is it a wonder then that the country has suffered in its trade and been brought to the verge of bankruptcy? It is true that the crisis was postponed by the immense efforts which the capitalists of the North made to avert the pending crash which we all expected after the close of the war by large investments in the West and far Northwest, a region without a population and uncultivated, to substitute a western for the southern market. Had this effort been made to restore the South—a country filled with an intelligent and industrious people—our capitalists would not to-day be mourning over valueless stocks and bonds, which is all they have to represent their money invested in those northwestern securities.

You want an effectual reconstruction policy. Here is one for you; and I believe that no policy of statesmanship could do more to bind the two sections of the country together, for it will make them mutually dependent upon each other, and bring them into such a contact of mutual interest as will allay any feeling of unpleasantness or enmity that may now exist. It may be asked why do not the people of the South build this road themselves, if it is so necessary to them? I answer, they have no capitalists who are able to carry on this great work. The South before the war was an agricultural country, her surplus wealth had been invested in slaves; all this property was swept away at a single blow, and although it is a matter in which they all acquiesce and none of the former slaveholders would be willing to restore slavery, yet it was nevertheless a loss to the South of about $4,000,000,000 of capital, from which they have not been able to recover since the war. Consequently they must seek assistance elsewhere; and, bankrupt and overburdened by taxation, they ask this aid from the Government for the purpose of enabling them to rebuild their shattered fortunes.

I ask the men of the East to consider the fact that more than half of the exports which go out of this country and bring in foreign gold, upon which the Government depends to pay the debt and interest (for these must be paid out of the products of the soil which we export) is the product of the South; and by building this road these productions will be immensely increased and eastern merchants benefited, and their workingmen employed. The South is not only a large producer, but she is a large consumer. Her productions are mostly agricultural, such as tobacco and cotton and other staples, such as are to a great extent sold in foreign countries, while her articles of consumption are such as can largely be produced in this country. Hence it follows, that as she grows in wealth the demands for the manufactured articles of the East are correspondingly increased. This road, when completed, will build up the material interests of the South, and in this way, as in many others which I shall endeavor to show, revive the now stagnant commercial interests of the East and the whole country. Foreign capital will not seek investment except upon the assurance of a prompt payment of interest.

Our capitalists have already exhausted themselves in attempting to do that which they had not the means to fully carry out. There is little doubt that nearly every railroad enterprise which our financiers have aided would have paid them had there been enough capital to have carried it to completion. We have no capitalists in this country any ten or twenty of whom have the means to build this road; hence the necessity for Government assistance to secure the co-operation necessary to build this grand channel of trade which, to be a success, must unite the Atlantic to the Pacific. With the Government indorsement, these bonds will be readily purchased and the road speedily finished.

The country at large is suffering from a lack of the circulating medium. This is owing in a great measure to the enforced idleness of our mechanics and laborers. This bill, if it becomes a law, will put in circulation seventy or eighty million dollars which are now locked up at our money centers, or in other words it will inflate the currency to that extent without increasing its volume; the kind of inflation that will not reduce our credit and provides for the people to receive the benefit of the increase; the kind of inflation that the South and the West want and the East cannot object to. The unlocking of this large sum of money will restore confidence, and other capital will seek investment in other enterprises, until the whole of our locked-up currency will be distributed all over the land in active employment, and business activity and prosperity will be the result.

Let us consider the unpleasant fact that the country is not in as flourishing a condition to-day as it was one year ago, although we had then just passed through one of the most disastrous commercial panics ever experienced in the history of the nation, and which spread ruin and bankruptcy all over the land. We see property of all kinds continually falling in value, and gold, the measure of values, steadily increasing. The time has come for us to legislate in favor of the farmers and other producing classes. There has been too much legislation in favor of the bondholders and too little in favor of the farmer and mechanic, hence this unbalanced state of affairs in respect to property and money.

There are without doubt at this time one million mechanics and laborers out of employment in the United States. I do not take into consideration the naturally idle and vicious, but men who are anxious and willing and used to work; and that the country is suffering from the idleness of this vast amount of productive industry is a proposition that is apparent to every intelligent mind, for we all know that the country suffers when its industries are paralyzed. If you wish to see how serious this dearth of employment has become, look at the great State of Pennsylvania with all her wealth and intelligence and acknowledged industrial supremacy now just on the verge of a labor insurrection. Look where you will this depression is universal—factories, founderies, furnaces, workshops of all kinds, and workmen of all branches of trade, from one end of the country to the other, with nothing to do. It is hard to starve in a country like this; and I tell you that these mechanics will not starve without a struggle. They appeal and petition for employment; but beneath all that, sleeps a volcano ready to burst forth when milder means fail.

We have a remedy in this bill for all these evils, and why should we hesitate to pass it? Are gentlemen afraid that it will cost the Government something? Let them examine the facts and see what it will cost. I challenge any man to show how it will cost the United States anything. But supposing that it would cost something; would you as business men hesitate to invest a few thousand dollars when you were sure of a speedy return of a large profit—a fact which I shall presently show that this bill provides for the Government in case this road is built under this proposed act? Let it be announced that this transcontinental road is to be constructed at once, and the idle machinery of trade all over the land, from Maine to Florida, from the Atlantic to the Pacific coast, will start into active operation, confidence will be restored, and capital will seek investment. The employment of our mechanics will create a demand for the products of the soil and add a stimulant to our commercial interests; and in fact all classes will be benefited. And all for what? A simple act of Congress pledging the faith of the Government that the Texas Pacific Railroad Company will pay the interest on its bonds as it becomes due, and without the appropriation of a dollar in money.

I confess a selfish feeling in the advocacy of this bill, for I understand and fully appreciate the great benefit which this road will be to my own State, although not a foot of it passes within many miles of her territory. It will do more to promote her industries than any other measure that could be adopted. Her furnaces and mines and machinery, which are now idle, will be started into new life, new enterprises for the development of her resources organized, her laboring people employed, her counties burdened with heavy taxes for railroad purposes relieved by the renewed activity in railroad matters, a market will be furnished for her cattle, horses, mules, and agricultural productions, and industry and prosperity will go hand in hand. This picture is not of Kentucky alone, but of the whole South, and of Pennsylvania, Ohio, Indiana, Illinois, Missouri, and in fact the whole country.

We have passed a bill promising to resume specie payments in 1879. Will we have the money to redeem this pledge? We certainly will not unless we do something to promote the industries of the country, to bring the balance of trade largely in our favor. When we can do this the question of specie payments is solved. This can only be accomplished by encouraging an increase of our surplus products and furnishing a market and means of transportation. It is simply folly to talk of paying our debts when the revenues of the country are constantly diminishing, until the President, in his message, and the Secretary of the Treasury, have thought themselves compelled to recommend an increase of taxation to meet the ordinary expenses of the Government. What are the facts? The revenues of the Government are not equal to the expenditures, and instead of being able to provide for the payment of our demand debt of $400,000,000 in greenbacks we are called upon to furnish forty millions more to meet the interest and the deficit in the current expenses, and to increase taxation for that purpose. In my opinion, the present condition of affairs is not very favorable for paying gold for greenbacks when we see gold increasing in value every day.

But I do not propose to discuss the merits or demerits of the act providing for the resumption of specie payments. I leave it to the people to decide whether it was a wise or an unwise measure. My solution of the question is to pass this bill and let this road be completed, and the wealth which it will create will so increase the revenue and exports that taxes may be diminished instead of increased.

There is a very important fact to which I wish to call the attention of the House in this connection, and one which we ought carefully to consider in voting upon this bill, and that is our productive industry and skill have far outstripped the demands which we have for manufactured articles in this country. European governments have kept pace with us in this respect, profiting by our inventive skill so that they are able to supply their own people at prices with which we cannot compete. Where, then, can we look for a market but to Mexico and Asia? These countries, with their millions of people and low grade of mechanical skill, will and must be the customers for our surplus manufactured articles. And just here is a matter to which I wish to call the attention of the manufacturers of the North and East. Their warehouses are full of unsold articles, their doors are besieged by discharged mechanics asking employment, their machinery is idle because of the idleness of our thousands of workingmen all over the land.

The workingman is the great distributer of the money of the country, because he is one of the principal consumers as well as a producer. Give him work and he will supply his wants from his customers, who will in turn purchase of him. In addition to this the people of Mexico and Asia are in want of their productions. This road, if it is built, will give an easy, rapid, and cheap communication with these countries. These manufacturers have the advantage over England in reaching these countries of over three thousand miles of water transportation. Is not this a matter worthy of their careful consideration, I ask the representatives of these eastern manufacturers?

There is no question that has interested the country more than that of cheap transportation. I am fully persuaded that the Government can and ought to do no more to settle the question than to aid in bringing about a legitimate competition. The question of the cheapness of transportation depends, where there is competition, upon the distance from market. There is no system of carrying freight which can be adopted by which freight can be brought to any point for less than the actual cost of carrying it; and indeed no objection should be made to a reasonable profit. Competition will regulate the price and keep it within reasonable bounds. The true solution, then, of cheap transportation is to create rival routes and to lessen the distance to market. This the Texas Pacific road will do for the people of the South and Southwest by bringing them into direct and easy communication with Mexico and the commerce of the Pacific Coast, and at the same time will be of immense value to the people of the North and East by reduction of the tariff on freight and travel; while the West and Northwest, who are now loudly complaining that the present high rates amount to a practical embargo upon their industries, will reap the benefit not only of a reduction of rates but they will find that it will give them a market on the Pacific Coast as well as their present eastern market. This fact it would seem has been entirely overlooked by the representatives of this section of the country. It is not necessary, nor have I time, to discuss the details of how this will be brought about, a simple mention of the fact that the Pacific Coast is not adapted to raising the products of the middle west, and that beyond the coast the Asiatic states are calling for food and willing to pay for it, and between the demands of the East and the western coast there will be no fear of an overstocked market or that the labor of the farmer will be lost on account of a superabundant crop.

This road is one of peculiar promise and bears upon its face the elements of complete and immediate success. Passing through Texas, a State nearly as long settled as Pennsylvania, rich in all that supplies the wants of man, with a climate that changes its seasons only from spring to summer and from summer to spring again, with a soil of inexhaustible richness, producing all the cereals in the greatest abundance, as well as the finest cotton in the world, then on through mountains filled with the precious metals to the finest harbor on the Pacific Coast, beyond which lie China and Japan. It passes near the border of Mexico, which is just now awakening into new life, with her long-slumbering agricultural and mineral resources, and is ready to pour over this road into our lap the wealth of her mountains and plains.

The question is asked, are the people of the United States willing to be taxed to build this road? I say in answer that in my judgment they will not be taxed one cent, if we pass the bill, in consequence of this enterprise. The Government is not called upon to make a donation or pay out a dollar, but simply to indorse the bonds of the company to the extent of the interest, no more; and to secure it against any possible contingency of having to pay this, the United States will receive a first mortgage upon the railroad and all of its equipment, and be the custodian of the bonds, only to issue them as they are required to pay for labor, superintendence, and material, the company agreeing to pay the interest and principal as they each become due, which I am satisfied that it will be amply able to do. In addition to this security, which is ample, even superabundant, the Government will receive the absolute title to thirty million acres of land, which in ten or twenty years ought to be worth at least $60,000,000, and I believe will be worth $100,000,000, besides the increased revenue to be derived from the wealth which the building of this road would create.

Now as to the ability of the road to pay the interest as it becomes due. The Central Pacific road paid in earnings, as fast as it was completed, enough to pay the interest on the cost of construction. The Texas Pacific, passing through a finer region, more fertile in soil and salubrious in climate and more generally populated, cannot fail to pay largely in earnings as fast as it is built up. It will carry a population with it who will build up the country as it grows, to whom the road will be a necessity. Does any one suppose that our idle laboring men will permit the rich plains and valleys of Texas to remain uncultivated when communication and transportion are opened up? The Union and Central Pacific roads, a single line from Omaha to San Francisco, now pay in gross earnings about $25,000,000 a year, and in net earnings from thirteen to fourteen millions annually, or enough to pay the interest on a bonded debt of $280,000,000 at 5 per cent. Will any one say that the Texas Pacific road will not in view of these facts be able to pay the interest on a bonded debt not to exceed $100,000,000? I think I may safely say that the Texas Pacific will be more profitable than the Union and Central Pacific roads. But even if the Government were compelled to pay the whole of the interest upon these bonds, averaging say $40,000 a mile for nineteen hundred miles, making a bonded debt of $76,000,000, on which 5 per cent. is $3,800,000, it would be a profitable investment in the way of transportation of troops and supplies, besides settling the Indian question in this part of the country, which would save the Government many times the interest on these bonds.

This plan of aiding a railroad company is no untried one. England, which gentlemen will agree with me is the soundest financial government in the world, has adopted it and is continually putting it into practice in her colonial dependencies. One of her greatest sources of wealth is her East Indian possessions, and she has made it such by liberal aid to enterprises going to develop its resources, which are now, through these means, a source of endless and increasing profit to her and her people. Other European governments have followed her example, and are now reaping the benefit a hundredfold upon their investments.

Looking at this road as a matter of justice to the South in the comparative distribution of Government favors, it appears to me that opposition comes with bad grace from the North and the East who have received so much, and who are now, in comparison to the South, rich and prosperous in consequence. Can they not yield this much to us before we shut the national purse-strings altogether, if we must shut them to internal improvements. Illinois stands as a remarkable example of the beneficial effects of liberal aid bestowed by the Government when it was needed.

Her gifted and honored son, the late Stephen A. Douglas, who was cut down in the midst of his usefulness, a profound constitutional expounder and far-seeing statesman, in his early political career foresaw the advantage which timely and liberal aid to her railroads would be to his State. Using all the power and energy of his great mind he was able to accomplish much, and especially for her Central Railroad. By the immense grants of land which he obtained from the Government she was able to establish a net-work of roads all over her territory, and through these to make such gigantic strides in wealth and prosperity as in a few years to place herself in the foremost rank of States, while on the other hand the Government not only did not lose anything but is benefited by receiving from her about one-sixth of the entire internal revenue, amounting to more than fifteen millions annually; so, though badly treated in the instance of the aid given to the Union and Central Pacific Railroads, it is receiving a hundred times as much on account of its grants to the railroads of Illinois, a fact which is often forgotten in discussing the propriety of giving Government aid to internal improvements.

This State, which is enjoying these immense advantages growing out of Government aid to her in her time of need, has certainly no right to complain of the South and the Southwest receiving their share of the common fund to aid in building up their prosperity and in developing their resources, much less to refuse when we only ask an indorsement to become due on our paper and propose amply to secure the Government for this accommodation. But we find opposition coming from the metropolis of this State; and what is the cause of it? We see the Central and Union Pacific roads pouring the wealth of their immense traffic into Chicago's trade. We can only judge of the extent of this traffic from the amount of net earnings over and above expenses, which they report for 1873 to be $13,579,843 for the 1,900 miles, or more than the combined earnings of all the railroads in Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and South Carolina combined, with 13,908 miles of road, and nearly equaling the combined earnings of all the roads in the New England States with 5,303 miles. These figures are official, and can be found in Poor's Manual of Railroads for 1874. This gigantic monopoly the Texas Pacific Railroad will overthrow, and these immense profits will be taken away is the view that those interested in perpetuating the Union and Central Pacific monopoly take of the matter; hence their opposition to this or any other measure looking to the building of the Texas Pacific road.

But outside of those immediately connected with the Pacific roads

now built I think it a narrow-minded and short-sighted policy. While I admit that a large amount of the freight that goes over the Union and Central Pacific roads would be diverted and pass over the Texas Pacific; while New Orleans, Memphis, Vicksburgh, Atlanta, Charleston, Nashville, Louisville, Cincinnati, Pittsburgh, Philadelphia, and other southern and eastern cities would share with Chicago the benefit of the present transcontinental traffic; and while the South and the Southwest would be immensely benefited by this division of the profit, yet ultimately the cities of the Northwest would be as greatly benefited by the increase of freight and travel naturally growing out of the reduction of rates and the increased prosperity of the whole country growing out of the building of this road.

I am glad to see any city and any section of the country growing in wealth, and am not here to cry down but to build up the prosperity of the nation; but when I see this contracted policy exhibited in behalf of any monopoly, I hold that it is for the interest of the country to point it out and oppose it. The net earnings of the railroads of Illinois are to-day more than $20,000,000 annually, or more than the net earnings of all the railroads in the Southern States combined or in all the New England States combined, and this is owing largely to the exclusive control of the trade of the Union and Central Pacific roads, which they have on account of their geographical position.

Looking at this measure for the aid of the Texas Pacific Railroad in any light, I cannot see how any person, and especially any person living in the South, can oppose it; and I would say to members from the South, if you wish to see your constituents as hewers of wood and drawers of water for C. P. Huntington and Jay Gould's monopoly, then vote in opposition to the Texas Pacific road. These railroad kings, renowned for sharp financial transactions, know well how to care for their own interests. They fully understand that the passage of this bill will take millions of dollars from them annually, and can well afford to pay out millions to defeat this measure, and are now moving every element of opposition in their power to accomplish that purpose. This they hope that they have already succeeded in, and are now endeavoring to gain control of the Pacific Mail, thus giving them a monopoly of the Asiatic trade as well as the exclusive transportation to the Pacific coast, while a cry of alarm comes up from the merchants of New York and the East for fear that they will succeed, knowing the character of the men who are in the lead and that their oppression will be merciless when their power is unrestrained. While some of these merchants are opposed to the building of the Texas Pacific, I predict that they will bless the day when it is completed and acknowledge the wisdom of the movement that carried it to success.

It is said in opposition to this bill that the Government has been defrauded out of its just dues by the Union and Central Pacific Railroads. It is true that when the Pacific road was in contemplation it was regarded as a scheme of such gigantic magnitude as to forbid its ever being put into practical operation. Even Thomas Benton, whose clear-headed statesmanship and practical common sense in other things was recognized and honored throughout the nation, was considered visionary in advocating the idea of a railroad uniting the Atlantic to the Pacific. The Rockies and Sierra Nevadas, interrupting with their lofty peaks and mountain walls, stood as barriers deemed impossible to surmount, and the so-called great American desert, covered with the skeletons of men and animals who had perished in attempting to cross its fearful wastes, was an obstacle of equal if not greater difficulty. The dangers to be encountered and the difficulties in the way were always exaggerated, and these exaggerations were willingly credited because they accorded with the traditional belief of the American people. And when at last it was determined, simply as an experiment, to build the road, it is no wonder that Congress thought it must be liberal to secure a route so necessary to the country and so fearfully difficult to construct. They were simply deceived as to the natural obstacles to the proposed route. It is true that some of them went over the line before it was built; but the superficial observations of an inexperienced person would not detect the natural advantages which would be discovered by the scientific eye and unerring instruments of a practical engineer, and a little divergence from the line of the proposed route would, while not being observed, deceive the eye of science itself. Men who were willing to undertake to penetrate the rocky fastnesses of those mountain ranges and brave the sickly atmosphere of those arid deserts and the savage hostility of the Indian tribes were regarded as nothing less than heroes and scarcely less than martyrs to the cause of civilization and national advancement.

Congress believed and had reason to believe what was told to it in reference to what the road would cost, and was even accused of niggardly parsimony by many who thought it was giving too little to successfully carry out so stupendous an undertaking; and if Congress and the American people were deceived, it was through the mendacity and fraud of their trusted agents. No one has any right to say that this or any other Congress will be led or bribed into defrauding the Treasury; because such an assertion would reflect not only upon Congress, but upon the integrity of the people, of whom his constituents form a portion. Is there a gentleman on this floor who would say himself or willingly permit another to say that his constituents would return a dishonest man to this House? The danger is not that the people and the Government will be cheated by our acts, but that they will be defrauded by the loss of measures both necessary and patriotic for fear that charges of bribery and corruption will be made.

The people and Congress know now what is required to build a road to the Pacific coast as accurately as what it will cost to build a road from Washington to New York. The "rugged Rocky range" and the snow-capped Sierras have been accurately measured by the theodolite and chain, and the romantically dangerous passage of these mountains, as was formerly considered, has been reduced to a mathematical certainty. There are no more imaginary perils. All the difficulties are accurately known and have been scientifically described. The amount of excavation and fill, the amount of grading and labor, the number of ties and tons of rails and timbers for bridges, and in fact the entire expense is accurately computed of this road which shall cross the magnificent plains of Texas—a country the painter's and poet's ideal, with its romantic legends and historical associations, with its landscape scenes unrivaled in beauty and in form, and its agricultural resources unsurpassed in the whole world—over mountains whose magnificent scenery surpasses the Alps, and at last shall join the Atlantic to the Pacific by iron bands through a region whose climate forbids that it will ever be blockaded by snow or made uninhabitable by cold.

But, says some one, this is an appropriation for Thomas Scott, as though such a puerile assertion was an argument against this bill. It is not an appropriation of any kind. It is true that Colonel Scott is at the head of the Texas Pacific Railroad Company. Who would you have at the head of the road to make it a success? Some man who is inexperienced in railroad affairs, or the man who from the humblest position of poverty in boyhood has risen by the genius of his strength, activity, and brains to the highest position known to the American people outside of their immediate gift? The man who has built and controls thousands of miles of railroad and gives employment to thousands of men all over the country, and who has done more to develop and increase the wealth of the country than any other man in the United States? I am not speaking in fulsome praise of any one, but for justice against idle disparagement and libelous sneers.

To have avoided these frauds of the Union and Central Pacific Railroad Companies Congress should have thrown sufficient safeguards around the expenditure of the aid furnished in their construction, and should so have enacted as to have prevented the loss of the lien which the United States had upon the property of these roads; but this was not the first time and only way in which the Government has been defrauded. Is there any one who denies the necessity of these roads and immense value they are and have been to the country and the people? And who would do away with them, even if the Government could be placed in the same position in respect to finances that it was before they were built?

Does the fact of this particular loss to the Government teach us the lesson that we should not aid in any other enterprises to develop our incalculable resources? I say not. It teaches us the lesson of carefulness, and that we should throw such safeguards around the use of the aids which we may hereafter give to internal improvements as will prevent their being diverted from their proper channels to any other use. This, if gentlemen will carefully examine, they will see that this bill does. There is no opportunity for Credit Mobiliers or contract and finance companies in it. We have learned wisdom by experience; and if this bill is made a law, it will restore to the United States, in my judgment, as much or more than it has lost in money in aiding other roads. But the Union and Central Pacific roads are able and can be made to pay every dollar that they owe to the Government, as I have shown in the fact that their net earnings are sufficient to pay the interest on a bonded debt of $280,000,000, when the roads did not cost more than $130,000,000; and under proper management the United States will sustain no loss.

But, Mr. Speaker, waiving the great advantage which this bill will be to the collective industrial interests of the country; waiving the question of the beneficial effect which building this road will have upon the laboring masses; waiving the immense benefit which the road will be to the South and Southwest, and the incalculable profit which it will be to the merchants and manufacturers of the East by breaking down the greatest monopoly in this country, if not in the civilized world, as a financial proposition in which the interest of the Government alone is involved we should pass this bill. It only asks the Government to indorse the bonds of the company to the amount of the interest, no more, which will not exceed in any event $3,800,000 per year. The Government will be the custodian of the bonds until the road is built, and will issue them from time to time to pay for construction. It will save more annually than it is required to guarantee in the matter of transportation of troops and supplies and in the protection of the frontier, and besides it will receive thirty million acres of land, which, when the road is built, will be worth at least $60,000,000 and probably $100,000,000.

I am tired of hearing this bill spoken of as a party measure, because such is not the case. It is a measure in which the people of the whole country of every party are equally interested. I hold to the precepts, principles, and traditions of the democratic party, knowing it to be the party whose support rests upon the letter and spirit of the Constitution; I believe it to be the party of progress, in whose hands American enterprise and progressiveness will be fostered and maintained, and at the same time the Constitution will be revered and obeyed.

But I regret to say that there are some gentlemen of the party to which I belong who, while agreeing that this is a great and needed enterprise, and one that will build up the South and the Southwest, will give employment to our laboring classes, avert the necessity of increased taxation, and restore business to activity and life, much to my surprise claim to have constitutional objections to voting for this bill and giving Government aid to this company. I can see no constitutional obstacles in the way, and there is nothing in the Constitution that prevents making it a law. On the contrary, as a matter of public policy in the present state of financial distress, we should pass it at once.

It will be no excuse for gentlemen to go to their constituents and say that they did not vote to add an additional tax upon the household expenses of every family in the country. If this additional tax is levied, it will be to meet the expenses of the Government made necessary by a deficit in the revenue, and add a further burden of $40,000,000 without giving any additional strength to bear it. The people will not be satisfied with this passive conduct of their Representatives. What they want is live, active, energetic work and progressive legislation to develop our resources and stimulate our industries. Men are not sent here because they are not likely to do any hurt, but that they may be active in doing that which is useful and for the good of the Republic and the business interests of the people. If there are constitutional objections to the passage of this bill, we have always been and are continually violating the Constitution by our laws and appropriations in aid of commerce.

The Constitution was never intended to be a clog upon the progress of the age, but was made for all ages to direct our legislation in the true course of advancement, until we shall become the mightiest and most prosperous nation on the face of the earth. I do not believe, as some profess to, that the Government is wholly protective in its character; I do not believe that its mission is simply negative and altogether to prevent injuries and injustice. These are its prime objects, but there is a progressive side, through which may be carried out those enterprises which are for the greatest good of the greatest number.

I do not believe in a paternal government, but I do believe that it is the duty of the Government to aid in those vast and necessary enterprises which can only be accomplished by the united action of the whole people. This bill is an act of justice to the South and Southwest; and when they ask for the same assistance which has been meted out to the East and the Northwest, they ask for an act of simple justice; they demand it as a matter of moral right.

In conclusion, Mr. Speaker, I desire to say that when we see every artery of industry in the country stagnant, all our commercial interests on the brink of bankruptcy, all the money in the country locked up in vaults at our money centers for the want of confidence, labor unemployed and thousands of our mechanics on the point of starvation, the President and Secretary of the Treasury urging upon Congress a large increase of taxation, to add to the weight already resting upon our overburdened tax-payers and made necessary to meet the expenses of the Government on account of the failure of the revenue from the causes which I have enumerated—I say when we see all these, and when we have a measure like this, which has in it so many elements of good to the country, we ought to give it our most careful consideration; and if, as I have attempted to show, its adoption will relieve depression in business, start our paralyzed industries into new life, give employment to our laboring classes, unlock capital, restore confidence, avert the necessity of increased taxation, and build up the South, we would not be doing our duty to our constituents and the country if we do not give this aid to the Texas Pacific Railroad.

The Atlantic and Pacific and the Texas Pacific Railroads.

SPEECH OF HON. ERASTUS WELLS,

OF MISSOURI.

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1875,

On the bill (H. R. 4547) granting aid to the Atlantic and Pacific and the Texas Pacific Railroads, and for other purposes.

Mr. WELLS. Mr. Speaker, since I have been a member of this body no measure has been presented which has had more powerful claims upon Congress for support, on the score of justice and equity, than the bill to grant aid to the Atlantic and Pacific and Texas Pacific Railroad, and coupled with the eminent equities and justice of the measure, all the best interests of the whole country unite in demanding the construction of this road at the earliest practicable day.

I take it that no fair and honest man will deny that, if the Southern States had been represented in the Congress of the United States at the time the Union and Central Pacific roads were located, they could not have been placed where they are. The sentiment of the country had long before been expressed in favor of a great *central* Pacific road, and no one can honestly claim that said roads are located centrally with reference to the great interests of the country in any respect.

In 1849 my city, through its city council, called a national convention to consider this very subject. This convention was held in the city of Saint Louis in the fall of 1849, and was presided over by the lamented patriot and statesman, Stephen A. Douglas. The best talent of the nation was there represented, and Missouri's great Senator, Thomas H. Benton, was among the number in that convention and addressed it. The country well remembers his untiring efforts in favor of a grand national central railroad from the Mississippi to the Pacific Ocean. The representatives of Pennsylvania took a prominent part in that convention. After an elaborate discussion of the subject in the convention, and upon the conclusion of one of the ablest and most eloquent speeches on the subject that was ever made, by the then Representative in Congress from the Terre Haute district of Indiana, Richard W. Thompson, he offered the following resolutions, which were unanimously adopted:

Resolved, That in the opinion of this convention it is the duty of the General Government to provide, at an early day, for the construction of a central national railway from the valley of the Mississippi to the Pacific Ocean.

Resolved, That in the opinion of this convention a grand trunk railroad, with branches to Saint Louis, Memphis, and Chicago, would be such a central national one.

Resolved, That a committee be appointed to communicate to the convention to be held at Memphis the foregoing resolutions, and to request the concurrence of said convention therein.

Following the holding of the Saint Louis convention, in the fall of 1849, a convention on the same subject was held at Memphis, which, in an elaborate report, indorsed the Saint Louis resolutions; and following the convention in Memphis one was held in Philadelphia, which took similar grounds. I state these facts to show to the country that, if there was anything settled in public sentiment, it was that the road from the Mississippi River to the Pacific coast should be located so as to be central. No one will claim that the Union Pacific road location meets what was the expressed will of a united people. All honest men must admit that the North seized upon the opportunity of the absence of the southern Representatives from Congress to fix upon a location that was sectional, and not central and national. I do not complain of this particularly, I only name the fact; for when the locations of the present roads were made they were not certain that the union of States would be preserved, and in that event, to the Northern States the Union Pacific would not have had so sectional a location. But the point I would make is this: Will the North hold on to an advantage thus obtained, and refuse to grant to the Southern and Middle States equal advantages for the Pacific trade which she obtained under the circumstances just stated? Can the North afford to be arraigned before the country upon a question presenting her in so unjust a light to her sister States? Will the Northern States claim advantages obtained from the public Treasury that they are unwilling to grant to the Middle and Southern States? I hardly believe any people can long sustain themselves in so unjust an attitude.

Just here, sir, I shall read the recommendation of the committee in charge of the bill as to the route of the proposed road:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That authority is hereby granted to the Atlantic and Pacific Railroad Company to construct its line of road from its present western terminus at Vinita, southwestwardly, by the most practicable route, so as to intersect with the line of the Texas and Pacific Railway Company, as hereinafter set forth; and the Texas and Pacific Railway Company is hereby authorized to construct its line from Fort Worth, so that a connection can be made with the road of the Atlantic and Pacific Railroad Company, at some convenient point to be agreed upon, not farther north than the thirty-third parallel of latitude, and not farther west than the one hundred and third degree of longitude; and from such point westwardly to the Rio Grande, and to San Diego Bay on the Pacific coast, through Texas, New Mexico, Arizona, and California; and, for these purposes, the said Texas and Pacific Railway and Atlantic and Pacific Railroad Companies, respectively, shall have and enjoy all the rights, powers, privileges, benefits, and immunities heretofore granted by, or acquired under, the several acts to which this act is supplementary, except that the grant of land shall not be duplicated, and shall not exceed twenty alternate sections per mile in the Territories and ten alternate sections per mile in the States on each side of the lines of road.

The right of the Atlantic and Pacific Railroad Company to construct its line shall be held to have lapsed, except so far as the same may be required to perfect the line authorized to be constructed or perfected under the provisions of this act, whenever the said company shall file with the Secretary of the Interior a survey and location of its line southwestwardly from Vinita to an intersection, as aforesaid, with the line of the Texas and Pacific Railway Company.

I claim, sir, that the North should lead in this measure of justice to the Middle and Southern States. They should come forward and say that they did obtain an unjust advantage while the Southern States were unrepresented, but that they are unwilling to hold it, and rejoice in the opportunity of showing to the South that they cannot only be just but magnanimous. They can well afford to do so, for while they will be doing an act of simple justice to the South, they will at the same time be subserving their own best interests and those of the whole country, by instituting a wholesome competition that will reduce passage and freight rates between all the States and the Pacific coast one-half, and will save in this way to the country many millions of dollars annually, and far more than the interest on the bonds, which is all we are asked to become liable for, to secure the building of this road, which is to be of such incalculable benefit to the whole country, and especially to the Southern and Middle States, and which is so eminently their due upon every consideration. Too long have we suffered from this injustice already, and the North cannot afford longer to deny us so just and equitable a right.

The provisions of the bill are clear, specific, and definite that in

no event can the Government be the loser of a dollar in granting the aid asked for, the indorsement of the interest only, with ample security that the money will be furnished by the company to meet the same, being the only assistance required. I shall read what the committee recommends on this point:

The simple facts are that on a large portion of the line to be constructed the issue of the company's bonds is confined to $35,000 per mile of 5 per cent. bonds, making $1,750 per mile per annum for interest, while on another large portion of the line the issue is confined to $30,000 per mile, requiring but $1,500 per mile of net earnings to take care of the interest. I think if any unprejudiced man, or any man at all familiar with railway matters, will take up the subject and consider the great agricultural resources of Texas, her production of cattle, her mineral wealth, and her present large population, and follow the line through to the Pacific coast, with its rich belts of precious metals, coal, iron, copper, and lead, and the large traffic it will receive from the border States of Old Mexico, and then compare all these with the country now traversed by the Union and Central Pacific roads, he will say that these resources are largely beyond what existed on the present line. And yet we find that the existing roads have developed and are now enjoying a business amounting to about $11,000 per mile of gross earnings; that their working expenses are less than 50 per cent., and, what is still more remarkable, that the local business of the lines, all of which has been created since their construction, amounts to over 70 per cent. of the entire gross receipts; or, in round numbers, about $8,000 per mile, from local traffic alone, which, allowing 50 per cent. for cost of working, leaves a profit of $4,000 per mile to be applied to the various classes of indebtedness, leaving out of the question entirely the profit on their through business.

All that we require, to thoroughly and fully protect the Government from ever being called upon to pay a dollar is a *gross* earning of not exceeding $5,000 per mile, which, making an allowance of 60 per cent. for working expenses, leaves an ample fund to take care of every possible liability that the Government may incur.

I think, from these simple but strong facts, that it should be clear to every mind that the work, as constructed, will not only have the capacity to make the earnings referred to, but largely to exceed them, thus giving to the Government the use of these highways without money, making these large economies for her Departments without cost, going a long way to settle the border, and especially the Indian troubles, and, in connection with these things, starting into active life the business of the country, which has never been so depressed as it is to-day.

The theory of the bill, in the first place, is to secure the construction of one southern line in place of two, as previously provided for, on the thirty-second and thirty-fifth parallels. Large grants of land have been made for each, but have not been available, and now it is the purpose to abandon one of the grants of land and make one united road in place of two. So that it is of consequence to the Government to secure the return of large portions of the lands that have been granted. Now, when this line is completed, it not only reaches the roads mentioned to New Orleans and Vicksburgh, but the Atlantic and Pacific furnishes a road from Saint Louis to the great central portion of the country.

I think it will be much better, because the combined line will run near the northern part of Mexico, and bring to this country an immense trade from that region. Now, under this bill, it is to be remembered that the Congress of the United States does not give its bonds; that these bonds are the bonds of the company, secured by a first mortgage upon all its property and franchises, and that it is simply the interest on these bonds that is to be guaranteed. I have heard it stated as an objection that Congress released, in the case of the Union Pacific, the first lien that it had, and may release this lien. You will see at once that this is impossible, because it is not the obligation of the Government, but of the company, secured by a first mortgage, that cannot be divested under any circumstances, the bonds being in the hands of third parties, who have invested their money in them.

This road, too, runs at a great distance from the other lines of road, and cannot fail to earn the money to pay the interest. There can be no risk on the part of the Government; there can be no loss; you can hardly find a way in which there could be loss.

Nor is this a mere experiment. The matter has been tested in various countries of Europe for many years. Great Britain has indorsed the interest on bonds to the amount of six hundred millions of dollars to build roads in India, to deprive this country of the monopoly of the cotton production, and no one ever heard of her losing anything from it. France has pursued the same system, and also Belgium, and these governments do not lose money; and Russia has guaranteed a much larger amount of railroad securities than any of the countries named.

Now, if the United States can aid in building this main thoroughfare, and secure all the advantages adverted to here, and can do it without risk to the country at this time, when almost all railroad securities are so greatly depressed by reason of the panic, and make these bonds good at a low rate of interest, thus securing the construction of these roads at so cheap a rate, because the reason that railroads cost so much money is the high interest they have to pay, discounts, commissions, &c., and with the interest guaranteed as proposed on these bonds, the money could be had at par and the roads built cheaply and well, I think it would be an excellent thing for the Government to do. How is it possible that the Government could lose? How can Congress hesitate to aid the construction of a road of so much importance to the country, when it could not possibly injure the country?

With a line provided to New Orleans, and through to Vicksburgh, every interest of the country will be enabled to connect with this road and the region it will traverse, as it will then form connections to every important city on the Atlantic seaboard, and at the same time form connections to Chicago, Saint Louis, and all the interior cities of the country by existing lines. On the Pacific coast it will form communications with every interest that is now constructed there, through which an interchange of commodities between both sides of the continent can be made with great facility and greatly to the advantage of the public.

It will be found that it is provided in the bill that no more bonds are to be given to the company than will suffice to cover the expense of constructing the road:

SEC. 3 * * * That it shall be the duty of the commissioners appointed by the President to certify to the actual expenditure of the moneys required for the purpose of constructing and equipping the lines up to the Government standarde as required by law; and all bonds of the company secured under the mortgage, over and above the amount actually required as above, shall remain in the control of the Secretary of the Treasury, and not be issued except to provide additional facilities, after the completion of the road, to meet the requirements of the public, as set forth in this act.

SEC. 4. That the delivery of bonds to either company, as provided in this act, shall, *ipso facto*, constitute a first lien or mortgage upon the respective lines of road and telegraph upon which such bonds shall be issued, with the rolling-stock, depots, shops, fixtures, and property of every kind appertaining thereto, including the franchises of said companies connected therewith, and all the lands granted by the United States in aid thereof, or the net cash proceeds of the sale of such lands, and so much of the net earnings of said companies, respectively, as may be required to provide for the interest, and for a sinking-fund, as provided in this act; and it shall be the duty of each company, respectively, upon accepting this act, to file a mortgage with the Secretary of the Interior, duly executed under its corporate seal, to secure the said bonds and the interest guaranteed by the United States.

I can well understand, sir, why it is that the Union Pacific and Central Pacific Railroads should have their secret and open agents at the capital to fight this measure and misrepresent it. They want no competition. They want no other road that will reduce rates, or that will afford to the country a route for travel and traffic superior to their own. They do not desire to see a road built through a section of the country where snow-drifts and snow-storms are unknown; where snow-plows and snow-sheds will not be needed; where wearied and hungry passengers shall not be detained among mountain gorges or on desert plains, exposed to the biting blasts of the Sierra Nevada. In their mind's eye they foresee the immense advantages which the country at large must inevitably derive from a road built in great part through a section unrivaled for the fertility of its soil and the salubrity of its climate. They appreciate but too well the advantages they possess in their transcontinental monopoly, and will not let go their grip without a struggle.

We all know, sir, that at this day, and ever since the Union Pacific was built, it compels all business to pay exorbitant rates over its road, and this in defiance of the act of Congress under which the road was built, and in contravention of the laws we have passed to enforce its obedience in pro-rating with the Kansas-Pacific road. In the bill of the committee which I am now advocating, the most ample security is given against the violation of law or of right such as I complain of.

It seems almost superfluous for me to consume time in enumerating all the great advantages the construction of this road will give to the country. These have been so well and so ably presented in the memorials from the chambers of commerce and boards of trade of my own and other cities, that I will not attempt to enumerate them. The National Grange, which has but recently closed its session at Charleston, has expressed the sentiment and wishes of the farming classes of all sections of the country, by the adoption of resolutions strongly recommending the measures proposed in the bill of the committee. The legislatures of many of the States have likewise echoed the sentiments of their constituents in recommending this all-important measure.

To all the magnificent results, speedily or ultimately to flow from the completion of this route, must be added another of more immediate and vital necessity—the prompt stimulus which, by granting the aid desired, Government would give to great branches of industry. It is something that a few thousands, out of the great multitude of laborers now idle, would be employed at once in grading and cutting ties for these roads. But of the four hundred thousand tons of iron needed for their completion and equipment, every pound must come from American furnaces; more than a million tons of ore and two millions tons of coal must be taken from our mines; thousands of men must be employed in working the iron into rails and spikes, wheels and locomotives, and thousands more in the car-factories. These roads will soon be necessary. Can there be a time when this great stimulus would be more grateful to disheartened industry? As soon as the completion of the main line is assured, other roads will also be pushed to effect connections with it, and each will add to the demand for labor, and for the products of our mines and manufactories.

The locomotive is the great civilizer of the age. Wherever its iron footsteps tread, industry keeps pace. Its cheery voice dispels ignorance and superstition. The pathway of this mighty Hercules is strewn with the ruins of barbarism, bigotry, and idolatry. No missionary more eloquent, more persuasive, or more potent than the locomotive. Not to be profane, his voice is that of, "one crying in the wilderness, 'Prepare ye the way of the Lord; make straight his paths.'" And the valleys that he fills and the mountains that he makes low, are they not recorded in innumerable reports? Send him on a mission along the line proposed in this bill, and my word for it, that so soon as his journey is accomplished, Indian raids and murders will be unheard of. Start him across from Memphis to Mexico, and the desert in his pathway will become as a garden, full of "beauty and bounty."

Mr. Speaker, I have perhaps spoken too long in advocacy of the bill of the committee, and delayed others abler and better qualified than myself from speaking of its merits. But I could not, in justice to myself, to my people, and to the country at large, have said less in commendation of a measure which should commend itself to the good opinion of all right-thinking men. The bill has been carefully prepared and guarded, so as to protect the interests of the Government. We know that it asks *nothing* of the Government; simply that the Government will go security that it will pay interest on the funds needed to build the road; and if it should not, the Government has the *first* and only lien for this interest; not the *second*, as in the case of the Union and Central Pacific, where it is bound for both the principal and interest.

We know that the passage of this act will give work to many idle men; that it will start the fires of now extinct furnaces; and that its benefits to the industrial and all classes will be greater than any language I could use would enumerate.

For these reasons, and for many others that might be presented, I trust that this bill will become a law.

Civil Rights.

SPEECH OF HON. T. F. BAYARD,

OF DELAWARE,

IN THE UNITED STATES SENATE,

February 26, 1875.

The Senate having under consideration the bill (H. R. No. 796) to protect all citizens in their civil and legal rights—

Mr. BAYARD said:

Mr. PRESIDENT: The measure now before the Senate has been here upon other occasions in a different form from that in which it is now presented. On those occasions those with whom I act politically in this body signified at great length their reasons of opposition. These objections were, however, made before the Supreme Court of the United States had passed upon the question of congressional power which is involved in the measure which I now propose to consider. The invalidity of acts like this, the utter absence of power in the Congress of the United States to assume jurisdiction over the internal affairs of the States, was then charged by the minority in both Houses of Congress, and was demonstrated over and over again in argument, but as usual without avail. The opposition to this bill, Mr. President, will be useless to prevent its passage, but I can speak with confidence of the fate which I believe this bill will meet at the hands of an intelligent and independent judiciary. I do not believe there is a section or a provision in this bill which is in accord with the meaning and the spirit of the Constitution of the United States; and this Congress, in attempting to enact such measures into law, are assuming powers which a proper regard for the oath they have taken should prevent.

Mr. President, we have here a most high-sounding title; an act proposing nothing less than "to protect all citizens in their civil and legal rights." It would seem in a breath to constitute an entire scheme of government, and the preamble following this title is quite as magniloquent and in keeping:

Whereas it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

Be it enacted, &c.—

What is this act,
That roars so loud, and thunders in the index?

Why, Mr. President, it would require the voice of a trumpet to give full, sonorous justice to such swollen phrases. If we had been told the preamble came from the hand of Mr. Joseph Surface, that celebrated master of fine sentiment, I should have thought the production well worthy of the author.

But, Mr. President, are we thus to proceed to enact, like any other "friends of humanity," great fundamental principles into law without regard to the character and extent of the powers delegated to us as legislators and the limitations placed by our own oaths in accepting the Constitution as our guide in framing laws?

Now, sir, under what clause of the Constitution are we to find power for this proposition? We are told that the fourteenth amendment of the Constitution gives us warrant. What does it provide? In section 1—and it is in the first section alone that this power is suggested—we find that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Here in the first sentence is a simple declaration of the citizenship of persons within the United States; and as we all know, the effect of that declaration has been not to give any new rights, privileges, and immunities, but simply to enlarge the class of those who were to be entitled to "the privileges and immunities" of citizens of the United States.

The second section of the fourth article of the original Constitution provided—

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

There had been prior to the adoption of the fourteenth amendment a denial to certain classes, owing to alleged disabilities, to be considered citizens of the United States, although they might be citizens of some particular State. The Constitution, as amended, provided that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, *are citizens of the United States* and of the State wherein they reside.

There we find a simple declaration, and thus far no grant of power other than had existed prior to that time. Further—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I apprehend that it is in this language which inhibits any "State" from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States that warrant for the bill we are now considering is supposed by its advoctes to be found. The second section of this fourteenth article merely provides for the apportionment of representation and punishes the refusal to allow representation for persons who are disfranchised. The third section prohibits any person having taken up arms against the United States and being engaged in insurrection or rebellion from holding an office under the United States or under a State except that disability be removed by a vote of two-thirds of Congress. The fourth section provides for the inviolability of the public debt of the United States and prevents the possible payment of any debt of a government engaged in hostility to the United States. All therefore that we find is that if there be any warrant whatever for this measure in the Constitution it must be found in the second paragraph of the first section which forbids *any State* from abridging the privileges and immunities *of citizens of the United States* and inhibits *any State* from depriving any person of life, liberty, or property without due process of law.

Now, Mr. President, this bill refers in no way to life, liberty, or property. No suggestion has been made that any one within a State is deprived of either, or that this act is intended to remedy any such legislation by any State. The act must be intended to enforce the privileges and immunities of a citizen of the United States, withheld from such citizen by some State law, and if the matters pointed out in this bill shall be shown to be privileges and immunities of citizens of the United States, that is to say, privileges and immunities which belong to them because of *such* citizenship, then we can see there may be justification for this proceeding on the part of Congress. To put my proposition in plain words, if the privilege of entering an inn in the State of Pennsylvania or of entering upon a steamboat or a railway chartered by the laws of that State, or of entering a theater or a concert hall or any place of amusement in the State of Pennsylvania—privileges, conveniences, or pleasures, which have their existence within that State by virtue of the laws of that State anp cannot have existence beyond the boundary of that State simply because the laws of the State cease to have power beyond the State limits—if it can be shown that the fact of my right in Pennsylvania to purchase a ticket to enter a theater or to obtain accommodation at a hotel is a privilege and immunity by reason of my citizenship of the United States, and that the Government is bound to protect me in that under the fourteenth amendment, then there may be warrant for this bill. But what power did this amendment mean to confer on Congress? Did it mean to give the United States power to protect citizens in their rights *as citizens of the United States*, or did it go further and propose to protect them in their rights as citizens *of the State?* There is the precise line. There are certain rights and privileges belonging to citizens of the United States—long and well known and defined—but there are innumerable other rights and privileges derived from the State laws and regulations and enjoyed in right of citizenship of a State, and not by virtue of Federal citizenship. If the Government of the United States has the power to enter a State and take control of that vast domain of rights under the State regulation which a citizen acquires by virtue of the State laws which are regulated by the State, which are conferred by the State, which heretofore always in the history of this Government have been protected by the State, and the State alone—if the United States can assume guardianship of all those, then the State laws and the State governments are absolutely worse than useless; they are mere laughing-stocks existing only at the pleasure of Congress and the Executive, liable to be disturbed, modified, or overthrown as pleasure or caprice shall dictate without regard to State constitutions or supposed reservations of power in the States or the people.

This is no extreme view of mine. It has been distinctly proclaimed by the Supreme Court of the United States, and as I understand it every judge who has passed upon this question, whether concurring in the opinion of the court or dissenting because of his refusal to apply the principle to the particular case in question, has nevertheless agreed in recognizing the distinction I have referred to and its necessary effect. Let me read the language of Mr. Justice Miller in 1873 in delivering the opinion of the Supreme Court in the Slaughter-house case:

It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other exceptions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation; but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction, followed by the reversal of the judgments of the supreme court of Louisiana in these

cases, would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other, and of both these governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

We are convinced that no such results were intended by the Congress which proposed these amendments nor by the Legislatures of the States which ratified them.

The same declaration in substance is repeated in the dissenting opinion delivered in the case, and I do not understand these doctrines to be denied by any member of the Supreme Court. The question in the case then under consideration was in the application of the doctrine to the facts then before the court; a majority being of opinion the "rights and privileges" involved in the consideration were not those pertaining to the plaintiffs in error *as citizens of the United States*, but were left solely to the jurisdiction and control of the State constitution and laws of Louisiana, and some of the judges dissenting on that issue. The court moderately stated that it would radically change the whole theory of the relations of the State and Federal governments to each other and of both these governments to the people if a different construction were admitted and the whole domain of the State control of internal affairs was handed over to the will of Congress. Why, sir, it would give to Congress a veto on every act of every State Legislature, and it would be far better at once to save the useless trouble and expense of the State governments and allow the entire legislation, local and general, of the thirty-seven States to be conducted in these two Houses of Congress. But, as I said, all the judges agreed as to the proper domain of the State and the Federal governments. Mr. Justice Swayne, delivering his dissenting opinion in the same case, says:

> The citizen of a State has the same fundamental rights as a citizen of the United States, and also certain others, local in their character, arising from his relation to the State, and in addition, those which belong to the citizen of the United States, he being in that relation also. There may thus be a double citizenship, each having some rights peculiar to itself. *It is only over those which belong to the citizens of the United States* that the category here in question throws the shield of its protection. All those which belong to the citizen of a State, except as to bills of attainder, *ex post facto* laws, and laws impairing the obligation of contracts, *are left to the guardianship of the bills of rights, constitutions, and laws of the States respectively.* Those rights may all be enjoyed in every State by the citizens of every other State by virtue of clause 2, section 4, article 1, of the Constitution of the United States as it was originally framed. This section does not in anywise affect them; such was not its purpose.

I could read the dissenting opinions of other judges, showing that they all concur in the principle in the case then before them. Some of them considered that there was a violation by a law of Louisiana of the fundamental rights and immunities and privileges which belong to citizens as citizens of the United States, those "immunities and the privileges" which the original Constitution secured and which had been theretofore defined by Mr. Justice Washington in the case of Corfield *vs.* Coryell, and whose definition had been accepted from that day to this, and is cited in the very case from which I read, and is found later in a case decided in 1873, in 17 Wallace, The Railroad *vs.* Burnell. Soon after the Slaughter-house cases came the case of Bradwell *vs.* The State, where a woman proposed to test her right and privilege to be admitted to practice law in the courts of the State of Illinois, which by the judgment of the supreme court of that State was refused her. She sued out a writ of error in the Supreme Court of the United States upon that judgment, and it was ably and eloquently argued in her behalf by an advocate no less distinguished than the Senator from Wisconsin, [Mr. CARPENTER,] and no counsel appeared on the other side. The whole battery of the learning, the ingenuity, and the eloquence of that distinguished Senator of which we are constantly witnesses was displayed without a returning shot before that court; and yet there was a unanimous opinion adverse to her admission. In delivering the opinion, which was concurred in by every member, (Mr. Justice Bradley stating a different reason for the opinion,) the court said:

> We agree with him, (Mr. CARPENTER,) that there are privileges and immunities belonging to citizens of the United States in that relation and character, and that it is these *and these alone* which a State is forbidden to abridge. But the right to admission to practice in the courts of a State is not one of them. This right in no sense depends on citizenship of the United States. It has not, as far as we know, ever been made in any State or in any case to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice, both in the State and Federal courts, who were not citizens of the United States or of any State. But on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that *as to the courts of a State*, it would relate to citizenship *of the State* and as to Federal courts, it would relate to citizenship of the United States.
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> The opinion just delivered in the Slaughter-house cases renders elaborate argument in the present case unnecessary; for unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the Federal Government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license. (16 Wallace, 139.)

Again, there is a case which afterward arose at the October term, 1873, Bartemeyer *vs.* The State of Iowa; and the syllabus of the case, the whole meaning of the case, was that the fourteenth amendment does not interfere with the police powers of the State. Mr. Justice Bradley gave the opinion; Mr. Justice Field concurred. Mr. Justice Field was the judge who led the dissent, and chiefly expressed it, to the opinion of the court in the Slaughter-house cases, and therefore by some it might have been supposed that he differed with the doctrine laid down by the court in the decision of those cases, which excluded the Federal Government from any interference with the control of the rights of the citizens of a State in regard to those rights which belong to them otherwise than as citizens of the United States. But so far as the doctrine which I am contending for was concerned, the court were unanimous. Said Mr. Justice Field in the case of Bartemeyer in 1873:

> No one has ever pretended, that I aware of, that the fourteenth amendment interferes in any respect with the police power of the State. Certainly no one who desires to give to that amendment its legitimate operation has ever asserted for it any such effect. It was not adopted for any such purpose. The judges who dissented from the opinion of the majority of the court in the Slaughter-house cases never contended for any such position. But, on the contrary, they recognized the power of the State in its fullest extent, observing that it embraced all regulations affecting the health, good order, morals, peace, and safety of society, that all sorts of restrictions and burdens were imposed under it, and that when these were not in conflict with any constitutional prohibition or fundamental principles, they could not be successfully assailed in a judicial tribunal.

Mr. President, it would seem to me impossible in the face of such language as this, proceeding from a court entirely unanimous, that Senators could suppose such an act as we are now considering could stand for one instant the test of judicial criticism. The assumption of this bill is that under the fourteenth amendment to the Constitution, inhibiting a State from establishing or enforcing inequality, Congress has become the guardian of each individual in a State, can enter a State, control all its internal affairs in order to secure the enjoyment of each individual's supposed rights, and the constitution and laws of the State itself. Let us examine this category of the alleged rights, privileges, and immunities supposed to need congressional aid and warrant congressional interference for their maintenance and supervision. Hotels, public conveyances, and places of public amusement. What utter bathos, Mr. President, does this single paragraph which I read a while ago contain? The act is entitled "An act to protect all persons in their civil and legal rights," a scheme of government in a single line, with a preamble declaring that it is the duty of a government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political, and declaring the appropriate object of legislation to be to enact great fundamental principles into law;" and then we find such a terrible fall from so great a height of argument to daily hotel life, to every-day carriage in railways, to visits to theaters and concert halls, and these are gravely and sonorously proclaimed "fundamental principles," and full and equal enjoyment is enjoined.

Mr. President, how are these institutions of pleasure or convenience—the theater, the inn, the public railway, or steamboat—created? In every case by private means, sometimes by State aid, and oftentimes sustained by State acts of incorporation. There is not one that does not owe its existence to State law or custom, and which has its lawful existence only within a State, and subject to State law and regulation. Some States may tax them by requiring a license for hotels and theaters; others may not and do not; some may forbid them *in toto;* others may encourage them in the most liberal manner; but all are founded and conducted by private individual or corporate enterprise, not in any case I can now recall by a State as a State institution. Bear this in mind, for the fourteenth amendment is addressed entirely to States and never to people, and there seems to me to have been a very strange confusion in the minds of those who draughted this bill, under the fourteenth amendment, in referring to "nativity, race, color, or persuasion, religious or political," when the fourteenth amendment contains no such language, and no reference to such subjects is to be found in any part of it. The fifteenth amendment relates only to the right to vote, and forbids any State to abridge that right by reason of "race, color, or previous condition," but the fourteenth amendment has no reference whatever to such subjects. There is not a word of sex or of race, of age or of color, of nativity or of religion—not a word in any way, express or implied, in the language of the amendment under which this statute is supposed to find its warrant.

It is difficult to comprehend the confusion of mind in which such a bill was conceived and matured—no wonder all constitutional limitations were disregarded or not perceived.

If there can be imagined any domestic institutions designed and used in the comfortable daily life of our people and now almost essential to society, surely they are our hotels, public conveyances, and theaters, which almost more than any others may be described as necessarily and peculiarly lying among the immense mass of legislative powers, which embrace everything in the territory of a State not surrendered to the General Government, which can be most advantageously exercised by the States. In searching for subjects peculiarly within the cognizance of State control one would at once select the identical institutions which are mentioned in this bill. If I wished to give examples of such matters as were especially and necessarily within the control of State regulations and laws, I would select these identical institutions which are now sought to be invaded by Federal

law. To talk of their use and enjoyment as "fundamental rights" is simply to talk nonsense. To talk of them as rights belonging in any way or in any way flowing from a man's relation to the Government of the United States is equally absurd. If you wish to know their nature and necessary limitations, inquire into the source of their creation, what made them, what can unmake and destroy them, and do so lawfully? What is that? It is the power of the State in which these institutions are found. To the State's control, and necessarily to its protection and to its regulation, must be confided the rights or the privileges that flow from institutions created by its laws and by its laws alone. If the right grew from the Government of the United States, its laws can enforce and protect; but if the right has its root in the constitution and laws of a State, then to its source of existence alone can it look for enforcement and protection. Any other rule would throw our entire system of government into inextricable confusion.

The language I read just now describing this "immense mass of legislative powers, which embrace everything in the territory of a State," was used first by Chief Justice Marshall in 1824 in the case of Gibbons *vs.* Ogden, and it has been cited by the Supreme Court of the United States with admiring acceptance from that day until this, and by every court in the country that has been called upon to pass upon questions defining the constitutional barriers of power between the States and the Federal Government.

Now, does it not appear too absurd, almost impossible, to imagine Congress gravely proposing that the great Federal Government of our Union shall be attending to the duties of a hotel clerk; that we shall be examining into the relative advantages and condition of the bed-rooms of an inn, or deliberating upon the measure of duty of the head waiter at a hotel, legislating so that equal enjoyment at the *table d'hôte* is given to the guests, or supervising the railway conductor, and taking care by law that he assigns equally good seats to all the passengers, or, assuming the functions of the theatrical manager or his usher, shall insist that he have always present in his mind the dignity and power of the great Government of the United States. No other illustration is needed to exhibit the absurdity of this bill than the mere suggestion to assign duties of such a nature to such a Government. It seems to me that when the Supreme Court of the United States shall be found sitting in grave judgment upon the mighty question whether A or B have had equal seats or equal comfort or equal enjoyment at a hotel or in their transportation, or in some theater where their idleness and pleasure may have led them, then the position will be so absurd that the case will be laughed out of court, even if there was no other way to get rid of it.

I do not know but that an amendment should be offered to this bill, providing not only that this equal enjoyment of hotels should be guaranteed by the United States, but that money should be appropriated to pay for the accommodation, the ticket of the railway, or for entrance to the theater from the Treasury of the United States, and that in default of the provision of such money an action should lie against the Treasurer to compel its payment with fine and imprisonment in case he should refuse. One would be just as much within the power of Congress as the other; and one, in my opinion, would meet just as much respect at the hands of the Supreme Court, when the case should go there, as the other; for impecuniosity is as much a condition under the fourteenth amendment as race or color, and entitled to the same protection. If these incorporations, enfranchised and created by the people of a State through their Legislature, can be taken from under the State control; if its places of public amusement can be removed beyond the regulations of its police power; if its licensed houses of public entertainment may not be regulated by its laws, what is there left of safety or peace or security in any neighborhood or any community in any State? Its most essential powers and duties will be gone, to use the language of the Supreme Court, which I have just read; the State will be fettered and degraded. Such is the language of Mr. Justice Miller, delivering the opinion of the court. He speaks of "the effect being to *fetter and degrade* the State governments by subjecting them to the control of Congress in the exercise of powers universally conceded to them of the most ordinary and fundamental character."

But the right of a man to go into an inn or into a rail-car or a theater or concert-room, whatever it may be, belongs to him as a citizen *of a State* and not as a citizen of the United States; and this is the law laid down by the Supreme Court. For the protection of a man's privileges and immunities as a citizen of the United States he may look to the United States Government. When he comes to claim protection for his rights as a citizen of the State he must look to the State that granted those rights. There is the simple, precise meaning; the jurisdiction is thus well and clearly defined, and the safety and protection of our political system requires that it should not be confused.

This is stating simply and shortly the repeated decisions of the Supreme Court of the United States, in the full view of which we are now to legislate. The doctrines which they have laid down when applied to the bill under consideration must make it clear in the mind of any unprejudiced man that there is no warrant under the fourteenth amendment to pass this highly penal and grossly unjust, cruel, and unnecessary measure. To justify such legislation under any construction of the Constitution, it will be necessary to declare that the privileges of using hotels created by individual means and enterprise within a State under the laws of a State or of public conveyances on land or by water within a State or places of public amusement within a State are not State institutions, but are Federal in their origin and nature.

Such legislation cannot be justified unless you can deny the truth that these business pursuits all originate under local laws and are naturally and necessarily regulated by State authority for State purposes, and are subject to the necessary police powers of the community in which they exist; otherwise it is the sheerest usurpation to attempt to interfere with the exercise of these pursuits by warrant of authority of the Congress of the United States.

Mr. President, I suppose the majority of this Senate are committed to the passage of this act. When it was before us on another occasion it contained features more mischievous and cruel than we find in it now, which I am glad have been omitted from the present bill. I speak of the school clause, which would certainly have had the effect of breaking up the entire system of public education of the poorer classes throughout all those sections of country where the colored people exist in large numbers. For the sake of the colored people, for the sake of the whites, I would have deeply deplored any such legislation. I am thankful that we are not called upon to meet it in this bill.

But this bill, if it become a law, will never be sanctioned by public opinion or the sentiment of the people; it will not be sustained by the courts; and, as was once said of an invalid judgment of a court, it "will go forth without authority and will return without respect."

I do not comprehend altogether the motive for pressing such a measure, and I do not wish to impute motive unless it is very clear. I can see no good to be accomplished by this bill. I can see only new and increased heart-burnings and unkindnesses between those races whom every good man must wish to see at peace with each other in their relative spheres of life and usefulness. Litigation will be promoted and great loss and annoyance must ensue to those citizens whose means are embarked in the pursuits aimed at by the provisions of this bill. The honest business of the hotels and theaters will be injured by this mischievous act until judicial decisions shall bring peace and set it at rest.

I have had much encouragement of late in the belief that a more liberal and kinder tone and sense of justice was being aroused in the breasts of men of my own race toward the black men all over the country, by which their educational facilities were being increased, and by which a better understanding was being brought about between the races. I fear this bill will create causes of collision, of unkindness, and misunderstanding, in which pecuniary loss must occur to the white, with no benefit whatever to the black. The good sense of both parties may in some degree prevent it; but I trust such speedy decision of the courts will be had as to deprive this measure of the sting, and take from it all capacity for mischievous interference by those who are disposed to find profit and power in public disorders and contention. It is in the interest of this ill-omened class that this measure is devised and pressed. It will be found to be totally without benefit to any, but fruitful of annoyance and trouble to thousands.

Mr. President, there are many other views of this subject which I should have been disposed under other circumstances to have expressed to the Senate. The utter injustice, inequality, and inexpediency of this act; the absence of that wise, broad, and practical statesmanship which should mold our legislation could be easily demonstrated. We have had, however, a long and tedious session, by day and night, with the understanding that, after the remaining hours of this night afford us much-needed rest, we shall again resume the consideration of this question to-morrow. Other gentlemen may desire to express their views upon it, and therefore I shall leave the question.

There are many objections of a social nature which I should have proposed to state, but I have confined myself to what I am aware is a very imperfect statement of the legal and constitutional objections to the enactment of this bill. It required nothing original in argument. The simple citation of those doctrines which have been applied to cases entirely at one with that which we are now considering, leaves me in no doubt that the bill which we are considering has not a single constitutional feature; that it seeks to create a confusion between the lines of State and Federal authority fatal to good government, and which I trust will be set right by the courts when they shall have the opportunity.

I had intended to discuss the section invading the jury systems of the States, and would have desired to enlarge upon the importance of a sound jury system to every State, and of the great difficulties attending its regulation. But time forbids, and I know I speak to deaf ears in this Chamber. In deciding upon the right to practice law as a profession before State courts, the Supreme Court, in the case of Bradwell, to which I have referred, have certainly laid down the doctrine which excludes the supposed right to sit on juries from the category of those rights intended to be secured and protected by the Federal power under the fourteenth amendment; and I cannot doubt the result whenever this bill shall come before them. In that confidence, I will not prolong my remarks or weary myself or the attention of the Senate.

Republican Government in the South.

SPEECH OF HON. L. C. CARPENTER,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875,

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. CARPENTER. Mr. Speaker, in the few remarks which I shall submit to the House I do not propose to confine myself strictly to a discussion of the merits of this bill. The republicans of the South are looking anxiously to this Congress to enact legislation of some kind, whether it be by the passage of this bill or some other of like character, which shall give to them the right to live in that section secure in their lives and property. I believe this bill will accomplish this purpose, and for that reason I shall support it in all its provisions.

The question is not whether the writ of *habeas corpus*, which seems to be the great bugbear in this bill, shall be suspended in any of the States of this Union in a time of peace, but it is whether lawless bands of armed men shall ride at will from one State into another, setting at defiance all law, overawing the people, and establishing in certain sections of the country a reign of terror. This is the vital question to the people of the South; and unless some sort of legislation can be perfected by which such lawless organizations can be restrained, and punished when outrages are committed by them, the whole system of republican government is a failure.

Probably there has been no subject under discussion in this Chamber since the formation of this Government which has consumed so much of the public attention as has the question of "republican government in the Southern States." It is now nearly eight years since the first one went into operation in that section, and during all that time they have formed the chief topic for discussion, not only in Congress, but in the public prints, in the forum, in the pulpit, and on the hustings; until the people, misled by judiciously disseminated false information, have almost come to regard them as terrible monstrosities too outrageous to be tolerated, and too destructive to good morals and true government to be fostered or longer kept in existence. For the past three years the cry against these governments has been renewed with tenfold more fury and vehemence, until nearly all prominent journals in the country have been drawn into the democratic maelstrom, and have joined in the denunciation of governments of which they knew absolutely nothing, save what was gathered from sources interested in the spread of false information, or was derived from the letters of flying correspondents.

I need not go back to the foundation of these governments in the South, nor allude to the causes which made them possible, for all these facts are familiar to students of current history. Suffice it to say, they were the result of four years of bloody civil war and of legislation consequent thereon. A complete upheaval of society had taken place, old political landmarks became entirely obliterated, and a new condition of things became necessary from the changed status of a portion of the people of that section, which hitherto had been regarded as mere chattels forming no part whatever of the great body-politic. These people, suddenly elevated to citizenship, naturally turned to that party which had been instrumental in striking the shackles from their limbs, and cast their political fortunes with those who believed in the grand principles enunciated by Jefferson in the immortal Declaration of Independence, "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

From this element was formed the basis of republicanism in the South, and with the loyal Union element of the white race, small in numbers but possessed of wonderful energy and vitality, the new party took possession of political affairs, molded new governments in consonance with the spirit of the Constitution of the country, adopted constitutions which guaranteed equal and exact justice to all men, legislated in the interest of all the people regardless of the terrible past, and sought to bring peace and prosperity to a section which had been convulsed and distracted by one of the most gigantic civil wars of which history gives any account. Not only were these governments republican in form but in fact.

The legislative records of the republican governments of the South may be examined with the closest scrutiny, and not a single act can be found which the most malignant ingenuity can torture into an act of persecution or revenge toward a class which, for more than a century, had held in bondage more galling than that of the galley-slave the very men who were now called upon to administer the affairs of government. Instead of driving the hitherto controlling political element of those States from the party, the most cordial invitations were extended to them to come in and assist in building up the new fabric; but these invitations were spurned with contempt by the leaders of the old *régime*, and instead of lending a helping hand to place the new government upon a solid foundation every possible obstacle was thrown in the way; men were traduced, abused, vilified, and treated with contempt for no other reason than that they were republicans. From the moment the first republican government went into operation in the South until now, they have met with nothing but the most determined opposition from the democracy. Even before a single act had been done by the republican government of South Carolina, or before even the newly-elected officers had been sworn into office, the most abusive and insulting articles appeared in the columns of the leading democratic journals of that State, attacking these officials in the most outrageous manner, not for what they had done, for as yet they had done nothing, but for what it was charged they would do.

The moneyed men of the North were appealed to to withhold support from a republican administration, the State credit was cried down by the very men who should have been anxious for its preservation, the people were openly advised not to pay taxes, and more than this, assassination of public officials was advocated by leading men in the democratic party as the surest method for ridding the State of the hated radicals. Yet in spite of all this factious and malignant opposition, and in spite of all efforts to break us down in the money markets of the world, our credit constantly appreciated, prosperity began to dawn upon us, and before one year had passed after the inauguration of a republican government in South Carolina the securities of the State stood second to but very few States of the Union. But the democracy never for a moment ceased its opposition. With redoubled energy they set to work to destroy our increasing influence, nor did they scruple as to the means by which that end was to be accomplished.

The history of elections in the South since 1868 is familiar to nearly every citizen throughout the length and breadth of the land. Outrages, whippings, tortures, and murders have been perpetrated to a fearful extent, in order to intimidate the newly made freemen and destroy republican majorities. The Ku-Klux, or Invisible Empire, with all its hellish machinery, set in operation by leading lights of the democracy, destroyed thousands of human beings, and committed outrages the mention of which would bring the blush of shame to the cheek of a Comanche Indian, and yet during all this period of persecution and murder, while leading republicans were being dragged from their beds at night and cruelly whipped, shot to death, or hanged to the nearest tree, while women were being ravished and outraged by these fiends incarnate, and little children burned to death in the lowly cabins of their unoffending and unfortunate parents, while the heavens were made lurid with the flames of burning dwellings lighted by the torch of midnight marauders, not a hand was raised in retaliation, although the republicans outnumbered their tormentors nearly two to one. History does not furnish another such instance of forbearance under persecution as this.

Sir, had these hellish outrages been perpetrated upon any other race of people than the negro, who can portray the terrible retribution which would have followed? For nearly three years this organized system of outrage, rapine, and murder prevailed in my State, and hundreds of victims to hate and political intolerance were hurried to untimely graves. And yet, sir, the records of that State will be searched in vain for a single act passed by a republican Legislature which can be construed into an act of a revengeful or retaliatory character.

What had a republican administration done to warrant such inhuman persecution as this? What act of legislation had been placed upon the statute-books which would justify the use of the bludgeon, the knife, and the pistol? Not one; and I defy the most malignant radical-hater in the country to point to a solitary act of legislation passed by the reconstructed Legislature of South Carolina which is not in accordance with the letter and the spirit both of the constitution of the State and of the United States. What had been done, then? I answer nothing which had not also been done in every other republican or democratic State in the Union. The only crime committed by these poor victims was that of working for the success of the republican party, and voting the republican ticket; and in every instance of murder and outrage in the South which has been brought to the attention of the public through the breaking up of the Ku-Klux and other kindred organizations, it has been shown conclusively that the victim was either a leading republican, or was so regarded by those who outraged him.

Is it strange, then, in view of all these difficulties that a greater measure of success did not follow the administration of governments in the South by the republican party? A lawless minority, bent on mischief, can prevent the complete success of the best system of government ever devised; and such a minority we have had actively at work in our midst for the past seven years or more. That this system of political persecution and intolerance was justified, or indorsed by the better class of democrats in the South I do not believe, but that they knew of it and even winked at some of the atrocities committed, I have no doubt. They were powerless to prevent these outrages for fear of persecution themselves, and thus the turbulent element in society dictated the party policy of great States, and for a time even bade defiance to the strong arm of the General Government. Under such constant persecution, it finally became a question with the better class of republicans, those anxious to build up a republican fabric which would be able to withstand the shock of ages, whether they should longer attempt to administer the affairs of government in presence of an element which defied all law and laughed to scorn the power of the State government. Good men hesitated longer to take their lives in their hands and attempt to carry on a government

which at any moment was liable to topple down and bury them beneath its ruins.

No government can be eminently successful which does not obtain the hearty good-will and support of the governed. The republican governments of the South, although conducted in the spirit of fairness and for the best interest of all classes, never obtained the consent of one class of citizens, the large property-holders, although they had the support and confidence of a majority of the people. This support was withheld, not because of any act of oppression or abuse by republican administrations, but simply because these administrations were republican and the affairs of state were not administered by democrats.

No other people in the world have ever suffered half the odium, the reproach, the contumely, the persecution and abuse which has been heaped upon the republicans of the South during the past few years.

Democrats may arise in their places on this floor and talk about corruption, extravagance, and high taxation by republican governments in the South; they may abuse the poor downtrodden and persecuted colored man until the country rings with their denunciations, but they can never distract the attention of the civilized world from the well-established fact, that the democratic party perfected and put into operation what will be recorded in history as one of the most damnable conspiracies against human life and human freedom ever set on foot by any set of men or demons in any age of the world. Nor can they escape the responsibility for their terrible crimes by pouring out the vials of their wrath and fierce invective upon the devoted heads of the republicans. If the republican governments of the South increased taxation and squandered the public funds, or if officials dealt corruptly with their high positions, they did not organize murder and arson, and take the lives of men and women for no other reason than that their political opinions were obnoxious. Under such a system of terrorism the republican governments, one after another, succumbed and gave way, and the Bourbon democracy assumed the reins of government. Of the ten reconstructed States which once had republican governments but three now remain, Mississippi, Louisiana, and South Carolina. One by one you have seen them slip from the grasp of the party, when it was well known by every intelligent man in the South that the republicans had a clear majority in every State, if it could only be brought to the polls and permitted to vote without fear of punishment. Why it cannot be brought out I have already shown. Treachery lost us two of the States, and when once lost the democracy takes good care to put it forever beyond our power to regain them.

How this is done may best be ascertained from the following letter, received by me from a prominent republican in Augusta, Georgia, dated January 3, 1875. Let it be borne in mind that Georgia is a democratic State, where everything is said to be peaceable and quiet since the reins of government have passed from republican into democratic hands. The name of the writer is withheld for obvious reasons:

SIR: During the congressional campaign of 1870 in what was then the fifth congressional district of Georgia, now the eighth, and at this time represented in Congress by Hon. ALEXANDER H. STEPHENS, Colonel J. S. Fannin, an old and highly respected citizen of Georgia, a native of the State, and a lawyer of high standing who had frequently represented his county in the Legislature previous to the war, was the republican candidate for Representative in Congress. He and another republican speaker were advertised to speak in Washington, Wilkes County, the home of Robert Toombs. When the cars arrived in Washington upon which it was known that the speakers must come if they kept their appointment, a crowd of armed white democrats rushed into and through the cars and as they came out were heard to say, "They are not here," evidently referring to Colonel Fannin and his friend, who had missed the train, and were, therefore, not on the cars. Three colored men, and republicans, the leaders of the party in that county, were standing near the depot upon the arrival of the cars. After the crowd of white men above referred to came out of the cars, they commenced to shoot at the colored men. One, William Harris, the most influential republican in the county, was instantly murdered without provocation; another, William Ratley, was mortally wounded; and the third, Robert Washington, was seriously wounded, but escaped to the city of Augusta and reported the matter. No attempt has been made by the State authorities to punish the murderers of these republicans, although the crime was committed in the day-time, in a village of about two thousand inhabittants, and the murderers were well known to many citizens. When the superior court met next after the commission of these murders, Judge Andrews, the presiding judge, called the attention of the grand jury to the matter and charged them to investigate it, which they failed to do, although the facts could have been easily established and the guilty parties convicted. But very few republican votes were cast in that county at the next election, and since then the republican party has been completely disorganized, although there are a majority of republicans in the county.

In 1874, just before the opening of the campaign in the eighth congressional district of Georgia for the election of a Representative in Congress, an intelligent colored man and his two sons commenced to organize the republican party in Columbia County, which is near Wilkes County on one side and borders on Richmond County, in which is the city of Augusta, on the other. They were industrious men, working for themselves on a plantation which they rented. Soon after they commenced to organize the party a white democrat, claiming to be deputy sheriff, with a crowd of white men, claiming to be his posse, went to the plantation of these colored men and pretended to arrest them upon a warrant charging them with attempting to incite an insurrection. They were securely bound to prevent their escape, and taken in the direction of the court-house of the county. The white men were mounted, the colored men were on foot. A person who followed the crowd says that the colored men were taken about a mile from the plantation, into a ravine, in the woods, out of sight of houses, when they halted. The old colored man was taken a few feet from his sons and shot, murdered in cold blood, his body riddled with bullets, so that when he was afterward buried by his friends his clothes could not be removed, his body was so badly mangled. His sons were then, one at a time, in a similar manner murdered. A coroner's jury was summoned, but the verdict was, "justifiable homicide," because, as it was alleged by the murderers, the prisoners were attempting to escape when they were shot. As the "sheriff and his posse" were mounted on good horses and were known to be well armed, and the colored men were on foot and securely bound to prevent their escape, the verdict of the coroner's jury would seem to be a part of the same conspiracy. No further attempt was made to organize the republican party in that county, and, because of that and other crimes committed in that district, no republican candidate was nominated or supported for Representative in Congress, and the democratic candidate, Hon. ALEXANDER H. STEPHENS, was elected without opposition.

"Peace" has been secured in Georgia as explained above.

In view of the condition of affairs as described in this letter, is it difficult to understand how the democracy retains control of the politics of the Southern States after they once get possession? This is by no means an isolated case. There are scores of them, as the committees of this body who have visited those sections have already testified.

A revolutionary mob in Arkansas overturns that State government, and Congress sees the bloody work go on without even entering a protest. Not only has it seen these revolutionary proceedings succeed, but now it is proposed to legalize them because, forsooth, there is peace in that State! Ay, there is peace there, but at what expense of human life was it obtained, and at what cost to human liberty is it proposed to perpetuate it! Does any gentleman upon this floor propose to insult the intelligence of the American people by telling them that the Garland government is a government of the people, for the people, and established by the people? I trust not. If that is a legal government, then, I ask, what is to prevent a lawless band of men in any State from forcibly overturning the existing government, calling a convention to make a constitution such as the conspirators desire, and setting up a government of the most approved White League pattern? If this outrage upon constitutional liberty is permitted to go unrebuked, and republican governments in the South are to be subverted and new ones established in their places because peace may be secured in that way, there is not a republican government in any southern State which will not, in my judgment, be subverted and destroyed in this manner before two years more have passed.

Gentlemen upon the other side talk of peace and quiet and good feeling in the South, and allege that if it were not for the "adventurers," as they call all republicans who were not born in the South, there would be no trouble whatever, but the utmost harmony and good feeling would prevail between the races. I beg to trespass upon the patience of the House to read an extract from a letter from a distinguished divine not unknown to many gentlemen upon this floor, Bishop Gilbert Haven. This letter was published in the New York Independent during the campaign of 1874, and gives a plain statement of affairs as they existed at that time. Bishop Haven says:

A striking difference between these two States (South Carolina and Georgia) is their car accommodations and conditions. The hideous holes into which colored men are stuffed in Georgia make their sitting in the regular car, as you enter South Carolina, the more noticeable. I got on the cars at Brunswick at two in the morning. Two brethren accompanied me—one a polished and well-dressed youth, on his way to the Presbyterian seminary at Charlotte, the other a respectable citizen of the place and the owner of quite a pretty property. They stepped into the car where I had my seat and took in a satchel and valise. As they came out the conductor said in very wrathful tones, "What are you in that car for?" "We went in to carry a bundle," they said, deprecatingly, and with crushed air and voice. They knew that was their only protection. "You've no business in that car at all, you ——," replies the gentlemanly conductor, for he was very gentlemanly to me. Yet he knew well they had a right to go in there to carry packages, and so his censure and his oath were alike uncalled for. But he was mad at the Christian treatment they were receiving at other hands, and so revealed his authority a little more than he might have otherwise done. This authority is, however, always revealed. I saw a Pullman conductor approach a colored gentleman of fine address and presence, who had stepped into the car to introduce me to a gentleman, in the same insolent manner and language, leaving out the profanity, with which this conductor assailed these gentlemen.

Our Brunswick conductor used a little more of his authority a few miles out. An old lady entered this car, cleanly and neatly dressed and retiring, but partly of the offensive hue, for she was well mixed with white. She sat with her face looking out of the rear window. He came to her last, and instantly ordered her to go forward, not even allowing her to wait until the cars stopped. So she had to stagger perilously across the chasm, the cars reeling badly. If she had fallen off he would not have been blamed by the press or the public. It is the third woman I have seen thus put out of the cars—the other two in Tennessee.

But the worst of it is that the cars into which they are thrust are hideous pens. I went forward, by permission of the conductor, (I could not have gone otherwise,) to see my friend and brother, the presiding elder of the Savannah district. He was in a dirty, ill-ventilated, close-packed, unswept car, as mean as mean could be. Yet he was paying first-class fare, and two score of seats in my clean car were vacant. But for him to have asked to occupy one would have brought a revolver against his head. And yet this man would pass for white in any community, and has often done so here. But if he is known as colored there is an end of his being treated as a gentleman.

Now see the difference. The first chief station after leaving Savannah for the North is Yemassee Junction, where the Beaufort and Augusta trains come in. Into our car came and sat General Robert Small, the famous pilot who run off the "Planter." Other like gentlemen and ladies took seats also. None of the Georgian gentry who were in the car were harmed by this contact. They accepted it as they accept it on the horse-cars everywhere in the South. Nothing improper in dress or bearing did these persons exhibit. But there was liberty and civil equality. This freedom lasts till you reach Chester, coming north. The next station of importance is Charlotte, North Carolina. There the last of these ladies and gentlemen leave the cars and no more enter them. That dirty car ahead is all they will now enjoy till they reach Richmond. Do you not say this abomination should be abolished? Is there not here a grand superiority of South Carolina over Georgia? Others exist more important even than the equality of cars and schools. Life is vastly safer in South Carolina than in Georgia.

Just now it is the fashion North to curse the carpet-bagger and praise the unreconstructed and defiant rebels. Some sad and awful surprises may teach the North the dreadful folly of such a course. In Middle and Southern Georgia, twenty miles from a railroad, a northern man's life would not be worth a sixpence. A few months ago a northerner residing in Southwestern Georgia, a former member of the Legislature, a postmaster, was killed, and the papers never noticed it. He had been sent out by the American Missionary Society. That was sin enough. A negro in Scriven County was hung up by a lawyer, doctor, and ex-representative, and

received five hundred lashes, because he declined to plow a field for one of these gentlemen, and no paper even made mention of it. But four colored men are hung at Thomasville, not by a mob, but by the sheriff and governor, on a charge of which everybody believed that three at least were innocent. They lynch and hang these poor fellows out of sheer malice, because they cannot enslave them.

Does this letter show the harmony and good feeling toward republicans of the South of which we have heard so much? And whose fault is it that it does not prevail in Georgia? The democracy are in power there and have everything their own way; and still we are told that wherever the democrats are in authority in the Southern States there is peace and quiet and the utmost harmony and good feeling between the races. Yes, there is peace and quiet, but it is that sort of peace which is so vividly described in the foregoing extracts. It is a peace and quiet bred of terror and sustained by violence, intimidation, and by systematic persecution. A few of the leading men, terrified, persecuted, and awed into submission, and the balance are easily controlled and held in subjection.

The alleged abuses in the administration of government affairs by the republicans of the South have furnished a pretext for interference by force and violence. That these abuses were in great part purely imaginary is well known to every person who has taken the trouble to give these matters a careful, impartial investigation, for in almost every instance it has been found that whatever abuses did exist were brought about by the reckless action of individuals, and not by republicans as a party.

Mr. Speaker, I might perhaps have been content to stop here had it not been for some statements made by the gentleman from Ohio [Mr. BANNING] the other night in regard to the State which I have the honor in part to represent upon this floor; but, sir, I cannot permit those statements to go to the country uncontradicted. I quote from the printed remarks of the gentleman as they appear in the RECORD of the 12th instant:

Mr. BANNING. It will be observed that in those States where the democracy obtain control, such as Maryland, Virginia, North Carolina, Kentucky, Tennessee, Georgia, Missouri, and Texas, we have peace, prosperity, and good order. No man is made afraid, and equal political rights are extended to all; while in those States that are under the despotism of republican politicians and the Army anarchy and outrage, hand in hand, shock the people of the United States.

A Southern State under control of the Administration, is a State where officials plunder with impunity, protected by the bayonets of the regular Army. Take, for instance, South Carolina. The retiring governor plundered the State on a taxation that amounted to confiscation, and while the debt was piled up in hopeless bankruptcy, there is nothing left to show in return but the enormous wealth and riotous living of shameless officials. Negroes, but lately field-hands, are made officials because they are negroes. All social restraints are swept away. Taxation is but another name for confiscation. To illustrate, I give the following statement:

Taxes and taxable property in South Carolina before and since the war.

The taxable property before the war was	$490,000,000
Taxable property in 1874	170,000,000
Taxes levied before the war	500,000
Taxes levied in 1873	2,700,000
Legislative expenses before the war	40,000
Legislative expenses, 1873	291,000
Public printing before the war	5,000
Public printing, 1873	450,000

And when the oppressed tax-payer of South Carolina came to Washington last winter for relief, he received no encouragement from the President, and his petition to Congress was referred to a committee, where it will sleep until adjournment on the 4th of next March. These tax-payers were white men and democrats. How different would have been their reception and the consideration of their petition had they been negroes and republicans I need not stop to say.

Mr. Speaker, the bayonets of the regular Army have not been used in South Carolina for any other purpose than to assist in arresting the miscreants who, in the darkness of midnight, disguised behind hideous masks, dragged unoffending men and women from their beds, hurried them to some lonely spot in the woods or to the nearest convenient tree, and there whipped, outraged, and frequently murdered them. Democrats in the disguise of Ku-Klux took the law into their own hands, rode unchallenged over the country at night upon their mission of plunder and bloodshed, until the bayonets of the regular Army were called into requisition to put an end to that democratic amusement. To this extent the bayonets of the regular Army have been used in South Carolina, and no further. No innocent man in that State has suffered either in his person or his property by the presence of the regular Army. The guilty wretches, acting under instructions from higher sources, who attempted to revolutionize the politics of a State through an organized system of pillage, robbery, arson, and murder, have reason to regret the presence of the United States troops; but none others have been harmed, nor have officials been protected in their attempts to plunder the State.

The gentleman must have drawn largely upon his imagination; for the facts of the case, as known to every intelligent man who has lived there, do not warrant any such assertions.

Sir, it is a libel upon the brave men who compose the Army of the United States to charge them with protecting public officials in plundering the people. The Army was sent into the South to protect human life against the murderous forays of armed bands of democrats; and even the bitterest, most malignant partisan in my State has made no such charge against it as was made by the gentleman from Ohio in the extract just quoted.

I desire now to call attention to another erroneous and mischievous assertion, "that all social restraints are swept away." Social ties in South Carolina are as strong to-day as they are in the great State of Ohio, and social privileges are no more abused than in the States of the North. But suppose the assertion were true, whose fault would it be? Is such an unfortunate condition of things the result of the past few years of republican rule, or is it the growth of a century? And who has controlled the political and social destinies of that State for the past century or more? But, sir the assertion is not true in any sense as applied to new South Carolina. How true it may be as applied to South Carolina of *ante-bellum* days, when traffic in human flesh and human souls was legalized by the votes of the democratic party, I shall not stop to inquire. It is enough for me to know that in every nook and corner of the State, in every hamlet and village, may still be found indisputable evidence of the laxity of social laws and the absence of social restraint. The African was fast bleaching into the fair-skinned Saxon, and had the old condition of things continued, the day could not have been far distant when the power to trace genealogy in that State would have been lost forever.

The figures in relation to the financial condition of my State, furnished by the gentleman from Ohio, are not unfamiliar to me. I have met them upon every stump in the State. They have been thrust before the public in every conceivable manner, not only by democratic speakers and journals, but even republicans have been misled into adopting them as correct and reliable. I do not object to the use of these figures, but I do object to the deductions usually drawn therefrom. These figures were adroitly prepared by a leading democrat of New York, Richard Lathers, and were incorporated in the proceedings of the tax-payers' convention which met in South Carolina in February, 1874. They represent the valuation of taxable property of the State before the war to be $490,000,000; taxable property now—$170,000,000; a difference of $320,000,000; and the impression sought to be conveyed is, that this apparent immense falling off in the valuation of property is solely attributable to bad government at the hands of the republicans in that State. Do our democratic friends not know that the great bulk of property in South Carolina before the war consisted of human chattels called slaves? And have they forgotten the fact that upward of four hundred thousand of these human beings held in bondage, subject to the will of the master like all other property, liable at any moment to be sold like sheep in the shambles, then constituted upward of three hundred millions of the property, of that State, all of which property was swept out of existence by the results of the war? But, sir, whatever may have been the valuation of property in that State before the war, that valuation never formed the basis of taxation, as the valuation of property there does to-day. The great bulk of the property, as I have already shown, was in slaves, and these were not taxed according to their value, but *per capita*, from fifteen to seventy-five cents each, while the free negro paid a *per capita* tax of from three to six dollars. A slave-holder owning one hundred slaves, valued at $800 each, would pay a tax to the State of from fifteen to seventy-five dollars, while a commercial man, doing a business upon a capital equal to that invested by the slave-owner in negroes, would pay a tax of 1 per cent., or from eight to sixteen hundred dollars per annum.

The revenues of the State before the war were chiefly derived from a tax upon the industries, while the rich land-owner paid next to no tax at all. Now all this is changed, and the revenues are derived solely from a tax upon the entire property of the State and not upon its industries. That the expenses of the State government have largely increased over those paid before the war no one will deny, but this is consequent upon the changed condition of things. Prior to the war there were but three hundred thousand citizens in the State who were any expense to the government. The slave was no more a charge or expense to the State than were the horses or cattle of the planter. Now we have nearly eight hundred thousand citizens to be governed, or more than double the number of citizens in the State before the war. The appropriations for the expenses of the State government during the fiscal year 1859–'60 were $618,231, or an expense to the State for each citizen of $2.05. The appropriations for the same purpose during the fiscal year 1872–'73 were $1,184,876, costing the State for each individual citizen $1.67. It will thus be seen that during the year of democratic rule, when the government was in the hands of constitutional patriots, the expense to the State to govern each citizen was $2.05, while under republican rule the cost to the State to govern each citizen was only $1.67, or 38 cents *per capita* in favor of republican administration. So much for that.

The following carefully prepared table, compiled from the public records of the State, shows the expenses of the State government for nine years prior to the war, exclusive of the interest upon the public debt, which was paid by the Bank of the State, an institution chartered by the General Assembly, with exclusive privileges to do a banking business for the entire State. A debt created by this pet institution, amounting to nearly $5,000,000, has been handed down to new South Carolina as a legacy from the democracy of former days:

Expenditures of the State government of South Carolina for nine years prior to the war.

1851–'52	$463,021 73
1852–'53	482,974 67
1853–'54	533,123 20
1854–'55	484,883 29
1855–'56	591,145 98
1856–'57	608,294 85
1857–'58	1,036,924 39
1858–'59	908,698 02
1859–'60	967,968 57

It has been asserted here that taxation in South Carolina prior to the war was about $500,000. If that assertion be true, how was it possible to run the State government when its annual expenditures, as shown by the foregoing table, far exceeded that amount? But the assertion is not true, as has been clearly demonstrated. What I have already said of the State government of South Carolina, now recognized by both parties to be as good as there is in any State in the Union, may be also said of nearly every other republican government in the Southern States. That bad men have crept into office, and have abused the high trusts confided to their care, no one will deny, but this state of things is not peculiar to the South alone, nor does it apply exclusively to republican officials.

The republicans of the South desire peace and quiet, and have anxiously looked for that time when an era of harmony and good feeling would prevail between all parties. But, sir, they do not desire peace and quiet at the expense of every sacred right to which an American citizen is entitled. Give us peace and quiet based upon law and order and obedience to constituted authority, and let the harmony and good feeling which is to prevail be of that character which guarantees to every citizen of the Republic, whatever may have been the circumstances of his birth, or whatever may be the color of his skin, the right to a free expression of his opinions and a free use of the rights with which he has been endowed by an allwise Creator.

The republican party of this great nation owes it to the people of the South, who have stood by its banner during the trying times of reconstruction, to secure them in their lives and property, and to extend over the weak and defenseless the strong arm of the Government which owes its preservation to the party now administering its affairs. We ask nothing but justice and fair treatment, and we shall be content with nothing less. Secure to us governments republican in form and in fact; make human life secure beyond the mere will of a lawless minority, and such an era of good feeling and harmony between the races will settle over that country as has never been known there since the foundation of this Republic.

Force now the Rule—No more Needed.

SPEECH OF HON. E. K. WILSON,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1875,

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. WILSON, of Maryland. Mr. Speaker, in the whole range of history it would be difficult to find a people more pitiable in their condition, or under a continuation of present rule more hopeless in their prospects, than the white inhabitants of some of our Southern States. To men like them, whose great pride and glory it has been to be free, it must have been a horrible fate to be subjected to a conqueror, stripped of property, prosperity, and self-rule, and handed over to the tender mercies of military sway. But a fate so sad as this, which has always seemed to a proud and sensitive people as the very depth of human misery, was but a stage in the descent to the unutterable woe which is the dread doom of some of our southern brethren. So crushing is the system which your reconstruction process has imposed upon some of the Southern States that, in the very agony of their sufferings, men who were born free and who have lived in utter horror of military rule, have cried out to you northern men in mercy to give them martial law, with no restraining power but the public sentiment of your people, rather than those disgusting caricatures of government, whose very basis is ignorance, whose normal state is disorganization, and whose very existence means plunder.

In some of these States the colored element preponderates, while in others it is so numerous that a few whites combined with it can control. In these States your reconstruction policy committed the fate of republican institutions to the guardianship of the African race. To a people snatched by your ancestors from the almost brutish barbarism of Africa, with no other training than that state of slavery, in which your fathers placed them and which you have always denounced as the hot-bed of vice and barbarism you delegated the keeping of free institutions, under a system of government which the plainest axioms of political science teach can only coexist with the virtue and intelligence of the citizen. By your speeches in Congress, by your party press, and by your unscrupulous agents in the South, you compacted the freedmen into a solid political phalanx, persistently representing their former masters as their natural enemies, who were only waiting a chance to deprive them of every political and civil right and to fetter their limbs again in slavery. By every cunning device and political appliance you have arrayed race against race. Thus in those unhappy States you subject intelligence to the rule of ignorance, refinement to the rule of brutishness, virtue to the rule of vice, property to the rule of greed, and civilization to the rule of barbarism. And you do more: you accomplish a purpose over which you seem to gloat as though it were the very height of justice, the very perfection of moral grandeur. You who so unsparingly denounced in others the childish feeling of prejudice, instigated by an undying prejudice against a fallen foe, accomplish a feat which no age, nation, or country has ever before witnessed—you place a race of proud, refined, high-spirited, and liberty-loving white men like yourselves under the rule of those who were but yesterday their slaves and domestics, of a different and alien people, led and goaded on by white men who add to all the bitterness of political partisanship the inappeasable hatred of renegades to their race.

Such, Mr. Speaker, is the unhappy condition to which your policy has brought once proud and prosperous Southern States, and especially the State of Louisiana. But sad and pitiable as is their present condition, it is not that of which they complain. Unparalleled as are their sufferings, with elements of horror never before presented in the vast records of human misery, they would manfully breast it all if you would but leave them the last refuge of the miserable—the hope of bettering their condition. Their cry is that you will not let them alone in their deep affliction to work out as best they can their own salvation. By the irreversible laws of nature, even as population is distributed in Louisiana, intelligence was bound in the end to dominate over ignorance, and property to assert its legitimate influence over public affairs. As time went on and the freedmen became assured by continued enjoyment of his freedom and the fruits of inevitable misgovernment ripened and fell in poisonous profusion upon all classes of her citizens, it would soon be seen and felt that those only who had the brains and the interests of property could properly rule the State.

The former slave, who, apart from his jealousy of his freedom, has none of that personal dislike of his former owner which northern men, in their total ignorance of southern society, imagine to exist, would soon again lean for support and counsel upon his old master, who owns the land on which he lives and pays the wages upon which he feeds. Soon, too, would faction do its work, and divide a party officered, as was this negro party, by selfish and designing men. Such in a few years was the history of most of the Southern States; and finally in 1872 such became the condition of things in reconstructed Louisiana. There a considerable part of the republicans, led by a republican governor and cheered on by the clarion voice of the eloquent Sheridan, fought side by side with the democrats to redeem the State from the rule of ignorance and rapacity. They gained a victory which Federal interference transformed into a disastrous defeat, resulting in the re-establishment of African sway propped up by military despotism. You condemn the mode of this Federal interposition and denounce its guilty agents, but never move a step to undo their infamous acts. You pretend to pillory some of your vile instruments, but take care to reap the full harvest springing from their crimes. Such has always been the policy of arbitrary power.

Mr. Speaker, a republican high in position, formerly a trusted member of the President's Cabinet, has lately announced upon a high forum that "if the President were disposed to leave the control of the South to the white race, the Government (*i. e., the Administration*) would be overthrown before the close of the present term." Here is an amazing assumption of more than imperial powers for the President, and a plain intimation that those powers must be used to crush out the white race, reimpose upon them negro rule, and thereby save his party, which alone is entitled to possession of the Government. It is the first time the doctrine has been formulated and openly proclaimed; but I will show it is one the President has been acting on for years. Sir, no fair-minded man can doubt that the conservatives of Louisiana gained a victory in 1872 and were entitled to reap its fruits. When their enemies have gathered volumes of testimony in their favor, and have made powerful arguments confirmatory of their rights, beyond controversey their case must be good.

Partisanship rarely permits its victim to become a witness and advocate for an opponent. When so rare an exhibition is made, the act of an adversary thus converted into a defender becomes invested with tenfold weight. The republicans who bear testimony against Kellogg and his government are almost numberless. A republican committee in the Senate, all able and leading men, have unanimously reported that the republican board, styled the Lynch board, even if legally constituted, as a majority of them deny, had no earthly power to throw out any returns except those accompanied by charges of fraud, violence, or corruption; and that if all returns thus excepted to are discarded, the conservatives would still have a majority. This House has not dared to validate the election at large in that State in 1872 as a republican victory by seating Pinchback, while your committee on Elections has decided against him. The Senate has for two long years refused to acknowledge the certificate of Kellogg as governor by seating that eminent statesman. The President himself, while seating Kellogg and his Legislature, candidly admits that he is not certain of their election. And still, while no one can be found weak or base enough to assert that these creatures of fraud and violence were elected, they are found wielding all the powers of government and ruling over a subjugated people; because "the South must not be left to the control of the white race."

And on the other hand, sir, McEnery and his friends are ruled out, not because any frauds are legally proved, but are rather imagined to have occurred. Able republican lawyers high in position have

declared that if there was any legal returning board in Louisiana in 1872 it was the De Feriet board, which by actual canvass verified the conservative majorities, averaging over 10,000 votes. One of the ablest and best-informed republicans on that Senate committee, while he asserts the election of McEnery to have been void for fraud, expressly states that if that election were tested in a court of law upon principles of law, it must be sustained, and McEnery can only be thrown out upon the ground that Warmoth possessed and wielded in his favor the election machinery of the State, and the guess that this machinery was worth 20,000 votes to him, not as proved by witnesses, says this republican lawyer, but as deduced from the vast powers centered by a republican Legislature in a republican governor for party purposes, and which it is supposed he used for his conservative allies just as they were intended to be used to perpetuate the rule of oppression and plunder. Upon such flimsy premises the President bases his conclusion in his late message on the Louisiana case that McEnery was elected by fraud. Anxious as he was to assert the verity of Kellogg's election, he dared not do it. Doubly anxious as he was to assert and prove the defeat of McEnery to clear his own skirts of an unparalleled outrage, he can only charge that Warmoth used in favor of McEnery that autocratic power which a republican Legislature had without rebuke conferred upon him to insure the success of Kellogg, and that what would have been a venial fault in behalf of a friend of the President becomes a deadly crime when done for his enemy.

Most beautifully falls the argument from the lips of a President, who wields in the interests of party the appointment of eighty thousand office-holders, with unknown thousands of laborers in navy and dock yards, and sends forth hosts of marshals and supervisors swarming over the land, and uses the Army to patrol the country, arresting, imprisoning, and terrorizing over voters; and not content with that, asks for the powers of a dictator, so that he may crush out all opposition to his will. All these frightful appliances have been and are expected to be worth hundreds of thousands of votes to the President's party; and if we were to draw from them the charge of fraud vitiating and annulling elections, we would be laughed at as the veriest simpletons. And still that is the substance of the President's argument against the election of McEnery, upon which alone he predicates the support of the infamous judicial fraud and usurpation perpetrated by a degraded creature, who for the first time in our history was seduced by republican politicians to prostitute the judiciary to the use of wicked political conspirators. Vile as is Durell in the sight of all honest men, those who used him as a weak and supple tool, whether they sit in high places in Washington or New Orleans, have well earned and will ever bear a double load of infamy. Strong indeed must be the resolve not "to leave the South to the control of the white race," when it stoops to corrupting the judiciary as a means.

A distinguished republican judge has pronounced this act of Durell's as "without the shadow of authority, in defiance of law, and therefore supported by no presumption of correct motives." And still this act was a necessary, preconcerted part of the conspiracy by which the government of Warmoth, existing both *de facto* and *de jure*, was to be overthrown, and one the President will not dare to say was elected was to be inaugurated. The President seeks to escape from direct responsibility for this foul act by telling us "that it was only made known to him that process of the United States court was resisted." Sir, no man can read the whole list of dispatches developing this conspiracy to overthrow Warmoth and not feel certain that one member of his Cabinet at least knew, approved, and directed the whole machinery. If General Grant did not know and approve it, it must have been only because he utterly delegated to a subordinate the trifling matters of pulling down and setting up State governments by the criminal use of Federal judges and armies.

If Grant and Emory, being military men, did not know the alphabet of law, Mr. Attorney-General knew full well that the fixed purpose of installing Kellogg could not be effected without a fraudulent attempt by a Federal judge to decide by a void decree which was and which was not the Legislature of the State. And when the order was issued to Marshal Packard to use the Army to execute *any* decree of Durell's, it was the deliberate purpose of this Cabinet officer to use the military power of the country to shield the guilty conspirators, and for mere partisan purposes to crown their efforts at fraud and usurpation with success. And when the President afterward indorsed this man by a nomination to the highest judicial office in the land, when he rebukes no actor in this disgraceful scene, when he nerves his executive arm to bolster up a judicial outrage and usurpation which can find no defenders, when he hastens with eager zeal to reap every possible partisan advantage from it, when he aids to overthrow a State Government intrenched behind every muniment of title in favor of one which he will not even now say was elected—if we can by any possibility clear him of prior complicity, we must hold him responsible as the principal whose approved agents perpetrated all these unparalleled crimes. And we must be permitted to say that we cannot admire the ingenuousness of that principal who, while approving and adopting every act of a subordinate, seeks to escape from the responsibility of having specially authorized these acts before they transpired.

Whatever the truth may be in this matter is utterly immaterial. One thing is certain: If Kellogg and Durell had not *known* that Federal power was at their back, that order would have never been passed; McEnery and his Legislature would have been quietly installed in power; the intelligence and property of the State, which are alone competent to direct its affairs, would have been for years shaping its destinies; the subsequent disgraceful and deplorable scenes would have been avoided; peace and order, such as prevail in other Southern States, would have reigned; and many acts of military violence and usurpation would not have disgraced our civilization and have become precedents in what threatens to be the fearful tragedy of the murder of constitutional liberty.

Thus, sir, in order to seat Kellogg, a judge committed a shameful fraud, which an Attorney General, by some strange jumble of functions lent the Army to consummate. And as soon as this creature of fraud and violence was duly seated, we see our President eagerly hastening to throw the mantle of his approval over his guilty shoulders, snubbing all remonstrants, and spurning all argument. And henceforth William Pitt Kellogg stands forth in all the infamy of a *de facto* governor, who, although he has no shadow of title in law, is as immovable as Mount Atlas, simply because the President, in the plenitude of his prerogatives, has clothed him with the panoply of executive recognition. A popular revolution may drive a Stuart from his throne or cost a Bourbon his head; but a governor *de facto*, with a President behind him, can bid defiance to the world and laugh his people to scorn. A court may err and retrace its steps. A Congress may enact an unwholesome law and repeal it; but a governor *de facto*, once recognized by the sovereign arbiter of the destinies of States, although not even claimed to be elected, becomes a Gibraltar, upon which all argument, all popular revolutions, and all elections of the people will break in vain. No poverty of title, no crimes that stain his seizure of power, no grinding oppression in the past, no certainty of a criminal perpetuation of his power, can justify the raising of a hand to overthrow this governmental puppet. Without the President's *imprimatur*, he is less than nothing. With it he is the strongest ruler in the world. He is backed by the power of forty millions of people to rule seven hundred thousand. He can invoke the aid of thirty-seven States to rule one. It is impossible that any people so situated can throw off a usurpation. It becomes legitimated by Federal recognition, and impregnably lodged in the citadel of Federal power. And our form of government, instead of being the shrine of freedom, is thus turned into an engine for the perpetuation of tyranny. The *de facto* usurper, under the wing of an overshadowing power, can safely concoct every villainous plot to prolong his reign.

And such, sir, has literally been the course of Kellogg during his usurpation. After two years or more of tyranny and wrong, the enslaved white people of that State fought another political battle, not so much to recover political power as freedom from plunder and misrule. They wanted a government by those who knew how to rule and who had an interest prompting them to rule aright. No fair mind can doubt that they again won the victory and have again been robbed of its fruits by fraud and its twin agency, military violence. Such is the unanimous verdict of your committee, consisting of five republicans and two democrats. I will not therefore attempt to prove what is conceded, that the acts of the returning board in that State last fall were illegal; but I will show that the conduct of that board was so flagrantly lawless, so shamelessly fraudulent, that it was their plain purpose to cheat the people of the State out of their chosen representatives, and that they were simply a band of political conspirators in the garb of public officials, who felt themselves backed up by the hand of power to perpetrate outrages which otherwise they would have not dared to project. It was the old scene of 1872 re-enacted with a slight change in the actors. In 1872 the instrument of fraud was a judge; in 1874 it was a returning board. It was as bold, defiant, and unblushing in the one case as the other; and each equally required and received the agency of military force to carry it on to consummation.

It was decreed in the beginning that this board should save Kellogg and defeat the will of the people. These five men of that board, without legal power or physical force themselves, would have never dared to defy all law and trample upon the rights of a whole people, without authority from some higher source than even Kellogg—himself a helpless minion of power. There must have been somewhere some secret tribunal, some gloomy *Vehmgericht*, from which issued fiats big with the destiny of States, and whose executive black priest was an Attorney-General of the United States. At any rate it was significantly given out at Washington that the decisions of this board, no matter what they might be, would be sustained. Just so the military was pledged to Durell to enforce any decree, however unlawful and revolutionary. Eager and prompt are ever the proffers of force; contemptuously indifferent are these wielders of military power as to the occasions for its use. With this corrupt invitation to make a corrupt canvass, this board met. A special tribunal, with well-defined duties, it could not advance one step beyond the strict limits prescribed by law. If it did, its acts were simply void. With respect to those parishes from which the supervisors and judges of election sent no charges of fraud, violence, or intimidation, their duty was simply ministerial and clerical. They had only to count and tabulate, and return the parties having majorities. With respect to the parishes from which such charges came they had quasi-judicial functions, could take testimony, and could in their discretion throw out the returns from those parishes.

But, sir, so quiet and orderly were the elections, that the partisan zeal of republican officers could not find occasion to prefer such charges but in three instances. These were not rejected, as the law required, but counted for the republicans. But the conservatives still had a large majority of the house of representatives, which it was the deliberate purpose to destroy. Then commenced the work of bold and shameless usurpation by these minions of power. In utter contempt of the law under which they professed to act, they assumed the terrible power to pronounce upon the election in every parish in the State, to invite partisan objections to returns before a body known to be organized in favor of the objector, and thus to exercise the highest prerogative of a legislative body to judge of the returns of its own members. It was an utter destruction of the right of the people to choose their own legislators, and the investment of a body of five men, chosen by an outgoing senate, with the power to choose the constituent elements of an incoming Legislature, and thus to continue one party in power forever.

But, Mr. Speaker, not content with usurping this dangerous power, which the Senate committee have unanimously decided they did not possess, and which no lawyer has ever claimed for them, this board shamelessly proceeded to disregard all justice, decency, and law in their decisions. No matter though republican judges and supervisors of election had certified to the fairness of registrations and elections, no matter though the republican candidate had borne honorable testimony to his competitor's success, and refused to take a step toward a contest, this inexorable board, in its fell purpose of manufacturing a party majority, made contests where none existed, raised up contestants out of men submissive to their fate, and then without evidence arbitrarily ejected the choice of the people, and returned men who did not even claim their seats. In many instances, as related by your own committee, these tools of lawless power and partisan fury, without evidence or against evidence, unseated and seated members of the Legislature in defiance of all law and decency. But after all the conservatives were still in a majority, and these conspirators were forced to resort to the transparent device of simply refusing to return five conservatives against whose election no question had been or could be raised, so that not being returned to the secretary of state that officer might not place their names on the list of members to be sent to the clerk of the house, and they might thus be debarred from participating in the organization of the house, which would thereby be placed, by a majority of two or three, in the hands of the republicans to organize as they pleased.

Thus was this conspiracy of Federal and Louisiana officials to commit "a gigantic fraud" brought to the close of its first shameful chapter. But, left unaided, it was still impotent for harm. It now remained for the Administration to perform its pledge to sustain the acts of the returning board, however lawless and despotic they might be. And although the President in his Louisiana message declares that "he has no desire to have United States troops interfere in the domestic affairs" of that State, yet by some strange fatality they are always there ready, not to overthrow armed rebellion or insurrection, or even to suppress domestic violence, but to place the capstone upon some work of fraud and usurpation which Federal and State officials have conspired to erect, but which without the President's aid and protection they cannot execute. In this case the shameless frauds in the board's proceedings were known the country over, and nowhere better than in Washington. There was no insurrection in Louisiana, and none was expected unless it should arise from what your committee denominate "the arbitrary, unjust, and illegal action of this board." The Army was there, then, lent to Kellogg, and a Lieutenant-General was also sent there, with all the laurels of war clustering around him and disarming adverse criticism, and also lent to Kellogg, not to suppress insurrection, but to prolong his usurped power and to that end to sustain the lying, fraudulent returns of this vile board, however they might be resisted. The form resistance took was not war, not even violence—except in the distempered brains of hot partisans—but an attempt on the part of the conservatives to organize the Legislature with the aid of these five delegates, whose election was too clear to be doubted even by reckless conspirators, and whose names could only by a clumsy trick involving palpable perjury be kept from the roll of members sent to the clerk of the house. The *only barrier* to the right of these five men to their seats in the house was the *fraud* and *perjury* of five other men, who were not even judges of their rights, but mere ministerial officers, arbitrarily and criminally refusing to do their sworn duty. And yet, Mr. Speaker, it was to help a disgusting fraud like this, that the proud soldiery of the country were lent by the President to a profligate usurper, and were marched, not against an armed foe, but into the legislative hall of a coequal and co-ordinate State, to drag out five peaceable civilians whose right to their seats was as perfect in all points of substantial law as is yours to that chair.

Let it not be said, then, Mr. Speaker, that the Constitution and laws of our country have been broken in the interests of law and order. Before 1872 it was always held that the President could not intervene by armed force in the domestic affairs of a State, unless the governor or Legislature of that State, in case of insurrection, demanded his aid. In this case there was no insurrection, nor anything even approaching that domestic violence in its loosest sense which modern apologists for executive usurpations claim as a sufficient ground of interposition. The President and his apologists alike concede that no case had arisen under Federal laws for using the Army in State affairs, but place his defense upon his good motives, which prompted him to aid in the execution of State laws. Never was a bad cause worse defended. It is simply a preposterous pretense to say that the President is aiding in the maintenance of law when he lends his aid to perjured State officials to cheat representatives out of their seats and the people out of their representatives; when he is helping to trample out the very life and substance of law, and only to preserve its empty shell. I aver, sir, that no possible case can be conceived in which the use of the Army could be more unjustifiable. Nor can the President clear his skirts of the grave responsibility attaching to him by alleging that he had only lent the Army to his nondescript *de facto* governor to be used as the emergencies of his case might require, just as an old German prince would have loaned or hired his regiments to a neighboring potentate, to be used as his whim or interests might dictate. Such a position involves the double error of using the Army in a way and for a purpose never contemplated under our system, and also of delegating to another man, who is not even a member of his Administration, the most delicate duty intrusted by our Constitution and laws to the President himself—a duty ever inviting to usurpation and pregnant with destruction to the States, unless discharged with impartial justice and patriotism.

In very truth, Mr. Speaker, I do not think I have ever seen a sentence in my life more replete with errors than the one in the President's late Louisiana message, in which he claims "that if he has committed any errors by the use of the military in these matters it has always been on the side of the preservation of order, the maintenance of law, and the protection of life." What law, I pray, State or Federal, did he maintain when he marched his troops to sustain a decree which has earned universal execration and swift impeachment for its author? What law did he not violate, when in spite of the legal governor and unasked by any Legislature, when no violence even threatened, he sent soldiers to guard the entrance to a State-house and to organize a Legislature which should illegally depose a *bona fide* governor, set up a pretender in his place, and pour out upon that unhappy State a deadly tempest of woes? What law did he uphold when he abused the military power of the country to drive peaceable men from their seats in a Legislature merely because certain ministerial officers refused to do their sworn duty? When cannot the Army be used to dominate over States, if it can be used without rebuke to trample upon the vital substance of laws under the plea of maintaining its empty forms? And how can good order be promoted by using armies to nullify State elections and overthrow State governments? It is indeed a novel doctrine that good order is to be preserved by teaching men to look to force and not to law for the source and the maintenance of government.

No policy could be more shallow or mischievous than that which encourages conspirators to pervert to the purposes of injustice and fraud the functions of judges and election officers in the hope of being sustained by armed force, and then claims the use of force in such a cause as the preservation of order. And, so far as the protection of life is concerned, it is an indisputable fact that it is secure in the Southern States in exact proportion as the Federal Government interferes least with its military arm. If you want life and property secure you must have a government of law and order, which you can never have while force is ever intervening to bring the reign of law into contempt and to give the effect of law to acts of gross perfidy and wrong on the part of high officials.

And above all, sir, if you want order and love of law, which mean security of life and property, you must have among the people respect for their rulers. This in the nature of things you can never have while the great mass of the people are forced to live under what they thoroughly believe to be a gross usurpation. A unanimous committee tell you such is the conviction of the people of Louisiana. They have a right to believe it. For if the military had not against all law and right been lent to the seating and upholding of Kellogg and his Legislature, the McEnery government, having the legal returns in their favor, and being recognized by the existing governor, would have been quietly installed in power, and the State, being then under the control of those who possessed the intelligence and the interests of property, would have had a guarantee of good government, which it can never have under the rule of greedy adventurers making tools of the freedmen. If the President really desired a government of law, order, and security in Louisiana, there was his initial and capital mistake. If he wanted to turn that unhappy State into what one of your committee calls "a hell on earth," the most perverse ingenuity could not have selected a shrewder plan. How could her people be otherwise than madly restive when they honestly believed that they had been robbed of the choice of their rulers, and that rulers had been imposed upon them by military power who would continue to plunder and harass them by oppressive legislation till their homes were confiscated and all hope destroyed?

Sir, men do sometimes become desperate in this world, even to the extent of rushing unbidden into the presence of their Creator. O, sir, these southern people are men, frail, erring men, but with all the instincts of freemen and an ardent love of liberty. They no more like to be trodden on than you do. How could you expect anything else than that they should make desperate efforts to recover the rights

of self-government of which they felt themselves robbed, even to the extent of rushing upon the thick bosses of our mighty President's buckler? Who could have reasonably expected that riots would not occur, or even a more widespread effort to throw off the yoke of their oppressors? Your committee tells you that "the Kellogg government is only sustained by the Federal military," and that "if Louisiana were a country by itself, McEnery and his associates would at once be installed into power." Yes, sir; and if it were an alien country and people, and such a revolution were to occur, unblinded as you would then be by partisan and sectional prejudice and hate, your party would be among the first to rejoice at the recovery by men of your own race of their rights and liberties and at the overthrow of a besotted carpet-bag government, which revels in plunder, and ever plots by every anti-republican scheme to consolidate its power.

One of the oldest members of your party, sir, who is on the verge of time, and is now a calm spectator of events, though none the less a republican—I mean the venerable Thurlow Weed—tells you what you all know but will not logically consider, that "in Louisiana there has been nothing but misrule, division, fraud, corruption, anarchy, and *violence* from the close of the war." Your party, sir, has possessed all the powers of government, military and civil, ever since the war; and such is the fearful record your friend makes up of your rule. If misrule, fraud, corruption, and anarchy have prevailed there, you alone are responsible; and where these frightful portents flourish you have a fat soil for deeds of violence to spring up. If in the midst of all these horrors you will recollect that a desperate faction has been making continual fraudulent efforts to fasten upon the miserable people of that State the wasting and degrading rule of a high negro caste with low carpet-bag leaders, no one can be surprised that riots have occurred and angry masses of men have been hurled against one another and thus many men have been killed.

It suits the purposes of the ultraists to call the men on the one side of these conflicts murderers and assassins, though history does not generally call by that name men engaged in armed collisions in behalf of what they believe their rights and liberties. Apart from these riots and armed collisions, it is surely not surprising that in the midst of the boiling passions of men thus excited life is not as secure as it is in a well-ordered State; especially when we recollect that although the party in power there has every State officer, executive, judicial, and ministerial, and every Federal officer, judicial or ministerial, backed by the State militia and the Army of the United States under the enforcement laws, if judicial process is resisted, still the law is not vindicated nor are offenders brought to justice. To say that you cannot, while thus doubly armed, enforce law and protect life, is a confession of impotence as disgraceful to you as it is libelous to American character. To say that the poor misguided negro, who is a mere cat's-paw of the carpet-bagger, is daily shot down and the murderer goes scot-free, because the ministers of the law are powerless to arrest and punish even when the Federal courts are open to the prosecution of the offender, is manifestly false, when we reflect that the whole pestiferous race of plotters against the peace and happiness of these people, the men who originate and execute every vile scheme—your Kelloggs, Durells, Caseys, Packards, your perjured returning boards, and all the rest—daily walk the streets and live unharmed. The most credulous man must know that, if the controlling section of the conservatives are murderers and assassins and crime goes scot-free, these hated architects of mischief and ruin would have short shrift and a speedy exit.

Indeed, sir, I am persuaded that if we had a true list of men killed n that State during the last nine years of misrule, anarchy, corruption, and fraud, and should deduct from it those slain in these riots and uprisings of the people, and negroes killed by negroes, and conservatives killed by all classes, the list of horrors that is so constantly paraded before the country to inflame the Northern mind to madness would be reduced to very limited proportions—little beyond what might be expected in a State governed by men more busily engaged in filling their purses than in executing the laws. And I am further persuaded that when such murders of negroes occur, if the courts were half as earnestly supported by republican authorities outside the State as democrats and conservatives are bespattered by them with abetting assassination, such crimes would (as they ought) be suppressed, by whomsoever committed. That it is not done, is rather an evidence that they do not wish to shut up a rich mine of political resources, which will multiply themselves, if they can be successfully used, in the grant of powers dangerous to liberty, destructive of States, and productive of fresh instances of crime and anarchy. Thus they will embark upon an endless cycle of disorder, usurpation, and military supremacy which appalls the mind and sickens the heart of the lover of his country and of liberty.

Mr. Speaker, I boldly aver that the only class in this country who rejoice in southern outrages is a section of the republican leaders. Democrats not only condemn all such crimes, but deeply deplore them; for they know nothing could occur more disastrous to them. The revolutionary section of your republican leaders—your men of the Mountain—condemn but hail them with joy, for they know it is only so much fuel for them to throw upon the slumbering fires of sectional hate. We know, if we could be base enough to capture a southern State by murder and assassination of the poor negro, we should deserve and should not fail to lose many northern States. The ultraists on the other side seem to think they can capture State after State by the arbitrary use of military power, and that they can divert the minds of the northern people from their revolutionary schemes, and at the same time inflame their hearts to the pitch of the old war fever by loud, persistent, and demoniac yellings about blood and murder. Some of them really think that the intelligence of the northern people is pretty much on a par with that of the wild beast in the Spanish bull-fight, before whose eyes it is only necessary to flaunt a blood-red rag to arouse him to a violent rage and a fierce onslaught. We have faith that that people will not fail to see the selfish motives these agitators have in thus striving to arouse their passions, and on a foundation of sectional hate and discord to build up their power.

A wise man, who was never a democrat—I mean Judge Story—has warned us that "if a despotic government is established in one State it will bring on the ruin of the whole Republic." Beyond question Louisiana's government, born of a judicial fraud and ever since maintained by force, aided in turn by fraud and perjury, is as perfect a despotism as ever disgusted mankind. It is a despotism whose real seat is Washington. It shows its readiness to use force on all occasions by regulating the affairs of a sheriff's office at Vicksburg. It is a despotism that spurns all show of consistency—any rule but arbitrary power—by thirsting to overthrow to-day the government which it established by a threat of force in Arkansas yesterday. This despotism proposes to pull down the whole fabric of a State government, which might not now be in existence but for its aid at the least meritorious stage of existence, with as little compunction as a child would use in overthrowing its house of cards. Despotism never cares how flimsy are its pretexts, when it purposes to do an act that strengthens its hold on power. One act only serves for a pretext for another, because the people submit to it; and thus, as Story says, the road is laid open "for a despotic government in one State to ruin the whole Republic." It may only propose now to murder Southern States; but if it is once permitted to leap beyond the limit prescribed by our laws and sacred traditions, it is bound by the very law of force to grind to powder all resistance to its will, or be itself overthrown in a deadly civil war, which will crimson every valley in our land with blood.

Why, then, sir, encourage our military President to overthrow State governments by force? Why disgrace our country and its institutions by arming him with more than monarchical powers? Why show ourselves unworthy of freedom by placing the great writ of right in the power of any man, especially a man of military training and instincts? The President is looking to an improper and dangerous continuation of power, which one of his friends—the leader of the Mountain—has described as not only a possible, but a desirable event; and they propose to give him the power of making force omnipotent whenever and wherever he chooses. I should take such men to be madmen, if I did not know that there never was a Cæsar who did not have his Antonies. And, Mr. Speaker, in their efforts to blacken the character and distort the actions of the southern people, and thence to deduce the necessity of granting imperial powers to the President, these gentlemen utterly forget to look at the condition of the Southern States at the present time and for months past. Where are there now or have there been for long months any disturbances or outrages even charged in the South? None scarcely in Louisiana, say your committee, since last September; none anywhere else, say men of commerce and men of religion and men of northern birth and republican faith. The democrats of the country, knowing that any acts of an oppressed people would be charged as encouraged and approved by them, have continually told them to be betrayed into no act of retaliation and violence, and that all acts of intemperateness on their part would only rivet their chains and prolong their slavery. The leaders of the democratic party, in and out of Congress, who are daily taunted with being apologists for murder, warning these people that their only hope of salvation depends on the justice of the northern people, have conjured them to be quiet and submissive, however grinding their oppression and galling their slavery. God grant that such advice may not long be necessary under a Government that calls itself free! But I ask, where such advice is given, and where people are and have been for a long time quiet, where is the necessity for armies to overthrow State governments and bills to create dictatorships, unless it be to make more "hells" in the South, and to manipulate votes for the Presidency?

Mr. Speaker, deplorable as is the condition of the southern people, it seems to excite no pity or sympathy in some of our northern people. Subjected to every buffet of war and every phase of misrule, it seems that nothing which the tongue of slander can distill against them is too vile. If they strive to throw off the rule of thieves and plunderers, they are unrepentant traitors and rebels. If they labor to escape from the groveling rule of ignorant Africans who are banded together with devilish skill against them, they are foes to the rights of man, striving to erect a rule of caste instead of fleeing from its hideous embrace, or they are painted as the vile old slaveocracy, whose aim it is to re-establish the monster of slavery. Nothing is too absurd or improbable to be charged against them. Why, sir, so foreign to the minds of the southern people is the resurrection of slavery in any form, so remote from our wishes, that when down with us a man is heard striving to pack the negroes with any such party cry, if we did not know him to be a knave, we should set him down for a fool. When such a charge is made here to frighten the North out of its propriety,

we must ascribe such freaks of folly to the ignorance of a blind partisanship, or to the unscrupulousness of the party zealot, who will stop at nothing to arouse bad blood between the sections. Of the latter class, a famous leader the other day charged that the controlling minority of these people were murderers, assassins, and horse thieves. At another time, with a pruriency of taste and a deadliness of hate well befitting the man, he became a scavenger in the realms of the social evil, picking up here and there a choice bits of scandal to characterize and brand with infamy a whole people, in a speech which, as to its facts on this point, was a monstrous distortion, and as to its argument was a hideous mockery. And when a gallant southerner unhorsed him in a tilt of his own choosing, another gentleman from a more northern State, usually courteous and kind, leaps into the lists, and forgetting who provoked this war of abuse, and discounting time for charges against these persecuted people, and rehashing certain stale old political cant, heard again in his feverish imagination the crack of the slave-driver's whip, and saw the backs of republicans in the next Congress flayed black and blue. Sir, when such seems the animus of leading northern men, and so many are cultivating hate upon principle, torturing their minds to find food for strife and pretexts for oppression, well may the cry of *væ victis*, the old-time wail of conquered nations held in bondage, spring from the lips of southern men. But we will hope on, knowing hate to be short-lived and justice eternal.

Civil Rights.

SPEECH OF HON. W. T. HAMILTON,

OF MARYLAND,

IN THE UNITED STATES SENATE,

February 27, 1875.

The Senate having under consideration the bill (H. R. No. 796) to protect all citizens in their civil and legal rights—

Mr. HAMILTON, of Maryland, said:

Mr. PRESIDENT: General debate on this bill closes at two o'clock, according to the understanding had day before yesterday. Other Senators desire also to speak before the debate closes. Therefore it is utterly impossible for me to go into this subject as I should desire, for the purpose of expressing my views upon the various questions that arise under the provisions of the bill. I am obliged to be as brief as possible in expressing my dissent in the strongest terms of which I am capable to the passage of a measure like this, fraught as I think it is with all kinds of evil to every section of the country. It is not a blow directed against one section only, but from the Passamaquoddy to the Rio Grande the principles that pervade this bill and the powers that are asserted upon the face of it extend down deep into the foundations of American liberty, and if permitted to become the law of the land, without protest or remonstrance, it will be used as a precedent in future times to subvert every vestige of local self-government that now belongs to the States, and which should be cherished as their most sacred heritage.

It is true, Mr. President, that this bill is stripped of some of the worst features that have marked bills of this character which have been before us since I have been a member of this honorable body. When this bill, or one similar in its objects, was first brought to the notice of the Senate by the late Senator from Massachusetts [Mr. Sumner] we then felt and understood its assertion of power in the comprehensive language of its provisions that it was intended to pervade all the relations of civil society in the States. It passed from his paternal care to the foster care of the honorable Senator from New Jersey, [Mr. FRELINGHUYSEN.] Massachusetts could stand a bill of that kind. At the last session of Congress I admonished my honorable friend from New Jersey that the liberal spirit of his people would not stand it. They did not. Now it appears in this body under the protecting care of the able Senator from Vermont, [Mr. EDMUNDS.] That State I presume can stand it.

Mr. President, it is to the bold and reckless assertion of power which is spread all over this bill that I particularly object. Bad as it is in its practical details, it is nothing when compared to its arrogant assumption of authority. I shall not dwell long upon the constitutionality of this bill. That branch of the subject was so ably enforced by the honorable Senator from Delaware [Mr. BAYARD] last evening, and by the honorable Senator from Wisconsin [Mr. CARPENTER] this morning, that there is not left a rack of it behind.

With but one allusion to show the anomalous position of honorable Senators on this floor, it may be proper for me to show the singular condition of this bill. I refer to the first and principal clause in it to show into what an extraordinary strait strong men are driven in the accomplishment of an object they have in view and which they are determined to accomplish regardless of the Constitution, of right, and of reason. The first clause of this section of the bill provides as it is worded in the last clause of the fourteenth amendment.

The first section reads as follows:

That all *persons* within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement, subject only to the conditions and limitations established by law, and applicable alike to *citizens* of every race and color, regardless of any previous condition of servitude.

The first section of the fourteenth amendment, and upon which rests all the powers claimed by this bill, is as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any *person* of life, liberty, or property without due process of law; nor deny to any *person* within its jurisdiction the equal protection of the laws.

It will be observed the first clause of the bill is—

That all persons within the jurisdiction of the United States.

The language of the last clause of section 1 of the fourteenth amendment is:

Nor deny to any person within its jurisdiction the equal protection of the laws.

The framer of this first section of the bill departed from the words of the Constitution with which he started out in the very first line for the purpose of conferring jurisdiction upon Congress by changing in a few lines thereafter the whole character of the language. He starts out with "persons" and ends with "citizens," and would seem to use them as convertible terms, and does not seem to recognize the distinction between persons and citizens.

Mr. President, can there be anything more eccentric in legislation than that? Every person is to have these enjoyments, these unobstructed enjoyments, under the penalties in the bill; and yet these enjoyments of persons are to be "subject to the conditions and limitations established by law and applicable alike to *citizens* of every race and color." Why not have it "applicable alike to persons of every race and color?" Why not end as you begin, with persons. You propose to legislate for persons within your jurisdiction. Why not continue to the end the purpose? Is there any difference between the rights of a person within the United States and a citizen as to the privilege of an inn, a theater, or public conveyance? There is none. There are great distinctions between them, but not in these respects. If the Constitution means to extend this protection to all persons, then you should not qualify it by any different rights applicable alone to citizens.

The whole shows how uncertain and indefinite the efforts of those are who undertake to put in the form of a bill or law some theory of redress under this provision of the Constitution when they have no fixed idea what that Constitution is, what it means, how it should be read, and what the intent and scope of such a provision must be; and when, in addition to the general muddle, they commingle "persons" with "citizens," and "citizens" of a State with "citizens" of the United States. There is one hotch-potch of the fourteenth amendment; indeed of all the late amendments, and of the whole Constitution in fact, attempted to be embraced in the first section of this bill, and consequently there can be no intelligent results.

To show how confused an effort of this kind must necessarily be when put in words, we need only refer to the arguments of honorable Senators on the other side of the Chamber to sustain what they have thus fashioned into form. One, the Senator from Massachusetts, [Mr. BOUTWELL,] refers to the first clause of the first section of the fourteenth amendment in defense of this measure; the other, the Senator from Indiana, [Mr. MORTON,] refers to the last clause of that section. The first part of this section refers to "citizens;" the last part of it refers to "persons." The Senator from Indiana refers to that part of the fourteenth amendment which prevents a State from denying to "persons" the equal protection of the laws, and the Senator from Massachusetts refers to that part of the amendment which prevents a State from abridging the immunities or privileges of "citizens" of the United States.

That is the condition of the argument in favor of this bill. It is all confused, uncertain, unfixed as to what part of the Constitution it should relate and in what manner it should be vindicated.

Allow me to allude for one moment more to the position of gentlemen upon this floor to show into what straits they are still further driven in assigning reasons for the propositions which they undertake to defend. The honorable Senator from Massachusetts, [Mr. BOUTWELL,] in his defense for such kind of legislation yesterday in his speech, said:

All that is claimed under the fourth section of this bill is that you shall not, in the State of Ohio or in Massachusetts or in Maryland, say that a man shall not sit upon a jury because he is a black man or because he is of the German race or because he has been held in slavery, and I might say for other reasons. If for *other* reasons discriminations were made by the law of any of these States, we might under the fourteenth amendment protect men from such discriminations.

Think of it! What other discriminations? The Senator says that if by any law of a State discriminations, whether on account of color or race or for any other reasons, are made—for with that Senator, as I understand him, one discrimination has as much force as another—then under the fourteenth amendment Congress may intervene and prevent them. We know there are a thousand discriminations made in the local laws of the different States—discrimination as to sex, discrimination as to age, discrimination as to nativity, as to educa-

tion, as to crime, and even, in some of the States, as to religion; in fact, there are endless discriminations, and as various as the States differ in their respective notions of civil polity; and if you undertake to intervene for a discrimination in one respect that you may hold to be unjust or anti-republican, then upon the ground the Senator puts it, under the provisions of the fourteenth amendment, nothing can escape the powers of Congress.

There is not a discrimination made in any State which it would not embrace; it would make an unbroken uniformity of law throughout the Union, and that uniformity to depend upon majorities in Congress. Indeed, you could not prevent a Massachusetts man from enoying all the rights and privileges of a citizen of my own State the moment he gets within the limits of Maryland, entitled at once to take part in all our local affairs, even to the exercise of that right—the highest of all rights—the right of an elector, although the constitution of Maryland does deny that right unless a resident within its limits for twelve months.

I see the honorable Senator from Illinois, [Mr. LOGAN.] I presume he will hardly contend for the doctrine that one by reason of his being a citizen of the United States or of any State can in defiance of a constitutional prohibition of his State, in prescribing age or residence to qualify as an elector, still appear at the polls and vote, and upon the ground that being a citizen no discrimination could be made against him under the fourteenth amendment for any reason. My State requires a residence of twelve months before the exercise of any such right. A citizen of Massachusetts or of the United States could then come into my State, and by virtue of his right as such a citizen, and not by that as a citizen of Maryland, participate with us in our local government in all its relations, from the right of voting to the holding of office, and that from the moment he sets his foot within our borders; and upon the ground and for the reason that as citizens of our own State are entitled to do all this, the discrimination that would exclude the citizen from other States or of the United States for any period of time or for all time would be unjust and anti-republican, and would be a matter subject to the powers of Congress under the fourteenth amendment. So that in this respect, as in all respects where you would interfere under this amendment to make all things alike, you would consolidate uniformity in making the rights and immunities and privileges of the citizens of one State precisely like those of another, by abolishing all distinctions that local laws would establish in any of the relations of life or in the exercise of any of the rights that hitherto were supposed to be exclusively in the power of the States to establish.

All local self-government would be lost in the dreary uniformity of congressional action, when to its higher law they could make all States in their legislation conform to what a majority in Congress might or might not determine to be discriminations between persons or citizens.

Mr. President, it seems incomprehensible to me that any such doctrine should prevail at this day. Although you have limited this bill to theaters and inns and public conveyances and have not extended it to public schools, seminaries of learning, and academies; to churches, to cemeteries, to associations of all kinds; though you have not extended it to the selection of judges, to the selection of administrative officers, or to legislative assemblies, you do, both directly and indirectly, assert that right over all, and it pervades the whole face of this bill. Establish the principle involved in this bill, maintain this assertion of authority, and there is no function in which the State does not seem to possess the power to discriminate against a citizen of the United States, a citizen of any other State, or of any "person" that is not overwhelmed in destruction. It is gone, and the spirit of our whole civil government is gone; our local self-government is gone. It is transferred from sovereign and independent States in so many of their relations with each other, from the local control of our people, and it is planted here, and here it is to construct an empire to overshadow all, overpower all, even to be greater and stronger and more renowned in its power than imperial Rome in its palmiest days.

Therefore, Mr. President, while here, an American citizen devoted to the institutions of my country, brought up to reverence the great principles of its Constitution, believing in local self-government and the power and the ability of the people in their respective States and localities to attend to their own domestic affairs, and with a knowledge of their own local interests better fitted to direct them, I here now, as I have ever heretofore and shall ever hereafter, protest against this measure—protest against any recognition of the powers which it asserts the right to exercise.

The honorable Senator from Indiana, [Mr. MORTON,] on the other hand, confessedly puts his whole case upon the last clause or clauses of the first section of the fourteenth amendment; and he admitted in his speech yesterday that the States had the right to impose a property qualification of any amount, in his own language, from $500 to $5,000, to qualify a man to sit upon a jury; to impose the qualification that he should be able to read and write; to impose the qualification that he should be a naturalized citizen; to impose the qualification that he should have had a residence of any stated time. He acknowledged all this to be within the province of State legislation to determine; and yet with that concession to the States to make these distinctions, strong and effective as they are and some of them most obnoxious and unjust, distinctions that would in fact at one fell swoop sweep out of existence three million nine hundred thousand of the people as jurors or as electors or as officers of any kind, whose special interests he upon this floor is always ready to defend, he stops short when he comes to *color*.

Mr. President, the honorable Senator is willing to concede all that, comprehensive as it is; but he sticks upon color! There he approaches forbidden ground. He is willing to concede that a poor man is within the protection of the law and yet not allowed to participate in the administration of public justice in the capacity of a juror. He concedes that a man who cannot read and write may not be allowed to participate in the administration of public justice, and yet he is within the protection of the law. He concedes that a person not naturalized can be prohibited from participating in the administration of public justice, and yet he is within the protection of the law—all, all within that protection meant by the fourteenth amendment. But as soon as you touch color, then at once my honorable friend from Indiana indignantly declaims that it is forbidden by this amendment. Color! It is by that the Senator stands. And yet that honorable Senator knows, and we all know, that the word "color" is not mentioned, save in the fifteenth amendment, in any part of the Constitution, and that is only where the State is denied the power to abridge the right to vote on account of "race or color." "Color" is not in the fourteenth amendment; "race" is not in the fourteenth amendment. No distinctions of that kind whatever are mentioned, and were never thought of, never dreamed of, and it was only because it was thought necessary for the self-protection of the colored race that their right to vote was not permitted to be abridged by the fifteenth amendment; but every other right, every other power of discrimination, if you so choose to call it, which had been exercised by the States in the administration of their governments and in which qualifications for office, qualifications for electors, qualifications for jury duty and for other public duties were prescribed and were distinctions of sex, of age, of nationality, of color, of education, of virtue, of crime, of religion—more or less obtain in the several States, just as the people happen to think at the time, remained unimpaired; and the States possess this right of self-government to-day.

I recognize very well, Mr. President, when an appeal is made, the difference between what may be just or expedient and what the power or right we possess. The honorable Senator from South Carolina and the honorable Senator from Georgia were disputing a few minutes ago whether colored people served on juries in Georgia or not. As a matter of justice or expediency that is to be left to the people of the States. That has nothing to do with the question of power either to limit or extend it. There are many powers conferred in a Constitution or left with the people to be exercised that equally involve justice and right and order no less than the one which so much concerns the friends of this bill. If the State so ably represented by my honorable friend from Mississippi [Mr. ALCORN] thinks it the better policy, the juster policy, to permit minors and ladies and non-residents and all classes, white and black, to sit upon juries, that is the right and duty of that State to determine—not mine and still less this Congress. If the State which I have the honor in part to represent does not permit non-residents and minors and females and colored persons to sit on juries, that is our own policy and which we are to determine for ourselves, and as a just and a fair people we will determine for the good of the State and of her people.

Mr. LOGAN. Will the Senator from Maryland permit me to interrupt him?

Mr. HAMILTON, of Maryland. My honorable friend will understand I took the floor at twelve o'clock; it is now past one o'clock, and I only have been speaking fifteen minutes; other gentlemen taking the time.

Mr. LOGAN. I have no disposition to interrupt; I merely thought that the Senator would allow me to ask a question right at that point.

Mr. HAMILTON, of Maryland. There are other gentlemen to speak, and I cannot spare the time in answering questions, as the general debate closes at two o'clock.

Mr. President, with these brief and imperfect allusions to one or more of the constitutional aspects of the question, the whole subject of which has been so ably and unanswerably discussed, I now leave this view of it.

But I object to this bill, because by the second section it undertakes to make that a crime which is not now a crime by law. It is no crime by law now, subject to no penalty, for the manager of a theater not to permit certain persons to enter it. It would make it a crime which never has been nor ever ought to be a crime. It provides that where a person is excluded from a theater by reason of color or race the manager is liable to a penalty of $500, to be paid to the party aggrieved, and in addition shall, if found guilty, be fined "not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year."

Have we not crimes and penalties enough; or if not, should they not be directed to greater objects than the right to visit theaters or other places of amusement?

I consider this as not only a most dangerous invasion of private rights, but as unworthy of the grave duties which so much demand the attention of Congress.

Again, I am opposed to this bill because it undertakes to give statutory damages for private injuries. By the second section of the bill it is provided that any one aggrieved may sue the party offending—

the manager or proprietor of the theater, the innkeeper, the common carrier—for the alleged wrong and the damages to be recovered shall be $500. Think of it, Mr. President! The idea that the Congress of the United States should be to-day engaged in determining the private relations of our people; that the Congress of the United States to-day should undertake to fix $500 as the sum to be paid for a refusal to admit a person of color to a theater, to an inn, to a public conveyance! It is a scene fit for the occasion—an expiring Congress dealing a last blow to civil liberty! All private wrongs under the common law are to be compensated according to the injury done. Is it not right and just and humane that it should be so? Therefore, if under the common law any one is wrongfully excluded from a theater or from an inn or from a public conveyance, the measure of damages is left to the jury, and proper, adequate, and legitimate compensation for the injury is to be awarded; but not so in this bill. If a person of color be turned from a theater or refused admission to an inn, $500 is absolutely fixed in this bill as the damages. We change the whole current of our law, its whole character, its humanity, its right, its native sense of justice which always addresses itself with so much power to an American mind, for it is accustomed to the great principles of the common law which have led us through centuries of trial to what from our experience, learning, and advantages should be our happiest days. But here they are all to be changed; you are to have no mitigating circumstances, you are to have no extenuation, you are to have no regard to the condition of the party charged with offending; you have no sympathy for him, poor and penniless. Whatever a jury might find against him, however trivial, will not satisfy your demand. No; $500 it must be; nothing else will do. It is "the pound of flesh," Mr. President. Is there reason, is there humanity, is there right in such a bill as this in a Government where we pretend to cherish the principles of republicanism? In the common administration of law our private injuries are determined, as we may more or less be a sufferer. Judges and juries and courts are established to that end; but here the party aggrieved, as I said before, however trivial the injury may be, is entitled to his "pound of flesh" and we are to register the edict to-day.

I am opposed to any such provision. As an American citizen—as an American Senator who would guard the trial by jury in its great and generous meaning, and who would hold it as sacred as the honor of the country itself; who looks upon it as the paladium of our liberty and the bulwark of our security in life and property—I protest against the cruel principles of this bill as incorporated in this provision.

Mr. President, now I come to the jury clause of the bill. Theaters, inns, and public conveyances are mere matters of personal interest and private concern. I may go to a theater if I choose, I can stay away if I choose, or I may not be permitted to go and yet suffer no injury. I would here dwell for a moment and ask my honorable friends around me whether at this late period of the session it is altogether proper that we should be leaving the great questions of government—leaving our appropriation bills, with a Government clamoring for revenue, with tax bills before us, with a currency which is a dishonor to the country, with a Government without money it is alleged to carry it on and maintain the public credit; all your industries suffering, prostrate in the dust; when we hear the murmurings of a whole people coming up to this body, that we should be here to-day legislating upon the question as to whether a person of any color or of any race who from any cause was not allowed to enter a theater should be entitled to the privilege of recovering $500 for his own personal benefit, and besides that the person offending should be compelled to answer as a criminal and be fined at least $500 in addition? Consider! There is nothing about churches, nothing about schools, nothing about associations of serious concern, nothing about legislative bodies, nothing about courts; but "theaters, and other places of public amusement" only have marked respect in this bill.

My honorable friend from Indiana would agree with me, for he comes from a State where there is some emotion of liberty left, that were any one to get up a theater or an amusement of any kind he would, I think, be allowed to select his audience just as he chose and as he could. If he made no money by reason of his selections, that would be his own misfortune and no one's wrong. I would leave his own personal interests guide him. If he should even in this city—the capital as it is—put up a theater and undertake, as his own property, to admit one and exclude another for any cause, whether on account of race or color or condition, or whatever it might be, that would be his own business and not mine, either as a citizen or as a legislator. He could do so just as well as the butcher at his stall, just as the grocer at his store, just as the officer at the counter of his bank, and refuse admission or favor or accommodation to any one; but if you can enter into all the relations of life embraced in this bill, there is none to escape its grasp whenever the occasion may move you.

But, Mr. President, this jury clause comes nearer home. It is as follows:

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the causes aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

This question goes down deep into the very foundations of civil polity in the States in the administration of public justice and in the absolute right that we should enjoy in the administration of our local laws in the control and direction of our own domestic affairs. This jury clause I care nothing for in itself. It is a wreck as it stands in this bill. It has no force; it has no form; it is without form in line and in word and void of all force and effect, and can never be carried into execution. It never can be brought to the real adjudication of any official tribunal. While this may all be so in fact, it is against the dangerous assertion of authority that I protest. The idea that we sitting here to-day should solemnly undertake to direct how Maryland and Vermont shall proceed in the selection of a jury to try causes of their own people in their own domestic relations!

Mr. EDMUNDS. May I suggest to the Senator that I think he misunderstands the section. This bill does not propose to direct anybody; but like a bill of rights it proposes to say that no State shall invade the rights of a citizen. This is all—quite a different thing.

Mr. HAMILTON, of Maryland. Like a declaration of rights! No State shall invade the rights of a citizen! I understand the Senator from Vermont. By the language of the Senator, that "no State shall invade the rights of a citizen," we would be deprived of the right to discriminate between citizens of a State or "persons," as the Senator from Indiana would have it, and therefore it is direct intervention. This section forbids, under severe penalties, a thing to be done which we have always done, and claim a right still to do, and which we ought to have the right to do; and my honorable friend from Vermont says that that is no intervention. What is it? A conceded right that we always enjoyed, a right that we now possess and will continue to enjoy in the future, is forbidden by this bill to be exercised? and the Senator says that is not intervention. He and I may differ about the true meaning of the word.

Mr. THURMAN. Allow me to call the Senator's attention to the last clause of the fourth section:

And any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the causes aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

Mr. HAMILTON, of Maryland. I was coming to that. You forbid a certain thing to be done, and you direct a certain other thing to be done. It says that you shall not exclude or disqualify, nor shall you fail to summon for any of the causes mentioned, under a given penalty; and to whom is this directed? Not to United States officers only; you can direct them as you please; but it is also directed to the officers or the people of the State. Certain persons or citizens are declared not to be disqualified as jurors. If the person having the selection of jurors fail to summon for any of the interdicted causes, he is liable to a penalty, even to the extent of $5,000.

Mr. President, I ask in all reason, in all candor, whether this is not interfering not only with our domestic affairs generally, but is it not directly interfering with the discretion of the appointing or selecting power existing by authority of the State alone and alone subject to the laws and constitution of the State? Is not this an intervention with the discretion of the appointing power of the State? You can with the same propriety, and with infinitely more propriety, interfere with the discretion of the appointing power of the President as to all the offices in the country. You can with the same degree of propriety interfere with your appointing power in this Chamber, circumscribed as it is, or with the appointing power of your judicial officers, or with the appointing power of the governors of the States; nay, you may go down to the people, because wherever this discretion rests, whether it be with the people at the polls, or whether it be with the President or the governor of a State or the members of Congress, it is the discretion you attack in the selection of persons for a public or private duty or trust.

To show the utter, absolute folly of all this, suppose these jurors were elected by the people. They might be elected by the people, and in some States they are so elected. Suppose in Maryland to-day we were to refer the selection of jurors to the people; how would my honorable friend direct the force of this bill against such a body in the selection of jurors? I think in the State of Maine, and it may be in the State of New Hampshire, jurors are elected by the people, and so over the whole land it might be. When you strike at the discretion of an appointing power you touch its freedom and independence. You can with the same degree of propriety insist that when the people themselves vote they shall not vote against a person because of his race or color where such discriminations are prohibited. The logic of the one is the logic of the other. And yet my honorable friend from Illinois will admit that any voter in any district in his State could declare upon the hustings and at the polls that he did oppose a person because of his race and color for a juror or for any other position and be liable to no law; and would Congress in all its asserted plenitude of power impose penalties for so doing?

I ask gentlemen on the other side of this Chamber whether Congress could thus undertake by general legislation to confine and trammel and impress the discretion of the voter; and if it cannot do that, can it impress the discretion of a judge, impress the discretion of a sheriff who is authorized by the laws of the State under an oath of office to select suitable and proper persons as jurors according to the direction of the statute? In my own State the judges have the selection of jurors. They select a given number in each county, the number differing in different counties, and from that selection names are drawn to con-

stitute the grand and petit juries for the term. Shall we thus undertake to trammel in any respect the discretion of the judge any more than you would impress the discretion of the voter? You have not the power; I defy the assembled wisdom of Congress. You cannot frame a law to-day, you have not words precise enough in the English language, you have not continuity of thought enough to frame a law that will do either. There is no judicial tribunal upon earth that will punish any one for exercising this discretion. There is no tribunal in this land I hope that could be brought to punish a voter for declaring his views and sentiments and why he did or did not vote for a person for any position. Therefore, while I am here protesting against the incorporation of such a section in this bill, against the assertion of authority to interfere in our local affairs, it is all practically nothing; it is a void and meaningless act if done, and can never be executed. It could hardly be executed even under a government like that of Tiberius.

Now, Mr. President, I desire to call attention to one thing more before I close the remarks that I have the honor of submitting upon this bill. There is one other objection that I have to this bill. It is another thorn thrust into our flesh; it is another antagonism between races; it is another effort here to array race against race, and still further retard the time when with mutual interest and mutual understanding we may measurably get along in harmony and with advantage to all and to the country. With all the antagonisms that appear natural almost to the races and that have come down to us since the morning of the first day and that exist at this day, and that will exist forever, we still can go along side by side guided by prudence and humanity, without injury to either. All who know me know that I have not a prejudice upon earth against the colored race. I can award to them all the virtues they possess. I can appreciate the fidelity with which they stood by their old masters in the late war when the latter were in the field far from their homes. I can attest to their general docility at my own home amidst the disorder, tumult, and strife of the times, and in fact by their quiet and peaceful deportment putting to shame white men who should have, from their opportunities and associations, known better.

My strong desire is that there shall be peace among us. I recognize that there is an antagonism between the races, and all men of all races of good sense acknowledge it. The English tongue! The admixture of Anglo-Saxon-Celtic blood makes a current broad enough and strong enough and deep enough to carry its civilization with the course of the sun, and, as does the reveille of the English drum, keep pace with its march around the earth; so also does the English tongue. The Greek tongue found its home all around the shores of the Mediterranean; and its civilization was extended to the far-off Indus, but how lost to the present are all its past glories. The Latin tongue carried the civilization of Rome to the ends of its boundless empire, and yet to-day it is only known to the learned in its ancient purity and vigor.

But to the English tongue is preserved a higher and a nobler destiny. It is to carry on its broad and vigorous bosom the hopes and liberties of nations not yet born. We know it! We see it! Its civilization is to cover whole continents, and its power is to be felt in all besides. Behold the island continent, Australia! Look at the Indies! The islands of the sea! Behold this whole continent—nay, the whole hemisphere—all, all is to be in the end the vast field of its undying power, and, it is to be hoped, of its boundless good.

A century hence there will be one hundred and fifty millions of English-speaking people on this continent and of the Anglo-Saxon-Celtic race—the white race of commingled blood, English, Celtic, and Germanic. The question of race is then settled; it is extinguished. The Indian will have disappeared. The African will be no stronger, if as strong; but in the aggregate a mere atom in the world of being. Time and population will settle for the aggressive race what you vainly attempt to settle by legislation. You will have equality among races. Time and population will have but one race on this continent. Nature will settle a question that you cannot by law. Interest and justice and humanity will accommodate the races here when your legislation does nothing but provoke and mislead. It inflames the white and misleads the colored.

I pray our friends on the other side of the Chamber to consider that we know something of our own interests; that we cherish our own convictions, understand our own feelings, and will not fail in either humanity or justice. I want our friends on the other side of this Chamber to remember that the landed property of twelve States is substantially owned in fact by members of the party in opposition to our friends on the other side of the Chamber. The property substantially of twelve States, with all its values, its enormous values, and all its productive powers and its enormous interests. Have we no cause, have we no reason, have we no interest in peace, in quiet, in giving to this immense territory, rich in all the productions of material wealth and inhabited by a people inferior to none on earth, its proper and normal position in this country, that the fruits of all this may be realized by them and their children? Can it be that we are not competent to understand our own interests or would fail from mere fatuity in pursuing them? Accord to us some degree of common sense and some disposition to use it. When you consider that great question, the elevation of that people, the true interests of that people, comprehend their necessities, realize their yearnings, and commensurately appreciate their aspirations to bring into available and productive power the immense resources of the vast territory of these twelve States, an empire in itself, accredit to them some degree of intelligence and some natural desire to be prosperous, contented, and happy.

I know the antagonisms between these two races. I know their relations now and I appreciate them. As we know and appreciate them better than you can, leave us together to work out the problem, if it be one, in all its consequences, and be assured that you in time will have no reason to complain. All our interests are mutual or dependent, and a wrong or an injury done to any is felt by all.

What is most needed now is that the material interests of the South be developed and you cannot help but be prosperous. There will soon be no trouble if you will but let those people attend to their own affairs and direct their own resources.

Living south of Mason and Dixon's line and because of our domestic institutions, now abolished and abolished forever, the sympathy of a large mass of our people was naturally with the South, although never abating their devotion to the Union.

All alike however are condemned before the world because education was not given to the slaves, and we are held responsible before the American people in the defense that our friends on the other side of the Chamber would make for putting the control of whole sections of the country into the hands of this ignorant multitude. And yet how easy the solution and how natural the change! In the days of slave labor it was marshaled by intelligence and directed by interest, just as much marshaled and just as much a mere part of machinery as the rank and file of an army. But things have changed with their changed relations. The slave had no cares then. The master had to provide all, direct all; it was his intelligence that put them to work; it was his intelligence that directed their efforts; it was his intelligence that made their labor profitable; but it is different now. They are now thrown on their own resources. Intelligence is a necessity to them and to the people among whom they live. The people of the South understand the change of condition, and now that the negro is free and is the master of his own personal conduct, no class of men are more impressed with the fact that there is a necessity for him to be intelligent and informed than the people South.

The diffusion of intelligence among the colored population is now to be one of the cardinal efforts of the southern people. When they were slaves they were mere machines; but now, as they are freemen, they are to be directed by their own will and by their own knowledge, whatever that may be; and, therefore, to make them valuable as a population, it is the interest of all to see to their advancement in knowledge. Maryland, Missouri, Tennessee, all the States of the South in fact, as far as their means will justify, are taking measures toward that end. We do not want helpless ignorance among us any more than you do. As I said before, when they were slaves we did not feel the friction, because intelligence directed them; but now that they are free, and ignorant and inexperienced in their new state, we feel the abrasion—and are impressed with the importance of it. What did the people of Maryland do at the last session of her Legislature? I refer to it to show how we are impressed and what we think is required to be done.

At the session of the Legislature begun in July, 1874, chapter 332, $460,000 was appropriated to the support of white schools and $100,000 to the support of colored schools for the year ending December 31, 1874. Also by act of the same session, chapter 511, there was appropriated the sum of $525,000 to the support of white schools and $100,000 to the support of colored schools for the year ending December 31, 1875. I refer to this to show that we manifest our willingness to tax ourselves, and without your intervention, in order to secure the benefits of a common education to these people. We know better than you can what our interests are and what we ought to do to subserve them.

Here is the population of the State: six hundred and five thousand white and one hundred and seventy-two thousand colored; so that all will admit a degree of fairness in the apportionment of the tax. This was appropriated because the necessity was felt in the changed relations of things; that these people among us should be intelligent not only for our own interest, but for their own moral and material well-being. Their degradation, their ignorance, their vices, uncontrolled by intelligent direction must be removed or abated; there must be a change in order to secure peace and good government among ourselves, and we are doing our duty toward them, and now I would ask our republican friends to let us go on in our own way in doing good as we shall be influenced by the circumstances of our condition.

Local self-government is everything—it means that we shall attend to our own local concerns, as we best understand them. We have lived among these people and we have got to die among them. I beg that you will allow us to travel along down the paths of time as our mutual interests and mutual good-will shall direct for all years to come, and you will not be troubled, this Government will not be harassed, whole sessions of Congress will not be taken up in legislation to force upon us the crudest ideas and by a people who do not know what they do, as this bill demonstrates. Nothing you can do will force out of order the natural condition of things. Your reconstruction policies have all failed. Your laws in the past have all failed where you would revolutionize nature itself; when you would legislate against local self-government among a people whose very being is identified with and is a part of it. All your attempts

will fail as they have in the past failed in the results you fondly expected. They are a dead letter to-day upon your statute-books, and while you have caused much suffering, they are but the monuments of your folly. The prosperity of the people of the South, their unity, their slowly recovering resources, have all been made, all been built up in spite of your efforts to govern and oppress them. Give to that great people their liberty; give to them their own well-earned right to attend to their own internal concerns, and they will give you the best government on earth and a land favored with peace and filled with plenty.

Again I beseech you to stay your hand in the destructive measures that you would pass, alike fatal to that people and in the end as fatal to yourselves. You peril the liberty cherished by the hopes of mankind to gratify a sentiment that would well become a despot who beholds in uniformity the ideal of government.

Civil Rights—"The world is governed too much."

SPEECH OF HON. EPPA HUNTON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

February 3, 1875.

On the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

Mr. HUNTON. Mr. Speaker, so much has been said on the civil-rights bill that but little can be uttered now either new or interesting. And yet I do not feel at liberty to suffer a vote to be taken without at least a protest against it. This bill is designed as one of the series of laws passed by the dominant party to reconstruct the Southern States after the war. It will be instructive to trace this legislation and to ascertain whether it has not been an absolute failure, and if so, whether Congress should not hesitate before passing this the most damaging and insulting of the series. When the war ended what was the condition of the people of the ten Southern States which attempted to withdraw from the Union? They were stripped of all their personal psoperty; they had nothing left but their lands and their debts; in many instances these lands had been devastated by the contending armies.

Scarcely can be found on record an instance where a people so honestly "accepted the situation" after a great war, and so earnestly went to work to repair their broken fortunes and provide for the necessities of their families.

In illustrating the effects of the policy of reconstruction I shall mainly speak of Virginia, my own State, the one least affected by this policy.

When the war ended the people of Virginia found that our grand old State had been dismembered and one-third of her territory torn from her by revolutionary means; her own State government driven out at the point of the bayonet, and what was known as the Pierpoint government took possession of the State. This government in both branches of its Legislature consisted, I believe, of thirteen persons elected by a few citizens in a few of the counties along the border of the State under the control of the Federal Army. The Virginians submitted quietly, peacefully to this government, obeyed its laws, held elections under it, and sent a full Legislature to Richmond at the close of the year 1865. But this government was too mild in the opinion of the party controlling the Federal Government for a subjugated people; the laws were enforced too tamely. Pierpoint was removed and H. H. Wells, a stranger to the State, was appointed in his stead without even the pretense of law.

The thirteenth amendment to the Constitution was adopted. This was ratified by Virginia as one of the sovereign States, and abolished slavery in the State. It was not enough to deprive us of property in our slaves which we all accepted as the legitimate result of the war, but we had by the adoption of this amendment to present the appearance of indorsing and agreeing to the wrong. We hoped this would suffice and that we would be left in peace to rehabilitate our State government and repair our wasted fortunes. But no; republican vengeance was not near sated. On the 16th day of June, 1866, the Congress of the United States adopted a joint resolution proposing another—the fourteenth amendment to the Constitution—the sole object of which was the oppression and prostration of the Southern States and to take the State governments from the hands of their own people and place them in the hands of carpet-baggers and the lately emancipated slaves, too recently emancipated to be capable of exercising the functions of electors or law-makers.

The third and most objectionable section of this amendment is in these words:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judical officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

By it many, nay, most, of our best and most experienced people were proscribed, and the offices thrown into the hands of inexperienced young men, who had engaged in the "rebellion" to the same extent as the others but were too young to hold offices requiring the oath before the war.

This resolution was never submitted to President Johnson for his approval or veto, but was transmitted directly to the States. It required for the ratification of it twenty-eight States before it became a part of the Constitution. Twenty-two ratified, two did not act, and thirteen, consisting of Kentucky, Delaware, Maryland, and the ten States lately the Confederate States, refused to ratify it. It was then maintained, I believe for the first time, that these ten States were not States in the Union, and the ratification by the twenty-two States was complete, and they were not to be counted in obtaining the three-fourths for ratification. Those who had therefore contended that the war was waged to preserve the Union, and to prevent these States from leaving the Union, suddenly shifted their ground and maintained that they were no longer States of the Federal Union. But well-founded apprehensions existed that this doctrine would be held erroneous when passions subsided and that this article would be decided to have no place in the Constitution. Besides this, the people in these Southern States were getting along too well and too peacefully; there were no disorders, no bloodshed; all had comparatively good State governments. The angry passions engendered by the war were rapidly passing away. Slavery, the one idea on which the republican party had been founded, had been abolished and settled forever. There was great danger that the republican party, having accomplished its mission, would die, and its party leaders sought a pretext for continuing the excitement and keeping up the bitterness between the sections. They inaugurated the reconstruction measures, a Pandora's box of evils to the South chiefly but carrying in their train widespread evil and injury to the whole country. The first of the series was approved March 2, 1867, and by the first section of it the ten Southern States were swept out of existence and divided into five *military districts*.

The second section assigns an officer of the Army not below the rank of brigadier-general to command each of these districts.

The third section imposed on these commanding generals the duty "to protect all persons in their rights of persons and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the peace and criminals." It also authorized them to organize military commissions or tribunals for the trial of offenders.

The fourth section limited the execution of the sentence of the military tribunal where it affected property or liberty till it was approved by the commanding general, and of the sentence of death till it was approved by the President.

The fifth section provides for the admission of these military districts into the Union as States:

When they had adopted a constitution framed by a convention of delegates elected by the male citizens of such States twenty-one years old, of all races, color, or previous condition who had resided in the State one year and who had not been *disfranchised by participation in the rebellion* or by felony at common law; and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualification of electors of delegates herein stated; and when such constitution shall have been ratified by a majority of the persons voting on the ratification who are qualified as electors for delegates; and when such constitution shall have been submitted to Congress for examination and approval and Congress shall have approved the same; and when said States by a vote of its Legislature elected under said constitution shall have adopted the amendment to the Constitution of the United States known as the fourteenth amendment; and when said article shall have become a part of the Constitution, said State shall be entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law; and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from holding office by said proposed amendment to the Constitution shall be eligible to election to the convention or allowed to vote for members of such convention.

This act was passed over the veto of President Johnson, and when on its passage was characterized by a member of this House [Hon. FERNANDO WOOD, of New York] as the "most damnable act of this most damnable Congress." A resolution of censure was adopted. Parliamentary usage *may have been* violated, but history will vindicate the truth of his denunciation of this bill. By it ten States, sovereign States, some of them embraced in the original thirteen which achieved independence, were annihilated and converted into military districts, in which property and personal liberty had no other protection than was found in a military commission; where life itself could be taken by such tribunal if its sentence was approved by the President of the United States. It would be supposed that party hate and sectional malignity would be satisfied by the provisions of this bill, and that when these "military districts" were allowed to emerge from this state of vassalage and again be admitted into the privileges of the Union they would have been permitted to come back as sovereign States. But not so. When military vassalage became insupportable, and these States were forced at any cost to get rid of it, they found their way back into the Union hedged in and surrounded by the provisos, conditions, and limitations of the fifth section. They were compelled to elect delegates to the conventions to frame constitutions in a mode prescribed by the act of Congress; compelled to allow persons to vote who theretofore had not exercised the elective franchise; compelled to exclude both from voting and membership many of their most trusted, experienced, and

peaceable citizens; compelled to submit their constitutions to the examination and approval of Congress; compelled to adopt the fourteenth amendment, which had been rejected by them; compelled to act against their will as a sovereign State in ratifying this amendment before they could be allowed any other privileges of a State; compelled in most cases by the peculiar provisions to surrender themselves for long years to the rule of carpet-baggers and the ignorant colored population. Other laws were enacted declaratory of this vile law, which made its provisions more odious and oppressive. Time would fail if I attempted to trace and comment on all.

The fifteenth amendment to the Constitution was adopted, which declares—

That the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude.

The fourteenth amendment forces the States to accept the colored people as citizens, and the fifteenth compelled them to clothe these same colored people with the elective franchise and eligibility to office, while they deprived thousands of the best white citizens of these inestimable privileges.

By these provisions nearly all the Southern States in accepting the terms and conditions of these laws and constitutional amendments, in ridding themselves of their state of military vassalage, passed under the misrule of carpet-baggers and negroes. Some are still under this misrule, while most of them have after years of trial secured the governments to the real *bona fide* people of the States, and are now enjoying tolerably good governments, administered by themselves, under which all persons of whatever color are protected in the enjoyment of all their rights.

The fate of down-trodden South Carolina seems almost hopeless. Still under the State government forced upon her she remains, and will it is feared long remain, a monument to the hate of sectional malignity. Louisiana would be free but for the unauthorized and tyrannical interference of the Federal Executive. This policy of reconstruction was not the emanation of statesmanship, was not designed to restore these States to equal privileges in the Union, was not pursued to bring back material prosperity to these States; but was conceived in hatred and intended to raise up a race of voters subservient to the dictates of the radical party and designed to be the means of controlling the politics of these States. What has been the effect of this policy upon the material interests of these States? The people, borne to the very dust by the ravages of the war, stripped of their labor, with nothing but their naked lands to pay their debts and make a living for themselves and their families, have been systematically robbed and plundered by these governments forced upon them by the reconstruction policy, and which were run by persons having little or no interest in them, until many of them became bankrupt, and the people, unable to pay the taxes necessary to pay the debts contracted by these governments, are being sold out by the tax-gatherer, and their lands returned delinquent will soon be sold for the taxes due on them. The whole southern country is to-day languishing in almost hopeless bankruptcy, caused mainly by the effects of this policy of reconstruction.

The debts of these Southern States have been increased more than $200,000,000, as follows:

Alabama:	
Debts July 1, 1861	$5,939,654 87
Debts July 1, 1871	38,381,967 37
Arkansas:	
Debts and liabilities in 1861	4,036,952 87
Debts and liabilities in 1871	19,761,265 62
Florida:	
Debts and liabilities in 1868	528,856 95
Debts and liabilities in 1871	15,763,447 54
Georgia:	
Debts and liabilities in 1860, about	3,000,000 00
Debts and liabilities in 1871	44,137,500 00
Louisiana:	
Debts and liabilities in 1861	10,099,074 34
Debts and liabilities in 1871	41,194,473 91
North Carolina:	
Debts and liabilities in 1861	9,699,500 00
Debts and liabilities in 1871	34,887,467 85
South Carolina:	
Debts and liabilities in 1861	4,000,000 00
Debts and liabilities in 1871	29,158,914 47
Mississippi:	
Debts and liabilities in 1861	None.
Debts and liabilities in 1870	$1,796,971 30
Tennessee:	
Debts and liabilities in 1861	20,105,606 66
Debts and liabilities in 1871	45,688,263 48
Texas:	
No debt before the war.	
Debts and liabilities in 1871, including railroad bonds	17,000,000 00
Virginia:	
Debts and liabilities in 1861	31,938,144 59
Debts and liabilities in 1871	47,390,839 96

These debts have in many instances been diminished since the States have escaped from the clutches of the vultures who had seized the bodies-politic and preyed upon their very vitals. But what cared they for the prosperity of these States, so long as they accumulated fortunes and enjoyed their own salaries? The tax-payers on whom the State depended often had no voice in the government of the State; they were carefully excluded by the terms of reconstruction. Those who imposed the taxes paid but little, in many instances none. Take South Carolina as an example, probably as extreme as any. In 1871 the executive officers paid taxes as follows:

Governor R. K. Scott	None.
Lieutenant-Governor L. Boozer	$15 90
Adjutant and Inspector-General F. J. Moses, jr	1 00
Secretary of State F. L. Cardozo	None.
Comptroller-General J. L. Neagle	None.
Treasurer N. J. Parker	None.
Attorney-General D. H. Chamberlain	None.
Superintendent of Education J. K. Jillson	None.

Instances without number might be given where the people have been swindled by their corrupt rulers forced upon them by the action of Congress. The effect of this State rule need hardly be told. Poverty stares the people in the face; their very heart has been crushed out; their property, the little left after the war, has been sacrificed. Thousands upon thousands have been forced into bankruptcy. The effect of all this is not confined to the debtor class. The creditor loses the debts due him, and he sinks from affluence or independence to poverty. Ruin is now staring thousands in the face who up to this time have weathered the storm. Agriculture, manufactures, and all other industries are languishing. There seems to be no relief for the present, no hope for the future.

Are the bad effects of these laws confined to the Southern States? No country as a whole can thrive when a large portion of it is so crippled. When the condition of the business of the Northern and Western States, stimulated into unnatural prosperity by the war, has come down to the natural conditions of a nation at peace, we find commerce, trade, agriculture, mining, and all other industries languishing, partly, if not mainly, on account of the condition of these Southern States, which afford the market for the North. What means the cry for bread from the thousands of unemployed poor at the North? Men anxious to work, but who can find none. Look in any direction you choose, poverty and distress stare you in the face. Is any one so blind that he cannot see that this state of affairs owes its existence in a great degree to the destitution of these Southern States caused by Federal oppression and outrage?

The eyes of the people of this country are being opened to the true condition of affairs. They already begin to see the disastrous effects of republican legislation on the whole country, and that the republican party, which owed its existence and success to the prejudice against slavery, was attempting to perpetuate its power or prolong its existence by keeping alive the hatred between the sections and entailing ruin on the whole country. The elections last fall afforded some indication of the awakening of the people to the true condition of affairs. This branch of the present Congress shows a majority of about one hundred for the republican party. The Congress which succeeds this on the 4th of next March will show in this branch about seventy majority against this party. This political revolution, unexampled in the history of parties, is full of meaning. It means that the days of this party, the authors of so much misery and woe to the South, so much financial distress to the whole country, are numbered.

I beg the republican party to pause—to cease this relentless war on the people of the South. Do the leaders of this party wish further to depress the white men of the South and elevate the colored men to social equality? Why press this civil-rights bill, which will be so injurious to both races? I fear the machinery of party and the party will be or have been successfully used to effect this object. The rules of this House which have governed it for more than fifty years have been changed for the purpose of forcing this and other bills through this House to the prejudice of the South.

But whence is the power derived to pass this bill? We have been taught to believe that this Government was one of limited powers, deriving all its powers from the Constitution of the United States, and that this Federal Government had no power over any subject unless granted by the Constitution. We know that the power to pass such laws as this was never claimed till the fourteenth amendment became a part of the Constitution. Let us see briefly if any such power was given or intended to be given by that amendment. It is claimed that the first and fifth sections of this amendment give this power. Unless found in these two sections, the passage of this law will be a plain usurpation of power reserved to the States:

SEC. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The first clause of the first section makes all persons (white and colored, native and naturalized) citizens of the United States and of the State wherein they reside. This provides for two classes of citizenship, of the United States and of the State wherein they reside. The second clause provides that—

No State shall make or enforce any law which shall abridge the *privileges and immunities of citizens of the United States.*

The prohibition upon the States is against the passage or enforce-

ment of a law which shall abridge the privileges and immunities of citizens of the United States, but not the privileges and immunities of the citizen of a State. Now, it is clear from the words of this section the privileges and immunities of the United States may be of one class and those of a State of another and quite a different class; and if this be true, then this amendment gives no power to Congress over these privileges of citizens of the State. What are the privileges of citizens of a State? Judge Washington, in the case of Corfield *vs.* Coryell, in 3 Washington's Circuit Court Reports, 371, thus defines them:

We feel no hesitation in confining these expressions to those privileges and immunities which are in their nature fundamental, which belong of right to citizens of all free governments, and which have at all times been enjoyed by the citizens of the several States which compose the Union from the time of their becoming free, independent, and sovereign. What these fundamental principles are it would be more tedious than difficult to enumerate. They may be comprehended, however, under the following general heads: Protection by the Government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, *subject, nevertheless, to such restraints as the Government may justly prescribe for the general good of the whole.*

These are the privileges and immunities of citizens of States, and they cover every one of the provisions of this bill. The privileges and immunities of citizens of the United States are to be found only in the Constitution of the United States, and no such privileges as are sought to be given in this bill can be found in the Constitution. An illustration of the privileges and immunities of citizens of the United States may be found in the fourth article of the first amendment, which says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, &c.

The power given in this amendment to legislate being confined to the privileges and immunities of citizens of the United States, Congress has no right to invade the exclusive domain of State legislation and meddle with these fundamental privileges of the citizens of the States. This view is fully sustained by the decision of the Supreme Court of the United States in the celebrated slaughter-house cases, 16 Wallace's Reports, and of the supreme court of Ohio in the case of The State *vs.* The City of Cincinnati, 19 Ohio, 178.

But if, by the ingenuity of construction, the language of this amendment could be made to embrace these fundamental privileges which belong alone to the citizen of the States, still the constitutional difficulty would remain. The language of the amendment is that no *State shall make or enforce* any such law, not that Congress may make such a law. It is a prohibition upon a State, not a power conferred on Congress. It is a power given to the courts of the Federal Government to declare unconstitutional and void any such law as may be passed by the States. It is a power given to the Federal Government only to pass upon the validity of State laws on this subject, and cannot be a power given to Congress to act by legislation directly on the *persons* of the States by enforcing penalties for violating its provisions.

The Constitution declares that no State shall pass a law impairing the obligations of contracts. It cannot be and never has been contended that this provision enabled Congress to meddle by legislation with the private contracts of citizens of the several States, but only gave to the Federal courts the power to declare all such laws unconstitutional and void which impair the obligations of contracts. This illustration is familiar to every lawyer. But it is maintained that the fifth section, which gives to Congress the power to enforce by appropriate legislation the provisions of the fourteenth article, gives the power to Congress to pass this bill. The power contained in this fifth section was already granted by the last clause of the eighth section of the first article of the original Constitution, which says:

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

As well contend that this last clause authorized the Congress to enter the wide field of legislation regulating contracts between citizens of the States as that the fifth section of the fourteenth amendment conferred on the Congress the right to pass this bill. The meaning of both is that Congress shall so provide that the Federal judiciary shall have the power and means to declare any such laws unconstitutional and void. This has already been done by the judiciary act and amendments thereto.

But this bill should not pass if the power of Congress to pass it was conceded and plain It professes to be for the benefit of the colored man. It is believed it will be ruinous alike to the white and colored race.

I desire to say here that the white people of the South generally have no such prejudices against the blacks as are ascribed to them by the people of the Northern States. They are willing and desirous to give them protection in every right and to concede to them equality before the law; but they will resist by all legal means every attempt, whether in or out of Congress, to establish social equality between the races. There still remains much of the feeling of kindness toward the colored people which existed in the days of slavery. During the war, when the white male population was in the army, their wives and daughters were often left at home under the protection of the slaves. Many of them deserted their posts when the Federal Army approached, but I know of no instance in which this trust was betrayed by violence. When the war ended and the freedom of the slaves was an accepted fact in the Southern States, they were orderly and polite. Kindness existed between the men who but recently occupied the relation of master and slave, which relation had just been rudely sundered by the fate of war.

Not until the meanest of the northern people came among us and sowed the seeds of discontent and impertinence did we see any misbehavior on the part of the colored men. And even now, after they have been used by the republican party as political tools and sentiments of hatred to the whites have been carefully instilled into their minds, I say, without fear of successful contradiction, that no race of people, as ignorant, under the same circumstances have behaved so well. It is not prejudice or a feeling of unkindness to the colored man that influences the opposition of the southern white man to this bill, but a sincere desire for the welfare of both races and a wish to live together in peace.

We feel that peace in the South is a necessity to us. Our forbearance under so many provocations ought to satisfy the most skeptical that we are determined if possible to keep the peace. We desire, therefore, to keep away all sources of irritation, all causes of collision, many of which will follow in the train of this bill when it becomes a law.

Who does not know, who knows the colored man, that he would never have desired mixed schools, mixed sittings at hotels, theaters, in cars, in steamboats, and asylums if he had not been industriously taught to demand them, and even now the great body of the race does not desire any such "*privileges.*" In many, I believe in all, of the Southern States they have now the privileges of all except at hotels and in public schools and asylums.

Where is the community in the Northern States which would patronize any hotel where colored men were allowed to come to the same table and sit between man and wife? An attempt to force this on any southern community will endanger the peace of that community. Where is the northern hotel-keeper that would like to be forced to receive colored people and give them mixed sittings with his white guests, if especially the colored guests outnumbered the white, as might be the case in many localities in the South? We are impressed with the belief that the mixture of the two races in lunatic and deaf and dumb asylums will destroy them in the South, and thus break down the most useful and beneficent charitable institutions in our land.

Virginia has striven honestly under a thousand difficulties to give the colored people their rights, but in some particulars, for the good of both races, has given them separate rights. She has established an asylum for colored lunatics, well provided and well governed, the first ever established in the world. But the worst feature of the various amendments to this bill is that providing for mixed public schools. Virginia has only since the war entered upon the free-school system of education, and though by her constitution she was not compelled to enter upon it till 1876, it was taken hold of at once. We in that State felt the necessity of instructing and educating the colored people, and the system inaugurated in 1871 has already attained large proportions. To appreciate fully the progress we have made in public schools you must look at our impoverished condition. A people almost bankrupt have done wonders toward educating the children of both races. By the last annual report of W. H. Ruffner, superintendent of public instruction, pages 122 and 123, it will be seen that the State spent on this new system of education for the last year the following sums:

For pay of teachers	$698,246 44
For rent, fuel, lights, &c.	85,189 15
For pay of superintendents	46,481 33
For pay of treasurers and assessors	23,117 46
For pay or district clerks	14,142 63
Expenses of central office	5,968 21
For real estate, buildings, and repairs	120,348 86
For furniture and school apparatus	11,495 94
Aggregating	1,004,990 02

The school population, page 117:

White	259,509
Colored	199,317

In 1824 the white attendance was only 2 per cent. better than that of the colored, and the colored attendance of 1874 was three per cent. better than the white attendance of 1873. This will show the enormous outlay for the State under the circumstances and the very favorable progress made in educating the colored people. All this has been accomplished under State laws and in separate schools. Why interfere with us? Mixed schools forced upon us by act of Congress will destroy the system of free schools, and in two years there will not be a free school in Virginia.

In this same report of our accomplished and efficient superintendent there is a digest of the reports of county superintendents, commencing on page 42, in many of which expressions like this occur:

But should the civil-rights bill or any bill providing for mixed schools be passed by Congress, the white people of this county will with one voice say "Away with the public-school system."

The superintendent of public instruction, on the subject of mixed schools, makes the following sensible and truthful remarks:

THE COEDUCATION OF THE RACES IMPROPER AS WELL AS IMPOSSIBLE.

By reference to the written reports of the county superintendents (page 42) it will be seen how many of those officers voluntarily mention the "civil-rights bill" as the instrument of inevitable destruction to our school system, if it should pass.

The principles involved in this bill are wide-reaching, and on their right settle-

ment hangs the life of southern civilization, if not the preservation of American liberty. If the school systems of the South be overthrown, the last germ of recuperative energy will have been destroyed; and if the principle be once established that the educational commonwealths of America are to be ruled by a central authority, education becomes the tool of power, and the enslavement of the people must logically follow.

The question of constitutional law involved in the civil-rights bill does not fall within my province; but if it be in accordance with our federative system for the details of State school classification and government to be regulated by Congress, the friends of true education may well pause before they commit themselves further in the direction of public schools. An educational system which is not free in its methods, and which does not develop the people into that mental freedom which is the aim of all true education, is a fraud.

I have strong confidence that this heaviest of the blows will not descend upon us while we in the South are now staggering under other burdens which, of themselves, may crush us. After all the marshaling of facts which has been going on for a twelve months past, it must be generally known that the admixture of whites and blacks in southern schools is simply *impossible*. The most obvious reason for this is the social disparity, indeed the intense social repugnance, existing between the races—a repugnance far greater than that existing in ordinary society, even where the social scale is longest, and its degrees most deeply graven. This repugnance between the free-born and free-made classes has been shown by reference to history from the earliest times to be an invariable law of society, the operation of which could not be overcome by argument, by statute, or by force. And it has been asserted, though not as fully developed as the subject deserves, that this social repugnance, like social laws generally, has a psychological basis which amply vindicates the law; and consequently that it asserts its power as clearly (though not as strongly) in the case of a community of race between the freedmen and their former masters as where there is diversity; and in the case of equality, as well as inequality of culture, as has been particularly shown by reference to society in the Jewish commonwealth, and in the Greek and Roman Republics—to which might be added the entire social history of Europe. But to this general law in our States there have been added intensifying influences of the strongest character, namely, a wide difference of race and a terrible war. So that, altogether, we have one of the most aggravated cases known to history of social repugnance between two peoples inhabiting the same territory.

For all practical purposes we need not go beyond the fact of this repugnance in arranging the details of public education. We *must* teach the races in separate schools, or we *must* abandon public education. Here then is the sharp and decisive point: we will educate the blacks in separate schools, or we will not educate them at all.

Not only will the public free schools be broken up, but our colleges and our noble university, the pride of our State, will languish and maybe die under the baleful influences of this law.

Mr. Speaker, these are some of the evil effects of this law, feebly and imperfectly set forth.

What are the good effects? The colored people do not need it, and as a people they do not want it. I am unable to state any good that will flow from its passage. Is it the intention of the majority of this House in usurpation of constitutional authority, in defiance of the protests of nearly all of both parties who will feel its operation, to force upon the South this most obnoxious law? Can it be the design of the republican party to press the southern people to the wall, to provoke collision between the races by forcing distasteful equality between these two races? Can it be that this party desires bloodshed to enkindle afresh the feelings of the North against the South, and thus to obtain a renewal of their lease of power? The organ of the party and of the Administration in this city, the Washington Republican, in its issue on Monday, 2d of February, said in substance that the change of the rule of this House did not mean the passage of the civil-rights bill alone, but the enactment of a series of laws designed to secure to the republican party the one hundred and thirty-eight electoral votes of the Southern States.

Can it be possible that this paper spoke the sentiments of the Administration or of the republican party? Are the southern people, all disposed to peace and patient endurance as they are, to be goaded and kicked into collision? Are they to be forced, in defense of their very manhood and of their wives and children, to repel assaults and to save their own lives be compelled to spill the blood of those who would slay them? Are these things to be seized upon by the dominant party to strangle the lives of our State governments and fill our blighted land once more with blood? God forbid. I trust our people will bear all this for the sake of their country, with the positive assurance that if they are thus patient and forbearing an outraged people will avenge their wrongs by hurling this party from power. I am persuaded that the means to retain or regain their power now being resorted to by the republican party will most certainly insure their complete downfall and will add another illustration of the truth of the sentiment "Whom the gods intend to destroy they first make mad."

Security of Elections.

SPEECH OF HON. THOMAS J. CASON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1875.

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. CASON. Mr. Speaker, in the history of political and civil liberty there has never been an hour more pregnant with the weal or woe of human rights, individual liberty, the progress of civilization, enlightenment, and Christianity than the present. From the creation of man, from the hour that Cain smote his brother to this moment there has waged an incessant strife, a continuous battle of selfish intolerance and bigotry. In this battle of wrong against right there has been developed every phase of human nature; where vice, oppression, and crime have raised their bloody forms there have been found the pure, the noble, and the brave, ready at all times with self-sacrificing devotion to right and justice to meet and combat vice, resist oppression, and punish crime.

There has been a wonderful change, improvement, and reformation in the form and essence of civil government, the administration of the law, and social status of the masses of the people in the modern forms of government over that of ages gone by.

Passing along down with time, leaving out of view the ancient forms of government and civilization, and examining into the organization and development of the modern government, we find it easy to trace the terrible struggle between barbarism and civilization, oppression and liberty, aristocracy and democracy.

In this struggle of light and liberty against tyranny, slavery, and prejudice, we find that which gives to the philanthropist a guarantee, a positive assurance of final triumph, ultimate equality, and perfect protection before the law for all people. And were the modern democracy half as zealous in studying history, the progress of civilization, human rights, and liberty as they have been in studying the constitution and by-laws of the Klu-Klux Klans and White Leagues and how they could debase and degrade a downtrodden and lately enslaved people, they would learn the infinitsimal futility of their barbarous and uncivilized efforts to prevent the education, elevation, and enlightenment of a weak and inferior class of citizens. They would learn from the earliest infancy of government down to this good hour that an allwise, omnipresent, omnipotent arm has guided, unerringly directed the perpetual advancement, civilization, and enlightenment of mankind, and fore-ordained by irrevocable decree the equality and liberty of every human being. He that runs can read in the signs of the times from our inheritance of the past that there will not nor can there be one step backward in this grand march of human progress.

Our country has always been to a great extent a refuge for the oppressed and burdened people of all nations, if we except only the African race. The sturdy colonists came from lands of oppression, driven from their homes because of their opinions, and seeking in the wilds of the American wilderness a newly-discovered continent—among the savages a home. Here a grand experiment in the form of government could be tried. A population coming from the four corners of the earth, fleeing from deep prejudices and tyrannical bigotry, could implant the fundamental principles of government; beginning at the foundation of all law, imbued with the inspirations of nature, could enunciate and proclaim to a tyrannized world "That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." This was a grand step in advance of any other government heretofore founded.

Unfortunately for the advancement of human progress and civilization, the love of money and power blinded the conscience of our forefathers, misled their judgments, and induced them to enter into the nefarious slave traffic—barter and sell the flesh and blood of human beings as cattle are sold in the market. A large majority of the delegates in the convention that formed our Constitution felt that this "sum of all villainies" had a degrading effect upon the habits, customs, and morals of the Southern States especially, and to a great extent of the entire Union, resolved that the terrible disgrace and stigma upon the people of this country should not be named in or established by the Constitution, but that this sacred instrument should be the fundamental law establishing freedom for freemen.

The increase of the slave population by importation, and especially by propogation, became wonderful in a very few years.

The large increase in slaves, the immense productions of the soil of the South, as well as the peculiar kinds of productions only known to a semi-tropical climate, giving to a great extent a monopoly in the growth of cotton, sugar, and tobacco, and the uncompetitive markets of the world in which to realize unusual profits, soon produced great wealth and power in the southern slave States.

All over the South planters acquired large numbers of slaves; their value and the profits arising from their labor gave great wealth to their owners. The ownership of slaves did away with the necessity of their owners and their families earning their bread by the sweat of their brows. This naturally divided the people into classes. Those who were not required by necessity to labor, and who had time and the means for mental and social culture, neither from necessity were required nor from choice desired to associate and commingle with those whose dependence required them to earn their support by toil and industry. Thus grew into existence caste, at the head of which were a kind of *pseudo* aristocracy, and the lowest class were what was usually called the poor *white trash*, the clay-eaters of the South. The monopoly in the peculiar productions of the slave States, their use in every portion of the civilized world, their necessity in every family, their great value and unusual profits in the market, created in the minds of the slaveholders the opinion that these productions gave such a political and commercial power to the people of the South, an independence of all other countries or people, as never

before belonged to or had been at the command of any other class or people of any country.

It was the proud boast of the politician of the South that cotton was king; that the movement of the looms of Manchester depended on the supply of this article from the South; that not only the happiness and prosperity of the people of this country and England but of the civilized world depended on the growth and sale of this one commodity; that the resolution of the cotton lords to stop its cultivation would bring the good Queen of England and with her the crowned heads of Europe to their knees, humble suppliants before the cotton-pod owners of the South. It was in these times when the good patriarchs of the peculiar institution were proclaiming cotton king, boasting of their planting slavery on the acme of modern civilization and Christianity, that these gentlemen oftentimes would remind their brethren of the North, "the mudsills of society," that any act questioning that slavery was a divine institution and that it was the saving grace of their country to shoot a *Yankee* would be regarded as the grossest insult and a violation of the implied obligations of the North toward the South.

The social and political idiosyncrasies that resulted from and grew out of the peculiar agricultural and commercial relations of the South, and the inharmonious and abnormal conditions of her people, produced such arrogance, intolerance, and arbitrary forms of political intercourse unheard of in history.

It is true that in the colonial times the abolition sentiment of the people of the colony of Virginia was strong and they petitioned the mother country against the traffic of slavery, and it was set out in the proclamation of this colony as one of the grounds of complaint and reasons for separating from the mother country. Yet in less than the allotted span of life, three-score years and ten, the ownership of man had become a stepping-stone to and a sure guarantee for social and political standing and advancement, and all men were considered as elevated and took rank with his fellow-man in the ratio of the number of his slaves. Freedom and intolerance were allowed in everything except the question of slavery. To call in question the right to own and to possess slaves either by speech, action, or deed would ostracize an individual socially and condemn him to associate with the white trash; indeed, a man was regarded as fortunate if he was allowed to remain in the country; often he met with the mob, was introduced to the whipping-post and tar-barrel, rode out of the country on a rail, or sent to the other world by a pistol or a musket shot. In a greater portion of the South no arguments or speeches were allowed that brought in question this institution. The free-soil press of the North was excluded, laws passed prohibiting the education of the blacks and the imprisonment of any person found teaching them, the patrol established all over the South, and a police serveillance over both white and black worse than any military despotism known to the world. A people peculiarly sensitive to liberty in all other things became as to that abject tools, suppliant adulators of the slave-holding aristocracy. Self-opinion and individual ideas and action were completely merged in the hands that controlled this institution, while the mob, the pistol, and bowie-knife held sway.

With the exception of the wealthy, education and literature were neglected, and instead of culture and refinement, the mass of the youth of the country were brought up in comparative idleness. Labor was taught to be degrading. It was conclusive evidence of low caste and social condition to work for a living. The nature of the slave management tended to bring on a level the laborer with the slave. It was the struggling manhood of the honest toiler doled out in competition with forced and unrequited labor. It was manhood competing with the lashed and driven slave.

The ban on labor produced idleness, the want of occupation caused the young men of the country to become restless, daring, and reckless, ready for the organization of Ku-Klux Klans and White Leagues, and inflamed by spirituous liquors ready subjects for the mob and the use of murderous weapons. In what I have said I have but feebly portrayed the outline of facts, the condition of the Southern States upon the breaking out of the rebellion. In fact I may say this condition of things was the cause of the rebellion and all of its terrible consequences.

It was this condition of society that made it possible to commit the outrages upon the Union soldiers and Union southerners during the rebellion; that made it possible to tolerate such incarnate fiends as the commandants of Libby and Andersonville. And no person who saw large numbers of confederate soldiers together during the war could fail to observe the terrible corroding marks of the institution of slavery and the effect of misguided social laws upon the poorer class of these soldiers. I am sure that I am corroborated and sustained by the fears and forebodings of every intelligent northern man who observed these bodies of soldiers for the success of our Government in the reorganization and re-establishment of law, order, and peaceful government in the Southern States at the close of the rebellion.

The question that so earnestly presented itself at that time was how can there be a permanent government of law, social advancement, the pursuit of industry, education, established, peace and order created, fostered, and perpetuated by men who from their infancy have been made to believe and have had bred into their very beings a kind of Don Quixotic chivalry that it was evidence of the highest existence to persecute men for their opinions, to sustain their views of law and right at the point of deadly weapons, and whose very instincts of humanity and generosity have been blinded by the every-day cry of the oppressed slave and the clank of his festering chains.

Mr. Speaker, when the gentlemen on the other side tell us that the reorganization of the governments of the South have been failures I ask them to tell me when and where in the last thirty years have the governments of the States of the South been a success? Has their success been in the degradation of labor, in the tyrannical proscription for conscientious belief and opinion, in the establishment of caste and aristocracy formed on the ownership of human beings?

When has it been otherwise in the South than might made right, when the wealthy did not tyrannize over the poor, when flagrant vices and immoralities did not stalk abroad in noon-day, and winked at by church and state? How could it be expected that the element that I have named, being a large class of southern society, would be controlled by an order of things that they have been taught to hate and despise, brought on a level with a class regarded as barely human and treated as having no rights a white man was bound to respect? If the governments of the South since the war have in any respect proved failures, I assert that they have been made so by men of the South; that it is they that have violated law and order, made night hideous with the shrieks of their murdered victims, and the world stand aghast with their crimes.

Again, the pretext on which these wrongs are perpetrated are not on the demand for some great right, some fundamental principle of liberty, the promulgation of some grand *magna charta* granting to all of God's created humanity from all nations, regardless of color or creed, the full protection of law and guarantee of peace. Nay, Mr. Speaker, on the contrary, these violations of human rights and the debasement of all the nobler sentiments of mankind have all, every one—no single exception—been perpetrated in the interest and for the purpose of keeping alive, sustaining deep-seated, dark, demoniacal prejudice of caste and color; a war against freedom of opinion, individual and personal rights, to do and to think for one's self.

What have the Southern States to boast of in good government before the war? Their settlements began early in the history of the country, and, as I have stated, their natural resources are unequaled. Their broad rivers furnish immense water lines of communication and unlimited water privileges; the finest soil, covered with gigantic forests of most valuable timber and mineral resources of almost every character. These advantages combined together exist nowhere else on the face of this earth. With a climate in which man may work almost every day in the year and which allows the production of almost every known fruit and vegetable; a soil that grows these productions in vast quantities, delicious in character, with less preparation and cultivation than in almost any other country. Many of these productions are so very valuable and demanding such ready sale as to cause the neglect of others almost as profitable. There is nothing that man needs on this earth for food, luxuries, clothing, or of a mechanical character but what may be grown, produced, or manufactured in those States. These people could live isolated from all other people and enjoy the highest refinement and unusual luxuries. With the frugality and thrift of the people of the European countries these people could have amassed wealth to an almost fabulous extent.

With all the advantages which I have but feebly sketched, where are these people to-day, where were they before the war compared with their less-favored brethren of the Northern States, whose farmers in some of these States work one-half of the year to procure food for themselves, families, and stock the other half? In agriculture the southern people have always been behind the times, relying principally on their monopoly in the production of certain articles. Their machinery and mode of cultivation is almost as primitive as in the days of Noah. Compare the Ohio farmer's fine polished steel plow, the Illinois farmer's buggy-cultivator, in which he day after day rides and plows his growing grain, with the North Carolina farmer who has cut his plow frame out of the fork of a tree, using its natural growth and shape for a plow, and observe his blooming daughter as she mounts a seatless two-wheeled cart, to which she has attached an ox between two poles for shafts and harnessed with a shuck collar and three old straps of leather, one across his back and one on each side, and tow ropes for lines, trots her bovine away to market at the rate of six miles per hour, and you have a just comparison in agriculture between the North and the South, and certainly one you would meet with many times should you traverse these countries. These people are as much behind the age in manufactures as in agriculture.

Until since the war there were few manufactories that deserved the name as such, everything having to be purchased from the North or imported. I may say the same as to commerce. With harbors and inland waters equal to any other country, at least nine-tenths of all they consumed of a foreign character was imported through northern markets. As to internal improvements, there were not as many miles of railroads in the entire slave States at the commencement of the war as there were in the young State of Illinois. The same want of energy is true as to all other kinds of internal improvements of the South; also true as to public enterprises of all kinds.

This brings me to notice the social and moral standing of these people. From the demands that have been made by the South, from

the assertions of superior order and caste of the southern people, we would expect to find somewhere the data to sustain these claims and the proof to uphold them. But how do the facts sustain their assertions as to social and moral standing? Here let me ask, where were the school systems when the war broke out? What State had a free-school system? And while there has been great increase and improvement in the school systems of the Southern States since the war, yet there is not at this time a single State that can be said to have a fully organized free-school system.

As illustrating the social status and condition of the Southern States I will here give, as shown by the census of 1870, the population of eleven States from each section of the country of ten years of age and over, with the number that are illiterate, together with the population between ten and twenty-one years old and the number of illiterate of these ages. I shall leave a comparison by my hearers as the best possible comment, simply saying that perhaps nothing more fully demonstrates the social and political systems under which the people of the two sections have been educated and have grown up as citizens, and fully demonstrates a lesson that the southern people should learn and profit from:

Statement showing the population and number of illiterate, &c., of eleven Southern and eleven Northern States.

	Total population of all ages over 10.	Total number that cannot read and write over 10.	Percentage of males.	Percentage of females.	Total number of persons over 10 and under 21 years.	Total number of persons over 10 and under 21 that cannot read and write.	Percentage of males.	Percentage of females.	Males over 21 years.	Males over 21 years that cannot read and write.	Percentage of males.	Females over 21 years.	Females over 21 that cannot read and write.	Percentage of females.
ELEVEN SOUTHERN STATES.														
Alabama	706,802	383,012	53.18	55.13	280,428	145,189	52.93	50.66	203,315	108,462	53.35	223,059	129,361	57.99
Arkansas	341,737	133,339	39.02	38.08	140,787	51,577	36.44	36.84	104,083	37,295	35.83	96,867	44,467	45.91
Florida	131,119	71,803	52.79	56.74	51,497	27,464	54.28	52.38	39,909	20,687	51.84	39,713	23,652	59.56
Georgia	835,929	468,593	54.80	57.22	332,197	193,240	59.55	56.83	237,640	122,455	51.53	266,092	152,898	57.46
Louisiana	526,392	276,158	51.15	53.75	182,062	92,253	51.47	49.94	174,187	88,820	50.99	170,143	95,085	55.89
Mississippi	581,206	313,310	52.49	55.30	228,306	121,829	53.87	52.87	174,975	90,284	51.60	177,925	101,197	56.88
North Carolina	769,629	397,690	49.34	53.79	297,181	156,646	53.09	52.33	217,813	101,916	46.79	254,635	139,134	54.64
South Carolina	503,763	290,379	56.84	58.34	191,704	111,202	57.72	58.28	148,052	83,331	56.28	164,007	95,846	58.44
Tennessee	890,872	364,697	37.42	44.31	347,877	138,959	40.22	39.68	263,200	93,657	35.58	279,795	132,081	47.21
Texas	571,075	221,703	37.18	40.60	226,617	89,404	40.30	38.52	184,094	64,819	35.21	160,364	67,480	42.08
Virginia	890,056	445,893	49.44	50.77	323,302	170,217	54.19	51.17	269,242	125,572	46.65	297,512	150,084	50.45
ELEVEN NORTHERN STATES.														
Connecticut	425,896	29,616	5.92	7.95	117,583	5,590	4.69	4.81	150,415	9,624	6.40	157,898	14,402	9.12
Illinois	1,809,606	133,584	6.29	8.59	638,037	27,865	4.58	4.15	625,273	44,775	7.16	546,296	60,944	11.16
Indiana	1,197,936	127,124	8.71	12.61	446,605	26,702	6.15	5.80	388,242	39,543	10.09	363,089	60,879	16.77
Iowa	837,959	45,671	4.71	6.29	302,210	9,754	3.59	2.84	290,735	15,417	5.30	245,014	20,500	8.37
Massachusetts	1,160,666	97,742	6.68	10.01	322,731	12,056	3.41	4.05	398,173	31,746	7.97	439,762	53,940	12.27
Michigan	873,763	53,127	5.95	6.22	285,009	14,365	5.76	4.31	31,914	19,075	6.04	272,810	19,678	7.22
New Jersey	680,687	54,687	6.97	9.07	211,173	11,863	5.79	5.46	231,863	17,397	7.50	237,361	25,427	10.70
New York	3,378,959	239,271	5.85	8.27	1,023,101	40,444	3.99	3.91	1,116,714	77,160	6.91	1,195,057	121,667	10.18
Ohio	1,953,374	173,172	7.71	10.03	679,840	47,663	7.83	6.21	640,902	48,974	7.64	632,892	76,535	12.10
Pennsylvania	2,597,809	222,356	6.38	10.72	864,036	31,513	3.60	3.69	865,883	67,110	7.75	867,890	123,733	14.26
Wisconsin	751,704	55,441	6.58	8.24	271,517	14,671	5.78	5.02	255,159	17,881	7.01	225,028	22,889	10.17

As a further illustration of the character of the governments in the South as compared with other parts of the United States, we find by reference to the report of the Commissioner of Education for 1872 that the illiterate condition of her people causes a large portion of her crimes. In New York and Pennsylvania the illiterate criminals were from 4 per cent. to 33 per cent. In the Central Western States they were from 3½ per cent to 46 per cent. In the West and Pacific States they were from 3 per cent. to 31 per cent. In the Southern States they were from 22 per cent. to 60 per cent. This wonderful difference can only be accounted for from the character of their institutions. This question is illustrated still further by the circulation of the press in the two parts of the Union, as shown by the census of 1870. Compare the circulation of all classes of papers in ten States from each section, as follows:

State.	Number.	Copies annually issued.
Alabama	89	9,198,980
Arkansas	56	1,824,860
Georgia	110	15,539,724
Louisiana	92	13,775,690
Mississippi	111	4,703,336
North Carolina	64	6,684,950
South Carolina	55	8,901,400
Tennessee	91	18,300,844
Texas	112	4,214,800
Virginia	114	13,319,578
Connecticut	71	17,454,740
Illinois	505	113,140,492
Indiana	293	26,964,984
Massachusetts	259	129,691,266
New Jersey	122	18,625,740
New York	835	471,741,744
Michigan	211	19,686,978
Pennsylvania	540	241,170,540
Ohio	395	98,548,814
California	201	47,472,756

We might also ask was it good government that drove from their homes millions of white laborers, the poor, hardy tiller of the soil, thousands of whom were parents trembling in fear of the examples daily surrounding their homes and families in a country where society and labor, the one contaminated with and the other controlled by a vicious system of slavery? This emigration was further caused by the intolerance of the votaries of slavery, the degradation of labor, and the social ostracism of the poor white.

Mr. Speaker, go with me to Ohio, Indiana, Illinois, Iowa, and almost anywhere in the broad northwestern land, and there you will find the bone and muscle of the slave States, men who despised the social wrongs and crimes there existing, who wished to raise their families where their strong arms and browned faces—their manhood—was respected and encouraged. These men and their families have been driven from their homes and the graves of their ancestors, banished as completely as by the edict of a monarch. Tell me, was it the carpet-bag governments that thus emasculated the Southern States? Ah, sir, the North, wiser in this than the South, have utilized these thousands and millions of carpet-baggers, and as a result they are to a large extent the ruling class of many of the Northern States.

To-day the question comes home to us as an American Congress, What shall be done to insure a republican form of government to protect the American citizen in his rights guaranteed to him by the Constitution and laws of the land? Were it not for this prejudice, as I have already said, there would be no trouble in the South, no mismanagement of the people; all their wrongs and troubles come alone from this. And on this question we find absolute intolerance. At almost every point in the Southern States we find anarchy, murder, and mob violence holding full sway; all pretext that other causes have brought about this condition of things is false. The charge that carpet-baggers and scalawags have inaugurated this "rule and ruin" is as contemptible as its imbecility will allow or give it weight. The charge in the face of the present and past tyrannical control of the country by a self-elected class and caste has neither dignity nor the appearance of truth. It is and has been the rule of those to the manner born that has depopulated and retarded in growth the country, despoiled it of its wealth a thousand times more by forcing the emigration of their people than the ravages of the terrible war of four years' unparalleled destruction.

The charges of the democratic opposition that there has been usurpation of power by the executive department of the Government is untrue. We have but a few years back emerged from a state of revolution, with the rebellious States in anarchy, and without legal governments, and their people covered with treason. The Joint Committee on Reconstruction, in their unanimous report to the Thirty-ninth Congress, say:

> They were in a state of utter exhaustion, having protracted their struggle against Federal authority until all hope of successful resistance had ceased and laid down their arms only because there was no longer any power to use them. * * * They were also necessarily in a state of complete anarchy, without governments and without the power to frame governments except by the permission of those who had been successful in the war.

In other words, these States were to be rehabilitated with legal

governments republican in form. If the General Government had power to do this or in any respect to guarantee such governments, it was then and is yet its duty, regardless of the time it may take, to secure these States not only loyal and republican governments in form and theory, but in fact and in practice; governments that do in all respects give protection and safety to life and property, to person and rights—the end for which governments have been and are instituted among men to subserve. Should our Government stop short of this it will fail in its highest mission and most sacred trust.

I am sure if the Government has erred it is because of not having assumed and exercised other and greater powers, and not for the reason it has to some extent used its beneficent force in the protection of the weak and poor and the enforcement of law and right. We have abundant example under democratic rule at times when the civil administration of the governments was in full force and ample in its protection of the rights of every one, and where there were no revolutionary governments and *quasi* military powers to set aside and loyal governments established, and at the time when our Constitution did not provide in express terms that the Government must not only secure governments republican in form, but that Congress might enforce by appropriate legislation such form of governments.

Mr. Speaker, the right of self-protection and perpetuation is a right inherent in every form of government. It is the very essence of government, and is as fully implanted and as impliedly understood in right, as if it was named over and over again in its fundamental law. That government that contains within its own body-politic principles which either by their enforcement or which by their provisions prevent its own protection is no government at all, and can in no respect be regarded of any higher order than a compact or copartnership. In fact, such an organization, having within itself such elements of dissolution, could not from its nature be considered anything else than a copartnership. I need not stop to multiply examples of the former exercise of the executive control or military interference with persons or associations committing acts that are in conflict with the due exercise of sovereignty by the General Government or that have a tendency to disloyalty.

It is generally understood that democrats regard General Jackson as being almost if not quite infallible, and yet General Grant has in no respect interfered with local or State governments to the extent that Jackson did. Take the case of Judge Hall at New Orleans. This has always been regarded as one of the greatest acts of General Jackson's life. It has undoubtedly been the subject of more eulogy by democratic orators than any other act of his life. It was Judge Douglas's great effort in defense of General Jackson's conduct in that case that placed him in the front rank of the orators of that party. On the 15th day of December, 1815, General Jackson issued his proclamation establishing martial law, yet there had not at that time been a single overt act of disloyalty; the most that could be said was a suspicion that some of the inhabitants of that city were not very loyal to this Government. On the 5th day of March following he arrested Mr. Louaillier, on a charge of having published in a newspaper an appeal to the French citizens, in which it was claimed he stimulated them to a disobedience of General Jackson's orders. This was all; compare it with some of the publications in newspapers of of these times. Mr. Louaillier was at the time of his arrest a citizen and member of the State Legislature, then in session, and he was then in the city attending its labors. He applied for a writ of *habeas corpus* on the day of his arrest, and Judge Hall immediately issued the writ as asked for. Immediately upon the issue of the writ by the judge, General Jackson ordered his arrest and his confinement in the military prison. When General Jackson declared martial law the courts were in the full exercise of all of their functions, and had in no respect been interfered with. When Mr. Louaillier was arrested, he was in attendance on the Legislature, so that both he and the judge were prevented from attending to their official duties for several days. The publication in the newspaper, the arrest of Mr. Louaillier and Judge Hall, all took place after General Jackson had received a report that a treaty of peace had been signed with Great Britain, and on the day following the arrest, the 6th of March, he received a more positive and certain notice of the treaty being signed. He however retained his prisoners in custody for some days, and then sent them under guard beyond his lines, with orders not to return until proclamation of peace.

It would be an insult to the intelligence of this House to speak of any of the orders or acts of General Grant as being parallel with this act of General Jackson; yet he, although going so far beyond General Grant, is and has been lauded to the skies by the entire democratic party, while in the same breath they abuse General Grant as a villain and tyrant. Such is the honesty of that party.

every form of government, without any terms expressly stating this

I desire also to briefly call your attention to the case of General Sumner, invading and dispersing both houses of a Kansas Legislature:

Colonel Sumner, afterward General Sumner, was put under orders from Washington, and on the 4th of July, 1856, while the members of the Legislature were in their respective halls waiting for the hour of noon, to be called to order, according to a previous adjournment, Colonel Sumner and his troops appeared. At his right was the military band, and close behind about two hundred dragoons in three squadrons. The military battle-flag was afloat. The soldiers were drawn up around the hall and along the street facing it, and one hundred yards off were two cannon posted so as to command the street, and gunners were stationed by them ready for the word to fire. An army surgeon was also conspicuous with his case of instruments! This disposition having been made, three other companies of dragoons approached the town from an opposite direction from which those stationed had come. Just before twelve o'clock Colonel Sumner entered the hall and went up to the platform. The first clerk, Mr. Tappan, proceeded to call the roll, when Colonel Sumner said:

"Gentlemen, I am here to perform the most painful duty of my whole life. Under the authority of the President's proclamation, I am here to disperse this Legislature, and therefore inform you that you cannot meet. I therefore order you to disperse. God knows that I have no party feeling in this matter, and will hold none so long as I occupy my present position in Kansas."

Judge Schuyler, a member, asked, "Are we to understand that the Legislature are driven out at the point of the bayonet?" "I shall use all the force at my command to carry out my orders!" was the reply. The representatives then dispersed, and the officer proceeded to the senate chamber and ordered the clearance of that body. "My orders are that you must not be permitted to meet, and I cannot allow you to do any business," said Colonel Sumner. The presence of the troops was enough. Mr. Pillsbury said, "Colonel Sumner, we are in no condition to resist the United States troops, and if you order us to disperse, we must disperse." Colonel Allen suggested that this be taken as the expression of all members, and this was assented to. Colonel Sumner then left the hall, and the dragoons were filed away.

Mr. Speaker, I desire to call your attention to another instance of democratic rule and usurpation; and in looking over the able and eloquent speech lately delivered by Senator LOGAN on the discussion of this question in the other end of this Capitol, I find the following statement which I have taken the liberty to incorporate in my remarks:

I have another piece of history here that probably will be of some information to our well-informed democrats who have been talking so loudly about military usurpation. I have shown you that they elected one President—they elected him twice—who was one of these military usurpers. Let me read a little history about another military usurper, and for the benefit of my friend from Maryland, [Mr. HAMILTON.] I wish he was here. He forgot this the other day, although he is a Senator from that State. Here is a little order that I hold in my hand dated, "Headquarters of the Army of the Potomac, Washington, September 11, 1861," addressed to General Banks, a conservative independent member of the next House of Congress:

GENERAL: After full consultation with the President, Secretaries of State, War, &c., it has been decided to effect the operation proposed for the 17th. Arrangements have been made to have a Government steamer at Annapolis to receive the prisoners and carry them to their destination.

Some four or five of the chief men in the affair are to be arrested to-day. When they meet on the 17th you will please have everything prepared to arrest the whole party, and be sure that none escape.

It is understood that you arranged with General Dix and Governor Seward the *modus operandi*. It has been intimated to me that the meeting might take place on the 14th; please be prepared. I would be glad to have you advise me frequently of your arrrngements in regard to this very important matter.

If it is successfully carried out it will go far toward breaking the back-bone of the rebellion. It would probably be well to have a special train quietly prepared to take prisoners to Annapolis.

I leave this exceedingly important affair to your tact and discretion, and have but one thing to impress upon you—the absolute necessity of secrecy and success.

With the highest regard, I am, my dear general, your sincere friend,

GEORGE B. McCLELLAN,
Major-General, United States Army.

Now, what was this order for? To arrest the Maryland Legislature.

Mr. CONKLING. And Maryland had not been declared in insurrection.

Mr. LOGAN. And Maryland had not been declared in secession. General Banks issued his instructions, which I will read, to Lieutenant-Colonel Ruger, commanding the Third Wisconsin Regiment:

"SIR: The Legislature of Maryland is appointed to meet in special session tomorrow, Tuesday, September 16. It is not impossible that the members, or a portion of them, may be deterred from meeting there on account of certain arrests recently made in Baltimore. It is also quite possible that on the first day of meeting the attendance may be small. Of the facts as to this matter I shall see that you are well informed as they transpire. It becomes necessary that any meeting of this Legislature at any place or time shall be prevented.

"You will hold yourself and your command in readiness to arrest the members of both houses. A list of such as you are to detain will be inclosed to you herewith, among whom are to be especially included the presiding officers of the two houses, secretaries, clerks, and all subordinate officials. Let the arrests be certain, and allow no chance of failure. The arrests should be made while they are in session, I think."

There is the order. The arrest shall be made while they are in session.

"You will, upon the receipt of this, quietly examine the premises. I am informed that escape will be impossible if the entrance to the building be held by you. Of that you will judge upon examination. If no session is to be held, you will arrest such members as can be found in Frederick. The process of arrest should be to enter both houses at the same time, announcing that they were arrested by orders of the Government; command them to remain as they are subject to your orders.

"Any resistance will be forcibly suppressed, whatever the consequences. Upon these arrests being effected, the members that are to be detained will be placed on board a special train for Annapolis, where a steamer will await them."

There is the order of General George B. McClellan, a democrat; there is the instruction of General Banks, an independent member of the next Congress; and there is the arrest of the Maryland Legislature by the order of the general commanding, and you ran him for President the first chance you got afterward. And yet you are violently opposed to these arrests! How strange it is that all of these arrests, all of these usurpations, all of these outrages heretofore in this country have been committed by democrats and men who have been sustained by democrats, and yet to-day the mere authorizing of men to perform their duty under the law by an officer of the Army has caused one of the greatest commotions that ever was known in the democrat tea-pot in this country.

Notwithstanding what may have been democratic, we are told that General Grant has erred in his management and administration of the rebellious States. But, Mr. Speaker, who says General Grant has erred? The democratic party says he has, and so said that party the same of the noble-hearted Lincoln, and so they said of the Union soldiers as they cursed them for Lincoln hirelings.

And so does every unrepenting rebel in all our land say the President has erred. Jeff Davis says so. Every broken-down, spavined politician in the country says so. Every sore-headed, weak-kneed Greeley liberal says the same thing, as does every disappointed, discontented political adventurer.

Mr. Speaker, no true republican says General Grant has intentionally erred. No truly loyal and patriotic man says he has. All unite

in sentiment with the President when he says in his late message to this Congress, that—

If error has been committed by the Army in these matters, it has been on the side of the preservation of good order and the maintenance of law and the protection of life.

While if there has been error committed, who has caused it? If there had been no assaults, no murders, mobs, and fraudulent elections, there would have been no army used to interfere with the rights or occupation of any one. It has been caused by the brutal, tyrannical rule of a set of desperadoes in many parts of the South, by a disobedience of all law, the invasion of every right, and the subversion of every principle of humanity and justice. Yes, Mr. Speaker, the Army has been used for the prevention of murders, mobs, and assaults; for the protection of the sacred right to vote, act, and think for one's self as a freeman, without molestation and fear, and for the preservation of peace and good order. And in no instance has any person been wronged or oppressed. In that which has taken place the President has done all from the purest motives and noblest inpirations; and as he has passed through this great drama of his life by day and by night there has gone up from every corner of this land, from every church, and from every hovel, the prayers of the good, the pure, and humanity-loving people, bidding him God speed in his noble mission of protecting the weak and poor and enforcing law, order, and peace throughout the entire country.

In the slave States there are 888,372 square miles of land, the finest soil in the world, a climate remarkable for its salubrity and healthfulness. The southern portion of our country has in many respects advantages over the Northern States, and especially so in climate and soil. A farmer ought, with the same market as in the North, save one-half more in profits than in the Northern and Eastern States, and his advantages in raising stock are even greater than in grain. I am sure I only state the sentiments and feelings of nearly or perhaps full one-half of the farming and mechanical citizens of the North when I assert that they would like to emigrate to some one of the Southern States. It is the common expression of a large portion of the Northern people that if society and government was right in the South they would soon be found living in that country. With thousands and thousands of these people it is a passion and earnest longing for the enjoyments of the more equable climate and fertile soil of the South.

Ah! remember when you raise the fiendish howl of carpet-bagger that hundreds and thousands of the brave boys in blue who had for two or three winters tasted and realized the enjoyment of a temperate climate and the advantages of the southern country, earnestly yearn for the time to come when they, as American citizens, can cast their lot in the South and enjoy the same equality and exercise the same social and political privileges under which they were born and taught to believe right in their northern homes. And it has gone into history that many, many of those brave heroes, with their wives and little ones, and their earthly possessions which, through years of toil, with strong, brave hearts and sturdy arms they had gathered together, have settled on southern soil, where in their fond hopes they had expected to gather around their humble homes sufficient of the necessaries of life to satisfy their frugal wants and to enjoy in the midst of their families the quiet and peace of a good old age to go down to their graves.

Alas, they soon found that the flag that had floated over them in Sherman's grand march to the sea, that flag which gave them victory in the struggle to save the country to the Union, in which they now sought to make their peaceful homes, neither gave nor secured to them the commonest rights—those which belong to the weakest and poorest of human beings. These men, soldiers of the grandest military struggle on earth, were driven from their adopted homes in the land that had cost the blood of nearly one-half million of their northern brethren and the treasure of this great nation to save and preserve. This is the Government that southern prestige gives to freemen, which we are asked to foster and keep in power, protect in crushing out thought and right, liberty and justice. This is the Government as to which Mr. Sidney Anderson, a correspondent of the Boston Advertiser and Chicago Tribune, who had spent a good deal of time in the South, testified before the Joint Committee on Reconstruction of the first session of the Thirty-ninth Congress, and detailed a confession of a leading gentleman of Georgia that should awaken a sleeping nation to the true condition of the poor people of both colors in the South. This statement, made early in the year 1866, demonstrates the true condition of the country at that time. Mr. Sidney Anderson testified:

I met a gentleman whose name I do not feel at liberty to give. He was a very intelligent man, of forty or forty-five years of age, who had served as a captain in the rebel army and was a lawyer by profession. I was introduced to him simply as a gentleman from the North. He had no knowledge of the fact that I was a correspondent. He said: "I have not much faith in the idea that capital and labor will reconcile themselves. Things are exceptional here. Our capital is all in the hands of a few and invested in great plantations. Our labor is all in the hands of a race supremely ignorant and against whom we all have a strong prejudice. In my opinion you cannot reconcile these two interests, unless you put the labor in subjection to the capital—that is, unless you give the white man control of the negro. Of course that can't be allowed, and therefore there's an almost impassable gulf between the negro and freedom unless the Government aids him. I'll tell you what I think you should have done. The policy of confiscation should be rigidly carried out at once. Mercy to the individual is death to the State, and in pardoning all the leading men the President is killing the free State he might have built here. The landed aristocracy have always been the curse of the State. I say that as a man born and reared in Georgia and bound to her by every possible tie. Till that is broken down there can be no real freedom here for either the negro or the poor white. * * * * * *

"I have sometimes thought I would go North and urge your people to take the first fruits of the victory; but I should not dare come back here after speaking up there. I have wanted to write a letter to some leading newspaper, but if I should say what I honestly believe I should be killed if it ever got out that I wrote it. There is not any freedom of speech here or anywhere in the State, unless you speak just as the secessionists please to let you. I should be shot before to-morrow morning if I should say publicly what I have said to you. Take the troops away and off the great lines of travel, there would be a reign of terror in a month. * * *

"The negro's first want is not the ballot but a chance to live. Yes, sir; a chance to live. * * * I tell you he's not got his freedom yet, and isn't likely to get it right away. Why, he can't even live without the consent of the white man. He has no land; he can make no crops except the white man gives him a chance. He hasn't any timber; he can't get a stick of wood without leave from a white man. We crowd him into the fewest possible employments, and then he can scarcely get work anywhere but in the rice-fields and cotton plantations of the white man, who has owned him and given up slavery only at the point of the bayonet. Even in this city he can't get a pail of water from a well without asking a white man for the privilege. He can hardly breathe, and he certainly can't live in a house unless a white man gives his consent. What sort of freedom is that? * * * 'Tisn't such whippings as he told you about that most wrong the negro. It is the small, endless, mean, little injustice of every day that's going to kill him off. He's only partially protected now; take the troops away, and his chance wouldn't be as good as a piece of light-wood in a house on fire. Yes; I know there's talk of selling them into slavery again, but I don't see how you got hold of it. I know a good many of these men they've sent to the Legislature, and I know there'll be private talk this session, even if there isn't open effort, to make the penal code take him back into the condition of slavery. It'll be called involuntary servitude for the punishment of crime, but it won't differ much from slavery."

The statements here made are fully sustained by the very able report of the joint committee I have heretofore mentioned and from which I have taken them. The committee say:

Hardly is the war closed before the people of these insurrectionary States come forward and haughtily claim as a right the privilege of participating at once in that Government which they had for four years been fighting to overthrow. Allowed and encouraged by the Executive to organize State governments, they at once placed in power leading rebels, unrepentant and unpardoned, excluding with contempt those who had manifested attachment to the Union, and preferring in many instances those who had rendered themselves the most obnoxious. * * * The evidence of an intense hostility to the Federal Union and an equally intense love of the late confederacy, nurtured by the war, is decisive.

While it appears that nearly all are willing to submit, at least for the time being, to Federal authority, it is equally clear that the ruling motive is a desire to obtain the advantages which will be derived from a representation in Congress. Officers of the Union Army on duty, and northern men who go South to engage in business are generally detested and proscribed. Southern men who adhered to the Union are bitterly hated and relentlessly persecuted. In some localities prosecutions have been instituted in State courts against Union officers for acts done in the line of official duty, and similar prosecutions are threatened elsewhere as soon as the United States troops are removed.

The committee further say:

The conciliatory measures of the Government do not seem to have been met even half-way. The bitterness and defiance exhibited toward the United States under such circumstances is without a parallel in the history of the world. In return for our leniency we receive only an insulting denial of our authority.

The State central committee of the Union party of Tennessee, on the 9th day of January 1866, say, among other things, the following:

The predominant feeling of those lately in rebellion is that of deep-seated hatred, amounting in many cases to a spirit of revenge, toward the white Unionist of the State and a haughty contempt for the negro, whom they cannot treat as a free man.

Again, they say:

A party exists in the State which is every day becoming more compact and powerful and which sympathizes with the men and principles of the rebellion. It commands every agency to operate on public opinion.

Again:

It is a sad delusion and a dangerous mistake to suppose this hatred of loyalty, contempt for the negro, and alienation from the Government, are confined to the politicians or leaders, as they are termed, and that the common people have been all the time loyal.

From this evidence—and it is a mere citation from the volumes upon volumes we might give, and which have been made public to the world—we find in all of the extreme southern States anarchy and revolution existing all over the country. We find this condition of things immediately after the attempt of the Government to reorganize the States so lately in rebellion, and this so soon that there is not a shadow of a pretext that the reorganized governments have had time to demonstrate their want of justness or wisdom.

As asserted in what I have already said, we find that things have only been going from bad to worse, showing the deep-seated prejudice of these people against a government free to all, an organized determination, a well-drilled conspiracy, to consummate by fraud and conspiracy what they failed to gain by the bayonet. In support of this fact take the case of the State of Arkansas: An election for governor and State officers carried by bare-faced and open fraud, and the legally elected officers thrust from office and their places filled by guilty usurpers, the Constitution by force and fraud annulled and abrogated, and in its place one adopted that violates the condition upon which the State was readmitted into the Union. As to how this was all consummated, I beg leave to refer the House to the minority report of the committee appointed by this House at its last session to investigate the affairs of that State. In making this reference to the minority report, I do so for the reason that the conclusions therein contained are not denied or dissented from by the entire committee, but in fact, as I shall show, are fully corroborated by the whole committee, democrats as well as republicans. Mr. WARD, in his able report, says:

The whole proceedings were void because of the violations of all law; the frauds, violence, and intimidations practiced by Baxter and his co-conspirators, and that

the election to revise the constitution was held in violation of the existing constitution; that the convention, if properly called, exceeded its powers, and the election to ratify its work was void; and it cannot be successfully contended that the people of Arkansas have in any legal way, under any forms of law, expressed their wish to overthrow the constitution of 1868 or to set up the present usurpation. If banditti or a mob of armed men may take possession of a State, depose its officers, arrest its judges, close its courts, intimidate its people through violence and murder, provide its own way of holding and its own officers to hold elections, and its own officers to declare the result, and the fruits of such defiance of all law are binding upon the people of such State and upon Congress, then the present pretended government of Arkansas is legitimate, and must be recognized as such, but not otherwise.

I have said the majority of the committee do not contradict or deny the facts set forth by Mr. WARD. Here is what they say:

In all or nearly all of these omitted counties and precincts the majority of votes was given for Brooks. The whole proceeding by many of those having official charge of the registration, voting, and returning of the votes is characterized by the grossest unfairness and dishonesty; and instead of an honest effort to ascertain the will of the voters, they endeavored by every possible means to secure the ascendency of their own party friends. Without going more into detail, the committee are unanimously of opinion that by a fair and honest return and count of the votes actually given at the election Brooks was elected governor, and of right should have been so declared.

The majority of the committee in another part of their report assert the right of Brooks to be governor, but say that—

The committee are satisfied that no one holding office under the old constitution who should have attempted to hold on to his position and test the question of his right could have done so without great danger to his life, and therefore ought not to be treated as having surrendered any right by acquiescence.

Such is the unanimous opinion of the committee as to the government of Arkansas. Such will be your boasted white man's governments of all these late rebellious States, if the strong arm of the Government is not brought to bear heavily and successfully against the infamous conspiracy and revolution to control and suppress the voice and will of the people by fraud.

Here let me ask, why is it we have not heard coming up from the democratic side of this House a howl of indignation against the outrages perpetrated against Brooks and the other legally elected officers of that State? Let me answer, simply because to do so would be to support the equality of all mankind before the law, defend the poor, and affirm the right of self-government. Ah, it would do more; it would offend the self-constituted aristocratic white ruling class of that State, of the men who have all over the South usurped by force and fraud the offices of their country and the rule of the people. But this they may defend by democratic precedent. For the history of that party convicts it of willingly bowing the supple knee, and without any exception doing the bidding of the wealthy few in tyrannizing over the many and by force oppressing the weak and poor.

I have so far confined myself in exhibiting the condition of things in the South to facts and occurrences taking place early after the war closed. I shall now call your attention to evidence, though briefly given, that overwhelmingly shows that things have only gone from bad to worse, and as conclusively proves that the rebellious spirits of these States will never cease in their determination to drive out and exterminate every vestige of liberty and self-government of the blacks and poor whites.

Brigadier-General Fessenden reports:

A spirit of bitterness and persecution manifests itself toward the negroes. They are shot and abused, outside the immediate protection of our forces, by men who announce their determination to take the law into their own hands, in defiance of our authority. To protect the negro and punish these still rebellious individuals it will be necessary to have their country pretty thickly settled with soldiers.

* * * * * * *

The habit is so inveterate with a great many persons as to render on the least provocation the impulse to whip a negro almost irresistible. It will continue to be so until the southern people will have learned, so as never to forget it, that a black man has rights which a white man is bound to respect.

So far the spirit of persecution has shown itself so strong as to make the protection of the freedman by the military arm of the Government in many localities necessary—in almost all desirable.

The following is from the Shreveport Times of July 9:

If a single hostile gun is fired between the whites and blacks in this and surrounding parishes, every carpet-bagger and scalawag that can be caught will in twelve hours therefrom be dangling from a limb. We do not say this in a spirit of braggadocio; we say it in the interest of peace, and we know what we are talking about.

The following is from the Natchitoches Vindicator of July 18, addressed to colored citizens:

On the other hand, should you imagine that the teaching of your former rulers is correct, and you elect to attempt, for it will only be an attempt, to continue their rule, then you must take the consequences. For we tell you now, and let it be distinctly remembered, that you have fair warning, that we intend to carry the State of Louisiana in November next, or she will be a military Territory.

The following is from the Mansfield Reporter of July 4 and July 11:

There is nothing to be gained by pleadings or concessions, but everything is within our reach, if we will move forward and grasp it. Let our actions be such that everybody will know what we want, and let them see that we are in earnest and are determined to carry out the programme, regardless of the consequences.

The lines must be drawn at once, before our opponents are thoroughly organized, for by this means we will prevent many milk-and-cider fellows from falling into the enemy's ranks. While the white man's party guarantees the negro all of his present rights, they do not intend that white carpet-baggers and renegades shall be permitted to organize and prepare the negroes for the coming campaign. Without the assistance of these villains the negroes are totally incapable of effectually organizing themselves, and unless they are previously excited and drilled, one-half of them will not come to the polls, and a large percentage of the remainder will vote the white man's ticket.

The following is from the Alexandria Democrat of July 15:

The people have determined that the Kellogg government has to be gotten rid of, and they will not scruple about the means, as they have done in the past."

The following is from the Shreveport Times of July 29:

There has been some red-handed work done in this parish that was necessary, but it was evidently done by cool, determined, and just men, who knew just how far to go, and we doubt not if the same kind of work is necessary it will be done.

We say again that we fully, cordially approve what the white men of Grant and Rapides did at Colfax; the white man who does not is a creature so base that he shames the worst class of his species. We say again, we are going to carry the elections in this State next fall.

I have here a pamphlet published, containing extracts from one of the papers in the State of Louisiana, the New Orleans Times, and I will read from it in regard to the massacre at Colfax:

Sunday night, shortly after dark, the boat landed at a wood-pile about a mile above Colfax, Grant Parish, and a young fellow, armed to the teeth and very much excited, came aboard and requested the captain to land at Colfax and take some wounded white men to Alexandria, about twenty-five miles farther down the river.

On arriving at Colfax we found about a hundred armed men on the bank, and most of the passengers, myself among the number, went ashore to view the "battle-ground," for our friend who came aboard at the wood-pile informed us "that if we wanted to see dead niggers here was a chance, for there were a hundred or so scattered over the village and the adjacent fields," and he kindly offered to guide us to the scene of action.

Almost as soon as we got to the top of the landing sure enough we began to stumble on them, most of them lying on their faces, and, as I could see by the dim light of the lanterns, riddled with bullets.

One poor wretch, a stalwart-looking fellow, had been in his burning court-house and as he ran out with his clothes on fire had been shot. His clothes to his waist were all burned off, and he was literally broiled.

We come upon bodies every few steps, but the sight of this fellow who was burned, added to the horrible smell of burning human flesh—the remains of those who were shot in the court-house which was still on fire—sickened most of us, and caused a general cry of "Let's go back."

I counted eighteen of the misguided darkies, and was informed that they were not one-fourth of the number killed; that they were scattered here and there in the fields around the town, besides several in and around the burning court-house. This, however, was probably an exaggeration.

To show how terribly incensed the people were against the negroes, I relate these incidents:

We came across one negro whose clothes were smoking, and who had probably been in the fire. Some of our party remarked that he was alive. Instantly one of our guides whipped out a six-shooter, saying, "I'll finish the black dog." Of course we remonstrated and he put away his weapon. Some one stooped down and turned the negro over. He was stiff and cold.

A few minutes afterward we came on a big fellow who was reclining on his elbow and to all appearances alive. The man with the six-shooter hit him a fierce kick with his boot, and then stooped down and examined him, saying: "O, he is dead as hell." It was so; the darky died that way—in a reclining position.

When we came back near the landing the boat's crew were carrying aboard the two wounded white men, a Mr. Hadnet and another whose name I did not learn.

I now ask the careful consideration of the House to the official statement of Lieutenant-General P. H. Sheridan to the condition of Louisiana. No man can question the truth of his statements, terrible as he describes the condition of the country:

[Telegram.]

NEW ORLEANS, *January* 10, 1875—11.30 p. m.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Since the year 1866, nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time, no official investigation has been made, and the civil authorities in all but a few cases have been unable to arrest, convict, and punish perpetrators. Consequently, there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time, on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them. The isolated cases can be best illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles:

In Natchitoches Parish, the number of isolated cases reported is thirty-three. In the parish of Bienville the number of men killed is thirty. In Red River Parish the isolated cases of men killed is thirty-four. In Winn Parish the number of isolated cases where men were killed is fifteen. In Jackson Parish the number killed is twenty, and in Catahonla Parish the number of isolated cases reported where men were killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages: On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard, to be carried out of the State, and were deliberately murdered on the 29th of August, 1874. The White League tried, sentenced, and hung two negroes on the 28th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two white-leaguers rode up to a negro-cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district, and the district judge driven out.

In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor; Rapers, the sheriff; Wheaton, clerk of the court; Durant, the recorder, and Ferguson and Renfro, administrators. Two colored men, who had given evidence in regard to frauds committed in the parish, were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton. In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court; and they have compelled the parish and district courts to suspend operations. Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

They also tried to intimidate him through his family by making the same threats to his wife, and when told by him that he was a United States commissioner, they

notified him not to attempt to exercise the functions of his office. In but few of the country parishes can it be truly said that the law is properly enforced, and in some of the parishes the judges have not been able to hold court for the past two years. Human life in this State is held so cheaply that when men are killed on account of political opinions the murderers are regarded rather as heroes than as criminals in the localities where they reside and by the White League and their supporters.

An illustration of the ostracism that prevails in the State may be found in a resolution of a White League club in the parish of De Soto, which states "that they pledge themselves under (no!) circumstances after the coming election to employ, rent land to, or in any other manner give aid, comfort, or credit to any man, white or black, who votes against the nominees of the white-man's party." Safety for individuals who express their opinion in the isolated portions of this State has existed only when that opinion was in favor of the principles and party supported by the Ku-Klux and White-League organizations. Only yesterday Judge Myers, the parish judge of the parish of Natchitoches, called on me upon his arrival in this city, and stated that in order to reach here alive he was obliged to leave his home by stealth, and after nightfall, and make his way to Little Rock, Arkansas, and come to this city by way of Memphis.

He further states that, while his father was lying at the point of death in the same village, he was unable to visit him for fear of assassination, and yet he is a native of the parish, and proscribed for his political sentiments only. It is more than probable that if bad government has existed in this State it is the result of the armed organizations, which have now crystallized into what is called the White League; instead of bad government developing them, they have by their terrorism prevented to a considerable extent the collection of taxes, the holding of courts, the punishment of criminals, and vitiated public sentiment by familiarizing it with the scenes above described. I am now engaged in compiling evidence for a detailed report upon the above subject, but it will be some time before I can obtain all the requisite data to cover the cases that have occurred throughout the State. I will also report in due time upon the same subject in the States of Arkansas and Mississippi.

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS DISTRICT UPPER RED RIVER,
Shreveport, Louisiana, December 30, 1874.

SIR: Referring to your telegram of December 17, directing me, in certain events, to be in readiness to suppress violence and let it be understood that I would do it, I have the honor to report that, in view of these instructions, I have been at some pains to investigate the probabilities of violence here, and find the following to be the facts as nearly as I can ascertain them:

The State returning board have officially announced that the candidates for office in this parish on what is known as the radical ticket are duly and lawfully elected; the leaders of the opposing party declare that such is not the fact, and that the persons then declared elected shall not take or hold the offices; this determination appears to be well settled, and so generally expressed and approved by the large majority of the whites, that I have no doubt it is more than an idle threat; this expression in many instances is accompanied by threats of violence and even death to the officers if they attempt to take the offices, and I cannot doubt that such threats are very seriously made; they are only a repetition of what was at all times the open talk of all the leaders before the election. Three of the officers referred to are members of the lower house of the State Legislature, and all three are now in New Orleans. The others are the parish judge, Creswell; the sheriff, Kefner, and several minor officers, including police, jury, justices of the peace, and constables. These are here. There is on the part of most of them such apprehension of danger in assuming their duties that, except the parish judge, I do not think any one of them will attempt or could be induced to take his office. The parish judge is a man of courage and coolness, and I cannot tell whether he will attempt to take his office or not.

Whether any violence which will render military interference necessary shall occur depends upon so many contingencies that I am not prepared to give any opinion except to say that, if these officers attempt to take their office, I have no doubt whatever that it will be necessary to protect them. The three who have gone to New Orleans to take their seats as members of the Legislature beyond doubt could not safely return here now. Outside of the officers named above, there is no one left here to do violence upon. The leading radicals have left. The usual worrying and harassing of the negroes go on with little intermission, but lately no acts of violence to person have come to my knowledge; such acts now are confined to plundering them, with or without some show of legal forms, and driving them from their homes to seek places to live elsewhere. The conflict for the offices, whether conducted by peaceable legal means or by violence, will stop what little legal check now exists upon crime and wrong-doing, and will greatly aggravate the condition of things, which is already serious enough, but I do not apprehend that it will result in extended disorder at present, because there is nothing left to work upon except the commoner orders, and partly because the leading white-leaguers have gone to New Orleans.

I am, sir, very respectfully, your obedient servant,

LEWIS MERRILL,
Major Seventh Cavalry, Commanding District.

ADJUTANT-GENERAL DEPARTMENT OF THE GULF,
New Orleans, Louisiana.

[Telegram.]

HEADQUARTERS DIVISION OF THE MISSOURI,
New Orleans, January 4, 1875. (Received 4—11.45 p. m.)

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which are hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that, unless something is done to give protection to the people, all security usually afforded by law will be overriden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

[Telegram dated New Orleans, La., January 6, 1875. Received January 6, 1875.]

General W. W. BELKNAP,
Secretary of War, Washington, D. C.:

The city is very quiet to-day. Some of the banditti made idle threats last night that they would assassinate me because I dared to tell the truth. I am not afraid, and will not be stopped from informing the Government that there are localities in this department where the very air has been impregnated with assassination for several years.

P. H. SHERIDAN,
Lieutenant-General Commanding.

For the purpose of showing the fearful state of crime in the South, I beg leave to refer the House to the following table I find published in the February number of The Republic, showing the number of murders and assaults with intent to murder and by whom committed, in each county in the State of Arkansas:

CRIME IN THE SOUTH.

Counties.	Murders.	Assault with intent.	By whom committed.				On whom committed.				Total by counties.
			Republicans.	Democrats.	White.	Black.	Republicans.	Democrats.	White.	Black.	
Arkansas	10	6	....	16	16	....	14	2	4	12	16
Ashley	8	4	....	12	12	....	11	1	4	8	12
Benton	17	3	1	19	20	....	17	3	6	14	20
Boone	12	3	2	13	8	2	13	2	6	9	15
Carroll	7	2	1	8	9	....	8	1	9	....	9
Clayton	3	3	....	6	6	....	3	3	4	2	6
Crawford	9	1	2	8	7	3	8	2	9	1	10
Calhoun	10	6	4	12	13	3	14	2	12	4	16
Columbia	18	4	3	17	18	2	18	2	18	2	20
Chicot	14	10	6	18	19	5	20	4	20	4	24
Clark	29	3	12	20	25	7	25	7	25	7	32
Crittenden	2	2	1	3	4	....	3	1	1	3	4
Cross	3	1	....	4	4	....	1	3	4	....	4
Conway	21	2	5	18	23	....	16	7	14	9	23
Drew	13	6	1	18	18	1	18	1	2	17	19
Desha	3	1	....	4	4	....	4	.....	.....	4	4
Fulton	4	2	1	5	4	1	5	1	5	1	6
Faulkner	8	3	3	8	8	3	11	.....	9	2	11
Franklin	23	4	1	26	26	1	25	2	20	7	27
Greene	20	2	1	21	21	1	14	8	13	9	22
Garland	14	8	....	22	22	....	16	6	13	9	22
Hempstead	68	11	2	77	77	2	60	19	21	58	79
Independence	18	9	6	21	22	5	17	10	20	7	27
Jackson	3	1	....	4	4	....	4	.....	4	....	.....
Johnson	32	8	7	33	36	4	35	5	35	5	40
Jefferson	10	7	2	15	16	1	11	6	13	4	17
Lawrence	4	1	....	5	5	....	4	1	5	....	5
Lafayette	23	13	7	29	29	7	25	11	12	24	36
Lonoke	5	2	2	5	5	2	4	3	3	4	7
Little River	17	7	2	22	23	1	20	4	5	19	24
Lincoln	6	2	....	8	8	....	6	2	2	6	8
Marion	4	2	1	5	6	....	3	3	6	....	6
Mississippi	6	4	2	8	9	1	7	3	4	6	10
Montgomery	2	1	....	3	3	....	2	1	3	....	3
Monroe	5	2	....	7	7	....	7	.....	1	6	7
Nevada	6	4	....	10	10	....	6	4	4	6	10
Ouachita	11	18	3	26	26	3	18	11	11	18	29
Polk	3	6	1	8	8	....	4	5	9	....	9
Phillips	44	3	8	39	39	8	28	19	21	26	47
Prairie	9	4	2	11	11	2	10	3	7	6	13
Pulaski	30	13	3	40	41	2	30	13	18	25	43
Pope	45	15	4	57	60	1	53	8	33	28	61
Pike	3	2	....	5	5	....	5	.....	5	....	5
Perry	6	8	2	12	14	....	8	6	7	7	14
Sharp	5	1	4	2	6	....	2	4	6	....	6
Saint Francis	4	2	....	6	6	....	2	4	5	1	6
Saline	8	2	....	10	10	....	1	9	9	1	10
Sebastian	37	63	7	93	97	3	84	16	29	71	100
Sevier	34	20	....	54	49	5	35	19	19	35	54
Union	16	11	1	26	26	1	24	3	4	23	27
Van Buren	8	4	2	10	12	....	10	2	2	10	12
Washington	17	8	2	23	24	1	22	3	9	16	25
Woodruff	16	3	....	19	19	....	6	13	10	9	19
White	30	43	1	72	72	1	53	20	35	38	73
Yell	6	3	3	6	6	3	3	6	3	6	9
Total	789	380	117	1,052	1,078	82	873	294	578	589	1,167

The use of the military by the President can be summed up in a few words.

First. Its use has been proper, and can be justified on the ground it was necessary in the reorganization of the States.

Secondly. Its use is fully established by democratic precedent in a large number of instances.

Thirdly. There has never been any complaint of its use when its interference was against the blacks and in favor of the whites. Two of these instances of a late date very fully sustain my statements, one in the case of Brooks against Baxter for the governorship of Arkansas. This case, when it became to be unearthed of its fraud and rascality, is found in favor of Brooks and against Baxter. So clearly does this appear that the committee of this House report unanimously, democrats as well as republicans, that Mr. Brooks has been kept out of his office by the most infamous of practice. On this case the committee state the following:

> Without going more into detail, the committee are unanimously of the opinion that by a fair and honest return and count of the votes actually given at the election Brooks was elected governor, and of right should have been so declared.

The President, unable to get at the facts, which were kept covered up by fraud, and being very desirous to do nothing that could be construed into assumption of power not belonging to him, left the question as much as possible to the Legislature of that State. The acting governor of the "white man's government" bribed the Legislature and by fraud set aside the constitution in which the people had pledged themselves to stand by, and through intimidation and villainy set up a government in violation of all law, placing in power the men who

had by these base practices consummated their infamous purposes. These facts being notorious and glaringly true, we would suppose the democratic press of the country and the orators of that party would have loudly clamored in favor of the restoration of Brooks. But they are as silent as the grave; no appeal reaches us from them, as it does in the case of McEnery of Louisiana. No; to favor Brooks would be taking a position on the side of the equality of all people and a demand for the protection of life and property of the entire people of the State of Arkansas.

The other case I have referred to is the interference of the military force at New Orleans with the organization of the Legislature. The military was first invited to interfere, and applauded by the democratic mob in and around the house of representatives of that Legisture, and this applause was echoed through the entire democratic press of the country; but when the commander of the military force determined not to allow the strong arm of this Government to be used in support of fraud and usurpation of power and violation of law, and on the other hand insisted that the law should be maintained and the Legislature organized thereby, instead of by usurpation of power, then that which had been but an hour before patriotic and legal became in the eyes of the murderous White-league Klan, that were in and around that body, illegal and treasonable.

The indignation of these gentlemen would never have been heard had Colonel De Trobriand gone no further with his interference than to support and maintain their usurpation of the control of that branch of the Legislature.

This cry of military interference comes with but little grace from men who have been organizing illegal military forces all over the South, armed and equipped, revolutionary and treasonable in their designs. We have only to refer to mob violence and murders committed by these people with immunity from punishment to have a fair exhibition of the justice, honesty, and fair play manifested by the democratic party in the whole contest in the reorganization of those States.

The remedy for these troubles, after the education and prejudices that have been bred in these people for over a hundred years of the rule of tyranny and slavery, is hard to determine. Experience has taught us what many insisted on at the close of the war, and what I then felt and believed, that you cannot make loyal and law-abiding citizens of men who have committed treason to the Government that has forced them to lay down their arms, but which has neither gained their good-will nor respect by this compulsion. It is worse than useless and even cruel to the loyal men of the South to permit or extend to such men the full power to rule and control the country that their arms have failed to destroy. It is not human nature that men should thus stultify their own conduct and actions. Men will not do so even if they have to confess their wrongs, but will allow their ambition and love of success, their hate of defeat, to so far control their actions as to take all advantages of the Government they have been forced to obey.

There are of course some exceptions to this rule. There are men who in the course of events have become conscientiously convinced they were in error in their opposition to the Government, and have entered into their new relation with zeal and earnestness to recompense the country as far as possible for their former error and crime. Were it practicable now to go back and re-enact the reorganization of the rebellious States, I should certainly insist that the disloyal citizens should have their property and their lives protected. I should as earnestly insist that there should be such provisional government in each of these States as would in all respects give to every citizen, from the highest to the lowest, full and equal protection of his rights under the law, and if need be provide for this protection by ample military force. This form of government should continue until by the common consent of the people of these States the example of obedience and a well-regulated protection should insure and guarantee the continuance of this protection, and give encouragement to labor, immigration, and enterprise.

It was the duty of the General Government to have given complete security, protection, and freedom to every American citizen, and then to have relied on time, northern thrift and enterprise, German economy, and Irish pluck to have combined with southern energy and impulse, to have assimilated the people into one common brotherhood before the law, and to have inculcated and built up a public sentiment that we are one country, one constitution, and have one set of laws for all people. But our vacillating course, our want of nerve and firmness, our disregard of the security of the rights of American citizens has permitted the confederate element to a great extent to consummate in violation of law that which they failed to gain by arms.

Mr. Speaker, we should go back to the great American principles that all men are created and endowed with life, liberty, and the right unmolested to acquire and possess property. From the four corners of the earth we invite all people to make their homes on our broad domain, and pledge them that our flag, the Stars and Stripes, shall give to them and all citizens unqualified protection, thus guaranteeing to every one an even start and a fair chance in the race of life.

Upon these fundamental principles, immortal as eternity, we would soon inaugurate peace and prosperity in all our borders, the South as well as the North. Can we live in a Republic on any other principles and our Government last? Can we violate the fundamental laws of our organization as a government and fail to be punished as a nation? Will not the cancer of wrong eat all the vitals of our body-politic until we have become constitutionally diseased and our institutions die? Is there any other safer principle than right and justice, as God in his wisdom has created these principles, and not as man has compromised them with his prejudices, cruel, in human prejudices? Are we never to learn from our own misfortunes, our blunders? How fresh ought to be the voice of Jefferson as one crying in the wilderness, "when I remember God is just, I tremble for my country," and the eloquent Clay, when he said no human power could induce him to extend the curse of slavery over one foot of soil then free, and the thousand warnings of the old patriots of our land that our country could not live and continue to violate all rules of right and justice and permit tyranny and oppression to stalk abroad in the land.

When shall the memories of that terrible retribution, that bloodiest of wars die out in our minds? Go and ask the soldier's widow on these cold winter days and nights; see her in her cabin or hovel, where the fierce and angry wintry winds shriek and howl through its open and dilapidated walls; she and her little ones hovering around the hearth-stone, no fuel, scantily clothed, no food, and her offspring, the children of him who gave his life a ransom for our national sins, a sacrifice that our country might live. These images of the dead but not forgotten father huddle around their mother's knee and cry in anguish for food, clothing, and warmth, while the recording angels make note of the tears of blood and the heart-pains of that mother as she wrings her hands in mute answer to their cry for life. Go ask her can we dare commit anew the wrongs for which we have been so lately and terribly chastened.

Well do I remember, Mr. Speaker, the bitter denunciations of the southern people toward the North for proposing to interfere with the evil of slavery. While most of them would admit it was an evil, they exclaimed with great indignation, "It is none of the business of the people of the North." "We alone are responsible," said they; "all we ask is for you to let us alone. We will assume all risk and responsibility." And just as well do I remember the crawling, whining, dough-face of the North when he eulogized and lauded the wonderful civilization of our southern brethren. He abused the northern patriot and philanthropist for his just indignation over this "sum of all villainies." He hissed on the blood-hounds to the capture of nature's freemen, then the slave of tyrant man.

I remember also that many thousands of our northern people believed then that slavery was a curse for which we as a nation must pay the penalty, just as they now believe that we must be held responsible for the murders and oppression of the Ku-Klux Klans and White Leagues. They had not then, nor have they now, nerve enough to place their ban upon the evils that are inflicted on the poor people of the South, and demand that justice and right, law and order, shall reign throughout the entire country. They act as if they supposed the God of justice sleepeth, and did not hear the cry of the oppressed and murdered people, and again we hear the old cry saying the people of the North should attend to their own affairs and let the South alone; that it is not the business of the North to interfere in the government of the South; that the North should remember and see to their own failures in government.

Is not history repeating itself in matters yet fresh in the memories of most of our people? And as He who rules the destinies of nations has decreed that the entire people of a country must be held responsible for national wrongs, that law equally holds the *particeps criminis* responsible for the wrongs of their principals; so we of both sides of the country have meted and again must mete out punishment for all wrongs and oppressions of the citizens of our common country. It is also decreed and foreordained that we as a people have a high and noble mission that we dare not disregard or fail to fulfill in one jot or tittle; that we must establish equal rights, freedom, and self-government for all, and constitutional liberty and republican form of government for the oppressed of every land and nation.

Talk of your Constitution; of the reserved rights of the States. Hurl your charges of tyrannical interference and usurpation. You know now, and you knew years ago, that a terrible wrong covers the whole South as with the pall of death. You must admit that crimes are being perpetrated every day under the eye of the General Government, and in the face of its law and in defiance of its officers and mandates. If we do not assert the right of our Government to protect its people and punish these wrongs, lay down our weak and blind prejudices, and extend to all free and ample protection of law we are in the beginning of a great strife—a war of races; a war of wrongs against right; a war of prejudices against justice, and a war of untold horrors—unknown agonies, compared to which those we have gone through have been but mere child's play. I would remind those who will not listen to the warnings so plainly manifested, and refuse that justice to others that they so earnestly demand for themselves, it does not need a prophet to divine the result of such a strife; for as long as "there's a divinity that shapes our ends, rough-hew them how we will," so long will the right prevail and justice triumph, notwithstanding our blind zeal for old, exploded ideas and prejudices. The law that gives to all equal protection injures no one. The very fact that all are equal and the rights of all guaranteed, insures that no

one can suffer or be wronged. More than two-thirds of the people of this country are in favor of equal protection, are willing to concede such rights to every one. Shall we as a nation allow a small minority to bring evil, and only evil, on our land? Will we not, on the other hand, go back to first principles, to the fundamental rules of government, and see that exact justice is done to all—that our flag protects every American citizen, at home and abroad, let his color, race, or nationality be what it may?

The supremacy of the Constitution essential to Civil Liberty.

SPEECH OF HON. J. W. STEVENSON,

OF KENTUCKY,

IN THE UNITED STATES SENATE,

February 17, 1875.

The Senate having under consideration the resolution to admit P. B. S. Pinchback to a seat as Senator from Louisiana—

Mr. STEVENSON said:

Mr. PRESIDENT: I do not often trespass upon the time or tax the patience of the Senate by long speeches. It may have occurred in the past, that I have been silent when I should have spoken. If such fault attaches to me, a generous and confiding constituency will, I am sure, attribute the delinquency to my well-known disposition to listen rather than to speak. I am this morning laboring under severe physical indisposition, and were it not that I feel it to be due to the people of the Commonwealth whom I in part represent, earnestly to protest in their name against the open infraction of the Constitution of the United States which the proposed action will in my judgment effect, I should be silent to-day.

The pending motion of the Senator from Indiana [Mr. MORTON] is to seat P. B. S. Pinchback as a Senator-elect from the State of Louisiana upon a *prima facie* right arising upon the regularity of his credentials. This present right is alleged to be *prima facie*, but the principle which it involves goes far beyond any mere *prima facie* title to a seat in this Chamber, however important such title may be to the claimant himself or to the State which he seeks to represent. If the motion prevail, it strikes a fatal blow at the very foundation of American self-government. I do not certainly know, and the Senator from Indiana [Mr. MORTON] will be kind enough to inform me, whether this *prima facie* right of the claimant now insisted upon rests upon the election in 1873 or that in 1875.

Mr. MORTON. The Senator has not read the report to inform himself on that subject? The committee reported upon the credentials signed in 1873.

Mr. STEVENSON. I did not hear the reply of the Senator from Indiana.

Mr. MORTON. I stated that if my friend would read the report of the committee it would show to him that the committee reported Mr. Pinchback to be entitled to a seat in this body because his credentials, signed by the governor of Louisiana, countersigned by the secretary of state, and bearing the great seal of the State, showed that he had been elected Senator in January, 1873, in accordance with the forms prescribed by the act of Congress.

Mr. STEVENSON. I thank the Senator from Indiana for this information. I had supposed such to be the fact. I am glad now to have it officially announced. I think there have been one or two motions at different times as to the *prima facie* right of the claimant to a seat in this Chamber. And certainly Pinchback claims to have been twice elected, in 1873 and in 1875, by two separate and distinct Legislatures.

The solution of the pending question reopens in all its length and breadth the sad story of Louisiana's wrongs and Louisiana's sufferings. It involves the validity of the Kellogg government. It demands the judgment of the Senate upon the legality of the Legislature of January, 1873, elected on the Kellogg ticket, and that of January 1875, on the same ticket. But, sir, it involves if possible higher considerations. The President of the United States has announced that he will regard the admission of Pinchback into this Chamber as a direct approval of his action for the last twenty-three months in the use of the Army of the United States in the State of Louisiana with all its lamentable and bloody results. In that aspect, the disposal of this question by the Senate becomes important not alone to Louisiana and her people, but it affects directly the people of every State in the American confederacy.

The honorable Senator from Ohio, [Mr. SHERMAN,] in his recent specious but able speech on Louisiana affairs, said that he regarded the principles underlying that discussion as the most important which the Senate have been called upon to consider since the foundation of the Government. I fully agree with that sentiment. I only lament that so many of his political friends in this Chamber non-concur with him in that opinion. I attribute such non-concurrence to high party excitement, and if the fabric of American representative self-government ever finds a grave, it will be largely attributable to the fact, that party feeling and the strong desire of the dominant party to retain power, blinds them to the flagrant violations of the Constitution, upon the integrity of which, its preservation rests.

It was but the other day, in an informal conversation in the Senate about the order of business, some Senator proposed to lay aside the Louisiana question, of which he said the Senate and the whole country were heartily sick, and take up an appropriation bill. I innocently replied, that while I did not desire to antagonize with any of the appropriation bills, I must be permitted to say, that I regarded the questions involved in Louisiana affairs as transcending in importance any question of mere supplies. Instantly an audible laugh upon the republican side of the Chamber followed my suggestion. At the expense, however, of additional mirth, I to-day stand in this Chamber and upon my responsibility as an American Senator say, both to the Senate and to the country, ten thousand times better let all appropriation bills perish rather than that the archives of this Senate should show a vote of money to the violators of the sovereignty of a single State or of the liberty of its people.

If I know myself, Mr. President, I am no alarmist. I have never surrendered my faith in the success of American constitutional free government. But when I see a State crushed by Federal power; when I see State Legislatures made and unmade by the usurpation of a Federal district judge; when I see a State Legislature invaded by Federal power and five of its members ruthlessly dragged from the legislative hall by United States soldiers; when I hear the daily newspaper in this city the recognized organ, I believe, of the Administration, proclaiming to the Congress, that the republican party is entitled to one hundred and thirty-seven votes in the next Congress if the republican majority in this does its whole duty; when in the fourth quarter of the nineteenth century, in a time of profound peace, I hear it announced that a bill is about to be introduced and attempted to be hurried through both Houses of Congress, under the edict of a party caucus, clothing the President with discretionary power to suspend the writ of *habeas corpus*, and thereby investing him with arbitrary power over the liberty and lives of the American people; when resolutions are adopted at a meeting of the colored citizens in this District, invoking Congress to pass the civil-rights bill, lest blood and conflagration may be inaugurated in the South in the event of the failure of such legislation—when I hear and see all these things, followed by an utter indifference of the dominant party, I frankly admit that there is some ground for popular apprehension for the continuance of our free institutions.

The pending motion is a remarkable one. It has no parallel in parliamentary history. I challenge the Senator from Indiana, [Mr. MORTON,] when he comes to close this debate, to cite a solitary instance in the past history of the Senate in which the pending application can find a precedent. None of the former claims to seats in this Chamber are like this.

Nor is this effort to seat Pinchback wanting in novelty. That a claimant should have his credentials to a seat in the Senate and in the House, pending at the same session and for the same Congress, and at the same time, is certainly new in American legislation. But the fact that, without any action upon the credentials of this claimant by either the Senate or by the House, he should have been re-elected to the Senate by another Legislature, wholly distinct from the first, for the same senatorial term, is a still more wonderful and novel feature in the pending procedure.

I hope I shall not be considered personal, or out of taste, if I add that the claimant who is thus thrice honored, is an American citizen of colored descent, a fact which tends strongly to refute the charge that all colored citizens of Louisiana are oppressed and ostracized by their white brethren. I do not think it has happened before in our political history that a white citizen was ever elected for the same term to more than one House of Congress. I repeat that this application is without a parallel. What are the facts? Upon the 15th day of December, 1873, the Senator inaugurated the pending proceeding by the following resolution:

Resolved, That the credentials of P. B. S. Pinchback for a seat in the Senate of the United States for six years commencing on the 4th of March, 1873, being in regular form, he is entitled under the law and in conformity with the usages of the Senate to be sworn in as a member, and that whatever grounds of contest there may be as to his right to a seat should be made thereafter.

A debate ensued, in which the Senator from Indiana said, that he only presented these credentials to assert a *prima facie* right for the claimant; that he did not propose to go into the absolute question of title; and he gave notice that the resolution now offered by him would be considered on the following day. It was not so considered. Other business intervened. On January 20, 1874, the Senator from Indiana asked leave "to take from the table the resolution for the admission of P. B. S. Pinchback to a seat in this body" with a view of referring said credentials to the Committee on Privileges and Elections, "and that the committee have power to send for persons and papers."

Bear in mind, Senators, that the pending application was a *prima facie* case, as alleged in the resolution. On the 20th of January, 1874, the Senator from Indiana moved the reference of the claimant's credentials to the consideration of the Committee on Privileges and Elections with a view of sending for persons and papers. Let us see now what the Senator's object was in that reference, and see how far such reference goes toward destroying this alleged *prima facie* title:

Mr. MORTON. Mr. President, I ask unanimous consent of the Senate to take from the table the resolution for the admission of P. B. S. Pinchback to a seat in this

body; and I will state the purpose for which I desire to have it taken up. It is that I may make this motion: that the credentials of Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections, and that the committee have power to send for persons and papers, and be instructed to investigate the circumstances attending the election of said Pinchback to a seat in this body.

I will state to the Senate that since the adjournment of the Senate on last Friday evening I have received information which I think makes it important to the State of Louisiana, and to the Senate and to the country, that an investigation touching the circumstances of this election be made. I ask, therefore, to have this resolution taken up for the purpose of enabling me to make the motion I have stated.

Now here we see a total change of front by the Senator from Indiana, [Mr. MORTON.] The Senator, after insisting on a *prima facie* right of Pinchback, abandons that ground by a motion to refer the credentials to the Committee on Privileges and Elections, with instructions to investigate certain charges against Pinchback, which if true, the Senator informed us would disqualify Pinchback and vitiate his title.

The motion to refer and to investigate is in direct antagonism with any motion to seat on a *prima facie* title. Even the Senator from Indiana, after what he said on moving to refer the credentials of Pinchback, would scarcely insist that Pinchback ought to be seated until the investigation proposed by him had been had.

But when the Senator from Indiana [Mr. MORTON] abandoned the *prima facie* title of Pinchback, the Senator from Maine [Mr. HAMLIN] came instantly to his relief.

I read from the RECORD a part of the proceedings, 26th July, 1874, in the Senate:

Mr. MORTON. I move, according to notice given last week, that the Senate proceed to the consideration of the resolution to admit Mr. Pinchback to his seat on this floor as a Senator from Louisiana.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate now proceed to the consideration of the resolution introduced by himself in regard to seating Mr. Pinchback as a Senator from the State of Louisiana. Is there objection? The Chair hears none, and the resolution is before the Senate, and will be read.

Mr. MORTON. Before making the motion——

Mr. EDMUNDS. Let us hear it read.

Mr. HAMLIN. The resolution is now before the Senate, is it not?

The PRESIDENT *pro tempore*. It is.

Mr. HAMLIN. Then I ask the Senator from Indiana to allow me to submit a motion. I will not take up more than a single minute. It is an amendment to the resolution, which I propose to submit.

Mr. STEVENSON. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Kentucky will state the point of order.

Mr. STEVENSON. When the question of Louisiana was up on a former occasion, my colleague [Mr. MCCREERY] was entitled to the floor. It is now up, and I do not see how he can be deprived of the floor. When the question of Louisiana was last under discussion, I repeat, my colleague was recognized as entitled to the floor on that resolution; it is now before the Senate; and my question of order is that he cannot be deprived of his right, which he has patiently waited for weeks, and to which, under the rules of the Senate, it seems to me he is entitled.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. Had the Senate adjourned pending this resolution, the Senator from Kentucky would have been recognized by the Chair as entitled to the floor; but that is not the manner in which the resolution comes before the Senate. It is brought up to-day by the motion of the Senator from Indiana, who has the floor to make the motion and the floor to make his remarks upon the subject.

Mr. HAMLIN. I supposed everybody in the Senate was disposed to concede to the Senator from Kentucky the floor to-day. I understood him to have it. A mere suggestion from the Senator from Indiana, if he proposes to make it before the Senator from Kentucky proceeds with his speech, I suppose will not be disagreeable to the Senator himself. I want to offer an amendment to the resolution submitted by the Senator from Indiana.

The PRESIDENT *pro tempore*. Does the Senator yield to the Senator from Maine for that purpose?

Mr. MORTON. Yes, sir.

Mr. HAMLIN. I send up the amendment, and I will state in a word the reason for my amendment.

Mr. EDMUNDS. Let us have the whole thing read, the resolution and amendment.

The CHIEF CLERK. The resolution submitted by Mr. MORTON on the 20th of January is as follows:

"*Resolved*, That the credentials of Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to investigate the circumstances attending the election of said Pinchback to a seat in this body."

The amendment now submitted by Mr. HAMLIN is to strike out all after the word "resolved" and insert the following:

"That P. B. S. Pinchback be permitted to take a seat in this body as a Senator from the State of Louisiana upon taking the proper oath, and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make report to the Senate thereon."

Thus it appears that the Senator from Maine and the Senator from Indiana absolutely changed places; the Senator from Indiana abandoned his original resolution to seat Pinchback upon his *prima facie* title, and the Senator from Maine [Mr. HAMLIN] instantly took it up. I do not think that will be denied. The Senator from Indiana opposed the amendment of the Senator from Maine, and thereby directly opposed the seating of Pinchback upon his *prima facie* credentials. Why? I will allow the Senator to respond and I give him the benefit of his own words. The Senator from Indiana [Mr. MORTON] said:

Now, Mr. President, within a few days, and since that time, information has come to me of a character that I was not at liberty to overlook or to pass by, in effect charging Mr. Pinchback with improper conduct in connection with his election; which charges, if true, would, in my opinion render it improper for him to have a seat upon this floor. Having due regard to my honor as a Senator, as the chairman of the committee charged with such investigations, and my duty to the Senate, I did not feel at liberty to withhold that information from the Senate and to proceed with the original resolution asking Mr. Pinckback to be seated. To have withheld that information from the Senate would have been an assumption upon my part of the right to determine the question that Mr. Pinchback should first be seated and the investigation made afterward. I thought I had no right myself to determine that question, and that it was my duty to bring it before the Senate and devolve upon the Senate the responsibility in regard to that question as well as in regard to others, whether the Senate would seat Mr. Pinchback first and investigate him afterward, or would first investigate him and determine whether he was entitled to be seated afterward. I knew of no way of placing myself and of getting that question properly before the Senate than by making the motion which I now send to the Chair:

"*Resolved*, That the credentials of Hon. P. B. S. Pinckback be referred to the Committee on Privileges and Elections, that the committee have power to send for persons and papers, and be instructed to inquire into the conduct of said Pinchback in connection with said election."

What election? That in 1873. Has that investigation by the Committee on Privileges and Elections into the validity of claimant's title been made? If so, where is the report? Have the charges against the claimant which the honorable Senator from Indiana told the Senate "due regard to his honor as a Senator, as chairman of the committee charged with such investigations, and his duty to the Senate" would not allow him to withhold, been investigated? If so, what is the result? Have the charges been disproved?

The Senator from Indiana would scarcely have abandoned the *prima facie* title of the claimant embraced in his first resolution, and demanded an investigation by a standing committee of which he was chairman, unless there was some ground to sustain the charges against the claimant. When we recall the statement of the Senator from Indiana [Mr. MORTON] that the charges against the claimant were of so serious a nature as to deprive Pinchback of a seat in this body, we are still more surprised that the Senator from Indiana [Mr. MORTON] should now attempt to seat him until the truth or falsity of those charges are established or disproved.

But the pending motion involves higher considerations.

Was there a valid government in Louisiana when the election of Pinchback took place? Was the Legislature which elected him the legal Legislature, elected by the people of Louisiana under the constitution and laws of that State? Or was it a spurious body, conceived in fraud and born of usurpation? Was Kellogg, who certified the credentials at the time of certifying, the legally elected governor of Louisiana?

These are grave questions, and their right solution involves other States besides Louisiana. Until they are answered by the Committee on Privileges and Elections the Senator from Indiana [Mr. MORTON] should not succeed in seating the claimant upon any title, *prima facie* or otherwise.

The Senator from Indiana insists that he has precedents in full support of the *prima facie* title of the claimant. I utterly deny it. I insist, further, that his motion to refer and investigate, rebuts all *prima facie* presumption of title on the regularity of the credentials. I know the power and ability of the Senator. I know the disadvantage under which I labor when I enter the lists with him on any question of law or fact. I know his ingenuity and skill in turning authorities in support of any proposition which he advocates. Still, I insist that the precedents cited by him differ wholly from this application, and are not available as authority in support of it.

He cites the case of Goldthwaite. That involved no question of the validity either of the Legislature which elected him, or the goveror who authenticated his credentials. The sole question in that case was, whether certain members of the Alabama Legislature were not disqualified from service by the fourteenth amendment of the Constitution of the United States. It was held that the Senate had no right to inquire into the qualifications of the members of a State Legislature. But even by the Senator's own vote, GOLDTHWAITE was not seated for several months after the presentation of his credentials. Why, if the Senator's doctrine be true as to a *prima facie* case, was he not seated at once? It is true, that the distinguished Senator from Ohio, [Mr. THURMAN,] then a member of the Committee on Privileges and Elections, to whom GOLDTHWAITE'S credentials were referred, in supporting the *prima facie* title of GOLDTHWAITE did say, that any Senator presenting credentials from a Legislature, competent to elect, would be entitled *prima facie* to take his seat in the Senate. I subscribe to that doctrine in all its length and breadth. No Senator that I know of doubts it. It is true on principle and fully sustained by precedent. But it has no application to this case, and the Senator from Indiana [Mr. MORTON] begs the question when he attempts to make it pertinent to the present issue. Why? For the plain reason that before the credentials of Pinchback had been offered, the Committee on Privileges and Elections had, in an elaborate report, declared that there was no valid subsisting government in Louisiana; that Kellogg had not been elected governor, that the legislature which elected Pinchback was not the body elected by the people as the Legislature of the State of Louisiana.

The next case cited by the Senator from Indiana was the case of Potter *vs.* Robbins, from Rhode Island, in 1834. That case turned upon the legality of a statute of Rhode Island by which certain members of the Rhode Island Legislature held over beyond the term for which they had been elected, and by whom Robbins had been elected. Robbins received his credentials from the governor of Rhode Island. Upon presenting them in due form he was allowed to take his seat on his *prima facie* right, while an investigation followed. But in the pending case, an investigation by the Committee on Privileges and Elections exhibited the invalidity of Pinchback's election before this motion was made. Nor has the case of Shields, also cited by the Senator from Indiana, any bearing upon this case. There the Legislature was a valid one; there the governor who certified the credentials had been legally elected. Both these elements are wanting here.

The only case which seems to bear any analogy whatever to that of Pinchback, is that of the Senator from Alabama, [Mr. SPENCER.] But even there the governor that certified Spencer's credentials was admitted to be the legally elected governor of Alabama.

By all parliamentary procedure, the refusal of the Senate to admit John Ray on his credentials, which were in all respects as regular as those of Pinchback, elected at the same time and by the same Legislature, certified to by the same identical William Pitt Kellogg as governor of Louisiana, should estop the Senator from Indiana in urging upon the Senate the pending motion.

How can that Senator in view of his past action touching Ray's case justify the inconsistency of his present action? Ray was elected to fill Kellogg's vacancy, by the same Legislature and at the same time, that Pinchback was elected as Kellogg's successor for the full term of six years commencing on the 4th of March, 1873. If Pinchback is entitled to be seated on his *prima facie* right, why did not the Senator from Indiana insist upon seating Ray? Yet that Senator himself moved, I believe, to refer the credentials of Ray, and united with the committee in their report that Ray was not entitled to his seat. The two cases stand in every respect on the same footing; the title of both is *res adjudicata*.

If a committee of privileges and elections of the Senate, composed of its most able and distinguished men, with no democrat upon it, and with but one dissenting voice, after a laborious investigation and an examination of many witnesses, reached the conclusion, that there was no valid government in Louisiana, no governor legally elected by the people, no legal Legislature, and that John Ray was not entitled to his seat, how can it be said that Pinchback was elected? The Legislature which elected one elected the other. The honorable Senator from Indiana [Mr. MORTON] would endeavor to persuade us that as Pinchback's credentials were not before the Committee on Privileges and Elections at the time of this report, he is not to be bound by the finding against Ray! But such a proposition is more specious than solid. It has neither principle nor authority for its support. The finding of the fact that there was no government, no legal Legislature, no governor, by any tribunal having jurisdiction to inquire into the fact, like a judgment in admiralty, binds everybody. Legislative bodies in their ascertaining conclusions of fact for legislative purposes are not bound by the strict rules of evidence in tribunals purely judicial. The former proceed at once to legislate upon papers, documents, oral testimony of witnesses brought before them to ascertain and determine the truth of any alleged fact set forth in petitions, remonstrances, memorials, alleged grievances, and thus ascertain and report the facts upon the subject-matter committed to their consideration.

The facts ascertained by the Senate Committee on Privileges and Elections, with the testimony on which their report with its conclusions of law and fact rest, under an investigation ordered by the Senate, conducted by its own members, affecting the title to a seat in the body, constitutes evidence binding not only in that case but in all cases and for all legitimate purposes. It is therefore idle to say, that Pinchback, claiming his election by the very Legislature and his credentials by the very governor, the validity of whose election this committee was charged to inquire into, is not bound by that report, unless disproved or overthrown.

That the Senate may decide upon the validity of any Legislature electing a Senator, or upon the rightful tenure of the governor certifying the credentials of such Senator, has long since been determined by the usage of the Senate. The Constitution of the United States constitutes the Senate the sole judge of the elections and qualifications and returns of its members. It was therefore pertinent for the Committee of Privileges and Elections in investigating the title of John Ray to a seat in the Senate to inquire into the validity of the Legislature which elected him, and also into the election of Kellogg, who certified his credentials.

It is a somewhat significant fact, that during this entire discussion, I have heard no Senator claim, that Kellogg was legally elected governor by the vote of the people in 1872. His recognition by the President of the United States is wholly a different thing.

I know that the honorable Senator from Indiana says, that this recognition by the President of Kellogg as governor of Louisiana is binding upon the Senate. Still no Senator has attempted to show that Kellogg was legally and fairly elected governor of Louisiana.

If we look to the report of the Committee on Privileges and Elections submitted by the honorable Senator from Wisconsin [Mr. CARPENTER] on 20th February, 1873, we shall find that on the face of the official returns of the election in 1871 that McEnery and the Legislature running on his ticket were elected.

It is true that a majority of the Committee on Privileges and Elections (Mr. Trumbull and Mr. Hill dissenting) report that in their opinion the frauds committed in that election were so great as to vitiate and annul it, and hence they recommend a new election. But none of that committee, not even the Senator from Indiana [Mr. MORTON] himself, claimed in that report that Kellogg was elected governor, or that there was a valid State government in Louisiana. The committee were unanimous on that point, and yet Kellogg's election was essential to make valid the credentials of Pinchback.

The committee say:

> If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that Legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.
>
> Second. If the Senate shall concur with us in the opinion that the frauds committed in the election are sufficient to annul it, then it will be necessary for the Senate to consider whether Congress has the power to order a re-election.

By the official returns of the election in 1872 the fusion ticket, headed by McEnery for governor, received an average majority of ten thousand, and a large majority of the persons elected to the Legislature were of the same party.

But for the illegal, unwarranted, and unjustifiable interference of Federal power, as I shall hereafter show, the McEnery State government and the McEnery legislature would have been peacefully inaugurated. Suppose there were frauds in that election, by what constitutional authority did the Federal Government intervene and crush the suffrage of a free people under the iron heel of arbitrary power? How much oppression, how much sorrow, how much illegal and unconstitutional interference by the Federal Government with a sovereign State would have been avoided, if the President would have turned a deaf ear to the partisan appeals of the usurper Kellogg, and have the permitted State government in Louisiana, elected by the people, to have been inaugurated? There were frauds in all probability committed in some of the parishes by the McEnery party. I will assume that to be true; but casting out all the different parishes where Kellogg charged that frauds were committed, and still McEnery was elected. Allow me to read in support of this assertion a few sentences from the views of Hon. Lyman Trumbull, one of the Committee on Privileges and Elections, in the report on Louisiana affairs. He says:

> The State of Louisiana is divided into fifty-six parishes, from only about twenty of which, containing less than one-third of the population of the State, frauds were even reported, and these reports were not supported by the direct testimony of a single witness before the committee, unless proof that the places of registering and of voting were established at inconvenient places in two or three parishes should be regarded as evidence of fraud. The only evidence to sustain the charges of fraud made by the republicans were the opinions of witnesses who took an active part in the election on the republican side and were disappointed at the result, or *ex parte* affidavits, the statement of the supervisors of election appointed under the act of Congress, letters and verbal statements which were laid before and made to the Lynch returning board, and upon which the committee have already reported, "that the Lynch returning board, with the sort of evidence that was before them, had no power under the law of the State to investigate these charges of fraud and injury or act on their convictions of wrongs that had been suffered."

Grant, if you please, that fraud was practiced in some of the parishes; admit that irregularities existed in others, still in the absence of any legitimate evidence to establish these frauds, or of any sort of complaint even against the fairness of the election in more than two-thirds of the State, it cannot be said that McEnery was not elected by a decided majority of the people; still less, that there was the slighest pretext for military interference by the Federal Government with the election returns of Louisiana. Upon that point there was no doubt. The whole committee was a unit and no Senator was more decided in his views than the Senator from Indiana, [Mr. MORTON.]

But, Mr. President, if there were alleged frauds practiced by the McEnery party, what shall we say of the frauds of Kellogg and his returning Lynch board in their bold and unblushing attempt to inaugurate Kellogg and his legislature; to impeach Warmoth; declare Pinchback elected; and then through his appeals for Federal military aid successfully put Louisiana completely under the heel of judicial and military usurpation?

I am no apologist for Warmoth, nor shall I go into the controversy of the two returning boards, known as the Warmoth-Wharton board and the Lynch returning board, except to say, that I believe the committee were agreed that the Warmoth-Wharton board was the legitimate and rightful board to canvass the official returns of the election; that it proceeded to do so, but was illegally restrained by a United States district judge from completing the count of said vote; that by an election law approved November 20, 1872, all previous returning boards were abolished; that the De Feriet-Wiltz board was authorized under that act to complete the canvass commenced by the Wharton board; that the De Feriet board did canvass the official returns; that the result was duly proclaimed by the governor, December 4, 1872; that Herron ceased to be secretary of state, when Wharton was appointed and took possession of the office; that the Lynch returning board never had the authority to examine the returns, and no returns were ever made to said board; that neither Kellogg, nor any of the persons returned as elected to State offices by the Lynch board were elected according to the official returns; that neither the Pinchback, nor the Kellogg State government could have been set up, nor the persons returned by the Lynch board as elected to the Legislature have assembled and organized as a Legislature, but for the unauthorized and usurped authority exercised by Judge Durell enforced and supported by United States troops. Never before in the history of any government professing to be free, have such unblushing frauds as those committed by the Lynch board in support of an alleged election of Kellogg, and his illegal legislature, ever stained its pages. Its frauds are only exceeded by its usurpations. In this assertion I beg the Senate to believe I speak from no democratic stand-point. No, sir; no! My statement rests on the authority of the ablest and most prominent republicans in this Chamber. I refer to the report of the Committee on Privileges and Elections, and will

be obliged to the Secretary to read the paragraphs in the report which I now send up to him.

The Chief Clerk read as follows:

But what did this board do? They resolved themselves into a general committee of investigation. They had no authority as a canvassing board to inquire as to the vote at any of the polling places, because there was no accompanying statement from the commissioner that there had been fraud, or riot which had disturbed the election. They had no jurisdiction of that kind; they had no returns before them to canvass. What did they do? They resolved that they would go away from the returns back to the fact and ascertain how this election resulted. They went on, and, as this testimony shows—and after a brief statement of it I shall have the testimony read, so that I may not misstate it at all—they went on in some cases and obtained from the United States officers the duplicate statements which they kept under the act of Congress. The State canvassers had no more authority to take them than they had to take an affidavit signed by a private person. They took those where they could. Where they could not get them, they took newspaper reports of what the result was at different polls. Where they could not get those they resorted to forged affidavits; and one pleasant little gentleman swears, with a smiling face, that he himself forged twelve hundred affidavits in one day and delivered them to Mr. Bovee, sitting in the board, and Bovee said he was "a hell of a fellow," and asked if he could not get more of the same kind; and he said he could get three or four hundred more of the same kind by nine o'clock the next morning, if necessary. [Laughter.] Then, not satisfied with the duplicate returns, not satisfied with the newspaper accounts, not satisfied with forged affidavits, and after all these valuable means of information failed, the board themselves swear that they made an estimate based upon their knowledge of the political complexion of the country as to what the vote ought to have been if it had been fair, and counted it accordingly.

Mr. EDMUNDS. And so estimated it?

Mr. CARPENTER. And so estimated it in one parish, giving Mr. Kellogg so many votes, and so on. Now, to illustrate, take the parish of Bossier. There was no statement of riot to give any jurisdiction to inquire into the fact. If any such statement had existed, all that the board could do was either to count or reject the return. They were first to ascertain whether there was any riot, and then to inquire whether it materially affected the result. If it did not amount to much, then they were to count the returns just as they did all the others. If they thought it did materially affect the result, then they were to reject it altogether, and canvass the the rest. They must either count it as it came or reject it entirely. They were to ascertain, on the question of fact, whether the result had been materially affected by the riot. If it had been, they were to reject it altogether and count nothing from that poll; if it had not materially affected the result, although there had been a riot or had been bribery, they were to count it. In other words, it was a general equitable jurisdiction, to do, as they say up in New England, about what is right.

What think you, Senators, of that as a egal election? There was not a democrat upon that committee nor any dissent as to the frauds therein set out. What think you, republican Senators, of the election of a governor and Legislature elected by such means and subsequently installed and supported by arbitrary military power?

Listen to the distinguished Senator from Wisconsin, [Mr. CARPENTER,] the republican President *pro tempore* of the Senate, as he initiates us into the details of the mysteries by which Kellogg was made governor of Louisiana, and the Legislature which elected Pinchback, was declared to be elected. He says:

Another witness, Mr. Jaques, appeared before the committee, and at first I was strongly impressed with the belief that he was lying, that his whole story was made up, and I went for him with a pretty thorough cross-examination, followed him through several pages, and finally became thoroughly convinced that the man was telling the truth. He swore that he had forged twelve hundred affidavits; he said he took the names from an old worn-out poll-list, that a great many of them were dead, and a great many probably never did live. He made up the affidavits without seeing the men—hundreds of them. They were certified as sworn to in blank by a judge before they were filled; and the proceeding, as he testifies to it, is one of the richest that I know of in the history of politics. His testimony—I will not stop to read it—is found on pages 520, 521, 522, and 523, and pages 526, 527, 528, and 530, and fully sustains all that I say.

The affidavits were printed, and they were delivered to this fellow to be manufactured, and with the jurat of the judge attached, certifying that ——— ——— had sworn to the affidavit. When Mr. Jaques took the affidavits, filled them up, signed names to them, then delivered twelve hundred of them at one time to Mr. Bovee, in the open session of the board, the testimony leaving no doubt that the board knew that they were forged affidavits; and, indeed, he says that Bovee joked him afterward for days by asking if they had got through voting up at Plaquemines Parish.

How monstrous! How incredible! What a shocking commentary on the purity and freedom of elections!

With such official testimony as to the colossal frauds by which both Kellogg and his legislature were elected, with the report of MORTON, CARPENTER, ANTHONY, LOGAN, Trumbull, and Hill as to the usurpation and military power by which that governor and Legislature were installed, has the Senate so far fallen from its high estate that it will even consent to sanctify such infamy by seating in this Chamber one born of so unholy and unhallowed a combination? But it is said, that the supreme court of Louisiana has decided in favor of the Louisiana Legislature, and that their ruling is conclusive. Conclusive upon whom? Surely not upon this body. The Senate of the United States and not the supreme court of Louisiana is the tribunal clothed by the Constitution of the United States with the exclusive power to decide upon the qualifications, elections, and returns of its members. The Senate will never surrender this trust, especially to a bastard judicial tribunal which was created in part by Pinchback, and like him and Kellogg, was born of force and fraud, and lives by the bayonets of unauthorized, unlicensed power.

The Senate of the United States has not yet reached that point, I trust, in the downward path of degradation and decay! But the Senator from Indiana, [Mr. MORTON,] after declaring as a member of the Committee on Privileges and Elections "that the conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended, that he grossly exceeded his jurisdiction, and exercised powers to which he could lay no claim, gravely tells us, that the President has recognized both Kellogg and the Kellogg legislature, and therefore Pinchback should be admitted." I have already exposed the fallacy of that position! No recognition of Kellogg as governor by the President can be binding on the Senate in its exclusive constitutional right to judge of the election returns and of certifications of its members. But under what circumstances was this recognition made? The answer to that question demands a review of the conduct of the President and some of his Cabinet in connection with Louisiana usurpations and outrages which I would had been spared me. The occasion however demands freedom and truth. If we desire to preserve liberty, let no violation of the Constitution be excused. Senators say, that the President was sincere, although erroneous. So was Paul in his bloody mission to Damascus. The Lord opened miraculously his eyes to error. I would that some higher than human power would open the President's eyes to the *usurpation*, *wrong*, and oppression under which the State of Louisiana is now being enslaved.

It is difficult to realize, after such a report as that of the Senate Committee on Privileges and Elections, (after an investigation of six weeks, with an array of witnesses unsurpassed in parliamentary usage,) that there was no valid government in Louisiana, how the President could have been induced by the falsehood and misrepresentation of selfish party marplots to recognize the Kellogg government. How much better had it been, if the President had in the outset frowned down all efforts at Federal interference, when partisan leaders, defeated by the people, sought his aid? If there had been frauds on either or both sides, how much better it would have been for the President to have allowed the State of Louisiana, under its own constitution and laws, to seek and apply the remedy? Surely the President is aware that the Constitution does not constitute him the censor to correct frauds in State elections or confer upon him any power to interfere with a State in its local self-government. It is true that the Constitution declares that—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

But surely the President cannot believe that this great power of the Constitution was to be used by him to quell election disorders or pass upon election returns. It is a vast power, guarded as it is; it is a power of great delicacy, to be used for the highest and most solemn occasions.

Why should the President not have promptly declined all interference? He knew the shocking disclosures made by the Senate Committee on Privileges and Elections. He knew that the official returns in the election in 1872 showed the election of McEnery by 10,000 majority, and a majority of the McEnery legislature. Why not have allowed the alleged frauds to have been investigated through State agencies? The President well knew that the committee reported no valid government in Louisiana, no valid Legislature; and that a majority of said committee, recommended a new election, while a minority recommended the recognition of the McEnery government and the McEnery legislature.

The President should have promptly withdrawn his troops. Peace would have soon followed. But the partisans who had committed the frauds by which Kellogg and his legislature were to be declared elected, determined to overthrow the legitimate State government and inaugurate a bogus government by revolutionary means. Warmoth was to be impeached, Pinchback succeed him as governor; then the Kellogg government was to be inaugurated, all of which was to be accomplished by Federal power and Federal soldiers. That a plot having that object was agreed upon in New Orleans no one can doubt.

Let us trace its origin, its object, and its triumph. This revolutionary drama opens by the following dispatch from Washington to the United States marshal at New Orleans:

DEPARTMENT OF JUSTICE,
December 3, 1872.

S. P. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Why that dispatch? At whose instance was it sent? There had been no resistance to any process of the United States courts nor was there any threatened. Governor Warmoth had called the Legislature to assemble on the 9th of December, and this remarkable dispatch is dated the 3d December, 1872.

R. H. Jackson, a captain of the First Artillery United States Army, arrives in New Orleans on the night of the 5th of December with two batteries of his regiment and eighty-six men. By whose order were they sent, and for what purpose? We shall soon see.

Upon the night of Jackson's arrival, between nine and eleven o'clock, Judge Durell, a United States judge, at his private lodgings, issued his order directing the United States marshal forthwith to take possession of the State-house of Louisiana, to hold the same until the further order of the court, and prevent all unlawful assemblage of persons therein, having reference to the persons returned as members-elect to the Legislature according to the official returns. He enjoined the counting of the votes by the legal returning board. A Federal judge by a void process seizing a State-house with intent

to subvert a State government, uphold by United States soldiers at the instance of the Attorney-General of the United States!!

How was Durell's order executed? I read from the report of the Committee on Privileges and Elections:

Captain Jackson testifies that he took possession of the State-house at about two o'clock on the morning of the 6th, with instructions to take and hold it under the direction of the United States marshal and to act in obedience to his orders. He further testified that he was not stationed in the State-house to prevent riots, but to hold the building, and that if a riot had occurred in front of the building he would not have interfered.

Listen, Senators, to that! Durell ordered him to stay within the State-house, no matter what tumult, no matter what insurrection, no matter what force displayed itself outside. Jackson says, "I should not under my orders have interfered."

He posted two soldiers at the entrance door, who guarded it with crossed bayonets, and suffered no one to enter the building except by permission of the United States marshal, one of whose deputies was at all times present. These troops continued to occupy the State-house for more than six weeks, until January 21, and it is manifest, from the whole testimony, that they were not there to preserve the peace, but to carry out the illegal orders of Judge Durell, and prevent the legally elected members of the Legislature from assembling and organizing.

These troops continued to occupy the State-house for more than six weeks until the 21st of January, 1872, and their only use was to execute the void judicial order of Durell and thereby prevent the assembling and organization of the Legislature of Louisiana. This extraordinary action of Durell constituted a part of the plot to subvert the government agreed upon and subsequently consummated. I do not asy the President knew that the Attorney-General sent the telegram to Packard. Still less will I charge, that the Attorney-General knew when this telegram to Packard was sent of the existence of the plot to subvert the legal government of Louisiana, and of the part that Durell and the United States troops under his order were to play in it; but I will say, that the plot had been agreed upon and the Senate of the United States in addition to what the President has done is called upon to-day to sanction the fruits of that usurpation by seating Pinchback. The Senator from Louisiana smiles. So did Nero when Rome was burning. I never knew a guilty criminal when the truth was brought home to him that did not wince.

Mr. WEST. Mr. President, the Senator will allow me an explanation.

Mr. STEVENSON. Certainly.

Mr. WEST. I smiled at the Senator's ignorance.

Mr. STEVENSON. Indeed?

Mr. WEST. On the 16th of November, 1872, the governor of the State of Louisiana had disobeyed an order of that Federal court a fortnight before, and that was the reason why the Attorney-General sent that dispatch. The Senator does not seem to know it.

Mr. STEVENSON. I take issue on the facts with the Senator. I appeal from his statement to the report signed by the Committee on Privileges and Elections. The Senator stands contradicted by that report. "The dispatch of the Attorney-General, so far as the evidence shows, was not responsive to any call for troops," says Lyman Trumbull, a member of that committee. So if I am in error, I have good official authority for my alleged ignorance.

Mr. WEST. I ask the Senator to do this: if it is a question of record let him appeal to the record; but do not let him accuse me of standing here defending criminals.

Mr. STEVENSON. I did not say you defended criminals.

Mr. WEST. You said I smiled like any man defending criminals.

Mr. STEVENSON. I now say to the Senator what I did not say before, if he defends Durell, Pinchback & Co. he does defend criminals, and I appeal to the American Senate for the truth of my assertion. The gentleman cannot take any issue with me that I am not willing to meet him on; and when he says I am ignorant, I reply that I have the authority of Hon. Lyman Trumbull, the peer of any Senator in this Chamber, in a report to the Senate, uncontradicted by any testimony so far as I know, that the dispatch of the Attorney-General to Packard quoted by me, so far as the evidence before the committee showed, was not responsive to any call for troops; and with that issue of fact between the Senator and the committee I cease this little by-play.

Let me continue the recital. On the 6th day of December, 1872, President Grant received the following dispatch from his brother-in-law, Casey:

NEW ORLEANS, *December* 6, 1872.

President GRANT:

Marshal Packard took possession of State-house this morning at an early hour with military posse, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the result of the election of officers of State and Legislature, which will meet in State-house with protection of court.

What think you of that, Senators? A State-house in the capital of a sovereign State and in the military possession of a Federal marshal, and a Legislature elected by the people excluded by Federal soldiers, under a void order of a United States judge, from assembling and organizing for legislative business. Casey's dispatch continues

The decree was sweeping in its provisions, and if enforced will save—

What, do you suppose? The State? No. The public peace? No. The dignity of the United States? No. What is it that Federal interference is going to save?—

Will save the republican majority in Louisiana, a republican Legislature, and a republican State government, and check Warmoth in his usurpation.

What a spectacle! What a blot upon free government! Think of it! A year before the centennial celebration of American liberty, of constitutional free government, a State government set up for party purposes under the usurpation of a district United States judge, and that usurpation supported by the Army of the United States!

The President of the United States is unblushingly asked to uphold the usurpation for party purposes, or, in the words of Casey's telegram, to save the republican majority and give Louisiana a republican Legislature, a State government, and check Warmoth in his usurpation!

How times change and how we change with them? I remember that the first speech the Senator from Louisiana [Mr. WEST] made in this body was to eulogize Warmoth as a pure, wise statesman of the highest integrity; and now he is to be impeached by the revolutionists, Durell, Packard, Casey & Co., in order that Pinchback, the lieutenant-governor, may take Warmoth's place, and thus aid in the plot of inaugurating Kellogg and his government on the ruin of that elected by the people.

Mr. WEST. How about Greeley?

Mr. STEVENSON. Greeley? Well, Mr. President, I believe Mr. Greeley was a conscientious, upright man—always superior to Warmoth or to Kellogg. I differed with him politically all my life. I supported him cordially as a liberal republican against an extremist of the same school, and the present condition of my country proves that I did right. I voted for Mr. Greeley for the good of my country. I never permit party to interfere if the peace of my country can be saved by voting even for a republican, but he must be a liberal. [Laughter.] In voting for Mr. Greeley I practiced the doctrine which I urge on republican Senators to illustrate in their action to-day—never to permit mere party to blind their eyes when common dangers require party to be hushed. I believe that had Mr. Greeley been elected he would have stood by the Constitution of his country and restored peace throughout the country. I hope the Senator is answered!

But to return to the plot of subverting the legal government of Louisiana inaugurated by Durell, and the appliances and means of the usurpers to induce the President to intervene.

On 6th December, 1872, Marshal Packard telegraphs the Attorney-General as follows:

NEW ORLEANS, *December* 6, 1872.

Attorney-General WILLIAMS,
Washington, D. C.:

Returning board provided by election of 1870, under which the election was held and which United States court sustains, promulgated in official journal this morning result of election of Legislature. House stands seventy-seven republicans, thirty-two democrats; senate twenty-eight republicans, eight democrats. Board counted ballots attached to affidavits of colored persons wrongfully prevented from voting filed with chief supervisor.

S. B. PACKARD,
United States Marshal.

How rapidly the consummated subversion of Louisiana progresses! The President and Attorney-General seem both to have been kept advised of the actings and doings of the returning board in creating a manufactured Legislature in utter defiance of law and in shameless contempt of all election returns.

The State-house was taken possession of by troops on the 6th of December under Durell's order; no one is allowed to enter unless by Durell's order. On the same day, this illegal returning board of Lynch upon forged and false returns, proclaims the composition of the Legislature, and no one except those designated by this fraudulent board ever pass muster—Durell's *sic volo, sic jubeo*, governs!

Upon the 9th of December, the day on which the McEnery legislature was to have assembled under Warmoth's proclamation, S. B. Packard telegraphs the Attorney-General as follows:

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington, D. C.:

Returning board has officially promulgated in official journal this morning the result of the election for State officers. Kellogg's majority 18,861.

S. B. PACKARD,
United States Marshal.

Another step in this drama of violence. The Lynch board, which never had a return before it, having selected a Legislature, now announces Kellogg's election and fancifully specifies his majority.

This man Lynch was called before the Senate Committee on Privileges and Elections and is interrogated as to the *modus operandi* of his board in reaching the results of the Kellogg election. He said:

We took all the evidence before us and our knowledge of the parishes and their political complexion, and we then decided.

The witness is asked by Senator CARPENTER whether the estimate was made upon what the board thought the returns ought to have been. He replies:

Yes, sir. That was just the fact, and I think on the whole we were pretty correct.

Durell's order is the only standard of the Lynch board in giving certificates of election to any members of their constructed Legislature!

When did American history ever before exhibit so infamous a procedure? A usurping board, backed by the Army of United States,

proclaiming a governor of a State without returns and upon guess! But the plot thickens; telegram follows telegram in quick succession. Hear Packard:

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General:

Governor Warmoth impeached by a vote of 58 to 6. Warmoth's legislature returned by his board has pretense of a session.

S. B. PACKARD,
United States Marshal.

How could those elected to the Louisiana Legislature by the people enter the State-house when the crossed bayonets of Captain Jackson's soldiers defied entrance?

The impeachment of Warmoth is thus announced by United States Marshal Packard:

NEW ORLEANS, LOUISIANA, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General:

Senate by vote of 17 to 5 have resolved into high court of impeachment. Senator Harris elected president of senate, Lieutenant-Governor Pinchback being now governor.

S. B. PACKARD,
United States Marshal.

On the same day another bulletin announces that Lieutenant-Governor Pinchback, the individual whose claim to a seat in the Senate we are discussing, has qualified as governor:

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington, D. C.:

Lieutenant-Governor Pinchback qualified and took possession of the governor's office to-night. Senate organized as high court of impeachment, Chief Justice Ludeling presiding, and adjourned to meet Monday next. It is believed that all the democratic members of the General Assembly will qualify and take seats to-morrow.

S. B. PACKARD,
United States Marshal.

Within six days from the 3d of December, the day on which the memorable telegram of the Attorney-General to Packard, directing him where to find troops to enforce judicial orders, to the 9th of December, what a revolution was accomplished by violence, fraud, and judicial usurpation?

A free Commonwealth subverted by a United States circuit judge; a Legislature made and unmade by him; a governor impeached; a lieutenant-governor installed by violence! All accomplished, and every step in the revolution daily communicated to the Attorney-General by his *Fides Achates*, Packard!

What next? The new legislature, conceived and brought forth under the wand of Durell, backed by military power, pass resolutions asking for protection from the President of the United States under the guarantee clause of the Constitution! A free Commonwealth manacled by force! A Legislature and governor displaced by the void order of a United States judge; that order enforced by United States soldiers under the direction of the Attorney-General of the United States. A new Legislature ordained by the usurping judge through a fraudulent and illegal returning board, and in violation of every constitutional, legal right of the people of Louisiana, and the revolutionary body thus created, calling on the President of the United States for protection!

Durell's newly created governor, Pinchback, calls for recognition:

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly, as conveyed in the concurrent resolutions of this day, telegraphed to you, requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to be a necessary measure of protection, although all is quiet here.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

A necessary measure of protection. How? Why? Had not the rightful government of Louisiana been already subverted by Federal power? Where was Jackson with his two batteries and eighty-six men? Was not the whole of the United States military force, by which Durell had accomplished his unhallowed purposes, still at his command? Why, then, this call in view of the transactions of the past few days?

He repeats the telegram. Hear him:

NEW ORLEANS, *December* 11, 1872.

Hon. GEORGE H. WILLIAMS,
Attorney-General:

I have the honor to acknowledge the receipt of your dispatch. May I suggest that the commanding general be authorized to furnish troops upon my requisition upon him for the protection of the Legislature and the gubernatorial office? The *moral effect* would be great, and in my judgment tend greatly to allay any trouble likely to grow out of the recent inflammatory proclamation of Warmoth. I beg you to believe I will act in all things with discretion.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor.

But the Attorney-General does not respond, and Casey, the brother-in-law of the President, begs for accelerated executive action. Casey telegraphs; hear him:

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Parties interested in the success of the democratic party, particularly the New Orleans Times, are making desperate efforts to array the people against us. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; our members are poor and our adversaries rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum. The delay in placing troops at disposal of Governor Pinchback in accord with joint resolutions of Monday is disheartening to our friends and cheering our enemies. If requisition of Legislature is complied with all difficulty will be dissipated, *the party saved*, and everything go on smoothly. If this is done the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can be encouraged. Governor Pinchback acting with great discretion as is the Legislature and they will so continue.

JAMES F. CASEY,
Collector.

The collector is more outspoken than Marshal Packard in the objects and purposes of this revolution. Troops, more troops than Captain Jackson's eighty-six men and two batteries, are necessary to sustain the republican plotters in their party schemes and party successes.

What would Washington or any former President of the United States have thought of a proposal to him, to send troops into a sovereign State, to overcome and overawe its people for the supremacy of political power? How long would a public officer have been tolerated by former Presidents after such a telegram? And yet Casey is retained, and continues to hold his office. Pinchback asks for troops to sustain his usurpation. Casey urges it for the success of the party.

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Democratic members of Legislature taking their seats. Most, if not all, will do so in next few days. Important that you immediately recognize Governor Pinchback's legislature in some manner, either by instructing General Emory to comply with the requistion of Governor Pinchback under joint resolution of Legislature of Monday or otherwise. This would quiet *matters much*. I earnestly urge this and ask a reply.

JAMES F. CASEY.

Casey repeats his telegram on the next day to the President:

President GRANT:

The condition of affairs is this: The United States circuit court has decided which is the legal board of canvassers—

Senators, think of it; a United States judge setting up a State Legislature—

Upon the basis of that decision a Legislature has been organized in strict conformity with the laws of the State; Warmoth impeached; and thus Pinchback, as provided by the constitution—

God save the mark!—

becomes acting governor. The chief justice of the supreme court organized the senate into a court of impeachment, and Associate Justice Taliaferro administered the oath to Governor Pinchback.

But does he tell you that this impeachment was all accomplished on the same day, in utter disregard of what the statute of Louisiana requires—without summons to Warmoth, without allowing him to confront and cross-examine witnesses against him, without the report of a committee, which by the very terms of the law are required to report for or against impeachment, after hearing all the facts of the case? and that without a compliance with such requisitions no one can be legally arraigned—

The Legislature was fully organized on Monday. Notwithstanding this, Warmoth has organized a pretended Legislature, and it is proceeding with pretended legislation. A conflict between these two organizations may at any time occur. A conflict may occur at any hour, and in my opinion there is no safety for the legal government—

How cool, in view of Captain Jackson's holding the State-house at that identical hour with two batteries and eighty-six men, and Durell's creation of legal legislators with the bayonet—

without the Federal troops are given in compliance with the requisition of the Legislature. The supreme court is known to be in sympathy with the republican State government. If a decided recognition of Governor Pinchback and the legal Legislature were made, in my judgment it would settle the whole matter. General Longstreet has been appointed by Governor Pinchback as adjutant-general of State militia.

JAMES F. CASEY.

This telegram was potential. It has been said that it was the last hair that broke the camel's back. This last telegram certainly broke the ominous silence of the President. The President now speaks through the Attorney-General:

DEPARTMENT OF JUSTICE, *December* —, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS.

Against this recognition announced by the Attorney-General Governor Warmoth protested by a telegram to the President, as follows:

NEW ORLEANS, *December* 11, 1872.

The PRESIDENT OF THE UNITED STATES:

Under an order from the judge of the United States district court, investing James Longstreet, Jacob Hawkins, and others with the powers and duties of the returning officers under State election laws, and charging them with the duty of completing the legal returns and declaring the result in accordance therewith, those persons have promulgated results based upon no returns whatever and no evidence except *ex parte* statements. They have constructed a pretended General Assembly, composed mainly of candidates at the election, and those candidates, protected by United States military forces, have taken possession of the State-house and have organized a pretended Legislature, which to-day has passed pretended articles of impeachment against the governor; in pursuance of which the person claiming to be lieutenant-governor, but whose term had expired, proclaimed himself acting

governor, broke into the executive office under the protection of the United States soldiers, and took possession of the archives. In the mean time the General Assembly has met at the city hall and organized for business, with sixty members in the house and twenty-one in the senate, being more than a quorum of both bodies. I ask and believe that no violent action be taken and no force used by the Government, at least until the supreme court shall have passed final judgment on the case. A full statement of the facts will be laid before you and the Congress in a few days.

H. C. WARMOTH,
Governor of Louisiana

In the better days of the Republic, such a dispatch from the governor of a State—a governor who had been elected as a republican and the party friend of the President—to that President, informing him directly, that the State-house had been seized by military violence and its archives forcibly taken possession of under a void order of a usurping Federal judge, would have awakened a thrill of indignation, that would have demanded prompt action for the, suppression of the revolution. To all impartial minds, it would seem that a decent respect for the constitution and laws of a sovereign State should have promptly demanded of the President the duty of recognizing no truculent usurper of the executive office of that State at least until the facts could have been fully investigated. Especially, was such an obligation rendered the more imperative upon the President by the fact, that a committee of one hundred of the best citizens of Louisiana had been appointed by an overwhelming mass meeting of the people, called in New Orleans, to protest against any recognition of the revolutionary government of Pinchback, to visit Washington and lay before the President the facts under which the subversion of their government had been accomplished.

John McEnery, the newly elected governor of Louisiana, as shown by the official returns of the only legal returning board that had legal authority to count the votes, also joined his protest against executive action until all the facts touching the legitimacy of the dual governments could be investigated.

NEW ORLEANS, *October* 12, 1872.

Hon. U. S. GRANT,
President of the United States:

Claiming to be the governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all the facts on both sides touching the legitimacy of either government. The people, denying the legitimacy of the Pinchback government and its legislature, simply ask to be heard through a committee of our best citizens on the eve of departure for Washington before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard.

JNO. McENERY.

Was there anything of which any President of the United States could complain in these manly protests against usupation, perfidy, and wrong in any of these telegrams? Were the requests contained in them not in every respect in behalf of truth, law, good order, justice, and self-government in Louisiana? Were they not eminently peaceful? Yet how were all these appeals received? Let the following telegram of the law-adviser of the President answer:

DEPARTMENT OF JUSTICE,
December 13, 1872.

Hon. JOHN McENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

By way of impressing upon the free people of Louisiana that the President had determined to stand by Durell, Pinchback, Casey, and Packard, in their infamous subversion of law and of popular constitutional rights, the Attorney-General telegraphs General Emory as follows:

WASHINGTON, *December* 14, 1872.

General W. H. EMORY,
United States Army, Commanding, New Orleans:

You may use all necessary force to preserve the peace and will recognize the authority of Governor Pinchback.
By order of the President:

E. D. TOWNSEND,
Adjutant-General.

Thus usurpation triumphs. What a lesson? What a result? What a sad page in the history of a free Republic?

When before did any American President use the Army of the United States to uphold the subversion of a State government? When before did the ruler of a free people support a military usurpation? When before did the Executive of the United States aid in trampling down the sovereignty of a State and demand that its people should surrender their rights to acknowledged usurpers?

Can such things be,
And overcome us like a summer's cloud
Without our special wonder?

And yet the official dispatches read by me speak for themselves, and exhibit the sad story of a usurpation unparalleled in constitutional history. A State crushed by the arms of the Federal Government, and the protests of its people answered by contumely and contempt by the legal advisers of the President.

The honorable Senator from Indiana [Mr. MORTON] attempted to justify the President in his support of Durell's acknowledged usurpation upon the ground that the Constitution enjoins the President "to take care that the laws be faithfully executed" and this involves the enforcement of the orders, decrees, and judgments of the courts of the United States, and that the President is never to distinguish between void and valid orders.

I utterly deny the proposition to be law. The President has no more right to aid in the execution of an order of a court, void upon its face for the want of jurisdiction, than the court has to issue it. It is the President's duty to discriminate between lawful orders and those void for want of jurisdiction.

If the proposition insisted upon by the Senator from Indiana [Mr. MORTON] were conceded to be sound, it would avail him nothing in the defense of the President in permitting Durell's usurpation to be consummated. And that for the reason, that the moment the President became cognizant of the fact, that Durell's order to seize the State-house was void, it was the duty of the President to have withdrawn the troops and dispersed the usurpers. Did he do so? No, sir. With a full reality of the development of Durell's purposes and plans; with full information of the utter want of jurisdiction on the part of that judicial usurper; fully acquainted with his purposes and plans, and that they were in direct violation of the Constitution and laws of Louisiana, the President allowed that void order to be executed and the State-house to be held for more than six weeks. And the President is subject to the greater censure, because the telegrams from Casey, Packard, and Pinchback fully disclosed to him the fact, that the subversion of the rightful government of Louisiana by Durell was for party purposes, and had originated and been carried on for party success.

Is it extraordinary in view of all that then took place, and the passive acquiescence of Congress in these unauthorized and illegal acts of the President, that other usurpations would quickly follow? Can we wonder, after the recognition by the President of Pinchback as governor, of the legality of the Legislature constructed by an illegal returning board, upon mere hypotheses, without returns, with the fact staring him in the face that the Senate Committee on Privileges and Elections had reported that this Legislature thus recognized by him, was, without the semblance of validity and was the mere creature of fraud and usurpation, that other and more alarming subversions of popular right in Louisiana should follow?

I admit that it was the duty of Congress instantly on the coming in of the report of the Committee on Privileges and Elections to have intervened, not by a new election, but by a resolution directing him instantly to withdraw the troops. Had that been done there would have been peace. It was not done. The Senate refused to order a new election as recommended by the committee. The dominant party in this Chamber told us, that a new election was unnecessary; that all was quiet in Louisiana; that there would be a popular election in 1874 when the voice of the people of Louisiana would be expressed and its will carried out.

Upon the 3d of November, 1874, that election did take place. It embraced but one State officer, but the election of members of the State Legislature and parish officers imparted to it an exciting interest. Strong personal and excited political considerations entered into the contest. It was but natural, that the conservatives of Louisiana, crushed as they had been under the heel of usurped power for two years past, should look to the ballot-box on the 3d of November, 1874, as the instrument of their deliverance. Let it be remembered that all the agencies and instrumentalities for conducting this election were in the hands of Kellogg and his appointees. In addition, United States troops were scattered throughout the State.

The election law of Louisiana provides for a supervisor of registration, who appoints his own deputies for each ward in New Orleans, and one supervisor of registration in each parish in the State. These officers were all appointed by Governor Kellogg. In addition to these supervisors, the police juries (the local authorities of the parish) appointed three commissioners of election for each poll in the parish, and there were also United States supervisors appointed by the district judge of the United States for each poll. The law further provided—

That in case of such violence, intimidation, or corruption at or near either poll, either during registration or election, as prevented a fair, free, peaceable, and full vote, the commissioners of election if the occurrence was on election day, the supervisors of registration if on the day of registration, should make a full, verified statement of the occurrence, and forward the same with and annexed to the returns; and further provided that when the returning board, in canvassing the returns, should come to any poll where the returns were accompanied by such a protest, they should not canvass, count, or compile the statement of votes from such poll until the statements from all other polls had been canvassed and compiled.

No State was more thoroughly partisan in its election machinery on the side of Kellogg and his adherents, than Louisiana, on the 3d of November, 1874. The law provides that the returning board shall consist of five persons, from all political parties. On the day of the election in November, 1874, it consisted of five republicans. General Longstreet having resigned, Mr. Arroyo, a conservative, was taken to fill the vacancy. This returning board sat in secret session; Mr. Arroyo protested against the action of this board in secret session, and finally resigned in consequence of their misconduct. His vacancy was not filled. The law was utterly disregarded in the composition of this board both as to numbers and its political complexion.

The conservatives were triumphant in this election on their legislative ticket. A majority of twenty-nine conservatives out of a total

of one hundred and eleven members was returned by the commissioners of election, compiled and forwarded by the supervisors of registration. In only a few instances were there any protests accompanying those returns. The returning board thence commenced its secret work of manipulating the returns. The eyes of the country were upon its action. Its composition was partisan, and the former actions of the Lynch board were still fresh in the remembrance of the people. Fraud was predicted—fraud was expected. This returning board was in session many weeks tabulating professedly the returns. A week's work was sufficient to accomplish this work, and yet this board sat for nearly eight weeks without making its returns. This returning board were doctoring the returns with the object of changing the result. Such procrastination was not without its fruits of fraud, forgery, and a successful effort once more to strangle the voice of the people as expressed at the ballot-box under the form of law. The finding of the returning board, as reckoned by Governor Kellogg, gave fifty-three members to the republicans, fifty-three to the democrats, of whom one was regarded as not a staying democrat. The board returned five others to the house of representatives of the Louisiana Legislature without expressing any opinion as to their election.

Again the patience and forbearance of the conservatives were to be rewarded by false returns and fraud of the returning board. Again a conservative majority was to be disregarded. On this point I desire to cite official republican authority. The sub-committee of the House of Representatives who went to New Orleans in December last, composed of CHARLES FOSTER and WILLIAM WALTER PHELPS, republicans, and CLARKSON N. POTTER, democrat, in their report say:

The parish of Rapides chose three members of the Legislature; the returns elected all three conservatives. When the proofs closed, the only paper filed with the returning board was the affidavit of the United States supervisor that the election was in all respects full, fair, and free. It was not known in the parish that any contest existed against these members. They left their homes and proceeded to New Orleans to be present at the opening of the Legislature, no intimation of contesting their seats or objection to their election having been given by their opponents. At one of their last sessions the returning board declared all the republican members elected from that parish. When the papers of the returning board were produced before your committee there was found among them an affidavit by Mr. Wells, the president of the board, declaring that intimidation had existed at certain polls in that parish, and that the returns from those polls should therefore be rejected. The counsel for the democratic committee testified that they had had no opportunity to contradict the statements of this paper; that they never had seen or known of it before, and that, upon an examination of the papers before the board when the proofs closed, it was not among them. The counsel for the republican committee reserved the right to make explanation upon this point, but offered none. The affidavit was dated the —— day of December, 1874. It appeared that Governor Wells was not himself in the parish on the day of the election, and though, at the opening of their first session, your committee declared their intention to examine into the action of the returning board, Governor Wells never came forward as a witness. At the close of our proceedings leave was asked that his deposition might be given in. This was declined, and Mr. Wells was himself invited to appear before the committee, but he never came. Leave was also given for taking his testimony by commission, if he desired, but was not availed of.

Your committee are therefore constrained to declare that the action of the returning board in rejecting these returns in the parish of Rapides and giving the seats for that parish to the republican candidates was arbitrary, unfair, and without warrant of law.

These three members would have given the conservatives a majority in the Legislature. The returning board did not stop at the exclusion of three members from Rapides; they excluded others. Hear the same committee:

So in the parish of De Soto, in which the returns showed a conservative elected by over one thousand majority, it was alleged that the supervisor of registration had brought the returns to New Orleans and had left them with a woman of bad character, who offered to produce them on payment of $1,000. The conservative committee took legal proceedings to compel their production; but the court held that it had no jurisdiction to that end. They then caused to be produced before the board the duplicate of those returns from the office of the secretary of state, together with the tally-sheets, poll-lists, &c., filed there according to law. These duplicates corresponded exactly with the alleged result of the compiled returns which the said woman had produced; and of these alleged facts undisputed proof was also submitted to the board. Nevertheless, the board refused to count the vote for that parish.

So in Winn Parish, where four hundred and four conservative and one hundred and sixty-four republican votes were cast, upon a verbal protest that the registrar of elections was not properly qualified, of which the only proof was that he had failed to forward his oath of office to the secretary of state—although there was no pretense that the election was not a fair representation of the will of the people—the whole vote of the parish was rejected and the case referred to the Legislature.

So in Terre Bonne Parish, where there was a conservative majority, it was proved that the commissioners of election, through misapprehension of their duties, inclosed all the returns in the ballot-boxes, and deposited them with the clerk of the court, with whom the law required the boxes to be left. The judge of the court thereupon issued a *mandamus* commanding the clerk to take the returns from the boxes and forward them to the secretary of state, which was done. Nevertheless the board rejected the returns from these polls, thereby giving the parish to the republicans, with the result of choosing a republican senator, two republican members of the Legislature, and the republican parish officers.

Without now referring to other instances, we are constrained to declare that the action of the returning board, on the whole, was arbitrary, unjust, and, in our opinion, illegal; and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of conservative members of the lower house.

Senators, this is republican official testimony of the infamy and falsehood of the returning board. Who will doubt the republicanism of such men as CHARLES FOSTER, of Ohio, and WILLIAM WALTER PHELPS, of New Jersey? But I hasten on.

The State-house was thoroughly guarded with Kellogg's police and United States soldiers on the 4th of January, 1875, when the Legislature assembled. That there may be no controversy as to what then took place, I quote again from the committee already referred to who were present and witnessed the assembling and organization of the house. The committee say:

At twelve o'clock noon William Vigers, the clerk of the last house, called the assembly to order and proceeded to call the roll of members as made up from the returns of the returning board. This roll contained the names of one hundred and six members, classed by Governor Kellogg as fifty-three republicans and fifty-three democrats; but it is claimed that one of the democrats was not a "staying democrat." The republicans claimed that one of their members, A. G. Cousin, had been kidnaped and forcibly taken to a distant parish to prevent his presence at the organization of the house. Your committee was about to investigate this charge, when in public session it was claimed by the democratic counsel and admitted by the republican counsel that the arrest was under legal process and by the hands of the sheriff. It was further claimed, and not denied, that the privilege of his office did not shield him from arrest. The charge was embezzlement.

The full house would contain one hundred and eleven members, of which fifty-six would be a quorum. On this first call of the roll one hundred and two answered to their names. It is claimed by the republicans, and we believe conceded by the democrats, that fifty of those answering to their names were democrats, and fifty-two were republicans. The instant the clerk finished the roll-call, several members rose to their feet; but the floor was successfully held by Mr. Billieu, who said that he nominated L. A. Wiltz as temporary chairman. The clerk suggested that the legal motion was to elect a speaker. Mr. Billieu himself, paying no attention to the clerk, proceeded hurriedly to put his own motion, which was received by loud yeas, and followed by as loud nays, and declared it carried. Mr. Wiltz sprung instantly to the platform, took from the clerk the gavel, was quickly sworn in by Justice Houston, who followed him to the platform, and then rapped the house, which, during this time had been in great confusion, into a temporary quiet. Mr. Wiltz, as temporary chairman, administered the oath to the members *en masse*, who rose to receive it. Some member made a motion to elect Terzevant clerk. Wiltz put the motion and declared it carried. Terzevant at once came forward and took the clerk's chair; immediately after, and with the same haste, a Mr. Flood was elected sergeant-at-arms, and at once, whether on motion or not your committee do not remember, a number of assistant sergeants-at-arms were appointed, who promptly appeared wearing badges, on which were printed "assistant sergeant-at-arms."

The house then proceeded to elect a speaker. The roll was called by the clerk, Terzevant, who reported 55 votes for Wiltz, and 2 votes for Hahn, and 1 (Mr. Wiltz's own) blank. This result was ascertained by the clerk by simply keeping a tally of the members voting as they answered to their names. No roll of members voting was kept; neither were tellers ordered, or any other means employed than calling the roll to ascertain the number voting. This vote includes the five members who had been sworn in to fill vacancies. During this roll-call, when Mr. Hahn's name was called, he rose and asked to be excused from voting, and to be allowed to state his reasons. Objection was made, and then the speaker *pro tempore* asked for unanimous consent to his explanation. Consent was given, and Mr. Hahn spoke at some length. After the announcement by the clerk of the vote, Wiltz was sworn in as speaker, and proceeded to swear in others present so far as they came forward to be sworn.

Those thus sworn in were said to number sixty in all—made up of fifty conservatives and five republicans, who were returned by the returning board, and the five democratic members who had just been admitted. Outside the bar of the legislative hall, in the State-house, there were a large number of police, supported by the Federal troops. No person was permitted to the State-house except through the orders of Governor Kellogg. Within the bar of the house were permitted only the gentlemen returned by the returning board and clerk and sergeant-at-arms of the former Legislature, ten persons allowed to the conservatives as messengers, who suddenly became their assistant sergeants-at-arms, and a few other persons, such as were admitted by courtesy to the floor.

If no person was permitted in the State-house except through Kellogg—these five ejected members had his permission to enter—and were not usurpers! They had been elected—had been sworn in as members by the speaker—they had no contests for the seats. Who claims under facts like these that they were usurpers?

The action of the body proceeded for an hour or so without interruption, during which time a committee on contested seats was appointed, minor officers elected, and debate had, but no message was sent to the senate or governor notifying them that the house was organized and ready to proceed to business; when at length Colonel De Trobriand returned and stated he had orders to remove the five members sworn in who had not been returned by the returning board, and after the protest and resistance of Mr. Wiltz to the persons referred to, and after General Campbell had been sent for to point them out they were removed by the United States soldiers. Wiltz then left the chair, as Vigers, to organize the house, began to call the roll of the returning board. Two democratic members had answered to their names when Wiltz interrupted the clerk and called upon the conservative members to refuse to answer and to leave the hall. The interruption over, Vigers began anew his roll-call, and obtained only fifty-two responses; but as the two democratic members had just before answered on the roll-call which was interrupted, he assumed it right to announce fifty-four members had answered to their names. Those who remained after Mr. Wiltz and his friends withdrew, elected Hahn speaker by acclamation, and proceeded to the business of the Legislature. There was no subsequent roll-call by which the number of those members whose names were returned by the returning board, and who still remained present at these deliberations, could be determined.

The 4th of January is an eventful day in English annals. It may hereafter become not less so in American history. In both, it marks the assault of arbitrary power upon constitutional right and privilege. On that day, that ill-advised, unfortunate monarch Charles I, after having vainly sent the day before his officers to arrest five members of the house of Commons for treason, entered himself the hall, and having taken the speaker's chair, asked him "Whether any of the five members that he came to apprehend were in the house; whether he saw any of them, and where they were?" Speaker Lenthall replied:

May it please your majesty, I have neither eyes to see, nor tongue to speak in this place, but as the house is pleased to direct me, whose servant I am here; and humbly beg your majesty's pardon that I cannot give any other answer than this to what your majesty is pleased to demand of me.

Charles I took nothing by his movement and the constitutional privileges of the members of Parliament were preserved against unlicensed power.

Upon the 4th of January, 1875, the Legislature of a sovereign State, duly elected by a free people under the forms of law, enter their State-house. They meet to legislate on a day and at a place fixed by the law of their State. They organize by the election of a speaker and other officers. They are proceeding to business, when an officer of the United States Army, General De Trobriand, at the request of William Pitt Kellogg, enters and demands of the speaker that five members of that body shall be pointed out for arrest by order of the

governor. The speaker like Lenthall indignantly declines and manfully protests; but these five members are pointed out by some more loyal hanger-on upon the skirts of power and instantly, by military force, are forcibly ejected from that hall.

Whether that day shall mark the era of decadence and rapid descent of the American Republic from life to death, from liberty to despotism, or be hailed hereafter, as the glorious hour at which the American people, irrespective of party, alarmed at the usurpation and violation of the Constitution, rallied with unanimity and power to the rescue of constitutional free government, and by their rebuke of usurpation placed it on perpetual foundations, the future must decide. In either contingency, the events of the 4th of January, 1875, will become a memorable way-mark in American progress.

The dominant party insist, that the five ejected members had no right of ingress to the legislative hall of Louisiana, and that, being usurpers, it was right to exclude them by force. Who had a right to exclude them?

Kellogg? by whose order De Trobiand acted? By what clause in any State constitution does the Governor derive the power to pass upon the title, or qualification of members of a State Legislature? If no such power exists, and I defy its production, then Kellogg's order to De Trobiand was an act of infamous usurpation.

But I deny that the five members who were expelled by military force were in that hall without right. They had been legally elected. The returning board, with all its infamy, did not reject these five members. For the fraudulent purposes of party, in violation of their sworn duty imposed by law to decide every case, this board did decline to decide upon the title of these five representatives whom they knew were legally elected, and whose seats were not contested, and fraudulently for party purposes withheld certificates of election. They, however, referred the case of these five members to the Legislature, and that body, clothed with the exclusive and sole power by the constitution of Louisiana to pass upon the election qualifications and returns of its members, declared these members duly elected by swearing them in.

The honorable Senator from Ohio, [Mr. SHERMAN,] whom we all know to be usually so calm and dignified, went off into a paroxysm of ire at the conduct of Wiltz in organizing the Legislature. That Senator denounced him as a revolutionist, a usurper, an outlaw, and said if he had been a member of the Legislature, he would have agreed to have been one of a body to drag Wiltz from the chair. This is strong language. What was Wiltz's crime? He was nominated by a conservative member as temporary chairman; the question was put by the member nominating him, carried, and Wiltz was escorted to the chair. Wiltz as presiding officer refused to put certain questions or to allow the ayes and noes to be called before the organization was completed, from which ruling there was no appeal. All these proceedings the honorable Senator from Ohio [Mr. SHERMAN] says were unprecedented and revolutionary. In what particular were the proceedings revolutionary? I am astonished to hear the Senator say that the proceedings were unprecedented. He has had large experience in both branches of Congress, but has certainly forgotten several precedents with which I desire to refresh his memory. Cushing says:

> It has often occurred that struggles for political power have begun among the members of our legislative assemblies before their organization; and it has happened, on the one hand, that persons whose rights of membership were in dispute and *who had not the legal and regular evidence of election have taken upon themselves* the functions of members, and on the other, that persons having the legal evidence of membership have been excluded from participating in the proceedings.—*Cushing's Law and Practice of Legislative Assemblies*, page 91.

Here is an authority directly overruling the Senator's statement as to precedent. Does not the Senator remember the broad-seal contest from New Jersey in the House of Representatives in 1839? Two sets of members appeared claiming seats, the whig members having the broad seal, the democrats having the seal of the secretary of state.

Hugh A. Garland, the old Clerk, refused to put the names of either set on the roll, and refused to take questions by yeas and nays until there was an organization. This controversy continued for weeks and prevented the organization of the House of Representatives. During the contest F. W. Pickens, a Representative from South Carolina, arose and, disregarding the Clerk, moved that Lewis Williams be declared the temporary presiding officer. Mr. Williams declined; whereupon Mr. Pickens nominated Mr. John Quincy Adams, and putting the question himself, he declared it carried and escorted Mr. Adams to the chair. Mr. Adams, in putting motions to the House, declared that the members having the broad-seal certificates were entitled to vote. From this decision an appeal was taken and the decision of Mr. Adams was reversed. Other precedents might be cited.

The Senator from Ohio [Mr. SHERMAN] insists, that because the five ejected members had not certificates of their election from the returning board they had no right to enter the hall, even though they had been legally elected to the Legislature. Had there been conflicting claimants to these five seats there would be some force in this position. But there were none. The doctrine insisted upon by the Senator from Ohio [Mr. SHERMAN] is monstrous. It would place the organization of the Legislature in the power of any fraudulent, false, returning board.

I have a precedent directly upon this point. That members actually elected, but who have no certificates, have a right to vote on the organization of a Legislature in preference to those who have certificates, but were not elected. Nobody has or can say that the five ejected members were not elected. They had no certificates. Did that prevent their qualification? Clearly not. That position received the sanction of the Senator from Ohio [Mr. SHERMAN] very recently in this body. In the contest of F. W. Sykes against George E. Spencer for a seat in this Chamber as the Senator-elect from Alabama that very question was involved and was decided. There were two bodies claiming to be the Legislature. One assembled at the State-house in Montgomery, with a quorum of both branches and every member having his certificate. That body known as the State-house Legislature proceeded to count the votes for governor and was recognized by the outgoing governor as the Legislature. F. W. Sykes was duly elected by that Legislature. Another body, claiming also to be the Legislature, assembled at the court-house and organized. The latter body had no quorum, unless some seven or eight members who had no certificates of election were allowed to be sworn in. The court-house legislature elected Hon. GEORGE E. SPENCER, now the Senator from Alabama. A majority of the Committee on Privileges and Elections, through the Senator from Wisconsin, [Mr. CARPENTER,] reported in favor of Mr. SPENCER, and that report was ratified by the Senate. Upon the identical question now raised by the Senator from Ohio [Mr. SHERMAN] that the five members of the Louisiana election ejected by De Trobriand had no right to participate in the preliminary proceedings because they had no certificates from the returning board, although those five members had been elected without contest, the committee say:

> Therefore, in determining as to the right of Spencer or Sykes to this seat, the Senate is compelled to choose between the body in fact elected, organized, acting, and recognized by the executive department as the Legislature, and another body, organized in form, but without the election and without a recognition on the part of the executive of the State at the time they pretended to elect Sykes. When we consider that all the forms prescribed by law for canvassing and certifying an election and for the organization of the two houses are designed to secure to the persons actually elected the right to act in the offices to which in fact they have been elected, it would be sacrificing the end to the means were the Senate to adhere to the mere form, and thus defeat the end which the forms were intended to secure.

The Senator from Ohio [Mr. SHERMAN] concurred by a vote of *yeas* and *nays* in that report, and the Senator from Alabama [Mr. SPENCER] was seated upon votes of members of the court-house legislature, who had no certificates, and had given no notice of contest to the members from the same counties in the State-house legislature, who held certificates and were qualified. Where was the indignation of the Senator from Ohio [Mr. SHERMAN] then? If his argument as urged against the five members in Louisiana be logical, he should have remonstrated against the election of the sitting member from Alabama as illegal and revolutionary instead of voting to seat him. I am amazed at such party inconsistency!

The Senator from Indiana [Mr. MORTON] was still more emphatic in the Sykes and Spencer controversy, that the right of members in a Legislature legally elected, without returns, were superior to the rights of members who had regular returns, but who were not elected. "Form," said he, "must always give way to substance." I mean no disrespect to the Senator from Alabama, [Mr. SPENCER,] but a greater outrage upon both the regularity and validity of legislative proceedings was never committed in my judgment than in the vote of the Senate which accorded him the seat over Sykes, his contestant.

The Legislature was the only body under the constitution of Louisiana that could pass on the title of the five ejected members, and having admitted them, and the other party having yielded, waived all irregularity in the proceedings. The ejection of these five legislators was therefore a bold, daring, ribald act of usurpation by the military which finds no excuse or justification either in the irregularities of its organization and still less in the void order of the usurping Governor Kellogg. It was a natural sequence to the revolution accomplished by Durell in 1872, and follows it as naturally as that water finds its own level.

Why was General Sheridan sent to Louisiana? Everything was quiet on December 24, 1874. And if so, there was no public necessity for his being sent there. Why was the letter from the Secretary of War to General Sheridan dated 24th of December, 1874, marked *confidential*? Why does the Secretary of War in that letter to Sheridan say:

> It is best that the trip should appear to be one as much of pleasure as of business for the fact of your mere presence in the locality referred to will have, it is presumed, a beneficial effect?

Now, this is certainly unusual! An order by the War Department to the Lieutenant-General of the Army asking a *quasi* concealment of the fact that his visit was official.

Why was it secret? Why was not the General of the Army selected for this mission, if peace was its object? General Sherman had lived for years in Louisiana, was known to its people, and possessed their respect, confidence, and regard. Why was Sheridan selected over him? Especially, why were these official communications from the Secretary of War to General Sheridan dated 24th of December, 1874, concealed for several days from Sherman and McDowell? Why were they not, as other orders are, communicated through the General of the Army? Sheridan acknowledges receipt of the letter of the Secretary of War on 24th of December, 1874, on 26th of December, while General Sherman does not acknowledge the letter of the Secretary of War of 26th of December with inclosures until the 30th of December,

1874. These are pertinent questions in view of what transpired on January 4, 1875.

General Sheridan, with full authority to assume the command of the Department of the Gulf, reached New Orleans on the 1st of January, 1875. On the 4th of January he sends the following telegram to the Secretary of War:

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
New Orleans, January 4.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to laws and murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either; and the civil government appears powerless to punish, or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General.

Upon that day a Legislature had been subverted by the governor of Louisiana through the intervention of United States soldiers! Not a word from the Lieutenant-General of this startling supremacy of the military over the civil authority. His telegram is aimed at the insecurity of life and the disregard of law; and yet the utter prostration of the constitution and law is not alluded to.

How could General Sheridan know what the condition of Louisiana was in three days? Kellogg was governor, with the United States Army at his back and the entire State machinery under his control. Why was not "defiance to law" suppressed?

But the people of New Orleans intended that no such aspersions as that contained in Sheridan's first telegram should soil their escutcheon. Hence a public meeting at the merchants' exchange resolved:

Be it resolved, That we condemn as a positive untruth and as a libel upon the community the statement of General Sheridan, contained in the above; that we deny herewith that the spirit of defiance against lawful authority exists and that the lives of citizens have become jeopardized thereby.

Resolved, That we emphatically condemn, as law-abiding citizens, and do most solemnly and earnestly protest against the military interference with and the disorganization of the Legislature of Louisiana, which was duly elected by ourselves and the citizens of the State.

So, too, the cotton exchange board repelled the unworthy reflection of General Sheridan upon the condition of New Orleans by a preamble and resolutions.

Whereas General P. H. Sheridan, commanding the Military Division of Missouri, has seen fit to address to the honorable Secretary of War a letter, dated January 4, and published in our papers of this date, in which he has given utterance to statements reflecting upon the people of this State, and particularly of such as reside in this city, singularly at variance with the condition of things now and heretofore existing in this city and State, and well calculated not only to detract from our good name as law-loving and law-abiding citizens, but also to seriously injure the commercial interests of our city, the cotton exchange, an organization totally disconnected from political affairs, and instituted solely for the promotion of commercial interests, feels called upon to enter a solemn protest against the allegations contained in said letter.

The members of this exchange give solemn assurance to the people of the United States and to the friends of truth and justice wherever found, that the allegations of General Sheridan are not only false in point of fact, but evince the spirit of a mere partisan rather than the nobility of a soul which should characterize the utterances of an officer commanding the Army of a great nation. It is painfully evident that, coming among us an almost entire stranger, General Sheridan has limited his inquiries into the condition of affairs here to those whose interests it is not only to falsify facts but to promote that spirit of lawlessness with which we are falsely charged. It would not indeed be a matter of surprise if crimes in our midst were more frequent, when it is borne in mind that the police force, for the maintenance of which we are heavily taxed, is now, and has been, diverted from its legitimate duties to such an extent that large districts of our city are entirely without protection, and many of our citizens are compelled to employ private watchmen for protection against thieves and burglars.

The injustice and utter recklessness of Sheridan's wholesale defamation of a brave and gallant people, crushed for two years under the oppressive yoke of usurpation, contained in his first telegram, was further repudiated by the bishops of five distinct religious denominations in New Orleans by the following telegram:

Whereas General Sheridan, now in command of the Division of the Missouri, under the date of the 4th instant, has addressed a communication to Hon. W. W. Belknap, Secretary of War, in which he represents the people of Louisiana at large as breathing vengeance to all lawful authority and approving of murders and crimes: We, the undersigned, believe it our duty to proclaim to the whole American people that these charges are unmerited, unfounded, and erroneous, and can have no other effect than that of serving the interests of corrupt politicians, who are at this moment making the most extreme efforts to perpetuate their power over the State of Louisiana.

N. J. PERCHE,
Archbishop of New Orleans.
J. P. B. WILMER,
Bishop of Louisiana.
JAMES K. GUTHERIM,
Pastor Temple of Sinai.
J. C. KEENER,
Bishop M. E. Church South.
C. DOLL,
Rector St. Joseph's Church. (And many others.)

But the partisan ire of General Sheridan, seems to have been increased. Telegram after telegram followed in quick succession. I read one of the 5th of January, 1875, to the Secretary of War from the Lieutenant-General:

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

What startling suggestions! They shocked the humanity of Christendom! To arrest a whole community, declare them banditti, try them by drum-head court-martial, and execute them at once! It awakened a thrill of indignation throughout the country. The very thought was strangely cruel. But how was it received at Washington? Let the Secretary of War answer:

WAR DEPARTMENT, *January 6, 1875.*

General P. H. SHERIDAN,
New Orleans:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

WM. W. BELKNAP,
Secretary of War.

"All of us" would naturally include the President and all his Cabinet. "Thoroughly approve your course" would seem to include the approval of all Sheridan's recommendations. But I can scarcely believe that all the Cabinet did approve the "banditti policy" and "military-trial policy" of Lieutenant-General Sheridan.

I saw "more in sorrow than in anger" that the President of the United States was inclined to defend Sheridan even if he did not approve his policy. I read from the special message of the President on Louisiana affairs on January 13, 1875. Speaking of Sheridan's recommendations, he says:

No party motives or prejudices can reasonably be imputed to him; but honestly convinced by what he has seen and heard there, he has characterized the leaders of the White Leagues in severe terms, and suggested summary modes of procedure against them, which, though they cannot be adopted, would, if legal, soon put an end to the troubles and disorders in that State. General Sheridan was looking at facts, and possibly, not thinking of proceedings which would be the only proper ones to pursue in time of peace, thought more of the utterly lawless condition of society surrounding him at the time of his dispatch and of what would prove a sure remedy. He never proposed to do an illegal act, nor expressed determination to proceed beyond what the law in the future might authorize for the punishment of the atrocities which have been committed and the commission of which cannot be successfully denied.

These are strange words to emanate from the President of the United States to an American Congress.

The Lieutenant-General of the Army, in time of great internal dissension in a State already crushed by military power, with self-government subverted by military usurpation, recommends to the President of the United States that Congress ought to declare a portion of its people "banditti," in order that he may subject them to military trials in time of peace and dispose of them summarily in order to restore peace and suppress lawlessness! To this most startling suggestion the President of the United States tells Congress that—

Although this summary mode of procedure against the people of Louisiana *cannot be adopted, it would, if legal, soon put an end to the troubles and disorders in that State.*

But for the inhibition of the law, we must then understand that the President would concur in this recommendation of his Lieutenant-General. Is it for this reason that a force bill is to be enacted suspending the writ of *habeas corpus*? And have we actually reached that point in the downward tendency toward the overthrow of constitutional government?

A great lawyer once truly said, that since the revolution of 1688 law has been the basis of liberty. That is true, and should never be forgotten. Written constitutions are ordained to perpetuate and preserve the great principles of human right which were prior to and preceded them. *Habeas corpus*, the bill of rights, trial by jury, freedom of conscience, and exemption from arbitrary power are surer bulwarks of liberty and right, than any written constitutions. These principles of liberty and law were sought to be intrenched in our complex system of American representative government by checks and limitations on legislative, executive, and judicial power. They were safeguards around liberty and justice. Republican Senators, listen! I beseech you to listen to a gifted leader in your own party ranks, who, against the suspension of the writ of *habeas corpus*, by Mr. Lincoln in time of war—a President of his own party views—breaking the shackles of party, rang out an eloquent warning against the violation of law. He has passed away, but his words remain to warn us of danger.

I will trust the President with the administration of the laws, but I will not trust him to make them nor go beyond them. I will trust him with all the great deposit of power that the Constitution has placed in his hands, that vast power which, when it is called forth in the magnificence of its military array, blinds the eye accustomed only to the habiliments of peace; but I will not add to it a dictatorship—arbitrary and discretionary powers without the guidance and above the control of written law. I protest against it in the name of republican liberty. I protest against it in the name of every limitation in the Constitution under which we live. I protest against it in the name of those Englishmen who defied in arms their king because he claimed over them discretionary, unlimited power; and of those fathers of the Constitution who in this country followed in their footsteps, were lighted by their wisdom, were guided by their example, and embodied in a law paramount to the varying will of the people the necessary restrictions upon the frailties of human nature. I turn with reverence to the great northern light of the Constitution, the Newton of this great system—which is heaven while it is order, but will be chaos if discretion rule it—to guide my footsteps in this hour of darkness, and with him I read in-

scribed on the foundations of the Government these cardinal principles: first, government by representation; next, that solemn declaration that the will of the majority—not of newspapers nor of public meetings; the will of the majority, not in a fright, not in a panic, not divined from apparent necessity, but solemnly declared according to the forms of law—shall have the force of law; then, that there shall be a written constitution, defining and carefully limiting the powers conferred upon the men charged to represent the people and restricting their discretion. In that great last legacy of the great northern statesman, when he was speaking as it were to future ages and telling them by the grandest enumeration that ever summed up a nation's progress of the elements of our prosperity, our power, our advancement, and the glories of our achievements, in that great oration he thought it important to call to the minds of his fellow-citizens that these glorious results were not the offspring of mob law, or of arbitrary discretion, of despotism disguised as democracy, which rules across the water, or of military law, or of law made for the exigency by executive usurpation, or of the law of necessity, or of the law of the safety of the people, but that the fountain from which all flowed was the rigid adherence to written law, to the will of the people proclaimed in constitutional forms. It was law so enacted that he proclaimed to be supreme.

These words were uttered in the midst of war, when the two sections of our country were engaged in a gigantic civil strife, unexampled in its proportions. But even then, amid the clash of arms, one republican voice pleaded for the Constitution! Will you not now, in time of peace, listen to his warnings?

Mr. President, I listened, as I always do, to the Senator from New York [Mr. CONKLING] in his defense the other day of the President and General Sheridan, before an audience never surpassed in the galleries and corridors of this Chamber. We know his power. I was attentive, as we all were, to the effort of the eloquent Senator on that occasion, but I failed to realize in it, any legal defense for the recent usurpations in Louisiana. My deduction was, if the Senator from New York could not successfully defend the Government, that then it was beyond defense. The Senator's speech recalled to my mind an incident in an admiralty case, argued in the Supreme Court of the United States in 1815 and reported in 9 Cranch's Reports.

The Nereide, an English vessel, was captured by the United States frigate Governor Tompkins as a prize of war. Mr. William Pinkney, of Maryland, afterward Attorney-General, and the recognized leader of the American bar in his time, insisted that certain goods shipped by a Buenos Ayres merchant on the Nereide, who claimed to be a neutral, were a legal prize of war.

In delivering the opinion of the court, Chief Justice Marshall, for the first and the only time in his judicial life, paid Mr. Pinkney this compliment:

> With a pencil dipped in the most vivid colors and guided by the hand of a master a splendid portrait has been drawn exhibiting this vessel and her freighter as forming a single figure, composed of the most discordant materials—of peace and war. So exquisite was the skill of the artist, so dazzling the garb in which the figure was presented, that it required the exercise of that cold investigating faculty which ought always to belong to those who sit on this bench to discover its only imperfection—its want of resemblance.

Brilliant as was the speech of the Senator; burning as was his invective against the downtrodden South; thrilling as was his portrait of the Lieutenant-General leading to victory his embattled host; ready and biting as was the Senator's satire against those who took up arms against the Government; and denunciatory as he was against the White League, he yet failed to exhibit one iota of constitutional authority justifying the President and General Sheridan in their late revolutionary inroads and utter subordination of the civil to the military authority in Louisiana. Far be it from me to detract from the eloquence of that speech. It wanted, as I thought, one salient ingredient—an utter lack of resemblance to the issues involved in this debate. It is wonderful that republican Senators should seek to justify or to palliate open, downright violations of the Constitution, which seek for their object, the subversion of the self-government of the States by military power. What warrant is there in the Constitution for the outrages in New Orleans on the 4th of January? What if there have been murders and violence in Louisiana? Why have they not been suppressed by the civil authorities of the State? Does the dominant party insist that any disturbance of the internal peace and quiet of a State, empowers the President to invade that State? Is not the Federal Government the common government of all the States, with specially delegated powers, expressed in a written Constitution, necessary to carry into effect the objects in which they have a common interest, and none other? Have not the States their own separate and peculiar governments, ordained by their own separate constitutions and laws, to which separate State governments and the people all other powers not delegated are reserved? Among the latter, are not the protection, internal peace, and safety of the people directly included?

Give to the guarantee clause of the Constitution its proper interpretation, and the President's interference in the affairs of Louisiana can find no valid justification whatever. That section contains three distinct stipulations and guarantees: first, that of a republican form of government to every State in the Union; second, that of protection to each against invasion; and, third, that against domestic violence on the application of the Legislature, or the executive when the Legislature cannot be convened. The States themselves are the parties; that is, the people of the several States, as forming distinct sovereign communities, and organized under respective governments with separate State constitutions. The language is "*the United States shall guarantee* to every State"—mark the expression—the stipulations above quoted. That clause was devised by the fathers as a guard against dangers from without and from within. Its clear object was to protect the State governments, by placing each under the protection of the united power of all the States against such domestic force or violence as might endanger or destroy it from within, and where the power of the State was impotent to prevent it. Our fathers inserted this guarantee as an agency or means by which the liberty of every State might be preserved.

The "domestic violence" enumerated, must be directed against its own State government, and protection of it is the direct and immediate object of the guarantee. Any other, would be violence offered by individuals against individuals, and would fall within the jurisdiction of the local authorities and State courts. That it was the protection of the government of the State which the guarantee contemplated, is I think clearly shown by the express provision that the protection shall be on the application of the Legislature, or its governor if the Legislature cannot be convened. The government of the State, and not the Federal Government, is vested with the sole power, not only of determining whether there has been such a case of domestic violence as the Constitution contemplates, but also of the necessity and propriety of the application for protection. This delicate power was further hedged in by the laws passed at an early day, touching Federal interference in cases provided for in the guarantee clause. It is only upon the express conditions contained in the statute, that the Federal Government has any power, or right to interfere. What shadow of authority then had the President to allow soldiers to be used in sustaining Durell in a usurpation on the government of Louisiana, against which this very guarantee was intended as a bulwark?

Will republican Senators tell us by what clause in the Constitution was Kellogg authorized to call upon Federal soldiers to eject five members of the Louisiana Legislature? The only constitutional tribunal in Louisiana which was clothed with the power of determining the qualification, election, and returns of its own members was the Legislature. That body had already decided in favor of these five members before such forcible ejection by military power had taken place. If Louisiana had no legal government, then there was no government or Legislature who could call on the President to intervene. If McEnery and his legislature were elected in 1872, as the returns showed, then that legislature made no call upon the President.

But the republican Senators tell us of the murders at Coushatta and of other acts of violence and disorder in Louisiana. Can that extend the powers or destroy the limitations of the Constitution of the United States as to Federal interference? Those outbreaks were the violence of individuals toward one another, and not within the guarantee clause, as I have already shown.

Mr. President, I am no apologist for violence or outbreaks anywhere. If crime exists, punish it, but punish it by law and through the agencies of law. But do not, I pray you, violate your fundamental law by permitting human life to be sacrificed outside of law. Valiant and brave as General Sheridan is, much as the country is said to owe the President for his military services, do not permit either of them to violate the Constitution. The Constitution is the sheet-anchor of liberty. Ready obedience to its behests is the only bulwark of popular safety. That question is as far above party as the heaven is above the earth. Parties spring out of diverse policies, but the maintenance of the Constitution, or its open violation, involves the question of liberty or despotism.

Obsta principiis! Let all parties resist the first open violation of the great charter of American self-government. Patriotic men at the formation of the Constitution were in favor of a strong government. Many now insist upon an entire change in our federative system. They want a stronger government. I do not question their sincerity. I heard but a few weeks since, the Attorney-General in arguing a case from Kentucky in the Supreme Court of the United States upon the constitutionality of the enforcement act, say, that he despised States' rights; that they embarrassed the Government in the execution of the laws. The Attorney-General further added, "that Mr. Lincoln had once said, that these States could not exist half slave and half free." He, upon his responsibility, before that august tribunal would say, that this Government could not exist, if its operations were to be impeded or embarrassed by the so-called rights of the States. For himself he did not hesitate to announce, that he was for a Federal government unimpeded by States' rights but still maintaining our free institutions. The Attorney-General only openly proclaimed on that occasion what a great many public men of the republican party wish and desire. A centralized government unimpeded, and unobstructed by State rights! That involves a change in our federative system of government under which we have so far prospered, and under which, the liberty won by our fathers has been so far preserved. Are the people ready for that change? I hope not, I believe not!

The honorable Senator from New York [Mr. CONKLING] told us in his speech, that the discussion of Louisiana affairs opened the presidential campaign of 1876. I had not supposed so. If the condemnation or the justification of Durell's usurpation and subversion of the State government of Louisiana by military Federal power; if Kellogg's usurpation of the executive office of the same State and his subsequent invasion with bayonets of the legal Legislature of that Commonwealth on the 4th of January, 1875; if the approval of Sheridan's dispatch recommending Congress to declare the leaders of the White League "banditti," that they might be tried by drum-head courts-martial and speedily executed—if these are to be the issues in the next presidential canvass, we are thankful to the honorable Senator for his information.

But let me tell that honorable Senator, it will not be a strict party contest if Louisiana usurpation and misrule are to become main issues. I tell him the great mass of the people, irrespective of party, will rally to the defense of the Constitution. The republicans will separate upon the Louisiana issues. The people are for no change in our Government. They will condemn all violations of the Constitution by whomsoever committed. Republican jurists condemn the Louisiana-Kellogg usurpation as much as I do. I find in the International Review for January and February, 1875, an article on this guarantee article of the Constitution by Judge T. M. Cooley, a republican of note, a friend of the President. I ask the Secretary to read the paragraph I have marked.

The Clerk read as follows:

The case of Louisiana in 1872-'73 no attempt has been made of late to justify on the principles of the Constitution; and without entering into a discussion of its facts, we leave it as it was presented in the Senate report of February 20, 1873, where it stands as a case of undeniable usurpation. The conclusions of fact in that report were concurred in by some of the ablest lawyers of the nation, representing all political parties, and they were supported and illustrated by the speeches of Mr. CARPENTER and others, delivered in the Senate in 1874. With these speeches may usefully be read and considered that of a person who was prominent in the whole affair—an adventurer made politician by the times—who for a while under military protection, but without a shadow of right, acted as governor; who had the surprising assurance to claim an election to both Houses of the same Congress and to contest a seat in each, and who, as the agent of the Associated Press in his official report informs us, treated the House to a "humorous" speech in describing the mockery of right, justice, and law, which, as he declared, had been substituted for an election in that unhappy State. There can be nothing to compare with such "humor" but the "amusement" with which the friends and supporters of the governor in one of the reconstructed States are said to have received the announcement that he had been indicted for the larceny of public moneys.

Mr. STEVENSON. The dominant majority in this Chamber should read carefully this able article of Judge Cooley and ponder carefully its wise suggestions. I commend it especially to the Senator from New York, [Mr. CONKLING.] Judge Cooley speaks, I doubt not, the sentiment of a large number of patriotic men within the republican party. Many immense meetings in several cities, both in the North and West, have been called to protest against this last Louisiana usurpation. I recall especially that held at Cooper Institute, New York. A venerable man, full of years and full of honor, widely known throughout our own and foreign lands as a scholar, an editor, an author, and a patriot, presided over that meeting. What a clear, ringing protest was his opening speech against lawless power! How clearly he counseled his countrymen against the danger of excusing a solitary violation of the Constitution of the United States by whomsoever committed. Who can doubt the republicanism of William C. Bryant? Who will doubt his patriotism? See, too, how nobly the resolves of that meeting against the revolutionary proceedings of January 4, 1875, and the revolutionary telegrams of General Sheridan, were seconded by Evarts, Curtis, and a host of other prominent republicans. All honor to those patriotic men! The Constitution will never perish while the whole country rallies to its rescue irrespective of party.

Many leading republicans, who condemn as strongly as any others the course of the President and Sheridan in Louisiana, were kept away from the New York meeting by a belief that it was gotten up by democrats, and they did not care to criticise and condemn republican rulers under the semblance of democratic auspices. Such is human nature. I saw a letter to the New York Tribune from a well-known distinguished republican of Pennsylvania. I have not the honor of his acquaintance, but he speaks and writes like a patriot. He is evidently a man of unquestioned ability. No one will doubt his devotion to the republican party, for evidently he thinks it has a glorious future, not however by excusing or justifying either the President or Sheridan. I quote a portion of his letter:

Without further evidence I will not believe that the party which attained a national existence by its unswerving opposition to the "crime against Kansas" will give even a tacit approval to an exactly similar "crime against Louisiana"—a persistent effort to force upon a free people a government which they do not desire. The apologies in each case were the same, but they did not deceive the common sense of the American citizen in the one case and they will not deceive it in the other.

Every step in the progress of this usurpation has been closely scanned by large numbers of the voters of the republican party; and the last acts in the wretched drama, the interference of the military forces of the General Government in the organization of the State Legislature and the dispatches of General Sheridan were so utterly lawless and in such flagrant violation of all the traditions of our history, as well as of all the principles on which our liberties rest, that they are certain to secure their own condemnation with such emphasis as will make any repetition of them impossible. The republican party I believe will be foremost to insist that in time of peace the subordination of the military to the civil power shall be universal and absolute, and that the barriers between the executive, the legislative, and the judicial departments of Government shall not be at the mercy of the bayonet or depend upon the discretion of any soldier, however well he may have deserved of his country.

Faithfully, yours,

WAYNE MACVEAGH.

HARRISBURGH, PENNSYLVANIA, *January* 13, 1875.

The dominant party while they do not openly defend and justify the use of the United States Army by Durell, Packard, Kellogg & Co. to create bogus legislatures, to inaugurate usurping governors, to subvert State Legislatures, dwell upon the lawlessness and disorders of the South, and heap upon the White Leagues the vials of their wrath and indignation. I repeat, I am no apologist for wrong and violence anywhere. All my influence, humble as it is, has been and always shall be exercised in favor of the rigid observance of the law and the prompt punishment of all who violate it. I have no doubt acts of violence have been done and that murders have been committed in Louisiana. But what State is without blame in this particular? Do not gross violations of law occur everywhere? Do you intend to oppress a free people by military force and then malign them falsely with the commision of crime to justify your usurpation? How ungenerous! How unjust!

Mr. President, the whites of the South bear no hatred to the colored race. The destiny, success, and prosperity of the two races are too intimately blended to justify wrong or injustice from one toward the other. Had both races been let alone and not interfered with by venal intermeddlers for selfish purposes, peace, good government, and prosperity would long since have blessed Louisiana as it has done Virginia, North Carolina, and Georgia, and which it will soon do in Arkansas and Alabama. But political adventurers, actuated by sordid and selfish purposes, coin and exaggerate these stories of wrong and outrage to excite republicans in Congress and the northern people against the South for mere political effect. But these selfish, sordid partisans and mischief-makers do more. They designedly stir up strife and hostility of the colored race against the whites by appealing to their superstition and ignorance, and incite violence not only against the whites but against their own colored brethren who act and vote with the white conservatives. Why? Simply that they may provoke disorder and bloodshed in order to call in Federal aid and United States soldiers to perpetuate their usurped political power in the South.

By a letter of Hon. A. H. BUCKNER, a member of Congress from Missouri, who was one of a commiteee of the House, to visit Alabama and to inquire into these "southern outrages," in a letter to the Senator from Ohio [Mr. THURMAN] says that his investigation established the fact that a large number of these alleged outbreaks in the South were between the colored people alone, and sprang from the effort of the truly loyal colored republican to inflict violence upon his colored brother for voting the conservative ticket. I do not doubt myself that these sordid political intriguers took possession of General Sheridan, deceived him by exaggerated stories of violence and outrage, and so inflamed his mind and blinded his vision as to elicit his "banditti" dispatch.

Senators, these things ought not so to be. The utter falsity of the charge against the white conservatives in Louisiana toward the colored race stares you in the face. We know that the conservatives are in an overwhelming majority. The cries of Kellogg, Pinchback, Packard, and Casey upon the President for help, prove this. If half the stories of cruelty, wrong, and outrage sent to Congress and scattered through the North for partisan purposes were true, why, I ask, have not the miscreants who for base and party purposes circulate and utter these falsehoods long since fallen victims to the hate of their oppressors? But yet the Senator from Ohio [Mr. SHERMAN] and the Senator from Indiana [Mr. MORTON] told us, after Kellogg's recognition by the President, during the debate on the proposal for a new election in Louisiana, that all was peace and quiet in Louisiana!

Fortunately for the country we have some official testimony touching the White League. Republican Senators have again and again denounced them as Ku-Klux, as banditti, as outlaws. Who are they? Let a committee of the House of Representatives, composed of two republicans and one democrat, answer officially that question. They say:

In this connection we refer to the White League mentioned in the message of the President. In the last campaign of Louisiana the opposition was composed of various elements—democrats, reformers, dissatisfied republicans, liberal republicans, old whigs; and in order to induce the co-operation of all, some of whom refused to unite with an organization called democratic, they took the name of "the people's party;" called in some localities "the conservative party;" in others, "the white man's party;" in others, "the White League;" and had ordinary political clubs under these names throughout the rural districts, which were ordinary political clubs and nothing more; neither secret, nor armed, nor otherwise different from usual political organizations. These must not, however, be confounded from similarity of name with the White League of the city of New Orleans.

That league—

Not of outlaws; not of Ku-Klux; not of murderers, as republican Senators have designated them. No, sir—

That league is an organization composed of different clubs, numbering in all between twenty-five and twenty-eight hundred, the members of which have provided arms for themselves, and with or without arms engage in military drill. They have no uniforms, and the arms are the property of the individuals, not of the organization. They comprise a large number of reputable citizens and property-holders in the city of New Orleans.

Men of character, men of virtue—not "banditti!"

Their purpose they declare to be simply protective; a necessity occasioned by the existence of leagues among the blacks; by the hostility with which the Kellogg government arrayed the black against the white race; and by the want of security to peaceable citizens and their families, which existed for those reasons, and because also of the peculiar formation of the police brigade.

On the other hand, the republicans assert that this is an armed body of volunteers existing for the purpose of intimidating the blacks and overthrowing the Kellogg government. That it had any considerable relations outside the city of New Orleans, or that it was intended in any way to interfere with the rights of the colored citizens, did not appear; nor, on the other hand, did it appear that there was any extensive secret league among the blacks of any kind.

Here, then, is an official contradiction of the charges that the White Leagues were Ku-Klux or banditti. Here is an official refutation of the charges constantly rung in our ears that the object and intention of the White League was to interfere with the rights of the colored people. If such intention had existed, it would have been made as clear as sunlight; if the base men who originated the charge cannot prove it, it falls to the ground Yet how many thousand men in New England, New York, and Pennsylvania believe that the White League was organized to oppress the blacks?

But it is charged, that the White League was organized to overturn the government of Kellogg, and that in their effort to do so on the 14th of September, 1874, they shed the blood of loyal men. I deny that the White League sought revolution on the 14th of September, 1874, or that they are responsible for the shedding of any blood. They sought the accomplishment of no illegal object upon that day. They had purchased arms in New York for the defense of their homes and their firesides. They turned out in a body to go quietly and peaceably to the vessel which contained them. It was a constitutional right which Kellogg and his police had no right to interfere with. Had Governor Kellogg allowed them to receive their arms there would have been no bloodshed. But Kellogg's police attempted to resist by military force the right of the White League to possess the arms which they had purchased and which had arrived and were on shipboard. What authority had this usurper to prevent this organization from purchasing arms or possessing them? His police were the aggressors. Force on his part was repelled by force on the part of the League, and a clash of arms upon the wharf was the result, with the loss of several killed and wounded. Kellogg and his police fled, abandoned the executive offices, and Penn and his associates took possession of them without a struggle.

How does this statement compare with all the exaggerated and rhetorical denunciations uttered by republican Senators against the White League for the blood, shed in overturning the Kellogg government? That government overturned itself. Kellogg knew he was put into the office and kept in it by Federal bayonets. He knew that the report of the Senate Committee on Privileges and Elections solemnly declared, that there was no valid government in Louisiana, that he was not elected governor. Kellogg, aware of this, at the first clash of arms fled. Was it wonderful that he did so? A master of human passion has said—

'Tis conscience that makes cowards of us all.

But when the President, to whom Kellogg and his legislature bow, with the reverential and submissive obedience with which a Mohammedan bows to the sultan, as the author and upholder of their existing government, determined to interfere, Penn quietly acquiesced and quietly surrendered. What then becomes of all this bloody revolution of the 14th September, 1874? In support of what I have said I again quote from the report of Messrs. FOSTER, PHELPS, and POTTER, who, after stating that they do not doubt that the White League would readily co-operate in any feasible scheme for overthrowing the Kellogg government, proceed to say:

The affair of the 14th of September is an illustration of this. The members of the White League had purchased arms; the police had seized these arms without process of law, taking them forcibly from the merchants who had sold and from the members who had bought them. A consignment of arms was to arrive by the steamer Mississippi. The League were called out on the morning of the 14th to go and take them in a body; the police undertook to seize the arms; the two bodies came into collision on the wharf, with the loss of several killed and wounded. There were then hardly any Federal troops in New Orleans, and the disintegration of the Kellogg party was such that before night Penn and his associates had only to take possession of the executive offices without a struggle. The movement was everywhere quietly accepted by the whites throughout the State until the Federal Government intervened, when Penn and his associates at once surrendered.

And how would the White Leagues seek to overturn Kellogg's government? Certainly by no violence. They would not resist the Federal Government. They have shown that by a peaceable surrender in September last. They would no doubt rejoice to see Kellogg's government supplanted by some valid constitutional government; so would a large majority of the people of Louisiana. Why? Because they know and the world knows that the President of the United States allowed Kellogg to be put into the executive chair by force; that he is kept there by force; and that too in the face of the report of the Committee on Privileges and Elections in the Senate, that Kellogg was not elected, but that his pretended title to the executive office, so far as a vote of the people of Louisiana was concerned, was a sham, a fraud, and a cheat. If there was any governor elected in 1872 it was McEnery. If he was not elected, then there was no valid government in that State at that time or since.

The Senator from Indiana [Mr. MORTON] tells us that McEnery's was a paper government. So must every legal government become a paper government, however rightful, if usurpers like Durell and Kellogg, backed by Federal bayonets, determine to subvert it, and they are supported in their revolutionary course by the President, backed by the Army of the United States! Is it wonderful then that the people of Louisiana wish to be rid of Kellogg? What northern or eastern State could have been subjected to such an iron rule of usurpation and wrong as that in Louisiana without resistance? And for what purpose is this humiliating spectacle, this mockery of self-government enacted? For party supremacy—for republican success in Louisiana! It may become expedient for the Eastern, Northern, Middle, and Western States to consider the misrule and disorders of the Southern States from a political economical stand-point and apply the remedy.

Mr. William E. Dodge, an old and eminent merchant of New York, a leading republican and a vice-president, I believe, of the Union League, said at the great meeting at Cooper Institute over which Mr. Bryant presided:

We have tried this long enough; now let the South alone; let them work out their own problems, understanding that only in case of oppression or insurrection which the State cannot control let the General Government interfere. * * * As merchants, we want to see the South gain her normal position in the commerce of the country; nor can we hope for a general revival of business while things remain as they now are.

These are wise words and fitly spoken. They come from a prominent merchant of large experience. They challenge the most serious and thoughtful consideration of the entire country.

In tracing the causes of the great prostration in every branch of trade and every pursuit of industry, under which the country has so severely suffered and from which it has not yet recovered, due attention, I fear, has not been given to the existing status of the cotton, sugar, and rice producing States. It may not be unprofitable to look back at the reconstruction policy of the republican party, in order to appreciate its results after six years of sad and costly experience. In 1868 the debts of the nine States of Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas aggregated in round numbers $50,000,000. In 1871, under carpet-bag rule, their indebtedness aggregated $218,000,000. In other words, the enormous sum of $168,000,000 had been added to the indebtedness of these communities in three short years without anything of material value to show for it. A large portion of this money was absolutely stolen. A part of it was issued for railroads never built and another part was squandered. This increased burden was saddled upon the backs of States just emerging from a terrible civil war, utterly crushed, with poverty and ruin staring them in the face and deprived of labor upon which the cultivation of their lands was almost entirely dependent. The increased cost of carrying on their State governments was enormously increased. Their aggregate taxation, which in 1860 was about $11,217,000, rose in 1870 to $26,020,000. While the assessed valuation of the property of these States in 1860 reached $3,294,241, it declined in 1870 to $1,404,487.

The cost of producing cotton, sugar, and rice has greatly increased under the changed condition of labor; but that could be borne and would soon settle itself by natural laws if there was peace, good government, and good-will between the sections. While alien and oppressive governments eat up the substance of the people by galling taxation, with a reduction of values on the property of these States at the same time; while mischievous and usurping partisans seek to pander to the ignorance and superstition of the colored people, hoping to excite strife and collision between the races, is it unnatural that poverty and discontent are the inevitable heir-looms of such abominable misrule? As a natural sequence to the disturbed condition of the South, northern merchants, eastern manufacturers, western farmers and stock-raisers have lost their most profitable market at home without the ability to replace it abroad. Nine millions of consumers, who if let alone would be happy and prosperous, are impoverished, without the ability to buy what they absolutely need.

Is it surprising, in view of these stern facts, that a financial crash did at last come, ruthlessly sweeping everything before it? That depression of industries still continues? The interests of all the States are too closely interwoven to be separated at a crisis like this. A striking analogy (said a great American statesman) exists between the great system of the universe and the confederation of the separate American States—independent yet connected; revolving in separate spheres, yet mutually bound one with another by a chain of common dependence; an injury to one, sensibly affecting the whole; realizing what the poet says:

Whatever link you strike,
Tenth and tenth thousandth breaks the chain alike.

There can be and will be no real and permanent prosperity until all the States are restored with their equality and with all their constitutional rights to the Union. Our national necessities demand that each State must contribute its quota to the common weal and bear its just part of the common burdens, and the prosperity of each separate State demands that self-government be restored and the military be subordinated to the civil authority. To cure the patient you must carefully and correctly diagnosticate the disease. When ascertained apply the remedy. The crushing weight of military oppression and of sordid carpet-bag rule has been removed in Virginia, North Carolina, Georgia, and Texas. Already the signs of growing prosperity gild the political horizon in each of those States. But poor Louisiana, the richest of them all, lies bleeding and oppressed under the leaden weight of arbitrary power and lawless misrule. Withdraw your Army and make Louisiana free!

Senators, if you could but place yourself in the position of these brave, gallant, and downtrodden people, in despite of party zeal and party fealty, your hearts would be moved to a sense of the wrongs, injustice, and trials under which they now suffer

Will you not look to the testimony officially communicated to Congress by the committee of the House of Representatives charged with the duty of investigating the condition of affairs in Louisiana, to show the infamous oppression of its people? They say:

With this conviction is a general want of confidence in the integrity of the existing State and local officials; a want of confidence equally in their purposes, and in their *personnel*, which is accompanied by the paralyzation of business and destruction of values. The most hopeful witness produced by the Kellogg party, while he declared that business was in a sounder condition than ever before, because there was less credit, has since declared that "there was no prosperity." The securities of the State have fallen in two years from 70 or 80 to 25; of the city of New Orleans, from 80 or 90 to 30 or 40, while the fall in bank shares, railway shares, city and other corporate companies, have, in a degree, corresponded. Throughout the rural districts of the State the negroes, reared in habits of reliance upon their masters

for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, had come to filching and stealing fruit, vegetables, and poultry, so generally—as Bishop Wilmarth stated without contradiction from any source—that the raising of these articles had to be entirely abandoned, to the great distress of the white people, while within the parishes, as well as in New Orleans, the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission for the amount assessed, and houses and stores are to be had there for the taxes. In Natchitoches, the taxation reached about 8 per cent. of the assessed value on the property. In many parishes all the white republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln; there are seven of the Boults in office in Natchitoches. As the people saw taxation increase and prosperity diminish—as they grew poor, while officials grew rich—they became naturally sore. That they love their rulers cannot be pretended.

Love such rulers? How could they? Congress knows, the world knows, and the people of Louisiana realize and feel that the Kellogg government was the creation of fraud, force, and usurpation. The President's recognition of it does not change that fact. It cannot be denied, so long as truth exists, that Federal power brought it into existence and that Federal soldiers sustain it. Withdraw the military to-morrow and Kellogg's usurped government goes down. It was so in 1872; it is so now. The people of Louisiana know it to be illegal, oppressive, and corrupt. When the freemen of Louisiana love such rulers as Kellogg & Co. they become unworthy descendants of their revolutionary sires.

But why shall the Senate by its action continue in any State the political and social condition of affairs described in that report? Are you deaf to the official recommendations of your own party friends?

I read from a report of Colonel Morrow, an officer of the United States Army, now in service in Louisiana, well and favorably known to the Senator from Ohio, [Mr. SHERMAN,] a personal and political friend of the President, as to the wrongs, outrages, and corruptions of this Kellogg government.

He says:

Another subject of complaint was the fact that citizens are arrested without the shadow of a cause, and after a long and vexatious delay and great expense, are set at liberty without affording them even a preliminary trial. And another subject of bitter complaint, especially in Coushatta, is the fact that there is not a United States commissioner in the parish, and persons arrested are required to be sent to the city of New Orleans, several hundred miles distant, for even an examination. The expense of getting witnesses to so distant a point will make even justice a luxury that only the rich can procure. A man of moderate means could not hope to prove his innocence if the presence of many witnesses was required for the purpose. The people of Coushatta complain also, and I think justly, that a person had been sent there last fall as commissioner who was a brother to one and brother-in-law to another of one of the unfortunate men who were so brutally and dastardly murdered in August last. However brutal may have been the circumstances attending the massacre of these men, it will be at once conceded by every man at all familiar with rules in American and English courts that a near relative of the person murdered is not a proper person to sit as judge in even a preliminary hearing. These were complaints made to me against United States officials, and I therefore report them for the information of the department commander. The complaints against the State officers were so numerous that a mere enumeration of them would fill a volume. Corruption and jobbing in office; partiality and favoritism in the administration of justice; exorbitant taxes, rising in some instances to 7 and 8 per cent. on the appraised value of the property; a ruined credit; a depleted State and parish treasury; enormous debts, State and parish, and multiplication of officers in the persons of favored individuals, are a few of the charges made by the people against their State authorities.

No valid reason has been assigned by Senators on the other side for the President's recognition of the Kellogg government, in view of the fact that his party friends in the Senate had after a thorough investigation of the facts decided that Kellogg was not elected. Admit his power to do so, but let that recognition have no weight upon the Senate if the proof shows that Kellogg was never in fact elected governor of Louisiana. What excuse does the President offer for his persistent determination to uphold the returning board in their fraudulent action in nullifying the election in 1874?

Messrs. FOSTER, PHELPS, and POTTER, in their official report made after Sheridan's telegrams and after the 4th of January, 1875, say:

Without now referring to other instances, we are constrained to declare that the action of the returning board on the whole was arbitrary, unjust, and, in our opinion, illegal; and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of conservative members of the lower house.

These same gentlemen utterly dissipate the charge of general intimidation of colored voters. Upon the contrary, they say that such intimidation as did exist in Louisiana was rather in the interest of republicans than of the conservatives. Why, then, does the President not withdraw his troops? Why will he let the United States Army be made an instrument in defeating the will of the people as expressed by them at the polls on the 3d of November, 1874? Why will he sanction the conduct of a returning board which Messrs. FOSTER, PHELPS, and POTTER officially tell him "*was arbitrary, unjust, and in their opinion illegal?*"

I shall not impugn the motives of the President. The questions are far too grave for party bitterness or party invective.

I have spoken with the freedom of an American Senator, I have raised my humble voice against the utter annihilation of self-government in a State by the military power. Louisiana may be forced to submit by force, but her cause is the cause of every State in this Union. The President will hereafter understand this.

I have tired the Senate, and I fear wearied its patience for several hours, by my dry and oftentimes desultory commentary upon this much discussed threadbare subject.

In conclusion and by way of summary I insist—

First. That Kellogg was never legally elected governor of Louisiana.

Second. That the legislature known as the Kellogg legislature was never chosen by a majority of the people of Louisiana under the laws and constitution of that State.

Third. That John McEnery was by the returns of the vote in 1872 chosen governor and should have been recognized as such.

Fourth. That Warmoth was never legally impeached by the Legislature of Louisiana under its laws and constitution, and Pinchback was never legally the acting governor of Louisiana.

Fifth. That the whole Kellogg government was the creation of judicial usurpation, supported by the Federal military power of the United States without shadow of constitutional authority.

Sixth. That P. B. S. Pinchback was never elected Senator by any legal Legislature of Louisiana.

Seventh. That the credentials presented by him, of his election in 1873, are not signed by any legally-elected governor of Louisiana.

Eighth. That said credentials entitle Pinchback to no *prima facie* title, because the Senate of the United States had, before their presentation, fully determined by its Committee on Privileges and Elections, composed exclusively of republican Senators, that there was no valid government in Louisiana at the time of said election, and that this report repelled every presumption arising upon the face of his credentials of his election as Senator.

Ninth. That, the recognition by the President of Kellogg as governor does not deprive the Senate of its constitutional right to judge of the elections, returns, and qualifications of its members.

Tenth. That in view of the seizure of the government of Louisiana by Kellogg, through the void and fraudulent order of a Federal judge, forbidding the counting and return of the votes of the State of Louisiana for governor and members of the Legislature of Louisiana, it is an abuse too seriously threatening free government ever to find any support as a precedent in the Senate of the United States.

Eleventh. That the Senate of the United States should not by any act, either on a *prima facie* title or upon the merits, seat any Senator when its doing so would legalize a precedent of such gross and oppressive usurpation as to threaten self-government and liberty in all the States.

Twelfth. Because since the election in 1873 Pinchback has been re-elected by another separate and distinct reputed Legislature, thereby recognizing the invalidity of the first election.

Thirteenth. Because the last Legislature of Lousiana, elected fairly by the people in 1874, was again nullified by the frauds of the returning board, and absolutely subverted by the military forces of the United States.

Fourteenth. Because the last Legislature from which Pinchback claimed his credentials was illegal, and was never elected by the people.

Fifteenth. Because Pinchback himself was a leading and moving spirit in all these usurpations, and has no title, legal or equitable, to a seat in this body.

Senators, these are grave and important questions, involving the very essence of free representative government. It is impossible that two Legislatures of a State can be legitimate at one and the same time. The position of the Senator from Indiana [Mr. MORTON] is, that as the President had recognized Kellogg, we are bound by it. Away with this fallacy. It utterly robs the Senate of its constitutional independence to judge of the elections and qualifications and returns of its members. Let this right never be surrendered! Guard it, I pray you, against force or fraud. Never sanction the doctrine that Federal power can trample upon the suffrage of the States.

Suffrage is a delegation of power to some individual. The States guard and protect it against force and fraud. If the Federal Government can by military force break down these barriers of the ballot-box in the States, then the sovereignty and rights of the States are crushed by centralized power and liberty perishes. Sanction this principle, Senators, and no State government is safe. "Then," as Mr. Webster said in the Rhode Island case, "we have a South American liberty, supported by arms to-day and crushed by arms to-morrow." I know the force of party affiliations and party spirit. I honor the Senators who, breaking through it on this occasion, stand by the limitation of both the State and Federal Constitutions in spite of party. Rebuke every interference of the President with State governments, which the Constitution of the United States forbids. Stand by the very letter of the Constitution, which authorizes the interference of Federal power in the affairs of a State only in case of invasion and domestic insurrection.

Never, O never allow usurpers to seize by usurpation the rightful government of a State, trample upon the suffrage of a people, and when seated invoke the President to aid them by the Federal Army to maintain their usurpation.

The fact that the President is sincere does not justify you, Senators, in sanctioning the usurpation. The preservation of constitutional liberty is above any party. Edward Livingston, no mean statesman in his day, said:

The gloss of zeal for the public service is always spread over acts of oppression; and the people are sometimes made to consider that as a brilliant exertion of energy in their favor which, when viewed in its true light, would be found a fatal blow to their rights. In no government is this effect so easily produced as in a free republic. Party spirit, inseparable from its existence, aids the illusion, and a popular leader is allowed in many instances impunity, and sometimes rewarded with applause, for acts which would make a tyrant tremble on his throne.

If any inducement could add responsibility to the high obligations of Senators to discharge the whole duty on this momentous occasion, it will be found in the alarming fact that arbitrary, unlicensed power is invading other States besides Louisiana. Every violation of the sovereignty and reserved rights of a State, if not promptly rebuked, excites and invites further violations.

We see military power quietly trampling upon the sovereignty of Mississippi by the removal of a sheriff by military force.

We hear threats against the governor of Arkansas by Federal power, although the present governor was elected by seventy-five thousand majority of the popular vote. Bills are pending to abolish the writ of *habeas corpus* and invest the President with arbitrary power over the liberties and lives of the American people. This crisis and these extraordinary movements should excite vigilance and exact rigid adherence to the Constitution.

Direct the President to recall the troops from Louisiana, and require him to recognize A. H. Garland as governor of Arkansas. But if, bent on self-destruction, the republican party in their zeal and desire to retain power sanction misrule and usurpation in the Southern States, then I appeal to the people of the United States, without distinction of party, to stand by the Constitution as our fathers made it. If it must perish, let at least the guardians of the rights of the States and faithful believers in constitutional government never surrender the heritage to the demands of lawless power. In the language of one of your own gifted but now dead republican party leaders, I say:

If we must fall, let our last hours be stained by no weakness; if we must fall, let us stand amid the crash of the falling Republic and be buried in its ruins, so that history may take note that men lived in the middle of the nineteenth century worthy of a better fate, but chastised by God for the sins of their forefathers. Let the ruins of the Republic remain to testify to the latest generations our greatness and our heroism. And let Liberty, crownless and childless, sit upon these ruins, crying aloud in a sad wail to the nations of the world, "I nursed and brought up children and they have rebelled against me."

Security of Elections, &c.

SPEECH OF HON. H. B. SMITH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875,

On the bill (H. R. No. 4745) to provide against the invasions of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. SMITH, of New York. Mr. Speaker, I hardly think my republicanism will be questioned by gentlemen with many of whom I have been associated here for four years. I sympathize deeply with the friends of this bill in the objects at which they aim; but, sir, I cannot vote for it as it stands. I am sorry for it, but I cannot. The seventh section provides that the United States district courts "shall have, exclusively of the courts of the several States, jurisdiction of all crimes and offenses against the provisions of this act." This is flat, explicit.

Well, now, the second section provides, "If any two or more persons shall, by force or violence, actually overthrow the existing government of any State" they shall be guilty of a felony and be punished as therein provided. This, I take it, is overt, successful treason. At least it is a crime against the State.

This bill now makes it also a crime against the United States, but the bill adds no new element to the crime. It is the old crime against the State, pure and simple, as well defined by State law, as clearly within State jurisdiction as the crime of grand larceny. You only give the same offense a new name, making it a crime against the United States. I will not deny that you may do this. I will not deny that if you did it, and stopped right there, there would be concurrent jurisdiction of the crime in the State and the United States courts. In the one court the indictment would charge the offense as committed against the State, in the other as committed against the United States.

But this bill declares that the United States court shall have "exclusive jurisdiction." You do not leave concurrent jurisdiction to the State to save itself from destruction. In the mistaken effort to help the State, you wrest from it the very means of it self-defense.

The danger to the State is great enough even where the jurisdiction is concurrent, because a Federal court might first acquire jurisdiction of the criminal, condemn and pardon him, and what would the State authorities do about it? He could not be punished or condemned twice for the same offense. But this bill does not leave to the State the poor chance of first getting jurisdiction of the criminal. On the other hand, it wipes out in large part the criminal jurisdiction of the State courts.

Now look at the fourth section. The bill provides that in case the registration officers shall "refuse full and sufficient opportunities to register," or shall refuse a certificate of registration, "as may by law be required in such State," such *State officer*, for violation of *State law*, shall be guilty of a felony, which shall be punished exclusively in the United States courts. To my feeble understanding, Mr. Speaker, such statesmanship as this is simply astounding. You leave, as it seems to me, no concurrent jurisdiction even in the State court to enforce the like provisions in the State registration laws or to inflict upon State officers the penalties imposed by State laws for these identical offenses.

So in the fifth section, at an election of a Representative in Congress, the bill makes the stealing of a ballot-box or poll-list, &c., a crime punishable exclusively in the courts of the United States. I do not question that this is within the jurisdiction of Congress; but, sir, it is also within the jurisdiction of the State Legislatures, and penal laws are, I suppose, in force in every State against such an offense.

The fatal objection lies in the language of the seventh section, making the jurisdiction of the United States courts exclusive, whereas it should have been made concurrent in both the State and the United States courts. And this should not have been left to implication by simply omitting the words to which I have objected, but the concurrent jurisdiction should have been affirmed in explicit language.

I regret that an amendment cannot now be considered, as the previous question is operating; but I earnestly protest against the passage of the bill in its present shape. With much of good in it, it shows very plainly the haste with which it has been prepared and is now about to pass. This is deeply to be regretted. The times are critical. This legislation may be momentous in its results. It ought not to be ill-prepared, ill-advised, or unconstitutional. In such an hour as this and in such a work as this a blunder is worse than a crime.

Against Executive usurpations and suspensions of Habeas Corpus.

SPEECH OF HON. JAMES B. BECK,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875,

On the bill (H. R. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. BECK. Mr. Speaker, adages are only established upon well-ascertained facts after long experience has settled their truth. None is better established or rests on a firmer foundation than that "revolutions never go backward." After a false step has been taken or a fundamental principle overthrown, parties are driven on by an irresistible necessity to the perpetration of acts which they would have shrunk from, when the first departure was taken. The most cursory review of the events of the last eight years in our history illustrates this truth, and no measure furnishes a more forcible illustration of it than the bill now under consideration.

I venture to assert that at any time before this Congress convened, the most radical member of the House would have indignantly repelled as an insult and a slander the charge that before its close he would be found voting for such a bill as the one under consideration—a bill evidently intended to destroy what little remains of State authority in conducting their own elections and in maintaining the rights of their people under local laws; and he would have become still more indignant if he had been charged with justifying and indorsing the act of the President, whose soldiery had entered the legislative halls of one of the States of the Union in time of peace, when the courts were open and its Senators and Representatives in Congress, and had driven out at the point of the bayonet five members who had been sworn in and asserted their rights to their seats under certificates of election. It would have been a still greater insult to have even suggested that such a military order as the President sent to the Senate the other day, relative to the State of Arkansas, could have been either approved or tolerated by any man who pretended to represent a free constituency.

I have no doubt that a majority of republicans on this floor have publicly avowed within the past year that under no circumstances would they consent to the overthrow of republican institutions by the election of President Grant for a third term, in violation of all the precedents and traditions of the country. Yet to-day the mass of the republican party on this floor, with I am glad to say honorable exceptions, are excusing if not vindicating the revolutionary bill now under consideration, as well as the overthrow of the State government of Louisiana and the threatened subversion of civil liberty in Arkansas, and are cringing helplessly at the feet of the President, whose election for a third term or for life is their only hope for place or power.

Never before in the history of this country, or in any other where men claim to be free, was such abject, spiritless, not to say cowardly, submission exhibited. Never were the rights or liberties of the people sought to be bartered for such a stake. It is apparent to the country, whatever pretenses or excuses may be made here, that the majority on the other side of this Hall have been driven to their present abject position, impelled by no higher or more patriotic motives than their own personal aggrandizement and the belief that they

can in no other way secure from the President the patronage which he bestows only on those who blindly and implicitly obey him. Out of over one hundred and ninety republican members on this floor nearly a hundred and thirty have been repudiated by their constituents. Of that number it is safe to say that over one hundred are to-day looking to the President after the 4th of March to provide for them out of the public Treasury. Positions ranging all along the line from collectors of internal revenue and district attorneys to foreign ministers and Cabinet officers will be claimed as the reward of services now rendered on this floor to subserve the interest or the demands of the President. Hopeless of recognition by the people, with no future except in the perpetuation of power by force, they have determined to betray every trust confided to them, and to place the rights and liberties, not only of their own constituents, but of all the people of the country at the mercy of a military dictator.

The proposition made in this bill to authorize the President to suspend the writ of *habeas corpus* wherever and whenever he sees fit, in the face of the indorsement by him and his Cabinet of the atrocious acts and dispatches of General Sheridan, shows a determination on the part of the radical republicans to ruin if they cannot otherwise rule. They know that in all the States that seceded, from Virginia to Texas, there is not and cannot be any republican party except such as Grant and his officials own and control. Starting with such a power in a convention of their party, however useless that power may be at the polls if the voice of the people could he heard, they have determined, if legislation can effect the purpose, to stifle all opposition to their schemes and to have the votes of these States cast for their master even if liberty has to be overthrown to accomplish it. There is a significance in the repeated clamor for violent measures made day by day in the editorial columns of the Washington Republican, the recognized organ of the President "and all of us," which culminated on Friday in the following double-leaded pronunciamento:

We repeat here what we have said before very often: The passage of the bill is required to preserve to the republican party the electoral votes of the Southern States.

Remember that if the democrats carry all the Southern States, as they will if the White League usurpation in some of them is not suppressed, it will require only fifty democratic electoral votes from the Northern States to elect a democratic President. This is a liberal estimate.

That article was doubtless inspired from the White House, and sets forth in terse, pointed language the true intent and meaning not only of the proposed legislation but of all the efforts to malign and blacken the character of the southern people through partisan committees of investigation and by bitter and malignant harangues on this floor. Fortunately for the country, we have been able to postpone it here until its passage through the Senate is an impossibility. None of its advocates have ventured to argue that it was either constitutional or had the sanction of any respectable portion of the judiciary of the country. Indeed, any respectable lawyer would only make himself ridiculous by attempting to do so. Little wonder that the gentleman from Massachusetts [Mr. HOAR] avowed his hostility to the first, second, and fourth sections of it, and that no one ever attempted to answer the objections of the gentleman from Vermont [Mr. POLAND] when he exposed its utter unconstitutionality the other day.

No well-informed man believes that the judicial power of the United States extends to the punishment of private citizens of a State for wrongs done or offenses committed against other private citizens of the same State, or that the United States can establish a police system to regulate the private conduct of men in their dealings with one another; all of which is proposed to be done by the bill before the House. The amendments proposed, limiting the operations of the thirteenth section to the States of Louisiana, Arkansas, Alabama, and Mississippi, enabling the President to suspend the writ of *habeas corpus* therein when he is not allowed to do so in the other States of the Union, makes the bill only the more dangerous. Mr. Burke, in all his great struggles for human liberty, never uttered a truer or wiser thought than when he said:

There is nothing to bridle the violences of state faction but this: That whenever an act is made for the cessation of law or justice, the whole people should be universally subjected to the same suspension of their franchises. The alarm of such a proceeding would then be universal. It would operate as a "sort of call of the nation." It would become every man's immediate concern to be made sensible of the absolute necessity of this total eclipse of liberty. They would more carefully advert to every renewal, and more powerfully resist it. These great determined measures are not commonly as dangerous to freedom. They are marked by too strong lines to slide into use. * * * But the true danger is, when liberty is nibbled away for expedients, and by parts. * * * Indeed, nothing is security to any individual but the common interest of all.

Justice Bradley, of the Supreme Court of the United States, had occasion to examine these questions elaborately in the late case of the United States against Cruikshank and others, in the Louisiana district, in which the power of Congress, under the Constitution before it was amended, as well as under the thirteenth, fourteenth, and fifteenth amendments to it, and under the various enforcement laws passed by Congress since their adoption, was examined. Speaking of the fifteenth amendment, he said:

But while the amendment has the effect adverted to, it must be remembered that the right conferred and guaranteed is not an absolute, but a relative one. It does not confer the right to vote. That is the prerogative of the State laws. It only confers a right not to be excluded from voting by reason of race, color, or previous condition of servitude, and this is all the right that Congress can enforce. It confers upon citizens of the African race the same right to vote as white citizens possess. It makes them equal. This is the whole scope of the amendment. The powers of Congress, therefore, are confined within this scope.

He adds:

But the limitations which are prescribed by the amendment must not be lost sight of. It is not the right to vote which is guaranteed to all citizens. Congress cannot interfere with the regulation of that right by the States except to prevent by appropriate legislation any distinction as to race, color, or previous condition of servitude. The State may establish any other conditions and discriminations it pleases, whether as to age, sex, property, education, or anything else. Congress, so far as the fifteenth amendment is concerned, is limited to the one subject of discrimination—on account of race, color, or previous condition of servitude. It can regulate as to nothing else. No interference with a person's right to vote, unless made on account of his race, color, or previous condition of servitude, is subject to congressional animadversion. There may be a conspiracy to prevent persons from voting having no reference to this discrimination. It may include whites as well as blacks, or may be confined altogether to the latter. It may have reference to the particular politics of the parties. All such conspiracies are amenable to the State laws alone. To bring them within the scope of the amendment and of the powers of Congress they must have for motive the race, color, or previous condition of servitude of the party whose right is assailed.

Speaking of the thirteenth amendment, the judge says:

It cannot be doubted, therefore, that Congress had the power to make it a penal offense to conspire to deprive a person of, or to hinder him in the exercise and enjoyment of, the rights and privileges conferred by the thirteenth amendment and the laws thus passed in pursuance thereof.

But this power does not authorize Congress to pass laws for the punishment of ordinary crimes and offences against persons of the colored race or any other race. That belongs to the State government alone. All ordinary murders, robberies, assaults, thefts, and offenses whatsoever are cognizable only in the State courts, unless, indeed, the State should deny to the class of persons referred to the equal protection of the laws. Then, of course, Congress could provide remedies for their security and protection. But in ordinary cases, where the laws of the State are not obnoxious to the provisions of the amendment, the duty of Congress in the creation and punishment of offenses is limited to those offenses which aim at the deprivation of the colored citizen's enjoyment and exercise of his rights of citizenship and of equal protection of the laws because of his race, color, or previous condition of servitude.

After an elaborate review of the legislation of Congress to enforce these various amendments, he decides that, so far as it seeks to punish by Federal authority such acts as are sought to be punished by the bill now under consideration, the acts of Congress are unconstitutional, null, and void, his opinion being expressed in these words:

If these views are correct, there can be no constitutional legislation of Congress for directly enforcing the privileges and immunities of citizens of the United States by original proceedings in the courts of the United States, where the only constitutional guarantee of such privileges and immunities is that no State shall pass any law to abridge them, and where the State has passed no law adverse to them, but, on the contrary, has passed laws to sustain and enforce them.

Mr. Redfield, in reviewing this opinion, uses the following well-considered language:

It seems now to be assumed that the nation can do no wrong, or, in other words, that its functions are fully adequate to the accomplishment of all which it deems it desirable to accomplish. And many of the rash experiments at legislation which have been attempted in Congress might lead to the not unnatural expectation that in the end Congress would absorb all the important legislation of the country. At such a time so carefully studied and perspicuously indicted an opinion as the foregoing cannot fail to be greatly assuring to all who may have entertained doubts whether in the end the assumptions of the legislative department of the nation would not override and overwhelm all the other departments of the Government. There can be no question in the mind of any good lawyer who has made the limitations between State and national authority a study that the grounds upon which Mr. Justice Bradley holds the provisions of the law upon which the indictment rested in this case to be unconstitutional and a usurpation of the field of exclusive State legislation are most unquestionable. And although the distinctions which he makes in his opinion between the legislative powers of the nation and the States, as affecting the subject-matter of the prohibitory provisions of the United States Constitution, might not readily have occurred at all, we cannot doubt they are entirely sound, as far as he goes; and how much further this limitation may ultimately be carried in the same direction it is not needful here to discuss.

If that opinion and criticism had been delivered and written in reference to the bill we are now considering it could hardly have been better expressed in condemning all the principles therein contained. This bill does not even have the pretext for interfering with State authority which the previous acts of Congress have had. It reaches and seeks to punish offenses committed by white men against white men as well as those committed upon the negro race. But as I said, its object is simply to increase Federal power and authority, and thus enable the President, through his subordinates, civil and military, to control elections in all the States of the South, and by means of electoral votes so controlled to neutralize an equal number of votes that may be cast against him by the States of the North and West, where it would be unsafe for Federal bayonets or Federal officials to interfere. The course pursued by the Federal authorities in Louisiana will serve to illustrate what may be expected in all the other Southern States if this unlimited authority be placed in the hands of the President. I have selected that State because all the facts relative to the action of the Federal authorities are so well known, and have been so thoroughly canvassed in the press, before the committees of this House, and in the Senate, that there can be no mistake made in any statement of fact without prompt exposure. The course pursued in Louisiana will certainly be followed in all the other Southern States, as pretexts can either be found or created to excuse, if not to justify, the interference necessary to accomplish the ends desired. Perhaps the best way to present the case fairly is to take up in rapid review the message of the President recently sent to the Senate of the United States, and examine the truth of the facts therein contained, and the spirit which animated him when writing it. I believe I can show that many of the allegations made against the people of Louisiana, prompted of course by his Attorney-General, are either in fact not true or so colored as to pervert the truth in the interest of a band of usurpers, whose sole claim to recognition is based upon the fact that they are the servile tools of the President and his advisers,

pledged only to sustain the Administration, and to put down at all hazards any attempt on the part of the people to cast their votes otherwise than in the interest of the President.

He opens his message with the following statement:

To say that lawlessness, turbulence, and bloodshed have characterized the political affairs of that State since its reorganization under the reconstruction acts is only to repeat what has become well known as a part of its unhappy history; but it may be proper here to refer to the election of 1868, by which the republican vote of the State, through fraud and violence, was reduced to a few thousands, and the bloody riots of 1866 and 1868, to show that the disorders there are not due to any recent causes or to any late action of the Federal authorities.

The inference that the President evidently intends the country to draw from the foregoing statement is that the people of Louisiana have ever since the close of the war been in a state of chronic resistance to rightful authority; that without cause and without provocation, yielding to their own devilish spirit of discontent, they have preferred lawlessness, turbulence, and bloodshed to peace, order, and good government; for it will be observed that he does not even hint that oppression, robbery, usurpation, or any other of the grievous wrongs inflicted by their rulers had either existed or had anything to do with the condition of things which he describes and asserts to be true. Why, if he desires to be fair and impartial, does he not state the undoubted and well-established truth that there has been no protection given to that people either by the State or Federal Government. He might at least have been as fair from his high place as the republican committee of this House have been in their report, and have told the country, as they have done, that in Louisiana the taxation had been carried almost literally to the extent of confiscation. In New Orleans the assessors are paid a commission on the amount appraised, and houses and stores are to be had there for taxes. In Natchitoches Parish the taxation reached about 8 per cent. of the assessed value on property. In many parishes all the white republicans and all the office-holders belong to a single family. There are five of the Greens in office in Lincoln Parish, and there are seven of the Boults in office in the parish of Natchitoches. As the people saw taxation increase and prosperity diminish, as they grew poor while the officials grew rich, they became naturally sore. That they loved their rulers cannot be pretended.

Does the President think they ought? or does he think that Congress ought not to consider anything but how to add to the punishment of those who resist robbery and oppression? The President himself closed an elaborate report to his predecessor, nearly a year after the war closed, as follows:

My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require the protection of the Government; that they are in earnest in wishing to do what they think is required by the Government not humiliating to them as citizens; and that if such a course were pointed out they would pursue it in good faith.

At the first session of the last Congress, after the President had been in office over two years, Congress appointed a joint committee, consisting of seven Senators and fourteen Representatives, whose duty it was to inquire into the condition of the late insurrectionary States, so far as regards the execution of the laws and the safety of the lives and property of the citizens of the United States, with power to visit at their discretion any portions of the South during the recess of Congress, and to report at any time, with such recommendations as they might deem expedient. I was a member of that committee. We met in Washington on the 17th of May, 1871, and appointed a sub-committee of eight to proceed at once with the investigation and report to the full committee on the 20th of September. Volumes of testimony were taken before September 20. The doors were thrown open to all who could malign or blacken the southern people—the carpet-bag government officials, Federal, State, and municipal, backed by their potent ally, the Freedmen's Bureau, did their worst, but the people refuted the charges in a large majority of instances. That flagrant wrongs were done and heinous crimes committed in various localities was proved and admitted; but the people as a whole vindicated their honor, their manhood, and their integrity under the most trying circumstances before the committee, Congress, and the country.

The following extract from the minority report of the reconstruction committee sets forth the facts relative to the condition of Louisiana, as understood by the republican members, so clearly, that I prefer to insert it here rather than rely upon any statement of my own made now:

It will be remembered that after the appointment of the sub-committee of eight, on the 19th of May, the whole committee adjourned to meet on September 20. On the 21st of September Senator Blair moved that a sub-committee be sent to the States of Texas, Louisiana, and Arkansas, and it was rejected by a strict party vote; every democrat voting for it, and every republican against it.

Again, on the same day:

"Mr. Blair submitted the following resolution:

"*Resolved*, That a sub-committee of five members be appointed to visit the States of Louisiana, Arkansas, Texas, and Virginia, and make report—Virginia having been inserted at the instance of Mr. STEVENSON.

"On the question, 'Will the committee agree to the resolution?' the yeas and nays were required, and were as follows:

"YEAS—Messrs. Bayard, Beck, Blair, Cox, Rice, Van Trump, Voorhees, and Waddell—8.

NAYS—Messrs. Buckley, Chandler, Coburn, Lansing, Maynard, Poland, Pool, Pratt, Scofield, Stevenson, and Scott, (chairman)—11.

"So the question was determined in the negative.

"Mr. BAYARD submitted the following resolution:

"Whereas it is notorious that during the present summer there has been military interference with the citizens of Louisiana at the city of New Orleans: Therefore,

"*Resolved*, That the sub-committee which has been appointed to examine into the affairs of the States of Mississippi, Alabama, and Tennessee make inquiry and report upon the alleged interference by the military at New Orleans, visiting New Orleans for that purpose.

"On the question, 'Will the committee agree to the resolution?' the yeas and nays were required, and were as follows:

"YEAS—Messrs. Bayard, Beck, Blair, Cox, Van Trump, Voorhees, and Waddell—7.

"NAYS—Messrs. Buckley, Chandler, Coburn, Lansing, Maynard, Poland, Pool, Pratt, Rice, Scofield, Stevenson, and Scott (chairman)—12.

"So the question was determined in the negative."

Although Tennessee was for some reason embraced among the States assigned to one of the sub-committees, no evidence was attempted to be taken showing any lawlessness there. It follows, therefore, that five at least of the eleven Southern States, to wit, Virginia, Tennessee, Arkansas, Louisiana, and Texas, are free from even the suspicion of lawlessness on the part of their people, whatever may be the fact as to their rulers. The republican members of the committee have so decided, by their combined and repeated votes and by their refusal to hear testimony to prove the facts, when urged again and again to do so by the members of the minority. That being so, the charge so often repeated is disproved, that there are unlawful combinations of disguised men organized in all the late insurrectionary States, either to resist law, control elections, intimidate negroes, or for any purpose whatever, because in five out of the eleven States even the radical members of the committee admit no such organization exists, and that law and order prevail throughout all of them.

These five States embrace greatly more than half the territory and nearly half the population of the eleven Southern States, having, as the census shows, 4,513,648 inhabitants; and it is hard to conceive how, if political or other combinations existed for any general purpose, they should be left out, while the other six States, or any part of them, were in combination for any such general objects.

When the report of that committee was before the House for consideration on the 22d of January, 1872, I set forth these resolutions and showed how peaceful and submissive the people of Louisiana had been notwithstanding the oppressions which had been heaped upon them. Mr. Stevenson, of Ohio, a thorough republican as is well known, a member of the committee, and the avowed prosecutor of all the wrong-doers, real or imaginary, in the form of Ku-Klux or other bands, replied to me, as appears by the Globe, volume 87, page 515, as follows:

The gentleman from Kentucky [Mr. BECK] has made a statement which I wish to notice first. He says that a motion was made in that joint committee to appoint a sub-committee to go to Louisiana; and he says that motion appears upon the record of that committee. That is true; but the gentleman forgets to state what was the business then before the committee. * * * * *

The question was whether we should pursue the investigations in those States where the Ku-Klux Klan was then raging and red-handed; whether we should pursue the investigation where blood was then flowing, or whether we should be diverted to the State of Louisiana, because during the summer there had been some irregular and improper transactions there in connection with a republican convention. The democrats on that committee, anxious no doubt to turn aside the investigation from the red track of the Ku-Klux, did vote to send a sub-committee to Louisiana, but the committee had the good judgment not to be misled by them.

I have run over these records for the purpose of denying the truth of the President's indictment against the whole people of Louisiana, and especially of the allegation that, independent of "any second causes, or of any late action of the Federal authorities," the people of that State are and have since 1866 continued to be lawless, turbulent, and bloodthirsty.

The President next proceeds in his second message to arraign the people of Louisiana for what he charges to have been a shameful conspiracy by glaring frauds and forgeries to carry the elections of 1872 against the republican party, forgetting or failing to notice that all the machinery through which fraud or forgery was possible was framed and devised by radical republicans against the will of the people of the State. He, or rather his Attorney-General, (for the whole message bears the impress of that malignant public functionary,) next defends elaborately the *new* infamous conduct of Judge Durell. After complaining that "these proceedings have been widely denounced as an unwarrantable interference by the Federal judiciary with the election of State officers," he tries to show that the court had jurisdiction, adding:

It may be safely asserted that if Kellogg's bill in the above-named case did not present a case for the equitable interposition of the court no such case can arise under the act.

Again the President says:

Whatever may be said or thought of those matters, it was only made known to me that process of the United States court was resisted; and as said act especially provides for the use of the Army and Navy, when necessary, to enforce judicial process arising thereunder, I considered it my duty to see that such process was executed according to the judgment of the court.

Resulting from these proceedings, through various controversies and complications, a State administration was organized with William P. Kellogg as governor, which in the discharge of my duty under section 4, article 4, of the Constitution, I have recognized as the government of the State.

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.

I propose to notice this portion of the message somewhat carefully, as this was the point at which, applying the language of that document to the true facts, "a shameful and undisguised conspiracy was formed" between the Attorney-General of the United States and the radical leaders in Louisiana to carry that election for the radical party, "without regard to law or right; and to that end the most glaring frauds and forgeries were committed," all that has followed being but the logical sequence to the outrages then committed.

If any man and any act has been condemned by the whole American people more emphatically than any other it is Judge Durell and his infamous order. I did not suppose that even the audacity of the Attorney-General would enable him to induce the President to indorse him and it as he has done. The President shows that he was aware of the report of the Committee on Privileges and Elections of the Senate, made February 20, 1873, because he refers to it for another purpose. He must have known, therefore, what that committee, composed of his own party friends, reported to the Senate relative to that order. I will read a few extracts from their report. After setting forth the order of Judge Durell they say:

It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. Conceding the power of the court to make such an order, the judge, out of court, had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

They set forth his opinion in full and add:

It is somewhat remarkable that in this opinion the judge makes no allusion to the fact that the State-house was then in possession of Federal troops, under an order issued by him, out of court, the night before. The opinion materially misstates the allegations of the bill and wholly ignores the fact that under the act of November 20 the governor had appointed a new canvassing board, which had in fact canvassed the votes; of all which he was aware, because the proclamation of the governor officially promulgating these facts was embodied in the order for seizing the State-house, made by the judge the night before. The judge also declares that about four thousand affidavits sustain the averments of the bill.

Your committee have examined many of these affidavits, and it is admitted that none of them contain the statement that right of registration or right of voting was denied on account of race, color, or previous condition of servitude.

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Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty, and have so far overstepped the limits of Federal jurisdiction.

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But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de facto* government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election and by the employment of troops set up a governor and Legislature without a shadow of right, and then to refuse to redress the wrong upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

It is hard to conceive how a more severe condemnation could have been pronounced on the acts of a judge or on the conduct of the Federal authorities in Louisiana two years ago. That report stands in strange contrast with the apologetic tone of the President's late message, in which he asserts confidently that if Kellogg's bill did not present a case for the equitable interposition of the court, no such case can arise under the act.

The Senate report, it will be observed, was signed by Senators CARPENTER, LOGAN, ANTHONY, and ALCORN. Language equally denunciatory of all these proceedings will be found in the separate views of Senators MORTON and Trumbull.

The Committee on the Judiciary of this House reported articles of impeachment against the judge, who now finds an apologist in the President, and in their report denounce his conduct in the most unmeasured terms, while Durell has confessed his guilt by resigning to escape conviction.

One of the most remarkable statements in this remarkable message is that in which he excuses the use made of the Army and Navy. He says: "It was only made known to me that process of the United States courts was resisted," and therefore the Army and Navy were used to enforce the judgment. Of course I assume that the statement of the President is true, but the assumption is fatal to his Attorney-General. He had promised Durell that he should be sustained by the whole military power of the United States long before the order was issued. He cannot plead ignorance of the law as an excuse, for he was fully advised of the nature of the proceedings and of all the outrages contemplated long before they were perpetrated. With that knowledge, in palpable violation of his known duty, plainly usurping power without pretense of rightful authority, he sent to Marshal Packard, the political manager of Kellogg's fortunes, the following dispatch several days before Durell had issued any order in the case:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

The Attorney-General knew, if the President did not, all about the conspiracy for the overthrow of the State government of Louisiana and illegally interfered, with the troops of the United States, in advance of Durell's action. The poor, worthless judge has been made to pay the penalty; his far more guilty superior officer retains his high position and is again repeating with impunity similar outrages on that unhappy and prostrate people. Lest I be charged with exaggeration or desire to accuse the Attorney-General wrongfully, I will read an extract from the carefully prepared report of Senator Trumbull to the Senate of the United States, in which, when commenting on this dispatch, he said:

This dispatch, so far as the evidence shows, was not responsive to any call for troops. There had been no resistance to any process of the United States courts, nor does it appear that any was threatened. R. H. Jackson, a captain in the First Artillery, United States Army, testified that he went to New Orleans on the night of December 5 with two batteries of his regiment and eighty-six men.

The same night, December 5, between nine and eleven o'clock, Judge Durell, at his private lodgings, issued his order, which for want of jurisdiction was void and entitled to no respect from anybody, directing the United States marshal forthwith to take possession of the State-house, to hold the same until the further order of the court, and prevent all unlawful assemblage of persons therein, having reference to the persons returned as elected to the Legislature according to the official returns. Captain Jackson testifies that he took possession of the State-house at about two o'clock on the morning of the 6th, with instructions to take and hold it under the direction of the United States marshal and to act in obedience to his orders. He further testified that he was not stationed in the State-house to prevent riots but to hold the building, and that if a riot had occurred in front of the building he would not have interfered. He posted two soldiers at the entrance door, who guarded it with crossed bayonets, and suffered no one to enter the building except by permission of the United States marshal, one of whose deputies was at all times present. These troops continued to occupy the State-house for more than six weeks, until January 21, and it is manifest, from the whole testimony, that they were not there to preserve the peace, but to carry out the illegal orders of Judge Durell, and prevent the legally elected members of the Legislature from assembling and organizing.

Can it be that the Attorney-General sent his telegram and that Captain Jackson was ordered to New Orleans with his batteries in anticipation of the unauthorized orders of United States District Judge Durell to seize the State-house and prevent the Legislature from organizing except with such persons as he should declare legally elected, or that the Attorney-General supposed it the duty of the Executive to support with the military power the decrees and mandates of United States courts issued without jurisdiction and consequently void? In no conceivable case could a United States court or judge have jurisdiction to issue orders such as were promulgated by Judge Durell. As well might a United States district judge make an order to seize the Federal Capitol and prevent all members of Congress from entering the building except such as he should declare elected. Would the President direct General Emory to furnish the troops to execute such an order? He has no more right to aid the execution of an order of court, void for want of jurisdiction, than the judge has to make it. It is his duty to discriminate between the orders of courts which may be lawful and those which must necessarily be void for want of jurisdiction. Had the troops been withdrawn when the character of the orders they were enforcing was made known, it might be inferred that the Attorney-General did not intend they should be used for such a purpose; but they held possession of the State-house for more than six weeks.

In the face of such an array of facts, it is folly for the President to expect the American people to believe that the troops of the United States were only used because the process of the United States court was resisted, which he says in his message was the only fact made known to him. He may have been kept in ignorance; his statement requires me to admit that he was, but truth requires me to assert that his attorney-general was in the conspiracy to overthrow the government of Louisiana, which fact the President now knows, and with that knowledge retains him, and continues to empower him to oppress and degrade the people of Louisiana. Kellogg wrote to Attorney-General Williams on the 27th of November, 1872, a full account of his plans, among other things saying:

I therefore respectfully suggest that General Emory, who I think appreciates the necessity and sympathizes with the republican party here, be instructed to comply with any requisition that the United States courts may make upon him in support of its mandates and to preserve the peace. As at present advised, I think General Emory understands that he is to use the troops in no contingency without instructions from Washington.

The telegram from Williams to Packard of December 2 was the prompt response to Kellogg, and Durell was used as the tool of the conspirators. The pretense of resistance to Federal authority on which the President now seeks to vindicate his action is dissipated by the telegram of Packard to Williams on December 9, in which he pronounces "all quiet," and that of Pinchback to the President of the same date, calling for further military interference, in which he says:

Be pleased to send the necessary order to General Emory. This seems to me a necessary measure of precaution, although all is quiet here.

There never was resistance to Federal authority, either executive or judicial, by the people of Louisiana, the statement of the President to the contrary notwithstanding. On the contrary, the people met and agreed to send a hundred of their best citizens to Washington with a respectful memorial to be laid before the President and the Congress of the United States, setting forth their grievances and the wrongs which had been done them. It will be found on pages 21, 22, and 23 of Executive Document No. 91, third session of Forty-second Congress. No man can read it without feeling an honest indignation against the Attorney-General, the marshal, the judge, and other Federal officials, for the part they took in the conspiracy with Kellogg, Pinchback, and their other confederates, to destroy the rights and liberties of that people. Yet not only was the petition disregarded, but the right of petition was denied in advance in language that the Czar of all the Russias would not have used ot the most abject of his Polish slaves. It stands alone in American history unparalleled for insolence and supercilious audacity. Let me read it:

[Telegram.]

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

Now, the President says to Congress in his message:

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen.

Then, when the facts were fresh and the truth could be easily ascertained and the rights of this people established in accordance with it, the Attorney-General sent the insulting telegram I have just read; and he is the favored and trusted minister of the President to-day, who admitted that he closed his ears to one side and furnished his bayonets to the other while he is unable even now to say which side was right.

I might show by a more careful analysis of the events which occurred in that State in 1872 how utterly regardless the Administration at Washington was of the rights and interests of the citizens, and how thoroughly it supported and sustained the usurpers in their efforts to overthrow civil liberty and plunder an already almost bankrupt people, but I have shown enough to satisfy any fair-minded man that if the power now sought to be given to the President is vested in him it will be used to still further oppress and degrade the people of that State and to strengthen the hands of their oppressors. Who doubts, even regardless of recent events, that the President would suspend the writ of *habeas corpus* whenever Kellogg, Pinchback, Packard, or any of their gang asked him to do so, no matter what proof the citizens who were not the political partisans of the President might bring to show the falsity of the charges?

If any doubt remained as to the folly, not to say indecency, of vesting such a power in the President's hands, his recent conduct must have removed it. No man can read the message to which I have referred without seeing all through it a bitterness not only unworthy of the Chief Executive, but such as is rarely indulged in by the bitterest political partisan. The following relative to the late election will serve as a specimen:

Prior to, and with a view to the late election in Louisiana, white men associated themselves together in armed bodies called "White Leagues," and at the same time threats were made in the democratic journals of the State that the election should be carried against the republicans at all hazards, which very naturally greatly alarmed the colored voters. By section 8 of the act of February 28, 1871, it is made the duty of United States marshals and their deputies, at polls where votes are cast for Representatives in Congress, to keep the peace and prevent any violations of the so-called enforcement acts, and other offenses against the laws of the United States; and upon a requisition of the marshal of Louisiana, and in view of said armed organizations and other portentous circumstances, I caused detachments of troops to be stationed in various localities in the State to aid him in the performance of his official duties. That there was intimidation of republican voters at the election notwithstanding these precautions, admits of no doubt.

Again, in defending the act of his soldiers in ejecting from the Legislature members claiming seats in that body, he says:

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature. That the democratic minority of the house undertook to seize its organization by fraud and violence; that in this attempt they trampled under foot law; that they undertook to make persons not returned as elected members, so as to create a majority; that they acted under a preconcerted plan, and under false pretense introduced into the hall a body of men to support their pretensions by force, if necessary, and that conflict, disorder, and riotous proceedings followed, are facts that seem to be well established; and I am credibly informed that these violent proceedings were a part of a premeditated plan to have the house organized in this way, recognize what has been called the McEnery senate, then to depose Governor Kellogg, and so revolutionize the State government

The country might have accepted these statements as true coming from such high authority, and might have disregarded all the protests of the people of Louisiana—although they knew that Marshal Packard, under whose control the troops of the United States were placed, was the chairman of Kellogg's executive committee and had been from the beginning the principal instrument in manipulating the frauds by which he was enabled to obtain power—if this House had not undertaken to investigate the truth of the controversy relative to the elections held last fall by sending a committee of its own to Louisiana armed with full authority to inquire into all the facts. After spending many weeks in the investigation, the Select Committee on Louisiana Affairs, on the 23d day of February, 1875, submitted the following among other facts to the House:

The laws inimical to the colored people of Louisiana referred to in their report have been repealed for years. Except during the schism of Governor Warmoth, in 1872, the republican party has long had control of the machinery of the State.

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First. The registration was incorrect, and exceeded the true colored vote.

The registration was wholly in the hands of the Kellogg officials, with whom a republican committee, with United States Marshal Packard at their head, co-operated.

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Third. Eighteen hundred and seventy-four was a year of political change, in which the vote throughout all the States was seriously affected against the republican party; a change resulting largely from the financial distress of the people, and which should, therefore, naturally have been even greater in Louisiana than elsewhere.

Fourth. It became the interest of the conservatives, at least at the late election, not to intimidate, but to acquire, by every fair means, the colored vote.

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Fifth. The entire want of any direct evidence to show any general intimidation of the colored voters.

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We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

To the resolution reported to the House from the committee, as to the action of the returning board, we are all agreed.

We understand the committee to be unanimous in finding the fact that the action of the returning board has defeated the will of the people as expressed by them at the polls on the 3d of November, 1874. The people then elected to the lower house of their Legislature a majority of conservative members; a portion of the conservative members thus elected were refused their certificates. This is an act of great injustice to the individuals, of gravest danger to the State and free government, and ought to be immediately corrected by any power competent to correct it.

In view of the facts stated in that report, especially of that portion of it which asserts the entire want of any direct evidence to show any general intimidation of the colored voters, and of the assertion, after thorough examination, that the people of the State did fairly have a free, peaceable, and full registration and election, it is difficult to imagine upon what authority the President asserts that there was no doubt that there was intimidation of republican voters at the election; and it is still more difficult to understand, after the committee have unanimously found that the returning board defeated the will of the people and that a majority of the conservative members were elected to the Legislature, how the President can assert that nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature. The tone and temper of that message shows that if power is given to him to suspend the writ of *habeas corpus*, he will disregard every right which ought to be held sacred, and will uphold and maintain the men who are trampling down every semblance of civil liberty there. If anything is needed to prove that there can be no mistake as to the correctness of my convictions upon that subject, the reply of the Secretary of War to the infamous suggestions contained in the telegrams of General Sheridan place it beyond all peradventure. I take from the appendix to the message the following dispatches:

[Telegram dated New Orleans, January 5, 1875. Received at N. E. corner Fourteenth street and Pennsylvania avenue 4.47 p. m.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Please say to the President that he need give himself no uneasiness about the condition of affairs here. I will preserve the peace, which it is not hard to do with the naval and military forces in and about the city; and if Congress will declare the White Leagues and other similar organizations, white or black, banditti, I will relieve it from the necessity of any special legislation for the preservation of peace and equality of rights in the States of Louisiana, Mississippi, Arkansas, and the Executive from much of the trouble heretofore had in this section of the country.

P. H. SHERIDAN,
Lieutenant-General United States Army.

[Telegram dated Headquarters Military Division of the Missouri, New Orleans, Louisiana, January 5, 1875. Received January 5.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

WAR DEPARTMENT,
Washington City, January 6, 1875.

General P. H. SHERIDAN,
New Orleans, Louisiana:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

WM. W. BELKNAP,
Secretary of War.

The President is hardly less emphatic in his approval of Sheridan's suggestions in his message than his Secretary was in the telegram just read. He says:

He has characterized the leaders of the White Leagues in severe terms, and suggested summary modes of procedure against them, which, though they cannot be adopted, would, if legal, soon put an end to the troubles and disorders in that State.

The meaning of which obviously is, "Give me the power to suspend the writ of *habeas corpus*, and Sheridan shall have authority to dispose of the banditti; order shall reign in Warsaw, and my schemes and those of my friends shall no longer be interfered with by a disobedient rabble." Can the representatives of a free people trust with such powers men indorsing and uttering such sentiments. If they do, their constituents will see to it that other men will fill their places hereafter in these halls who will show some regard for civil liberty and right; but that is not all, nor is it, perhaps, the strongest evidence of the determination on the part of the President to exercise the powers he now seeks to acquire for the subversion of popular government. His evident designs on the State of Arkansas are still more alarming than those expressed or entertained toward Louisiana, and they are sought to be carried out for a purpose still more unjustifiable. Fortunately we have the facts relative to that State in a form so authentic that I prefer to use them rather than rely upon any statements of my own, because in grave matters of this sort nothing should be left in doubt which can be made positively certain.

On the 6th day of February last Judge POLAND, on behalf of the

Select Committee on the Condition of Affairs in the State of Arkansas, laid before the House the report of the committee, in which, after showing that Governor Baxter had been recognized as governor by the President, and had been in office for considerably more than a year, difficulties sprang up between him and Brooks as to his right, relative to which the committee submit the following facts:

On the 22d of April, 1874, Baxter telegraphed to the President as follows: "I propose to call the Legislature together at an early day, and leave them to settle the question, as they alone have the power; but to do this the members of the Legislature must have assurances of protection from you and a guarantee that they may meet in safety. This will be a peaceable solution of the difficulty, and I will readily abide by the decision of the Legislature." On the same day the President replied to Baxter as follows: "I heartily approve any adjustment peaceably of the pending difficulties in Arkansas by means of the Legislative Assembly, the courts, or otherwise. I will give all the assistance and protection I can under the Constitution and laws of the United States to such modes of adjustment. I hope that the military on both sides will now be disbanded." On the 24th of April, Baxter replied as follows: "In accordance with my correspondence with you by telegraph, I have convened the Legislature for the 11th May. I have sent home part of my forces, and would willingly send the balance, except a small body-guard, but Brooks retains his whole force and receives re-enforcements. All the people desire is that peace be restored, and the Legislature prompted in the performance of their legitimate business."

Touching the new constitution and the election of officers under it, and of the present condition of the State, the committee, among other things, say:

There was no evidence before us but that the elections both of the 30th of June, on calling the convention, and of the 13th of October, were quiet and peaceable; no act of violence was shown or claimed to have been committed at either.

Your committee are of opinion that the constitution received not only a majority of the legal votes cast, but that it received a majority of the legal votes in the State.

A. H. Garland, who was nominated for governor by the democrats, and voted for at same election, received, as returned by the State board of supervisors, 76,453 votes. The other candidates on the same ticket received nearly the same number.

On the 11th of November, 1874, the Legislature elected on the 13th of October assembled, and Mr. Garland was duly inaugurated as governor, and all the State, circuit, county, and township officers chosen at the same election entered upon their duties. No person holding office under the old constitution made any active or open opposition to this change, and it was all accomplished in a peaceable manner.

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The new constitution we regard as republican in form, and in many respects an improvement upon that of 1868. Some question has been made as to the dropping from the declaration of principles some of the professions of loyalty contained in the old constitution. Most of the reconstruction constitutions contained rather a *surplusage* on that subject. We think the substance has been retained.

The committee are satisfied that the convention to frame the constitution, and the constitution itself, were voted for, and are satisfactory to the majority of the voters and people of the State. The State officers were certainly elected by a majority of votes cast, and we think by a majority of the votes in the State. The condition of the State has been as peaceful since the new government was inaugurated as it ever has been; acts of violence have been very few indeed. It is alleged that this is all because they are now under congressional investigation, and on their "good behavior."

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Your committee will take no time to give their views of the true relations and duties of the general and State governments. Questions of great delicacy arise in dealing with them. The people of every State have the right to make their own constitution to suit themselves, provided it be republican in form and in harmony with the Constitution of the United States, and the National Government has not authority to deprive them of that right. Here we have the case of a State having a constitution republican in form, adopted and ratified by a large majority of its people, manned by officers of their choice, and going forward with reasonable quiet and peace. Your committee cannot find any solid ground on which to stand to say the General Government can or ought to interfere; and no amount of irregularity in the processes by which this state of things was brought about furnishes just reason for doing so.

The very next day after that report was made public the President, as if in menace and defiance of the committee and the House, sent to the Senate the following "order" in the form of a message:

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore furnished relating to affairs in the State of Arkansas.

I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown, and a new constitution adopted and a new State government established.

These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations on certain conditions, changing their constitutions and violating their pledges, if this action in Arkansas is acquiesced in?

I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

EXECUTIVE MANSION, *February* 8, 1875.

The country will readily understand from these documents I have read not only why the President and his retainers want the writ of *habeas corpus* suspended, but how the power will be used if it is granted.

The State government of Arkansas will be subverted; Brooks will be installed by Federal bayonets as governor over that province; five or six million dollars which Baxter managed to save from the plunderers of that people will at once be issued and squandered as the bonds before issued have been; indeed, that is the object which the political managers have in seeking to destroy the rights and liberties of that people

Preferring to cite republican authority against the claim of the President rather than to rely on any weight my own views might have, I refer to the elaborate report made by Senator MORTON on Louisiana affairs two years ago as a complete refutation of any pretended right of the President to interfere in the affairs of Arkansas. The force of the views of the Senator will be readily gathered by reading the following extracts:

The theory of our system is that every State government possesses the power and machinery to correct the wrongs and frauds within itself practised under color of or in open violation of its own laws, and that the decision of its own tribunals, created by its constitution and laws for such purpose, must be received as final. When the constitution of a State provides that each house of its Legislature shall be the judge of its election and qualification of its members, full faith and credit must be given to their action; and should the Government of the United States go behind their action to inquire whether the members have been lawfully elected to the Legislature, their independence would be wholly destroyed and the validity of their action made to depend upon the will of Congress.

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It is no answer to this to say that, in a particular case, such tribunals will or have decided wrongfully. The Government of the United States has no right to review their decisions so long as the State possesses a government republican in its form

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The power and duty conferred upon the United States by the fourth article to guarantee to every State in the Union a republican form of Government is political in its character, and not subject to revision by the judiciary; but when, upon inquiry, it is ascertained that a State has an existing government in active operation, which is not obstructed by violence, in which each department is mutually recognized by the other, and which is republican in its form, there is no foundation for the interference of Congress, and no condition to which its power can attach; and although its officers may have been elected by fraud or installed without election, yet all questions in relation to them must necessarily arise under the constitution and laws of the State, and under the decision in Luther *vs.* Borden be referred for determination to the tribunal of the State.

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Where, by the constitution and laws of a State, legal remedies are provided for the redress of all wrongs that may take place in regard to elections, it would be inconsistent with the independence and integrity of the State governments for the United States to interfere and assume jurisdiction upon the ground that the State tribunals have acted wrongfully and fraudulently, or will so act. The Government of the United States is not a Don Quixote, going forth to hunt up and redress all the wrongs that may be inflicted upon the people in any part of the country, but is a Government limited and restrained in its jurisdiction by the charter of its creation, and that charter distinctly recognizes the existence of State governments to be constituted legally by the States themselves, subject only to the provision of the higher law that they shall be republican in form.

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This great power to guarantee to each State a republican form of government is intended only for the highest and most solemn occasions. If it is invoked for every disorder in a State, it must result in the absorption of the State governments and subvert the whole theory and plan of our political institutions. While we are a nation in which alone the sovereignty resides, yet local self-governments which preceded the Constitution, and are recognized and continued by it as a part of the great plan of political salvation, are indispensable to our liberty, progress, and happiness, and must be preserved. It should be exercised only upon well-defined principles, in cases coming clearly within their limits, and with all the more caution because it is political in its character, and the use or abuse of it cannot be reviewed by the courts.

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Should Congress declare that Louisiana has no legal State government and provide by law for a new election, it would establish a precedent for overturning State governments and setting up new ones, under which the government of every State would be at the mercy of Congress as controlled by the passions or exigency of parties.

Deploring this condition of things in Louisiana, and earnestly hoping that the people will take warning and with one accord insist upon honest elections and the faithful observance of the laws, it is my deliberate judgment that it is better for them to bear the ills they have and seek reformation and relief under their own laws and tribunals than to invoke the National Government to the assertion of a power under which State governments would exist hereafter only by sufferance.

I indorse these views and believe they will be indorsed by the country, even if the President and his followers should be desperate enough no disregard them.

I do not believe there is power enough or influence enough or respect enough left with or felt for the repudiated majority of this Congress to convince any respectable number of the people of the country that they are actuated in their desperate schemes by any desire to promote the welfare either of the negro race or of the so-called loyal men of the South, or that they have any other or higher ambition in the proposed legislation than to ingratiate themselves in the favor of the President for the purpose of extracting favors from him as a reward for their servility to him.

Security of Elections.

SPEECH OF HON. W. J. O'BRIEN,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1875.

The House having under consideration the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections—

Mr. O'BRIEN said:

Mr. SPEAKER: I have not the time allowed me, nor in fact have I the disposition, to enter upon a discussion of the merits of the bill now before the House. I propose to characterize it as the hour demands, and not to waste words in a fruitless attempt to convince

gentlemen on the other side that this measure is the most wanton attempt to destroy the freedom of elections and to create a dictatorship amid the ruins of free government that the republican party and administration have ever disclosed. The day of your departure from power is the opportunity seized upon, not to restore civil liberty to the people but to ruin and destroy the vestiges of constitutional government which have up to this time escaped your malignity and fury. You have by the enactment of the civil-rights bill attempted to renew the discord and troubles which through your laws have brought desolation to nearly every hearth-stone in the South. After destroying their prosperity, confiscating their property by tax levies, and inflicting upon them the odious misrule of the ignorant negro and the crafty, thieving adventurer, you now propose by this bill to revive the horrors of despotic rule, and it may be to enable another Nero to fiddle while the whole country is burning. Why not erect a Coliseum in this capital and let loose beasts of prey upon your victims? It would be mercy; for under the operation of this measure, if it becomes law, every United States court-house in the South will be turned into an amphitheater, where your marshals, your spies, informers, and adventurers will gorge themselves with the blood of the men of the South, and your Bonds and Durells will re-enact the rôle of the infamous Jeffreys.

You boast, Mr. Speaker, that this is an enlightened age; that the nineteenth century sheds its luster around us; that we possess the best government on earth. Vain delusion. This bill will throttle civil liberty where for nearly a hundred years it has had its noblest exemplification. The writ of *habeas corpus*, which obtained as the privilege of a free people only after a struggle of centuries, is about to be yielded to the demand of an administration which, having lost the confidence of the people, seeks to regain its waning influence by the establishment of a despotism unknown to the annals of civilization. In words, Mr. Speaker, that speak the object of this infamous measure and prove the motives of this conspiracy against free government by its originators, I assert that it is a design to re-elect Grant for a third term, and by force and fraud, at the risk of revolution and the expense of the Constitution, to retain the power and control of the Government in the republican party. The question of the success or failure of this conspiracy depends upon the action of this Congress. The people and the press have, I trust, foreshadowed its doom. They have with singular unanimity denominated this measure as "the force bill," and in that epithet have uttered their condemnation. But the question remains with the Representatives of the people, in the few hours remaining to this Congress, whether by our action we will further manacle our brothers of the South by iniquitous laws, or by a defeat of this bill reassert their right to equal citizenship under the protection of just and humane government.

Mr. Speaker, the gentleman from Indiana [Mr. COBURN] and other gentlemen who have addressed the House in favor of this bill defend it as a measure of retaliation for pretended wrongs inflicted on the negro by the white men of the South. The republican party originated on the issue of the negro question, and was mainly propagated by inflamed stories of oppression under the institution of slavery, In behalf of the freedom of the negro an aggressive war was waged, resulting in their recognition as citizens and the establishment of governments in the Southern States based upon the principles of ignorance and corruption. After ten years of negro domination, abetted by malignant adventurers maintained in power by Federal bayonets, during which the white race have been impoverished and degraded, there appears a hope of the restoration of pure government, wielded by the intelligent and upright men of the Southern States, and now the power of the republican party and the Government is invoked to crush out their aspirations, and to reduce them again to a tenfold worse state of slavery and subjection.

The statement is made and reiterated that throughout the South inhuman outrages are perpetrated, that murder and assassination are rife, and that school-houses and churches are burned. These charges are made against white citizens, and the negroes and their carpet-bag allies are held up as patterns of propriety and virtue. Let us inquire, Mr. Speaker, of the facts, and ascertain how far these and kindred charges are sustained. From the evidence and reports of the committees that investigated the affairs of Louisiana, Arkansas, and Alabama every fair-minded man can draw his own conclusion, and I hazard nothing in the assertion that his judgment will accord with the sentiment of the country, which has scorned and condemned all such charges as the emanation of the outrage-mills of the political parasites whose day will soon be past, I trust, forever.

Mr. Speaker, in the early part of the present session I had the honor to be appointed by you on the Committee to Investigate the Affairs of the State of Mississippi. In December last the country was startled by telegrams from Vicksburgh which told of an armed collision between the whites and negroes, in which two hundred persons, mostly negroes, were slain. The press of the country circulated reports of the affair, in some instances blinded by party prejudice terming it a massacre. Article after article was published, in which the white citizens of Mississippi were denounced as a band of assassins; white-leaguers, masked and armed, flitted before the eyes of the political editors, and these valiant heroes, with pen in hand, rushed into the conflict with the white-line phantoms of their imagination, only resting from their labors when by a call from Governor Ames, of Mississippi, they were assured that the President would respond by a prostitution of his authority in the use of the Army of the United States. The Representative [Mr. MCKEE] from that part of Mississippi in which the armed conflict took place, animated no doubt by the noble impulses and the high and honorable instincts which in common with his negro constituency he evinces, arose in his place and offered the resolutions which led to the appointment of the committee of investigation. That committee proceeded to Mississippi, and after three weeks returned to Washington and placed before the House the printed testimony and the majority and minority reports which are now on your table.

I propose, Mr. Speaker, to compare the reports with the testimony in regard to their most important statements and to leave the country to judge of the justice or injustice of our respective conclusions.

The republican members of the committee have presented a report, prepared by the gentleman from Illinois, [Mr. HURLBUT,] in which the gravest charges are made against the white people of Mississippi. This report deliberately asserts that political organizations exist in that State which are an extension of the "White League organizations of New Orleans," and that they are controlled by interior military organizations for special and unlawful purposes. Why, sir, there is not a shadow of testimony to support this statement; on the contrary, the evidence is conclusive to the point that the organizations in Mississippi of a political character are in no wise different in their objects from the political clubs to be found in every northern State.

In order that I may do no injustice to my honorable colleagues of the committee, I will read portions of their report and of the minority report which I had the honor to submit in behalf of my colleague from Pennsylvania [Mr. SPEER] and myself, and also extracts from the testimony in reference to these points.

The majority report states that tax-payers' leagues were formed, but does not find that they were in any sense objectionable, and then adds:

THE "WHITE LINE."

But early in the year 1874 another organization begins to make its appearance, narrower in its proportions, illegal in its views, and basing itself upon the embodiment of force and the readiness to use violence for the purpose of controlling and overthrowing the will of the majority, lawfully expressed in the form of elections.

This interior organization has not yet assumed definitely, in the State of Mississippi, such precise form and so distinct an existence as in the State of Louisiana, but is unquestionably an extension into Mississippi of the "White League" organization, whose headquarters are in New Orleans. In Warren County it is sometimes called the "white line," and by that name is familiarly spoken of by the leading papers of Vicksburgh, as well as by some of the prominent witnesses before this committee. It is also known as "people's clubs," but in all instances the formation of the clubs or civil organization is accompanied by establishing within the clubs themselves a military organization, officered, equipped, and armed.

Thus the clubs and the tax-payers' league are open associations, apparently directed toward objects in which all citizens might lawfully unite, but controlled from within by the military and partisan organizations whose purposes are special and unlawful.

The purposes of these clubs or white-line companies are these, as they are openly avowed or secretly cherished:

First. They are *first* to make a census and enrollment of all the white men in the State.

Second. To incorporate into the interior military organizations all the whites who will join with them.

Third. To set aside, by whatever means may be necessary, the election of colored men to office, and to nullify in practice the enabling and enforcement acts of Congress, granting and enforcing the right of all citizens, without distinction of color, to hold offices, if properly elected to them.

Fourth. To allow none but white men to be elected to office or to hold office.

In relation to the same subject the report states:

COERCING THE NEGRO VOTE.

They are as yet willing that colored men shall vote, but always under the proviso that they vote for and with white men.

In those States where the colored vote is in the majority there are many white men, and those of high character and position, who openly avow that that colored majority must be and shall be controlled and overridden. This declaration means force and intimidation and means nothing else, for no persuasion, no inducement, no eloquence, no fair promises have been wanting in the past to induce or bribe the colored people to abandon their attachment to the political party which liberated them and gave them these rights. All have failed, for it is unquestionably the settled belief of the black men of the South that outside of the republican party they have no protection from lapsing into slavery.

Nothing is left but force and intimidation to bring about this result desired at the South; and that result is so precious to them that any means seem lawful and expedient.

The minority report, in referring to the municipal election in Vicksburgh, held in August, 1874, states that efforts had been made to register every man entitled to vote, and alludes to the political clubs as follows:

To secure this end political clubs of white men had been organized in the city, and through their exertions nearly every voter was enrolled and brought forward for registration. Many white men who had declined since the war to participate in politics were induced to register, on the ground that the deplorable condition of municipal affairs imperatively demanded that every citizen should give the aid of his vote to secure the election of honest and capable officers.

The minority report recites the following general conclusions from a review of the testimony:

The effect of the reconstruction acts and the recent amendments to the Constitution was to give the State legislation and all the offices—State, county, and municipal—over to the enfranchised colored men and their white leaders, many of whom were of the class known as political adventurers.

A few of their leaders were intelligent and honest men, who counseled their followers to cultivate friendly relations with their former masters and the white people generally. For a time they succeeded; in proof of which it may be cited that a clause of the constitution disfranchising the whites was defeated mainly by the votes of colored men. This constitution had been adopted by a convention com-

posed in large part of the element denominated carpet-baggers, and their action in this regard is a fair example of the venom that inspired much of their legislation. The colored population, by the counsel and misrepresentation of these men, who had no interest in the peace and prosperity of the State, became entirely estranged from the white people. No argument that served this infamous design of the leaders, however unfounded and malignant, was omitted. They excited the passions and prejudices of the colored race by the most flagrant and willful misrepresentations, unhappily impressing their too confiding followers with the belief that if the white men obtained control of legislation they, the colored people, would be deprived of their rights and be again reduced to slavery. This led to the colored men nominating for office mainly colored men or whites who were only intent on securing political office and the emoluments arising therefrom. Ignorance and dishonesty obtained the mastery, with the effect of driving nearly every white republican into the conservative ranks in local politics.

We cannot conceive of a more unhappy condition of society than exists as a result of the reconstruction laws and the rule of the corrupt men who were invested with authority by the policy of the National Government and the republican party. All offices in the State of any importance, from the governor down, are filled by men who encourage the maintenance of the color line, and who regard the white element of the State as disloyal and rebellious. In this category they class many men who have always supported the republican party in national politics, and many who were officers and soldiers in the Federal Army during the late war.

The conservative side includes, with few exceptions, all the tax-payers, the professional, commercial, and industrial classes. The same intelligence, culture, and refinement which distinguish American society in the other cities of the Union are to be found among the white class in Vicksburgh. They have a just pride in their State, and are as loyal to the Government of the United States as the citizens of any other State. They yield a willing obedience to the Constitution with all its amendments, and to the laws passed in pursuance thereof, but complain, not without reason, of the policy that has made them the subjects of a rule based on ignorance and corruption, upheld by the military power of the Republic of which they are citizens, and as such entitled to countenance and protection.

The color line, which has established the relations of the two political parties toward each other in Mississippi, is the inevitable result of the policy pursued by the State government and the leaders of the colored men.

The white people have exhausted every means of conciliation. So long as the most depraved white men in the State can maintain their control of the majority of colored voters, and pursue the systematized robbery that characterizes their government throughout the counties, the honest and intelligent white men must be arrayed against them. The preservation of their homes and property will, without regard to political considerations, cause them to remain united as one man so long as the hope of a return to honest rule remains.

There is not the least foundation in the testimony for the charge that the white people oppose or vote against candidates for office on account of their color, nor for the pretense that any of the proceedings of the citizens of Vicksburgh, in December last, were prompted by the color of the corrupt officials. Nor can it be asserted from anything in the testimony that the whites have ever interfered with the exercise of the right of franchise by the colored men. But as to both white men and colored, when candidates for office, they do insist upon their integrity and capability.

Further, the testimony conclusively shows that there do not exist any organizations for political purposes different in character and object from those which usually prevail in all political parties in the Northern States. Political differences are tolerated with as much freedom as they obtain in any locality north of the Ohio. Intimidation of any kind for political purposes is only known in the ranks of the colored men. They are often restricted by members of their own race through the medium of their secret associations, where it is inculcated as a crime and disgrace for any colored voter to support conservative candidates for office. By means of the influence exercised through their religious as well as political meetings, the great mass of the colored race are constrained to keep within the line of the republican party.

The want of confidence in the whites by the colored men in politics does not extend to matters of business, where the interest of the two races is in common. The political leaders of the colored people exert but little influence in that regard, as all branches of trade and commerce are controlled by the whites. Very few colored men are engaged in trade except as employés, and with rare exceptions they accumulate but little property. In the line of production throughout the counties, their efforts are confined to the raising of a few bales of cotton, which, with vegetables raised for home consumption, afford them a living suitable to their desires.

The relations of the two races outside of the domain of politics are eminently friendly. Kindness on the part of the white people toward the colored is universal, and we have little doubt would be reciprocated by them were they free from the wicked influences which control them.

The foundation of their antipathy to the whites is the devotion with which they follow their political leaders and their preachers, for the two are generally united in the same person. They seem blind to the infamous character of the men who control them for the worst purposes.

The condition of the colored people has not improved under the operation of existing laws. From all the evidences of their state that were brought to our attention, their moral tone is of a very low degree, and would not be considered an advance from their condition before enfranchisement. The manner in which they exercise the franchise is a mockery.

Even education, so far as diffused among them, seems not to have aided them in reaching a higher plane of citizenship. Its advantages seem to be accepted only as a qualification for the rôle of the baser sort of politician, to the extent that every man among them who has acquired a show of learning strives to become a leader in the arena of politics. A little learning is a dangerous thing in its application to them. The educated among them are the most dangerous class in the community, as they exercise a malign and blighting influence over the future prospects of their race. They fill the offices, and with few exceptions fall an easy prey to the temptations to dishonesty and corrupt practices. Their aim seems to be to intensify the hostility already invoked against the white race, and their purposes are ably seconded by the white adventurers who find in the emoluments of political office among them a fitting reward for their unworthy and ignoble position.

The tax imposed in all the counties of the State for school purposes is very heavy and is cheerfully paid. It is fairly distributed among the two races, and there is reason to indulge the hope of a great improvement in the rising generation over the men that now so sadly misrule the State.

The general condition of the State has greatly declined. Lands to the extent of one-fifth of the whole State have been forfeited for the non-payment of taxes. At the same rate of retrogression as the misgovernment of the last few years discloses it will not be many years before the State will be "the monarch of all it surveys."

Now, Mr. Speaker, the issue is clearly joined between these two reports. The one asserting that military organizations exist to nullify the acts of Congress granting the right of all citizens to vote and hold office without distinction of color, and the other denying the existence of such organizations. The issue is also clear in regard to the intimidation of colored voters, the majority report stating that it is the intention of white men of high character and position to control and override the colored vote by force and intimidation. The minority report charges the formation of the "color line" on the negroes and the white adventurers that control them; further, that the white men are forced to unite in order to save their remaining property from confiscation by devouring taxes and the corruption and frauds of republican officials.

On the question of the "white or color line" I read the testimony of Colonel Horace Miller, one of the most distinguished lawyers in Mississippi, who has been prominent in the recent movements in Vicksburgh. He was called and examined by the chairman.

On cross-examination he testified as follows:

By Mr. O'BRIEN:

Question. Colonel, state if you have occupied any official position under the city or State government; and if so, when?

Answer. In 1867 I was judge of the criminal court of Warren County. I occupied the position a year, I think. I have occupied Federal positions; in 1852 I was appointed chargé d'affaires to Bolivia, South America, which position I occupied between three or four years.

Q. Can you, from your knowledge of political affairs in Mississippi, inform the committee of the meaning of the language of the newspapers, when they speak of the "color line" and the "white line," and is the application of those terms to the condition of political and social affairs in this State?

A. I think I understand the meaning and import of the "color-line" term, as understood in this State. For some years after the war the white citizens of Mississippi made an earnest effort to accommodate themselves to the new condition of affairs, and undertook to assimilate themselves with the negro-voting population, and they endeavored to hold out every inducement to that class to discard all questions of mere condition originating from color, and in conventions, both State and county, for the nomination of public officers in carrying out this plan, they put upon our tickets colored men for various political positions. This effort was continued for six years, but met with no success. It became a well-recognized fact that every colored man who permitted his name to be put upon the ticket of what was called either the democratic or conservative party, was immediately ostracized by his own race; and no matter what had been the previous position with his race and party of any such individual, the acceptance of such a nomination resulted in his being immediately discarded by the party. After many unsuccessful efforts in that direction, a feeling grew up in the community that it was impossible to conciliate that element; that the difficulties in the way of such conciliation were insurmountable; that the prejudices of that race were continually employed against the whites by appeals made to them by what are generally known as carpet-baggers, political adventurers, and some of the worst elements of our race. These appeals were made to them upon the ground that the whites were their natural enemies. Exaggerated statements were constantly made to them of the cruelties and punishments that had been inflicted upon them while they were in a state of slavery; that the democratic or conservative party would ultimately reduce them to a condition of slavery, and that their only safety was in strictly adhering to the republican party. Every element of discord that could possibly be imagined by these people was constantly kept before them, and the result was that in every election, State, county, and municipal, for a series of years the negroes were voted almost in solid mass and almost even carried to the polls as if in military array, each body under its leaders and subordinates, where they would remain until whole columns were voted, the leaders handing to each voter his ticket as he stood by the ballot-box to deposit it, and in many cases the leader depositing the ballot himself. This condition of things produced what is known as the "color line." The "color line" means that the whites of this State have become satisfied that it is useless further to attempt to coalesce with the negro element in voting; that it has been demonstrated by experience that that class of the community is incapable of properly administering the duties of any office for the benefit of the community; that therefore it has been determined for the future that none but white men will be nominated or voted for for office by persons who favor the "color line" in this State; but that with no intention of depriving the colored citizens of the right of franchise, or of any rights guaranteed to them by the Constitution or its amendments, or the laws of Congress, or of the State of Mississippi. In other words, I would like to add simply that they feel that they are driven to the "color line" by the fact that the colored element has adhered to such a line ever since they were invested with the rights of citizens.

Q. I understand you, then, to state, that the effect of the division of your people upon political matters on the "color line" does not in any sense impair all the political and civil rights of the colored people guaranteed to them under the United States or State laws?

A. I never heard a suggestion made in this State, either in the newspapers, in conventions, or in private conversation, of any intention to abridge any of the rights and privileges now enjoyed by the colored people.

Q. Do the white people of Mississippi accept, in good faith, all the recent amendments to the Constitution of the United States and the laws passed in pursuance thereof?

A. I believe that the white people of the State do so accept them and are willing to abide by them.

Q. Are colored men free to vote according to their choice in this community? If not, state what prevents their doing so.

A. Unquestionably they are free to vote according to their choice, and it is constantly and persistently urged upon them that they not only have the right so to do but that it is a duty that they owe to their country, as well as to themselves, to exercise that right. That duty is impressed upon them through the public newspapers and speeches and in private conversations constantly.

Mr. Speaker, after accepting the appointment as a member of the committee I resolved to exert all my power to discover the facts in relation to the condition of political parties in Mississippi, and in the examination of witnesses I was as searching as possible to reach the truth, and therefore mainly conducted the examination of witnesses in reference to that matter. I propose to read at length from the testimony so as to cover all possible objections and to conclusively establish the fact as far as evidence can do so that the political troubles in Mississippi, and I believe in all the Southern States, are justly chargeable to the negro element as supported by the carpet-bag element under the protection of the republican administration. Colonel Miller was further examined by the gentleman from Illinois, [Mr. HURLBUT,] and testified as follows:

Q. You have spoken of the color line. If I understand you correctly, you stated that the object, so far as you understood it, of that movement was to see to it that white men should be elected to office?

A. Yes, sir.

Q. By what means, in a community where you state the majority is three to one in favor of the colored men, does the color line propose to bring about that result?

A. I do not know that it was contemplated to bring about that result in a community where the negroes were numerically in the majority; but it was supposed

that if a united white vote could be obtained throughout the State, that, in consequence of non-voting on the part of a portion of the colored people, and in sections where they are not numerically in the majority, and where they would be relieved from the pressure of the intimidation of their own color, that a portion of them could be induced, by reason and argument, to vote with the whites, and thereby overthrow the twenty or twenty-five thousand majority in the State.

Q. Then I understand you now that those who are engaged in the "color line" do not deny any portion of the colored vote as auxiliaries?

A. No, sir; on the contrary, as I understand it, the "color line" would very gladly accept the votes of such colored men as cuose to vote that way.

Q. There is, then, such an organization in the city of Vicksburgh?

A. When you speak of it as an organization, I do not believe there is one. They have never had a State convention; the party throughout the State has never, by any concerted action, indorsed the movement or the platform adopted by the color line, and they have no clubs or political organizations known to my knowledge as the color-line clubs.

Q. Under those circumstances how do you happen to know that this color-line organization exists throughout the State?

A. I know it from the public newspapers and from the public speeches, as well as from private conversations with individuals.

Q. The object throughout the State is the same, as I understand it, which you have avowed here?

A. Yes, sir. I might add to that that I presume the movement is yet in its incipiency, and it is proposed hereafter to crystallize it into a regular political organization.

Q. The modes of operation that are contemplated to influence the minds of the colored people are, as I think you have stated, simply such as are addressed to their convictions and reason?

A. More especially to their interest.

Q. I have understood you, colonel, to say that so far as you know there does not exist any secret political organization in this region of country?

A. None, sir.

Mr. Speaker, I now propose to read an extract from the testimony of a stanch republican, a northern man, who was a powerful agent in the formation of the loyal leagues of the South and is now a republican senator in the State Legislature. It will be found that in some unimportant particulars the witnesses differ from each other in their views of the political situation, but the testimony will be found uniform and consistent to the main facts.

General Furlong was examined by me and cross-examined by the chairman, the gentleman from Michigan, [Mr. CONGER:]

Question. Are you a resident of Vicksburgh?

Answer. Yes, sir.

Q. And have been elected to the senate of Mississippi as a republican?

A. Yes, sir.

Q. I presume you are competent then to judge of society here, as it exists between the colored and white men; and, if so, I desire you to state to the committee whether or not there is that amity of feeling that should exist between the two races, and if there is not what may be the reason.

A. Well, I think there is rather a hostile feeling at present, caused by the corruption of the officials here, and the total disregard of the board of supervisors to obey the wishes of the people and carry out the law as they should have done. I think you may say that is the principal cause.

Q. Does that want of amity exist toward the colored people as a race?

A. No, sir; because one of the colored office-holders here, Mr. Newton, has not been molested or disturbed, holding one of the most lucrative positions in the county.

Q. Is there on the part of the white citizens of this county any objection to honest, capable colored men holding office?

A. None whatever, so far as my knowledge goes; not as a whole.

Q. What is the disposition on the part of the white people of Warren County and the city of Vicksburgh to acknowledge the rights guaranteed by law to the colored men?

A. They acknowledge them, sir, and have no disposition to act hostile. On the contrary, they are very anxious to live on peaceable and amicable terms with them.

Q. Then I understand you to say that any mistrust or want of amity existing between colored men and white men may be traced to the official delinquencies of men in power?

A. Yes, sir; that is the sole cause, in my judgment.

Q. What is the political character of these officials who have been delinquent?

A. Republicans, sir. All the officials in the county are republicans.

Q. You trace the feeling existing in the community entirely to that fact?

A. Entirely to that fact.

Q. Do you know whether in the city of Vicksburgh there are any officers, colored men, lately elected to office?

A. Yes, sir, one of the school trustees.

By the CHAIRMAN:

Q. I understand you that you have not among the white people of Warren County and Vicksburgh any distinction such as is called the "color line?"

A. I do not exactly understand your question. What do you mean by the "color line?"

Q. I understand you to say this, that the only objection that you know of among the people of Warren County and the city of Vicksburgh to the colored people arose, not because these officials are colored, but because of their delinquencies?

A. That, sir, is my impression.

Q. And that you have not, within the circle of your observation, noticed that there was any such thing as a "color line?"

A. There was such a thing stated in the papers, but I have seen no practical illustration of such a thing, according to my opinion of things.

Q. Did you hear Colonel Miller's testimony?

A. I know nothing about what Colonel Miller testified to. I heard only a portion of it.

Q. As far as your observation goes, you do not think there exists in the minds of the white people of Vicksburgh an idea that the colored people have shown themselves unfit to be trusted with office?

A. The white people think that they have shown themselves unfitted for office, for holding position; provided the colored people are competent and honest, they have got no objection to them.

Q. Colonel Miller stated in his testimony here substantially, that a conviction had arisen and become settled in the minds of the white people of Vicksburgh and the county generally that the colored people as a class had shown themselves unfit to be trusted with office; and that therefore they formed the "color line," as it is called, which means that only white men should hold office. Have you ever heard of any such distinction?

A. No, sir. I think that Colonel Miller is a closer observer of such things than I am.

Q. Then you have never heard of such sentiments from the people of Vicksburgh and the county?

A. No, sir.

Q. You say, in addition, in your judgment, Colonel Miller is a closer observer of public sentiment than you are?

A. In connection with the "color line" I think he is.

Q. And would be a better judge of the existence of such a faction, if it exists, from his better means of observation?

A. He has not got any better means of observation, but he may be a closer observer.

Q. When you say you were elected as a republican senator, do you mean that you are still in accord with the republican party of Mississippi?

A. I am in accord with the republican party of the Union, but not of Mississippi. I am in accord with all republicans whom I believe to be honest.

I now read from the testimony of Mr. E. C. Butts, cashier of the Vicksburgh Bank. He was examined at great length by the chairman and the gentleman from Illinois [Mr. HURLBUT] in reference to the general condition of affairs in the State, and particularly in Warren County, and on cross-examination testified as follows in answer to questions from the gentleman from Pennsylvania [Mr. SPEER] and myself:

By Mr. O'BRIEN:

Question. Growing out of the excitement, no matter how caused, was there any feeling of hatred or objection to the negroes as a class here?

Answer. There is no hostility in the world existing between the white people of the South and the negro as a negro.

Q. I am alluding particularly to Vicksburgh.

A. None whatever. There is the kindest feeling imaginable—in fact, negroes are allowed to associate with the white people. There is always a kindly feeling. I have myself stopped at elections to go and talk with a negro who had been acquainted with me for many years, whom I had assisted in many different ways, who desired to consult me or ask my advice. We would step off a few feet and talk, and we were invariably watched by men like Crosby and Davenport and Ben Allen, and that crowd of negroes, who would look daggers at us, and as soon as we left them they would go and get hold of them and take them to the police. Between the negro and the white people here there is no hatred whatever, I assure you. There is hardly a time when we don't give them subscriptions; they are brought around day after day. We have never refused to assist their churches or to assist their affairs, and we present them with little tokens of regard during Christmas and holidays. They have always been treated with the greatest kindness, and seem to appreciate it, and it was only when these negroes overawed them, as we considered it, that they were alienated from us. One of them has lived with me in the bank for many years, and he is intrusted with matters of great responsibility. He takes all the letters, whether valuable or not, and has charge of the post-office key—carries it home with him—and the kindest feeling exists toward him, and has for fifteen or twenty years.

Q. Is there a cordial recognition in Warren County and Vicksburgh upon the part of white citizens of all the civil and political rights of the colored men as guaranteed by law?

A. They are recognized as being free and equal in every respect before the law.

Q. And there is no purpose, nor has there been in any of these proceedings, to intimidate the negro or to deprive him of any of his political or civil rights?

A. None whatever, sir.

Q. I understand you to say that the feeling in regard to color had no bearing upon any of these proceedings between your people and the negroes?

A. It has never in the tax-payers' meeting entered into their discussions. I say honestly, and with a full realization of the responsibility of an oath, that we never in the league had anything to say in regard to color.

Q. I mean outside of the league, among your citizens?

A. No, sir; no feeling of antagonism against them on account of race, as evidenced by our treatment.

Q. Did you hear the testimony yesterday, that it is the determination of the white people that the colored men of this county and State were unsuitable naturally to hold office, and therefore that all the white people here were intending by the "color line," as it is called, to prevent their holding office?

A. No, sir.

Q. What do you say in regard to the proposition that from the inefficiency of the colored people to manage their public affairs the feeling of the white people is generally that they should not be permitted to hold office?

A. We believe that men should occupy public positions who are honest, capable, and faithful, without regard to color at all. That is the sentiment of all classes of business men.

Q. Is there a feeling among the white people that the colored people have shown such inefficiency and incompetency in the management of public affairs that they should not for that reason be permitted to hold office?

A. No, sir; it is not confined to the negroes, but we believe to every republican, pretty much, that we have had a sample of down here.

Q. Does it extend to the negroes?

A. It takes them in, of course, sir.

Q. As a class?

A. No, sir; not as a class. We believe that the republican officials have not shown themselves either competent, faithful, or honest, as a body.

Q. Then I understand you to say that the feeling of the white people of this region is that neither republicans nor negroes are fit to hold office?

A. From our experience they have not demonstrated that they were.

Q. And it is on that ground that you draw the line—not a color line, but a political line?

A. I don't know what the color line is. I always vote for a man if he is honest, capable, and faithful. I have voted for negroes several times since the war. I don't know what the color line is, except "is he faithful, capable, and honest, irrespective of color."

Q. The distinction you make in regard to politics is comprehended in the answer to this question, "is he capable, honest, and faithful?"

A. Yes, sir.

Q. And you would support a colored man equally with a white man if he had these qualifications?

A. I have done so.

Q. With your present feelings, would you?

A. Yes, sir; I would. I expect to do it before very long.

The foregoing testimony sufficiently demonstrates that the "color line," if sought to be made a political distinction, is only because experience has proven that negroes are disqualified for office by their utter incapacity and dishonesty. But, sir, it demonstrates the further fact that the white adventurers and allies of the negro are placed within the same line, as unfit to rule the State.

I now invite attention to the testimony of another witness, whose utterances should command the approval even of the republican party, Frederick Speed, a republican judge, after he had served

with honorable distinction in the Federal Army through the entire late war. His lot had been cast among those against whom he had battled for over four years. Having the confidence of the Government, he had been placed in high positions, and was among the first in Mississippi to organize the newly-enfranchised negroes into loyal political leagues. Always a republican in politics, he is still an avowed adherent of that party. In answer to questions he states:

By the CHAIRMAN:

Question. Is there, or not, any feeling among the white people of this city and county, or any purpose, to intimidate or in any manner interfere with the privileges of the colored people as guaranteed to them by national and State law?

Answer. There may possibly be some obscure individuals who would like to deny to the negroes their civil rights, but all opposition to their voting and holding office has long since died out among the white people here. I think that no man could be successfully intimidated from voting as he saw fit, unless he were intimidated by the negroes; that is, other negroes would not permit him to vote the democratic or people's ticket. I have been told repeatedly by negroes that they didn't dare to vote with the white people, and I know that after the last county election the few men who did it—I would not say exactly that their lives were in danger, but they were threatened and hooted at by the colored people, more especially the colored women; and in fact there was a species of ostracism organized among them, and those few colored men who did vote with the white people at the county election three years ago and a year ago, and at the city election, were denounced for their treason to their color, as they put it. The thing is entirely changed; then there was great opposition and frequent intimidation, but the shoe has got upon the other foot now.

Q. You say, then there was intimidation?
A. Yes, sir.
Q. From whom did you mean?
A. The democrats, sir.
Q. And now from whom?
A. From the colored people; they have been apt scholars.

By Mr. O'BRIEN:

Q. I desire you to state to the committee briefly what is the meaning, as you understand it, of the words "color line."

A. Well, sir, I don't think there is any such thing as a color line to start upon. There has been some talk in the newspapers about organizing upon a color line; but if there has been any such organization, I am not aware of it; what people mean by the color line, when you come to pin them down, is the election of honest and capable men. I have not heard among the advocates of the color line that they propose to deny to the negro the right of franchise or the right to hold office; there is a preference, growing out of the utter failure of the colored people as politicians, for white people; but what is meant, as I understand it, by the color line is simply an attempt to secure honest and capable public officials. It must be borne in mind that the colored people themselves have organized upon a color line; they were the originators of the movement; and, unfortunately, I think, the white people have the faculty of falling into the same errors with the colored people in that regard. The colored people have long since been organized upon a color line. At the last city election here seven of the eight aldermen nominated upon their ticket were colored men; of the county officers in this county, there are at the present time but three white men holding office: Mr. Short, who was appointed by Governor Ames as clerk of the circuit court after Mr. Dorsey's defalcations; Mr. Axleson, a member of the board of supervisors; and Captain Bourne, the assessor; all other white men have been thrown off and discarded by the colored people, and I don't think it is possible for Captain Bourne or Mr. Axleson or Mr. Short to be elected to the positions they now hold again by the colored people.

Q. Then I understand you to say that there is not, to your knowledge, nor do you know from information, of any political organization of white people formed on what is called the color line in the city of Vicksburgh or in the county of Warren?

A. I know of none, sir; I don't believe there is any such line.

Judge Warren Cowan, first president of the tax-payers' league, testifies to the same points:

Question. Have you known anybody to have been intimidated from voting in the direction of his political inclination in this city or county within the last twelve months?

Answer. No, sir.

Q. What is the general feeling that prevails among the white people toward colored people, politically and otherwise?

A. The feeling between the white people and colored people, so far as I know, is a feeling of good-will and mutual interest and friendship. There are occasional exceptions.

Q. On both sides?
A. Yes, sir; on both sides.
Q. Is there a general recognition upon the part of the people of this city and county of the civil and political rights of the colored men as guaranteed by law?
A. There is, decidedly.
Q. No desire to interfere with their rights?
A. No, sir; not generally. There are some exceptions, of which I have spoken.
Q. If parties are divided in this city and county, is that owing to the action of the colored people?

A. It was owing to the action of the colored people in the first place; and what is known as the color line was never drawn by the white people, or attempted to be drawn in any manner that I know of previous to the last city election here in August.

Q. Why was that done at that time?

A. It was done for this reason, I suppose: I would state that there are no two white men, and I am satisfied no two black men, in this county who agree, so far as my observation is concerned, about what the color line is. Every man seems to have his own opinion about what the color line is. I may say, however, that I explained to the executive committee of the county clubs and people's clubs that what we most desired was to organize all the white people in the county into political clubs, and with a view of having every white man's name enrolled in the county so that we could depend upon his vote at any election; that when that was done it would be time enough to talk about going into the ranks of colored people and enrolling them into political clubs with a view of acting with the white people; that after they were satisfied that we had enrolled all the white people in the county and State we could get five colored men then to act with us where we only could get one in the commencement; that in order to recruit from the ranks of the enemy we must present a solid phalanx of our own first. I will go on to state that it was proposed by several members of the club to organize these clubs, white and black, together; an objection was made to that, and this other plan was agreed upon. I will state, however, that I am the president of the third ward club in this city, which is the largest club in the county, and we have some ten or fifteen colored men in that club. We have also in the fourth ward club a number of colored men enrolled as members of the club, and they have acted with us and voted with us in the nominating conventions.

Q. Then I understand you to say that the white people in this city and county desire an alliance with the colored people for mutual protection and for the election of honest and competent officials?

A. Yes, sir.

One more reference to the testimony in relation to the "color line and intimidation." Judge J. W. M. Harris, one of the most distinguished citizens of the State, a man of ripe culture and occupying the front rank among the lawyers of the South, testifies as follows:

By the CHAIRMAN:

Question. With your views of the political relationship of men in the United States to the Government, is it your belief that the absolute political equality of all citizens under the Constitution is recognized?

Answer. Yes, sir.
Q. To vote, hold office, and exercise every political right?
A. Yes, sir. You are speaking of this community?
Q. Every one, of all people, all citizens of the United States.
A. I can only answer so far as this community is concerned.
Q. Do you recognize the absolute political equality of all citizens of the United States?
A. I do, undoubtedly.
Q. Then when you intimate that one class of citizens, as a class and as a color, have proved themselves unfit to exercise all these duties of citizenship, that of holding office and managing affairs as well as exercising the franchise, you attribute it to their incapacity as a class?

A. I attribute it to their want of education and their want of understanding the genius of American institutions under which we live.

By Mr. SPEER:

Q. Are, in your judgment, the politics of this State and county controlled by men who are not identified with the interests of either?

A. Yes, sir; especially in the State at large. Some of the counties are exceptions, but, as a general rule, they are controlled by men who are scarcely tax-payers. The governor of the State himself is, I believe, not a tax-payer; if he is, he is only nominally so.

Q. What has been the effect of this course upon the administration of justice in your State?

A. It has been most disastrous. I have been practicing law in this court for twenty years, and I have given a great deal of attention to the question of juries and to the results of the trials of cases before juries. In ordinary cases, where there is no party question arising, where there is simply one issue, the colored juries and white juries mix together in the jury, and do very well, and they generally attempt to obey the instructions of the court. A majority of them get the instructions confused, and very frequently they don't understand what the judge means when he is giving his instructions. In nine cases out of ten I would almost as soon draw straws as to speculate upon what the verdict of a petit jury will be in this county, even where the instructions are given in absolutely plain language.

Q. Under your law does the judge charge the jury after the conclusion of the arguments of counsel?

A. No, sir; he charges them before, and then the counsel address themselves to the jury within the line of instructions.

Q. Are the instructions general, or confined to written points submitted by the counsel?

A. Written points submitted by the counsel.
Q. What does the judge do when the points are submitted?
A. He either gives the instructions as asked by them, modifies them, or refuses them altogether.
Q. If a written point is put to him, what does he do?

A. The counsel write out their instructions, submit them to the court on both sides, and then the court takes them under advisement, and corrects them to suit his ideas of the law.

Q. Do these written points, if they agree with the judge's ideas, go to the jury?
A. Yes, sir. And then I have seen them come back to get an explanation of the instructions which were given to them.
Q. Do you know that it sometimes occurs that there is not a single juror who can read the instructions?

A. I know it has often occurred in my experience that nine out of the twelve could not read them. I tried a very important insurance case before a jury of that sort, involving a very large amount of money, in which witnesses from New York, Connecticut, Ohio, Chicago—insurance experts—came here. We were ten days in litigation, and I am satisfied that only about three out of the twelve understood anything about the case; because I talked to the jury afterward, the colored men especially, and one of them didn't even know what a policy of insurance was. My northern friends were extremely disgusted with the whole concern.

Q. In your judgment, judge, is there any disposition or desire on the part of the white people of this county or State to interfere with or abridge the legal rights of the colored people?

A. None whatever, sir; the contrary is true, in my judgment. After the war the white men, under the advice of such men as General Lee and the leaders here, were disinclined to take any prominent part in political affairs. We were advised that it was best for us to show the Government of the United States that we didn't want an active part, and we took a back seat. Nearly all the leading men took this attitude, and other men came in and took advantage of these ignorant men to bind them into a political machine; and they taught them to hate and despise the democratic people as their bitterest enemies, and they do do it.

Q. Whatever objection, if any, there is on the part of the white race to the colored race holding public office, you say, then, that it extends only to the belief of their incapacity?

A. That is it, sir; to their incapacity to manage public affairs, not to them as a class, or not because of their color.

Q. They have, as a rule, proved themselves incapable of administering public affairs?

A. Truly so, as a rule. There are some exceptions to that. This man Lynch, who is a Representative to the lower House, is a very capable man; but the most of them are incompetent.

Q. Are the negroes easily led and controlled by their leaders; those who have their confidence?

A. Very easily; they are just as easily led as children. I am satisfied that if I could be heard by them and listened to by them, I could very easily lead them.

Q. Was there at any time in this county or State any unlawful combination or attempted opposition to the negroes holding office or voting?

A. None whatever; never has been a political organization armed of any sort in this county. I have known as many as one hundred and fifty men to be arrested and brought before the United States court at Jackson at one time under the Ku-Klux laws, and not one single conviction; I have simply known men to get up and enter a plea of guilty rather than to submit to costs and delay; I have never yet seen a conviction under that law; I have frequently defended them.

This is the testimony of an honest and conscientious gentleman, whose ample experience enables him to speak with authority. He vindicates the people of his State from the aspersions of the majority report, and establishes the necessity of a restoration of government to the intelligent and capable men whose interests are now committed to the hands of the ignorant and corrupt.

Mr. Speaker, in order to establish two important points in reference to the action of the white people of Vicksburgh, I will quote from the

testimony extracts of the evidence given by Judge Speed as to the fraudulent officials, and by Judge Lee, the district attorney, in reference to the number of homicides committed and the prompt administration of law in the State of Mississippi.

Judge Speed testifies:

By Mr. O'BRIEN:

Question. How long did you serve as judge?
Answer. I held two terms of the court.
Q. You will state to the committee what party in politics you are a member of.
A. A member of the republican party, sir, although I have not been acting with the republicans of Mississippi for some time past.
Q. Yet in national politics you are a republican?
A. Yes, sir; never have been anything else.
Q. Are you familiar with the causes of the troubles in Warren County which you are investigating?
A. I think I am, sir.
Q. State, if you please, in your own language, to what you attribute the troubles which have ensued in this county for some time past?
A. The troubles have been brewing for several years past, and originated in the misadministration of the government by the county officials, and also to some extent in the misadministration of the State government.
Q. To what county officials do you allude?
A. Well, sir, there is scarcely an exception, I think; there are some few men who have been competent who have held office within the last five years in this county, but very few, sir.
Q. Can you specify the names of the offices held by them, or rather the names of the men to whom you refer as having been corrupt?
A. Yes, sir; I think I can do so. I refer to Peter Crosby, a late sheriff of this county; George W. Davenport, the present clerk of the chancery court, and *ex officio* clerk of the board of the supervisors; A. W. Dorsey, late clerk of the circuit court; a man by the name of Benson, who was an employé of George W. Davenport in the office of the chancery court; Thomas W. Cardozo, late clerk of the chancery court of this county, and at present State superintendent of public education; Sydney Brooks, justice of the peace; C. W. Joshua, late a justice of the peace; T. W. Broadwater, late wharf and harbor master of the city of Vicksburgh; Benjamin A. Lee, late mayor of the city of Vicksburgh; Ben. Allen, late a deputy special constable; the late city government of Vicksburgh, with possibly one or two exceptions among its members; and the board of supervisors of Warren County, with possibly one exception. I refer to all these as having been corrupt in the administration of their several offices, and I may say that most of these parties have been wholly incompetent for the stations which they have attempted to fill.
Q. To what party in politics do the officers whom you have named belong?
A. The radical branch of the republican party.
Q. Were they at the time of their election members of that party?
A. Yes, sir.
Q. To what extent do you identify Crosby as one of the corrupt officials?
A. I think Mr. Crosby has been guilty of numerous corruptions in his office. Of course I speak to a certain extent upon information. I believe what has been currently reported in this community for a long time past, but which I have full reason to believe is founded on fact. Mr. Crosby is said to have, while treasurer of this county, funded the same county warrants two or three times. I think that he corruptly influenced parties to perjure themselves in justifying as sureties upon his bond as sheriff. I think that he has corruptly influenced the board of supervisors not to meet and take action in regard to the sureties upon his bond. I understand he has appropriated the grand jurors' warrants, issued from the auditor's office in settlement of the compensation of grand jurors of this county, to his own personal account in making his settlement with the auditor, and not accounting for them to the grand jurors. I think he has been guilty of summoning persons for jurors whom he knew were wholly unfitted to perform the duty of jurors; and that after one larceny of the public records from the court-house, and after he had made a solemn pledge to take up the keys held by various parties to the court-house, who were not entitled to the same, he being by law the exclusive custodian, he unlawfully permitted other parties to retain those keys, by which they gained access to a portion of the public records, upon the very same evening after he had made this solemn pledge, and thereby allowed them to be stolen. I think that he was corruptly influenced by T. W. Cardozo in accepting the sureties upon his (Cardozo's) bond, the said Cardozo at the time being under indictment to answer for criminal offenses in this county. I think that he, knowing that his own bond was wholly insufficient and improper, has corruptly refused to give a new or better bond, in utter defiance of the law and his duty in the premises.

Judge Lee testifies as follows:

By Mr. SPEER:

Question. Have you any doubt, as a law-officer of the State for this district, of the guilt of Cardozo, Davenport, Dorsey, and Perkins?
Answer. Bearing in mind that every man is presumed to be innocent until his guilt is fully established, upon evidence that has come under my observation I must say I have no doubt at all; but you know the testimony before the grand jury is *ex parte*. I do not know what defense they will be able to give.
Q. Are Davenport, Cardozo, and Perkins all colored men, and friends of Peter Crosby, the sheriff?
A. I believe they are; that is the understanding. I think they are friends and intimates.
Q. Do you believe that Peter Crosby, as sheriff, under the existing law of your State, if he had the selection of jurors—that the State in these prosecutions against the prisoners whom I have named can get justice?
A. Well, it is a question about which I have been very much embarrassed to know what to do with these cases. I have doubted if I would be able to have the law administered without its being necessary for me to use some special influence in order to secure a fair jury.
Q. Why have you been embarrassed?
A. Because of the peculiar condition of things that exists here in connection with those indictments and the relations of the parties.
Q. How does this peculiar condition of things affect the administration of justice in these special cases?
A. Mr. Cardozo was at one time a right popular man. He was not here more than six months before he had been appointed to office, and he had a good deal of influence with the colored people here. He has his friends. Davenport is a popular young man with the colored people. He has his friends. Dorsey has his set of friends. Perkins has his set of friends, and they are all in the same boat. The sheriff is a colored man. He has his set of friends, and they are all friends together. Now, you can very well see that if there was a disposition on the part of anybody to have men put on the jury who were friends of these indictees, it would be a very hard matter to do it.
Q. How could they do it?
A. By the sheriff going out and selecting a list of names of men who might be pointed out to him by Messrs. Cardozo, Davenport, or Perkins.
Q. Have you any doubt that, with Mr. Crosby as sheriff, that will be done?
A. I cannot say I have no doubt, because the deputy would have the summoning of the jury.
Q. Do you fear such a result if Crosby selects the jury?
A. I should have some apprehension.
Q. I understand you, then, judge, to say, as the prosecuting officer of this district for the State, that you have no doubt of the guilt of those parties, and yet from the peculiar manner in which your jurors are selected you fear that justice cannot be had in their trial?
A. Yes, sir, I do. I hope the law will be properly administered. I have serious apprehensions as to whether we can get in this county here a fair trial of these parties.

By Mr. WILLIAMS:

Q. In this district, in cases of homicide, are there many cases where the offenders are not arrested?
A. Not unless they flee.
Q. Do many flee?
A. No, sir; not a great many.
Q. Take, say, in this judicial district for the last two years, are you able to give the committee an estimate of the number of homicides that have been committed in these counties composing your district?
A. Not accurately; I do not think they exceed more than from fifteen to twenty.
Q. Of these how many have been arrested?
A. Most of them—two-thirds, perhaps three-fourths.
Q. Are there not many cases where inquests are not held upon the bodies?
A. Not many. I think the error is the other way. They hold inquests for the sake of getting fees, when perhaps there is no necessity for it.
Q. In those cases is it difficult in this section to discover the offenders?
A. No more so than in other parts of the country. Secret murders are not more common here than they are in almost any other country.
Q. You think offenders are as promptly arrested and punished here as elsewhere?
A. As a general thing they are arrested, perhaps not always convicted.
Q. That is so in the case of colored men, is it not?
A. Yes, sir.

Mr. Speaker, in view of the above-cited testimony of the frauds and corruption in official life, the augmentation of taxes to the verge of confiscation, and the entire incapacity for government exhibited by the men who rule Mississippi, it will not be difficult to understand the justice of the conclusions of the white citizens of Mississippi in reference to the majority of colored men holding office. The testimony demonstrates the unfairness of the conclusions of the majority report, and proves that military organizations for political purposes have no existence in Mississippi; that intimidation of the colored voters is never resorted to, and that the people have accepted in good faith the amendments to the Constitution and the statutes passed to enforce the equal rights of every citizen. As my time is about to expire, I earnestly commend to the consideration of the House the condition of affairs I have shown to prevail in Mississippi, and I feel assured, that upon reflection the country will do justice to that patient and suffering people.

Alabama Affairs—The Force Bill.

SPEECH OF HON. J. H. CALDWELL,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1875,

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. CALDWELL. Mr. Speaker, during the last decade Alabama, in common with her sister Southern States, has been at the mercy of her conquerors. She has been the victim of congressional reconstruction, and with patience, long-suffering, and Christian forbearance has endured the untold and innumerable wrongs which have followed the miserable and abortive efforts of the party in power to restore the Southern States to their former status in the Union.

Among these wrongs she has been compelled by a *political* coercion if not by one of *actual force*, to live under a constitution which her people had no hand in making; to submit to unjust and oppressive laws, framed and fashioned by designing men in the interest of every conceivable species of fraud and corruption. Under the operation of this constitution and these laws she has been forced to see the stranger enter her gates and plunder her cities. The convening of her General Assemblies have at times been the *occasion*, and her legislative halls have been the *theater*, upon which the boldest villainies have been planned, by which her treasury has been depleted and her credit, never before shaken, much impaired if not completely destroyed. Since reconstruction, through the instrumentality of laws intended to encourage fraud in elections, the republican party has held high carnival in Alabama. But in the late elections the true men of the State, those who were most interested in the welfare of the country, rose in the majesty of their manhood, and, by the peaceful means of the ballot, drove from power and place the rulers who had been oppressing the people.

This result has provoked the blatant cry of "fraud, intimidation, and murder."

While republicans were in power in Alabama everything was calm, serene, and lovely! But now, since the democratic party is in the ascendant there, everything, in their virtuous eyes, has suddenly become discordant, disorderly, and rebellious!

Alabama must be again investigated! Her people must be turned over per force of Federal law to the tender mercies of that partisan hate which they have so lately and so signally rebuked.

I am therefore bold, Mr. Speaker, in declaring to the House and the country, that the bill under consideration was conceived in the interest of party, and is not the offspring of patriotic desire. It is intended to perpetuate wrong, and not to cure existing evils; to invade the rights of States rather than give them protection; to pull down and destroy rather than build up good government for a people who for ten long years have borne the weight of grievous burdens and are still struggling to clothe themselves anew with the garments of their former prosperity.

This bill is reported by a committee appointed by resolution of the House to investigate certain matters in the State of Alabama; but, sir, it did not have its origin in that committee. The chairman [Mr. COBURN] before he began his opening argument in support of the bill conceded as much, when, in reply to the question put by me, he admitted that, in point of time, the bill was framed prior to his report on Alabama affairs. The bill was draughted and agreed upon in party caucus before the committee had summed up, sifted, and weighed the vast amount of testimony in the case, before the unjust, illogical, not to say libelous and malicious conclusions were deduced as unblushingly appear in the extraordinary report accompanying the bill. The report was made "to fit the bill," and not the bill to fit the facts disclosed by the investigation.

The testimony taken as a whole, and subjected to the tests usually applied by those in search of truth, would not warrant the unjust and insulting measures contained in this proposed legislation, even if Congress had the constitutional right to interfere with local self-government in the States.

I therefore repeat, sir, that this bill is not demanded by the necessities of the people of the South, either white or black. And I think I state it not too strongly when I say that it is the offspring of disappointed ambition, and has become the bantling of those politicians—not statesmen—who in the late elections were repudiated by their people, and were branded with the seal of public condemnation. It is a wonderful fact, sir, that the most active, zealous, and persistent advocates of this bill, in caucus and upon this floor, are those who have heard the rebuking voices of the people, and will soon have executed upon them the sentence of banishment from this Hall. It is still more wonderful that southern men, or those claiming to represent southern communities and southern interests, should by voice or vote invite fresh Federal aggression upon the rights of their States. But wonderful as it is, 'tis true!

I say it, Mr. Speaker, in no personal unkindness: Chiefest among those who not only invite but insist upon congressional interference with the municipal affairs of their own States, and would strengthen the arm of the executive with the power to suspend the writ of *habeas corpus*, and thus strike down the great bulwark of liberty, is my colleague, [Mr. WHITE,] who claims to represent the whole State of Alabama.

The House will remember that long prior to the report of the committee my colleague had introduced in this House bills of a kindred nature; and if he has not been misrepresented by his own party press and friends, he is the author of the "caucus force bill" now under consideration. At all events, whether this transcendant honor (?) rightfully belongs to him or not, he has on another occasion, in substance, if not in words, declared that Congress had not yet done its whole duty in the work of southern reconstruction; that there is rebellion now in the State of Alabama against the laws and Government of the United States.

Now, Mr. Speaker, the long residence of my colleague in Alabama, his extensive acquaintance over the State, his reputation as an able lawyer, the high position he occupies as a member of the Judiciary Committee, his close alignment with the majority of this House, the party in power, all combine to give potency to whatever he may say, however unfounded and slanderous against his State his charges may be.

I deny, sir, that there is any rebellion in Alabama against the Constitution and laws of the United States. I deny that there is any disposition among the people of that State to interfere with the rights, privileges, and immunities of any citizen or class of citizens—white or black—guaranteed to them by the Constitution and laws of the United States. On the contrary, I affirm that Alabama accepted in good faith the results of the war. Her constitution has been declared by an American Congress to be republican in form, and her laws are in nowise in conflict with those of the United States. Her citizens who were lately in arms preserve their paroles with knightly honor, and the entire body of her people stand ready to give protection to life, liberty, and property. I say, sir, Alabama accepted the results of the war in good faith, and I desire to call your attention to some facts in support of this declaration.

Upon the surrender of the confederate armies the dominant power of the Government claimed the destruction of the institution of slavery as one of the necessary and logical results of the war.

As soon as President Johnson began his policy of reconstruction, Governor Parsons, as provisional governor of Alabama, issued his proclamation and called the people together in convention that they might blot out everything from their organic law which was inconsistent with the new order of things. They met, and by their ordinances demonstrated how truly they accepted the results of the war. My colleague [Mr. WHITE] was a member of that convention, and venomous and vindictive as he is now against the democratic party, and reckless as he shows himself to be when he declares—

There is rebellion now in the States of Arkansas, Louisiana, Mississippi, Alabama, and Georgia, deliberately and deeply concerted, widely extended, largely sympathized with in many other of the Southern States, and reaching through the democratic party to no small portion of the Western and Northern States; rebellion not in form against the Government of the United States, but rebellion against its laws and Constitution, and a determinate and fixed purpose manifested by open declaration and armed force to obstruct the operation of those laws and render them nugatory—

nevertheless he stood in that convention almost solitary and alone in opposition to the ordinance abolishing slavery. But what a change has come over the spirit of his dream. In his celebrated "bonnie-blue-flag" speech, delivered on the floor of the convention September 20, 1865, filled with patriotic ardor, and possessed of political ken far above his fellow-members, he fervidly declared:

All hostile demonstrations on our part have ceased. The tens of thousands of youthful but veteran soldiers, who have scarce known any other avocation than war, or any other companionship than that of the camp, who, undismayed, have so often stood undaunted in death's wildest carnival, have turned to the peaceful pursuits of private life. No mutiny, no outbreak, scarce an act of violence within the borders of our State. Resistance has ceased on the part of our people; and all are awaiting the restoration of our political relations and a revival of those bonds of fellowship which once held together a united and happy people.

This appeal would, I doubt not, be satisfactory to the President and to the democratic party at the North, and in the sincere and earnest desire which influences them to reinstate the relations which formerly existed between the North and South would induce them to favor the admission of our representatives.

But this would not satisfy the radicals at the North, nor would the adoption of the ordinance proposed by the committee satisfy them. The agitation of the negro question has elevated them to power, and they are determined to continue that agitation to preserve power. It is to them the breath of life. Withdraw it, and the party dies. They declare that they have only half done their work when they have freed the negro; and they say they must now go on to place him upon a social and political equality with the white man. He must minister in our pulpits, sit on the judge's bench and in legislative halls, vote at the polls, sleep under our roof, eat at our boards, *mingle in our social intercourse, and marry our daughters*. This is the feast to which we are invited by the radicals of the North, and these are the men whom it is supposed that we shall propitiate by adopting the ordinance of the committee. Concession only invites aggression; and we might as well expect to appease the hunger of a starving wolf by throwing him a morsel as to appease radicals North with concessions less than their extremest demands. We should never forget that this party can never be satisfied—for if satisfied, the party would at once die.

Again, in that same speech he declares that—

The irrepressible conflict still goes on. * * * It will expand until it reaches the whole country, and the political problem whether the negro and his *confreres* shall rule the United States will sharpen and intensify until it culminates in a war of races and the extermination of the negro or the white man * * *

Who are our friends in this contest, and who are the friends of the country? I answer, those who, had we been faithful to our political pledges and adhered to our political principles, would have saved us and the country in 1860—the national democracy. After four years of separation; four years of national suffering and calamity; four years of battle and of bloodshed, when the clash of arms has ceased, and the clouds that intervened and obstructed our vision have passed away, we behold still proudly floating amid the ruins and desolation of war the banner of national democracy. They come to us not as conquerors but as protectors; not as enemies but as friends; not as strangers but as brothers; and they exhort us to come and unite with them to heal the wounds and bind up the bruises of our afflicted country; to maintain and preserve the principles of free government; to restore that Union which was the source of our power and our prosperity, and was once the pride of every true American; to restore it, not by power, and mere outward power, but to restore it in the hearts of the people.

What has the national democracy done in the last decade to drive my colleague from its banners "still proudly floating?" What has it done since he led the hosts of "southern democrats" against congressional reconstruction to merit his anathemas where once he sang its praises? Let others judge, I will not accuse.

But again:

For myself, I shall accept the proffers of reconciliation and restoration so generously and magnanimously tendered by the President and democratic party at the North. I am going to that old democratic flag and rally around it, and fight again for the great principles of popular liberty and free institutions.

It is to this party, and this party alone, that we are to look for aid and co-operation at the North and in Congress. They will be satisfied with our action in adopting the resolution I have proposed. It is the very language of the oaths and requirements which entitle us to citizenship, and fully embraces the official action of the Government of the United States, and pledges to it our good faith and our support. This is all that the radicals of the North can reasonably and justly demand of us. We have complied with the law and with the proclamations, and have pledged ourselves to abide by them, unless and *until* declared invalid by that tribunal to which the Constitution refers them—the Supreme Court of the United States. If so set aside, any man of intelligence knows that we would not be called upon nor could we sustain them if we would.

And yet again:

If we pass the ordinance of the committee abolishing slavery, we still have to go before an abolition Congress, and we have no assurance that our representatives will be allowed to take their seats. The committee should go further, if this is the object which is to be obtained, at any sacrifice. They should provide for negro suffrage, give him a right to hold office, to sit on juries—make him civilly the equal of the white man. Less than these will not satisfy the men with whom we have to deal, and without we concede all, the concession of any part will do us no good, but harm, in the concession made and harm in the moral influences of that concession.

* * * * * * *

A great people, overpowered after a gallant and noble resistance, bowing with dignity to the force they had not the power to resist, and bearing misfortune with patience and with fortitude, feeling that they are in the power of the conqueror, yet nobly declining to do anything which will inflict injury upon their country or tarnish their good name, would be a spectacle which not only should command respect, but would elicit the sympathy and admiration of a magnanimous nation; nor can the people of the North forget (now that we have ceased to fight) nor long overlook the fact that it is the Anglo-Saxon who is suffering here, and that it is their own blood and race whom the radicals North would subordinate, or at least bring down to a level with the negro.

My colleague, sir, in that same speech, discussing the experiment of emancipation, said:

I believe the system impracticable, and that it will prove a confessed failure, even on the part of its warmest advocates.

And that—

The man who was born a slave, and has arrived at years of maturity as a slave, cannot be made a freeman. You may absolve him from the legal obligations of a slave; you may remove from him the power of the master, but you cannot relieve him from the power of habit, opinion, feeling, and principle.

Again:

The next highest characteristic of the negro is his improvidence. This has been strengthened by habit; his master has always provided for him food, clothing, a home, medicine and physician when sick. He never had to care for himself because he knew that his master would provide for him, but this only confirmed by *habit* his natural idleness, and made it a *law of his being* that he is unfitted, and will not take care of himself.

These qualities—idleness and improvidence—stimulate what may be regarded as his vice, theft; and as his wants press upon him, just so will his degradations multiply.

Now, sir, contemplate the future of four millions of human beings idle, improvident, and thievish, suddenly thrown upon their own responsibilities, and their own guidance, and tell me, if you can, the fate of that people—misery and want and *ennui*, degradation, prostitution, disease, and death.

In striking contrast with the views and opinions expressed on this floor by my colleague, he declared then:

The *universal* disposition of our people is to peace and harmony, and to reunion under the Constitution of our common country. This done and Alabama will acquiesce in the disposition which the Government has made and shall make of slavery.

But, Mr. Speaker, this series of extracts from my colleague's speech in 1865—*the* great speech of his life—would not be complete if the grand and eloquent peroration were omitted:

Mr. President, the bonnie blue flag no longer reflects the light of the morning sunbeam, or kisses with its silken folds the genial breezes of our southern clime. The hands that waved it along the fiery crest of a hundred battle-fields, and the hearts that for the love they bore it so often defied danger and death, no longer rally around it. Another banner waves in triumph over its closed and prostrate folds, but proud memories and glorious recollections cluster around it. Sir, I will refrain. The South needs no eulogy. The faithful record of her achievements will encircle her brow with glory bright and enduring as the diadem that crowns the night of her cloudless skies. The scenes of Marathon and Platæ have been re-enacted in the New World without the beneficent results which flow from those battle-fields of freedom, and our country lies prostrate at the feet of the conqueror. But dearer to me is she in this the hour of her humiliation than was she in the days of her pride and her power. Each blood-stained field, each track of devastation, each new-made grave of her sons fallen in her defense, each mutilated form of the confederate soldier—her widow's tear, her orphan's cry—are but so many cords that bind me to her in the hour of her desolation, and draw my affections closer around my stricken country. When I raise my voice or lift my hand against her, may the live thunder rive me where I stand! Though I be false in all else, I will be true to her. Though all others may prove faithless, I will be faithful still. When in obedience to the great command, "Dust to dust," my heart shall return to that earth from which it sprung, it shall sink into her bosom with the proud consciousness that it never knew one beat not in unison with the honor, the interests, the glory of my country.

Electrified, as was that convention, by the burning words and eloquent appeal of my colleague, the ordinance abolishing slavery was adopted, demonstrating, as far as this act could show, that Alabama accepted in good faith the results of the war.

Mr. Speaker, I have conjured up "the pale ghost" of my colleague's former speech in order that the House and the country may contrast its sentiments then with his utterances recently made upon this floor.

In the RECORD of February 10 my colleague in discussing the civil-rights bill declared:

The war of the democratic party in the South (for there is no national democracy there) has been from the beginning upon negro suffrage. This was the bulwark against which their artillery was directed, and all other points or modes of attack were but incidental and accessorial to this main object.

* * * * * * *

When in 1868 Mr. Blair wrote his celebrated letter declaring the reconstruction measures of Congress "unconstitutional, revolutionary, and void," he sounded the key-note of southern democratic policy, the central idea of their party aims, and the governing principle of all their movements, the fruitful source of our political troubles in the South since the war, and destined in the coming years to swell into the trumpet-call to another rebellion more formidable both in its moral antagonisms and its physical proportions than that from which the nation has been recently delivered. War upon negro suffrage; war upon the Constitution and laws which confer political rights upon the colored people—these have been the battle-cry which has heated and inflamed the southern mind up to the point of a war of races, and now it is war upon the negro, openly declared, defiantly and bitterly prosecuted, upon the avowal by the democrats themselves that it is a war of extermination.

While these charges are not true, it may be an interesting fact for the House to know, that when in 1868, the American Congress proposed to force upon the State of Alabama a constitution against the will of her people, my colleague was then utterly opposed to the reconstruction measures, and his white plume waved in the forefront of that political battle. He was then in favor of white supremacy and the preservation of State governments. He was the author of the address "to the people of Alabama" advising them to abstain from voting, and thus by *non-action* defeat the proposed constitution. In that address he said:

We are the lawful voters of the State; our right, the proud heritage of the white race, is guaranteed to us by the Constitution of the United States and the constitution of the State of Alabama. The reconstruction acts of Congress propose to take this right *from* many of the white race, and to *confer* it upon the black race. Thus, in both directions, usurping power, subverting the State governments, making them mere dependencies upon congressional sufferance, and upheaving from their foundations all constitutions, both State and Federal, and overturning the governments which are built upon them.

And yet, Mr. Speaker, my colleague, for the sake of hoped-for party triumph, would forget "the proud heritage of the white race," would pass this bill and have the Federal Government "usurp power" which belongs *alone* to the States, convert *sovereignties* into "mere *dependencies* upon congressional sufferance," and place his own "Caucasian blood" under the power and dominion of the ignorant negro and his unscrupulous and adventurous allies. Fie upon such consistency! Out upon such patriotism! Away with such statesmanship!

But, Mr. Speaker, I desire to speak more directly to the report of the committee. The majority of the committee seem to have started out in their investigation with the idea that murder and bloodshed was the rule, and protection to life was the exception in Alabama; that law and order was confined to the few and that oppression of the negro was the chief occupation of our people; that democrats alone intimidated republicans; that the "white man's party" determined "to carry the election at all hazards," and that they resorted to every species of intimidation, violence, and ostracism that would conduce to that result. Hence their conclusion that the last election in Alabama was carried by intimidation, fraud, and violence upon the part of Democrats, and hence the necessity for this bill. By the testimony of interested parties, many of whom are wholly unreliable and corrupt, individuals are intimidated; therefore whole States must be punished and robbed of their right to punish offenders in their own way within their own borders—"the hundred" must suffer the punishment due to but one. Such is the logic of the committee.

In reply to the malignant charges against the democracy of Alabama founded upon the testimony of irresponsible partisans, I shall content myself with quoting the following extract from the address of the democratic State executive committee to the people of the United States as showing the animus of those to whom the whole canvass had been intrusted, and also the statements made under oath by such men as Governor Houston, Ex-Governor Watts, Chief Justice Brickell, and others; men of exalted character and thoroughly reliable in every respect; men whose simple statements would outweigh the sworn testimony of a thousand vile traducers:

Address of the democratic and conservative State executive committee.

MONTGOMERY, ALABAMA, *October* 1, 1874.

To the people of the United States:

The undersigned, the executive committee of the democratic and conservative party of Alabama, address you for the purpose of repelling the slanders circulated against the good people of this State for political purposes. That you may fully understand our position and that of the party we represent, we state:

First. That we were selectd as the executive committee of our party in a full convention assembled here on the 29th day of July last, and thus we are the legitimate representatives of our party.

Second. That the republican or radical party in Alabama is composed of about nine-tenths negroes and one-tenth whites.

Third. That the democratic and conservative party is composed almost exclusively of the white people of the State, embracing a majority of the people.

Fourth. That to show the spirit which governed and now governs our party, we quote a paragraph from the address of our executive committee issued on the 27th day of August, 1874:

"We especially urge upon you carefully to avoid all injuries to others while you are attempting to preserve your own rights. Let peace not only prevail, but let our people avoid all just cause of complaint. Turmoil and strife with those who oppose us in this contest will only weaken the moral force of our efforts. Let us avoid all personal conflicts; and if these should be forced upon us, let us only act in that line of just self-defense which is recognized and provided for by the laws of the land. We could not please our enemies better than by becoming parties to conflicts of violence and thus furnish them plausible pretexts for asking the interference of Federal power in our domestic affairs. Let us so act that all shall see, and that all whose opinions are entitled to any respect shall admit that ours is a party of peace, and that we only seek to preserve our rights and liberties by the peaceful but efficient power of the ballot-box."

Among other things the following is found in the testimony of Governor Houston:

GEORGE S. HOUSTON, a witness for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. Are you the present governor of this State?
Answer. I am.
Q. Are you well acquainted in the State of Alabama?
A. I think so.
Q. How long have you resided in Alabama?
A. For the last fifty years.
Q. Do you know of any intimidation being used by the white democrats toward the colored republicans during the last campaign to prevent the free right of suffrage on the part of colored men?
A. None at all.
Q. Do you know of any disposition on the part of white democrats of this State to intimidate or to prevent colored men from exercising the free right of franchise?
A. I have been at consultations with my own political friends in relation to the election, and the universal sentiment, as far as it ever transpired before me and as it ever reached me through any channel whatever, was that the election should be free and fair and entirely devoid of any effort to improperly control votes by intimidation or otherwise on the part of democrats.
Q. Do you know of any intimidation on the part of republicans toward voters in this State, from your own personal knowledge or from information?
A. I know this partly from my own knowledge, by which I mean derived from the voters themselves. Various colored voters in my county, on the day of the election, and some before and some since, have come to me and desired to vote the democratic ticket. They have told me that they were threatened with ostracism and with violence if they did it, first by the leading negro voters, and then by white men who were passing through the country pretending to be deputy marshals; and they said that a squad of soldiers which was in Limestone County did the same thing. A negro man whom I raised from a child, who has lived with me all his life, and does yet, was very warmly disposed to me, came to my son before the election crying like a child, and said that he would be glad if my son would agree for him not to go to the election; that he had been afraid if he went that he would have to leave the country; that they would not allow him to live in the country if he went and voted for a democrat. I had them crying to me in their conversation, and begging not to be required to vote. In every instance we have told them to take their own course.

Q. Is it not the desire of the democratic party of the State of Alabama that every man shall enjoy the free right of suffrage, irrespective of color?

A. As far as I know it is universally the case, and I think my information is as extensive as any man's in the State, for I was actively in the canvass the whole time. I have in all my speeches, in the presence of the military and out of their presence, everywhere, told the negroes that they had the right to vote as they pleased, and that I would protect them in that right. I told them if they wanted to vote against me they should do it, and if anybody went to interfere with them for voting against the democrats, I would be one of the leading men to protect them in their right of voting. I have told them that in my speeches all over the State; and if they did not want to vote for me I did not want them to. The other speakers with whom I canvassed, I think, very universally took the same course.

Q. From your general and thorough knowledge of the people of the State of Alabama, was there any necessity for Federal interference at the last election in this State, either by civil or military?

A. None in the world. There was no point, in my judgment, and certainly no point with which I am acquainted, where there was any purpose to interfere with the negroes voting as they pleased. We of course intended to try to get the negro vote if we could do it fairly. Those who canvassed with me, and I always in my speeches, have been particular to tell the people, black and white, and especially the negroes, and explain to them, that nobody had a right to control their vote but themselves, and to vote as they pleased.

Q. It has been testified before this committee that a fair election cannot be had in Alabama without Federal interference. Is such the case or not?

A. It is not true.

Q. It has also been testified before our committee that a State government cannot be maintained here without Federal interference. Is such the case?

A. I think not. I have no earthly fear about maintaining the government, and quietly doing it, because I intend to enforce the law fairly in every case, as well for the negro or for the republican as for the democrat.

Q. Is it not the wish and desire of the democracy of this State, and of the law-abiding people of this State, that there shall be free elections, and that every man shall go to the polls and vote according to the dictates of his own conscience?

A. Such is the intention, so far as I know anything about it; and I have no doubt it is the intention of the democratic party as a party.

Q. Do you know of any disposition on the part of the democratic party, the white men of the State of Alabama, to deprive the colored man of the right of suffrage?

A. None in the world; and I do not believe that there is any such desire or purpose, either by law or otherwise.

Q. Are not the white democrats of Alabama opposed to interfering with the right of suffrage, but to accept the situation as it is, so far as the right of suffrage is concerned, and to enforce the law in that respect and allow every man to vote as he pleases?

A. That is my understanding, and that is my position as governor of the State, which I have expressed to the Legislature freely and fully, and which, in all likelihood, I will express in the message. I am opposed to any interference with the right of voting as it now stands. I desire a law to be passed which will secure to every man the right to vote; but I desire such restrictions to be put around it as will prevent double voting, or repeating, as it is called, in some localities in our State.

Q. Then you, as governor of the State, intend that the negro shall enjoy any right that any man can enjoy under law; that is, being protected in his right of suffrage, to have his children educated so far as the school fund may go; in other words, to protect him in all the rights of a good citizen?

A. That is my purpose, and I have no doubt that is the purpose of the leading and good citizens of the State. This very point was expressly given by me in my inaugural address, not for buncombe but as a truth, because I intend to do as therein expressed.

Q. There has been some trouble in this State during the last canvass. Do you know the source or cause of that trouble?

A. I do not know to what trouble you refer.

Q. I refer to those negro riots in which some blood was shed.

A. We have none in North Alabama that I now remember. Those in South Alabama I am less acquainted with. I will say that the republican negroes are very tyrannical and severe upon any negro who they think intends to vote the democratic ticket; they are very overbearing to other negroes who are not protected by the public sentiment of the locality, and by the white man. I have no doubt that there would be a great amount of violence used on the part of the leading blacks toward those who are disposed to vote the democratic ticket. There is a degree of tyranny that is unequaled, in my judgment, and it is exerted everywhere, as far as I have heard.

By the CHAIRMAN:

Q. You have testified that there was no intimidation so far as you knew on the part of democrats as against republicans in this State, I believe?

A. Yes, sir; particularly negroes, although I am willing to let you say republicans.

Q. Have you never heard an instance of intimidations of that kind?

A. I have heard of these Sumter County difficulties. I have heard of no other intimidations. I may have heard other reports.

Q. You seem to have heard only of intimidation of one side?

A. I seem to have heard as much on one side as the other, if it ever came to me.

Q. Have you ever heard of voters being intimidated at a place called Eufaula by the firing of guns on the election day into a crowd of voters that were there?

A. I heard of a riot at Eufaula, but the version I had of that was not a version of intimidation. The version I heard of it was that the negroes commenced the firing; whether that is true, I do not know; I was not there.

Q. Did you never hear that the democrats commenced the firing?

A. It is possible I have, but I do not remember.

Q. You said that the democrats in this State were in favor of educating negroes. Have you provided for a system of common schools for the negroes in Alabama?

A. Yes, sir.

Q. To what extent?

A. To the same extent that we have for the whites. I do not remember the precise amount of money—perfect equality.

Q. Have you separate schools, or do they go to school together?

A. Separate schools; but the same amount *pro rata* to a negro child as to a white child.

By Mr. CANNON:

Q. Is not the proposition seriously discussed in the democratic Legislature not to make an appropriation for school purposes, but to take the money in lieu thereof and pay the interest on the public debt?

A. There was no such proposition in the Legislature, and no such position assumed by the democratic members of either house.

Chief Justice ROBERT C. BRICKLE sworn and examined.

By Mr. LUTTRELL:

Question. What is your business?

Answer. I am at present chief justice of the supreme court of the State.

Q. Are you well acquainted in the State of Alabama?

A. My acquaintance in the northern part of the State is very extensive. I was born and have lived there all my life. In the southern part of the State it is more limited, but I have a general acquaintance throughout the State.

Q. Do you know of any intimidation being used by white democrats during the last general election to intimidate colored voters, preventing their voting the republican ticket or any other ticket?

A. I know of none whatever. In the section of country in which I live I know there was none. It is proper for me to state in that connection that I heard several political speeches during the last canvass, made by democrats, and when there were a large number of colored persons present. They invariably assured them that they should have the right to vote as they pleased; that they would be protected by the democrats in voting as they pleased.

Q. Is it the wish and desire of the white democrats resident of Alabama, so far as you know, that the colored people shall have the free right of franchise, exercising it according to the dictates of their own conscience?

A. We desire that they shall have it as it is secured to them by the Constitution and laws, and that they shall exercise it as freely as we exercise it.

Q. Do you, as judge of the supreme court, and from your information and knowledge of the several courts of the State, believe that a colored man can receive the same measure of justice at the hands of the courts of this State that a white man can?

A. I am sure that they will.

Q. Do you believe that a fair and impartial election can be held in Alabama without intervention of the Federal authority, civil or military?

A. Yes, sir. I am satisfied that there can be. The last election, in my opinion, was the most orderly, quiet, and fair that we have had at any time since the days of reconstruction, and it was more like an election of the old time than any election we have had since the war.

The sub-committee here adjourned to meet at Eufaula.

The following is an extract from the testimony of Ex-Governor Watts:

Question. Do you know of any intimidation being used by white democrats to prevent colored republicans from exercising the free right of franchise during the last campaign, or at the November election?

Answer. I know of none such.

Q. Was it or was it not the desire of the democrats in the State of Alabama at the election in November to have a fair and quiet election, and allow every man to vote according to the dictates of his own conscience?

A. It was. The executive committee of the democratic party issued an address, which was written about the 26th of August. That address was written by myself. It expressed, as far as I am capable of judging, the sentiments that actuated the democratic party in that canvass.

Such, Mr. Speaker, is the testimony of the governor of the State and the chief justice of the supreme court and Ex-Governor Watts. Their statements are corroborated by many other leading citizens in different portions of the State, whose statements will be found in the published testimony, and which I regret I cannot embody in these remarks.

With these facts before us, where is the necessity for Federal interference? Where the necessity of granting power to the President to suspend the writ of *habeas corpus* in times of profound peace?

But the committee say that murders and assassinations have been committed in Alabama—that Billings and Ivey were killed. This is true; but murders and assassinations are committed in all the States, North as well as South. In the crowded cities of the North as well as in the rural districts, in times of high political excitement as well as in times of profoundest quiet, men and women are killed; some are murdered in cold blood for gain, others assassinated for revenge of some fancied or real wrong; while in some localities in which the killing of a negro down South, whatever might be the cause or provocation, would cause the good people to raise their hands in holy horror; according to medical statistics crimes unmentionable, but shocking to decency, good morals, and humanity, are committed with impunity in the broad sunlight of an advanced civilization. And yet no one ever thought before of *assassinating* whole States because of the crimes of a few reckless, lawless, vicious individuals.

I venture the assertion that crime is as promptly punished in Alabama as in the States whence the gentlemen of the committee come, and there is as little resistance to the laws and authority of the General Government in Alabama as in any State in this broad Union. Is it possible that gentlemen who favor this bill desire to re-enact the scenes of 1872, when the State was wrested from the short-lived control of the democracy and handed over to the republicans by a pretended execution of Federal enforcement laws and by *judicial* intimidation? Parties were frequently arrested on "trumped-up" charges, and only released upon assurances of fidelity to the republican party. Many were tried, convicted, and suffered a felon's punishment upon the suborned testimony of party pimps, and yet *there was no resistance!* Since reconstruction no Federal officer has been obstructed in the discharge of duty, and no Federal court has failed to punish parties charged with crime except in cases where the court itself stood back aghast at the villainy of the accusation.

In our State courts parties are tried by the same law "without regard to race, color, or previous condition," and under the law and evidence punishment is meted out according to the magnitude of the offense.

But, say the committee, you persecute the negro and drive him from employment when he votes the republican ticket; and to the northern man you give no hand of welcome, but drive him and his family into social and business ostracism. Neither charge is true. In a few isolated cases the negro laborer, filled with *freedom*, who neglects his work and devotes his time to politics, may lose his place; but such a charge comes with bad grace from members of a party who drive *white men* from their navy-yards and workshops, their Government offices and places of lower grade, merely because they are *democrats* and their places are wanted for subservient partisans.

In regard to the latter charge—unkindness toward and ostracism of northern men—I submit the following extract from a letter directed to me by Hon. Reuben Chapman, a man honored in Alabama, and

who for many years was well and favorably known within these walls.

Speaking of northern men who reside in the county of his residence, he says:

HUNTSVILLE, ALABAMA, *February* 11, 1875.

MY DEAR SIR: * * * I am very certain, from what they tell me and from what they have certified heretofore in reference to reported outrages on northern men, that they will sustain me in asserting that there is no foundation for such reports. They will state that within their experience and observation northern men are treated by native southerners, commercially and socially, with all the respect and encouragement as if they were "to the manor born." There has been no outbreaks in this section for years past. Last fall, about the time of our agricultural fair, the northern men around here held a meeting in regard to particular outrages of this sort, falsely reported. They passed resolutions on the subject, which I am told (I was then absent) were printed and a copy sent to the United States Attorney-General. If I can find a copy I will send it to you. The truth is that, in this section of our State, at least, the citizens are orderly, law-abiding and peaceable to a degree that cannot be excelled by any community, either North or South, in the United States.

Yours, with great respect,

R. CHAPMAN.

Hon. JOHN H. CALDWELL, *Washington City.*

In this connection I submit the following circular, a copy of which was addressed to the Atttorney-General. It shows how a Federal officer can busy himself in maligning a southern community, and what is true of him is true of many others:

Hon. GEORGE H. WILLIAMS,
Attorney-General of the United States:

We, the undersigned, northern men, now citizens of Madison County, State of Alabama, (belonging some of us to the republican and some to the democratic parties,) earnestly protest against the truthfulness of the reports recently forwarded to you by Z. E. Thomas, United States marshal for the northern district of Alabama. We are constrained to believe that they were made solely for political purposes and to injure this community abroad. We live in various parts of the county, and this statement contains the individual knowledge of each of us. We know that no disturbances of the kind mentioned by Mr. Thomas could have transpired without that fact being known to some one of us. We state that no such disturbances are within our knowledge, and we are sure that none such have occurred. We know that republican meetings, both night and day, have been held all over this county during the pending political canvass, and no disturbances nor attempt at disturbance have occurred at any one of them. We are property-holders, and feel deeply interested in the welfare of the county. Some of us take an active interest in politics, and we feel as safe in doing so, both in our person and property, as if we lived in Massachusetts or New York. We have no objection to the presence of Federal troops in our midst—they are generally well-behaved and orderly, and always bring money into the country—but the impression sought to be conveyed by Mr. Thomas, that their presence is necessary to protect republicans from insult or danger, in the expression of their opinions or the exercise of their privileges, is a libel upon the community, and Mr. Thomas should either be required to support them by proof or he should be removed from office as unworthy of trust.

J. D. VANDEVENTER, of Delphi, Indiana.
JOHN VANVALKENBURG, Peru, Miami County, Indiana.
W. A. BLAIR, Virden, Illinois,
THADEUS OAKES, of Michigan.
JOHN HERTZLER, Springfield, Ohio.
G. W. SWARTZ, Jackson County, Alabama, from New York City.
R. R. MOORE, Flemingsburgh, Kentucky.
JOS. KLAUS.
DAN SHIFFMAN, of Ohio.
LEWIS M. DOUGLASS, Probate Judge, formerly of Iowa.
JOHN B. ANDERSON, Springfield, Ohio.
R. M. CHURCH, Clinton, Iowa.
ORRIN MORRISON, Chautauqua County, New York.
J. W. SKINNER, Albany County, New York.
JOSEPH TRUMP, Fayette County, Pennsylvania.
HIRAM REX, Saint Joseph, Indiana.
T. B. CRAWFORD, Pittsburgh, Pennsylvania.
D. B. NELSON, Elmira, New York.
A. M. CRAWFORD, Pittsburgh, Pennsylvania.
A. JAQUINS, Binghamton, New York.
GEO. I. MOTZ, Akron, Ohio.
VIRGIL WILSON, late of Anne Arundel County, Maryland.
MARSHAL H. CARR, late of Anne Arundel County, Maryland.
JOHN JAQUINS, Kingsville, Ohio.
S. A. BAILY, Philadelphia, Pennsylvania.
CYRUS HUGHES, Saint Joseph County, Indiana.
A. J. MARTIN, Elkhart, Indiana.
Rev. B. GRAVES, Cincinnati, Ohio.

HUNTSVILLE, ALABAMA, *October* 5, 1874.

The statements of this man Thomas, which are denounced in the foregoing circular, together with a letter from a colored politician, W. H. Council, are paraded in the testimony of the committee, and will doubtless be quoted as "confirmations strong as proofs of holy writ" of outrages committed in North Alabama against the poor unoffending negro. Let the declarations of northern republicans and northern democrats, adopted sons of Alabama, be their refutation.

Now, Mr. Speaker, the South needs kind words, forgetfulness of the past, forbearance, not force bills. She wants peace. "There is a road to peace;" and "I tell you there is but one road," one way by which we may return to the better days of the Republic. The bitterness of hate engendered by bloody war must be forever consigned to oblivion. We must cultivate the memories and virtues of those who bequeathed to us the blessed heritage of which we boast. We must frown upon the wild clamors of fanatics who feed and fatten upon turmoil and strife. The Southern States, as formerly, must be recognized as coequal with the States of the North. The southern man must be recognized as the peer of any other American citizen, either North, or East, or West. There must be no distrust about our pledges. You must believe us when we tell you we have accepted the situation in good faith. You must treat us as brothers, and not as strangers; friends, and not as aliens. The Federal Government must move in its sphere of delegated powers; the State government must exercise only its reserved rights. You must restore to us what you claim and exercise for yourselves North—*local self-government.* Goad us no longer with the bayonet—

"Remove the sword,
States can be saved without it!"

Do this, and we will begin with a hearty good-will the work of our regeneration. The spirit of our people will revive under assured reconciliation. Our fields, made desolate by the rude hand of war, will again blossom as the rose. The rich products of our soil increased, the vast mineral wealth of our section developed, will give new life to the paralyzed industries of the North. The whir and hum and din of the northern factories and workshops will be echoed back by the merry song of content, and the long, loud shout of joy from the fields and mining regions of the South. There will be neither cry of "bread" nor "blood." Heartily reunited by mutual concessions and forbearance, the two sections no longer divided, hand in hand will move on in the fulfillment of their destiny in the unity of a happy and prosperous people.

Civil Rights.

SPEECH OF HON. J. AMBLER SMITH,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

February 3, 1875,

On the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

Mr. SMITH, of Virginia. I regret, Mr. Speaker, that even as a party man I cannot yield my support to this bill, and I have to ask that I be allowed to assign the reasons that prompt me to oppose it.

I suppose, Mr. Speaker, that this Government of ours, which is the emanation of the profoundest political wisdom, is not one of absolute power, that is, not in all things supreme; that it is not a consolidation or centralism, else why and whence that provision of the Constitution which declares that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Then there are some powers which the Government of the United States cannot exercise, and, as a consequence, there are some left to the States which they can rightfully exercise independently and exclusively of the Government of the United States.

Then the Federal Government is not supreme in all things. It is, under the Federal Constitution, as our fathers framed it, a limited government, confined within certain limits of concession and prohibition, while there is a vast mass of residuary power belonging to the States, as States, which no exercise of Federal authority can invade without trenching on the domain of the rights of the States, and departing from the fundamental philosophy of our free institutions.

There is, then, a dividing line between the powers of the two branches of our system. Where is that line? Sir, it is in that life-giving and life-preserving principle of the Constitution that the States, as States, have the right to manage their own domestic affairs in their own way, according to their own free sovereign will and pleasure.

Now, it seems to me that each and every provision of this bill infringes this elementary principle of our Federal system which has been held sacred from the very foundation of the Government, and which has been upheld by our supreme national judiciary up to the present hour. It treads with profane step upon that great residuary mass of State rights and reserved authority, which is our only bulwark of defense against consolidation and centralism.

The question is, what are the domestic internal concerns that stand above the reach of Federal authority? Sir, on this point we have had numerous judicial expositions that save us from groping in the dark. The boundaries of power may not be defined with absolute precision, but there is an approximation which is adequate to all purposes of practical solution. To use a general denomination, it is what is called the police power.

Say the Supreme Court in its opinion in the Slaughter-house cases:

This power is, and must be, from its very nature, incapable of any very exact definition or limitation. Upon it depends the security of social order, the life and health of the citizen, the comfort of an existence in a thickly populated community, the enjoyment of private and social life, and the beneficial use of property. It extends (says an eminent judge) to the protection of the lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the State; and persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the State. Of the perfect right of the Legislature [referring to the Legislature of Louisiana] to do this no question ever was, or upon acknowledged general principles ever can be, made, so far as natural persons are concerned, (16 Wallace, 70 *et seq.*)

Chief Justice Marshall, in the case of Gibbons *vs.* Ogden, (9 Wheaton, 203,) in speaking of the numerous inspection laws passed by the States, describes similarly the scope of this police and reserved power of the States:

They (the inspection laws) form a portion of that immense mass of legislation which controls everything within the territory of a State not surrendered to the General Government, all which can be most advantageously done by the States

themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State and those which respect turnpike-roads, ferries, &c., are component parts. *No direct general power over these objects is granted to Congress; and consequently they remain subject to State legislation.*

Now, can we not find in this broad domain of police and reserved power a right for each State to regulate and control its schools, churches, hotels, public conveyances, theaters, and other places of public amusement, which are the subjects of this bill? Are not this State regulation and control necessary to the "security of social order; to the enjoyment of private and social life; *to the beneficial use of property*," referred to in the opinion of the court?

Sir, there is one test which conclusively settles that, over the local State objects of schools, inns, churches, public conveyances, theaters, and the like, the States, as States, have exclusive power of regulation, and of course that the Federal Government has none.

In the case of Gibbons *vs.* Ogden, already referred to, it is laid down that there is an immense mass of legislation that controls everything within the territory of a State *not surrendered to the General Government*, and "that where no direct general power over these objects is granted to Congress, consequently they remain subject to State legislation."

Now, has any jurisdiction over those objects been conferred on Congress? If there has been, then there is an end of the question. But if there has not been, (and there has not,) all authority remains with the States, to be exercised, by their legislation, for the comfort, quiet, enjoyment, and profit of their citizens.

Sir, it is clear to my mind that just what right the Legislature of Louisiana had to establish and regulate the slaughter-houses as a sanitary or police regulation, that same right has the State of Virginia, to take her for an example, to take charge of and regulate her hotels, public conveyances, theaters, and other places of public amusement. The principle is identical, and therefore the civil-rights bill before us is not in accordance with the Constitution. It contravenes elementary rights of domestic and local government which the States have exercised without question from the foundation of the Federal Government, certainly to the date of the new amendments.

And this brings up the question, Do these amendments oust the States of their ancient and precious jurisdiction in this regard, and transfer it to the General Government?

The advocates of this measure claim the power to enact it chiefly from that portion of the fourteenth amendment which says that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," though they also rely on the spirit at least of the thirteenth and fifteenth amendments.

But it so happens that the Supreme Court has decided in the Slaughter-house case, in terms most explicit and unmistakable, that the power to pass this bill cannot be derived from that source. The court seem to have viewed the subject in every possible phase, and, after showing that "there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual," the court ruled that it is only the "privileges and immunities of citizens of the United States" that are placed by this clause (of article 14) under the protection of the Federal Constitution, and that the latter, (privileges and immunities of citizens of a State,) whatever they may be, are not intended to have any additional protection by this paragraph of the amendment," (of article 14.) The court say:

> If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizens of the State as such, *the latter must rest for their security and protection where they have hitherto rested, for they are not embraced by this paragraph of the amendment.*

So that the ancient and sacred privileges and immunities which Justice Washington, in Corrifield *vs.* Corryell, 4 Washington's Circuit Court Reports, page 371, denominated "fundamental, which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union from the time of their becoming free, independent, and sovereign," have been neither added to nor subtracted from by the new constitutional amendments. They remain in all their original integrity and glory; and if the decisions of the Supreme Court shall continue to be respected as the highest of American law, they will continue to be beacon-lights to warn us against centralization and national disturbance.

Say the court in the Slaughter-house case, page 77:

> It would be the vainest show of learning to attempt to prove by citations of authority that up to the adoption of the recent amendments no claim or pretension was set up that those rights depended on the Federal Government for their existence or protection beyond the very few express limitations which the Federal Constitution imposed upon the States; such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligations of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection *of all civil rights* which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

These are words of true wisdom and genuine statesmanship, which should be written in letters of gold over the lintel of every American door, ever and anon to remind the American people of their duty and interest in preserving the just and only safe relations between the General Government and the States.

I think I have shown, Mr. Speaker, that this bill is clearly violative of the Constitution; and we ought not to pass it.

And now, sir, let us apply a little common sense to the subject.

I own, say, a hotel in Richmond, Virginia; I have invested my capital in it, furnished it, paid the license and other taxes required by the laws of the State, have made it a pleasant resting place for the traveler and the permanent boarder, secured for it, by pleasing the public, a custom which furnishes my family an adequate living. It is *my* property, acquired by the labor of *my* hands and the sweat of *my* brow. But all at once I am told by the General Government, through its laws, that I must admit to my tables, to my drawing-room and parlors, to my bed-rooms and bedding, all colored people, however ignorant, filthy, and depraved, that choose to come to my establishment, and that if I do not I shall pay to the excluded party $500, and shall be fined from $500 to $1,000, and be imprisoned not less than thirty days nor more than a year.

Now, Mr. Speaker, I ask in all seriousness, where is the boasted right of property, what becomes of its sanctity, if any human power, even that of my own State, can prescribe to me whom I shall admit to my hotel and whom I shall exclude? Suppose in the state of society at Richmond and the tastes of the people my hotel is deserted and my income vanished by the intermingling side by side of white and colored guests? Where, then, is that "enjoyment of private and social life and the beneficial use of property, and the protection of the comfort and quiet of all persons and of all property" which are referred to in the opinion of the court in the Slaughter-house cases as the fundamental rights of the citizens of the States? They are shadows only.

Sir, I hold that the right of property is so sacred that the Legislature of my State itself cannot dare to say to me, though one of her citizens; that I shall not decide for myself whom I shall admit to and whom I shall exclude from *my* hotel. The assumption would be an impudent, unendurable usurpation and tyranny. No man in Virginia would own a hotel under such circumstances of outrage and degradation, and no white person in my State, man or woman, boy or girl, would respect such owner.

And so, sir, of my stage-coach, my steamboat, my theater—they are *my* property; and my State, much power as she has wrapped up in that great mass of reserved right, pertaining to herself and each of her sisters, cannot interfere with that property so long as I do not allow it to be a nuisance and to damage the public. If this be not so, then property, instead of being one of the great elements of society and a propulsion of honorable ambition and patriotic enterprise, would be a worthless bauble.

Mr. Speaker, I cannot sufficiently admire the reasoning and decision of an Ohio judge in a recent case, of which the facts are the following:

> On the 11th of February, 1873, Mr. Gardiner, a colored man, bought a ticket admitting to the dress circle or parquet, but was prevented from taking a seat by the ushers, and requested to leave that part of the house, on the understanding that his money be returned. Gardiner left, but brought suit under the civil-rights act against Manager Ellsler. Judge Griswold, of the superior court, in his charge to the jury, stated in effect that a theater was a private establishment, and that a manager had a right to exclude whomsoever he pleased from it. The civil-rights act, he stated in his charge, has no application whatever in this case.
>
> "This plaintiff has a right to bring a suit for a breach of contract in reference to admission to the theater as if he were a white person. But every man has the right to use his own property as he sees fit, so that he does not injure the person or property of others."
>
> In the conduct of one's own business a man is not bound to consult the feelings or tastes of others. He has no right to injure their persons or character or property. So long as he does not do them wrongs or commit nuisance he may conduct his own business in just such a manner and on just such rules as he sees fit. This right appertains as well to white as black. It is conceded that Mr. Ellsler conducts the Academy of Music for his own private gain; and if he sees fit, in the management of his business, to provide and establish a rule that no person of color shall be allowed to enter the "dress circle," and he enforces this rule, it is no ground for any action against him by such person. Mr. Gardiner, the plaintiff, might establish a theater, and if he saw fit he could establish a rule that no white person should be permitted to enter the dress circle or any other portion of the house.

The jury returned a verdict for the defendant.

It seems to me, sir, that the strong common sense of this Ohio judge amounts to a logic that will puzzle the advocates of this bill, and should drive them from its support.

And I am most happy, Mr. Speaker, to be able to add to this sound reasoning of Judge Griswold the sustaining opinion of an eminent jurist of my own State, Judge R. W. Hughes, judge of the eastern district of Virginia.

Judge Hughes, basing his opinion on the decision of the Supreme Court in the New Orleans Slaughter-house cases, held that—

> The Federal courts are justified in refusing to take cognizance of offenses committed in violation of those rights which belong to citizens only as citizens of particular States, and are derived from State laws, and therefore under the protection of State tribunals, and in confining their jurisdiction to cases which involve those rights which belong to persons peculiarly in their character of citizens of the United States.

But, sir, where is the necessity for passing this bill *now*? Is it not a precipitation of trouble? The Southern States have not as yet—my State certainly has not—passed any laws discriminating against the colored race. All is quiet and the acquiescence in the existing

condition of things is general, no grumbling even except from a few who have been made discontented by the incitement of demagogue politicians. Why ruffle this placid surface? Why take excitement and strife "by the forelock?" When any of the States shall have passed discriminating laws against the colored citizens it will be time enough to pass a civil-rights bill. "Sufficient unto the day is the evil thereof."

On this point I may quote to advantage the opinion of Judge Ballard, a United States district judge expressed in a Ku-Klux case in Kentucky:

That a Ku-Klux crime committed in Kentucky is a crime against the State of Kentucky and punishable by her laws, and that where there is no denial to any class of citizens in a State of the equal protection of the laws, or, in other words, where there is no respect of persons before the law, there is no color of justification in the fourteenth amendment to the Constitution for interference by congressional legislation, and that such legislation must needs be inoperative and void.

As for any provision for mixed schools, as a friend of the colored race I am constrained to enter my most solemn protest against it.

Mr. Speaker, we have in fine progress in Virginia a system of public schools which bids fair to become one of the most admirable in the country. It is compulsory in its character, resting on the provision of our constitution which requires "*its equal and full introduction* into all the counties of the State by the year 1876."

The word "equal" has been construed to refer to the two races, and to mean that whatever provision is made for the instruction of the one race shall be made also for the other. And in the first act establishing the school system the Legislature provided that the schools for the two races should be "under the same general regulations as to management, usefulness, and efficiency."

Nearly a million dollars is raised annually by taxation for school purposes, of which the whites contribute more than 80 per cent., while the colored people come in for their full proportionate share of the benefits of the fund. Out of this fund schools have been already established in every county and city of the State for both whites and blacks, the schools being separate.

Each county and city has its superintendent of schools and other necessary officers, and under the auspices of Dr. Ruffner, the enlightened and able superintendent of public instruction, aided by his excellent assistants, the system has rapidly advanced in public favor, and, considering the short time it has been in operation, has attained extraordinary success. It may be said to be "in the full tide of successful experiment;" and unless some adverse occurrence shall arrest its march will eventually be a complete success, and become the supreme blessing of the State.

Now, sir, it is as manifest to me as the blazing sun that the introduction of mixed schools will utterly destroy this beautiful and interesting system, and cut off the colored people from all educational opportunities.

The local reports of the county and city superintendents to the board of education—those who must know most on the subject—give warning on this point by many expressions of opinion that the passage of a civil-rights law embracing the mixed-school provision "will be the instrument of inevitable destruction of our school system."

I beg to make a few quotations from these reports:

CAMPBELL COUNTY.

The friends of public education are gaining in number and growing in enthusiasm. The impending civil-rights bill has somewhat checked progress.

HANOVER.

The teachers report increasing favor and popularity. The threatened passage of what is known as the civil-rights bill has done more to retard our work and to weaken the hold of the schools upon the popular affection than all other causes combined. It has caused many of the stanchest friends of popular education to hold their tongues and abate their zeal. Let us remain free to govern the schools by our own laws, and give us money, and we will work out a glorious future for the public schools of Virginia.

KING WILLIAM.

There is an apathy on the subject which amounts to positive indifference; and during the time the civil-rights bill was before Congress, with a probability of its becoming the law of the land, a prejudice was excited which without doubt would have destroyed the whole system had the measure passed and an effort been made to enforce it. Apart from the fear of Federal intervention, the people very generally advocate a system of public education, and are looking to the time when Virginia will be left to manage her own affairs, to form a system of public education for the benefit of all her citizens which will be an honor to the State and a blessing to her people.

On the subject of education, I think there is a better feeling between the two races. The whites in all cases are willing to accord to the colored equal advantages of the system and perfect equality before the law.

LANCASTER AND NORTHUMBERLAND.

Public sentiment in some degree has varied during this scholastic year, owing to the vexed and unsettled question of civil rights. Since the failure to pass that bill through Congress, the sentiment of the community has become more calm, and a large majority of our cleverest and best population will sustain and uphold the free-school system.

LOUDOUN.

Our people were beginning to unite heartily with us in our labors, and our work would have progressed satisfactorily if the prospect of the disastrous consequences of the enforcement of the civil-rights bill had not warned them against further action. In several instances promised assistance was withdrawn, and our friends have relaxed their efforts in dread of the threatened suspension or destruction of our schools by congressional interference. If the people can feel any assurance that they will be permitted to carry into effect the plan submitted by the board of education without hinderance or molestation, the work will move onward; otherwise no progress will be made.

MECKLENBURGH.

I feel safe in saying that more would have been accomplished in the way of preparing school-houses but for the agitation in Congress of the civil-rights bill.

ROCKBRIDGE.

Public sentiment seems to have retrograded in Rockbridge in regard to the school system during the past year; no doubt owing to the agitation of the "civil-rights movement" in Congress. The people see very plainly how they may soon be forced to abandon the system of public schools entirely, or submit to its being made a means of social degradation and political oppression. Hence they are inclined to look with more or less suspicion on what seems to be fraught with so much danger. I hope, however, that the way will soon be open for renewed progress under the united efforts of all the friends of general education.

SCOTT.

Public sentiment is generally favorable. An earnest desire for longer sessions seems to be general. The agitation of the civil-rights bill is a drawback to its progress.

TAZEWELL.

The prospect at one time of the passage of the civil-rights bill developed the fact plainly that all parties in our county are warmly attached to our public school system. *Both white and colored are opposed to the mixed schools.* Our people say that, although we highly prize the benefits conferred by our free schools, *let them go, if we are to have a mixture of races in them.* Our supervisors have allowed us all the law permits. If our Legislature would be more liberal they would, I believe, be glad to allow tax enough to open schools sufficient for all our people.

CAMPBELL.

There has been but little change in public sentiment since my last report. The friends of public education are gaining in number and growing in enthusiasm. A few continue hostile, and as their ranks diminish their violence seems to increase. *The impending civil-rights bill has somewhat checked* progress.

ELIZABETH CITY AND WARWICK.

Public sentiment in these counties is decidedly in favor of public schools. The most substantial men in the community patronize them and manifest much interest in their success. It is, so far as I have been able to ascertain, the general desire of the colored population to have their schools remain, as at present, separate from the white schools; and it is, on the other hand, the universal determination of all the whites that the operation of the public-school system shall come to an end in these counties as soon as the civil-rights bill shall become a law.

Now, sir, who, after noting these, a few only of many warnings coming fresh from actual contact with the people, can find it in his heart to set back our noble system of public schools by enacting this civil-rights bill? Particularly how can any real friend of the poor, long trodden-down colored race assist in this calamitous result?

Governor Kemper, too, has raised a warning voice, by declaring his opinion that the passage of the civil-rights bill will at once arrest all appropriations for the schools. Whence, then, will a ray of light come to the colored man?

But the most impressive, might I not say most awful, admonition is that which comes from Dr. Ruffner, by birth a Virginian, and a devoted advocate of the education of the colored man, I believe, which is as follows:

The principles involved in this bill are wide-reaching, and on their right settlement hangs the life of southern civilization, if not the preservation of American liberty. If the school systems of the South be overthrown, the last germ of recuperative energy will have been destroyed; and if the principle be once established that the educational commonwealths of America are to be ruled by a central authority, education becomes the tool of power, and the enslavement of the people must logically follow.

The question of constitutional law involved in the civil-rights bill does not fall within my province; but if it be in accordance with our federative system for the details of State school classification and government to be regulated by Congress, the friends of true education may well pause before they commit themselves further in the direction of public schools. An educational system which is not free in its methods and which does not develop the people into that mental freedom which is the aim of all true education is a fraud.

I have strong confidence that this heaviest of the blows will not descend upon us while we in the South are now staggering under other burdens which of themselves may crush us. After all the marshaling of facts which has been going on for a twelvemonth past it must be generally known that the admixture of whites and blacks in southern schools is simply *impossible*. The most obvious reason for this is the social disparity, indeed the intense social repugnance, existing between the races, a repugnance far greater than that existing in ordinary society, even where the social scale is longest and its degrees most deeply graven. This repugnance between the free-born and free-made classes has been shown by reference to history from the earliest times to be an invariable law of society, the operation of which could not be overcome by argument, by statute, or by force. And it has been asserted, though not as fully developed as the subject deserves, that this social repugnance, like social laws generally, has a psychological basis which amply vindicates the law, and consequently that it asserts its power as clearly, though not as strongly, in the case of a community of race between the freedmen and their former masters as where there is diversity; and in the case of equality as well as inequality of culture, as has been particularly shown by reference to society in the Jewish commonwealth and in the Greek and Roman republics, to which might be added the entire social history of Europe. But to this general law in our States there have been added intensifying influences of the strongest character, namely, a wide difference of race and a terrible war. So that altogether we have one of the most aggravated cases known to history of social repugnance between two peoples inhabiting the same territory.

For all practical purposes we need not go beyond the fact of this repugnance in arranging the details of public education. We *must* teach the races in separate schools, or we *must* abandon public education. Here then is the sharp and decisive point: we will educate the blacks in separate schools, or we will not educate them at all.

Now, I will venture to say to the House that there is not in Virginia, nor in my opinion elsewhere, a man the superior in enlightenment and ability of Dr. Ruffner.

The few sentences I have quoted from his last report show him to be not only a profound thinker, but a Christian statesman, whose views may well challenge the admiration and seize the attention of Congress. And his last report on the school system of Virginia, taken all together, is a state paper worthy of the most eminent intellects of the Union. And would to God that that admirable paper could be scattered broadcast through the length and breadth of the land!

But, sir, I have yet other high authorities to quote.

At a national gathering in this city, during the past year, of the great Baptist denomination, and embodying a rare amount of denominational talent and Christian virtue, the opinion was expressed, rather quietly though firmly, that the cause of the education of the colored people of the South would be seriously embarrassed, if not totally annihilated, by any attempt on the part of the Federal Government to force mixed schools on the South.

Rev. Mr. Jeter, a great name in Virginia and not an unnational one, ventured to intimate the opinion that the forcing of mixed schools upon the South would utterly sacrifice the educational interests of the colored people; and Dr. Sears, a northern man and a gentleman, well known in educational connections—not a bigot, but a sensible, rational representative of the northern people, a citizen in the midst of the Virginia people, domiciled among them, and looking from a stand-point of practical observation—concurred with his distinguished Christian associate of the Old Dominion.

What has arrested the attention of these distinguished followers of the Cross may profitably claim the attention of the statesmen who are the temporal guardians of the moral weal of the nation.

I dare flatter myself, Mr. Speaker, that I have made it manifest that the passage of this civil-rights bill will have the effect of overthrowing the public-school system of Virginia—that noblest of all her moral enterprises—and will inevitably rule out the colored race from all educational chances. It will shut to them the door of the shool-house, for they have not the means to send their children to the private schools, and from necessity they must remain in the dark gloom of ignorance, while the means of the education of the whites will be materially diminished.

And now, sir, to apply again a little common sense. If after taxing our people a million a year, the white people paying nearly all the tax, ought we not to be allowed the poor privilege of regulating the manner and mode of expending the fund, more particularly when, as to the benefits of the expenditure, we make no discrimination against our colored fellow-citizens? And if Congress can intervene and prescribe to us in what way we shall administer our own school fund, in God's name, with what can it not interfere? What reserved right may it not sweep away? May it not take to itself the whole mass of police jurisdiction and reserved power which has been ever regarded by our thinking people as our main and, indeed, indispensable security against an absorbing centralization? If a State cannot manage her own schools as she chooses, great God, what can she do?

There is another provision of this bill to which I cannot and will not subscribe—that which provides what class of citizens shall be jurors in the State courts. It is an invasion of the right of the States to model their judiciary system as they please. What is a State but a province of the Federal Government if that Government can prescribe to it its judiciary system? And if Congress can dictate to a State as to her judicial system, why may it not interfere with her legislative and executive organizations?

Mr. Speaker, I do most religiously believe that the popular sentiment of the United States does not demand the passage of this bill. I do not think that the northern people care much about it. It is no concern of theirs. And if those who want to make political capital out of the subject would cease their efforts to deceive and mislead the dear people, and leave them to their own quiet judgment, they would never give the matter a passing thought.

In truth, it is much to be doubted whether the northern people care half as much about the poor negro as the southern. They (the northern people) made no haste to give the colored man the ballot until after the rebellion, when his vote became connected with considerations of party ascendency. In the few cases it did confer it, the privilege was coupled with either property or intellectual qualification, or both. Massachusetts required of the voter ability to read and write and prepayment of assessed taxes; and, if I recollect aright, Connecticut not very long since voted down negro suffrage, and Ohio did the same by sixty thousand majority.

Let us give the colored race all their just rights, secure them equality before the law as we have done, and see that they have the equal protection of the laws, and then leave them to their own good sense and reflection, and it will be all the better for them and for us all.

Sir, we have made the colored man a voter and a juror. To enable him to meet the responsibilities of his new relations to the public we *must educate him*. Not to do it is sheer cruelty—cruelty to the colored race, and cruelty to the white. Let us not by the passage of this bill fall short of our great duty to both races.

And now, Mr. Speaker, in conclusion, and in justice to my constituents, I beg to make a brief reply to the gentleman from Massachusetts, [Mr. BUTLER,] who read to this House a letter which is as defamatory as it is unfounded in statement, and which it is my duty to expose.

During the discussion on the bill the gentleman from Massachusetts read from Richmond a malicious letter signed by Betty Huntington, a person claiming to live in Richmond. I have had a thorough search made, and find that no such person lives there. At the time the letter was read I pronounced it false in every particular. I print herewith letters from leading citizens of both parties. The first letter is from Major Patrick Hart, a man of sterling worth, who carries on his person wounds received in the Mexican war and in the late civil war, under the Stars and Stripes:

RICHMOND, *February* 8, 1875.

DEAR FRIEND: In answer to your note dated 6th instant, I have the honor to state that I have made extensive inquiry in regard to finding Betty Huntington, and cannot find her. I have seen Drs. Derrick and Mosley, and fully one hundred others, all colored. Each and every person I have spoken to on the subject pronounces the letter a forgery. I have seen Judges Guigon and White, and will see Judge Minor, of Henrico. There is not a doubt but the letter is forged, and its contents a wicked falsehood.

Yours, truly and fraternally,

Major PATRICK HART.

Hon. JOHN AMBLER SMITH.

The next letter was written by Judge Guigon, one of the ablest and most upright men who ever wore the judicial ermine. He is respected alike by all parties:

HUSTINGS COURT, CITY OF RICHMOND,
Richmond, February 8, 1875.

DEAR SIR: In relation to the letter read by General BUTLER, purporting to be written from this city, I have to say that, so far as my knowledge and information go, the statements of the letter are not only untrue but utterly without foundation.

I am the judge of the court before which such cases would come for trial, and none such has ever been tried by me or in my court. The only case I remember during my service of five years was that of a white man, an Italian, convicted of rape upon a white child, and he is now serving out his term of twenty years in the penitentiary.

I have also made inquiry as to the police justice's court and am informed that no such case has occurred there. Indeed, such a thing would be almost impossible. The police justice does not discharge parties charged with crime upon contradictory testimony or impeachment of witnesses, but sends such cases on for trial by a jury in my court; and the grand jury of this court is always open to hear such charges, though dismissed by the justice.

Offenses of this character are so repugnant to the feelings and sentiments of our people and would arouse so just an indignation that swift punishment would follow not only the perpetrators of the crime, but any officer who sought to screen them.

If there be any such case, I should like to be informed of it, in order that it may be punished, and you may as our Representative challenge its production.

Very respectfully, your obedient servant,

A. B. GUIGON.

Hon. J. AMBLER SMITH.

I desire to call special attention to the letter of Police Justice White, of Richmond, (whose judicial decisions were so bitterly assailed in this Huntington letter,) who has held that position for years, and has faithfully and ably discharged the duties of the office:

OFFICE OF POLICE JUSTICE,
Richmond, Va., February 8, 1875.

MY DEAR SIR: In reply to your communication of the 6th instant, I have the honor to state that the assertions contained in a letter alleged to have been written to General BUTLER in December last by one Betty Huntington, are absolutely untrue. No such case has ever been before the police court. Two or three criminal actions for *seduction* have been instituted, the *parties* to which were *all colored*. I know of only *one* case—of a somewhat kindred character—in which a *white* man and a *colored* woman were involved, and that was a case of bastardy. The *white* man was then punished according to the law of this Commonwealth. I deem it useless to say to *you* that the laws of this city and State have always been administered in my court equably, as to all classes and colors. I repeat that no such case as that alluded to in the Huntington-Butler letter ever occurred in the police court of Richmond.

The whole thing is an abominable production of those whose *malice* to the South breeds trouble to the nation, and is calculated to injure those whom they arrogantly and mendaciously assume to protect.

Thanking you for your courtesy, I subscribe myself,

Very respectfully, your obedient servant,

J. J. WHITE,
Police Justice City of Richmond.

Hon. J. AMBLER SMITH.

In conclusion, Mr. Speaker, permit me to say that in no part of the Union do the white and black races live more peaceably than in Richmond, Virginia. I trust we shall have no more of these outrage stories.

Counting of Electoral Votes.

SPEECH OF HON. T. F. BAYARD,

OF DELAWARE,

IN THE UNITED STATES SENATE,

February 25, 1875,

The Senate having under consideration the bill (S. No. 1251) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising theron—

Mr. BAYARD said:

Mr. PRESIDENT: From the foundation of the Government up to the year 1865 the American people had managed to conduct the count of the electoral votes for President and Vice-President of the United States without any other aid than the constitutional provision and a single statute that had been passed during the first presidential term of George Washington. In 1792, on the 1st of March, an act was passed "relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of vacancies in the office both of President and Vice-President." One thing is observable in this act of Congress, as in all acts of that period of our country's history, that great care was taken to assume no power not distinctly granted or necessarily implied by the terms of the Federal Constitution. Therefore in this

law (which is to be found on pages 305, 306, 307, and 308 of the last compilation of the Constitution, Rules, and Manual provided by the Senate) there will be found no attempt to transcend the grant of power of the Constitution as to the reception and count of the electoral votes. It provided the method of certification of the results; and it will be observed that not only was the manner of the election of the electoral college confided to each State and to the discretion of the Legislature of each State, but that the certification, the authentication of the electoral vote, was confided wholly and unreservedly by the Constitution to the States. And nowhere is power given to either House of Congress to pass upon the election, either the manner or the fact, of electors for President and Vice-President; and if the Congress of the United States, either one or both Houses, shall assume, under the guise or pretext of telling or counting a vote, to decide the fact of the election of electors who are to form the college by whom the President and Vice-President are to be chosen, then they will have taken upon themselves an authority for which I, for one, can find no warrant in this charter of limited powers. This was the belief, and the action of the country has been in accordance with this belief from its foundation until February 6, 1865; and then, for the first time, did the Congress of the United States assume the authority by the vote of either House to put a veto upon the count of a State's vote. That such a rule was without constitutional warrant, I cannot doubt; and I do not think I am going too far when I say that the unconstitutionality of that rule is generally admitted.

I find in the record of the debates of Congress in February, 1865, nothing to instruct me or any other student of this country's history as to the reasons upon which Congress undertook to frame the twenty-second joint rule. There were no debates that I can discover on the subject. I presume the matter was perhaps, as now, arranged by party caucus and silently passed, and reason was neither given nor sought in a Congress composed almost entirely of one political party. Nor do I mean to say that the rule in 1865 was founded solely upon party considerations. On the contrary, there was an opposition so feeble as scarcely to be called one at that time, and from that time to this the rule has been deemed good enough to be let alone. For ten years the rule has continued, and two presidential elections have proceeded under it, indeed three, for the votes of the election for Mr. Lincoln's second term and of the present President's two terms were counted under it. Now for some reason it is sought to be changed. The mind of the honorable Senator who has had this matter in charge has undergone some fluctuations on this subject. At first he introduced a resolution for the absolute repeal of the twenty-second joint rule. After the lapse of a week he came into the Senate, and, calling up the subject, moved to amend his own proposition by simply changing that part of the rule which gave to either House the right to reject the electoral votes of a State into a requirement that both Houses must join in the rejection or the vote should be counted. Then we were dealing with the rules of the two Houses. Upon still further reflection the Senator, by authority of his committee, has brought forward a new proposition in the form of a bill which is to accomplish its object by the act of the two Houses of Congress receiving the President's assent, and can then only be repealed by their joint action.

Now, sir, it seems to me that the proper method of dealing with this subject should be by a joint rule and not by a statute. If any action be necessary, as my friend from Connecticut [Mr. EATON] reminds me, certainly of the two modes a joint rule of both Houses is preferable. It has been the one heretofore pursued, and I know of no reason why the form of a statute should now be preferred to what heretofore has been relied upon.

And here, Mr. President, I cannot avoid saying that this subject ought to be entirely separate from the taint of party politics. The passions of party can but obscure and render it dangerous. No man, no party, can be safe in legislating upon the basis of party passion. I do not say that this measure is of that character, but I will say that I am surprised that it should be regarded as essential to be passed at the present session when, as we all know, an opportunity is about to be afforded within one week from the present time of having this important subject passed upon by two Houses of Congress differing in their political sentiments, and therefore more fit to agree upon a measure which shall be of party advantage to neither.

Sir, this subject should be raised high above and beyond party; and if it be not, then evil will come from it, and perhaps it may return to plague the inventors and not those for whose defeat it was designed. The subject is one of great difficulty. Contingencies have arisen, may again arise, nay their presence is contemplated by this very bill and provision is sought to be made for them, for which the Constitution of the United States has provided no apparent remedy. I can well imagine that in a government depending so entirely upon the active co-operation of all its parts, a government so thoroughly one of consent, and which relied for its real strength and true power upon the voluntary action of its citizens, and to which coercion in all forms was so necessarily fatal, its founders could not have imagined that in the high council of an electoral college and the counting of their votes for the Chief Magistracy of the country the common passions that attend contested elections for minor offices would have had weight or force. I do not know that they based their action in the articles of the Constitution which relate to this subject, upon such an idea; but it is certain they made no provision for facts which we have seen arising unfortunately in our own day, and which this bill contemplates in the future and seeks to provide for. The clause of the Constitution under which the count of the electoral vote is to be made is in the twelfth article of the amendments. It prescribes that—

> The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each—

This is the power of the electors in the respective States where they are to make their lists of the number of votes for each—

> which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

There is nothing in this language that authorizes either House of Congress, or both Houses of Congress, to interfere with the decision which has been made by the electors themselves and certified by them and sent to the President of the Senate. There is no pretext that for any cause whatever Congress has any power, or all the other departments of the Government have any power, to refuse to receive and count the result of the action of the voters in the States in that election as certified by the electors whom they have chosen. That questions may arise whether that choice was made, that questions may arise whether that election was properly held or whether it was a free and fair election, is undoubtedly true; but there is no machinery provided for contest and no contest seems to have been anticipated on this subject. It is *casus omissus*, intentionally or otherwise, upon the part of those who framed this Government, and we must take it as it is, and if there be necessity for its amendment, for its supplement, that must be the action of the American people in accordance with the Constitution itself; and I am free to say that some amendment on this subject should be had. But because there is no machinery provided, no tribunal appointed by which this most important issue and contest may be decided as to who was chosen an elector for President and Vice-President in any State, that certainly does not justify Congress in assuming either by direct formal claim of the power in the enactment of a law, or by adopting rules which shall give them such power as will be equivalent to the control of the subject; that is to say, a power of veto, which, under the present twenty-second joint rule, is given to either House, or under the present bill is to be assumed by both Houses acting together. I have been able to find, and I believe there exists, no such power either for one House or for both.

But there was provided, in case of the failure from any cause to ascertain the persons elected from a canvass of the electoral votes as so certified and transmitted to the President of the Senate, a provision that "immediately"—to use the language of the Constitution—"the House of Representatives shall choose immediately, by ballot, the President." When, therefore, you come to construe a constitution which in the same connection, in the same connected phrases, provided for the subject of counting the votes and election of a President, you are bound to construe it so that a power that is not given shall not be assumed, and if for any cause there be default in the election in one mode pointed out, then you are compelled to resort to the other mode, which is plainly here expressed as supplementary in case of failure of the first.

I will illustrate that by a reference to the second section of this bill, and I am sorry the honorable Senator from Ohio [Mr. THURMAN] is not present, because he has intimated to us his approval of this section, which I cannot assent to, which provides that if more than one return shall be received by the President of the Senate from a State "purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return."

And this section you read in connection with section 1, which provides that unless the two Houses shall concur in an affirmative vote of rejection, all the electoral votes shall be counted. Now, sir, what is the result of this? Let us suppose that one hundred and fifty electoral votes come from certain States alleged to be regular, but more than one return is received from this same region of country, and one hundred and fifty more electoral votes come up in the same form, the same to the outward eye, certified in the same manner, covered by the same character of envelope and seal, and they are presented. Under this section and the first section all of these votes must be received and counted unless the two Houses shall join in an affirmative vote to reject them. What is the result of that? Say, for illustration, that an electoral college consists of three hundred votes; one hundred and fifty votes additional are presented in the manner I have described. They must be accepted under this bill unless the united affirmative vote of the two Houses rejects them. Supposing that affirmative vote to be lacking in one House, they must be counted, and you have then an electoral college of four hundred and fifty votes instead of three hundred. What does the Constitution say? The man who has received a majority of the whole number of electors appointed, that is to say, the man who has re-

ceived one hundred and fifty votes out of the three hundred recognized by our present count of electoral votes as the extent of the electoral college, would be entitled to the office; but you have increased that three hundred to four hundred and fifty by admitting one hundred and fifty other double returns from other districts of country, and then two hundred and twenty-six votes will be required instead of one hundred and fifty-one, so that the provision of the Constitution which entitled the man who has received but a bare majority of the whole number of electors appointed is defeated by this section, that swells the electoral college to a vote that compels him to receive two hundred and twenty-six instead of one hundred and fifty-one.

Mr. President, there may be a flaw in this reasoning; it may be upon examination not only open to criticism but it may be entirely destroyed; but from the examination which the pressing duties in this body have thrown upon me of late have permitted me to give this subject, it does seem to me that by this bill you have virtually required a superior number of votes to elect a man which the Constitution did not contemplate, but which allowed a certain majority to authorize him to take his seat. Perhaps, as I say, upon examination my proposition may not be found to hold water, and yet at the same time I submit this subject so important to the criticism of other gentlemen in this body. If the demonstration can be made differently from what I propose to make it, I presume we shall hear it, because I cannot suppose that any member of the body would vote for a measure that does so materially change the rights of a candidate under the Constitution of the United States to take his seat as Chief Magistrate of the country when the provisions of that instrument have been complied with. If the effect of this bill is to require a larger number of votes for his majority than he would have if the electoral college was lawfully filled and only truly filled, then it seems to me this bill would be the most flagrant violation of the Constitution of the United States.

But, Mr. President, let us look again at the effect of it. We had from the Senator from Rhode Island [Mr. ANTHONY] the other day a very thoughtful disquisition on this subject. Questions were then asked in the Senate and were not answered as to what should be done where a double vote was returned from a State and where two sets of electors each present their suffrages for different candidates from the same State at the same election. No one gave the answer, because the Constitution had provided no means whereby such a contest could be decided. It will be seen that this bill in its second section proposes to meet this very dangerous and difficult question of a contest between two sets of electoral votes from the same State at the same presidential election. It declares that all of these returns, the false as well as the true, shall be opened, and I can construe the language of the bill in no other way than that they shall be counted unless there is a concurrent affirmative vote of both Houses rejecting them. See then the result. There is here, if not the invitation, the opportunity given to raise a false claim in order to defeat a true election—and in determining such a claim the false and the true shall stand upon the same level and be only defeated by the same means, and if you shall between two Houses of Congress sufficiently inflame the passions of party the two Houses of Congress differing in party affiliations—if you shall sufficiently inflame them to warp the judgments of men or to warp the conscience of men and to set party above country and duty, then the false vote will weigh equally with the true vote, and the State will be disfranchised in the result as plainly as though you gave the veto power to either House as now. If you count ten votes for the State ticket and ten votes against the State ticket, what is the result? The one has neutralized the other; the one has annihilated the other; and the vote of the State might as well never have been cast at all. The election would then be an empty form. It is a new and a patent method for the disfranchisement of States where a contested election can be gotten up. That is the result of this second section as I read it. I shall be glad to be instructed to the contrary. I have read the section many times; I have submitted it to the judgment of others whose opinions I value more highly than my own, and have found a concurrence in the belief that this section is an opportunity, if not an invitation, for the annihilation of the electoral votes of States by having the false vote made equal in weight with the true and forbidding the rejection of either except by the concurrent affirmative vote of both Houses of Congress.

Mr. President, I will not anticipate evil results. I only say that we should give, so far as we can give, no opportunity for evil results; that we should not give our consent to a law that would, if carried out, wrongfully make a presidential election a nullity.

Mr. FRELINGHUYSEN. I simply wish to say to the Senator from Delaware that I understand that this second section leaves the rule as it now is. I understand that by this second section if there are two sets of votes sent up from any State, then the concurrence of both Houses as to which shall be counted is required, and that is the rule at the present time.

Mr. BAYARD. If that be so, then an amendment which I have had draughted will not be objected to, to insert at the end of the second section:

And in such case the validity of any return shall be agreed to by both Houses, or the same shall not be counted.

Mr. FRELINGHUYSEN. I had prepared an amendment, which I was going to submit to the Senator from Indiana, to the same effect.

Mr. BAYARD. The honorable Senator from Ohio [Mr. THURMAN] remarks to me *sotto voce* that that is what the bill means now. I know that I had not the benefit of his audience when this question was being discussed, and I do not propose to repeat what I have said on the subject; but I cannot conceive that the bill now means that. On the contrary, I believe the bill as it stands now, and if it passes as it stands now, will work the result that I have stated, and I am not alone in this view. Wherever a contest can be gotten up, and wherever public opinion is sufficiently excited, wherever the tone of political morality is low enough, there the contest will be raised and then the votes coming here certified in form must be counted under this section, as I conceive, unless the affirmative vote of both Houses shall reject them.

Mr. President, I do not think this second section meets the difficulty. It does not fill the want which we all recognize exists in the Constitution on this important subject. The Houses shall assemble; the Vice-President shall open the certificates and a count shall follow; it is not so important by whom that count shall be made, because being made in the presence of the Houses they are witnesses to a count, which means a valid, a real, a fair, an honest count; and when the time shall come that a dishonest count of such votes can be made in the presence of the two Houses, then your government will be of so little value that the sooner it passes away and makes place for another more honest, more reliable, the better for the people of the country.

But there may well be causes why you should doubt that the ticket which is represented by these electoral votes was not fairly entitled to be so represented as the sentiment of the people of the State from which it comes, and there should be, as there is not now, some tribunal in whom a deposit of power to determine such contests should be lodged. How shall that be reached? Only by an amendment to the Constitution, and certainly by an amendment in which all men without respect to party results must join. As I have said before, in dealing with the subject within the powers confided to us by the Constitution, there never was a better opportunity to place it upon a high non-partisan basis than by awaiting the incoming of a new Congress, in which the two Houses shall not be of the same political opinion. A rule framed between a democratic House of Representatives and a republican Senate must of necessity be a non-partisan rule; and why, when so golden and valuable an opportunity awaits close at hand for the purpose of accomplishing an amendment so important and beneficial, should it not be embraced, and why should the regular ordinary business of this body be postponed now to accomplish in hot haste that which should be accomplished only by great care and consideration? Why, Mr. President, it is well known that measures which challenge our closest care and criticism, measures which demand from us laborious and assiduous attention for the next six days, fill the Calendar. The interests of the public without respect to individuals, the interests of individuals to whom our duties are plain and clear as public representatives, ought to require from us all of the attention, all of the care, all of the labor that our frames can stand between now and the termination of the present session of Congress. Why is it then that measures like this, which need calm counsel, which need the abstraction of all partisan feeling from the mind of him who would properly comprehend and address himself to them—why is it that they are pressed? I will admit that their importance cannot well be exaggerated; but for that very reason is the argument strengthened that there should be time for deliberation and that the very circumstance should be allowed to take place which I say is so favorable to their proper decision.

Mr. President, if the matter were left to me, as I am glad that it is not, for I would shun the responsibility and I have great doubt of my capacity to deal with it properly—if it were left to me to decide how this question of contest shall be settled and where will you deposit the power that is to settle it, I would not be able to give an answer; but I am perfectly clear that the second section of this bill is no answer to such a demand. It provides no such remedy as solves this question. It satisfies no mind asking for decision in a case like this. As I said before, the measure is new; it just saw light in this body less than three weeks ago; and as I said to the Senate it was a remedy differing in method and substance from that which the same committee had reported as advisable in the month of January. If they change in so few days, if their opinion so vacillate, is it not of itself a reason why we should pause until opinion shall settle and crystallize itself by common agreement upon a proper and final method of dealing with this great and important subject? If gentlemen desire this subject to be considered by the light of partisan feeling, I will admit the present time is propitious. If they desire it settled upon what must necessarily be non-partisan feeling, and the settlement is important to everybody in the country, before the evils shall crush upon us owing to this defect in our law, it will be an evil common to all; no one may hope to escape it more than any other; no party or no individual can assume exemption from suffering in such a case—it is of the last importance that we should settle this properly.

There is ample time for the settlement. No use for such a law can arise for two years to come. It cannot be until the winter of 1876–'77, two years from the time at which I now speak, when the machinery which we seek to provide can be called into requisition. Why not then let this subject rest, so far as it has been mooted, aided by

the reflections that have been suggested and expressed in regard to it; why not let the subject rest until you can have assured that which is assured, a non-partisan decision in regard to a subject that should be for the safety of this whole nation, lifted high above the atmosphere and the heat of party. If Senators desire that, they have an opportunity to secure it. If they desire, on the other hand, the decision made in haste, made upon the very heels of and in the midst of doubts expressed by the committee themselves who have reported this measure, then they will vote to press it to a present vote and decision, but it shall not be with my consent.

I know not, Mr. President, whether the reasons for pressing this measure at this time were avowed by the Senator in charge of it. I do not know whether I ought to ask whether, if the incoming House of Representatives were in accord with the opinions of the republican party and not the democratic party, the precious hours of this closing session would be insisted upon being occupied with the consideration of this subject; and yet I believe that we should be relieved from it if such were the case. Sir, not in this measure only, but in others do I certainly mourn that distrust which is thus expressed in the party to which I am attached. I mourn this distrust, not for the sake of the party against whom it is assumed, but I mourn it for the sake of the country. The late elections disclose the fact that there are more than one-half of the citizens of this country who do not approve of the policy of the republican party.

Mr. President, why this haste to take away from them their chance to express their opinion, to come into consultation upon subjects so permanent in their effects and in their nature as that which we are now discussing? Does this distrust felt in this country not, on the contrary, seem to intimate that in the opinion of one-half of the nation another half of the whole country contains a body of dissatisfied and untrustworthy citizens? I would beg the gentlemen who may feel such distrust not to express it. I ask that as much for their sakes as for our own. I beg them not to make so fatal an admission, so insulting and unkind to us and so dangerous to all. I would not have it believed abroad; I would not have it believed at home. I would bear much to prevent such ideas being prevalent. I do beseech Senators not to give credence to them by their votes and by their acts. It cannot be that this country contains any large body of citizens so lost to patriotism, so lost to the instincts of self-respect and of self-preservation, as to design anything which shall not inure to the credit and the happiness and the grandeur of our nation as a whole; and yet I can read in the haste with which this bill has been prepared, in the haste with which it is pressed, excluding other matters which are essential in justice and in duty for us to attend to—I cannot but read in that expression the fact that the latest expression of the country's sentiment is something inconsistent with the best interests and the safety of the country.

Mr. President, such an admission ought not to be made even if fear or party suspicions should prompt it. As I said before, it is fatal to our common interest. It is unjust to those against whom it is directed. It is utterly inimical to the safety and the prosperity of the country.

Therefore it is in this grave way I close the hasty remarks I have made upon this measure. I believe there is no warrant for the power which is sought to be assumed by Congress over this matter. I believe the bill as it now stands will have the effect of changing that majority which the Constitution entitles a man who has received it to elect him to the Presidency, and of increasing it so that but for the provisions of this bill he might be the duly elected President of the United States, but under the provisions of this bill he will not be because more votes are required by the bill than the Constitution requires him to have received in order to be declared elected.

Federal Intervention in the States.

SPEECH OF HON. JOHN J. DAVIS,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. DAVIS. Mr. Speaker, a crisis has been reached in our history which demands our most serious and deliberate consideration. Its importance cannot be exaggerated; its dangers cannot be overlooked, nor the responsibilities it imposes be avoided or put aside. No words can portray too vividly or forcibly the perils which surround us. Absolutism reaches forth its parricidal hands to grasp the throat of the Government; an authority created by the States, with limited and defined powers in order to protect them, turns upon them to destroy them by the sword; arbitrary power has raised its arm to strike down the Constitution; and should we falter in our duty now and permit it to be overthrown, posterity will reproach us with pusillanimity and hold our names in everlasting contempt.

I had hoped, sir, that the intermeddling with and the setting up and pulling down of State governments whenever anything in their administration was displeasing to a majority in Congress or to the authorities of the Federal Government was at an end; that Federal power would in the future confine its operations to the limits assigned to it by the Constitution; and that the States would be allowed to care for their own internal concerns without the impertinent and unconstitutional interference to which they have been subjected in the past. "'Tis a consummation devoutly to be wished," but one it seems we are not to expect, as long as we tolerate the unbridled audacity and assumptions of executive authority. Louisiana prostrate beneath the heel of military power, and the threatened assault upon Arkansas contained in the executive message addressed to the Senate (February 8th) reveal the determined purpose of arbitrary power not to cease the murder of States. This remarkable paper, the signal-gun of the empire, taken in connection with the manifestations of executive power in the employment of Federal soldiery to disperse the Legislature of a sovereign State, recalls the history of more than two centuries ago, and is an assumption of despotic powers which should arouse in the minds of the people of the United States a fearful sense of their danger from unrestrained usurpation. Stripped of all disguises, what is it but a renewal of the conflict fought by our British ancestors—of prerogative against liberty? We must determine now whether we shall be citizens of a free Government or the subjects and slaves of a military despotism—whether the Government established by the Constitution, with all its limitations and restrictions upon power, shall be maintained, or whether, unmindful of the great struggles and triumphs of our forefathers in the cause of liberty and mankind, we will remain indifferent to the objects for which it was instituted, and permit it to be overthrown by executive or legislative usurpation?

Mr. Speaker, I trust that the spirit of liberty, like the words of the holy man, still survives the prophet, and that, mindful of the traditions of the past and inspired by the hopes of the future, we shall not fail in the performance of our duty to meet boldly and rebuke sternly these and similar encroachments upon the rights of the States. They strike at the great bulwark of our liberties, annihilate our constitutional rights, and change and subvert the entire form and structure of the Government. The last vestige of State sovereignty, the very existence of the States as separate and distinct political communities, and the right of local self-government are bound up in the issue and are at stake.

Should the throttling of Louisiana by military power be approved or the recommendations of executive authority in regard to Arkansas be obeyed, and this body by its legislation, framed upon the dangerous precedents and usurpations which stand as blots upon the escutcheon of the Republic, still further encroach upon the rights of the States, the day is not distant when anarchy will banish law, the reign of disorder, violence, and oppression will be inaugurated, and our boasted freedom will be a memory to mock us for our faithlessness to the cause of liberty.

It is idle to think, sir, that the liberties of Louisiana alone are menaced; those of the people of each and all the States are threatened by the blow inflicted upon her. Her cause is the cause of all; and the gravity of the issue, so far reaching in its consequences, renders the present a fit occasion for the reiteration of those fundamental truths and doctrines which lie at the foundation of the Government, that seem to have been forgotten of late years, and a departure from which has encouraged the aggressions of arbitrary power and invited the approach of military despotism.

It is time to pause in our career and inquire whether, corrupted by wealth or dazzled by the trappings and tinsel of official station, we have become indifferent to the teachings of history and ceased so remember that "eternal vigilance is the price of liberty." Each day records the birth of some new innovation upon the Constitution or encroachment upon our rights, and testifies to our blind confidence in authority and our submission to usurpations. So frequent have they become, we are no longer shocked by the arrogance of power and its disregard of law. Unchecked, it is gradually but steadily sapping the foundation of government, and under the assaults of constructionists and innovators the superstructure reels and totters. The observance of the Constitution is the *exception*, its violation the *rule* by public functionaries, who make each aggression the pretext and authority for another, until, swollen by assumptions unrebuked, and strengthened by whatever of power has been wrested by usurpation, these agents and servants of the people bestride their necks like some huge colossus, and by the discipline of the sword and bayonet compel them to submit to political ravishment. I repeat, Mr. Speaker, if the breath of liberty still survives, those in authority must be taught that States cannot be ruthlessly overthrown and the rights of the people trampled in the dust by military power; that executive power *shall* be restrained by law, and when it oversteps the limits assigned to it that resistance in every legitimate form to its usurpations is essential to the preservation of liberty, and become the most sacred of duties on the part of the citizen. I submit, it is high time we should abandon that "confidence in authority," and especially executive authority, which is "the parent of despotism." Every new encroachment calls for a new assertion of popular rights; every assault upon the Federal system demands a reassertion of the principles underlying the Constitution, lest it should be overwhelmed

by bad precedents, the Government subverted, the people's rights buried in oblivion, and they themselves forget their former freedom.

It is the inherent nature of power always to encroach unless restrained, and in a government such as ours, which derives its powers by delegation, we should ever be jealous and watchful to restrain it within the boundaries assigned to it by the compact under which it was established.

Now, sir, in view of what has transpired recently and of what is threatened it may not be unprofitable to inquire briefly what are the powers of the Federal Government and what relation does it sustain toward the States. No one can deny the fact that within the last few years the Government has been rapidly tending toward consolidation and centralism; that the Constitution is becoming a dead letter; that all the restrictions and limitations imposed by it upon the powers of government have been disregarded; and that the rights of the States have been ignored and are being swept away. It is only, therefore, by a "frequent recurrence to first principles" that the Government can be maintained and liberty preserved.

To assert that the Federal Government is a sovereignty possessed of inherent power is to state what is false in fact and dangerous in principle. In the language of Chief Justice Marshal, "the supreme, absolute, and uncontrollable power is in the people of the States before they make a constitution, and remains in them after it is made. Absolute sovereignty never goes from the people."

In their colonial days and while under the control of the British Crown, the colonies were subjected to the sovereignty of government, as the king was the source and fountain of sovereignty. Their relation to the Crown was one of subordination, and the supremacy of Parliament over them was omnipotent. It was absolute sovereignty in the one and absolute subordination in the other. There was no recognition of the principle that sovereignty and the right of self-government reside in the people; and but for the Revolution, this doctrine, with the consequent rights of dividing and limiting power, would perhaps have slept forever in theory. The framers of the Constitution wisely discarded the idea of absolute sovereignty in governments, and guided by the sound political doctrines of limitation, restriction, and division of power, gave force to the principle of self-government, and vitality to the fundamental truth that "sovereignty resides in the people and that magistrates are their trustees and servants." The distinction between the two principles is a material and a vital one, and should be borne in mind in considering the powers of government, either State or Federal. Under the one principle the people as the sovereign delegate or bestow powers; under the other they receive limited rights or privileges. The king bestows upon his subjects rights and franchises; the people under our theory of government *delegate powers* and reserve to themselves all not delegated.

While discarding the principle of sovereignty in *governments* and holding to the doctrine that sovereignty or the right of self-government—the constitution, government-making power resides in the people, we must be careful to ignore also the assumption that the Federal Government was framed upon the basis that it resides in the people of the United States as one people. Such an assumption is barren of historical evidences to support it, and is as dangerous in principle as the doctrine of sovereignty in governments. If it could be sustained, the logic of it would be that the people of the several States never possessed the right of self-government as sovereign States; that their governments were derived from or established by permission of the people of the United States as one people in whom sovereignty alone resides, and that they are held at their will and pleasure, or at the will and pleasure of a majority of them; and such, indeed, seems to be the opinion of the modern reconstructionist, whose political philosophy is drawn from other sources than the Constitution, and is restricted to a single dogma—party expediency.

During their colonial dependence upon the British government the relation of the colonies toward each other was that of distinct communities, with separate governments established under royal charters, the sovereignty of each being vested in the Crown. When by the Revolution the tie was severed and they renounced their allegiance and became independent States, the sovereignty theretofore vested in the Crown was vested in the people of each State respectively as a separate and distinct political body, and not in the people of the United States as one people or as a consolidated nation. Possessed of all the attributes and rights of sovereignty, the States framed and established governments for themselves, each State acting separately and independently of the others, and through the instrumentality and direct action of their separate governments established the old Confederation and first Articles of Union. In the creation of this Confederation the sovereignty of the States was recognized, but not more distinctly than in the establishment of the Constitution of the United States and the Government under it. States were parties to the old Confederation; they are likewise parties to the Constitution. The Government resulting from the latter rests upon the authority of the people of each State; the government under the former upon the authority of the *governments* of the several States, by which the States admitted themselves to have been bound only as they possessed the power to make treaties. And as the State governments had the right to destroy such treaties, in order to form a more perfect union and to place the compact on better ground, the authority of the people of each State was substituted for the governments of the several States in establishing the Constitution. It is the creature of sovereignty, and the Federal Government is its result. It did not emanate from the people of the United States as one people, nor is the Government established by it the Government of a majority. Its foundation is laid on the basis that sovereignty, or the powers of government resides in the people, but in the people of each State only as a separate, distinct, and independent community. To the people as thus organized by social compact and called States, possessing the right of self-government and sovereignty, its origin is to be traced.

Resulting from the Constitution as a compact established between the States as parties, to which each State acting for itself as a separate community and sovereign body assented, the Federal Government is the government of States for the management of the general concerns of the States united, and not for the management of local or individual concerns; and in its relation toward the governments of the several States stands as "a co-ordinate department of one single integral whole." The principle of supremacy and subordination, of superior and inferior as between the Federal and State governments is unknown to our system, and if recognized would unsettle the division of powers between them and invest the Federal Government with a power to destroy the States. There is a supremacy admitted—the supremacy of law. The Constitution asserts its own supremacy as *law* for the government of the several political departments created by it, and over the persons and things to which the powers therein delegated extend. To the extent of the powers delegated, and to that extent only, it is the government of the States; beyond the limits of the delegated powers it is the government of none. When the Federal Government, therefore, transcends the boundaries of delegated powers it ceases to be the Government established by the Constitution, and its acts are usurpations. I have hurriedly and very imperfectly, without attempting to elaborate, stated a few of the fundamental doctrines touching the relation between the Federal Government and the States which seem to me to be worthy of especial consideration at the present time. In support of the theory, however, that the Federal Government is the government of the States, resulting from the Constitution as a compact established between States as sovereign bodies, the proofs are numerous and indisputable. The Constitution itself furnishes the plainest evidence in its origin, establishment, and terms. The members of the convention which framed it were appointed by States, voted by States without regard to the number of people, and it was adopted by thirteen votes. It was ratified and assented to by States, acting separately, through conventions of delegates chosen by the people of each State. Its legislative powers are delegated to a Congress, one branch of which is to be chosen by the people of the several States, the choice being confined to electors of the most numerous branch of the State Legislature, thus recognizing a fundamental right belonging to the States, which of late years has been invaded and usurped by the Federal Government, namely, the right of each State to determine the qualifications of its own electors; while the other branch of the Congress is to be elected by the Legislatures of the several States, and in which the equality of the States is preserved in order, as Dr. Franklin said in the convention, "the better to guard the rights of the States in all cases, or questions wherein the sovereignties of the individual States might be affected" or "their authority over their own citizens might be diminished."

The President also is elected by and is the Chief Magistrate of States; and in case of no election by electors, he is to be chosen by the House of Representatives, "the votes to be taken by *States*, the representation from *each State* having *one vote*;" and not to dwell longer on the internal evidences afforded by the Constitution itself, it provides finally that "the ratifications of the conventions of nine *States* shall be sufficient for the establishment of this constitution between the *States* so ratifying the same." The framers of the Constitution regarded it as a compact between the States as sovereign bodies, to which States, and not individuals, were the parties. A few brief references will suffice on this point. In the eighty-fifth number of the Federalist, Alexander Hamilton says: "The compacts are to embrace *thirteen distinct States* in a common bond of amity and union." And again, speaking of the Constitution, he says: "It must inevitably consist of a great variety of particulars in which *thirteen independent States* are to be accommodated in their interests or opinions of interest," and "hence the necessity of molding and arranging all the particulars which are to compose the whole in such manner as to satisfy *all the parties to the compact*."

Mr. Madison, in No. 39 of the Federalist, says that—

> The Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose. * * * But this assent is to be given by the people not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State, the authority of the people themselves. The act, therefore, in establishing the Constitution will not be a *national*, but a *federal* act.

And again, in the same number, he says:

> It must result from the unanimous assent of *the several States that are parties to it*; and each State in ratifying the Constitution is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act.

Again, in No. 40, he says:

> Do they require that in the establishment of the Constitution the States should be regarded as distinct and independent sovereigns? They are so regarded by the Constitution proposed.

And Chief Justice Marshall said:

The General Government is a federal body of our own creation.

With this limited inquiry into the sources from which the Constitution emanated, which suggested itself as not an inappropriate one to this occasion in view of the repeated assertions that State rights is a dead dogma of the past, I shall discuss briefly the still more important question, What are the powers of the Federal Government?

It is the habit of a certain school of statesman, whose conceptions of the powers of the Government are bounded by *party* necessity alone, to treat with derision and contempt any reference to the Constitution as the guide or test by which the powers of the Federal Government shall be ascertained. If the existence of the Constitution is ever admitted by this school, they so interpret its provisions as to destroy its limitations and restrictions, and by the assumption of undelegated powers place in jeopardy the liberties of the people. But as the Constitution is a definition of, and a limitation upon the powers delegated by the people, and is their only defense against the ambition of rulers as well as against the violence of the mob, it becomes our highest duty to maintain its authority, and to insist that, by its provisions strictly and fairly construed, the powers of the Federal Government shall be determined. Its limitations frittered away by construction, or broken down by usurpation, the Government becomes an engine of despotism in the hands of an unrestrained majority. The objects and concerns over which its powers were not to extend will be drawn into its rapacious jaws as power increases, and the governments of the States, *to which the people should ever be taught to look as affording the surest protection to their lives, their liberties, and their properties, and as being the safest bulwarks against anti-republican government, will exist*, if at all, only as feeble corporations, stripped of power and dignity, and as miserable caricatures of free commonwealths. And to this complexion they have come if the usurpations of Federal authority are longer tolerated. I have faith enough, however, in the integrity of the people and in their love of liberty to believe, that when their attention is once more directed to the character, nature, and extent of the powers of the Federal Government, and to the dangerous advances usurpation has made on their rights by the assumption of powers never bestowed, they will rally under the Constitution, and, pointing to its restrictions and specifications, say to Federal authority, "Thus far shalt thou come but no farther."

And first let them remember that the Government of the United States is a government resulting from the Constitution which was made by States, to establish a government for States with reference to objects principally external to them; that it possesses no inherent primitive powers or sovereignty, and is not a government of the majority, in which numbers according to population control its operations. Its powers are wholly conventional and derivative, and are enumerated, limited, and defined by the Constitution. They were bestowed by delegation by the several States, which, in confirmation of their sovereign authority, reserved every right they had not delegated, whether particularly enumerated or tacitly retained. It is correct, therefore, to say that the powers of the Federal Government are *delegated* powers, and whenever a question of power is raised, an appeal to the Constitution as a guide must be resorted to to determine whether it may be exercised or not. Such powers as are therein delegated, and only such, belong to the Federal Government; all not delegated nor prohibited by it to the States are reserved to the States respectively or to the people. The reservation and the delegations were both made by the same power—by the people of the several States as distinct political bodies.

The powers reserved by the States, which are numerous and undefined, are withdrawn from and are not subject to the influence of the Constitution, or to the control of either of the political departments created by it in any manner whatever. The States hold them as independent nations, just as they held the delegated powers before the formation of the Union and the establishment of the Constitution, and may exercise them as to them shall seem best in order to promote the happiness, protect the lives and properties, and secure the liberties of their citizens. And any invasion of, or transgression upon the domain of reserved powers by the Federal Government, or any department thereof, is a flagrant violation of the Constitution, revolutionary in its character, subversive of the objects for which the Government was instituted, and dangerous to the existence of the States. To protect the latter in the exercise of all their undelegated powers and to secure to the people the right of local self-government—the right to establish, alter, or abolish their governments and institute new ones, "organizing their powers in such form as to them shall seem most likely to effect their safety and happiness," was the object of jealous care and great concern on the part of the framers of the Constitution as well as of the fathers of the Revolution.

One of the principal causes which led the Colonies to resist the Crown and throw off their allegiance was the right assumed and claimed by Parliament to legislate for and control their internal and domestic affairs. As I have before stated, neither Crown nor Parliament recognized their right to local self-government, and if any principle was established by the Revolution and supposed to be firmly secured to the people it is the right of self-government in each State, or the right of the people to govern themselves. It was for this our fathers fought, and they were careful to guard it in the formation of the Federal Government. The boundaries of the States were respected and the right of internal self-government reserved and secured to them by the Constitution. So sacred and dear was this right held by the wise men who framed the instrument and so jealous were the States of their powers, that in establishing the Government they delegated but few powers, and provided for the limitation and division of such as were delegated among the different departments created by the Constitution. As descriptive of the powers of the Federal Government I quote the following by Mr. Madison:

The powers delegated by the proposed Constitution to the *Federal* Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.—*Federalist*, No. 45.

And in the same number of the Federalist he says:

The State governments may be regarded as essential parts of the Federal Government, while the latter is nowise essential to the operation or organization of the former.

The Constitution defines the character of the Government and the nature of its powers. States are its constituents, and its powers are delegated, few and defined. In vain do we search among the delegated powers for one that authorizes the Federal Government or any department thereof to interfere with the internal or domestic affairs of the States. The regulation and the protection of these, with all that appertains to the establishment of governments to defend the internal peace and security of the States, belong to the States. Within the limits of reserved powers the States are not only beyond the influence of the Constitution or any of the political departments created by it, but, for the very purpose of controlling the operations of the Federal Government for their own security, the Constitution has invested the States with a power over *it*, and subjects its *workings* to *their* influence in many important particulars, only a few of which I shall instance; as, for example, in the election of a President and Senators, in the power to compel Congress to call a convention, in their right to affirm or reject amendments, and to ratify changes in the Federal Government without its consent. To the extent of the powers delegated the several political departments of the Government are the representatives of the States; and the framers of the Constitution, lest this representation should usurp powers over private persons and internal concerns, carefully defined such common interests of the States as were intended to be intrusted to their representative. They relate chiefly to war, peace, taxation, commerce, and our intercourse with foreign nations; and when the Federal Government or either of its departments assumes a power over the State governments, it usurps the authority of the people themselves, never transferred, especially reserved, and necessary for the preservation of their liberty.

In the light of the principles I have so imperfectly and feebly presented, may I not ask, by virtue of what law or what authority the powers of the Federal Government are employed to strike down the governments of States? In what article of the Constitution does the President of the United States find the power authorizing him to disperse, or purge the Legislature of a State with Federal soldiers and drive from its halls members claiming to have been duly elected, of whose qualifications, election, and returns the Legislature was the sole judge? If he has power to authorize, or depute his major-generals and subordinates in the Federal Army to exercise the functions which properly belong to the Legislatures of the States, has he not the same power and authority of law to deprive the people of the right to elect at all, and to appoint Legislatures for them in such manner and composed of such persons as he in his pleasure may choose? Were not the proceedings in Louisiana on the 4th of January tantamount to the assumption of such power on the part of Federal authority? They struck a deadly blow at the right of self-government, and menaced with destruction the securities of election and representation, which are the defenses provided under our system of government to protect the liberties of the people against the corruptions and tyranny of rulers. The maintenance of these rights in all their vigor and unimpaired, is necessary to prevent the powers delegated by the people from degenerating in the hands of those who exercise them into an absolutism.

History is full of examples warning us that governments which have aimed at becoming absolute have always endeavored to destroy the principle of election and representation, and that "executive power sometimes forgets its origin and its limits; that it was bestowed to protect and maintain rights, to respect liberty; and when it meets with but a feeble assertion of liberties it is soon transformed into despotism." But still more alarming, if possible, than the interference of Federal power in Louisiana is the threatened overthrow of the government of Arkansas, and the bold assumption of executive authority that the States of the South may frame only such constitutions and enact such laws as a majority in Congress, or the President, shall dictate and approve. While his threat is leveled at the South, the precedent once established and his doctrine admitted, the fate of other States is easily foretold. Their existence will depend upon the breath of executive or legislative power.

Has it indeed come to this, that the right of the people of the States to amend, alter, or abolish their constitutions and establish

new ones, organizing the powers of government "in such form as to them shall seem most likely to effect their safety and happiness," is a right held in subordination to the will of a President or a majority of Congress, and to be exercised only as they shall permit? Are we ready to concede that when the political complexion of a State Legislature is distasteful to a partisan President or a like majority in Congress, or that when the administration of a State government is not in accord with their views and wishes, they shall strike it down and set up another in its stead fashioned after their own fancy and better suited to their purposes? Did our fathers resist the supremacy of King and Parliament only to perpetuate and establish the supremacy of President and Congress? Shall these departments, the mere creatures of sovereignty, be permitted to absorb all the authority of the people and, in imitation of the convention and Napoleon in France, declare "the elect of the sovereign itself sovereign?" The governments of the States are not held by charters granted either by President or Congress, nor is there any power delegated by the Constitution to either of these departments to authorize their interference in the establishment of such governments, or in the local or internal concerns of the States.

The States are restricted by the Constitution in but one respect in regard to the establishment of governments—in their forms they shall continue to be republican. So long as the forms of government existing at the time of the adoption of the Federal Constitution shall be substantially preserved by the States, there is no power in the Federal Government or outside of it that has any right to molest them in the exercise of their inherent right to institute and establish their own governments in their own way. The assumption that what is termed the "guarantee" clause of the Constitution bestows a power on Congress to sit in judgment upon forms of government in States, and to fix a standard in accordance with their own opinions of what is or should be a republican government, to which the governments of the several States must conform on pain of being overturned by congressional legislation, is as dangerous to the stability of free governments and the liberties of the people of the States as any assumption of despotism. Such a power vested in Congress as between it and the States would be a lash in the hands of the former to scourge the States into submission and subserviency to its behests; and it is a reflection upon the wisdom and patriotism of the framers of the Constitution to suppose that after the jealousy manifested in regard to the rights of the States, and the great care taken to guard them against the encroachment of Federal power, they had invested Congress with power to overthrow their forms of government and blot them out.

Until the inauguration of the baneful and unconstitutional policy of reconstruction, Congress had never assumed the power to establish forms of government or dictate constitutions to the States. In all the past history of congressional legislation preceding that relating to the reconstruction of the South not an act is to be found sustaining the assumption, that to set up or pull down a State government, or to put in or out of office a State executive by authority either of Congress or the President are among the powers delegated to the Federal Government. Among the provisions in the Constitution in the nature of a stipulation between the States, rather than a delegation of power to either of the political departments of the Government, is to be found section 4 of the fourth article, known as the "guarantee" clause, which reads as follows:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

As interpreted by Mr. Madison, in No. 43 of the Federalist, the authority of the section quoted "extends no further than to a *guarantee* of a republican form of government, which supposes a preexisting government of the form which is to be guaranteed. As long therefore as the existing republican forms are continued by the States, they are guaranteed to them by the Federal Constitution."

In the case of Luther *vs.* Borden *et al.*, 7 Howard, Chief Justice Taney, in delivering the opinion of the court, says, in what seems to be rather an *obiter dictum*, for the point did not fairly arise upon the record in that case, that—

> Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.

The "guarantee," as understood by Mr. Madison and Chief Justice Taney, was clearly intended to be of the governments then existing and such others as might be subsequently formed from time to time by the people of the States respectively, and that in case of conflict between an existing government of a State and an opposing force claiming to be the government within its jurisdiction Congress should determine which of the two is the established government of the State; but neither the authority of the court in the case referred to nor the opinion of Mr. Madison can be appealed to, to sustain the doctrine that to enforce the "guarantee" Congress or the President may overturn the established governments of States in order to bring them into harmony with the sentiments of any political faction or power. This provision of the Constitution and solemn covenant between the States, made for their security, is converted into a means for their destruction, and by an unwarranted perversion of its terms is construed as giving to Congress a supervising power to overthrow and establish governments under the pretense of enforcing the guarantee.

The States, when they ratified the Constitution, never contemplated interference in their internal concerns, except in cases of invasion and domestic violence, and in respect to the latter *only upon application made by the Legislature, or when it cannot be convened by the executive of the State.* The clause of the Constitution in question cannot be invoked to justify the extraordinary proceedings in Louisiana or the threatened overthrow of the government in Arkansas.

To digress for a moment, were the question of construction still an open one, I should venture to suggest, Mr. Speaker, with great diffidence, that by section 4 of article 4 of the Constitution the duty to guarantee a republican form of government to each State is one that is imposed on neither Congress nor the President, and that it is quite in accordance with the nature and theory of our Government to construe this clause so as to place the performance of the duty upon the States as individual members of the Union. It will be observed that the article does not, like other provisions of the Constitution where power is delegated, designate the political department that is to exercise it. The phraseology of the section is "the United States shall guarantee to each State, and protect each of them, and on application of the Legislature or executive, suppress domestic violence"—terms applicable to States, and not to the President or Congress. The duty to be performed is a guarantee by contracting parties who are stipulating for the preservation of their mutual liberties. And what is a guarantee? A contract or undertaking, a compact to be performed by the parties making it. As States made it, and as Congress was not then in existence and could be no party to the compact between the States, it could enter into no engagement to perform a guarantee for the safety of the States.

If the United States, in attempting to guard themselves against arbitrary power with the defense of a mutual guarantee, have delegated to Congress a power over the forms of their government, they have not only made a dangerous mistake, but one which makes any reservation of powers on their part worse than useless. Is not the guarantee a duty to be performed by States, and the protection stipulated for an assistance to be rendered by States to States upon such emergencies as would make dispatch and contiguity important? It is the duty of the Federal Government to provide for the defense of the whole Union, and for that purpose it is empowered to declare war, raise armies, and call forth the militia to suppress insurrections and repel invasions. The eighth section of the first article of the Constitution, in enumerating the general powers delegated to Congress for defending the Union, declares that it shall have power "to provide for calling forth the militia, to execute the laws of the Union, to suppress insurrections and repel invasions." These powers are not subject to any special restriction, and insurrection and invasion are expressions equivalent or tantamount to "invasion" and "domestic violence," the terms employed in the guarantee clause. Does it not, therefore, seem a little absurd, after bestowing an unrestricted power on Congress in the provision of the Constitution just recited, that the same power should be conferred upon it by the fourth article of the same instrument, to be exercised only on application of the Legislature, or, when it cannot be convened, of the executive?

It is the duty of the Federal Government, as I have said, to provide for the common defense of the whole Union; but it would not have been the duty of particular States to defend an invaded State, or one in which domestic violence existed, except for this stipulation; and to prevent an impertinent intrusion of one State in the affairs of another a previous application for assistance is required. Between the States themselves such a power is harmless and useful, but between Congress and the States it may become, as I have said, a scourge and an instrument of torture. These thoughts are thrown out with a profound sense of the risk incurred in presuming to intimate a doubt as to the soundness or correctness of the construction which has obtained, and become settled law, in respect to the Department of the Government upon which the duty is imposed of enforcing the guarantee clause of the Constitution.

The power of the President to interfere in cases of insurrection or domestic violence is bestowed by the act of Congress passed February 28, 1795, to enforce the section in article 1 of the Constitution which declares that Congress shall have power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions," and by the act of March 3, 1807, supplementary thereto. The first section of the act of 1795 is as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the United States shall be invaded or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive (when the Legislature cannot be convened) to call forth such number of the militia of any other State or States as may be applied for as he may judge sufficient to suppress such insurrection.

It will be observed by this act that the President is not made the judge of when a state of insurrection exists in any State against the government thereof that requires Federal aid to suppress it, and that he dare not invade a State for that purpose until the Legislature or the executive thereof (when the Legislature cannot be convened) makes application for such assistance. The terms of this statute are too plain to be misunderstood or to require comment; and tested by its provisions the acts of Federal power in Louisiana on the 4th day of January last are without excuse or justification of law and flagrantly unconstitutional. No application such as is required by the act of Congress was made by the Legislature of that State, or by the governor thereof, and if made by the latter when the Legislature could be convened, would afford no ground for Federal intervention under the act referred to. In defiance of the Constitution, without authority of law, and by force of arms, that State has been shackled and bound and delivered over to the usurpers who are preying upon its body and plundering the people. I shall not recite what transpired in that unfortunate State on that memorable day. The country is familiar with all the facts, and public judgment has been pronounced upon them in condemnation of the outrage committed upon popular rights and representative government.

The pretext alleged for the commission of these and other acts of arbitrary power which are threatened, is that intimidation, terrorism, and violence prevail in the South, and that governments, to use the language of the gentleman from Illinois, [Mr. WARD,] "where such things are possible" are "not republican in form." If by this rule the power of the Federal Government to intervene in the affairs of the States is to be determined, what State in the Union is secure against the exercise of a power which claims the right, where violence, disorder, and lawlessness, which are common to a certain extent in all the States, to overturn their governments by Federal bayonets, and establish others by the sword? If such power can be exercised at all, you cannot limit its operation to one section of the Union alone; and I put it to gentlemen upon this floor representing the great States of the North, and to the gentleman from Illinois, whether they are willing to tolerate the exercise of a power so dangerous in their own States.

Is a State, in which such things are possible, as are alleged in the following proclamation, without a republican form of government?

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, February 5, 1875.

To the honorable the senate and house of representatives:

From recent and reliable information received by this department, it is evident that a spirit of lawlessness prevails in Williamson County, in this State. Murders have been committed from the brush and under cover of darkness, and the murderers go unpunished. Men armed and in disguise ride through the country at night, disturbing the peace, terrifying the citizens, and committing acts of violence disgraceful to the age and to our civilization. Persons and property are insecure. The people seem to be overawed, and terrorism and intimidation pervade alike the civil authorities and private citizens. There is no force nor fund at the disposal of the executive adequate to the emergency. I therefore, in full view of all the circumstances, respectfully urge upon the General Assembly the propriety of placing at the control of the executive a sum not less than $10,000, to enable him to ferret out these crimes and cause these assassins and disturbers of the public peace to be brought to justice.

JOHN L. BEVERIDGE,
Governor.

Does the gentleman from Illinois mean to invoke the power of the Federal Government to guarantee to the people of his State, where "terrorism and intimidation pervade alike the civil authorities and private citizens," a republican form of government? Will he apply the doctrines enunciated in his report on the condition of affairs in Arkansas to his own State? If to restore peace, order, quiet, and security to the citizens of the State be the motives which prompt him to invoke the aid of Federal power in behalf of Arkansas, he cannot refuse to invite its intervention in the interest of peace and order in his own State.

But, Mr. Speaker, if violence and disorder exist in the South, if their governments are corrupt and unable to afford protection to their citizens, it is the result of that system of Federal interference which has marked the conduct of the Federal Government and characterized your legislation toward that section of the Union ever since the war closed. When the civil conflict ended, the work of demolition and ruin began. States which during the war were declared in the Union, and which armed resistance failed to take out, were by legislative action, stimulated by the magic of reconstruction, released from their Federal bonds, and made the playthings of wild fanatics and impracticable theorists. Under the fingers of reconstruction, their identity as States was destroyed, and out of their substance forms of government were created, sustained by the sword and bayonet, and controlled by the camp followers of the Federal Army. They were turned over as legitimate prey to the vampires and insects bred under the rays of Federal patronage and power. Corruption spread its virus throughout their borders and to-day festers in the bodies of dead Commonwealths slain by usurpation. Ten years have elapsed since the experiment was commenced, and still the sword and fixed bayonet gleam in the faces of a conquered people, whose patience and forbearance, instead of commanding the respect of the conqueror, are rewarded by cruel epithets and threats of punishment as "outlaws" and "banditti."

The country has before it reconstruction with all its glories. The monster evils generated by it stalk abroad and people the fairest portion of our land. Misgovernment, violence, and anarchy are the progeny of the ill-advised policy of treating American freemen of the nineteenth century like barbarians. And does any one ask what has engendered all these evils? The pulling down and setting up of State governments, the putting in and out of State executives, the denial to the people of their right to choose their own governors and representatives without Federal dictation or interference, to assemble peaceably to deliberate on their own affairs, and the using of the sacred trust of government by a political party as a means of indulging sectional and party hate and caprice. This it is, coupled with a disregard of the restrictions placed upon Federal power by the Constitution, and the assumption of powers not therein delegated, that has ushered in the anarchy and misgovernment you now behold in the South, which shame our civilization and disgrace us in the eyes of the civilized world. And for this the authors of reconstruction are responsible.

Condition of Affairs in the South.

SPEECH OF HON. JOSIAH T. WALLS,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the report of the Committee on Affairs in Arkansas and the condition of the South generally.

Mr. WALLS. Mr. Speaker, in attempting to address myself to the condition of affairs in Arkansas and in the South generally, I do so with no intention to misrepresent any class of our people. It would seem to an interested observer of the political affairs of this great nation, one who desires to see her people once more united in one band of brotherhood, one who desires to see this whole land peopled with none but free men and free women, that the time had come when there should be peace assured to all, irrespective of race, color, or the section in which they live; that property is protected everywhere in this broad land; that complete safety is granted to all in expressing their religious and political sentiments; that life and liberty is as safe in one State as in another, and that all classes shall be free.

But I reluctantly confess, after so many long years of concessions, that unless partisan and sectional feeling shall lose more of its rancor in the future than has been experienced in the past, that unless we shall ere long reach that point in our history when a full comprehension of the true mission of the result of the war will be plain to all public men regardless of party affiliation, Arkansas, Louisiana, Alabama, and Mississippi will not be the only States in this Union in which fundamental law will be disregarded, overthrown, and trampled under foot, and in which a complete reign of terror and anarchy will rule supreme as it does to-day in Arkansas. But every southern State will follow their example. It was sincerely and earnestly desired I believe by every person who remained loyal to the flag of our country that when the States lately in rebellion had accepted the condition by which they were readmitted into the Union, peace, prosperity, and good feeling had been secured and the results of the war accomplished. For one I desired and still desire better feeling among our people in the South, and here in my place, I appeal to those who claim to be the intelligent and property-holders of that section of our common country to stay their acts of oppression, and in the language of the concluding remarks of the Senator from Georgia, [Mr. GORDON,] "As ye would that men should do to you, do ye also to them." But if our experience in the future is to be that of the past, appeals are all in vain; but we shall not cease to appeal until we shall have reached the true sentiment of the American people all over this land.

I am aware that emancipation and enfranchisement of the negro and his devotion to the Union as well as to those whom he believed to be his friends, are made the pretext for dissatisfaction, and with which gentlemen like the Senator from Georgia, [Mr. GORDON,] unreconstructed as he is, expects to reach from the bar of the Senate of the United States, or somewhere else, the great public opinion in these United States.

But it will be remembered that this all-powerful public opinion is the jury in the pending case; and I am of the opinion that when the American people are honestly made acquainted with the true condition of affairs in the South, that when their attention is called to them, they will clearly understand the different reports which contain the true condition of the Southern States, and which present clearly the intention of those who complain loudly about the distraction of the colored laborer of the South by those who may choose to go there to be their fixed purpose to "gain," as they say, "by the ballot that which we lost by the bayonet." This cannot successfully be denied, as it is well known that the democratic newspapers in the South teem daily with such sentiments.

But the grave question that presents itself to the American people, especially those who remained loyal to the Union, is, what was it that this class of people lost by the bayonet that they now expect to gain

by what they call the ballot? I hear the answer echoed, by the bayonet we lost our power and our human property, and by the ballot we shall regain what we lost by the bayonet.

It will be remembered that they failed to extend slavery as they desired to do, and finally lost them in the States where they were allowed to hold them under some shadow of law. It will also be remembered that they appealed to arms for the open and avowed purpose of overthrowing or dissolving the Union. Failing in this, is it their intention and purpose to obtain control of the General Government, reinstate and extend slavery in some shape, or overthrow or dissolve the Federal Union? These are two of the things that were lost by their bayonets. Do they intend after their accession into power to vote themselves pay for the slaves emancipated by the proclamation of Mr. Lincoln, to fix upon the National Government the Confederate States debt, to repeal the thirteenth, fourteenth, and fifteenth amendments to the Federal Constitution? These are questions of great moment to the loyal people of these United States and should command their immediate attention.

The Senator from Georgia [Mr. GORDON] is loud in his defense of what he calls the virtue and intelligence of the South, and finds an excuse and a just provocation for the murders, assassinations, and outrages committed by those whom he defends, which you will observe by the following:

An ignorant race, just emancipated from slavery, daily taught hatred to the southern whites, and by appeals to color prejudices made audacious and aggressive in their hostility, will not long be restrained by considerations which move an enlightened and cultured race.

I wish to state to the House and the country that I have been connected with every political canvass made in the South since reconstruction, and all the appeals to race, color, and the daily teachings of one class of people to hate the other have invariably come from democratic orators and their friends; and I am amply borne out in this assertion by the following extract from the platform adopted by the White League in Saint Marys, on the 13th of July:

We enter into and form this league for the protection of our own race against the daily increasing encroachments of the negro, and are determined to use our best endeavors to purge our legislative, judicial, and ministerial offices from such a horde of miscreants as now assume to lord it over us.

That to accomplish this end we solemnly pledge our honor to each other to give our hearty support to all that this league may determine by a majority of votes cast at any regular meeting, and to aid to the utmost of our ability in carrying out such measures as it may adopt; that we do not reject or condemn any white man for his political opinions, so that he joins us in the one grand object we may have in view.

The following is from the platform of the White League adopted at Alto on the 11th of July:

That we regard it the sacred and political duty of every member of this club to discountenance and socially proscribe all white men who unite themselves with the radical party, and to supplant every political opponent in all his vocations by the employment and support of those who ally themselves with the white man's party; and we pledge ourselves to exert our energies and use our means to the consummation of this end.

Sir, here in my place I ask is there any place in the history of our country where it can be found that the colored people in any State or county of this land have banded themselves together by such pledges into black leagues to overthrow legislative, judicial, and ministerial offices? The answer is emphatically *No!* And the argument of the Senator falls to the ground for naught. But in the face of these and other glaring facts let the people, the loyal people of the United States, hear the Senator's defense of and excuse for murder, assassination, and outrage:

Ah, sir, is it just, in view of these terrible truths, which cannot be disproved, to judge a people assassins and murderers because of disturbances inevitable to such a situation? Is it just to condemn a great people—and I profess to belong to a great people, and no tinge of shame has ever mantled my cheek because I belong to that people—is it just, I ask, to condemn them upon the inevitable isolated outbreaks, however wrong or bloody; upon these fitful events of passion, however extreme? I repeat, their provocations have been infinite; the black people arrayed against them by self-seeking political tricksters, slandered by those who claim to represent them; placed under the bond of a powerful government, governed by men notoriously corrupt, robbed by adventurers supported by power, and goaded to madness by brutal licenses.

Sir, there is no better evidence of the hatred engendered by those who claim to be the virtuous and intelligent of the South than is shown in this labored effort of the Senator from Georgia [Mr. GORDON] to array the white people of this whole American Union against four millions of lately emancipated colored people. Sir, is it just, I ask, nay is it honorable or brave or logical in an American Senator, who boasts so loudly of being the representative of a virtuous, cultured, and great people, to seek to fire the hearts of a powerful nation by gross misrepresentation against a class of people once their slaves? Is it plausible to suppose that the colored people are guilty of one-tenth of the imaginary crimes with which they are charged after one has sought to acquaint himself with the facts in connection with the true condition of affairs in the South? Sir, in the face of the living truth, in not one page of the history of our country, indited as it may be by partial historians, can it be found in fact that the colored people at any time banded themselves together for the purpose of arraying themselves against the white people of the South.

Sir, when I say that we cherish no animosity toward those who were once our masters, I speak for all the colored people of this broad land. Yet we demand that our lives, our liberties, and our property shall be protected by the strong arm of the Government, that gives us the same citizenship that it gives to those who it seems would, if it were possible, sink our every hope for peace, prosperity, and happiness into the great sea of oblivion.

Sir, there is yet living, conclusive testimony, which forms the most conspicuous pages of the history of the late war, to show that the colored people did not and do not entertain or cherish any ill-feeling or bitterness against those who once held them as their property. It will be admitted by every fair-minded man, North or South, that there was not a time during that long and bloody war that the colored people could not have swept as it were from existence the women, children, the aged and the infirm, who were intrusted to their care while all of the able bodied of the slave oligarchy were arrayed in arms for the open and avowed purpose of destroying the Union or perpetuating the power of slavery.

Sir, it is with pride and the most profound pleasure that I can refer this self-styled virtue and intelligence of the South to these humane acts of a Christian people, and which stands to-day, and will stand as long as there is a vestige of the archives of this nation, and as a living refutation of the baseless charges and slanders that are sent out from these Halls for no other purpose than to fire the hearts and to imbitter the prejudice of the northern people against four millions of comparatively helpless people. Is it brave, I ask, in one who prides himself as being an American Senator and a Christian gentleman, to so grossly misrepresent the growing good feeling between both classes in the South, the result of which he knows will have the inevitable tendency of perpetuating the oppressions of the weaker class and the continuance of an unsettled condition of society generally? Sir, why not let the issues and the result of the war be remembered among the things of the past?

I appeal again to history for argument to show that the unsettled condition of affairs in the Southern States is not caused by the black people arraying themselves against the white people of that section of the country, but that it is the same old spirit that inspired the late war, and that the seeming hatred and fear of the ignorance of the colored people is only used in the Halls of Congress for political purposes, by which certain elements that failed to obtain success in the late conflict between the States, may yet succeed.

The following is from the Enterprise of the 6th of August, published at Franklin, Saint Mary's Parish:

We ask for no assistance, we protest against any intervention. We own this soil of Louisiana by virtue of our endeavor, as a heritage from our ancestors, and it is ours, and ours alone. Science, literature, history, art, civilization, and law belong alone to us, and not to the negroes. They have no record but barbarism and idolatry, nothing since the war but that of error, incapacity, beastliness, voudouism, and crime. Their right to vote is but the result of the war, their exercise of it a monstrous imposition and a vindictive punishment upon us for that ill-advised rebellion. Therefore are we banding together in a White League army, drawn up only on the defensive, exasperated by continual wrong, it is true, but acting under Christian and high-principled leaders, and determined to defeat these negroes in their infamous design of depriving us of all we hold sacred and precious on the soil of our nativity or adoption, or perish in the attempt. Come what may, upon the radical party must rest the whole responsibility of this conflict; and as sure as there is a just God in heaven these unnatural, cold-blooded, and revengeful measures of reconstruction in Louisiana will meet with a terrible retribution.

The following is from the Natchitoches Vindicator of July 18, addressed to colored citizens:

The white people intend to carry the State election this fall; this intention is deliberate and unalterable, from the fact that their very existence depends upon it, and that you may enjoy the blessings which will naturally follow such an event, blessings made doubly sweet when you know that you were partly instrumental in bringing them about, we desire your co-operation, and we simply ask you, will you assist us in redeeming your State from the degradation and ruin she is now in, or will you follow still the advice of those who have placed her thus? Take time to answer it, and let your mind, should you decide affirmatively, be at rest for your future welfare and happiness. We propose to do for you more than any party has yet done for you. On the other hand, should you imagine that the teachings of your former rulers is correct, and you elect to attempt, for it will only be an attempt, to continue their rule, then you must take the consequences. For we tell you now, and let it be distinctly remembered that you have fair warning, that we intend to carry the State of Louisiana in November next, or she will be a military Territory.

The following is from the Minden Democrat:

The remedy for all the evils that afflict our State, and every southern State under negro and carpet-bag rule, is very simple. The incendiaries who flood our country at the approach of every election must be looked after; the proceedings of midnight gatherings in dark and gloomy places must be known. Incendiary teachings of the carpet-baggers and scalawags to inflame the minds of the negroes must not be tolerated again.

The following is from the Mansfield Reporter of July 4 and July 11:

There is nothing to be gained by pleadings or concessions, but everything is within our reach, if we will move forward and grasp it. Let our actions be such that everybody will know what we want, and let them see that we are in earnest and are determined to carry out the programme regardless of the consequences.

The lines must be drawn at once, before our opponents are thoroughly organized; for by this means we will prevent many milk-and-cider fellows from falling into the enemy's ranks. While the white man's party guarantees the negro all of his present rights, they do not intend that white carpet-baggers and renegades shall be permitted to organize and prepare the negroes for the coming campaign. Without the assistance of these villains the negroes are totally incapable of effectually organizing themselves, and unless they are previously excited and drilled, one-half of them will not come to the polls, and a large per cent. of the remainder will vote the white man's ticket.

The following is from the Alexandria Democrat of July 15:

The people have determined that the Kellogg government has to be gotten rid of, and they will not scruple about the means, as they have done in the past.

The following is from the Shreveport Times of July 29:

There has been some red-handed work done in this parish that was necessary, but it was evidently done by cool, determined, and just men, who knew just how far to go; and we doubt not if the same kind of work is necessary it will be done.

We say again that we fully, cordially approve what the white men of Grant and Rapides did at Colfax; the white man who does not is a creature so base, that he shames the worst class of his species. We say again we are going to carry the election in this State next fall.

If the Federal Government again strikes them down then let the infamy of the deed rest upon the shameless despotism that has arisen out of the malignancy and hate of the northern people, beneath whose withering influence no sentiment of liberty can survive; under whose policy of meanness, cowardice, and hate every community that does not worship it must be trampled in the dust, and every civilization that does not pay tribute to it blasted by its curse.

This extract is from the Opelika Times of June 29, 1874, and is one of the resolutions adopted by the democratic convention of Lee County:

Resolved, That all persons, whether white or black, who are the least in sympathy with the so-called civil-rights bill, or who shall in anywise lend aid to those who indorse or countenance said bill, shall be regarded by the white men of Lee as the political and social enemies of the white race.

J. R. DOWDELL.
J. R. HODGE.
D. C. ARMSTRONG.
L. KIMBALL.
I. N. BEDELL.

J. S. STROUD, *Secretary of Convention.*

And again:

EQUAL RIGHTS IS LIBERTY.

[From Opelika Times, August 22, 1874—old whig.]

Let every man, whether white or black, receive that which, according to measure, he is entitled to. Give to the white man as he merits, and give to the black man as he merits. If the white men of Alabama, by reason of their higher civilization and larger experience in the management of the complicated machinery of government, be the more reliable guide and governor of the State, let them have the rule. If they pay the taxes and bear the burdens, they alone have the right to dictate the terms of their imposition. The white man's "life, liberty, and property," sacredly guarded by his rule of superior intelligence and larger statesmanship, gives fuller and more certain protection to the "life and liberty" of the negro, (who has no property to protect.) And thus it is most manifest that the doctrine of "equal rights" will exclude the negro from the legislative halls of Alabama, he having no property-interest in the State and being a non-tax-payer. The revenue laws of Alabama involve the most vital questions, and only those to be affected thereby should be heard on the subject, according to the doctrine of equal rights. It is arrogant and flagrantly insulting for an ignorant pauper black man to insist upon governing a class of men over whom he has neither the power to control nor the instinct to protect. "Equal rights," enforced by negro domination, is an "unsophisticated lie."

And again, from the same source, of September 30:

The most potent agency that is within the compass of our using to teach the radical the iniquity of his machinations, and to compel him to respect the claims of civilization and the imperious wants of the people, is the withdrawal of our moneyed support. Let his ship ply without a cargo or rot unmanned in a breezeless ocean. Let his door of commerce stand open and neglected, with the blood of a slaughtered country sprinkled upon its lintel, a curse upon and a warning to venality. Touch him not, nor his goods, nor his cattle, nor anything that he has. Let him dance to his own piping, and count no profits from the hard earnings of a people he has sought to destroy and a race that he has abandoned and a section of country that he has scandalized by living in it. The adder that stings should find no warmth in the bosom of the dying victim. The man who curses woman, children, race, country, and his God may not hope for Apollo's laurel until he first finds absolution in the sackcloth of repentance. Reparation these radical scalawags can never make, but further scourging of the people they can cease, and we can force them by non-intercourse, if they yield not to entreaty. Free thought, free speech, and free action are only constitutional guarantees so long as their exercise promotes the good of the body-politic. The freedom of action and thought and speech of Titus Oates and Benedict Arnold were outside the protection of the *Magna Charta*. The Constitution ostracizes freedom when it becomes licentious, and freemen when they become traitors and marplots. Honesty (if it be possible for a scalawag) is no protection, nor even an excuse, for the hand of an assassin. The thing done is measure of transgression in politics, without respect to the motive of doing it. Politically considered, an honest radical is just as culpable as a dishonest one. They are alike enemies to civilization and the South, with all her interests, and our last and only means to be used for their overthrow is to fall back upon the old Wesleyan doctrine to "prefer one another in business."

If there be a colored man who is willing to recognize the necessity of putting Alabama under the rule of intelligence he becomes our friend, and he should be preferred as tenant of our houses, cabooses on the farm, drayman upon the streets, sexton of the church, and in every way right and proper sustained and built up. Merchants, mechanics, and tradesmen of every character have a right to expect and demand support from and at the hands of those with whom they are allied in this great struggle for reform, while the radical cannot have the effrontery even to ask a "fish" without the rational expectation of receiving a "stone." Every man who sustains a scalawag individually contributes to building up radicalism. The way to kill the party is to put upon "short allowance" its individual members. The sea is open—the sky is beautiful—victory is ours!

Then a short editorial from the same paper:

All of the good and prominent of Alabama are for the white man's party. Outcasts, libelers, liars, hand-cuffers, and traitors to blood are for the negro party. Decide where you will place yourself in November.

To give further tone to the sentiment of the "white man's" party in Alabama, the Montgomery News reprinted the following:

BOB TOOMBS HAS FINISHED HIS RECORD.

[Atlanta Herald, August 13.]

In a conversation with General Toombs yesterday, this reporter asked him if there was any truth in the rumors that he was going to run for Congress from this district.

"Not a word of it, sir," says the old veteran. "I have been asked to run by a great many gentlemen in my district; but if every man, woman, and child in this district was to rise up and press it upon me, I would not take it. *I hate the Government of the United States, and would give my life to overthrow it.* Hence, sir, as a gentleman, I could not accept office in its service. It's a question of honor with me. *I hate the Government, and I despise its disciples. I would not sit with the men who are at present in Congress.*

"If I were admitted, I should soon be expelled; for I should rise at the first opportunity and denounce as utterly fraudulent the infamous amendments. This would not be tolerated as orthodox, and I would shake the dust of the Senate from my feet again."

"You will never go to Washington again, then, sir?"

"No, sir. My chapter of life at Washington is closed forever. I don't desire to add anything to it, nor to blot one vote or one word from it. Indeed, I could not hope to help my reputation by it very much. A man who spends the period of his life from thirty to fifty-five years of age, as I did, in senatorial service, cannot hope to improve his record or brighten his history by trying it again fifteen or twenty years thereafter. I served my people to the best of my ability for twenty-five years. I will stand on that."

Verily we say it is a splendid record to stand upon. General Toombs could get the nomination in the fifth at any time he wants it, by simply reaching out his hands and taking it. Still, his history as written upon national pages is so lustrous that it would seem a pity to add one syllable to it.

We stand squarely with General Toombs, as a matter of personal sentiment and principle in which we have the right to indulge, until the people of the United States shall sufficiently regain their self-respect to throw off radicals and radicalism. Any sort of divided responsibility with those thieves and traitors and corruptionists and bloody fratricidal murderers, we will resent and resist. We will have no part in the administration of a government with unprincipled people. Better to starve in poverty than to submit to the association. But when reason and conservatism shall again prevail in the United States, it would afford us satisfaction, and perhaps a peculiar pride, to serve the people at Washington.

And the Mobile Register the following:

THE NEGRO IN POLITICS.

[Louisville Jeffersonian Democrat.]

He did not get in upon his own motion. He was not originally an agitator about either political or social "rights." There was no struggle on his part, during which time he would of necessity have been to some extent educated to become a citizen and a voter. What he is now he is not quite personally responsible for. It was forced upon him, and he, till it was accomplished, was merely a passive instrument in the hands of the whites who came to his rescue, and brought him his wonderful deliverance from slavery, and thrust him unprepared into the paradise of equal political rights with the whites.

He did not and cannot understand, however "rights" are come to, that they have their predicate in duties. Therefore, when left to himself, he goes about regardless of the rights of others, to live and act in an indolent, insolent, and lawless manner. He has no idea either of personal or political self-government, and can take no steps in the comprehension of social or political economics.

This is not to be wondered at. He is a low order of the human species. As a race he has made no history at any time in the world. He attained to the greatest state of reproduction, and came to the highest social order, personal comfort, and peace and labor in the Southern States under the mastery of the whites. But he was far from being civilized, and in nowise, either from desire or self-control, fitted to be suddenly converted into a citizen-voter in the highest and most intricate system of government known among civilized men.

To thrust him into such a state and impose its duties and responsibilities upon him was an outrage upon him for which there is no parallel in the history of any age. It was and is a crime over which the radical party have greatly rejoiced, but which in the times yet to come will assign it to the deepest infamy. Partisan advantage and the impoverishment of the whole country in all its resources and its spirits and morals, as the result of its gross triumph, is the verdict which mankind will soon chronicle against its iniquity in the business of enfranchising four millions of ignorant blacks.

The grave question to be settled at much cost is, what is to be done to get rid of the negro as a voter? Sooner or later, with more or less dispatch, he will be disfranchised and thrust from out our politics.

White men of all parties and of every grade of religious or moral conviction may as well come quickly to the consideration how to get the negro out of politics with the least confusion and cost. He must go, and there is no profit in standing long upon the order of his going.

You say it is a grave question. So it is, and one that affects the moral and political welfare of the whites to such an extent that the negro must go out of the political problem by legislation on the part of the States, respectively, or go to the wall in a long, bloody, and fierce struggle for his decimation.

We do not like the predicament any better than many who helped to thrust the negro into the difficulty. We propose to deal as kindly with him as possible, but to pursue unflinchingly the course which will lead to a peaceful relegation of him back to the cotton and rice fields, minus the ballot. We do not propose to reduce him to a slave. He shall own himself and be an alien citizen, with the liberty to own property, to sue as well as be sued; but he shall not attempt to do that thing impossible to him—help to govern this country through the ballot-box.

We do not much blame him that he is a voter, and shall altogether forgive him, but never his white coadjutors, if he rather quietly and decently surrenders his ill-gotten hold upon the ballot. We know he will resent our kind interposition in his behalf, and continue to perpetrate outrage after outrage upon morals and public order through a period of many years to come, and he may carry it to an extent which will in very deed precipitate the "war of races," which everybody talks about, anticipates, and so few do anything to prevent.

The question of suffrage belongs to the States respectively. When the reorganized democracy go into office in 1876 each State will be allowed to settle this and all other social and domestic issues for itself and in its own way, without any interference from the General Government. Then, and not till then, can we begin the work of resetting our shattered political and our demoralized social institution upon correct foundations. It will then take a quarter of a century to rebuild and put our ships of state into prosperous sailing order.

In face of these facts what become of the arguments of the opposition, with their terrible tales of falsehood, their reports of negroes arraying themselves against the whites, influenced and urged to do so, as is falsely charged, by the carpet-bagger? Sir, I do not wish to be misunderstood. I am not here to apologize for the wrongs that one or two white republicans may have committed in the South; but, sir, I do affirm that the carpet-baggers, assisted by the loyal white and black men of the South, have done more to enact laws and to erect public institutions that conform more closely to the genius of our American ideas of civilization, in the short period of six or eight years under republican administration, than was done by the democratic slave oligarchy in the South prior to the rebellion.

Sir, I present in support of my position, in defense of the outraged and slandered loyal people of the South, an article taken from the Daily Inter-Ocean, a highly respectable and widely circulated newspaper published at Chicago, Illinois, which contains some indisputable truths, and which will go far, in my opinion, to relieve the minds of the loyal people of the North of the impression that the so-called carpet-baggers, Unionists, and negroes have destroyed to utter ruin eleven States in this Union, as would seem to be the case after one had read the apologies for and indorsements of murder, assassination,

and outrages contained in the speeches of the opposition on this all-important question. What shall be done by the General Government to protect the loyal people in the South?

The article reads as follows:

We publish elsewhere in this paper a letter from a northern man, late a resident of the South, in which he thanks the Inter-Ocean for the stand it has taken in regard to southern affairs, and relates some of his own experience in Arkansas. Among other things our correspondent speaks of the advancement made by the latter State while under republican rule, and says: "In thirty-five years the democrats built thirty-seven miles of poor railway, opened twenty-five sickly schools, and built a worthless State-house. In six years the republicans built one thousand miles of railway, deaf and dumb and blind asylums, an agricultural college, thousands of school-houses," &c. Yet the men who have done this—our correspondent among the number—are driven out of the State as if they were the bane instead of the leaven of the community.

We have heretofore adverted to the blundering stupidity of the southern people in permitting this warfare to go on against immigrants. There is not a particle of doubt that had northern men been welcomed—nay, if they had even been let alone—every southern State would by this time have nearly doubled its population and quadrupled its capital. There are thousands of sensible southerners who deplore this outrageous ostracism of northern men, and, as far as they dare to do so, oppose it; but they are overawed by the reckless gangs of freebooters who have made themselves a terror in nearly every southern State, and absolutely nothing remains but to put an end to this lawlessness by the strong arm of the Federal Government.

The statistics regarding the establishment of schools in the Southern States, to which our correspondent refers, are very interesting. To go a little further with Arkansas: Though the State received 928,000 acres of land from the General Government in 1836 in aid of free education, not a free school was established until after the war; and to the honor of the black race be it said, the first public school-house in Arkansas was built by freedmen in 1864. At the end of the six years of republican control there were 1,292 public school-houses and nearly 3,000 free schools. Georgia had no free schools before the war, but in the short period that the republicans had control of affairs 816 schools were established, in which were taught 40,000 pupils. The schools began to languish on the return of the democrats to power, and in one year ten school-houses and one church used as a school-house were burned. The free schools were generally discontinued in 1872. In 1867, under republican supervision, efficient free schools were established in Tennessee, and in twenty-two months nearly 4,000 schools had been started. The first report after the State went into the hands of the democrats shows that but 478 of these schools remained. In Granger County, in 1869, there were forty-six white and eight colored schools, with upward of 4,000 white and 400 colored pupils. In 1872 the superintendent reports: "Three schools; no school-tax rated." Under republican rule Texas had 1,921 schools, with 84,000 pupils. In 1873, under democratic rule, these had diminished to 85 schools, with 2,913 pupils! When Mississippi was reconstructed she had no free schools. In three years, under republican rule, over 2,000 school-houses were built and over 3,000 schools organized.

So we might proceed with other Southern States. As with railways and public improvements, so with schools, churches, and every scheme to elevate and improve the people. The democratic party of the South is the foe of all plans for spreading information to-day as it was in 1860. It is this dense ignorance which seems to keep alive animosity, and leads the clay-eaters of Tennessee and the half-savage residents of Upper Louisiana and Texas to feel alarm at the approach of the Yankee school-marm, and be ready to unite and drive her and her dangerous heresies out of the country.

A more clear and correct statement of the disposition exercised by the southern democrats, who might have controlled the political affairs of the South from the beginning of reconstruction up to the present hour, could not have been presented to the public. They had the opportunity to make the colored people their political friends by assuring them by constitutional and legislative enactments that they would be protected in their freedom and that the right of suffrage and the right to participate in governmental affairs was as secure to them as it was to the whites. There would have been no real cause to suspect them, if they would have only abstained from enacting under their policy of reconstruction in 1865 such oppressive laws, laws that will ever stand as an index as to what they will do if they should again obtain control of this Government, laws that would virtually reinstate slavery in a different form, that continued in force the whipping-post and the pillory. It is eminently proper, in my opinion, to submit here some of the enactments made by the Legislature of Florida in 1865.

Sir, I do not submit these terrible facts for the purpose of imbittering or impeding the progress of the growing good feeling that is fast making its appearance among both classes in many sections in the South, but to show beyond successful contradiction the reason why the colored people did and do honor and support those of the white race who respect them as being human and capable of being as cultivated, virtuous, and intelligent a people as they are themselves when endowed with the same rights and advantages.

Extract taken from the laws enacted by the Legislature of Florida, which assembled under the constitution adopted on the 7th of November, A. D. 1865—section 12 of an act prescribing additional penalties for the commisson of offenses against the State, and for other purposes, approved by the governor January 15, 1866:

Be it further enacted, That it shall not be lawful for any negro, mulatto, or other persons of color to own, use, or keep in his possession or under his control any bowie-knife, dirk, sword, fire-arms, or ammunition of any kind, unless he first obtain a license to do so from the judge of probate of the county in which he may be a resident for the time being; and the said judge of probate is hereby authorized to issue such license upon the recommendation of two respectable citizens of the county, certifying to the peaceful and orderly character of the applicant; and any negro, mulatto, or other person of color so offending shall be deemed to be guilty of a misdemeanor, and upon conviction shall forfeit to the use of the informer all such fire-arms and ammunition, and in addition thereto shall be sentenced to stand in the pillory for one hour or be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury.

Comment is unnecessary.

Section 6 of the same act reads as follows:

Be it further enacted, That if any person or persons shall assault a white female with intent to commit a rape, or be accessory thereto, he or they shall, upon conviction thereof, suffer death.

It will be seen at once that any band of ruffians might assault a colored lady with intent to commit a rape with perfect security, and go unpunished.

Section 14 of the same act contains the following:

Be it further enacted, That if any negro, mulatto, or other person of color shall intrude himself into any religious or other public assembly of white persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people, he shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to stand in the pillory for one hour, or be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury.

The following is taken from an act entitled "An act in addition to an act entitled 'An act to amend the act entitled "An act concerning marriage licenses:"'"

SECTION 1. That if any white female resident within this State shall hereafter attempt to intermarry * * * with any negro, mulatto, or other person of color, she shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding $1,000 or be confined in the public jail not exceeding three months, or both, at discretion of the jury, and shall moreover be disqualified to testify as a witness against any white person.

These acts, sir, were approved by the governor January 12, 1866.

Section 3 of the same act reads as follows:

Be it further enacted, That every person who shall have one-eighth or more of negro blood shall be deemed and held to be a person of color.

These are but few of the many oppressive and inhuman legislative enactments passed by the Legislature referred to; and as I have said before, attention is not called to them at this time for the purpose of awakening the old animosities, but to prove conclusively to an intelligent people that it is not because the colored people hate or dislike the people who make up the democratic party of the South that they are opposing their accession to power again, but it is because, with the undisputed history of that party before them, we have no guarantee that that party will not enact laws again equally oppressive, inhuman, and tyrannical.

This kind of legislation by the democratic party South was not confined alone to Florida; it extended all over the South. Now I ask is it reasonable to suppose that a people having been held as goods and chattels for two hundred and forty-seven years would rush headlong into the beautiful glittering generalities of the democratic platforms and elevate them to power, when a moment's research into the history of that party would reveal the fact that it was and is the avowed purpose of that party to ignore reconstruction and cling to their old State rights ideas. Sir, daily you hear it loudly proclaimed upon this floor by the enemies of this Government that "reconstruction" in the South caused by the enfranchisement of the negro "is a failure." They go further, and attempt to show that reconstruction is a failure in the South by calling our attention to the unsettled condition of affairs in that unhappy section of our country. But they suggest no remedy for evils that are said to exist, nor do they deny the fact that it is the white-leaguers banded together for the very purpose of overthrowing regularly established State governments by force and fraud.

Ah! look at poor, suffering Arkansas. Read the reports of the majority and minority of the committee that was appointed and sent to that State by an order of this House, and you will see that her rightfully elected officers have been forced from the positions to which they were legally elected, none will deny, by force and fraud; her fundamental law disregarded, overthrown, and trampled under foot; murderers, assassins, and white-leaguers (not black-leaguers) rule supreme; her rightful governor compelled, with his cabinet, to leave the State; her chief judicial officer outraged and menaced with assassination and ousted from office without cause. And yet it is claimed that Congress should not take any action in restoring the legally elected authorities of that State and enforcing the only fundamental law that the State of Arkansas can have a legal claim to, the constitution of 1868.

Sir, I am not one of those that believe that Congress should allow the so-called Garland government to remain in power in Arkansas. To do so in my opinion is a complete recognition of the fact that any one of the reconstructed States can with safety disregard the fundamental provision under which they were admitted into the Union, and render inoperative every provision of their constitutions adopted in accordance therewith.

There are several important features about or connected with this Baxter and Garland revolution to which I desire to call the attention of this House and the loyal people of the United States.

First. The Garland constitution strikes out and ignores entirely every provision of the constitution of Arkansas formed in 1868 that in any way recognizes the fourteenth amendment to the Constitution of the United States.

Second. Section 38, article 5, of the constitution of Arkansas of 1868 reads as follows:

The General Assembly shall have no power to make compensation for emancipated slaves.

This provision, like the other one that I have named, has been stricken out by the Garland constitution.

Third. In the constitution of 1868 was a provision which reads as follows:

No person shall be allowed or qualified to sit on a jury who is not a qualified elector. (Section 20, article 15.)

This provision has been stricken out, and the Legislature may now fix such qualification for persons as may suit that body. The evi-

dent object is to indirectly prevent colored men from sitting on juries.

Fourth. The striking out of these provisions is not the work of ignorance nor of oversight, as it will be remembered that they relate to prominent issues that have been before the country long ere the war and since.

Fifth. In the organic enactment or constitution of 1868 of Arkansas the following oath of office is prescribed:

I, ——, do solemnly swear that I will honestly and faithfully support *and defend* the Constitution and laws of the United States, the Union of the States, and the constitution *and laws* of the State of Arkansas.

Sixth. In the Garland constitution the oath of office is changed so as to read—

I, ——, do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Arkansas.

Sir, these are important features for the loyal people of this country to look at with fear as to the future stability of this Union.

But let us go a little further, and I have done. Take the evidence of bad faith made in changing the oath of office; the striking out of all provisions asserting that the paramount allegiance of the citizens is due to the Federal Government; the striking out all provisions that assert that no power exists in the people to dissolve their compact with the Federal Government; the striking out of a provision denying the right of secession; the striking out of all provisions asserting that the Federal Government is clothed with power to maintain its existence by force of arms; the striking out of a provision prohibiting the Legislature from compensating for emancipated slaves; the striking out of a provision prohibiting the Legislature from paying any debt or liabilities incurred in support of the rebellion, and let an enlightened, loyal public opinion decide what these things prove.

As I have said, I am not one of those who believe that the people of Arkansas have acquiesced in the adoption of the Garland constitution, nor do I believe that they ever will acquiesce in his usurpation, corruption, outrages, and unparalleled rascalities.

Sir, I do not believe that to put an end to the revolutionary and unconstitional action that has been carried on in Arkansas a general uprising will ensue.

Pass the resolution presented by Mr. WARD from the Committee on the Condition of Affairs in the State of Arkansas; put into operation the common schools; again restore peace to all the people of Arkansas; assure the business men of every kind that there is stability in the State government of Arkansas, and give Garland ten days to retire peacefully to his home, and you will have no further trouble in the South.

All that is required is, dare to do right, and every true American citizen, from the pine forests of Maine to the golden shores of California, from the ice-bound steeps of Alaska to the sunny coast of the Gulf of Mexico, will hail with joy the news that a new rebellion has been nipped in the bud and the country saved.

The Proper Policy of the Government in its Dealings with the South.

SPEECH OF HON. H. L. RICHMOND,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the proper policy of the Government in its dealings with the South.

Mr. RICHMOND. Mr. Speaker, perhaps there has not been for very many years an hour when our country was in a more critical, not to say alarming, condition than it is to-day. Perhaps no Congress has assembled since the war to whose consideration and solution more serious problems were submitted, and from which more was not only expected but rightfully demanded by the people, than the Forty-third Congress. Scarcely had we gathered within these halls and taken the oath prescribed by the Constitution, when the cry for help came up from all the land. How have we, the Representatives of the people, answered that cry? What response have we given? A few short days more and our official life is ended; and the Forty-third Congress will have passed into history and will be remembered, if its legislation has been wise, for its wisdom; if foolish, for its folly. It may, perhaps, be admitted that the people, embarrassed, pressed down, almost crushed in their business relations, their industries perishing and fortunes vanishing, have expected too much from us. But have we done for them, have we done to relieve the country, all that was reasonably within our power to have done? That is the question which we have got to answer when we return to our constituency.

Two great problems have been before this Congress since the first hour of its assembling demanding its most thoughtful consideration; the one growing out of the condition of the finances, the other the pacification of the south. What was proper to be done to relieve the one from embarrassment and secure the accomplishment of the other was the great question of the hour, and should have been so treated. "It must be said," writes a distinguished French author, "and said, whatever men may think of it, *that the finances touch everything, help everything, conclude everything.* They are in the state what blood is in the veins of the human body; if it circulates, it carries along with it motion and life; if it stops, paralysis and death supervene." How aptly descriptive is this of our case as a people to-day. The life-blood of the nation has in a great measure ceased to circulate, and a general paralysis has settled upon all our industrial and business relations threatening disaster and ultimate ruin if it cannot be arrested.

Panics, money panics, are certainly not very pleasant conditions of society. For seventeen months and more we have been suffering under one more calamitous, I venture to say, than any known to our history. Under its severe inflictions the whole land is clothed in suffering and sorrow; and the painful fact is we see no present relief. We are passing through a fearful winter with no promise for the spring. What have we done to relieve or abate this condition of things? Nothing, substantially nothing; some say worse than nothing. What were the causes of the panic, proximate or remote, I care not now to inquire. But could it have been prevented? I am firmly persuaded that had proper measures been taken by the Government at the proper time it might have been and would have been prevented, or at least greatly mitigated, and the country saved from the fearful calamity that now rests upon it. What was wanted in September, 1873, the time when the panic burst so suddenly upon us, to have prevented it was a temporary enlargement of the currency. The Government then held, as is well known, a "reserve" of $44,000,000. Had this, or the larger portion of it, been at once thrown into circulation there would have been no panic, and no cry for help coming up from those whom we serve.

Financial history places the entire truthfulness of this proposition beyond the realm of controversy. Says Mr. Patterson:

Actual experience, the safest of all teachers, has demonstrated that the cause of all our crises is simply the fact of the currency becoming temporarily insufficient in amount for the requirements of the community, and that the moment this insufficiency is remedied the crisis is at an end.

In proof of this he then gives, in his very excellent volume on the Economy of Capital, detailed accounts of the successive panics in England, from which we gather that the issue of two and a half millions of exchequer bills bearing 5 per cent. interest sufficed to stop the panic of 1793; an issue of two millions of inconvertible notes—mark you, *inconvertible*—stopped the panic of 1797; an old chest of one-pound notes, for a time hid away and lost among the rubbish and refuse of the bank vaults, was found just in time to stop the panic of 1823; the suspension of the bank act of itself sufficed to stop the panics of 1847 and 1857. Indeed, the remedy for all money panics now in England is to lift the act of 1844 from the bank and permit her to throw out its bills in sufficient amounts to meet all the legitimate demands of the people. It was the timely act of the government in 1857 that saved from bankruptcy and ruin the great American house of Peabody & Co. The firm required assistance to the extent of £800,000 sterling, and the bank, fettered by the act, could not accommodate them. But in the afternoon of the 12th of October, just in time to save their paper from protest, the act was suspended, the bank advanced the firm the required sum, they were saved from financial ruin, and the head of the house subsequently made a magnificent donation to us of $2,100,000 to be held in trust for the support of free schools in the South.

But the remedy was not only in accord with all financial history and experience, it was demanded by the business community, and warranted by public opinion. The very men—I will not be understood, of course, as alluding to any member of the House—the very men who now look to contraction as the only remedy for all our woes, who at every groan of the country cry out, "Another turn of the grindstone," are, many of them, the very men who, in September, 1873, were the most blatant for the reissue of the reserve. But the measure did not at first find favor in the eyes of the Government. It was contrary to law when the object was to save labor from threatened peril. But December came; it was found there was a rapid and heavy falling off in the revenue, and for some reason—I will not say salaries were in danger—men's minds were changed. That which was unlawful in September became lawful in December, and the reserve was drawn upon for $26,000,000. But the proffered aid came too late, and but little if any benefit was derived from it. The reasons for this I do not now propose to discuss.

But the panic is now and yet upon us in all its fearfulness and fury and the question is, What shall we do to stay its progress? Why, sirs, look abroad over the land. What do you see everywhere? Manufacturing establishments idle, machinery rusting and rotting, furnaces blown out and cold, mines unworked, laborers out of employ with wives and children suffering for the want of food, fuel, and raiment amidst all the discomforts of the severest winter we have known for many a year. Now, sir, how shall we again call into life and activity those manufacturing establishments, put miners into those mines, fire into those furnaces, and give our laborers, skilled and unskilled, constant and remunerative employment, so that there may be, of necessity, neither idlers nor want in the land? To me, an old-line, internal-improvement, protective-tariff, Henry Clay whig, the answer seems easy.

It needs no argument to prove that the sudden arrest of all, or nearly all our public improvement, whether carried on by the Government or under corporate authority with or without Government aid, is one of the great causes if not the great cause of the embar-

rassed condition of the country. Sir, this more than anything else, has extinguished the fires in the furnaces, closed up the mines, and silenced the music of machinery throughout the extent of my grand old Commonwealth. And may not this be affirmed of nearly every State in the Union, at least of every mining and manufacturing State? Now I do not propose that work under Government aid shall be resumed at once on all our public improvements; but what I do aver, and meaning all I say, is that there are great public improvements, national in their character and demanded by the wants of the people to which the Government should lend at least the aid of its credit and lend it now, dark and portentous as is the financial storm which has gathered over our heads. And I say it for the reason mainly that the adoption of such a policy would serve greatly to dissipate the storm. I know it would scatter the clouds from over my own noble State and diffuse the sunshine of prosperity all through her valleys and all over her hills and mountains.

Let us look at the subject for a moment a little more closely. The estimated population of the United States is forty-two million. Statisticians suppose seven million of these are men. Of these it is supposed that one at least out of every seven has been out of employ during the year because they could get no work; that is, a million of men have been for a twelvemonth idle because of the stoppage of our public works and the depressed condition of business in the country. The average value of each man's labor is at least $1.50 a day; so that the aggregate value of the labor of the million is $1,500,000 a day, or $450,000,000 for the year. It follows, then, that had they been employed they would not only have received the $450,000,000, but so much would have been added to the national wealth, for the articles upon which that labor would have been bestowed would have been at least by so much increased in value. Add to this the loss because of the number of women thrown out of employ, and the aggregate is greatly increased. Now, had these men been employed during the year, had they received the $450,000,000, and had that much been added to the aggregate of national wealth, do you suppose we should have heard the cry of hard times? Not a word of it. What we propose, then, is to give them employ through the agency named and kindred agencies.

I do not propose to discuss to any extent the merits of any of the proposed improvements of a national character which have been or may be brought before us for consideration. But there are two to which, for a special reason, I wish for a moment to direct the attention of the House. And first, the improvement of the navigation of the Mississippi. To say nothing of the incidental advantages to the whole nation to result therefrom, there are seventeen millions of our population inhabiting the valleys of this great outlet of waters and its numerous tributaries who have a direct and immediate interest therein. Free and easy access to the Gulf is imperiously demanded by their large and rapidly increasing commerce. The mouth of the Mississippi should be opened. The accomplishment of this is not reasonably within the reach of private enterprise. To it national aid should be extended; and if I am not mistaken in the temper of the House, so far as this body is concerned it will be willingly and readily granted. But more particularly I am in favor of giving the credit of the nation, under proper guarantees, in aid of the completion of the great southern line of railroad to the Pacific. I advocate this measure because personally I believe in it and approve of it; and because it is largely desired by the people whom I in part represent. Earnest appeals were made to me in its behalf during the autumn vacation by business men of both parties, representing large mining and manufacturing interests in the State. Petitions numerously signed have come up in large numbers from my district praying that the desired aid be granted.

The reasons which have satisfied me of the utility and entire feasibility of the measure are numerous and weighty. I can only give a summary of the more important ones. The opening up of this great highway of the nation through the most productive of the Southern States, and so on west to the Pacific coast, would bring the cheap and yet rich lands of the Republic throughout all that section within the reach of the laboring poor and hasten the development of its vast territories Southwest and West in the interests of civilization. I favor it—

Because it furnishes an open thoroughfare across the continent, unobstructed by snows, during the whole year;

Because of the great savings it would bring to the Government annually in the transportation of military and Indian supplies, and the power it would place in the hands of the authorities in subduing and controlling the wild Indian tribes of the West;

Because it will secure to our people easy access to the rich mines and other valuable products of Chihuahua, Sonora, and other Mexican states, and increase indefinitely the yield of the precious metals;

Because it would create an active demand for labor and material for its construction and maintenance, put new life and energy into business, and relieve much of the suffering and distress now existing in manufacturing and other districts;

And beyond and above each and all of these, it would do more than any other agency within our reach to conciliate and harmonize the South and reconcile her to the new condition of things. Let me dwell upon this point a moment. Money properly spent, though with seeming lavishness, is many times ultimate economy. It is so in individual transactions, and in the transactions of nations as well. A few millions spent in measures which, while they promote interests national in their character, would serve specially to develop the wonderful resources of the South and make it equally prosperous and happy with the heretofore more favored sections of our common country, will more than anything else allay party jealousies and sectional strife. The military power of the Government should be resorted to only in cases of extreme necessity. I do not say that that necessity has not arisen, or that the Government is wrong in the measures it has been pleased to adopt to compel obedience to the laws and protect the rights of a once subjugated and enslaved but now emancipated race. I have felt it my duty thus far to stand by the Government, and propose to do so still so long as I feel that it acts only in the discharge of an imposed duty. But what I do say is that it is far better and safer and cheaper, and eminently more Christian, to win compliance with the right by the arts of peace than to compel it by the strong arm of force.

Says the New Orleans Times:

> Let the nation do for the South what it has done for the North and West, and a mild-mannered peace will smile all over the land. Build our levees, open our way to the sea, and aid in our great Pacific railway enterprise; in these will be found the means of pacification, far more potent than all the political legislation within the scope of congressional power. In these reflections we but utter the sentiments of all thinking citizens.

So speaks a leading southern journal. And the truth of the philosophy it inculcates is attested by the entire experience of our race. It is but carrying into larger life the religion of the sermon on the mount.

> Peace has her victories,
> No less renowned than war.

The sword has no reformatory power. It may compel obedience, but it can never win confidence and trust. Why, sir, the South is not alone in its suffering. The whole land has for nearly two years been groaning and writhing under a most terrible infliction. What is it that produces panics? The want of bread. And all history teaches that panics, especially bread panics, produce revolutions. No sensible man could have perpetrated a greater blunder than did my friend from New Jersey when he charged the strange results of the elections last fall to the treatment the South had received at the hands of the Administration and of the party in power. It was a strange mistake for one so well read and observant to have made. A little dispassionate examination of the current events of the past year would have revealed to him other and more potent causes for that strange exhibition of human folly. The panic, the condition of the country in all its sections and in all the departments of business life, had made our people wild with apprehensions of still more fearful calamities pending, and through the crazy elections they pitched men pell-mell into the next Congress without knowing whether they stood on their heads or their heels, and not caring a stiver as to who lost or who won.

Says an eminent English writer already referred to:

> Suffering is the great parent of revolution. Seldom if ever has a country been convulsed by political revolution save where the outbreak had been preceded by a period of general distress. The distress so wide spread and apparently mysterious which overspread our own country for twenty years before the passing of the reform bill, as well as for several years afterward, was the agency which gave to that long crisis its exasperation and serious political perils.

And in another connection he speaks of it as the period when "national distress and political agitation were most rife among" them. And says a distinguished writer of our own:

> It is seldom that a reigning party can exist in the presence of general industrial discontent, when all business is paralyzed, capital locked up, and everybody anxious, discontented, and suffering. Woe be to the existing administration!"

I appeal, then, to this side of the House to look well to their laurels, richly earned through sixteen years of glorious history, lest they wither and perish in the presence and because of failure in the discharge of demanded and imperative duty.

And, Mr. Speaker, there is reason in all this. Said Lord Brougham in a speech made in the English Parliament in 1812, speaking of our own country:

> But I freely acknowledge that the sight of one part of America brings to me feelings of envy as an Englishman. I mean the happy distinction that over the whole extent of that boundless continent, from Canada to the Gulf of Mexico and from the Atlantic Ocean westward to the Mississippi, *not one pauper is to be found.*

Mr. Speaker, that cannot be said of our country to-day, notwithstanding its multiplied resources and vast accumulation of wealth. And why? Why so much penury and want and distress, when an abundance is within our immediate command? Then property was more equally distributed among the masses; now and for a time past property has been leaving the hands of the industrial classes and accumulating in the coffers of capitalists. The rich are becoming richer, and the poor poorer—a condition of things of most fearful prognostication to every one versed in the history of the rise and fall of empires. But such is the increasing tendency of the times. It seems to be the fate of nations, as they grow old and tend to decay, to accumulate property in the hands of the few at the expense and impoverishment of the many. Such is the direct effect of all money panics. The creditor class becomes more nervous and exacting, and the debtor class is most pressed when it is least able to pay. The clamor for specie payments, no matter who perishes, always raised at such times by a discontented moneyed interest, which Edmund Burke calls "the most dangerous of all parties," only serves to hasten the

catastrophe. It is in times like these that the people, as they have a right to do, look to their representatives for prompt and intelligent legislation directed to their relief. Disappointed in this, it is not at all surprising that they should hurl from place and power those who have failed in duty and disappointed their hopes in the hour of their greatest need.

But there is another light in which I wish to present the subject. Congress *made* the panic and therefore it is demandable of it to do all in its power to relieve the people from the embarrassments in which it has envolved them. What I mean is this: Congress has for years encouraged the building of railroads by giving to railroad companies millions of acres of land. Immense quantities of iron and other material were required to build these roads. This led to heavy investments in many of the States, and especially in my own State, in the erection of furnaces, rolling-mills, machine and car shops, and in like enterprises, to meet the demands of the companies in the construction of their roads. These investments, now become profitless, never would have been made; the money would have gone into other business channels but for the encouragement Government gave to those improvements. Laborers were wanted, and large numbers from other lands were induced to come over, who now swell the number of unemployed workmen because of the cessation of these works. And then the panic was hastened and intensified if not actually produced, by the contraction of the currency under the authority of Congress. Congress may have carried its encouragement of these public works too far by its land grants and thero aids rendered. But having done this, having induced these large investments of capital, it is a great wrong, a fraud, in the face of all fair dealing, to leave innocent parties to suffer from its own acts. The plainest principles of duty and honest dealing in human transactions require that Congress should render all proper aid needed to complete those great continental railways and render them productive. By thus doing it will give employment to labor, keep faith with the people, and revive and reinvigorate the decaying business of the country.

A word on a cognate subject. If we wish to infuse life and vitality into all our business transactions, we must afford proper protection to American industry.

The difference of opinion which prevails among men who advocate the doctrines severally of free trade and protection grows out of the different processes of reasoning by which they arrive at their conclusions. The advocates of free trade argue from what they aver to be a changeless law of cause and effect. They start with certain principles which they call fundamental; lay down certain propositions which they declare will work out the same results in all countries and under every condition of business life.

The protectionist proceeds by a different process. He first endeavors to ascertain all the facts of the case, the conditions under which they exist, and their modes of operation, and from a careful consideration of these arrives at his conclusions as to the law by which they are governed. The one reasons from what he finds around him, from the experiences of every-day life, and is the practical, safe, business man; the other, from the dogmas of the study and the recitation-room, and is a mere theorist.

Free trade can exist only between those nations, where all the conditions of traffic are equal, as the cost of labor, the price of capital, &c. The weaker nation in those respects must always suffer more or less in business, intercourse with the stronger in the absence of protective restrictions upon the trade of the latter. It must always be the purchaser, never the seller; always buy, never sell; and just to that extent always the dependent nation.

The end of protection is the guardianship of capital and industry by means of restrictions placed upon freedom of trade. It is defined to be the security of the possibilities of capital and industry. It relieves the crowded and overworked avenues of industry by opening a way for the prosecution of new industries; pursuits which have previously been monopolized by foreign countries to the exclusion of the one which invokes the aid of protection. It is an equalizer of opportunities, a mere compliance with the laws of self-preservation. This it accomplishes by so enhancing the price of foreign commodities by statutory provisions, by the imposition of duties, that the foreigner cannot undersell our own people in their own market. To illustrate: When domestic iron is twenty dollars a ton and the foreign article of no better quality can be sold in our own market at fifteen dollars a ton, we are driven from the market; our furnaces are extinguished, our mines closed, and our rolling-mills silenced. And so with all our domestic productions when they come into competition with the foreign article. And just to the extent that this condition of things prevails our farmers and producing classes suffer, for just to that extent they are deprived or a convenient, a sure, a home market.

There is a mutual dependence and harmony of interests between the industrial classes engaged respectively in mining, manufacturing, and agriculture. The farmer produces simply, and his surplus, over and above what he needs to render his family comfortable, is of little value to him if he can find no market for it. Indeed, for the want of a market, as in some parts of the West, his corn is his cheapest fuel. But just in the proportion that you increase mining and manufacturing, you enhance the value of the products of the farm and to that extent benefit the farmer, by providing for him a better market for all he raises. Thus beautifully and profitably do those three great industries harmonize when properly aided and sufficiently protected by wise legislation. The material condition of that country cannot well be improved where those several industries are flourishing in due proportion. To accomplish this end, to harmonize those great interests, and render their prosecution alike profitable to all engaged therein; in other words, to effectuate that condition of society which will furnish profitable employment to all its members and no excuse for idlers is the duty of every legislator, so far as is in his power.

One word more. No part of our common country, I am persuaded, would be more benefited by a properly adjusted protective tariff, if she is provided with easy access to market, than the South. Her natural resources are immense and of the most varied and valuable character. Her fields are unequaled in the production of the great agricultural staples demanded by the wants of the world; her mountains are clothed and crowned with magnificent forests, the silence of whose solitudes is seldom broken by the sound of the woodman's ax or the song of the workman; unemployed water-powers murmur, dance, and mingle among her hills and through her vales; her broad and beautiful savannas are rich in the most luscious fruits; while beneath the bosom of her virgin soil repose metallic ores of inestimable value.

All that this immense natural wealth needs for its full development is protection against foreign competition and the completion of her great continental railway. It is our duty to her, as well as to the whole country of which she is an integral part, by proper legislation to secure the one and aid in the construction of the other. Sir, I do not propose to shake hands simply across the bloody chasm, not to bridge it over, but to fill it up by approaches from each side until no marks shall be left that it ever had an existence. Then, and not until then, will our country, our whole country, be contented, peaceful, and happy.

Affairs in Arkansas.

SPEECH OF HON. A. WHITE,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the report of the Select Committee on Affairs in Arkansas.

Mr. WHITE. Mr. Speaker, the theory of our government is that all men are created free and equal, and that all political power emanates from the people and that all authority is delegated by them under the forms of law to officials who are the public servants of the people, chosen by them or appointed by those intrusted by them with power to appoint and responsible to the people. In determining their form of government, speaking from a primary stand-point, there is no limitation upon their sovereign will, nor is there any restriction as to the manner of delegating power or the measure or distribution of power the people may choose to delegate.

The manner of ascertaining and determining the will of the people is by a vote of the majority. This is the leading and fundamental rule of our political institutions, that the will of the majority must govern, and that the will of the majority enacted by law is the will of the whole people.

This principle "that the majority must govern" is the only limitation *in limine* upon the sovereign will of the people. They can confer power and can limit it. They can put limitations upon their own power in any degree or form they may choose, whether it be in primary assemblies, in State Legislatures, or in Congress. The form of our government is not a pure democracy; the people in primary assemblies do not make laws; but it is a representative republic in which the people delegate to individuals chosen by themselves the power to make laws. The laws made by these accredited public agents of the people are as if made by the people themselves, *qui facit per alium, facit per se*, and have the same authoritative sanction as laws enacted in a "democracy" by the vote of the masses of the people. We have two generic forms of law; one organic or constitutional law, the other statute or legislative law; both of which are made by the people through their delegates—the first in conventions, the latter in State Legislatures and in Congress.

The chief object of conventions is to declare the form of government or to alter the form of government; to establish the officers of government, declare their duties, invest them with authority, and by fundamental law to secure permanency and protection to individual rights by putting limits upon the people themselves in one direction and upon their agents in the other; by restricting the power of the people to change their constitution except in the mode prescribed in the constitution itself, and limiting the power of their representatives to the grants and inhibitions of the constitution. The first is a security against anarchy and licentiousness, the last a protection against usurpation and tyranny.

The delegates of the people in convention assembled is the nearest approach to a pure democracy in our form of government. The con-

vention is in dignity most imposing and in power supreme. Its ordinances bind Legislatures, governors, courts, and people. It creates fundamental law by the consent and authority of the people, binding upon all, and unchangeable except in the manner provided by its own ordinances or by the people themselves through their delegates in convention. The people are as much bound by its provisions limiting their power as are the several Departments of Government; and as all acts of the Legislature in violation of the Constitution are null and void *ab initio*, and therefore can never be approved or made valid by any ratification whatsoever, so a violation of the fundamental law by the people is null and void, and is incapable of ratification such as to impart to it legal vitality. You may give to it force or it may acquire force, but it is the force of usurpation, not of legitimacy.

In a legal view the obligation of the people to observe the laws which by their constitution they have imposed upon themselves is of equal force with that imposed by the Constitution upon the executive, the legislative, and the judiciary, and in a moral point of view it is stronger, the breach of it is more flagrant, and the consequences more disastrous. The wrong done is without a remedy, and the example is destruction of all government. The principle involved in these self-imposed restrictions by the people in their constitutions was prompted by a wise spirit of precaution against that which history teaches is the weakness and the danger of popular governments, the people themselves. While their deliberate and well-informed judgment is entitled to the highest consideration, the impulses of the people are not always reliable, and their caprices are so fickle that the ingratitude of republics has become proverbial. The people of the most intelligent and cultivated republic that ever existed condemned Socrates without a crime to drink the hemlock, and then erected statues to his memory.

To put a check upon this dangerous tendency, the American people have imposed this restraint upon themselves, giving to it the authoritative solemnity of constitutional enactment, and thus as far as possible stamping it with the impress of inviolability—a defense ordained by the people against themselves, a sure anchorage where their Constitution and Government and laws should rest secure from the assaults of the demagogue, and where the passions, the prejudices, the excitement of the hour could never enter. As we progress in our governmental experience we are being subjected to the same tests, are assailed by the same temptations, and are manifesting the same weaknesses as those who have gone before us.

The people, the dear people, is still the cant of the demagogue; and even in these Halls the question not infrequently is, not what is right, but what is popular; what will the people think of it? I speak not in the spirit of cynicism, but in serious and pointed inquiry. I suggest would it not be more consistent with proper self-respect and with genuine respect for the people themselves for us to maintain the law inviolate, to stand by the right and rebuke and repress the wrong, and rely upon the sober second thought of the people for our vindication, rather than by acquiescence in or concession to hasty and premature popular beliefs to sanction lawlessness and give unction to wrongs? Desirable as the approbation of the people may be, and solicitous as every public man should be to receive it, it is still more desirable to deserve it, and no man can really deserve the approbation of the people for his public acts who has not the approbation of his own conscience.

The importance of adhering to prescribed and time-honored rules, and of looking to the right rather than expediency, is deeply impressed by a thoughtful appreciation of the novelty of the present condition and the grave issues with which we have to deal. From the adoption of the Federal Constitution to 1861 our country was blessed with internal peace. There were party contests, heated sometimes to a high degree; there was party zeal and party rancor, but these grew out of questions of administrative policy and were settled by the ballot-box. The machinery of government moved on, controlled by the successful party and guided by its policy. The Constitution had provided for the peaceful growth of the nation; and as new communities were formed upon our territory, with sufficient population, new States were admitted into the Union upon recognized and settled principles under the provisions of the Constitution with the quiet facility of an ordained and established order of things, without disturbance or commotion other than participation with the nation at large in the party struggles to which I have alluded. These in the main were mere surface agitations, involving no elemental principle of government and unsettling no foundations. All acquiesced in equality of right, in the people as the source from whence the Government derived all its powers, in the sovereignty of law, and in veneration for the Constitution. There were occasionally appeals made in political discussions to fundamental principles, but this was usually for the purpose of strengthening party policy by showing its consonance with them, and not for the purpose of assailing or questioning the principle.

The foundations of our Government were unmoved for seventy years; peace flowed like a river through all our borders; the nation grew in wealth and power, and our people were prosperous, free, and happy. This general condition was subject to one notable exception. There was one conflict of political opinions, which had its origin in some of the conventions which adopted our Federal Constitution, as to the power of the States and the United States, which, then begun, continued with more or less of heat until, spreading over wide-extended communities, centering around certain material interests and social institutions, it finally absorbed all questions of mere party politics, and in 1861 culminated in war between the North and the South. This result, so long delayed by the powerful and numerous peaceful influences which counteracted it, was nevertheless inevitable. It was inherent in the controversy itself. Two systems of government—one national and the other State—each asserting paramount allegiance from the same people, the one maintaining the indissolubility of the Union and the other claiming the right of a State to secede, involved an irreconcilable antagonism, which only made it a question of time when they would meet in collision supported by their respective advocates; and as there was no recognized tribunal under our form of government to which the question could be submitted, appeal to arms—a fearful experience—has confirmed what reason clearly foreshadowed.

There must be supremacy in one or the other of our governments, national or State, which shall be recognized by the people and sustained by public opinion. This is the only state of rest for this vexed controversy; and if one war has not settled it another war will, or it may be that more wars than one will be necessary to its final solution. The more the mind dwells upon this subject the more deeply will it be impressed with the conviction of this portentous truth. Its throes but recently shook the nation to its center. The *débris* of the ruin it inflicted are strewn over a large portion of our country. The discords it caused yet destroy the peace of States, while its fitful flashings in our political sky admonish the gathering of the elements whose collisions may again burst in the tempest and desolations of war.

The framers of our Constitution did not propose to provide for a condition of civil or internal war. In the nature of things it was repugnant, and though it is not reasonable to suppose that they did not consider such a war as possible, yet there is no express provision in the Constitution for it, nor *a priori* could there be any express provision for the condition which would result from civil war; nor did the framers of the Constitution anticipate the secession of a State from the Union nor provide for any such condition.

But secession came and then separate State governments in the South, then a southern confederacy, and then civil war; with the war, commotion and slaughter and devastation, and from the war resulted emancipation, the abolition of slavery, reconstruction, and the amendments to the Constitution.

At the close of the war there were eleven States whose governments had thrown off allegiance to the United States, who had formed and acknowledged allegiance to the hostile southern confederacy. These States had to be restored to their position in the Union, and this with the status of the freedman constituted the two great problems which the country had to solve in renewing with these States the relations which subsisted between them and the nation before the war.

Under a profound sense of the difficulties and magnitude of the duty which had devolved upon them, the Congress with deep and solemn earnestness addressed itself to the momentous task. They were called upon to heal the wounds of the war, to restore the broken ligaments of the Union, to uphold and protect the emancipated slaves, to provide for the inauguration of civil governments in the States lately at war with the United States and to provide for the inviolability of the Union and the peaceful, permanent assertion and recognition of the Federal Constitution as the supreme law in those States. As preparatory to readmission of these States, Congress established military governments which should maintain order, preserve rights, and suppress crime until the States should be reconstructed.

In determining the mode of doing this there were among others two serious and difficult questions to be settled. One of these was the political status of the white people who had recently waged war against the Government, and the other was to fix the political status of the manumitted slaves. On the one hand there was felt a great reluctance to impair the rights of the white people as citizens, while on the other it was considered hazardous to invest them with the absolute political control of the Southern States. The newly made freemen had never before had any political rights, and could not be expected to appreciate the importance of a wise and discriminating exercise of those rights or to have the knowledge necessary to such exercise. Congress finally settled the plan of reconstruction by giving to the masses of the white people, upon their taking an oath to support the Constitution of the United States and to maintain the civil and political equality of all men, the right of suffrage, and by bestowing the right of suffrage upon the colored people, thus balancing whatever of disaffection or disloyalty there might remain among the whites by the assured loyalty of the blacks, and giving to the latter, as the weaker of the two races, the power of the ballot to protect themselves against encroachments upon their rights.

Conventions were then held consisting of delegates chosen by the whole people, white and colored, and constitutions framed, and upon these constitutions and the faith of the people of the States, respectively, pledged in most solemn and authentic form to abide by and sustain them, the Congress of the United States readmitted them as States having governments republican in form into full fellowship as States in the Union. Had the Congress found no assurance in these constitutions of their stability, had they contained no limitation upon the power to change them, prescribed no mode and put no conditions guarding against irregularity or licentiousness in changing them; had

Congress believed that the safeguards in these constitutions might be disregarded and new constitutions and governments set up by a party or by the people of these States without regard to the modes prescribed by their constitutions for changing them, or in utter disregard of such modes and of the principles of law governing such action, as settled by the established practice of the American people and recognized by the courts, it is very certain that Congress would not have admitted them to representation in Congress.

The constitutions as they were constituted the republican form of government which was guaranteed by Congress to these several States, and every provision in each of those constitutions is equally binding with every other and no one of them can be violated or disregarded without impeachment of the compact between these States and the Congress of the United States when they readmitted them to their position as States in the Federal Union, or without trampling under foot the organic law of the State itself. Of what avail were the precautions of Congress giving to all the people, white and colored, of these States a voice in framing their constitution and securing their rights by the solemn enactments of their organic law, confirmed by the acceptance of the same by Congress, if in disregard of its provisions and of established usages the Constitution itself may be set aside and annulled?

The controlling popular element in Arkansas at the date of the reconstruction acts was regarded as dangerous, if not certainly vicious in a political sense. It was known that the loyal element, embracing comparatively but few whites and consisting mainly of the newly emancipated slaves, could not contend successfully with the large proportion of the white people in political struggles; hence the checks as to the manner of changing it were ingrafted upon the constitution to give permanency and assurance to the political relations and organizations which were ordained by the constitution which was framed under the reconstruction acts, and which was accepted by Congress on admitting the State to representation in Congress as the form of government of the State of Arkansas—

A constitution (believed to be and accepted as such) stable and permanent, not to be worked upon by the temper of the times, nor to rise and fall with the tide of events.

In both of these important points of view, reason and law combine in demanding an adherence to the established modes and to the provisions of the constitution of Arkansas in any proceeding to revise or change that constitution. As we proceed in the consideration of the subject, unless I have wholly misconceived their import, subsequent events will impart peculiar emphasis to these demands.

I will read the thirteenth article of the constitution of Arkansas of 1868:

ARTICLE XIII.

SECTION 1. Any amendments to this constitution may be proposed in either house of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published as provided by law for three months previous to the time of making such choice, and if in the General Assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment or amendments shall become a part of the constitution of this State.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of said amendments separately.

There are only two modes of changing or revising a State constitution in American usages and under our institutions; one is by the people themselves; the other is by the authority of the constitution. In the former the call for a convention must be made by the people themselves; in the latter the call must be made in strict conformity to the modes prescribed in the constitution. The whole range of organic law is above and beyond the power of the Legislature. Through it the Legislature is created, by it invested with powers which are themselves limited by the constitution, both in the subject-matter and scope of their exercise. The Legislature can make laws; they can do nothing else, unless by an express grant of power in the constitution. Members of the Legislature are the representatives of the people in a delegated not in a primary capacity. They are the official agents of the people, to exercise the powers and perform the duties prescribed for legislators by the constitution; but beyond these they cannot authoritatively go.

The calling a convention is not a legislative act. It is no exercise of the law-making power. The call for a convention by a Legislature in the absence of an express provision in the constitution giving the power to make the call is *ultra vires*. It could just as well be made by the governor or by the judges of the supreme court. It is neither executive, legislative, nor judicial in its character, and therefore is not one of the powers which are delegated to them by the constitution; but it is a power reserved by the people to themselves for their own protection. This is the great conservative principle of our peculiar form of government—written constitutions. It is this which imparts stability and gives assurance to our political institutions. This constitutes the fundamental difference between our governments and the republics that have gone before us, consumed and buried in the fires of contending factions; between our constitutions and the constitutions in Europe and in Central and South America, which within the century have vanished before the hot breath of the excited populace or infuriated mobs.

So long as the foundations are unmoved there is something upon which the superstructure of government can stand, and if overthrown, something upon which to rebuild. With this conviction impressed by the teachings of the past experience of popular governments, the American people have kept their constitutions within their own control, and when they have delegated to the Legislature the power even to amend them, they have done so under restrictions which referred such amendments to the people, to pass upon them by a direct vote of acceptance or rejection. The constitution of Arkansas of 1868 is strongly marked with this distinctive American idea of guarding jealously their organic law and keeping it within the control of the people themselves.

The thirteenth amendment, to which I have referred, cautiously guarded the people of Arkansas against hasty or ill-advised changes in their fundamental law. The power to propose amendments was given to either House of the General Assembly, but it required a majority of the members elected in both houses, taken by yeas and nays entered upon the journals, to pass it. It was then to be referred to the Legislature to be chosen at the next general election by publication for three months before the election, and if a majority of the members elected to each house of this succeeding Legislature should be in favor of the proposed amendments, then they should be submitted to a vote of the qualified electors, and if ratified by them the amendments became parts of the constitution.

It is scarcely possible to consider these provisions without being impressed with the deliberate purpose and wise forethought which prompted them, or to look to subsequent events without recognizing the necessity that demanded them. It is not logically conceivable that the framers of this constitution, thus carefully restricting the power to propose amendments to the constitution to two successive Legislatures, should have left it in the power of one Legislature to call a convention to abrogate the entire constitution. Such a conclusion would certainly be inconsistent with the spirit of the constitution, as well as in conflict with the general principle which I have stated.

I am aware that there is some conflict of opinion as to the question of power of a Legislature to call a convention to revise the constitution of a State. But this conflicts grows mainly out of precedents established in quiet and peaceful times, and the overwhelming weight of judicial authority and of the later precedents are in favor of the proposition that the people alone have the power to call such convention; and that in the absence of an express provision in the constitution conferring the power upon the Legislature to call a convention the call must be submitted in the first instance to the people, and they must determine by vote whether they will call a convention or not.

The great evils of popular governments are "hasty legislation, excessive legislation, and partisan legislation," and to prevent or alleviate these evils these restrictions upon the power to change the constitution are imposed. The danger from these evils has never been so great as at this time. The condition of a large portion of our country, inflamed by war, then humiliated by defeat, irritated by reconstruction, and now exasperate, from a pronounced war of races, renders it of paramount importance that this salutary principle should be maintained and enforced by Congress in determining the validity of the present so-called State government of Arkansas.

The call for the convention which framed the constitution of 1874 was made by the Baxter legislature, and not by the people. This body, styling itself the Legislature, was organized under such circumstances as invite the strictest scrutiny. Was it a Legislature is certainly a most material fact in every point of view, and in one it would be a controlling fact. If it was not a Legislature, then the very fountains of its legitimacy are closed out, and the constitution upon which the Garland government rests is a nullity and the government a naked usurpation.

The General Assembly of Arkansas under the constitution of 1868 consisted of eighty-two members of the house of representatives and twenty-seven senators. These representatives were created by the qualified electors chosen at an election held at a time and places fixed by law. They could be created by no other power than the qualified electors, in no other mode than by an election, and at no other time and places than those fixed by law. Their term of office began on the day of election and continued for two years; and during that time, two years from the 5th of November, 1872, no new member could be elected from the counties they respectively represented unless vacancies had occurred in the places filled by them. An election or appointment to an office which is already filled is a nullity, or to put it more nearly in legal phraseology, an appointment to fill a vacancy in office when none exists is a nullity.

Of the members elected to the General Arsembly which convened January 6, 1873, Baxter appointed between thirty and forty members of the house of representatives and senate to office, and there were some six or seven who resigned. The seats of these members were assumed by Baxter to be vacant, and he issued his proclamation on the ——— day of ———, ordering elections to be held in the several counties to fill the vacancies. Soon after he issues another proclamation or public notice that the Legislature wo '' under no circumstances be assembled.

The elections were held, and the Legislature soon after was convened in extraordinary session by the governor and the persons thus elected were admitted as members, and with those members of the Legislature elected on the 5th of November, 1872, who were admitted to this extraordinary assembly constituted a quorum, but without these new members there was not a quorum; in other words, there was no Legislature. If in fact there was not a quorum in either house, then there could be no organization of the General Assembly; and if there was no General Assembly to issue the call for a convention, then the election at which the vote was taken calling a convention was without authority of law and void.

This is a controversy between the two constitutions—a question which one of the two, the constitution of 1868 or the constitution of 1874, is the constitution of the State of Arkansas; and each must trace its source to and confirm itself by law or else it must fall. It is not a case in which a *de facto* government or *de facto* members of the General Assembly is in any way involved. Upon each is devolved the burden of showing that it is in law the constitution of the State of Arkansas. Both cannot be; one is legal and the other illegal, one valid and the other invalid; one is the constitution of Arkansas and the other is a nullity. This is the attitude in which the question presents itself before us and upon which we must act.

By section 34 the General Assembly shall declare the cases in which *any office shall be deemed vacant.* This precludes the governor, if Baxter had been governor, from declaring offices vacant unless expressly the General Assembly had by law authorized him to do so, and precludes him also from adjudging an office vacant.

An office created by the Constitution is beyond the reach of legislative abrogation and divestiture by any power except by the courts. It is property, and can no more be taken by proclamation of a governor than any other property of the citizen can be. Besides this, there is no one, I apprehend, who knows anything of the law upon the subject or has a reasonably intelligent appreciation of the right of any one to decline or refuse office who will maintain that the mere appointment to one office is a forfeiture of another. The acceptance of one office has been held in some cases good ground of forfeiture of another which when judicially ascertained would result in a vacancy of the office; but even this result could not be reached through the courts in Arkansas unless the Legislature had so declared it.

This reasoning, if sound, constrains to the conclusion that the so-called Legislature which issued the call for a convention on the 16th of May, 1874, had no quorum of lawfully elected members in either house, and therefore was not a lawful Legislature and had no legislative power; that the call for a convention was void, and the act authorizing the holding an election and the election of the delegates to the convention was void, and the delegates themselves had no right to meet in convention and no authority to frame a constitution, and the constitution promulgated by them was an absolute nullity. This legal view of the subject, conclusive in its utter condemnation of this pretended new constitution, finds no mitigation in the moral aspect, but on the contrary the whole proceeding bears the impress of hasty and partisan legislation, (two of the express evils which the law scrupulously guards against in the making of constitutions,) accomplished by fraud and violence unexampled in our previous history and scarcely paralleled in the recent unscrupulous and reckless efforts of the southern democracy to get possession of the State governments in the South.

Baxter was the regular nominee of the republican party for governor in the election of November, 1872. Brooks was the opposition candidate and was sustained by the democrats. Baxter was declared elected by means of fraudulent manipulation of the ballots, though in fact Brooks received a majority of nine thousand votes. Baxter, having by fraud secured the position of governor, determined to sustain himself in that position by whatever of fraud and force was necessary to that end. Knowing that Brooks had received a majority of the votes cast, and that upon an investigation by any tribunal appointed by law for such purpose he would be thrown out and Brooks put in as governor, his first efforts were directed to guard against a contest before the Legislature. By intimidation and other more oppressive means he succeeded in securing, first, that there should be no contest allowed for any seat in the Legislature, so as to retain his partisans who had gone into the State-house while in charge of military force under passes in that body, between whom and himself there was an understanding that no contest proposed by Brooks for the office of governor should be entertained. Some forty members of this Legislature were soon after appointed to lucrative offices by Baxter.

By the constitution of 1868 of Arkansas the appointing power of the governor, except when conferred on him by the Legislature, is very limited. Soon after this, Baxter appointed some five hundred persons to office in the State; so that this Legislature must have conferred on him the power to do so. This was evidently a part of the programme which subsequently developed itself—in the subversion of the republican constitution of 1868 and putting in its place the democratic constitution of 1874, the one recognizing and affirming the paramount allegiance of the citizen to the United States Government, and the other striking it out and leaving their organic law as it was in 1861 when its framers and their adherents declared that it meant State sovereignty and the right of secession. His petition for a contest being denied to Brooks in this matter of plain and unquestioned right in utter disregard of a decent respect for public opinion and the proprieties of official conduct, as well as of justice and law, his next step was to seek redress through the courts. Baxter determined that he would not submit to the authority of the courts. He had before this commenced coquetting with the democrats, and now he surrounded himself with an armed body-guard composed (to quote the language of a witness) "of reckless young men without any visible means of support, gamblers, unreconstructed men who have a bitter feeling toward all northern men, and to all law and order in fact," as he himself said, "I want men who will reist the officers of court, and the court itself if necessary." He further threatened to hang the judges of the supreme court, if upon "*quo warranto*" in a case pending before them they should issue a writ of ouster against him.

This is the conduct of the man in the high office to whose incumbent is intrusted by the people of Arkansas the duty of executing the law, upon whose fidelity all depended for security and protection, whose conscience was the keeper of the law, whose will could make it mighty for all of the beneficent purposes for which law is ordained; bound by the solemn oath he had taken, bound still stronger if possible by the duties of his exalted position, by the sacred trust confided to him, by regard for the opinions of the world, and by respect for virtue, truth, honor—by every principle and every emotion which could impel a good man to observe and enforce the law. Environed with all these bands constraining him to official duty, he openly, shamelessly, corruptly, for a price to be paid him by the democratic party, discards them all, breaks through and becomes himself the leader of a conspiracy to violate all law, to strike it down in the persons of its highest functionaries, the judges of the supreme court, and to overturn the constitution of the State itself; and with this and much more of "the same sort," in full view recognized and admitted by them, your majority committee tell you that all is quiet and peaceful in Arkansas now. Their recommendation reminds me of a dispatch during the Vicksburgh troubles from a zealous white-leaguer to his friend in Memphis:

Forty negroes killed to-day. All is lovely to-night.

The object sought by the democrats in Arkansas was in unison with a long premeditated and widely concerted scheme of the democratic party South, to get possession of the State governments in the South and to subvert the constitutions adopted in those States since the war, which are republican in spirit and loyal in enactment, by State constitutions framed upon the models which preceded these which were deeply imbued with the spirit of States' rights and whose enactments were in consonance with the political creed of the advocates of secession.

The constitution of 1874 left out, as I have stated, the declaration of the doctrine of paramount allegiance to the Federal Government which was in the constitution of 1868. In the State of Virginia it is proposed by the General Assembly to make a similar change in her constitution. In North Carolina the proposition for a convention is being pressed by the democracy, and in Alabama a joint committee of the senate and house have reported to the General Assembly in favor of a convention to change the constitution, and so will it be in each Southern State as the democracy acquire control; and if this action of the Arkansas democracy is ratified by Congress, this provision will be stricken from every Southern State constitution, and the only authoritative recognition and sanction by declared law in all the South of the highest and most vital result of the war—that of paramount allegiance to the Government of the United States—will be wiped out; and, so far as the States South are concerned, their fundamental law will place them just where they were in 1861, with the same party in power who at that time declared that the primary allegiance of the citizen was to the State, and not to the Government of the United States, who then went to war to maintain, and now manifest their continued adhesion to former beliefs by striking out and proposing to strike out from their State constitutions the (to them) offensive dogma of paramount allegiance to the United States.

The majority of the committee, with complacent credulity, a sort of easy-going indifference, which to say the least of it argues utter want of appreciation of the situation or the subject, say they think there was in most of the reconstruction constitutions rather "a surplusage" of professions of loyalty. This is a fling at the republican constitutions at the South generally and a fling at loyalty. If these gentlemen had lived at the South as I have done; had they passed through the long, protracted, and fiery political conflicts between a paramount Union and the right of a State to secede; had they seen how this doctrine of State sovereignty, under the favoring auspices of just such constitutions as the democracy are again re-enacting in the Southern States, had grown and spread until it diffused itself throughout the South and impressed upon the popular mind the conviction that primary allegiance was due to the State and not to the United States; did they know, as I have been taught by intercourse with and by political contact with them for twenty-five years, the earnestness and the depth of conviction which impels and inspires them in their purpose and their efforts to reassert this doctrine of State rights, the committee would have foregone the opportunity to fling at the work of the carpet-bagger, scalawag, and negro, rather than have ventured the suggestion that there was or had ever been a surplusage of loyalty in the constitutions or in anything else in the South. I congratulate them upon the discovery; and knowing

them to be loyal men, I shall attribute their hit at these constitutions to the promptings of an æsthetic spirit rather than a deliberate purpose to disparage loyalty to the United States Government.

But without making an issue upon the question of taste, I take issue with the committee on the logic of the thing. To sustain this proposition I refer to the policy of our political adversaries upon this very subject. For more than a generation this doctrine of State rights was promulgated and advocated by its political apostles in the press, on the hustings, in legislative assembles, and in Congress, until it became the leading, controlling political idea of the democratic party of the South. It was urged with the zeal of political devotees by its believers, and it developed itself, as in the heat of extremes it must inevitably do, in a belief in the right of secession.

Now, had the constitution of the several Southern States contained a provision declaring that paramount allegiance was due to the United States, and that no State had a right to secede, the whole theory of secession would have vanished before it as darkness flees from the presence of the sun. We would have had no attempt to secede, no war, no half million lives sacrificed, no national debt, no people alienated by sectional political strifes, or embittered by the enmities of civil war. All these calamities would have been averted by the simple presence in State constitutions South of the expressions of loyalty which your committee characterize as *surplusage*. Had there been in the constitution of the State a plain ordinance declaring that paramount allegiance was due to the United States, no amount of argument, no matter how ingenious, could have induced the people to believe that primary allegiance was due to the State; and from the mere fact that the State constitutions South were silent grew that vast amount of opinion which precipitated the people into secession. With characteristic fidelity of thought and constancy of purpose the advocates of this doctrine are pressing back as near as is possible to the *ante bellum* status in the Southern States, while republican committees tell us that striking out this declaration of the most important political truth which evolved from the fiery collisions of civil war from State constitutions is a matter of such small concern as to awake no suspicion, arouse no reflection, command no comment, further than indirect approbation by criticisms upon the superfluous expressions of loyalty in southern republican constitutions.

I will say to the committee that expressions of loyalty like those they criticise were never ingrafted upon any other constitutions in the South except these republican constitutions, and if the report of the majority in this instance should be adopted by this Congress, they will never again be found in another constitution framed in the South. The party which the committee propose to confirm in power in Arkansas neither acknowledge the principle nor cherish the sentiment involved in such expressions of loyalty. On the contrary, they have a lively sympathy with the spirit that regards them as surplusage, and I doubt not have large admiration for the republican committee which has the nerve to embody it in a report to the House of Representatives. Reconstruction under their auspices is going on in Arkansas, but it is not republican reconstruction.

Whether Baxter was governor *de facto* after the judgment in the circuit court depends upon a somewhat vexed question. If the court had jurisdiction, which is sustained by a strong array of authorities, its judgment, until reversed, would conclude him, and Baxter would have no legal right to exercise the functions of governor; but whether he was acting as governor under color of legal right, or was a mere usurper, does not affect in his favor the darkest aspect of the subject under consideration. A conspiracy with political enemies to overturn the State government, prompted by the promise of personal advantage to himself, is so black a crime, that its enormity would not be diminished or increased by the legal or illegal tenure of the office he claimed, and which he used as the means of effecting his wicked and revolutionary ends.

In the Legislature which was elected in November, 1872, there was a majority of republicans, and after Baxter had entered into the conspiracy with the democrats to turn the State over to them, it was necessary to get rid of as many of these as practicable, and substitute them with others who would co-operate in the new movement. By wholesale appointments to office, and by the resignation of some five or six members after the adjournment of the Legislature, and when it would meet no more unless called together in extraordinary session by the governor, Baxter prepared the way for securing a Legislature composed of such materials as were needed to accomplish the fundamental change in the State government by setting aside the constitution of 1868 and adopting another, and at the same time with the adoption of the new constitution to elect democratic State officers, and thus make a complete transfer of authority to the democratic party by framing a constitution to suit their views and giving them possession of all offices in the State. Baxter issues his proclamation on the 18th of September, 1873, ordering special elections to be held on the 4th of November to fill forty-two (imputed) vacancies in the Legislature. In order to deceive the people, he stated that he did this only to conform to law, and issued a public notice that under no circumstances would he call the Legislature together; and as this was the common belief, the people, except such of them as understood the plans of Baxter, took but little interest in the election, and partisans of Baxter and co-conspirators with him were returned from nearly every county where an election had been held under the proclamation of the 18th of September, 1873.

On the 22d of April, 1874, Baxter, in violation of his promise and his public notice that under no circumstances would he do so, issued a call for an extraordinary session of the Legislature to convene on the 11th of May, and the body assembled in the midst of armed military authority, made their way to the house where they assembled through guards under passes from Baxter or his agents, and on the 13th, by the admission of the new members pretended to have been elected in November, 1873, declared itself organized, and on the 18th of May issued the call for a constitutional convention. This is the body assuming to be the General Assembly, and which is softly confessed to be such by the majority report in the following easy-going, gammon-like phraseology:

> One point made against the validity of this Legislature, or any act passed by it, is that as there was no quorum of old members in either house, they had no power to admit new members.

This is one point, only one of many, which can be made against this most vulnerable assembly; but it is one which goes to the substance of the thing, which, if true, takes from that assembly all prestige or power as a legislative body, and stamps as nullities all its pretended enactments.

The committee, in the brief and summary manner in which they put and dispose of this point, admit by plain implication its vital force and attempt to avoid it by such shallow casuistry as this:

> The constitution of Arkansas contained the usual provision, that "each house shall determine the rules of its proceedings, and judge of the qualifications, election, and return of its members," and as the record shows that a quorum was present in each house, and that the newly admitted members were certified to each house by the secretary of state, the committee regard all the questions made as to the validity of the election of the new members and the regularity of the organization as covered and concluded by the action of the Legislature itself.

It will be readily seen that the committee in their reply to this point beg the whole question. The point made is that this was not a General Assembly; that the house was not a house because there was no quorum, and the senate was not a senate for the same reason. The committee in effect admit this to be true, and they could not deny it. If they could they surely would have done so, for it would have afforded more solid ground both in reason and law for their conclusion than all else they have put forth in their report. It is clear they do not deny the fact because they cannot, but they bridge over the chasm by the proposition that they are concluded from inquiry into the fact by the records of this so-called General Assembly; in other words, that an assemblage of men meeting together and claiming to be the General Assembly of a State, without authority of law or the semblance of it, could preclude all inquiry into the legitimacy of their title or the validity of their action by the recitals of their own record. Had Baxter known that the thing could have been fixed thus easily, it would have saved him a great deal of trouble, probably some remorse, and shielded the people of Arkansas from much infliction and wrong.

The section of the constitution upon which the committee rely is:

> Each house shall determine the rules of its proceedings, and shall judge of the election, qualification, and return of its members.

This power is conferred upon each house. Each house has these powers and no other tribunal has or can constitutionally exercise them, but a quorum of members is necessary to constitute a house, and any less number of members than a quorum was not and could not be the house which the constitution invested with the power to determine the rules of its proceedings and judge of the election, &c., of its members. Less than a quorum had no power under the constitution except to adjourn from day to day and send for absent members. Nor had they any power to make any record except the record of these proceedings, and any other thing done by them not incidental or accessorial to this, or the record of it is absolutely void. These are delegated powers distinctly specifying to whom, "each house," the power was delegated, and can neither be extended nor diminished by construction or implication. The members in "each house" less than a quorum which met within Baxter's military lines on the 11th of May, 1874, did not send for absent members, but took it upon themselves to judge of the qualifications of persons claiming to be new members; and thus in plain violation of the constitution proceeded to organize as a General Assembly. This action being unconstitutional and therefore void, and going to the essential elements of its being as a General Assembly, dissipates all its pretension to legitimacy and makes void *ab initio* all its action.

This view it occurs to me is conclusive against the position of the majority report; but as the point to which the committee has called attention and has attempted to meet is conclusive, if sound, of this whole question of the legality of the call for a convention, I propose further to dissect the argument of the committee. They do not inform us whether their position rests upon or is intended by them to rest upon principles of law or logic or convenience. If they mean to imply that the legal principle which ordinarily prevails, that the record of tribunals established by law and authorized to keep a record of their proceedings is evidence of their proceedings, I answer that the principle has no application here, for the question before the house is not what the General Assembly did, but the question is, was the body whose records are referred to for its authentication the General Assembly of Arkansas? This principle, even when applied to courts of general jurisdiction whose records "import absolute verity," can never be invoked until it is admitted or established that it is a

court. Whether it is a court is always open to inquiry and precedes the question of the validity of its records, for if not a court it can have no records, and any pretended records have no validity. So of each house of a General Assembly. It must be admitted or shown that it is a house within the meaning of the Constitution before it can claim that its action as such has any validity or that its records have any conclusive effect as evidence. It was not a General Assembly, because it had not in either house a quorum of members elected by the qualified voters at the time, manner, and place appointed by law.

The special election was a fraud gotten up as a part of the machinery in carrying forward the conspiracy between Baxter and the democrats to change the constitution and to turn the State over to the democracy. This plan, begun in prostitution of the law to fraudulent aims, was carried to its consummation by the most flagrant and reckless disregard of law, justice, or humanity. Martial law was proclaimed. The partisans of Baxter were enrolled in the State guard, as the military force was called, consisting of the most desperate men, commanded by still more desperate leaders, who quartered themselves upon the people, took possession of private houses and expelled the owners, levied contributions of supplies of food, arms, horses, and whatever else they chose, promiscuously; seized offices, arrested many persons upon trumped up charges and put them in jail, in many instances offering to release them if they would go for the constitution. Murdering, robbing, plundering, and imprisoning by these armed partisans of Baxter spread terror and consternation among the people, and when at its height the election for the call of the constitution came off, and of course it was adopted by an overwhelming majority.

This state of things, bad as it was, was supplemented by frauds in voting corresponding to the lawless outrages upon the persons and property of the people. The republicans as a party did not participate in the election, and most of them staid away from the polls. Those who did vote, it was conceded, voted generally against the call for a convention. The democrats voted for a convention. There were, according to the returns, 80,259 votes for convention and 8,609 against it. At the election upon ratifying the constitution the republicans resolved not to participate in it, and an address had been issued by the republican State convention declaring it improper and impolitic to nominate a ticket and advising republicans not to participate in the election.

The vote in the election was 103,504—78,694 for the constitution, and 24,807 against. The entire estimated vote of the State is 102,216. So that at an election in which the republicans had no ticket in the field, and from which the party had been advised by their State convention to refrain, there were counted over one thousand votes more than there were voters in the State. A witness examined by the committee stated that he had examined the average number of votes at elections to the voting population, and that the highest percentage in any election before this had 8.3 to 10, and the usual percentage was 7 and 7¼ to 10. At the average of 8.3 the vote on adopting the constitution would have been 85,809; at 7¼ to 10 it would have been 77,802, and at 7 to 10 it would have been 72,802. A short time after this there was an election for members to Congress, which was hotly contested, and the aggregate vote when both parties voted was from forty to forty-five thousand less than the vote at the election for the constitution. In the election for the constitution the election was under the control of the democrats. At the other there were Federal supervisors as well as the State officers superintending the election. This great disparity cannot be accounted for reasonably except upon the hypothesis that there were some thirty or forty thousand fraudulent votes cast or counted for the Constitution.

This constitution, red with the blood of the people, reeking with outrage and foul with fraud, we are asked to recognize and affirm as the free and fair expression of the will of the people of Arkansas. As between those who maintain that the constitution of 1868 is still in force and those who maintain that it has been substituted by the constitution of 1874, the burden of proof is on the latter. The constitution of 1868 must be held good "until it is shown that it has been altered and abolished and another substituted in its place by legal and peaceable proceedings adopted and pursued by the authorities and people of the State."

The principle announced in the extract I have quoted is sustained by both precedent and authority, and confirmed by reason so penetrating and pungent that no sound mind will dispute it. The proposed legal means of changing the constitution in Arkansas was by the Legislature submitting the call for a convention to the people at an election on the 30th of June, 1874, and by the convention submitting the constitution under regulations (laws) enacted by the convention to the people. To these imputed authorities the answer is, first, that the body assembled in May, 1874, upon the call of the governor, and, claiming to be such, was not the General Assembly of Arkansas.

I read from page 10 of the report of the majority of the committee:

> As to the effect of the existence of martial law, and that the Legislature met within Baxter's lines, the committee have to say that, although these circumstances cannot be considered as favorable to wise and careful legislation, still, as no attempt appears to prevent the attendance of members, or to control in any way their action by military force, they do not consider these facts sufficient to deprive the acts of that Legislature of the ordinary force of such action. The act for submitting the question of calling a constitutional convention was introduced on the 16th day of May, and was passed in both houses on the same day. In the senate the vote was 12 in the affirmative and 3 in the negative; the whole vote in the house was 50, but the majority was not shown.

The disingenuousness of this extract is so apparent that it sinks below the level of casuistry, and is scarcely entitled to the consideration which "specious pretenses" might claim. The committee *admit* that they do not think that the existence of martial law and the meeting of the Legislature within the military lines of Baxter could be considered as favorable to wise and careful legislation, but they imply that these were light circumstances, slight departures, not worthy of comment or rebuke; and as no attempt appears to prevent the attendance of members or to control in any way their action by military force, they do not consider these facts sufficient to deprive the acts of the Legislature of the ordinary force of such action; in other words, the committee could not see that it would help legislation to have a suspension of civil law, and proclaimed supremacy of martial law, with military forces around the halls where deliberated those who claimed to be the representatives of the people and the law-makers of the State of Arkansas. Nor do they see in it anything that could reasonably interfere with that freedom of debate and action which alone is consistent with the integrity of their representative character. Had the locality been changed, had scenes and surroundings such as these occurred in Vermont, her green mountains would have reverberated with the shouts of an alarmed and indignant people, and no one of her statesmen would have dared deprecate the just condemnation which would have been hurled upon the offenders.

Is liberty less endangered in Arkansas than in Vermont? Is the protection of law, the right to think and speak and act as freemen better guarded? If not, if on the contrary the law is trampled under foot; if beyond this the law is itself debauched and made the instrument of oppression; if tyranny, enthroned in the high places of the law, wrapped in its robes and invested with its prestige, commits every outrage and is guilty of every crime; if it advances from offenses against individuals to that highest crime the subversion by violence and fraud of the government itself, how is it that in Arkansas these things are condoned in the face of persistence in the wrong by the wrong-doers, when in other localities and States public opinion would have blasted their authors with the tempest of its fiery indignation?

How is it that men who regard order and reverence the law, who love justice and value freedom in their own homes and among their own people, can look with unruffled composure upon lawlessness and wrongs not exceeded, if equaled, during the late trouble—war in another State and at the suggestion of the wrong-doers themselves—and propose to ratify and confirm them in the possession and enjoyment of spoils wrung from an overawed and oppressed people? But this thin pretense put forth by them cannot avail the committee.

The reason why "there was no attempt to control the attendance of members was, that in the organization of the houses at the extraordinary session of the Legislature called by Baxter, in violation of his public announcement that under no circumstances would he call it, no members were allowed to enter the hall where the Legislature met except by permits or "passes" from him. The result was, that the Legislature was composed of members in complicity with him, "tools" ready to carry out his wicked designs, and hence there was no occasion for interference by Baxter's soldiers "to prevent their attendance or to control their action in any way by military force." Legislators and soldiers, they were co-conspirators, acting under the same commander, and leagued together with him to accomplish by fraud and force the same object—the overthrow of the government of the State.

The objection to the validity of the action of this Legislature, manufactured to order by Baxter and his new friends, the unrepentant rebel element of the democracy, is not that its members were not allowed to attend, or that their action was controlled by military force. This way of putting it is an egregious mistake or a sheer pretense. The objection to it is that it was not the General Assembly; that it was not composed of members created by the people in the manner and at the time and places appointed by law; and that its assumed authority was a usurpation and its acts absolutely void. We have seen how this objection was slurred over by the committee; and this addendum about attendance of members and interference, and the suggestion that its action should be deemed valid because there does not appear to have been any actual application of military force in constraining their legislation, has more of the impress of a fluttering to attract attention from the real objection to the Legislature than of argument.

This pretended abrogation of the constitution of Arkansas of 1868 and adoption of the constitution of 1874 was fatally and incurably defective in its initiatory movement, in not having any legal authority for calling a convention nor for ordering an election submitting the call for a convention to the people. The election and vote upon the vote for an election had no more legal force and no more effect to authorize the call of a convention than the voluntary meeting together of such of the people as chose to do and voting for a convention would have had. The subsequent proceedings, as the committee in effect admit, were without any authority of law.

The election upon the adoption of the constitution and for State officers was held under regulations or laws enacted by the convention itself, and were contrary to the constitution and laws of the State. The committee argue and establish, by authority and precedents which are unanswerable, that a convention called to frame a consti-

tution has no powers to legislate and no powers to pass laws governing an election by the people upon the adoption or rejection of a constitution. The convention not only assumed to do this, but in doing so disregarded the manner of voting, (by ballot,) the boards of registration, the manner of appointing the judges and clerks of election prescribed by the constitution, and utterly set aside the machinery provided for by the constitution and laws for holding elections—took the whole matter into their own hands, that they might manipulate and control the election so as to have as many votes counted for the constitution as they chose. How successfully they managed this is evidenced by a declared vote for the convention, when republicans in large numbers did not vote, of some forty thousand votes more than were polled in the subsequent congressional election when both parties voted.

The pretended election for the constitution was held then without authority of law and in violation of the constitution, and was void. In other words it was no election, and the vote cast for the constitution or against it was a nullity, both in law and logic. Whatever of moral force it might have had, had its proceedings been peaceable and fair, is stripped from it by the perfidy which conceived and the violence and crime which accomplished it, and it stands in unrelieved enormity revolution effected by usurpation and tyranny, fraud, force, intimidation, and crime.

Election of President and Vice-President of the United States.

SPEECH OF HON. H. B. SMITH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875.

On the joint resolution proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Mr. SMITH, of New York. Mr. Speaker, I am quite conscious of the imperious necessity of shortening this debate. I shall therefore only suggest what seem to me points of importance, with no attempt at elaboration.

I move as a substitute for the joint resolution reported by the majority of the committee the following:

Joint resolution proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and when ratified by the Legislatures of three-fourths of the several States shall be valid to all intents and purposes as a part of the Constitution, to wit:

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by the direct vote of the people; but no voter in any State shall vote for candidates for President and Vice-President who are both citizens of the same State with himself. No person shall be a qualified elector of President or Vice-President who is not a male citizen of the United States and twenty-one years of age.

SEC. 2. The Congress shall have power to provide for holding and conducting the elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall, under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare, within ninety days after such election, by public proclamation, who is elected President and who is elected Vice-President.

SEC. 3. In counting the votes, the aggregate popular vote, in each State, for President and Vice-President, shall be respectively divided by the number of Representatives apportioned to such State in the House of Representatives, and twice the result, or quotient, shall be added to the vote of the candidate having the highest number of the popular vote in such State, for President and Vice-President respectively, as and for the State vote for such candidate. The person having the highest number of votes in all the States, including the popular vote and the State vote, for President, shall be President, and the person having the highest number of votes in all the States, including the popular vote and the State vote, for Vice-President, shall be Vice-President.

SEC. 4. No person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice-President.

A word of explanation as to the third section.

I think in every State of the Union the electoral tickets comprise one elector from each congressional district with two "electors at large." The electoral college in each State is, by the Constitution, to be "a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress."

The two "electors at large" stand in place of the two Senators. They represent in the election of President the sovereignty of the State. They vote for the State. Of course the votes of the two electors at large are just equivalent to the votes of two of the district electors; that is, the State vote for President is the precise equivalent of the vote of two of the congressional districts.

This was one of the compromises of the Constitution. It has a sound, logical basis. It is right. If it was wrong, we cannot hope by the ratification of three-fourths of the States to mend it now.

The plan in the majority report, the Senate plan, is—

THE ELECTORAL DISTRICT PLAN.

This plan proposes to do away with the electoral colleges, for reasons elaborately presented in the reports of the committee of the Senate and the House, leaving the people to vote directly for President, but counting the vote of each electoral district as one vote, giving to the candidate having a majority of the electoral districts two electoral votes for the State vote for such candidate.

The plan proposed in the substitute which I have offered is—

THE CONSOLIDATION PLAN.

It proposes to do away not only with the electoral colleges but also with the unnecessary, useless, and dangerous machinery of the electoral districts, counting the consolidated vote of all the States. It nevertheless preserves to the States the same relative weight as now in the election of President, giving to each State, in the third section, a vote equivalent to the vote of two congressional districts, in place of the votes of the two electors at large under the present system, as and for the State vote, and providing that the majority of the popular vote of the State shall determine to which candidate the State vote shall be given.

The "electoral district-plan" originated with Mr. Benton, in an elaborate report made to the Senate in 1826. The underlying purpose was to elect the President by a popular vote, and at the same time preserve the representation, in the presidential election, of the slave population. Why adopt it now? Some of the objections to it are:

First. It disfranchises the minorities in the electoral districts. A minority of the popular vote might elect a President over a single opposing candidate receiving a majority of the popular vote. To illustrate, with the election in my own State in 1868: A majority of the popular vote was for Mr. Seymour, and he had the thirty-three electoral votes of the State. But at the same election eighteen districts elected republican representatives in Congress and thirteen democratic. Under the electoral-district plan, with a majority of the popular vote against him, General Grant would have received twenty and Mr. Seymour thirteen electoral votes.

Second. This plan would result in an unprecedented gerrymandering of the States by partisan majorities either of the State Legislatures or of Congress. This evil, even in the green tree, is the shame of our politics.

Third. It would concentrate the heat of a presidential contest and the enormous corruption funds of the great parties into a few close electoral districts. It would destroy public virtue and the purity of the ballot, and make such a district a political Louisiana.

Fourth. An inevitable result would be that the contests from the electoral districts would become so numerous that no possible tribunal could dispose of them between the election in November and the 4th of March.

There have been seventeen contested-election cases in the present House. The testimony in these cases has averaged probably more than five hundred printed pages. Some of them have involved as many as fifty polls.

In the next House there are twenty-two contested elections. As every member of the House knows, the labor of these cases is immense, more than any committee of this House has disposed of for many years in one session.

Now the best and most important feature of the proposed amendment is that which makes the supreme court the tribunal for deciding contests and canvassing the votes. In the present condition of the Calendar we ought not to impose a labor of such magnitude upon it if it were possible for the court to perform it in the time allowed, which it is not.

Fifth. *Per contra:* By counting the consolidated vote of all the States, on both sides, the bare numerical majority in a State is not a prize of such magnitude as to foster corruption and invite bribery, intimidation, and violence. No minorities would be thrown out in the count. We should have what we most need, moderation in our party contests, and the election would be by the people in reality as well as in name.

Sixth. The directness and simplicity of the consolidation plan is greatly in its favor. It is safer than any complicated machinery, which in politics, as well as in mechanics, is the more liable to get out of order.

Seventh. So far as I can see there is but one objection to it, that is, the qualifications of electors may vary in the several States. By enlarging its suffrage a State might gain a disproportionate advantage in a count of the consolidated vote over States with a more restricted suffrage. Thus, in ten States of the Union foreigners who have declared their intentions to become citizens are allowed to vote. To guard against any unfair advantage in this way the substitute provides:

No person shall be a qualified elector of President or Vice-President who is not a male citizen of the United States and twenty-one years of age.

It is not declared that all such shall vote, but simply that none other shall vote. With this provision the extension or restriction of suffrage may be safely left to the States.

If any State restricts the suffrage it will be at the cost of its relative weight in the presidential election.

This is no new restraint laid upon the States. By the second section of the fourteenth amendment if any restriction of the elective franchise be made in the States, it is done at the expense of the State representation in Congress. By far the most indispensable and valuable feature of the amendment, in my own judgment, is that which makes

THE SUPREME COURT THE CANVASSING BOARD,

and the tribunal for determining election contests, and making the justices of the court ineligible to the offices of President and Vice-President.

This tribunal should be fixed in the organic law beyond the reach of partisan majorities in Congress.

The justices of the Supreme Court hold their office for life, that they may be thoroughly independent and beyond the reach of influence in their judicial action. They occupy a most exalted office. Let the Constitution write over the door of the Supreme Court for the eyes of ambitious men, "Who enters here leaves hope behind." You will then find in the recognized sanctity of that tribunal a palladium which will save the Republic in scenes of high party excitement and revolutionary turbulence, the approaching roar of which we can even now hear in the not distant future.

A wise foresight is the first element of statesmanship. I implore every member of this House to help put the ship in trim for the storm.

Now, Mr. Speaker, let me point to a few of the

EVILS AND DANGERS OF THE PRESENT SYSTEM,

and but a few of them.

First. The presidential election is not free. A citizen cannot vote for the man of his choice unless a political party has put an electoral ticket for him in the field. Thus the caucus, that "direful spring of woes unnumbered," is imbedded in the Constitution. The people ought to have a free ballot.

Second. A minority of the aggregate popular vote often produces a majority of the electoral vote. Thus Mr. Lincoln in 1860, Mr. Buchanan in 1856, General Taylor in 1848, and Mr. Polk in 1844, were elected by a minority of the popular vote, having a majority of the electoral colleges.

Third. The minorities in the States are practically disfranchised. A majority of one in the popular vote of New York leaves two and a half millions of people with no voice in the electoral college.

Fourth. By the present system of electing by States and throwing out the minority vote, the electoral vote of a State is so great a prize as to foster corruption and violent partisanship, and to invite the dangers a wise policy would shun.

Fifth. The electoral votes of the States may be contested; for what has been, may be. There is no tribunal to decide such a contest; and under the Constitution as it is, there is a great deal of very distinguished authority for the startling proposition that there can be none.

No determination of such contests can be made by the States under existing laws, because the second article of the Federal Constitution authorizes Congress to fix the day on which the electoral colleges shall vote, which day shall be the same throughout the United States.

This day was fixed by the act of 1792 as the first Wednesday of December. It is very plain that within the thirty days intervening between the election and the first Wednesday of December no adjudication is possible.

The certificates of the electoral colleges must be delivered to the President of the Senate sealed, and are not to be opened till they are opened in the presence of the two Houses of Congress on the second Wednesday of February. No contest can be tried and adjudicated after that by State or Federal tribunal, for, by the Constitution, the votes must "then be counted." Very clearly, too, on the first Wednesday of December the electors become *functi officio*, and the whole thing has passed beyond the reach of State authority. The difficulties in the way of a Federal tribunal are even greater.

Article 3 of the Constitution provides—

> Each State shall appoint in such manner as the Legislature thereof may direct, a number of electors equal, &c.

The argument is that the Constitution has put the whole matter, without any reservation whatever, beyond the possible reach of Federal authority. Here is danger, simply appalling, and possibly very near.

Sixth. The twenty-second joint rule, under which the vote is now counted, is, in the almost unanimous opinion of public men, unconstitutional and void.

1. Because it attempts legislation in the guise of a joint rule.

Section 7, article 1, of the Constitution reads:

> Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him.

2. Because it gives to either House of Congress the power to reject the electoral vote of any State; whereas the weight of authority is with Chancellor Kent, that the President of the Senate is the sole canvassing officer of the electoral vote, and that the two Houses of Congress are present simply as witnesses, without power to interfere in the count.

Suppose, now, either House should rescind the twenty-second joint rule or treat it as unconstitutional and void, and the republican President of the Senate should improperly count for the republican candidate the fraudulent vote of a State which should decide the election and declare the result, and the House (having under the Constitution witnessed the proceeding) should by resolution immediately declare that such vote was fraudulent and that another candidate was elected; what then?

Again, if neither candidate have a majority of the electoral vote, the House immediately elects the President. No notice is to be given to the House of the want of a majority. The House is present by the Constitution to witness the count and take notice whether either candidate has a majority of the votes. Suppose the electoral vote of a State is included which the House honestly thinks is fraudulent and which is necessary to make a choice; and the House, in obedience to the Constitution, having witnessed the whole proceeding, immediately elects another President; what then?

Without narrating the scenes which have accompanied and followed the elections in the House of Representatives, of Jefferson in 1801 and of Adams in 1825, I quote from the report of Mr. Benton to the Senate in 1826:

> The committee believe that this failure has been complete, and that the principles which should govern the election of a Chief Magistrate in a free country require that the choice of President of the United States should no longer be permitted to devolve upon the House of Representatives.
>
> The dangers are—
>
> 1. Of corruption among the voters.
> 2. Of violence in the heat of the elections.
> 3. Of coalitions to elect or defeat a particular candidate.
>
> * * * * * * *
>
> Tried by the test of these axioms, the House of Representatives, as an electoral college stands condemned upon every one of them.
>
> 1. It is a small body; therefore capable of being corrupted.
> 2. It is a pre-existing body; and therefore capable of being tampered with.
> 3. It sits in the presence of the candidates; therefore is subject to be influenced by intercourse with them.
> 4. It votes in a body; therefore is subject to violence and capable of coalition.

The Senate bill for counting the electoral vote has been accepted by the Senate as a remedy in part for the defects of the present system, and prevented final action in the Senate upon the constitutional amendment, and its earlier consideration in the House. This is to me, since I have examined the Senate bill, a matter of profound regret. The relief it offers is, in my judgment, illusory and deceptive. The remedy proposed is utterly inadequate. Its passage would, in my judgment, be unfortunate, because it would lull the apprehensions of the country, now happily aroused to the dangers which threaten us.

This bill requires the concurrent vote of the two Houses to reject the vote of a State. The captious objection of one House cannot reject the vote of a State. But suppose the vote is fraudulent, the captious vote of one House will retain it; so what will you have gained?

Again, the gravest objection to the twenty-second joint rule is that the objection of one House will reject the return of the State vote. This bill provides that if there be two returns the objection of either House will reject both. This bill, if enacted into law, will invite double returns. Where the two Houses of Congress are politically opposed, one House will very likely vote to count one return and the other to count the other. An angry debate will follow. Party spirit will rise at once to fever heat; and will not one House or the other possibly refuse to reassemble in joint session to allow the declaration of a result based upon a vote which it honestly believes fraudulent and void?

I most deeply regret the introduction of this Senate bill, certain as it seems to me to prevent final action at this time upon the amendment of the Constitution; but, sir, whatever the result, I have endeavored to discharge my duty.

Gentlemen, we confront perils which are hard by. I implore you to study the situation. Action upon this subject is the one need of the Republic which cannot be put off. There is a time for all things. There is a time to save the Republic.

Cheap Transportation.

SPEECH OF HON. WILLIAM B. SMALL,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the subject of cheap interstate commerce.

Mr. SMALL. Mr. Speaker, has Congress power to regulate commerce by railroads among the several States? The Constitution provides—article 1, section 8, clause 3:

> Congress shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

The Constitution is to have a reasonable construction, according to the import of its terms, read in the light of the occasion, the necessity of its provision, the mischief felt, and the objects and the remedy in view. It is to have an equitable construction, sometimes restraining and sometimes enlarging the letter of its provisions, so as more effectually to meet the end in view and prevent a failure of the remedy.

Bacon says such a construction ought to be put upon a statute as may best answer the intention of the makers. And Blackstone says such intention is to be gathered from the words, the context, the subject-matter, and the reason and spirit of the law.

In construing so important an instrument as the Constitution of the United States, and especially those parts of it upon which the commercial prosperity of the country largely depends, we are not to indulge in vague speculations which may lead us far astray, nor are we to view it so narrowly that we may exclude from sight the great objects of its enactment; but we are to remember that its authors were engaged in the grave business of framing a constitution for a great and growing people, a constitution not only suited to the then existing state of affairs, but one that, extending into the far future, should be susceptible of expansion with the country's growth and be adapted to the ever-multiplying exigencies of a free people; one that, when the nation's increasing millions should have occupied every rood of her territory, developed every mine, utilized every waterfall—when her commerce, rolling along her great highways, busying itself upon all her lakes, rivers, and bays, and pushing its course across every sea, should bring her into close relations with every nation and tribe of men, should be found ample to embrace within its protecting folds all of the country's great national interests.

The nature and objects of the Constitution, its scope and design, are therefore to be kept constantly in mind in construing its provisions.

In its examination, says Judge Story, the antecedent situation of the country and its institutions; the existence and operation of the State governments; the powers and operation of the confederation; and all the circumstances which had a tendency to produce or obstruct its formation and ratification, deserve a careful consideration.

In conferring powers upon Congress, the Constitution does not undertake to give us exact definitions of them; but it proceeds by way of enumeration, stating briefly one after another in general language the powers it confers.

In the instance under consideration the power granted is simply stated, without limitation or explanation.

The subject-matter of this power is the regulating of commerce. What does the word "commerce" as used in the Constitution embrace? If it is to be limited to traffic, buying and selling and exchanging commodities, then a general and unrestricted term, applicable to many things, is to be limited in its construction to one of its significations only. As used in the Constitution, commerce not only signifies traffic, but also navigation, trade, intercourse, transportation, and everything employed in commercial operations as well.

Says Chief Justice Marshall, in the great case of Gibbons *vs.* Ogden, 9 Wheaton, 1:

> Commerce is not only traffic, but it is commercial intercourse. It describes commercial intercourse in all its branches beween nations and parts of nations. It includes navigation. All America has so uniformly understood it. A power to regulate navigation is as expressly granted as if the word "navigation" had been added to the word "commerce." These words comprehend every species of commercial intercourse between the United States and foreign nations. There is no sort of trade between this country and any other to which the power does not extend. Commerce, as used in the Constitution, is a unit, every part of which is indicated by the term.

Therefore every constituent of commerce is necessarily a part of this unit, whether it be the goods themselves, their sale or exchange, transportation, navigation compensation, the agents, the means employed, or the various operations in use. They are all constituents of commerce, parts of this unit, within the meaning of the Constitution, and therefore subject to congressional regulation.

In the same case of Gibbons *vs.* Ogden Mr. Justice Miller says:

> Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange become commodities and enter into commerce. The subject, the article, the agent, and their various operations become the objects of commercial regulation. Ship-building, the carrying trade, and the education of seamen are such vital agents of commercial prosperity, that the nation which could not legislate over these subjects would not have the power to regulate commerce.

In the Passenger cases, 7 Howard, 416, the court say:

> Commerce consists in selling the superfluity, in purchasing articles of necessity, as well productions as manufactures; in buying from one nation and selling to another; or in transporting the merchandise from the seller to the buyer to gain the profit.

In Reading Railroad *vs.* Pennsylvania, 15 Wallace, 237, (case of the State freight tax,) Mr. Justice Strong says:

> Beyond all question the transportation of freight or of the subject of commerce for the purpose of exchange is a constituent of commerce itself.

Judge Story in his commentaries upon the Constitution, section 1057, 1058, adopts and enforces the doctrine of Gibbons *vs.* Ogden, and says:

> If commerce does not include navigation, the Government of the Union has no direct power over the subject, and can make no law prescribing what shall constitute American vessels, or requiring that they shall be navigated by American seamen; yet this power has been exercised from the commencement of the Government, with the consent of all America. The power over navigation and commercial intercourse was one of the primary objects for which the people of America adopted their Government, and it is impossible that the convention should not have understood the word commerce as embracing it.

The convention was laboring to cure the defects of the old confederation, under which each State retained its independence and all its rights of sovereignty not expressly delegated to the United States; and the only restriction therein upon the States in regard to commerce was that each State should concede to the citizens of other States the same privileges of trade and commerce as should be enjoyed by its own. The present provision is found in all the draughts brought before the convention for a constitution precisely as it now stands, except that at near the close of the convention the words "and with the Indian tribes" were added.

Nearly all of the old thirteen States at the time of the adoption of the Constitution had independent and conflicting laws for the regulation of commerce; and the history of the times plainly shows that a leading motive for the adoption of the Constitution was to relieve commerce from the embarrassment and ruinous consequences resulting from the conflicting legislation and jurisdiction of so many different States and to place it under the regulating control of one uniform law. So entirely was this understood, that all of those State statutes dropped out of use, lifeless, by the force of the Constitution alone at its adoption without any act repealing them.

It is plain, therefore, that if you exclude navigation and commercial intercourse from the intent and meaning of the word commerce as used in the Constitution, you will stamp upon that instrument the prominent defect of the Articles of Confederation, and you will subject the Union to the conflicting discords of rival States.

But give to the word commerce, as used in the Constitution, the interpretation which it has been shown our highest judicial tribunal and the most eminent law-writers have given it, and you make the Constitution and the laws made in pursuance of it what the Constitution declares they shall be—the supreme law of the land. You will rescue commerce from the dangers of impending conflict; you will bring it within the control of one uniform system; you will make it what the Constitution intended it should be, a unit; and henceforth, in the forcible language of Mr. Webster—

> Its character will be described by the flag which waves over it—*E pluribus unum.*

Such being the interpretation of the word commerce in this clause of the Constitution, it must have the same by implication throughout the clause, whether it relate to foreign commerce or commerce among the several States; and so it has been uniformly held. Judge Redfield (Redfield on Railways, 719, 720) says:

> It will be perceived that the power to regulate commerce with foreign nations and among the several States must be precisely the same, because it is given in the same clause of the Constitution and in precisely the same language.

Judge Marshall says:

> The genius and character of the whole Government seems to be that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally. * * * *Among* the States means a commerce that concerns more States than one.

The power of regulating commerce is not limited to the modes of transportation and the forms of commerce in vogue when the Constitution was adopted. It was so decided in Gibbons *vs.* Ogden, in the very infancy of steam navigation.

This power comprehends, as was held in Gilman *vs.* Philadelphia, 3 Wallace, 713, the control, to the necessary extent, of all the navigable waters of the United States which are accessible from a State other than that in which they lie. And this phrase "navigable waters" is not now, as formerly, restricted to those waters where the tide ebbs and flows; but it extends to all waters in lakes or rivers which are in fact navigable for boats of ten tons burden and upward, and which communicate by navigation with the sea, or with two or more States. (1 Redfield, 724.) Nor is it limited to commerce by means of water transportation, but it applies to commerce by land as well. The great natural division of commerce has for ages been into foreign and inland. Wherever there is commerce with foreign nations or among the States, the power applies; and it can make no difference whether that commerce be upon rivers passing through different States, or upon the land, passing through them, nor what is the kind of vehicle used in the transportation. The sole question is, Is it commerce among the several States?

Mr. Justice Miller, of the Supreme Court of the United States, in the case of Gray *vs.* The Clinton Bridge Company, 17 Law Register, (January, 1868,) says:

> Navigation is only one of the elements of commerce. It is an element of commerce because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land, it is commerce as well as when carried on by water, and the power of Congress to regulate it is as ample in the one case as in the other.

In the Reading Railroad case against Pennsylvania, before mentioned, which was the case of a State tax upon freight brought into and carried out of or through the State upon the railroad, the court hold that the transportation of freight as the subject of commerce upon the railroad is a constituent of commerce itself, and therefore subject to congressional regulation; that wherever the subjects in regard to which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they are exclusively within the regulating control of Congress; that transportation of passengers or merchandise through a State or from one State to another is of this nature; that a tax by a State upon freight taken up within the State or carried out of it, or taken up without a State and carried into it, is in violation of the Constitution of the United States.

In this case Mr. Justice Strong says:

> It makes no difference whether this interchange of merchandise from the seller to the buyer is by land or water. In either case the freighting of goods from the seller to the buyer is commerce. The prescribing a rule for the transporter by which he is to be controlled in bringing the subjects of commerce into a State and taking them out again is a regulating of commerce.

And Mr. Justice Miller, in Gray *vs.* The Clinton Bridge, says:

For myself I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of our immense traffic on any railroad which has voluntarily become a part of one of those lines of interstate communication, or to authorize the creation of such roads when the purposes of interstate transportation justify or require it.

This opinion of Judge Miller is warmly approved by Mr. Justice Dillon, of the circuit court, and by Judge Redfield in his valuable work on Railways.

If Congress has not the power to regulate interstate commerce by railroads, then no power exists anywhere to regulate it; and the result is that we have a class of corporations, upon which the welfare of almost the entire internal commerce of the Republic largely depends, which are superior in this matter to the republic itself; for every State of this Union, having as to every other State exclusive jurisdiction within its limits, including everything to which the functions of government appertain, it follows that one State cannot confer powers upon a corporation created by itself to be exercised in any other State; neither can it control or regulate beyond the boundaries of its own jurisdiction corporations created by another State. It necessarily results, therefore, that lines of railroad passing through more than one State are not a unit, but separate corporations in the several States, being domestic corporations in the State creating them and foreign corporations in the other States, and their capacity to act in one State may be terminated by legislative or judicial proceedings while their capacity to act in another State remains in full force.

Judge Redfield, in his work on Railways, (page 723,) says:

Those who assume to argue, that Congress has no power to regulate traffic upon those extended lines of railway reaching from one end of the Union to the other must, if they would meet the question fairly, either say that the traffic on these extended lines is not commerce at all or that it is not subject to any regulation or control whatever; for it is certain the States have not the power to regulate, to any purpose or with any efficiency, this interstate railway traffic. It must then come under control of Congress or be left to its own devices and impulses—an experiment never yet tried in any other country.

If this power is not conferred upon Congress, then each State has the power to make such regulations as its estimate of its own interest, the importance of its own products, and the advantages or disadvantages of its own locality may dictate; either stopping this commerce at its boundaries or enticing it into and restraining it within its territory, to establish or foster one great trade center, regardless of the welfare of all the other States.

This power so granted to Congress is exclusive. The very nature of the case requires that it should be so. It is the commerce of the United States that is to be regulated. It has sometimes been said that the States have a concurrent power which they may exercise in the absence of any law of Congress. But what kind of concurrent powers are those which cannot exist together? The grant of power is complete and unlimited. It is granted to the Congress of the United States to regulate commerce among the several States—to prescribe the rule, establish the system, and exercise the control, the sovereign authority over the subject.

Chief Justice Marshall, in Gibbons *vs.* Ogden, says:

This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than those prescribed in the Constitution. * * * The power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its own constitution the same restrictions upon the power as are found in the Constitution of the United States.

Judge Story says, (Commentaries on the Constitution, section 1063:)

It has been settled, upon the most solemn deliberation, that the power is exclusive in the Government of the United States. The power to regulate commerce is general and unlimited in its terms. The full power to regulate a particular subject implies the whole power and leaves no residuum.

Chancellor Kent (1 Commentaries, 436) says the word "regulate" implies full power over the thing to be regulated, and excludes the action of all others who would perform the same operation upon the same thing.

Chief Justice Richardson, of New Hampshire, in commenting upon this clause in the case of Scott *vs.* Wilson, 3 New Hampshire Reports, 326, says:

This clause of the Constitution of the United States seems to us so clearly to give to Congress the exclusive power to regulate commerce among the States that, until the Supreme Court of the United States shall decide otherwise, we shall be disposed to consider that as its true meaning.

Although States cannot impair the obligations of contracts, and although an accepted charter is a contract, yet railroads are subject to general laws in the same particular as individuals are, and when entirely within a State, may be regulated by it. Railroads are public highways. States have exercised the high prerogative of eminent domain in authorizing them to take lands for their roads, which could not be done for private purposes. They are common carriers of persons and goods. They are engaged in a public employment, and have taken upon themselves public duties, and are therefore under public control, as far as it is necessary for the public welfare. Their use may be defined and their rates of transportation limited, as it has been settled in Alcott *vs.* The Supervisors, 16 Wallace, 678; Charleston Railroad *vs.* Chappell, 1 Rice's (S. C.) Reports, 398; Railroad *vs.* Davis, 2 Devereux & Battle's (N. C.) Reports, 469; Vedder *vs.* Fellows, 20 New York Reports, and in several other States.

It seems no longer open to doubt that Congress may regulate interstate commerce over railroads by prescribing the rates of transportation, if need be, or that States may do the same as to their purely internal commerce.

The principle of this proposed exercise of sovereignty is as old as the foundations of the common law, and it constitutes an element in the government of every civilized community. It is the principle of the protection of the people against extortion.

Laws limit the toll of the miller, the rate of interest of the money-lender, the rates of common carriers, of hackmen and of ferriage, and sometimes the compensation of innkeepers, of lawyers, physicians, and pension attorneys, and they also prescribe the weight of the baker's loaf, and the number of hours that shall constitute a day's work. In one word, this law, in the exercise of its salutary control over the avarice of man, says that in the absence of contract, or when one of the parties is not in a situation to make contract, compensation shall in all cases be reasonable.

The method to be adopted to regulate interstate commerce lies wholly with Congress, and they may descend to the most minute particulars in prescribing the rules which shall govern the transportation of passengers or merchandise. (See Cooley on Constitutional Limitations, 586.)

This power as to interstate commerce has slept in undisturbed silence until the country, marching onward with majestic strides, in population, wealth, and productions, has outgrown the old channels of trade, and necessity now demands that this power should be called into action; and it is a sound proposition that in all countries laws should arise out of the character and situation of a people, that they should grow with its progress, be adapted to its peculiarities, and be incorporated into its habits.

The following statistics of the growth and productive capacity of this American empire of industry almost stagger belief; and they serve to indicate the mighty interests that center in the great problem of the present time—cheap transportation; a problem that can be solved only through the power of the General Government; for experience has demonstrated the truth of the aphorism that competition is not possible when combination is possible.

TABLE A.—*Statement showing the leading agricultural products of the United States in* 1850 *and* 1870.

	1850.	1870.
Population of the United States	23,191,876	38,558,371
Cash value of farms, including live stock, machinery, and tools	$3,967,343,580	$11,124,958,747
Cereals, bushels	867,453,967	1,387,279,223
Wheat alone, bushels	100,468,574	287,745,626
Hay, tons	13,838,642	27,316,048
Butter and cheese, pounds	418,881,199	677,017,095
Animals slaughtered or sold for slaughter, value	$111,703,142	$398,956,376
Tobacco, pounds	199,752,655	262,735,341
Cotton, bales of 400 pounds	2,469,093	3,011,996
Rice, pounds	215,313,487	73,635,021
Cane sugar, hogsheads	267,577	87,943
Products of all manufactures	$1,019,106,616	$4,232,325,493

TABLE B.—*Statement showing the agricultural products in the States, by groups, in* 1850 *and* 1870.

NEW ENGLAND STATES.

	1850.	1870.
Population	2,798,116	3,487,924
Farms, tools, machinery, and live stock, value	$435,154,525	$707,942,439
Cereals, bushels	22,069,147	20,485,924
Wheat alone, bushels	1,090,894	1,000,193
Hay, tons	3,463,652	3,936,560
Butter and cheese, pounds	71,043,784	65,978,321
Animals slaughtered or sold for slaughter, value	$10,401,658	$22,962,001
Tobacco, pounds	1,405,920	15,870,499
Wool, pounds	7,085,509	6,643,863
Tons of hay	3,463,652	5,614,205
Hogs, head	361,481	241,000
Products of manufactures	$283,372,747	$1,009,116,772

All cereals per head in 1850, 8 bushels; in 1870, 5⅔. Wheat alone per head in 1850, 7 bushels; in 1870, 3 bushels. Annual deficiency of wheat, estimating 6 bushels per head for yearly supply, 19,926,851 bushels.

MIDDLE ATLANTIC STATES.

(New York, New Jersey, Pennsylvania, and Delaware.)

	1850.	1870.
Population	5,995,267	8,935,821
Wheat, bushels	30,572,890	35,048,339
All cereals, bushels	152,484,764	195,703,985
Hay, tons	6,037,876	9,026,289
Wool, pounds	14,986,035	17,555,872
Butter and cheese, pounds	182,802,420	207,373,873
Animals slaughtered, value	$24,865,048	$64,618,188
Tobacco, pounds	996,150	5,858,458
Hogs, head	2,365,249	1,568,180
Products of all manufactures	$487,142,711	$1,683,118,109

Annual deficiency, 18,566,587 bushels.

TABLE B.—*Statement showing the agricultural products, &c.*—Continued.

SOUTH ATLANTIC STATES.

(Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida.)

	1850.	1870.
Population	4,535,871	5,154,881
Cereals, bushels	166,363,045	111,723,082
Wheat alone, bushels	19,903,236	18,963,776
Hay, tons	615,549	527,742
Butter and cheese, pounds	27,641,805	22,523,819
Animals, &c., value	$25,982,736	$54,164,957
Cotton, bales of 400 pounds	923,915	883,341
Tobacco, pounds	91,692,333	64,502,596
Rice, pounds	205,439,416	57,043,173
Sugar, hogsheads	5,063	2,686
Sheep, per head	2,952,452	1,533,935
Manufactures	$86,553,336	$179,719,761

Cereals per head in 1850, 36 bushels; in 1870, 21 bushels. Wheat alone per head in 1850, 4.7 bushels; in 1870, 3.7 bushels. Annual deficiency, 12,015,510 bushels of wheat.

STATES SOUTH OF THE OHIO, AND ON THE GULF.

(West Virginia, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Texas.)

	1850.	1870.
Population	4,303,522	6,876,424
Cereals, bushels	207,486,080	709,008,672
Wheat alone, bushels	4,236,027	16,897,464
Hay, tons	211,109	598,679
Butter and cheese, pounds	31,324,361	39,352,879
Animals, &c., value	$25,062,395	$63,151,535
Hogs, per head	11,609,187	7,850,986
Sheep, per head	2,802,610	3,784,571
Wool, pounds	5,302,957	7,493,831
Tobacco, pounds	76,177,789	120,701,038
Rice, pounds	9,813,359	16,591,859
Manufactures	$47,362,627	$174,594,489
Sugar, pounds	242,514	84,302

Cereals per head, in 1850, 49.8 bushels; in 1870, 30.4 bushels.
Wheat alone per head, in 1850, 1.25 bushels; in 1870, 2.4 bushels.
Annual deficiency, 24,361,080 bushels of wheat.

TEN STATES NORTH OF THE OHIO.

(Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska.)

	1850	1870
Population	5,403,525	12,966,930
Cereals, bushels	166,204,291	812,151,925
Wheat alone, bushels	43,847,038	195,768,918
Hay, tons	3,336,319	12,439,892
Butter and cheese, pounds	105,110,250	252,269,597
Orchard produce	$2,177,528	$20,417,214
Peas and beans, bushels	334,460	1,083,944
Live stock	$127,385,387	$666,070,376
Slaughtered animals	$25,419,079	$208,586,441
Cereals, bushels, per head	49	63
Wheat, bushels	8	15
Sheep, per head	7,743,347	13,636,439
Hogs, per head	8,536,182	11,309,977
Manufactures	$4,535,871	$5,154,881

Annual surplus 116,962,328 bushels of wheat.

PACIFIC STATES AND TERRITORIES.

(California, Nevada, Oregon; Territories—Idaho, Utah, New Mexico, Arizona.)

	1850.	1870.
Population	188,818	920,933
Bushels of cereals	1,026,336	36,497,232
Bushels of wheat alone	533,499	20,473,354
Animals slaughtered	$101,173	$6,112,503
Butter, pounds	295,589	10,341,830
Cheese, pounds	73,976	3,607,678
Hogs, head	41,239	602,311
Wool, pounds	77,329	13,460,165
Orchard products	$27,202	$1,825,556
Tobacco, pounds	9,862	78,050
Product of manufactures	$15,640,292	$97,259,455

Cereals per head in 1850, 5.9 bushels; in 1870, 39.6 bushels. Wheat alone per head in 1850, 2.9 bushels; in 1870, 22.2 bushels. Annual surplus of wheat 14,947,756 bushels.

DISTRICT OF COLUMBIA.

	1850.	1870.
Population	51,687	131,700
Bushels cereals	96,702	44,033
Butter and cheese	16,372	4,495
Manufactures	$2,690,258	$9,292,172

Total agricultural population in 1870 of ten years of age and upward, 5,922,471.
Annual deficiency, 770,000 bushels.

TABLE B.—*Statement showing the agricultural products, &c.*—Continued.

TERRITORIES EAST OF ROCKY MOUNTAINS.

(Colorado, Dakota, Wyoming, Montana.)

	1870.
Population	83,758
Bushels cereals	1,705,153
Bushels cereals per head	20.3
Bushels wheat per head	7.3
Live stock	$5,911,542

Annual surplus of wheat, 17,972 bushels.

TABLE C.—*Exports of bread and breadstuffs for the year ending June 30, 1874.*

	Amount.	Value.
Barley, bushels	482,410	$323,187
Pounds of bread and buscuit	11,700,767	690,832
Indian corn, bushels	38,541,930	23,794,694
Indian corn meal, barrels	403,111	1,474,827
Oats, bushels	714,072	290,575
Rye, bushels	562,021	469,247
Flour, barrels	8,288	46,129
Wheat, bushels	39,204,285	51,452,254
Wheat flour, barrels	2,562,086	19,381,664
Other small grain and produce	.....	394,890
Maize, farina, &c	.....	424,552
Total	.....	97,542,851

Amounting to about three million bushels of cereals.

TABLE D.—*Exports of provisions in the year ending June 30, 1872.*

	Pounds.	Value.
Bacon and hams	395,381,737	$35,022,137
Beef	31,605,196	2,447,481
Butter	4,518,844	952,919
Cheese	80,366,540	10,498,010
Lard	230,534,207	21,245,815
Preserved meats	.....	575,707
Total	.....	70,742,069

Total of exports of cereals (bread and breadstuffs) and provisions for year ending June 1, 1872 ..... $168,584,920

The average charges for transportation of wheat per bushel by rail in 1872 was—

From Chicago to Philadelphia and Baltimore ..... 30¾ cents.
From Chicago to New York ..... 32½ cents.
From Chicago to Boston ..... 38¾ cents.

In 1872 we had about sixty-seven thousand miles of railroad (more than half the railroad mileage of the world) with an aggregate capital of $3,159,423,057, about equal to the wealth of the nation in 1840; and their gross earnings were $473,241,055, being $150,000,000 more than the entire revenues of the Government during the same year; and the estimated values moved by these roads during the year was over $10,000,000,000. On the 30th of June, 1873, the entire shipping of the United States, including steamboats, barges, and canal-boats, had a tonnage of 4,696,027 tons; and of these there were employed in domestic commerce upon our northern lakes and western rivers seven thousand and sixty-eight vessels, having a tonnage of 1,444,404 tons.

In 1872 there were transported from the western to the Atlantic States 162,908,813 bushels of grain, and of this 109,338,803 bushels were transported by railroads.

These statistics show that our internal commerce is many times greater than our trade with all foreign countries; that the surplus of our cereals and food supplies furnishes more than one-fourth of the entire exports of the country annually; that this great surplus has mainly to pass over long lines of interstate railways, over which the producers have no control nor any will in fixing the rates of transportation; that the ten States north of the Ohio furnish 59 per cent. of the entire cereal product of the United States, and a surplus for exportation, over their own necessities, of 400,000,000 bushels, or 10,000,000 tons, annually; and the Atlantic and Gulf States require of the Northwest 75,000,000 bushels of wheat annually to supply their deficiencies.

In 1871 our agricultural population was 5,922,471, and its agricultural wealth was $11,124,958,707, an average of $1,878 per head. This wealth pays in wages annually, including board, $310,286,275, and yields an annual product of $2,147,538,658, a net income of $2,137,258,383, or $360 per head. Every million, therefore, added to our agricultural population adds about $1,878,000 to the nation's wealth. The increase of our agricultural population, including immigrants, is now about 80,000 annually, and we shall have ample room for centuries yet.

European populations are crowded. For 110,000,000 in 1776, they have 307,000,000 now. But our farms embrace less than one-fourth of the area of our States and Territories. We have untold millions

of acres of productive land still awaiting the first magic touch of the husbandman.

Our country must early be the granary and food producer of the world.

In 1868 the United Kingdom and Hungary each produced 4.01 bushels, and all Europe combined produced 4.09 bushels of wheat per head, which at the assumed necessity of six bushels per head shows an appalling deficiency; while we in 1870, at the same ratio, produced a surplus for exportation of 55,288,028. But add to this our immense product of Indian corn, of which England alone took in 1870 34,000,000 bushels, and of which Europe raises comparatively little, and our advantage over Europe in cereal food supply is apparent.

These statistics indicate in some degree the immense importance of our domestic commerce to the growth and prosperity of the country and to the world, and yet no officer of the Government has been charged even with the duty of collecting statistics concerning it; and to-day the producing and domestic commercial interests of the country lie at the mercy of gigantic railroad corporations, over which the Government exercises no control, and which rates of transportation are fixed by one rule only, namely, the highest rate that the business will bear.

Monthly charges on wheat per bushel from Chicago to New York in 1872.

	Water.	Rail.
	Cents.	*Cents.*
January	.....	39
February	.....	39
March	.....	36
April	.....	30
May	18	27
June	21	27
July	23	27
August	22	27
September	27	33
October	31	39
November	23	39
December	.....	39

The average winter rates, when navigation is closed, is 44.4 per cent. higher than in summer, when the canal is open. The pressure of traffic in October and November taxes the canal above its capacity, and rail rates go up at once to winter prices.

It is an established axiom that the cost of movement diminishes in proportion to the increase of tonnage; and yet, with the great increase of tonnage on our great western railways, rates have but slightly diminished.

The duty of these railroads to the public demands that they should rely upon a large business at low rates, and experience shows that they may safely do so.

Mr. Gladstone never uttered a profounder truth than when he said:

A financial experience long and wide has convinced me that, as a rule, the state, individual, or company *thrives best which dives the deepest down into the masses of the community, and adapts its arrangements to the wants of the greatest number.*

His experience with English railways strikingly demonstrates the truth of his statement. The history of railroading in Belgium and in this country gives the same results where the experiment has been tried.

Competition is no remedy for high rates. After the first scramble for territorial dominion is over combination succeeds to competition, competing points drop out, low rates disappear, a monopoly of the business is secured, but no responsibility to the public is recognized.

By the corrupt watering of stock and the capitalization of surplus earnings these gigantic railroads have created vast amounts of nominal railway capital, represented by fictitious stocks, by which the public are robbed and gamblers enriched. The report of the Senate committee shows that these three lines of railroad, namely: the Erie from New York to Dunkirk, the New York Central to Chicago, and the Pennsylvania line to Chicago, have an excess of capital over the cost of their roads of $195,000,000, for which the commerce of the East and the West must be annually taxed $19,000,000 to pay a 10 per cent. dividend; and yet these roads are independent of legal control.

Say the Senate committee:

There are four men, representing the great trunk lines from Chicago to New York, who possess and exercise without apology or explanation powers which the Congress of the United States would not dare to exercise except in the face of the most urgent necessity. An additional charge of 5 cents a bushel for transportation of cereals would have been equivalent to a tax of $45,000,000 on the crop of 1873.

In the clear light of existing evidence, is the proposition to be for a moment entertained that Congress shall not exercise its power to interfere and rescue our great highways of commerce from such an unlimited and unscrupulous control by compelling the common carrier to deliver the products of the land to market for a reasonable compensation?

Granted that there may be difficulties in the way; but is it to be said that the present railroad officials are the only human beings upon whom Divine Providence has bestowed sufficient intelligence to enable them to fix rates for transportation that shall be reasonable? Out of our forty millions of people cannot such a board of commissioners as the pending bill contemplates be selected as competent as existing railroad officials? The pending bill is equitable and reasonable. The rates fixed by the commissioners are to be deemed *prima facie* reasonable, allowing the dependent roads to prove, if they can, that their charge in the given case was not unreasonable. But when all has been done that can be judiciously done toward regulating the rates of railway transportation other means will be demanded to facilitate and cheapen the movement of our immense products. It has been suggested to that end that the Government should construct and operate a great national freight railway.

The objections to this scheme are very grave. To accomplish the desired end there must be a system of railways involving in their construction untold millions of dollars. It would be embarking in a business not properly appertaining to the functions of government, but invading the domain of private enterprise. The advantages to be gained would be too slight to warrant such an undertaking.

A wiser statesmanship points to the improvement of our water-ways and leaving the transportation thereon free to competition, reserving only a reasonable toll therefor, as the great means upon which the country must ultimately rely to secure the cheap transportation of our immense and rapidly increasing products. Experience abundantly demonstrates that this is the only method by which the expense of transportation of heavy goods can be reduced to its minimum. Happily the topography of the country in a great degree favors this method. When proper examinations and surveys shall be made, every section of the country will be found to possess advantages in this regard which may be turned to profitable account.

For New England and New York the proposed Caughnawaga Canal, from the village of that name, eight miles above Montreal, to Saint John's, on the Richelieu River, above Lake Champlain, presents striking advantages. It would be but twenty-nine miles in length, and its estimated expense, with a capacity sufficient for lake vessels of one thousand tons, is $2,000,000. This would give an entire water-route from the great lakes to Lake Champlain; and a ship-canal from Whitehall, on Lake Champlain, to Fort Edward, on the Hudson, would continue the water communication to New York.

The Senate committee estimate that by this water-way the cost of transportation of grain and corn from the ports on Lakes Superior and Michigan to the ports of New England on Lake Champlain could not exceed 12 cents per bushel, and that the cost of distribution from these latter points by rail to the consumers in New England would not exceed 10 cents a bushel. The supplies could be brought to Champlain during open navigation, and stored for winter use. New England receives about 40,000,000 bushels of grain annually from the West, and nearly all by rail, at an average cost of about 27 cents per bushel for transportation. The proposed water transportation, therefore, is estimated to make a saving on the expense of transporting to New England alone of nearly $6,000,000 annually.

Let capitalists turn their attention to the great necessity of improved means of water transportation. Let Congress in due time, when the whole matter shall have been fully considered, and when it will not be too burdensome, provide for such improvement in our water-ways as the public good demands and as the then existing state of affairs will render expedient; and let Congress also prescribe such regulations for interstate commerce as a due regard to the best interests and prosperity of the country require. We shall then see a beginning of some uniformity in our home commercial law, without which the Federal Constitution puts in what constituted the great motive for its creation; and then our citizens, while sending their merchandise all the entire length and breadth of the Republic, will be subject to but one code of commercial law. One rule, framed in the spirit of the Constitution, in the principles of uniform justice, in the light of experimental wisdom, will govern the whole and regulate by its national application a commerce greater than Europe has ever known—a commerce which is to-day controlled by the despotism of remorseless monopolies.

Mr. Speaker, we have a common country, bound together by the ties of a common brotherhood and a united interest. The citizen of the East, as he travels westward, westward, still westward, and beholds with admiring wonder almost boundless fields of corn and grain, cultivated by their owners themselves, and dotted with comfortable homes, villages, and cities which have sprung up in a day, and beyond them still wider expanses of grassy prairies, stocked with innumerable herds of thriving cattle, and beyond them still untold millions of acres of productive land, hitherto untouched by the hand of civilization, and realizes that this is all his own country, the common heritage of the American people, he can but be filled with awe and reverence for the Great Being through whose bounteous goodness this has all been received. And while his heart glows with patriotic pride at the majestic proportions, the unequaled progress, and the destiny of his country, he can but feel the strength of that common interest and the warmth of that common fellowship which should bind together all the citizens of the Republic.

And the dweller of the far West, as he leaves his prairie home and travels eastward over the battle-fields which the blood of the heroes of a common country have consecrated to liberty, and pauses at the smoking furnaces seething with the molten metal from which are

constructed the rails over which his produce is transported; or travels through the great cities, jostling with the ever-moving tide of business, and views the mighty edifices which colossal fortunes have reared, and sees the harbors crowded with great ships which have come from all quarters of the globe; or stands beneath the shadow of lofty monuments which a common patriotism has erected and dedicated; or waits below the great water-falls and listens to the hum of the machinery which they propel, and sees the outpouring of the products of manufacturing industry, he may well exclaim with pride, "This is my country, the heritage of my people."

Let the North and the South, the East and the West, laying aside local prejudices, and, recognizing the mutual interests and reciprocal obligations which bind together all portions of our common country, combine to make it what nature designed it should be, the model and leading nation of the globe. Then we should learn how infinitely greater are the triumphs of peace than those of war.

Freedman's Savings and Trust Company.

SPEECH OF HON. JOSEPH H. RAINEY,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

Mr. RAINEY. Mr. Speaker, it is with some degree of reluctance that I take the floor at this time for the purpose of opposing the bill now under consideration. I am not indifferent to the fact that it was framed with the best of objects in view by the Committee on Banking and Currency; but, on the other hand, I am confident that it will fail, signally fail, of its intent and purpose unless amended so as to secure better protection to the vast interests it is intended to control. I meet with an insurmountable objection at the very threshold of its consideration. Take, for example, the second section, which provides for the appointment of one commissioner only instead of three as now authorized by the act of June 20, 1874. It reads as follows:

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to appoint one commissioner, who shall execute a bond to the United States, with good sureties, in the penal sum of $100,000, conditioned for the faithful discharge of his duties as commissioner aforesaid, and take an oath to faithfully perform his duties as such, which bond shall be executed in the presence of said Secretary and approved by him and by him safely kept; and when said bond shall have been executed, and oath taken, then said commissioner shall be invested with the legal title to all the property of said company for the purposes of this act, and the said act of June 20, 1874, and shall have all the rights, prerogatives, and privileges, and perform all the duties, that were conferred and enjoined upon the three commissioners mentioned in said act of June 20, 1874.

Upon this commissioner will devolve the responsibilities and duties heretofore conferred upon the three commissioners. He will be required to furnish a bond in the amount of $100,000, with plenary powers to control to the best of his ability the vast assets of the Freedman's Bank, nominally estimated at something over $2,600,000. The committee have apparently lost sight of this important point, that there is no telling what may occur to deprive the bank of the valuable services of this commissioner for weeks or months during his continuation in office. In the interim of such an event his duties would have to be discharged by some irresponsible subordinate or subordinates, who will be in nowise directly liable for any losses that may be sustained or errors that may be committed; the result of which would be to the detriment of the depositors. If the number now provided for by law be retained in office—and I favor their retention—the responsibilities would be divided in such a manner as to give a hopeful indication to the unfortunate depositors that their interests would be guarded more safely and with additional vigilance. The trouble heretofore has been, sir, that the operations of this institution have been kept too much of a secret from the public, who are entitled, at least through its report, to a truthful statement of its affairs. Let us not fall into a similar mistake at this time. Section 3 reads thus:

That said commissioner shall have the right and authority to compound and compromise debts due to and liabilities of the company, subject to the approval of the Secretary of the Treasury.

This section confers a power heretofore not delegated in any of the enactments regarding this bank. The placing of discretionary power of this character into the hands of any one individual is in my judgment fraught with danger that cannot be avoided, although the action of said individual may be approved by the Secretary of the Treasury. Why, sir, the honorable Secretary has as much and more than he can find time sufficient to faithfully execute now. The consequence is that some of the most important work of the Treasury Department is done by subordinates without the supervision of the Secretary, notwithstanding it is made or supposed to be his duty to know. Although he may be willing to aid in the adjustment of the affairs of this corporation, yet it is obvious to my mind that when he shall have appointed a commissioner, as provided for in this bill, he will naturally feel that his duty has been virtually discharged or conferred upon another. Then, sir, will begin "the one-man power," who will "have the right and authority," according to section 4, "to sell any of the property of said company at public or private sale, as in his judgment he may deem best, and to buy in for the benefit of the company any property which may be offered for sale to pay debts and liabilities to said company, if in his judgment said property is being sacrificed by said sale. He shall make to the purchasers of property sold by him deeds of conveyance to their respective purchases."

Now, Mr. Speaker, I dissent *in toto* from the provisions of this section.

This is a *carte blanche* that will have the sanction of law in the event of this bill passing that ought not to be permitted in the manner provided. In language that cannot be mistaken, it is a bid and temptation for speculation in the assets of this institution that would be hazardous if not totally destructive of the very interests intended to be protected.

There has already been too much of the freedman's hard-earned money that has found its way to this city only to be entangled in the meshes of worthless securities, if not fraudulent ones. For instance, according to the report of the commissioners, over $1,440,446.86 have been loaned on real estate by the principal office, on which there have been paid $231,589.71, leaving a balance due of $1,208,857.15. Thus you will perceive that through the transactions of the parent bank alone there is about 50 per cent. due the depositors of the entire estimated value of its assets. Now, if you were to add insurance, accrued interest, advertising, &c., we will have $103,381.87 more, making a grand total of $1,312,239.02 still due. Several of these loans were made on real estate previous to the amendment of the charter in May 1870, consequently without the shadow of legal authority, which of itself was a gross imposition on the depositors and violative of the confidence which had been reposed in the officials.

It is really surprising what little attention was given on the part of Congress to the amendment passed May 6, 1870, to the charter of 1865, which is in the following words:

Be it enacted, &c., That the fifth section of the act entitled "An act to incorporate the Freedman's Savings and Trust Company," approved March 3, 1865, be, and the same is hereby, amended by adding thereto at the end thereof the words following: And to the extent of one-half in bonds or notes, secured by mortgage on real estate in double the value of the loan; and the corporation is also authorized to hold and improve the real estate now owned by it in the city of Washington, to wit, the west half of lot No. 3, all of lots 4, 5, 6, 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city: *Provided*, That said corporation shall not use the principal of any deposits made with it for the purpose of such improvement. (16 Statutes at Large, 119.)

There was no discussion or explanation whatever given to the House by the Committee on the District of Columbia, which had the matter in charge, for the necessity of this amendment and its important bearing on the interests of the bank. And yet it is plain that the troubles and difficulties by which this institution has been beset had their beginning in the anticipated amendment to its original charter of 1865, which provides as follows:

SEC. 5. *And be it further enacted*, That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may be from time to time offered therefor by or on behalf of persons heretofore held in slavery in the United States, or their descendants, and investing the same in the stocks, bonds, Treasury notes, or other securities of the United States. (15 Statutes at Large, 511.)

If this provision had been kept inviolate, these sharpers and tricksters would not have been able to fleece this poor, needy class of people forming a majority of the depositors out of their small stipend which they had managed to save.

A large majority of the depositors knew nothing of this amendment, believing all the time that the investments of their money were based on Government securities. If the reverse had been dreamed of I have no hesitation in saying, for I believe it, there would have been a falling off of deposits to the amount of from 25 to 50 per cent. of the estimated amount. The poor colored people hoarded up their earnings in this bank, believing positively that the General Government would be responsible for what deposits they may have made, and further, that it was under its supervision to a certain extent. And so it was, inasmuch as the Government has the power to send an examiner to any bank to which it may have given a charter, so as to protect if possible, by a careful examination, the interests of those who relied implicitly upon it. So it could and should have done in this case.

Who could have supposed that the principal office would have been permitted, under the very eye of the Government, to have transacted business in such a reckless and extravagant way with the funds of those whom the Government at that time recognized as its wards? But the business has been done, and done quickly, to the loss of the destitute depositors.

The fact is, Mr. Speaker, it appears as though there was a determination to deceive the inexperienced and credulous, for they even advertised that the bank was perfectly safe, (its safety being guaranteed by the United States.) This led many to deposit that otherwise would never have opened an account with the bank. I am satisfied that such was the belief in my State, and I am sure it was in others.

On 16th March, 1874, the parent bank was due to the branch bank Charleston, South Carolina, $231,210.35; Macon, Georgia, branch, April 10, 1874, $42,812.32; Savannah, March 24, 1874, $133,100.49; Augusta,

April 3, 1874, $89,632.19; Wilmington, North Carolina, March 13, 1874, $33,087.51; Mobile, Alabama, April 25, 1874, $61,143.37. Thus it will be seen that the branch banks at Charleston, South Carolina; Macon, Savannah, and Augusta, Georgia; Wilmington, North Carolina, and Mobile, Alabama, were not allowed to make loans, but forwarded their deposits to the parent bank monthly if not oftener, who assumed the exclusive right to lend their money on such questionable securities as the following:

$2,500 loaned on $3,000 Northern Pacific Railroad bonds.
$2,600 loaned on 480 shares Young Men's Christian Association stock.
$5,500 loaned on 125 shares International Steamship and Supply Company.
$1,400 loaned on 100 shares Morris Mining Company, Colorado.
$2,000 loaned on $4,000 first mortgage Maryland Mining and Manufacturing Company.
$12,000 loaned on $20,000 second mortgage Maryland Mining and Manufacturing Company.
$3,500 loaned on $4,000 Detroit Car Loan Company.
$4,750 loaned on 20 shares American Steel Lock Company, and 20 shares Capital Publishing Company.
$3,025 loaned on $10,000 7 per cent. Florida bonds.
$9,000 loaned on acceptance of James Magruder, board of public works.
$1,117.53 loaned to Noah Dillard, order on board of public works.
$1,002.23 due by R. I. Fleming, no collateral.
$160,088.38 due from J. V. W. Vanderberg, for which the following securities are deposited as collaterals: $3,000, Second National Bank stock; $69,000, District of Columbia 8 per cent. certificates; $2,760, interest on 8 per cent. certificates; $27,836.40, auditor's certificates; $27,000, auditor's certificates; $9,193.33, paving and curb-stone tax; $1,425.90, bills against the old corporation of Washington; $1,808.63, claims filed for auditor's certificates, *lost;* $10,983, acceptance board of public works.

Mark you, these are supposed to be the most available of them all.

Take the figures as presented by the commissioners' report, and it is conclusive that when the principal bank failed or suspended operations it was indebted to the six banks alone referred to above $590,986.23, if not 25 per cent. more than that amount. In other words, it was indebted in smaller sums to the poor laboring men, women, and orphan children in each of those States a quota of this immense amount.

It must not be lost sight of that at the time these sums were forwarded to the principal bank at Washington the depositors in the Southern States invariably believed that the moneys so deposited by them were subject to their order, as per rules and regulations governing the branch bank, and if sent to the parent bank it was for the purpose of being guarded with greater security or invested to better advantage. But, alas! they were deceived.

The suffering to which the poor creditors have been subjected is heart-rending in the extreme. Both their aged and their young have been deprived of the ordinary necessaries of life; their sick could not be cared for, nor their dead decently interred by them nor by benevolent societies, because all their gathered funds had been swallowed up in this gulf of destruction.

Parents and guardians could not send their children or wards to school, because they had not the means to buy them comfortable clothing. Truly the distress has been alarming—starvation and destitution being threatened on every hand, and in many instances their little homesteads sold from over their heads.

But, Mr. Speaker, a word as to the remedy. The gentleman from Kentucky [Mr. DURHAM] having charge of this bill, in his remarks when it was under consideration the other day, said—

That there is a great deal of opposition to putting the power of winding up this concern into the hands of one man, although he may be under the supervision and control of the Secretary of the Treasury. The object of the committee in coming to that conclusion was that this institution, which has been so miserably managed, shall be saved all unnecessary future expense, and therefore we have reported in favor of one commissioner at a salary of $5,000, rather than three commissioners with salaries aggregating $9,000.

I agree with the gentleman in part, but I cannot indorse all that he has said; for it does not appear to me that the proposed method will, or can possibly be, a saving to the depositors, as it is likely that one man will take longer to wind up the concern than three naturally would. Again, if authorized to act alone, he would require additional clerical assistance, that would doubtless consume in salary the $4,000 that is proposed to be saved, if not more. The committee in their report said: "In most insolvent estates much depends upon the dispatch with which they are wound up." Yet they recommend but one commissioner to expedite this important business.

Now for the remedy. My proposition, sir, is that the Government take control of the entire assets of the bank, hold the same until the securities which have been subjected to shrinkage shall again be restored to their market value. In the mean time advance the depositors 30 per cent. of their deposits, holding the assets as security and for future indemnification to itself. This will materially benefit the impoverished depositors and relieve their immediate necessities. But I do not know that there is any law or precedent to warrant the Government in assuming this liability; nevertheless it would be a gracious and magnanimous act if accepted and carried out. Failing in this, let the three commissioners be continued, with instructions to pay over to each branch that shall be reorganized under a charter granted by their respective States whatever dividend they may be able in the course of time to declare, if so requested by a majority of the depositors respectively located. When this is not desirable, let them pay to each depositor as provided for by section 6 of the present bill, which is in the following language:

That whenever said commissioner is prepared to make a dividend to the depositors, he is authorized and directed, through the United States Treasurer, to place in the various depository banks of the United States which are convenient to said depositors an amount sufficient to pay them; and the officers of said banks shall pay the depositors, or their assignees, and take receipts from them in such way and manner as shall be prescribed by said commissioner and the Secretary of the Treasury; and said evidences of payment shall be returned by said officers to the commissioner, and by him preserved: *Provided*, That where there are no depository banks of the United States, then said commissioner may, with the advice and consent of the Secretary of the Treasury, pay the depositors in said localities in such way as he may deem best.

Mr. Speaker, I am aware of the numerous technicalities which make it difficult to adjust the affairs of this bank in a satisfactory manner, and yet, on the other hand, I am desirous of having some legislation that will in some measure restore confidence and relieve the pressing wants of my defrauded constituency, and the entire depositors in the Freedman's Trust and Savings Bank.

Surely some legislation should be inaugurated that will encourage the poor to save their earnings for useful purposes, and thus be saved from beggary and penury. Sir, this subject is not unworthy of the attention of statesmen, inasmuch as it will benefit a considerable number of our citizens, and ultimately contribute toward the wealth of the whole country and the happiness of its inhabitants.

We have already legislated too much in the interest of the opulent, and neglected too sadly the interest of the poor.

Election of President and Vice-President.

SPEECH OF HON. H. H. HARRISON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the manner of the election of President and Vice-President of the United States.

Mr. HARRISON. Mr. Speaker, I think there has been no question before this House during the Forty-third Congress more important than the amendments to the Constitution concerning the election of President and Vice-President. The joint resolution proposing these amendments, reported by the Committee on Elections, and the adoption of which that committee has recommended, if ratified by the Legislatures of three-fourths of the States of the Union will, I admit, bring about a radical change in the mode of electing President and Vice-President. The fact that it will result in a radical change, however, ought not on that account alone to be held as an argument against the proposed amendments.

We have tried the present system for between eighty and ninety years. Its excellences and its defects have become apparent in the light of a long experience and observation of its practical workings. If it has met the expectations of its friends and has been shown to be the best system or plan which could have been adopted, it certainly ought not to be changed. If on the other hand it has been shown to be unwise and unfair, or the machinery connected with it useless or dangerous, it ought to be changed if a better system can be substituted for it. That it has not met the expectations of those who inaugurated it is clear, for the electoral-college feature of it was never carried out in consonance with the theory which the framers of the Constitution held as to its practical working. That theory was that select bodies of men selected by the different States, or as the Legislatures thereof might direct, distinguished for their ability and wisdom, and uninfluenced by popular passion, should be left free to exercise their judgment in selecting a President and Vice-President. They were to meet in their respective States and vote by ballot, and the provision that they should vote by ballot was in the direction of securing their complete independence in making the selection.

The manner of the appointment of the electors was left exclusively to the Legislatures of the different States. The State Legislatures might appoint the electors or provide for their selection otherwise, and I find nothing in the existing provisions of the Constitution or in the debates in the convention of 1787 which warrants the belief that the framers of the Constitution supposed that the electors would eventually be selected by a popular vote. In fact, the theory was that the electors were to be independent of pledges to vote for any particular person, so that when they met to cast their ballots they could deliberate with freedom and act for the best interests of the Republic, untrammeled by pledges and uninfluenced by popular clamor, prejudice, or excitement. This theory, as is well known, has not been carried out in practice, for the electors have been nominated by conventions of political parties, have accepted the nomination and been voted for upon an implied pledge that they would cast their ballots for particular persons for President and Vice-President. These implied pledges custom and public opinion have made binding, and there has been no instance of a violation of the undertaking of the elector to vote so as to carry out the wishes of those who selected him for the purpose.

While, however, it is fortunate that the theory of the independence of the electors in the matter of voting, unrestricted and uninfluenced by pledges, has not been carried out in practice, this pledge in advance defeats one of the main objects, if not the main object, to se-

cure which the plan of an electoral college was adopted, for in practice the electors are converted into agents to carry out instructions given them before their selection. Besides failing to meet the expectations of those who advocated the adoption of the present plan, I submit that the wisdom of the system has not been vindicated or shown after a fair trial of its workings. The plan of electing a Chief Magistrate charged with the exercise of the supremely important and delicate duties of that high office, or a Vice-President, who in certain contingencies would become President, in any way that might defeat the will of the people of the United States, was not wise, because it was inconsistent with the great leading principle upon which our whole theory of government rests.

The debate and the proceedings of the convention which framed the Constitution show that the delegates in that convention were of the opinion that the people could not be safely trusted with the selection of President and Vice-President. The convention eventually adopted as the safer experiment the plan of interposing between the people and the selection of President and Vice-President a select body or select bodies of men deemed better capable of making the selection intelligently and safely; but before the convention adopted this plan of electoral colleges, several other plans were proposed, discussed, and voted upon.

On the question of an election by the people instead of by the national Legislature, the proposition received the vote of only one State—that of Pennsylvania.

The proposition that the Executive should be chosen by electors appointed by the State Legislatures was voted down, and that of choosing the Executive by the national Legislature was at first unanimously adopted, but the vote was afterward reconsidered and the convention decided—

First. That the national Executive should be appointed by electors.

Second. That the electors should be chosen by the State Legislatures.

Afterward it was voted (seven States voting in the affirmative and three in the negative) that the President should be appointed by Congress.

Subsequently, upon taking up the report of the committee of eleven, in which was presented the draught of a plan for appointing electors by each State, and for electing and counting the votes for candidates for President and Vice-President, (which plan embraced a provision for an election by the Senate, in case there should be more than one candidate having the votes of a majority of the electors, or in case none of them have a majority,) seven of the States voted to retain this last-named provision in the plan, and three voted against it and in favor of an election, in either of the contingencies mentioned, by the Congress instead of by the Senate.

Finally, the clause in the report providing for the appointment of electors by each State was adopted by the convention—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Georgia voting in the affirmative, and North and South Carolina in the negative—and the existing provision for an eventual election by the House of Representatives was adopted by a vote of seven States in the affirmative and three in the negative.

The question as to the mode of selecting the Executive, according to the admissions of the ablest members of the convention, was an exceedingly perplexing and difficult one.

It is evident that the plan at last adopted by the convention was based upon distrust of the people, and had its origin in aristocratic forms of government in which the nobility or select bodies elected the sovereign or chief magistrate.

The convention dreaded the effects of popular passion and prejudice and tumult in the important matter of the selection of a Chief Magistrate, if the people assembled at the polls should vote directly for their choice for President, and assumed that small bodies were less easily corrupted than large ones.

It is not surprising that the framers of the Constitution, who had not seen the theory of a democratic government in this country tested, and who were surrounded by peculiar circumstances in the performance of their work of inaugurating the *experiment* of providing for the organization of the Government and the distribution of its powers, should hesitate to provide for electing the Executive by a direct popular vote. Mr. Madison and Mr. Gouverneur Morris preferred this plan to an election by the national Legislature; but the electoral system, as provided for, was a compromise between those who favored an election by Congress and those who opposed that mode of selecting the Chief Magistrate of the nation.

There would seem to be as little danger resulting from passion, excitement, and tumult if the people voted directly for President and Vice-President, now that the original theory of the electoral colleges acting independently of pledges to vote for particular persons has been exploded, as there is when the people vote for electors for President and Vice-President. This objection, originally urged against the plan of electing the President and Vice-President directly by the people, lost all of its force when the people, conforming to this inconsistent plan of having a selection of their President and Vice-President made for them and independently of them, eventually adopted the plan of instructing the electors selected by them as to who the latter should vote for. The people have slowly, but surely and effectually, resumed, so far as they could under the existing provisions of the Constitution on the subject, the power and control over the matter of the selection of their Chief Magistrate and the Vice-President, of which a want of full confidence in the theory of popular government on the part of the delegates in the convention of 1787 sought to deprive them.

In the early presidential elections the electors were chosen in many States by the Legislatures without the question of the selection of the electers being voted on by the people; and this was done by Delaware, Georgia, Louisiana, New York, and Vermont down to the year 1824, and by South Carolina down to the late war; but now, in every State in the Union, the electors are chosen by the people, and are practically pledged in advance to carry into effect the will of the people in the particular State in which they are voted for in the selection of President and Vice-President.

Nor has the other objection urged against the election of President and Vice President by a direct vote of the people, that the electoral colleges would be less likely to be corrupted or improperly influenced than the people, been shown to have any weight in it; for it would seem to be clear that small bodies of men intrusted with such a vast power as that of selecting a President of the United States, with such immense patronage as flows from him, may be reached by the arts of corruption and intrigue, while the great body of the people cannot be so easily reached, if they could be corrupted at all. The patronage at the disposal of the President is sufficient, if it could have the effect, to corrupt every presidential elector; but it could not reach the whole body of the American people.

I have alluded to the two objections urged against an election directly by the people, and have suggested what I regard as a full answer to these objections. I have also referred to the fact that the original theory upon which the electoral-college system was adopted has not been carried out in practice, and that the people had shown a determination to control the action of the electoral colleges, so that now the electors in every State in the Union are voted for and instructed by the people at the polls.

I come now to speak further of the objections to the existing plan of election of President and Vice-President.

It deprives the people of the privilege of voting for their choice for President and Vice-President, and is not in harmony with the American theory announced by Mr. Madison, that "it is indispensable that the mass of citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them."

Ours being a government *of* the people, *for* the people, and *by* the people, each voter, entitled to have his voice heard in the selection of the highest as well as the lowest elective officer in the country, should be permitted to vote directly for the men of his choice for President and Vice-President. But under the electoral-college system a very large number of voters have been deprived of the privilege of voting for their choice for President and Vice-President, and are thus practically disfranchised.

In 1860, in most of the States in the southern section of the country, electors who were pledged to vote for Mr. Bell, Mr. Breckinridge, and Douglas were nominated and voted for, but no voter in that large section could have his vote for Mr. Lincoln counted, however anxious he may have been to vote for him, because no convention or party had nominated electors on the republican ticket. And such was the case with persons desiring to vote for Mr. Douglas in States where no Douglas ticket had been nominated.

The present system makes the convention or caucus system indispensable, for the individual voter cannot give effect to his vote unless there are others in the particular State or locality who will meet and nominate an electoral ticket for which he can vote.

The election of a President and Vice-President, under the present system, is practically an election by the States. Under the present apportionment, the electoral votes of ten or less than one-third of the States may decide the result.

A candidate voted for for President may carry enough States to give him a majority of the electoral votes by an aggregate majority not exceeding 50,000 votes of the popular vote, thus securing his election, while his competitor may carry all the remaining States by majorities amounting in the aggregate to half a million majority of the popular vote over the successful candidate.

The vote of each State being cast or counted solidly, it is the same in effect as if the people of the States, giving in the aggregate a majority of the electoral votes, had voted unanimously for the same man, which is never the case.

There is a state of things existing in this country at present very different from that which existed in it when the mode of electing a President and Vice-President was discussed in the convention of 1787. Then the population of the whole country was little more than the present population of some of the States of the Union. Then there was danger that in case of an election by the people, as the people would be likely to vote for some man in their own State, that the largest State would be sure to succeed, except in the case of the slave States, the slaves having no suffrage.

But with a population of forty millions of people, and the objection to a direct vote by the people, so far as it formerly affected the then slave States, removed, we may now, aided by an experience of eighty-seven years, look at the question divested of this objection to an election of a President and Vice-President by a direct vote of the people.

There is an inherent injustice and unfairness in the present plan.

It had its origin in the idea of preserving the equality of the States in the selection of a Chief Magistrate and of protecting the smaller States in their rights. But how has the plan worked in this regard? A familiar and forcible illustration of the truth of the proposition that, instead of preserving and securing an equality of influence among the States, so far as the smaller States are concerned, the elections may be controlled by some one of the larger States, is found in the case of the election for President in 1844, when the small vote of five thousand given in New York to Mr. Birney resulted in giving the whole electoral vote of that State to Mr. Polk, and elected him over Mr. Clay.

It would seem that there was an intrinsic injustice in requiring the vote of a State to be cast solidly, as it must be under the existing provisions of the Constitution. In New York, for instance, one person voted for for President may have a majority of only a few votes over another person voted for, which small vote carries with it the entire electoral vote of the State, and this small majority in effect silences the voice and suppresses the wishes of nearly half the qualified voters of that State.

It is evident that the power of the States, as such, in controlling the election of President which they now possess, is secured to them in the practical working of the present system, by the electors being pledged in advance to vote for a particular person, and by the vote being cast *in solido*. And it is also evident that the influence of the States in the presidential elections, thus secured and exercised, is secured at the expense of a principle of fair representation.

While the doctrine of State sovereignty has generally been insisted upon as a protection to the smaller States, this particular feature of it has been preserved and strengthened at the expense of the smaller States. The electors were at first generally chosen by districts, in States that did not choose them by their Legislatures; but this practice was broken up by two of the larger States of the Union, because it tended to destroy their power in the presidential elections. The votes of these States being cast as a unit, or solidly, they were of greater consideration or weight in determining the result than under a system which might divide them up among the contending candidates.

The result in New York and Pennsylvania, for instance, is looked to with the greatest anxiety, as likely to determine the election, because the electoral vote of these States amounts to more than one-fifth of the whole electoral vote to be cast for President, and may control the result; whereas, if the votes of these States could be divided up, and counted upon the plan in the amendment we are now considering, the case would be quite different.

I have presented facts and considerations going to show the unfairness of the present system or plan of electing a President and Vice-President, its injustice, and the objections to the present mode, growing out of the fact the provision for the appointment of electors, and the incidents of the electoral system, may defeat the popular will.

I now come to consider a defect in the present plan of electing a President and Vice-President which may result in the most serious consequences if the defect is not soon remedied.

There is no tribunal by which, or law under which, contests growing out of these elections can be decided.

The Constitution provides that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress." Thus the mode of choosing the electors is placed entirely beyond the power and jurisdiction of the National Government; and whatever disorders, irregularities, or failures in the appointment or selection of electors in any of the States may occur, they are entirely without remedy or redress by the Government.

All of the States *now*, by the enactment of their Legislatures, provide that the electors shall be chosen at large by the qualified voters of the State, but in none of them is there any provision of law for the settlement of any contest that may arise out of such election. We are not justified in supposing that the presidential elections in the future will be free from fraud, or that the will of the people may not be defeated by violence, disorder, or fraud at the polls, or in the action of supervising and returning boards.

To say the least of this matter, it is evidently the part of wisdom and sound statesmanship to guard against such a possible, if not a probable contingency in a matter threatening so much of danger to the peace if not to the existence of the Union.

In every State in the Union there is a provision for settling contests in the elections for governor and other State officers, but no provision is made for contesting the election of electors; and the returns, it is claimed, must stand and be counted in the presence of the Senate and House, if sent forward in the time and in the manner directed in the Constitution.

Besides the omission to provide for settling contests, if any, in the election of electors in the States, it is claimed that there is no provision under which the two Houses of Congress can make any determination of any question which may arise upon opening the certificates and counting the votes.

The Constitution provides that the President of the Senate shall be the depositary of the electoral votes, and that he "shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted."

Under this provision it is claimed that the two Houses of Congress are mere witnesses of the counting of the votes, and that they are to be present in their separate characters, and not as a joint convention possessing any power to do more than to simply witness the counting of the votes.

It seems to have been understood that neither House, in its separate character, or both as a joint convention, could do more than be present and witness the performance of a duty enjoined by the Constitution on the President of the Senate, and the counting of the votes; and this seems also never to have been questioned until the year 1857, when objection was made to the counting of the vote of Wisconsin, because the electors in that State had failed to meet and cast their votes on the day prescribed by law. The objection had much weight in it, for the Constitution provides that the electors shall meet and vote on the same day in all the States, and Congress had provided, a few years after the Constitution was formed, (in 1792,) that the electors should meet in each State and cast their votes on the first Wednesday in December, and that they should be chosen within thirty-four days of that time.

The President of the Senate, however, decided that the objection was not in order, and that nothing was in order but to receive and count the votes. The vote was counted, and Mr. Buchanan was declared elected. A motion was made to correct the count and exclude the vote of Wisconsin, which the President of the Senate decided was out of order, and after the count he declared the meeting dissolved.

Upon the retirement of the Senate debates ensued on the question in both Houses, and these debates show that the better opinion was that the two Houses had no jurisdiction over the matter of counting the electoral votes, either jointly or separately, as the Constitution had failed to provide such jurisdiction as to any question which might arise on the occasion of counting the vote, and that the two Houses were to be present simply as witnesses of the accuracy and result of the count.

It happened that the vote of Wisconsin was not decisive of the result. But suppose it had been, and by counting it for Frémont and Dayton they would have been elected, or by rejecting it Mr. Buchanan and Mr. Breckinridge would have been elected, Mr. Mason, the President of the Senate, having the decision of the question in his own hands, what would have been the result? How dangerous the exercise of such a power as that vested in such a case in the President of the Senate! Is it too much to assume that the danger of civil war or revolution would have been imminent?

Nor would the danger have been less imminent if the objection made to the counting of the vote of Wisconsin had been entertained and allowed, and the decision of it referred to the concurrent action of the two Houses, taken separately, as now provided by what is known as the twenty-second joint rule, adopted in 1865. The Senate was then strongly democratic and the House republican. The two Houses would most likely have failed to agree, and we can imagine the serious and dangerous complications which might have resulted, and to what extent the peace of the country might have been endangered.

If the two Houses are to be present on the occasion of counting the votes merely as witnesses, and the President of the Senate has power to open the certificates and prevent the action, or any action, by the convention of the two Houses, and upon the announcement of the vote by tellers declare the result, the power is a dangerous one to be lodged in any one man, attached, as he may be to the fortunes of a political party or personally interested in the result of his own decision.

And the latter hypothesis is not a mere theoretical or fanciful speculation as to a simply possible contingency. It has occurred six times in the history of presidential elections that the President of the Senate has been directly and personally interested in the result he announced. Mr. Adams, in 1797, declared himself elected President. Mr. Jefferson in 1801, when he and Colonel Burr were candidates for President, announced the result. Vice-President Tompkins opened the certificates and the vote was counted when he was a candidate for re-election. In 1837 Vice-President Van Buren did the same thing and declared himself elected President. In 1841 Richard M. Johnson announced the vote for himself and that for Mr. Tyler, the opposing candidate; and in 1861 Mr. Breckinridge, then President of the Senate, announced the result when he himself was a candidate for the Presidency.

It was the duty of these distingnished men to do just what they did, a duty enjoined on them by the express provision of the Constitution, but the danger of continuing that provision which vests the power given the President of the Senate in any one man, and particularly when he may have a personal interest in the result of his action, or be influenced by the demands of his party upon him, is not lessened by the fact that such men as Adams and Jefferson, Tompkins, Van Buren, Johnson, and Breckinridge may have acted with perfect fairness in the transaction.

It will be noticed by those who take occasion to examine the very interesting debate which took place in February, 1857, when it was moved to reject the vote of Wisconsin, that protests were vigorously made against the action of the President of the Senate on that occasion, and the proposition that the two Houses were simply present under the Constitution as mere witnesses of the counting of the vote was earnestly combated.

The question was not settled, and could not very well have been settled.

But even if the theory contended for on that occasion by those who assumed that the two Houses had a right to act on the question made as to the vote of Wisconsin, and either receive or reject the vote, was adopted as the true one, the difficulties and dangers growing out of the question by reason of the fact that the Constitution fails to provide how questions of the kind arising when the vote for President and Vice-President is counted still remain.

If the President of the Senate in such a case has the power which it is claimed by some he possesses, there is danger. If the two Houses present at the opening of the certificates and counting of the vote have jurisdiction to determine any question which may arise affecting the vote of any State, there is danger; and with the doubt existing as to whether the power to decide these questions resides in the two Houses, or can be determined by the two Houses acting in convention, or by their acting separately, and also as to how they shall act, whether by States or by a different method, there is danger; and it must be apparent that when the action of the President of the Senate or of the two Houses is had in any case where that action decides the result of a presidential election, while the doubt we have mentioned exists, the worst possible consequences are likely to follow.

It will not remove this danger to say that the framers of the Constitution never intended that the President of the Senate should ever exercise any judicial power in determining or ruling upon the vote as between two sets of electors, or upon the sufficiency or validity of the certificates, or the votes of the electors in any State; for we have seen, in practice, that the exercise of these high powers may devolve upon that officer *ex necessitate rei*, and that his decision, although it may decide the result in a doubtful case, is final unless the twenty-second joint rule remedies the omission or defect in the Constitution.

The action of the two Houses under this rule in a doubtful case or on a doubtful question, particularly when party spirit was bitter or party excitement high, would not give satisfaction to the country, or be regarded as a final settlement of the result, especially as it would be difficult, if not impossible, to find a warrant in the Constitution for the power assumed by Congress to adopt this rule, which virtually makes Congress the judge of the result of the election for President and Vice-President. Even admitting, for the sake of argument, that Congress had the power to adopt the rule, it is both unreasonable and dangerous, because it may make the right of the people of a State to participate in a presidential election to depend upon the concurrent action of the two Houses of Congress in the manner as directed in the rule. It will be noticed that the provision of this rule is *not* that the vote shall be counted unless the two Houses concur in its rejection, but it is provided by the rule that "*no vote objected to shall be counted except by the concurrent votes of the two Houses.*"

The presumptions of law are in favor of the fairness and legality of the vote offered to be counted; and yet, with these presumptions, Congress has undertaken, by this twenty-second joint rule, to say that if objected to the vote shall not be counted unless both Houses vote to receive it. Under this rule, the objection to the vote being counted is virtually assumed to be valid and conclusive unless overcome affirmatively by the vote of both Houses, thus placing it in the power of one House to reject the vote of a State. The rule invites captious objections to the votes offered to be counted, and places it in the power of a defeated political party having a majority in either House to defeat an election by the people. It is a powerful temptation, which a defeated party may not resist. If objection to the vote of a State is made, and the Houses disagree, the vote of the State is lost. This may result in a tie vote or in the election of a candidate who, if the vote thus rejected was counted, would be defeated, or in preventing either of the candidates from having a majority of the votes, and thus throwing the election into the House of Representatives.

It must be apparent that the claim supported by the twenty-second joint rule, that Congress has power to admit or reject the electoral vote of the States, subverts the whole theory upon which the existing constitutional provision in relation to the appointment of electors is based; and it is equally plain that if Congress had this power, its exercise would conflict directly with the known purpose of the framers of the Constitution to preserve the independence of the executive and the legislative department each of the other. When the electors meet on the first Wednesday in December, their office is fully performed, and there is no authority given in the Constitution or in any law under which the college could ever again meet for any purpose. No tribunal has been provided to inquire into the rightfulness or regularity of the selection of electors, and set aside their votes, nor did the framers of the Constitution anticipate the possibility of a contest between two sets of electors, or of irregularities or frauds in the choice of electors, which would warrant the rejection of their votes.

But by requiring that the electors should meet in each State on the same day, and make a list of the persons voted for for President and Vice-President, which they shall sign and certify and transmit *sealed* to the seat of Government, directed to the President of the Senate, the framers of the Constitution evidently intended that no tribunal should inquire into the rightfulness or regularity of their election and set aside their votes; and there was not only no opportunity for a contest as to their election or as to the action of the electors in casting their votes, but it was made impossible that Congress should pass upon these questions, as the electoral colleges in each State, when they had cast their votes on a particular day, on that day became *functus officio*, and the votes then cast, sealed, and sent to the President of the Senate were not to be opened except in the presence of the two Houses, and were to be counted on the occasion of their being opened.

If this provision of the Constitution is complied with according to the letter of the provision, there could be no contest in relation to the vote; and it must be counted if it appear that the vote was cast as required by the Constitution, and certified in due form as required by law, and this without regard to notorious frauds in the selection of electors.

From what has been said, it is easy to perceive that with no provision for a tribunal to decide contests in relation to the election of President and Vice-President, and the possible if not the probable assumption by the two Houses of Congress of the right to decide questions which may arise on the occasion of counting the electoral votes, especially under the twenty-second joint rule, the danger of having the election thrown into the House of Representatives is largely enhanced. That this result is to be deprecated, and if possible prevented by the adoption of a different mode of determining the question of who is elected President and Vice-President, we take it for granted will be conceded. Certainly it will be conceded by all who desire that the voice of the people shall be heard on the important question of the selection of the chief executive officer of the nation, and of one who may succeed to that high office.

Under the provision of the Constitution for an election by the House of Representatives, the representation from each State is entitled to only one vote without regard to the vast difference in population of the different States as compared with each other, and it must be without regard to the principle upon which all our ideas of popular representation in this country are based.

In the next place, such an election, particularly in cases where it may be regarded as defeating the popular will, is fraught with danger to the peace of the country. The elections in 1801 and 1825 need only be mentioned as suggestive arguments in support of the proposition that an election by the House of Representatives may be a dangerous proceeding. The throwing of the election into the House furnishes great opportunities for bargain, intrigue, and corruption.

No one, it is assumed, would desire to see a repetition of the action of the House in 1825, when the candidate defeated in the House had received a large proportional majority of the popular vote, and had received a large plurality of the electoral votes.

A repetition thereof, under certain conditions of public sentiment, and with party excitement at fever-heat, might lead to the most deplorable results.

Moreover, when it is considered that one of the objects in having an election for President every four years is that the public sentiment of the country may be expressed in the selection of a Chief Magistrate who is to represent that sentiment and carry it into effect so far as he can constitutionally, it is manifestly wrong that members of the House elected nearly two years before the election of a President, and whose political sentiments and policy may have been repudiated by the people in the presidential election, should elect the President, and thus defeat the more recently expressed popular will.

To remedy the evils, omissions, and injustice, and to guard as far as possible against the dangerous tendencies and incidents of the present mode of electing a President and Vice-President and determining the result, the committee have recommended the adoption of the amendments now reported back to the House.

This proposition, as I have said, involves a radical change in the mode of election, and dispenses entirely with what we have sought to show was the useless machinery of presidential electors and electoral colleges.

First. The amendments proposed secure the election of President and Vice-President by a direct vote of the people, so that the voice of each citizen of the country entitled to vote shall be heard and have its weight in determining who shall fill these high positions. I do not consider it necessary to elaborate what I have already said in favor of this portion of the proposed amendments. The proposition is in harmony with what has become a fundamental principle in our theory of government, and that is, that this being a Government of the people, every citizen should have a voice in selecting the magistrates who are to execute the laws, and that the people must be, and are entitled to be, trusted in the decision of any and every question affecting their interest, safety, and welfare. The people voting directly for President and Vice-President, the danger of cabal, intrigue, and corruption, which may be brought about by the use of executive patronage and influence, and which might tempt electors and electoral colleges, will no longer exist unless a majority of the whole people could thus be corrupted or influenced, which is improbable, if not impossible.

And, lastly, the proposed amendment in this respect secures the adoption of the only mode by which the will of the people can be effectually and certainly carried into effect in the important matter of the selection of President and Vice-President.

Second. The proposition embraced in the amendments looks to a vote of the people by districts equal in number to the Representatives to which the State may be entitled in the Congress, to be com

posed of contiguous territory, and to be as nearly equal in population as may be. The argument in favor of this plan has been already partially presented. It has been seen that, with the vote of each State for presidential electors cast *in solido*, the popular will has been sometimes defeated. A very small majority in a State carries the whole electoral vote of that State, as in the case of New York in 1844, hereinbefore mentioned, and that this occurring in, say one-fifth of the States, will elect, notwithstanding there may be in the other States a large popular majority given for the unsuccessful candidate. If, under the amendment proposed, the person having the highest number of votes in each of said districts is entitled to the vote of the district, counting one presidential vote for the person obtaining a majority in the particular district, no such result as that of defeating the popular will can occur.

Under the amendment, the person receiving the highest number of votes *in a State* it is true, would receive or be entitled to two presidential votes for the State at large, and this is proposed as a just concession to the autonomy of the States as such, which has found its sanction in the almost universal recognition by the people, ever since the formation of the Government, of the wisdom of the framers of our Constitution in providing that the Senate shall be composed of two Senators from each of the States of the Union. It is also true that under the proposed amendment, if two persons have the same number of votes *in any State*, it being the highest number, they shall receive each one presidential vote from the *State at large*, and that if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted. And there can possibly be no valid objection to either of these provisions; for if the vote in any State between two candidates receiving the highest number of votes in that State is divided between them, no principle of fairness and none of the rights of the State are violated by giving the State (so to speak) the benefit of two votes in the count or one vote each to the two candidates; and if more than two candidates each have the same number of votes in a State, being the highest number of votes, it would be simply impossible to divide the two presidential votes for the State at large between the three candidates without giving to each candidate a fraction of a vote.

But notwithstanding these provisions are made in the amendments for securing to each State, or to the candidates having the highest number of votes in the State, two votes for the State at large, yet the important feature or element in the plan proposed is that under it there is to be a vote of the people by districts, which will tend to prevent a defeat of the will of the people, and will have a powerful tendency to prevent frauds in the election.

Under the present system, the States voting solidly, many inducements to fraud exist. Parties are frequently nearly balanced in a State, and fraud in our large cities or in a particular locality may control the electoral vote of an entire State; whereas under the district system proposed by the committee the frauds in our large cities would only affect the vote in the district in which they occurred. The risk and expense will not be incurred to carry the vote of a single district that would be incurred if the result of the fraud was to determine the vote of the whole State, and perhaps secure the election of a President.

Third. The amendment provides that Congress shall have power to provide for conducting the elections of President and Vice-President; and provides also that the States shall be divided into districts by the Legislatures thereof, but that Congress may at any time by law make or alter the same. This proposition is based upon the theory that there should be some uniform constitutional rule upon this subject. The election of a President and Vice-President is a national affair. The whole people of the United States have a deep and direct interest in the result of such an election, and an interest, therefore, not only in the fact that an election shall be held, but in the manner of holding it. And the Congress of the United States, the representative of the people and of the States, the department of the Government in which all national legislative power under the Constitution resides, is the only power which can appropriately and efficiently control in this matter, so vitally important to the interests of the entire people.

The power to appoint electors being conferred by the Constitution of the United States on the State Legislatures, it cannot be taken from them or modified by their State constitutions.

No one doubts that, under the Constitution as it now stands, the Legislatures can at any time repeal all laws providing for the election of electors by the people. The very fact that it is in the power of the Legislatures of the various States, under the present system, to adopt different modes of choosing electors, is suggestive of the necessity of establishing a uniform system or a uniform constitutional rule on the subject; especially as it is apparent that some of the States under the existing system may dispense, as some of them have done in the past, with an election of electors by the people, and thus to that extent defeat the popular will.

Fourth. What I have already said of the dangers which may result from having no tribunal provided by the Constitution for the settlement of contests and questions growing out of elections for President and Vice-President need not be repeated. The amendment now proposed provides that the returns of the election shall be made to the Supreme Court of the United States within thirty days after the election, and that said court shall, under such rules as Congress may adopt, or such as the court, in the absence of law, may adopt, determine any contest in respect of such returns, canvass the same, and declare within ninety days after the election, by public proclamation, who is elected President and who is elected Vice-President.

Without going into a lengthy argument in support of this branch of the proposition, I state that, conceding that it is important (and I think it is vitally important) that there should be a tribunal created by the Constitution for canvassing the returns and determining questions arising thereupon, the plan of having the Supreme Court of the United States to determine these questions is preferable to any other, and mainly because its rulings and decisions, while they are apt to be characterized by an intelligent apprehension and clear understanding of the questions of law and fact involved, will be made with less of partisanship and party bias than that of any tribunal which could be established for the purpose of deciding these questions, and its judgments and rulings would therefore be more likely to be acquiesced in by the people and regarded as a final settlement of the question. The court is independent of the executive department, and so far as it can be is independent also of the other department of the Government; and with the provision in the proposed amendments that "no person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice-President" adopted, that court would be as completely free of any of the motives or influences which would weaken the force of its final adjudications on the questions submitted to it, in the judgment of the country, as that or any other tribunal could be made. And, after all, the sanctions of an indorsement by the people of the United States, or their aquiescence in measures affecting the country, is the most important consideration connected with legislation. The Supreme Court has always enjoyed the confidence of the people of the United States, and their faith in its wisdom and integrity is well founded. I do not mean to intimate a doubt that it will continue to deserve the fullest confidence of the whole country by reporting a proposition to make its members ineligible to the office of President or Vice-President; but it will relieve the court, besides being eminently proper, that as the court is under the proposed amendments to decide questions which may in some cases be decisive of the result of a presidential election, its members should be relieved of the possible imputation of having a personal interest in the action of the court.

Fifth. The amendments now proposed provide that the person having the highest number of presidential votes in the United States shall be President, and so of the Vice-President. This substitutes what is known as the plurality rule for the majority rule. Under the present provision of the Constitution there can be no election except by a majority of all the electoral votes; and if no candidate receives such majority, the election is thrown into the House of Representatives, where the choice is made between the three highest candidates.

By the amendment proposed the candidate receiving the highest number of votes cast in the United States will be elected, although he may not have a majority of all the presidential votes, so that *the election in every case is final*. This finality of the election is the feature which chiefly recommends the plurality plan; as, being final, it does away with the unfairness and the danger of an election by the House of Representatives. Under the present system of electing a President and Vice-President, unless there is a candidate who has received a majority of the electoral votes, the election is thrown into the House, where, to say nothing of the other elements of unfairness in such an election, as an election not by the people but by the House of Representatives, the voting in the House, although confined to a selection between the candidates, not exceeding three, having the highest number of electoral votes, may result in the selection of a person who is not the choice of a majority or even a plurality of the people of the United States.

The majority should govern; but it is submitted whether, if requiring that a candidate shall receive a majority of the electoral votes, as under the present system, may necessitate a choice by the House of Representatives, and the evils and dangers of such an election as the latter, it would not be best to adopt the amendment proposed, and so make the action of the people final. The people vote for whom they please, and with a full knowledge that the candidate receiving the highest vote is to be declared elected; and there seems to be no good reason why they should be compelled to form themselves into a majority, nor any good reason why, if the candidate has a majority over any other candidate, he should not be declared elected.

It is said that an officer elected by a majority of all the votes cast carries with him a greater moral force and authority than one receiving only a plurality of the votes. But this is doubtful. In every State where this plurality rule is in force, for many years, it has worked well and given satisfaction; and if the amendments now proposed in this regard shall be adopted and ratified, a President and Vice-President elected thereunder who have received a plurality of all the votes cast at a fair election would carry with them the whole moral power of the office. It would be very different from the case of a candidate in the minority at the polls, who had received fewer votes than other candidates, being made President by the vote of the House of Representatives, and different also from the case of one who succeeds to the office of President by the death of the incumbent of that high office.

The moral force of Mr. Polk, General Taylor, Mr. Buchanan, and Mr. Lincoln was not impaired by the fact that they had received a plurality only of all votes cast at the polls.

If the plurality system is adopted, and the people vote directly for President and Vice-President, every voter casts his vote with a full knowledge that the candidates receiving the highest number of votes will be declared elected; and this takes away the inducement to scatter the vote and throw the election into the House, as under the present system. The electoral colleges under the present system in all the States may be chosen by a plurality vote, as there is no provision of law in any of them that the electors shall have a majority of all the votes cast in the State.

Mr. Speaker, I feel that I have discharged my duty in bringing to the notice of this House and the country the evils of and the objections to the present mode of electing the President and Vice-President, and the danger to the peace of the country if not to the integrity of our institutions, which is imminent, if a remedy is not furnished; and I close by expressing the hope that action will be taken at an early day which will change our present mode of electing President and Vice-President, and provide for settling questions connected therewith.

Affairs in Arkansas.

SPEECH OF HON. LEMUEL TODD,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

March 2, 1875,

On the report of the Select Committee on Affairs in Arkansas.

Mr. TODD. Mr. Speaker, when I first read the report of the majority of the committee on the Arkansas troubles I was struck with profound surprise and wonder; surprise that they could come to the conclusion submitted by them, and wonder that they could publicly give to it the sanction of their names. Subsequent reflection and consideration have not modified or changed my first impressions. That conclusion is a palpable *non sequitur* from the premises laid down, and would be laughable as a caricature on logic, if the gravity of the question did not transform it into a terrible blunder.

After establishing by indubitable and uncontradicted testimony that Joseph Brooks was in 1872 legally elected governor of Arkansas for four years; that he was fraudulently and shamelessly cheated out of his election and office, and illegally and absolutely denied all remedy for the redress of the wrongs perpetrated against him and the people of Arkansas; that the Legislature which convened in extraordinary session in May, 1874, was packed and suborned; that it by a preconcerted conspiracy and fraud, and in defiance of the express provisions of the State constitution, passed a law calling a constitutional convention; that a constitutional convention thus called did convene and form a constitution and assume powers clearly denied to it; that its ratification was submitted to the people upon conditions and provisions confessedly illegal, oppressive, and revolutionary; that at such election State and county officers were also elected to fill all offices provided under it, and that the officers so elected assumed and took upon themselves their several positions, and displacing all officers elected in 1872, the committee conclude that because all said acts were done under the pretended forms of law, and had not been followed by acts of forcible resistance, and because peace now prevailed throughout the State, neither Congress nor any other department of the Government should take any action in regard to the State government of Arkansas—a most strange, unhappy, and illogical conclusion; one that violates, contemns, and tramples down, in my judgment, every principle of law and every cardinal rule of representative government; one that sanctifies crime and canonizes the criminal, that substitutes wrong for right, that legalizes successful crime, and puts conquered virtue under the ban of condemnation; one that will prove an incentive to revolutionary and mob violence, that will encourage and develop conspiracy, perjury, and fraud, and stimulate wild, reckless, and lawless men to essay, by murder and revolution, the overthrow of established governments—a conclusion that is subversive of the American idea of representative government, and that is utterly destructive of the rights of minorities, who, under its recognition and dominion, would be absolutely at the mercy of a dominant and lawless majority.

The element of success ought not to be recognized in determining the right or the wrong of any given question, nor can it hallow and legalize an action which in itself is wrong and in violation of law. As well might the burglar who consummates his midnight robbery only by murdering the householder plead immunity from punishment because he thereby escaped with his plunder. A theft of authority does not validate an order any more than the sale of stolen property vests title in the purchaser. Any action, whatever, to be valid and binding, must rest on a basis of right or lawful authority. If it is destitute of these attributes, it cannot infuse legal life into its corrupt and lawless form, nor claim recognition as a legal expression. It is therefore no argument in support of the party claiming to be the legal officials of the State of Arkansas that their conspiracy was successful, and that under the thin disguise of usurped and stolen forms of law their labors were crowned with victory. Rather should the fact of success blacken the character of the conspirators and quicken the processes by which they should be brought to condign punishment; for if there be degrees in guilt, the man who fails to consummate his crime, stands in a more venial position than the bold villain who brazens his in the face of the public.

Nor is there any force in the argument that peace has prevailed in Arkansas since the inauguration of Garland. Such a condition, in the light of all the facts that have transpired before and since that event, proves nothing in favor of the party in power, but is rather a splendid tribute to the law-abiding character and conduct of Governor Brooks and his friends, who, confiding in the justice and right of their cause, have appealed to the law, to us, to the constituted authorities, for redress and protection in preference to a resort to the arbitrament of arms and the shedding of blood. Cruelly stripped of their rights at home, insolently refused a hearing or redress, barred out of the courts by acts of Assembly, insulted, maltreated, calumniated, driven almost to desperation, outlawed, and a price set upon their heads, they still remain law-abiding men, calm in the consciousness of their own rectitude, making their appeal to us, who alone have power to give them an adequate remedy and full protection. Throughout long months of weary waiting, after having clearly and fully demonstrated the truth and righteousness of their case, they are at last met with an unaccountable denial and told, "True, Governor Brooks was legally elected; true he has been cheated out of his office, and all remedy and redress have been denied him by every tribunal of his State, both legislative and judicial; true the State government and constitution have been overthrown by conspirators and the offices filled by intruders; true all these acts were lawless and revolutionary; true you have protested against all these acts and throughout peacefully claimed your rights, and are not barred by any consent or apparent acquiescence; yet because the revolution has been successfully accomplished, and because peace reigns in the State, we will shut from view all these lawless enormities, trample upon principle and constitutional obligations, and throw wide open a door that leads to turbulence, crime, revolution, and the destruction of the very foundations upon which our American system of government rests for security and power." Sir, peace reigned in Warsaw when Poland's bravest and best lay dead and ghastly in the streets of that city, victims to the remorseless tyranny of Russia and murdered because they dared to do battle for home, country, and liberty. Peace reigned in New Orleans in September last after the white-leaguers had by force of arms overthrown the State government and after red-handed murder had strewn the streets with his gory victims. The same system of terrorism which silenced and cowed into submission the people of Warsaw and New Orleans now triumphs in Arkansas, ready and willing through her "young men who cannot be restrained" to kill and slaughter all who resist their sway or dare to interfere with the dominant power.

I deny both the correctness and the policy of the resolution submitted by the majority of the committee. Indeed, they do not seem to have full confidence in it themselves, and, as if in serious doubt of their own judgment, refer the decision of the question to the judgment of the House. A tone of uncertainty and irresolution seems to pervade the whole report, indicative of a desire to get rid of the subject and to condemn all its palpable enormities as the easiest method of disposing of it. They do not earnestly and courageously grasp the question and probe it to its depths, but throughout touch it gingerly, palliating its rough features and lightly dismissing the grave questions involved, as if insensible to their magnitude and far-reaching importance and as if languidly indifferent to results. To me the whole report is unsatisfactory in spirit, treatment, and conclusion, unworthy of the distinguished gentlemen constituting the majority of the committee, and evasive of the stern duty which was committed to their charge. I think they should have, even from their own premises, arrived at a different conclusion and pronounced an emphatic condemnation against the lawless and revolutionary proceedings in Arkansas, by which a government was overthrown and the functions of its officials usurped; and that they should have resolutely insisted upon calling into requisition the Federal power to reinstate and protect the lawful authorities of the State, and to punish with due severity the conspirators who organized the plot and are now enjoying the plunder. It seems to me that a wider and more comprehensive consideration of the subject than the majority of the committee have taken would have brought their views and judgments into full accord with those of the Executive, who has clearly and sharply comprehended the situation and suggested the appropriate solution. Thoroughly familiar with the subject and alive to its great magnitude and suggestive influence on communities similar in character and situation, the President, guided by his quick perception, resolute and sublime courage, and unswerving devotion to duty, foresees all the logical results of the *coup d'état*, the necessity of throwing athwart its progress the power of the General Government, and destroying it before the contagion of its evil example infects other States and again plunges us into the vortex of civil war, with all its waste of blood and treasure. I fully subscribe to his view of the case, and solemnly believe that a rejection of it by Congress will

lead to the most lamentable and deplorable results, in the midst of which may perish the very structure of our Government. Like a faithful and watchful sentinel, the President has sounded the alarm, pointed out the danger, and called for adequate and appropriate means to arrest the destruction that menaces the Republic and the sovereignty of the law. It is our duty to heed the warning and courageously meet the evil and conquer it. If we fail in this our imperative duty, either through indifference or cowardice, and calamity comes upon the country, as it assuredly will, then will the people hold us to a stern accountability, and heap upon our recreant heads the full measure of their indignation and wrath. Why should we not interfere to crush out the usurping government in Arkansas? The occasion justifies and the law demands it. The wrong has been committed and the remedy is ample; why not employ it? If the facts as presented are true, how can we evade the performance of our duty? And that they are true no one denies who has impartially investigated them.

It is true no precedent exactly meets the case in all its phases, and we must therefore depend on original construction for the power of Congress over the premises. The nearest analogy to the question before us is found in the famous Rhode Island case. Although the facts differ, the underlying principle is the same. In the Rhode Island case the call for the interposition of Federal authority was made on the President by the existing and established authorities of the State. The charter government contained no provision for its amendment and alteration, and the attempt to overthrow it was a voluntary and spontaneous act on the part of a majority of the people outside of and in defiance of any authority conferred under the form of law. In that instance it was held to be the duty of the Executive to protect the established government by the employment of the military and naval forces, and, if need be, crush out by force of arms an insurrection against it. In this case the demand for Federal interference is made upon Congress from a State whose constitution contained provisions for its own amendment and alteration by a dethroned body of officials, who affirm that they have been ousted from their positions by usurpation, fraud, intimidation, and a violation in essential and fundamental particulars of the constitution and laws of the State. The same principle applies to both cases and governs them, and that is to guarantee to every State a government resting its claim for recognition and protection upon the fact of its legality. If the government of Rhode Island could not be overthrown by the spontaneous action of a majority of its people, because it was voluntary and not in conformity with law, how does the case differ in principle from the one in hand, where the government and all official positions under it have been stolen, and the thieves, calling themselves rightful and legal owners, proceeded in violation of existing law to dispose of the property or constitution and substitute one of their own making in its stead? Both aimed by illegal processes to destroy legally existing governments; one by force, the other by fraud; one openly and upon the idea of the absolute sovereignty of the people, the other by fraud, usurpation, and prostitution of the name and personation of law. No matter how accomplished, that change is illegal which is effected under no legal authority. It is the substance we must regard, and not the empty name or machinery employed; and it is idle to call that a republican government, even if so in form, which has been illegally established in contravention of fundamental law, in violation of the rights of the people, in disregard of their wishes, and to which they never assented. In Arkansas the actors in the revolution which overthrew its government were volunteers as real and actual as those in the Rhode Island project, and are entitled to no more respect and consideration, and should be as summarily dealt with and punished. Their evil work should be destroyed, and the legitimate government be restored to its own place and authority. These are my profoundest convictions; and so convinced am I of their thorough truth, that I am eager and willing to correct and punish the outrage which has been perpetrated on the State of Arkansas, and to employ the whole power of the General Government in so holy an enterprise; and to accomplish this effectively I invoke the co-operation of every law-abiding member of this House.

Security of Elections.

SPEECH OF HON. R. HAMILTON,

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES,

March 3, 1875,

On the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. HAMILTON. Mr. Speaker, this is a most extraordinary bill. It is full of laughable comedy, and it forebodes terrible tragedy. It should be entitled "A bill to put in force the suggestions of General Sheridan's telegrams to President Grant." It provides for enabling the President to proclaim the people of the South, in such districts as he may prescribe, insurgents; to suspend the writ of *habeas corpus* and to set up military government and control over them, with doubtless the rest left to General Sheridan for his disposal.

The party in power have from stride to stride trampled down the rights of the States until they have nearly overrun and subverted all State governments. It only remains to give this bill the force of an enactment to divest the people of every vestige of the great inherent principle of self-government.

The patriots of the Revolution cared but little about the paltry tax on tea or the trifling stamp duty; it was the principle they contended for. "Millions for defense, but not one cent for tribute," was their motto. It was the great right of self-government they contended for; it was that upon which they based their Declaration of Independence, for which they struggled through a seven years' war. To secure this the people of the respective colonies formed for themselves independent State governments.

If the people of New Jersey cannot govern themselves, what matters to them whether their internal affairs are regulated by the British Parliament or by a great national despotism at Washington with a military chieftain at its head? It is true in this branch of the National Government they have seven members; but what are they in a body of nearly three hundred, and what are two in the other branch in a body of seventy-four?

The blind devotion to party sways the national legislation entirely to the service of party purposes, and if untrammeled by the Constitution of the Federal Government it may be made, as the attempt is made by this bill, to serve the purposes of a selfish, ambitious man to continue and perpetuate his control over the affairs of the country. The British government to-day pays more respect to the expressed will of its subjects than the Administration at Washington does to the expressed will of the American people. When there is a clear expression of the popular sentiment against the British ministers, they at once throw up the seals of office and resign, and a ministry is formed in accordance with that sentiment. How diverse is the case with the Administration at Washington. Instead of showing any respect to the emphatically expressed will of the people at the last election, every effort is made and every scheme resorted to, however reprehensible, to thwart that will, to circumvent and nullify it.

There was a time in the past history of the country when to be an American citizen was a proud, high privilege, only equaled by that of the Roman citizen when the Roman Empire had universal sway; but the privilege of the American citizen has become of little worth as far as the protection of his personal liberty is concerned. With all our boasted American liberty, the rights of the British subject are better secured and his personal liberty has better guarantees than those of an American citizen.

Since the time of Charles II no sovereign upon the throne of Great Britian has ever dared to deny or deprive a British subject of the privilege of the writ of *habeas corpus*. That writ is regarded as another *magna charta* of that kindom. But how is this great writ for the protection of personal liberty regarded in these United States? How does this bill propose to respect it? It proposes to respect it under the control of a military chieftain, who is seeking, against the example of Washington, Jefferson, Madison, Monroe, and Jackson, against the long-established and approved usage of the presidential tenure, to secure a continuation of executive power. He by this bill is to be invested with the power, when in his judgment the public safety shall require it, to suspend the privilege of the writ of *habeas corpus*. Having the power, who can doubt that he will find the occasion, in his judgment, to warrant its exercise.

If the farcical causes named in the first three sections of the bill are sufficient, then indeed will he be able doubtless to find the occasion. They could be very readily gotten up for the purpose.

I have suggested that this bill was full of laughable comedy. Look at the first section and imagine two persons—all that are required by that section—invading a State to forcibly overthrow its government; two men forcibly overturning a State government! It wants an imagination equal to Jack Falstaff's, when he met the men in buckram, to take in that case; and then by the same section it is declared that if two persons conspire with another person with intent to commit such unlawful purpose, without doing anything further all are to be deemed guilty of felony. What a code is there, my country! No three persons must imagine the overthrow of a State government; if they do it is felony, and they may be punished by fine to the amount of $10,000 and imprisoned ten years. They would deserve some punishment for their asinine folly in supposing they could overturn a State government; but for that innocent folly it would be hard to punish them so severely.

The second section is still more farcical and absurd.

The third section proposes to establish the humane principle of adjudging a person guilty presumptively; and I presume, although not so declared in the bill, would be allowed to prove himself innocent if he can.

The sixth section proposes that the Federal Government shall take cognizance of the crime of murder within the States.

The first, second, third, and fourth sections are simply and clearly only offenses against a State and State laws, and not within the constitutional reach of Congress.

By the first section, if two persons come over from New York into New Jersey and there interfere in any unlawful manner with the execution of the laws of New Jersey, as by preventing an officer

serving an attachment or other writ or any like interference, or if two persons conspire with any other person for such unlawful purposes with intent to commit the same, without any further action, each person in any such case is to be deemed guilty of a felony and may be punished by fine to the amount of $10,000 and imprisoned ten years.

By the second section, if any two persons shall conspire together to overthrow by force or to usurp by violence the State government of any of the States, or shall attempt to subvert or usurp by force or violence any State government or any department thereof, each person is to be deemed guilty of a felony, punishable by fine to the amount of $5,000 and by imprisonment to the extent of twenty years.

The seventh section provides that the United States courts shall have, exclusively of the State courts, jurisdiction of all crimes and offenses declared such by the said act. So that the State courts cannot enforce the laws of the State, or protect the State or its citizens from infractions of its laws or breaches of its peace.

This legislation is a clear usurpation of the rights of the States and of the people of the States to enforce their own State laws for their own protection.

It is patent to all who may read that this bill is intended to serve mere political party interests, without regard to constitutional right or the welfare or interest of the country.

Louisiana, and a Review of the Republican Party.

SPEECH OF HON. JAMES M. LEACH,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

March 3, 1875,

On the Louisiana question and the general political situation of affairs in the country.

Mr. LEACH. Mr. Speaker, military despotism has struck down constitutional liberty in a coequal sovereign State of this nation; and if the people of the United States, the only safe custodians of the ark of the covenant of the nation's liberties, are ready with craven pusillanimity to submit to such monstrous despotism and to hear the ominous drum-beat sounding the death-knell of freedom, and witness undismayed the charge of bristling bayonets, expelling from the hall of the Legislature of a State constitutionally-elected members thereof, without the most solemn protest and indignant rebuke, then indeed may the same unchecked military power ruthlessly crush out, by the exercise of the same tyranny, the sovereign rights and liberties of any and every State of the great sisterhood and fix upon the bowed necks of the degenerate descendants of the heroes and statesmen who bequeathed them freedom and the right of self-government, the galling yoke of perpetual enslavement.

Sir, shall this meditated crime against civil liberty, already begun, be permitted to progress to its wicked consummation; to the disgrace, degradation, and enthrallment, of a people, whose rich and grand heritage of country and ancestry are so glorious? I say with solemn emphasis, and in the name of the Constitution and of human liberty, that this must not be. For one I enter my protest against this wicked scheme to overthrow public liberty. This warning is not prematurely given, nor the alarm too soon sounded; because civil liberty and the sacred right of self-government have been destroyed in Louisiana by the nation's Executive through his military satraps, ay, twice has the civil government of that grievously oppressed State been stricken down by the despotic will of one man.

Sir, why may not, upon the same principle and assumption of power and for the same reason, that of the continued maintenance of the supremacy of republican rule, President Grant through General Sheridan, or any other supple adulator of power, enter this Hall of the people's Representatives next winter, when the democratic party shall assume control here, and expel at the point of the bayonet, precisely as was done in Louisiana, a sufficient number of democratic members to restore his lost ascendency in both ends of the Capitol? There is nothing to prevent it; and inferring the future from the past, and witnessing in this conduct and other unconstitutional stretches of power the manifest tendency in that direction, the question becomes one of solemn, profound significance, and every man of calm thought must see it, every man whose heart glows with patriotism must feel with anxious forebodings the impending danger that imperils constitutional liberty. And if these things so threatening and dangerous to the country's peace, and to the people's freedom are so, should not the highest considerations of public duty and the loftiest emotions of an enlarged patriotism impel this House to rebuke this high-handed usurpation, and gross violation of the Constitution by the Executive, instead of defending him or apologizing for these acts, or tamely submitting without a word of denunciation from this co-ordinate branch of the Government charged with the people's rights and liberties, and certainly responsible to some extent for such lawless acts of another co-ordinate department unless these acts shall be condemned and the author of them rebuked?

I come now briefly to the facts. On November 4, 1872, an election was held in pursuance of the laws and constitution of Louisiana, held under the auspices and control of the republican party, at which John McEnery was elected governor by more than *ten thousand majority of the votes polled*, and a democratic Legislature was elected. Immediately before the assembling of the Legislature a drunken judge, (Durell,) and confessedly corrupt, on the night of December 5, issued an order to Marshal Packard—admitted by a republican committee to have been illegal and void—to take possession of the State-house, which was done, and the usurper, Kellogg, was installed as governor by the military, and a fraudulent, bogus Legislature put in power by order of the Attorney-General of the United States, acting under authority from the President. Messrs. CARPENTER, LOGAN, ALCORN, and ANTHONY, republican Senators of the Committee of Investigation into Louisiana Affairs, in their report, among other things, said:

> It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. It has not even the form of judicial process, and had no more legal effect than an order issued by any private citizen.

Such were the means, as here set forth on high republican authority, by which the usurper, Kellogg, and the bogus Legislature were forced upon the people and installed in office by the bayonet in 1872, and kept in office by the same military power through the second election of last year and up to this time.

The same committee hold the following language in regard to that election:

> Your committee are therefore led to the conclusion that if the election in November, 1872, be not void for frauds committed, McEnery and his associates in State offices and the persons certified as members of the State Legislature by the De Feriet board ought to be recognized as the legal government of the State.

Such is the plain language of that committee and such their conclusions. But Casey, the collector of the port, and a brother-in-law of the President, telegraphs the President as follows:

> Durell's decree is sweeping, and if enforced will save the republican party and give Louisiana a republican Legislature and State government.

The corrupt Durell's "void and illegal" decree and order, supplemented by this significant telegram, does the work, and the wicked usurpation is established by armed soldiers, and the usurper Kellogg is put and maintained in power by military force, without which this man could not retain his place one hour. Sir, I ask you and this House if despotism in the destruction of the local government of a State and in open violation of the Constitution can go further or reach a lower depth than this? The corrupt tool, Durell, having performed his appointed work for Kellogg and his friends, resigns the office he disgraced to avoid impeachment; but the other high functionaries of this public outrage in dismantling a State of her governmental rights—the President, the Attorney-General, Kellogg, Casey, and Packard—still hold high places, unrebuked by Congress or by any general denunciation by the dominant party of the country.

After two long weary years to that gallant people, signalized by the usurpers by wicked misrule, shameless corruption, and oppressive taxation, another election is held with the same result—the triumphant success of the democratic party—the people by their votes hurling from power the usurping minority; but, alas! the bad precedent established two years previous, by which the radical minority were put in power over the majority, is again invoked, and the President interferes a second time, and armed soldiers with fixed bayonets rally at the drum-beat, and while the Legislature is being organized five of its members are ruthlessly expelled in defiance of their solemn protests against such a lawless outrage, by military force from the legislative hall; and thus a second time the inalienable right of self-government is disregarded and civil liberty stricken down in this devoted State; soon after which General Sheridan is placed in command, and at once disgraces his high office and tarnishes the distinguished name he made during the war by a sanguinary dispatch to this city on the 5th of January, in which he invokes Congress to pass a law declaring a portion of the citizens of the State "*banditti*," so as to enable him to try the free citizens of a sovereign State by military commission, expressing the opinion in the dispatch that if this were done, and the President would issue a proclamation also declaring them "*banditti*," no further action need be taken except that which would devolve on him.

Sir, what must calm and righteous-minded men think of this bloody dispatch, of its animus and character? Surely it must somewhat dim the luster of the name acquired in the late sad war, and I reckon the good sense of the country and respect for civil power over military, generally felt, will be likely to conclude that such temper and bitter prejudice, coupled with such premeditated despotism, wholly unfits him from dealing fairly or justly by that State or in any matter pertaining to civil affairs, and that truthful history will pass his name down the ages as a sanguinary officer and a cruel tyranny, and by a slight change of the celebrated lines of Byron on the great parliamentary orator and dramatist of the same name will probably feel—

> *Thankful* "that nature formed but one such man,
> And broke the die in molding Sheridan."

Sir, can this Government long stand when military rule is usurping the place of civil power in the States and over the country? Louisiana to-day lies prostrate under the tyrannic heel of the wicked, shameless Kellogg, whose name is the synonym of malfeasance, cor-

ruption, and cowardice, and who is despised by his own party, but tolerated and kept in power to be used as a supple tool to prolong radical domination in that State. His true character is fitly portrayed by Junius, who, in speaking of a much greater and better man, said:

Ignoble villain, craven coward, fatiguing public indignation; buoyant solely with corruption, he only rises as he rots.

In proof I do no injustice to this bad man and to the despotism he exercises in his oppressive rule over that chivalrous people, I will quote from the report of the committee of this House sent down to investigate her condition, consisting of two prominent republicans (Messrs. FOSTER and PHELPS,) and one democrat, (Mr. POTTER,) the profound lawyer and able statesman, whose talents, whose high integrity, and whose courteous manners have won the respect of both parties. This committee report:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislature abolishing existing courts and judges, and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; by changes in the laws, centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia, subject to the command of the governor; by the creation in some places of monopolies in markets, gas-making, water-works, and ferries, cleaning vaults and removing filth, and doing work as wharfingers; by the abolition of courts with elective judges, and the substitution of other courts with judges appointed by Kellogg, in evasion of the constitution of the State; by enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board; by unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks issued during the years 1870 and 1872; by laws declaring that no persons in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—measures which, when coupled with the extraordinary burdens of taxation, have served to vest, in the language of Governor Kellogg's counsel, "a degree of power in the Governor of a State scarcely exercised by any sovereign in the world."

But the reduction of wages, the non-fulfillment of personal or political pledges, the misfeasance of some local officials, disputes among the leading colored persons in other localities, the loss or embezzlement in some cases of the school funds, and the failure of the Freedman's Bank, all combined to divide the views of colored voters during the late campaign. An effort was accordingly made by the conservatives to acquire a part of the negro vote; with that view it was sought in many quarters to propitiate them. Frequent arrests by the United States marshals for intimidation or threats of non-employment, and the apprehension that was felt that the returning board would count out their men if excuse for such a course were offered, all combined, especially after the 14th of September, to put the conservatives on their good behavior, and the result was that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

Such, Mr. Speaker, is the sad portrayal of this ruined, impoverished, prostrate State, ruined and dismantled by the pretorian guards of the Executive and his subordinates, and, let it be remembered, is made by able gentlemen a majority of whom are republicans, and therefore more likely to underestimate than to overstate or exaggerate the facts. Here we have some of the fruits and beauties of reconstruction; shackles put upon a sovereign State, fettering and binding her down at the remorseless feet of military power; the sacred right of local self-government, this grand underlying principle of American liberty, denied a free people. However anxious the dominant party in this Congress may be to subordinate what must be their natural love of liberty and constitutional obligation to the unworthy consideration of party ascendency and prolongation of power in permitting such high-handed acts of usurpation to go unrebuked, but seeking rather to bolster up their party instead of sternly rebuking those doings and taking immediate action to restore this State to her civil liberty and her well-defined constitutional rights, I think I am not mistaken in the opinion that every official responsibility with these proceedings will merit and will receive the emphatic censure of the American people. I cannot believe this nation will sanction them.

The republican party will soon find, in my opinion, if they have not already, that they have assumed a monstrous responsibility and heavy burden that no party can carry; for surely the people of this country will not long permit its civil institutions to be imperiled by encroachment or threatened by subversion. By such frequent resorts to military force to control elections or organize legislative bodies this is done. It cannot be possible that such gradual but persistent encroachments by the republican party on popular rights, and such gross violations of the Constitution, have so steeped the minds of the people into such quietism of indifference and dazed apathy as to contemplate without serious apprehension and dreadful alarm the imminent perils that environ freedom and threaten the destruction of liberty. If so, this precious boon, planned by the wisdom and cemented by the blood of a heroic and illustrious ancestry, and bequeathed to their descendants as the richest heritage of man, must ere long, amid the clash of arms and the anarchy and conflict of military despots, go down in blood and be lost and perish forever.

I conclude what I have to say on this question by quoting from the Nestor of the American press, that true patriot and poet William Cullen Bryant, himself a republican, whose opinion it will be seen is less creditable to General Sheridan and his dispatch and conduct than what I as an independent freeman have ventured to express of him. In the course of a great speech, delivered in New York to an immense outpouring of the people in sympathy with his views, Mr. Bryant said:

What authority, fellow-citizens, is there in these provisions for the President to set himself up as the judge of elections and drag from the legislative chamber those whom he chooses to regard as having no right to their seats? He might as well, if he should be a candidate for a third term of the Presidency, send his minions to disperse the electoral colleges in those States which shall refuse him their vote. He might as well send another Sheridan to pull the gentleman whom we have just elected governor of this State out of the executive chair. He might with just as good a warrant disperse this meeting by sending a band of armed men to clear this hall at the point of the bayonet.

How happens it that men educated to the profession of arms at our national military school seem not to understand what are the rights of the citizens and what the due limits of the military power? If General Sheridan, that daring soldier, but despiser of civil rights, had either been properly trained or had not forgotten his training he would never have obeyed the mandate which ordered him to New Orleans on that guilty errand. He would have said, "I owe my education to this Republic; I was brought up to be its soldier and servant and not the vassal of the President. I have taken my life in my hand and gone into the civil war to defend and preserve the Constitution of my country, and I will not raise my hand to violate it. I would almost as soon cut the throat of my mother. I would tear off my epaulets and break my sword and fling the fragments into the Potomac sooner than go upon so impious an errand." That is what he should have said.

But, Mr. Speaker, has the destruction of civil government in Louisiana stayed the march of republican misrule and invasion of the people's rights in other States? No, sir; for the President in his recent special message threatens the overthrow of another State, the autonomy of which does not suit his present views, because, as I apprehend, its government officials are not in sympathy with his administration, and so the State of Arkansas is in great danger of annihilation and its present government must be destroyed if he carries out the threat contained in his message; for notwithstanding he countenanced last year the recognition of the Baxter government, in virtue of which Brooks had to yield and Baxter became governor, he now changes about, and like Saturn destroying his own offspring, threatens to destroy it and to install as governor by means of his favorite *persuasive*, the *bayonet*, the vagabond adventurer Brooks; and here is as complete a political somersault as the country has lately seen. The President means by the tenor of this message to strike down the government of this State, expel Governor Garland, and inaugurate Brooks in his place, unless the report of the Committee on Arkansas Affairs, with the distinguished gentleman from Vermont (Mr. POLAND) at its head, shall by the decisive action of this House prevent this premeditated wrong in striking down the popular will and self government in that State. I trust the action of this House by indorsing the report of this committee will exert such a salutary influence on the mind of the Executive as to prevent further interference there, for bold and self-willed as he is it would require, in my opinion, more moral courage than he or any other man possesses to defy the action of Congress or attempt to override such action so emphatically expressed.

The alleged irregularity of the new constitution of Arkansas, as alluded to by the President in his message, is merely technical, and has been cured and the new constitution ratified by an overwhelming majority of the people, and the President has as much legal authority to write out a constitution himself for that State, and by means of his armed soldiery compel its acceptance and ratification by the people, as to reinstate the old discarded constitution after the people, by authority of the Legislature, have established a new one; for this would be but another unwarranted stretch of Federal power, still further imperiling the people's liberties.

Mr. Speaker, in reviewing the action of this Administration touching public measures of general interest, as was my purpose in the outset, I come now to a brief consideration of that most iniquitous act lately passed miscalled the *civil-rights bill*, and I propose to show how and by what revolutionary means this bill became a law, its purpose and tendency, and its odious discrimination in favor of the negro and against the white race; presenting to the country the despicable spectacle of class legislation by which the negro has superior privileges to the white man.

There has existed for seventy years a wholesome rule of Congress protecting *minorities* against hasty, oppressive, sectional, and class legislation by the *majority;* and this wise parliamentary rule, established by the fathers and consecrated by time, is repealed and destroyed with ruthless, sacrilegious hand in order to further oppress and try the patience of the Southern States, and force upon an unwilling country this nefarious bill, aided by those dexterous party appliances by which supple adulators of power were brought to marshal their disintegrating forces for this struggle of wrong over right, and march to the rescue of an Administration that is losing alike its prestige and its power, and that was repudiated last fall by the people at the ballot-box, and that now hopes by this act to goad by such aggravating and cumulative oppression the Southern States to desperation and resistance, and then by billeting armed soldiers over the Southern States to carry the next presidential election.

Sir, they fail to understand how a brave, grand people, who have suffered so much, borne so much, are able to submit to more and still keep the peace, and that they are resolved with stern fortitude and firm purpose of soul to exhibit to the country and the world the loftiest heroism and the sublimest moral courage that have ever been recorded in the history of nations. Yes, sir, the South will keep the peace, submit to this outrageous legislation as best they can;

will struggle on in patient, proud forbearance, will continue to have hope and faith and trust in God, for they believe that the day of their redemption draweth near. They believe that the better class of men—the calm, thoughtful, patriotic men—by hundreds of thousands from all sections will come to the rescue and relief of the devoted South, so grievously oppressed, plundered, impoverished, taxed, and well-nigh ruined by local and national legislation. They believe that the section which gave to the infant colonies George Washington to lead them through sacrifice and suffering, through the dark pathways of war and blood into the bright sunlight of independence and liberty, and who as first President (and best of all) started the young Republic on the road to greatness and to glory, and who planted the country's institutions on the eternal rock of truth and justice and freedom, and whose successors from the same section controlled with wisdom and statesmanship, the politics and legislation of the nation for more than half a century of its existence in all three of its wisely adjusted departments, during which period the country became happy and prosperous—great and glorious at home and among the nations of the earth—they believed that such a people are not to be doomed to perpetual injustice and oppression, but that those impoverished, enthralled, down-trodden Southern States will soon be disenthralled and raised where they properly belong, to the dignity of coequals among the great sisterhood.

I shall not stop to argue the palpable unconstitutionality of this civil-rights bill further than to say that the principle, as decided in the well-known Slaughter-house cases, settles the question, and if adhered to this law must be declared by the highest judicial tribunal of the nation unconstitutional; for it would be a monstrous doctrine to hold that the rights, privileges, and immunities belonging to the citizens of the States could be modified, limited, interfered with, or controlled by the Federal Government. If this could be done in one case it could be in any and every conceivable case, and if this were true, then local self-government had as well be abandoned and State lines obliterated and the Federal Government declared to be consolidated and supreme.

Mr. Speaker, I undertake to say there is no conceivable civil right that appertains to or is possessed by any white man in the United States that does not equally belong to and is possessed by the negro. *Not one.* For the first time in the history of the country a penalty is imposed for refusing a meal or the accommodation of a bed to a negro; ay, sir, a penalty of $500 for every such refusal, and, worse still, the owner of the hotel is also subjected by indictment to fine and imprisonment, while such refusal to a white man gives him no right to the penalty and no power to indict; but he is left only to the uncertain chances of recovering a few dollars, if perchance anything, by suit at common law. And the same discrimination applies to railroads, steamboats, and churches. It is thus seen that, by the terms of this most unjust and infamous bill, for the first time preference and advantages are given the negro over the white man; not that he or his future welfare is cared as much for by those that supported this act (for the purpose of securing his vote) as by his former owners and those among whom he lives. There is conferred upon the negro by the constitutions and laws of all the States (including the southern ones) equal political and civil rights with the white man. He has the same right to acquire and hold property, the same right to prosecute and defend suits before the courts, the same right to vote, and the same right to hold office; and the civil-rights champions have sought in vain to cite a single instance where any Southern State has denied him any right or privilege whatever that belongs to the white race.

If there shall ever be found on the historic records of civilized legislation a more pitiable spectacle and a sadder commentary on Caucasian degradation than that of seeing a *white man* standing up in an enlightened assemblage of legislators of a mighty nation and speaking and voting to place himself, his children, and his race in a condition of inferiority to the *negro* or any other race, I reckon it would be found—it certainly would in surpassing ludicrousness and farcical insolence—by witnessing in the same great assembly a negro, but recently an ignorant bondsman, standing up with rolling eyes and uplifted hands crying out lustily for *more privileges! more liberty!* Another and the most malign and wicked object of this law is to force on the Southern States, by legislation, *social equality*. Indeed the Senator from Massachusetts, (Mr. BOUTWELL,) bolder, more fanatical, and more radical than others, has in effect said so, and declared for social equality, urging the necessity and propriety of *mixed schools* for both races and sexes; the same studies, same forms, same lessons, same training; so as to break down the social barriers and prejudices that now divide the two races.

Sir, such sentiments fill me with horror. A measure so unnecessary, so unjust, so unnatural, and so unholy shocks every emotion of my nature. Are we to be told here, at the close of the nineteenth century, in this free and Christian land, that the only means of securing peace and liberty at the South is by a system of compulsory education of white and black children in the same schools; and that system to be supported by public taxation? After two hundred years of struggle and sacrifice on this continent and eight centuries by our ancestors of similar struggle and sacrifice in England, are we to be informed that all of the inheritances of liberty, and all the securities of law, are to be lost to eight millions of American freemen, unless this deformed and aborted creation of fanaticism is embraced by us? You can accomplish no such work; it is an impossibility, moral and fundamental.

Much has been borne, as I have said, and can be borne by the South. There may yet be in store for us some deeper mortification, some sterner humiliation and more exquisite torture of soul; but I cannot believe this cruel cup of social equality will ever be pressed to our lips. In some way even-handed justice brings her retributions, for as you sow, so shall you reap. Human opinion and sentiment cannot be controlled by force; the divine inspirations defy your physical power. All the persecutions of the Dark Ages only strengthened Christianity. Thank God that he has made this intellectual being, these thoughts that soar aloft and wander through eternity, immaterial and chainless! The mind laughs at fetters and prison-bars. Has fanaticism no limits; will nothing satisfy its mad and insatiate demands?

Is it not enough that the light of education and knowledge is as open to the negro as the light of day? Must you take the tender minds and budding hearts of our children, that from their pure lives you may obliterate the light of nature and of God? Must their gentle limbs be bound and chained by law in iron contact with the negro race that this crucible of fanaticism may be made? I have too much faith in divine justice and mercy to believe it. Are the respectable honest white men of North Carolina and the South ready for this, and willing to submit to such burning indignity? If so, they are unworthy of the justly proud name of Carolinians, and are fast sinking to a degradation, the depths of which cannot be sounded by plummet.

But it is said that this bill I am briefly reviewing already enacted, together with the *"force bill"* sought to be, are rendered necessary by the disturbed condition of affairs South, to compel that section to do justice to the negro, and that oppressive and punitive legislation are the surest means of effecting this. I have already said there were five or six years ago acts of lawlessness in North Carolina by roving bands of reckless men, but since that period there is no community on the globe that has been more uniformly pacific and law-abiding; and by way of comparison, not of crimination, I say that during any year within the period named there have been more than twice as many crimes committed in Massachusetts as in North Carolina, and the criminal statistics of those States show it. I go further, and assert that during those unfortunate disturbances the four secret organizations of the republican party committed more crimes than the two secret organizations of the democratic party. The lawless acts of the one were suppressed or lightly passed over, while those of the other were with exaggerated mendacity blazoned to the world by characterless radicals of both races, who lived and battened on the slanders they heaped on the South—perjured witnesses and spies, mean, vicious, and vindictive. And while those lawless acts of Ku-Klux were regarded by many as but the minute-guns of distress of a people impoverished, burned out, oppressed, ruined, and goaded to desperation, yet it is a well-known truth that no leading or prominent man was there then or since in the whole State in sympathy with those crimes or who did not denounce them. I declared this in a speech delivered in this House in the early part of last Congress, and invited the strictest inquiry, and its truth has never been questioned. From the day of the surrender of that pure man and noble hero, General Lee, I have spoken and written for peace and good feeling, for fealty to law and order, and for national reunion; ay, sir—

> For a union of hands and union of hearts,
> And the flag of the Union forever!

And the same is true of all the public and leading men of the State; and had the same spirit been manifested by our northern fellow-citizens—the leaders of public sentiment—and the work of reconstruction been begun and carried on in kindness, in justice, in fraternal feeling, and an enlightened statesmanship, long ere this peace and harmony and a restored brotherhood and smiling prosperity would have happily abounded all over this great nation. But slippery demagogues and aspiring sectional politicians, with bosoms rankling with hate, greedily seized upon a few facts and many vile falsehoods, and weaving them together in a dirty patchwork of slander, spread them broadcast over all the North, to be read as exhibiting the true condition and real sentiments of the South; and thus the wicked work has gone on and the northern mind been misled until recently, when the patriotic men of that great section are coming to learn how matters really are, to detect those miserable misrepresentations and wicked falsehoods, and to despise the mean artifices by which they are sought to be kept up—seeing that the effect is ruining the South, and as a natural consequence crippling commerce, depressing business, closing manufactories, shutting up shops, and turning out, all over the northern States, upon the charities of a cold world, hundreds of thousands of mechanics, workmen, and laborers, with their helpless, crying families. And here may be found some of the beauties of reconstruction, so seriously affecting and deeply injuring the people of the North. The late elections, thank God, furnish proof that they are beginning to see clearly, and feel deeply, the true condition of things, and to comprehend the unjust legislation that is incidentally, but unmistakably, bringing them so fast to want and misery; for God is just, and retribution often overtakes nations and men in this world.

In this connection I beg to allude briefly to a long and elaborate speech made recently, in the other end of this buiding, by a distinguished Senator from Illinois (Mr. LOGAN) in which he took

occasion, among a hundred other *fancy utterances* in that intensely radical speech, to make a most unjust and libelous attack on North Carolina; and though it has been met and triumphantly refuted by my distinguished friend and colleague in the Senate, (Mr. RANSOM,) in the course of his great and eloquent speech, yet I am unwilling to let it pass without notice and rebuke. In the course of this speech, remarkable for its reckless radicalism of assertion, in which he undertook the hopeless labor of bolstering up the fallen fortunes of republicanism, of apologizing for its profligacy, corruption, and gross and oft-repeated violations of the Constitution, and vainly essaying to stay the political flood-tide that is sweeping his party from power, he said:

The *only* reason why you have peace in North Carolina to-day is that we tried your Ku-Klux and sent them to the penitentiary, and Grant told you that you had to stop or he would make you do it; *and you stopped through fear, not because you desired it.*

Sir, this is not an attack upon a few lawless men but upon the people of my State, who are charged with the *desire* of committing crime but who are restrained by *fear!* There is not a respectable man in the State of any party who does not know this is a gross libel upon her people; *not one.*

A few men, as I have said, commit crimes, and sometimes under the greatest provocations, and because of this the people are charged with being influenced in their peaceful conduct not from any desire to keep the peace but through *fear.* Does this fancy-speaking, southern-hating, declamatory, and extremely radical Senator suppose he can make any of the better class of men in the North believe this of North Carolina? Would it not be well for him to nurse his passion and hate with less remorselessness, and cultivate the better feelings of his nature and the love of truth more?

The people of North Carolina afraid? Yes, they fear God and worship Him; they fear to do wrong, they fear to do anything that would dishonor them or tarnish the bright escutcheon of the State; and while they despise tyranny, corruption, and military despotism, they fear no man; they fear neither potentate nor President. They remember they are free citizens of a proud Commonwealth, a Commonwealth that first in the history of the earth, proclaimed to a listening world the Heaven-descended principles of civil and religious liberty, the right of self-government. And they do not fail to remember that State pride and a lofty patriotism will call together a hundred thousand of her brave sons and lovely daughters to liberty's shrine in old Mecklenburgh, to the mighty gathering to be presided over by Carolina's most honored son, Governor Graham, himself descended from gallant revolutionary sires, to celebrate the centennial of her "rebellion" and declaration of independence, thirteen and a half months before the grand national centennial at Philadelphia. And they remember that the first blood shed in the revolutionary war was poured out as a rich libation on the altar of liberty at the "Haw Fields," in the district I represent, nearly two years before the soil of Bunker Hill was enriched by the patriot blood of the glorious Warren and his compatriots. And they remember in that dark period "that tried men's souls" how their heroic ancestors poured forth in thousands to battle for liberty and freedom; and may I be pardoned for saying, since its memory is the proudest thought of my life, that among those brave soldiers there stood a grandfather who fought at Camden and the Cowpens, and fought and bled, and still fought, on the storm-swept and fire-girdled heights of King's Mountain?

Sir, *those were men!* and their thoughts and deeds are the rich heritages of their descendants. Does that Senator suppose that such a people, descended from such ancestry, know what craven fear is? If that Senator or other members have their passions so inflamed by sectional prejudice or political hate as to believe this, then their ignorance is as lamentable as their opinions are incorrect. Such is North Carolina and her people, past and present:

And though she envies not others their merited glory,
Say, whose name stands the foremost in liberty's story?

I have thus alluded to the historic record of greatness in the past that North Carolina has contributed to this nation and to the character and disposition of her people and their pacific condition and spirit at present, to refute the senseless charge and unjust aspersion that such a people can be influenced in their conduct and actions by fear.

The people of intelligence and thought everywhere are beginning to see that the main causes of all the disturbances in the South, now happily subsiding, are due and traceable to the utter failure of reconstruction and the oppression incident to it; for those disturbances have been the result of carpet-bag and negro rule—the sudden enfranchisement of the ignorant and the disfranchisement of the intelligent; the plunder of eleven States; the issuing and then stealing the bonds thereof, fixing upon the unrepresented property-holders of those States an aggregate debt of more than $150,000,000, and levying with remorseless oppression such burdensome and exorbitant taxes as to impoverish and ruin that section of the country. The oppressive and unconstitutional legislation of Congress in its unjust measures of reconstruction, seconded and supplemented by the corrupt and wildly-extravagant Legislatures of those States, all under the control of the republican party, drove the people of the South to the verge of poverty, ruin, and despair; and the wonder is that there have been no more disturbances, but on the other hand the exhibition of such patient submission and such sublime endurance and fortitude under such grinding, heartless, unparalleled oppression. I do not believe that such oppression and such endurance by a proud and brave people can be found in the annals of civilization.

To trace further the progress of reconstruction would be to write the iliad of the Constitution. It was offered to the southern people as a gift rich in promises of peace, harmony, and prosperity, but it has proved the wooden horse filled with armed men, who have pillaged, sacked, and plundered our country. It was smuggled into existence under the pretense of restoring and protecting life and property, but it has stalked through the South like the angel of death, alike destructive to human life and material wealth. It was proclaimed a necessity for the establishment of legal government in the late Confederate States, but it has in the name of law and order legalized theft, organized crime, and established anarchy. From it have sprung governors who have seized the scepter of power with unlineal hands; legislators who could lay no stronger claim to intelligence than the fact that they walked on two legs instead of four; judges who knew no more of law than to make it a cloak for bribery; ministerial officers whose assiduity was in the exact ratio of their own gain; and it has developed a higher capacity of man for cruelty toward his fellow-man than heathen or pagan has ever shown.

Thus I have given some of the fruits of reconstruction—an index at least to its volume of abuses. I have exaggerated nothing. I have told the truth—of the injustice, oppression, the impoverishment and almost ruin, of a brave, generous, gallant, noble people. I am one of those who have never despaired of our country and its free institutions. I could never believe that the great Ruler of the universe had in His providence brought our fathers to this New World and blest them and their children with the grand prospect of liberty and happiness, to have it destroyed before our Government had completed its hundredth year. I saw that we had passed through a civil war of gigantic proportions, and that evils of fearful magnitude beset us on all sides. I did not underrate the danger to republican institutions nor to the peace, security, and happiness of the South. But I knew that all countries of any age or size had been cursed with civil war. I had read how our great English ancestors had survived their civil conflicts, sometimes extending through half a century, and I always had faith that the genius and virtue of the American people would be equal to all the calamities and dangers that were around and before them. I rejoice that this hope has been just. The political sky is beginning to show there is a rift in the heavens that gives promise of the dawning sunlight of hope and prosperity. The dark clouds that have hung over us for these fifteen sad and angry years are beginning to break; the light is pouring through the dissolving darkness, and it requires no prophetic vision to foretell the speedy return of a bright and glorious day to our people. Our people have only to be patient, hopeful, peaceful a little longer, preparing with united resolve to use that potent and mighty weapon, the ballot—

A weapon that comes down as still
As snow-flakes fall upon the sod,
But executes the freeman's will
As lightning does the will of God!

Auspicious signs greet us from every portion of the Republic. Louisiana's chains will be broken, and the days of mourning of the southern people will soon be ended and give place to joy and happy gratulation. The virtue, the justice, the intelligence of the American people will assert their power, and the one hundredth year of the nation's independence will rise upon a free and delivered people from the Atlantic to the great Pacific seas. And, sir, among all the States of this grand Republic, from the oldest in New England to the youngest on the western prairies, not one will present to the eyes of the world a nobler history or brighter character than that unsullied old Commonwealth whose patriotic people set to Virginia and Massachusetts the example of American Independence, and who since the 20th of May, 1775, has maintained a name without reproach.

With these words, Mr. Speaker, I shall retire from this Hall, carrying with me the consciousness of having faithfully labored for the welfare and honor of the noble people who have so long trusted me; and although I have voluntarily declined further honors at their hands, I have lost none of my zeal and devotion to their rights and interests. I return to them with a heart full of gratitude for their unvarying support and inestimable kindness to me, and with fervent aspirations for their happiness and continued fidelity to constitutional liberty.

Opening the Mississippi—Make it the great Highway of Traffic and Transportation for the West and the Southwest.

SPEECH OF HON. BARBOUR LEWIS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1875.

The House having under consideration the bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River—

Mr. LEWIS said:

Mr. SPEAKER: The importance of the measure before us cannot be exaggerated. Vast interests are dependent upon it. In the very

highest sense the work proposed is truly national. It is nothing less than to open permanently a great natural highway to the sea, infinitely superior to all others, for the transportation, the trade, and the commerce of more than half the nation. In the magnitude and splendor and value of its far-reaching consequences it dwarfs all other public works proposed. It is pre-eminently the one great want, the one great measure of relief, needed by more than twenty millions of the American people. When completed, it would give an immense and incalculable impetus to agriculture, to commerce, to manufactures, to business and enterprise of all kinds for centuries to come. No right-minded man who comprehends the necessity and the vast beneficence of this great work of opening the mouth of the Mississippi, I think, will wish to hinder or oppose it.

TRUST THIS WORK TO ITS FRIENDS, NOT TO ITS ENEMIES.

The gentleman from Virginia thinks that it should be put into the hands of the officers of the Army Engineer Corps. I cannot agree with him. Many of them are opposed to it. It surely should not be placed in the hands of its enemies. It should remain in the hands of its friends, of men who are heartily and earnestly in its favor, who have faith in its merits and its practicability, and are devoted to its success zealously and untiringly. For some reason the distinguished Chief of the Corps of Army Engineers and many of his associates are strongly committed against this plan, though the great civil engineers of both Europe and America are warm in its favor. Would the gentleman on reflection deem it just to give the charge and control of this great national work to men who have written and battled against it with zeal and ability? They have fought against Eads with all their might, denounced his jettee system, and labored hard to demonstrate that it must be a failure. Are they the men to take hold of it now and carry it on to success? I would far sooner think of committing the care of the sick to a board of undertakers.

A CRUEL PROPOSITION.

It is a work which for consistency's sake they must and will continue to oppose and deride, I fear, to the last. It would in my judgment be most unwise to place this mighty task in the hands of men who have no faith in it, who have time and again pronounced it impracticable and staked their reputations upon proving it to be a folly and a failure. To place them in charge would be cruel even to them. With what heart or hope or energy could they carry on this great work knowing that its successful completion would prove themselves to have been false prophets and incompetent advisers? In such a case their very success would be ruinous to their own professional reputations. Does the gentleman wish to inflict such a misfortune upon his friends? He might as well bid them commit hari-kari at once!

Mr. PLATT, of Virginia. The gentleman from Tennessee certainly does not desire to do injustice to the engineer officers of the United States Army, when he knows that six of them out of seven on the last commission reported in favor of this jettee system.

Mr. LEWIS. The gentleman has for the moment forgotten, I suppose, that only three of the late commissioners were from the Army Engineer Corps, one from the Coast Survey, and three from civil life. I refer him to the words of the act, which have already been read this day, and which on that point are as follows:

SEC. 3. That a board of engineers, to be composed of three from the Army, one from the Coast Survey, and three from civil life, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of all said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the cost of said survey.

And all this applies only to the last commission appointed by the President under the act passed by Congress last summer and which has made its report recently, after having visited the rivers and the great engineering works of Europe and having there learned by careful inspection that jettees are the only system now relied on in the Old World for opening great rivers to commerce.

GENERAL BARNARD AND OTHER GREAT ENGINEERS ALL RIGHT.

I know well, sir, that General Barnard and a very few other eminent and gifted men of the Army Engineer Corps are and have been favorable to the jettee system; but last year when an official report was made by a former able board of Army engineers and sent to this House by the Secretary of War, we found that the very able and distinguished senior officer of that board, its president, General Barnard, stood alone in his opinion that a mere canal was utterly insufficient and unworthy of the great object sought, and that the mouth of the Mississippi River should, by every consideration of fitness, of justice, and of propriety, be opened to the commerce of the world by a grand system of jettees. All the other members of the board unfortunately favored a mere canal, (which would itself be little better than an obstruction to commerce,) and strongly and decidedly disapproved of the proposed opening the great river to the sea by jettee constructions. They were very positive in their opposition, and their official chief, the head of the Army Engineer Corps, strenuously supported their views and fought the jettee system as proposed to be applied to the Mississippi with all his might.

EADS AND DE WITT CLINTON.

I wish, sir, to see this work placed in the hands not of its enemies, who have derided and denounced it, but of the great civil engineer who had the intellect and the sagacity to conceive and mature this grand undertaking. It is a national work of the very highest importance. It should be pushed forward to completion wisely, efficiently, and speedily by the master mind that invented and planned the great work, by the man whose heart and life and fame for the future are in it. As the name of De Witt Clinton will forever be proudly associated with the Erie Canal, so will that of James B. Eads with the opening and perfecting the Mississippi River as the grand imperial highway of American commerce. Old fogyism would not accomplish the work in half a century. Men of routine, of delay, of procrastination, of red-tape formulas, are too slow for such achievements. The work demands a man of the highest eminence in his profession. He must be a man of genius, of great talent, alive to his work, a man of deeds, not words.

WHAT CIVIL ENGINEERS HAVE DONE.

It was so in the great improvements of the rivers of Europe. It was the gifted minds of great civil engineers like Sir Charles Hartley, not army engineers, whose promotion and rise in the world depend merely upon seniority, but men trained to high attainments, grand ideas, and vast conceptions, amid the toilsome labors, the sharp rivalries, the ceaseless competitions, and the inspiring ambitions of civil life; men who carve their own future and hew their own pathway in life by the tireless energy of their brains and hands; such were the men who conceived the wonderful improvements by dikes and jettees that have changed the whole face of Europe so far as her river systems of commerce are concerned. Such men, too, were the authors and creators of all her great structures that cover her lands and throng her seas.

Mr. WILSON, of Indiana. Will the gentleman name the men of genius he would substitute for the old fogies, that I may have them put in my amendment?

Mr. LEWIS. I cannot yield to the gentleman, because with all his great ability he is a little crazy on that subject. He has offered an amendment the result of which, though not so designed by him, would be to kill it, or at least greatly to impair its value and cripple its usefulness. This great work cannot and must not be fettered in the way he proposes. Let us have a fair square thing of it. Adopt his amendment, and the work would be inspected to death by its sworn enemies. They have been the very prophets and apostles of despair ever since it was projected. To appoint them as its judges would be but to commission its executioners.

MODERN ENGINEERING FAVORS JETTEES, AND HAS TRIED THEM THOROUGHLY.

Nor can I agree with another gentleman, who has said he will vote for the bill but is opposed to jettees, and regards them merely as experiments. The experience of the great engineering works of Europe has settled the question. During the last twenty-five years not a river has been improved there and opened to the sea except by jettees saving the case of the Rhone, which was improved after a fashion by a canal, and the engineer in charge of that work indignantly declared that it was a big land speculation. In other words, the best course, the honest one, the right one, was not adopted. Short and imperfect jettees, not extending as far as the bar but stopping nearly a mile short of its crest, were tried, and for many years gave an open highway to the sea broad and deep and ample for all purposes; but as the jettees were not carried out to the bar, nor within nearly a mile of it, in the course of time the bar formed farther out again, and then some rings of land sharks, speculators, who cared nothing for the wants of commerce or aught else but to fill their own pockets, formed a ring, as Tweed and others have sometimes done in our own country, and contrived for purposes of plunder to have a canal job, instead of an open river, a broad, free highway to the sea for the ships of all nations. Had the jettees in the first place been extended out to the crest of the bar, as Hartley and the great engineers of England, France, Holland, Italy, and Germany said they should, the river would have remained open for centuries.

IMMENSE INTERESTS DEMAND AN OPEN RIVER TO THE SEA.

Sir, the business and trade and commerce of the immense valley of the Mississippi, with its twenty-one States and eight or ten Territories; its twenty millions of people now living upon its soil, and its hundreds and thousands of millions that will dwell upon it hereafter; its thousand million bushels of grain produced every year, and which amount, vast as it is, will be doubled in ten or fifteen years and in half a century will swell to at least five billion bushels of annual production; its three million bales of cotton, soon to become five and in time ten millions; its hemp, tobacco, and sugar; its pork and beef and dairy products; its mining, manufacturing, and mechanical industries; its one million and a quarter square miles of the most fertile soil on the globe; its thirty thousand miles of steamboat navigation; its myriads of cities, towns, and villages, and millions of farms and plantations—all these proclaim in million tones that cannot be mistaken the absolute and indispensable demand for an open outlet to the sea. The interests which require it are immense beyond the power of computation. It is strange that they have endured the

want of it so patiently and so long. Here is the noblest river on the globe, with its thousands of tributaries draining vast realms, the fairest, richest lands beneath the sun, bearing upon its bosom an internal commerce of more than $1,800,000,000 in a year, and fitted by nature to bear a commerce greater than the whole world possesses to-day, shut out from the ocean and the outer world, to a disastrous extent, by a miserable mud bar! Similar obstacles in great rivers in other countries have been easily removed by jettees, and there is every reason to believe that they can be here.

A GRAND OPPORTUNITY.

A great civil engineer with a grand and successful record in his profession, standing among the foremost in the world, comes and asks the nation for authority to do the work at his own expense, and to be repaid only half what some of our great Army engineers have estimated it must cost when it shall have stood the test of time, shall have permanently deepened the river at its mouth, and given it a broad and open entrance up which the fleets and navies of the world could sail and steam as easily and safely as in the open sea. He assumes all risks, bears all the cost and hazard, and is not to be paid a dollar until his work shall have proved itself to be all that is wanted, and shall stand a perfect and magnificent success! Could anything be fairer? Could a nation desire higher guarantees? The country risks nothing by this course and gains everything. In a few years the work will be done, and immense ocean steamers drawing thirty feet of water and carrying each from five or six to eight, or even ten thousand tons of freight, if need be, can enter the great river by hundreds and navigate its waters and pass and repass each other with abundance of room and far more safety than they have to-day in the British Channel and the Straits of Dover!

MAKE THE WHOLE RIVER AND ITS GREAT TRIBUTARIES ALL NAVIGABLE!

When all this shall have been accomplished, the duty and problem of the hour and of the age will be to improve and perfect the navigation of the Mississippi River and its great branches, and also to guide and restrain its waters from overflow. These things can also be done. It is within the power of science and engineering skill and labor to control the river, to give its waters some uniformity of width and of depth, to straighten its channel somewhat, to deepen it where shoal by confining its current by means of dikes and jettees and otherwise within narrower limits, and thus compelling it to wash out its bed to a greater depth, until in the course of years the river shall be made navigable up to Memphis, if not to Cairo and Saint Louis, for the largest ocean steamers, and there shall be on the Mississippi and Missouri and their great branches at least ten thousand miles of safe and perfect navigation for the largest class of river steamboats and ten or twenty thousand more for smaller river boats.

WATER TRANSPORTATION CHEAPEST AND BEST.

When all this shall have been achieved, as it assuredly must and will be, the great problem of cheap transportation for all the countless products of the vast valley of the Mississippi and Missouri, an immense and mighty empire by itself alone, will be solved thoroughly and completely as nature meant it should. No other transportation can ever possibly compete with that by water. For bulky products and for long distances it is at least four or five fold cheaper than any other.

As an illustration of the vast reach and extent of navigation on the Mississippi and its branches I may mention that a few days ago a permit was granted in the Treasury Department for a steamboat to ship a lot of coal-oil or petroleum at Pittsburgh and transport it down the Ohio and up the Mississippi and Missouri to Fort Benton, a voyage of forty-two hundred miles. If that boat shall return her single trip will be eighty-four hundred miles.

The farmers and planters of the West and South have suffered long under the grievous burdens of costly transportation. The railroads of the country, immensely important and valuable as they are, cannot furnish the relief so urgently demanded.

RAILROADS THE MIRACLES OF THE CENTURY.

They have done wonders. They have enormously increased the wealth and prosperity of the nation. They have built up the mighty West as it were by magic, transforming its rude and savage wildernesses into fruitful fields, thriving towns, and populous cities, until the former haunts of the buffalo, the wolf, and the Indian have become the smiling home of a magnificent civilization. They have crossed the continent and scaled the lofty mountains hoary with their eternal snows. They have joined together the Atlantic and the Pacific by bars of steel, and have linked the great lakes of the North to the Gulf of Mexico on the south by ties that shall form an imperishable union so long as wisdom and patriotism shall endure in our land. Their increase and extension have been truly amazing. In a single generation they have sprung into being, grown into giants, and flung their teeming net-work of railways alive with traffic all over the immense area of our nation. Within the last twenty years 55,000 miles of railroad have been built in the United States, which is only less by 10,000 miles than all the rest of the world has built in the same time. The construction and equipment of our railroads in that time has cost about $4,600,000,000; those of other lands, $5,450,000,000. In 1830 we had 23 miles only of railroads; in 1840, 2,318 miles; in 1850, 9,021 miles; and in 1860, 30,635. We have to-day 70,650 miles of operating railroads, and still the cry is "Give us more!" In the last five years preceding 1874, 28,396 miles were built. The world has never before witnessed an immense development of vast material resources so rapid and so marvelous. If the advance during the next quarter of a century could go on at the rate it has during the last twenty-five years, the year 1901 would behold our country covered with 800,000 miles of railroads traversing nearly every county in every State.

THE UNITED STATES ALWAYS AHEAD—RAILROAD KINGS.

Our system is the most extensive on the globe. Soon we will have more miles of iron and steel rails than all the rest of the world. Our locomotives are better than any others, and have been sought for and purchased largely for the roads of other nations, both of the Old World and the New. Even our passenger cars, parlor and sleeping cars, are being adopted throughout Europe as a decided improvement. The brains and the sharpest intellect of our country, its master-minds in business and money, are the chiefs and managers of our railroads. Scott and Garrett and Vanderbilt and a few lesser magnates, clear-sighted and cool-headed, gifted and indomitable men, are the real monarchs of our western world. They are a tremendous force and power in the material interests, the economies, and the wealth-production of the nation. Not a single passenger travels over our land, not a pound of freight is moved, not a bale of cotton or a bushel of grain is transported far by land, not even an ounce of mail matter, a letter, or a newspaper is borne from State to State or city to hamlet but by their permission and under their control.

REVENUES AND POWER OF OUR RAILROADS.

The gross receipts of all our railroads in 1871 were $403,329,208; in 1872, $465,241,055; and in 1873, $526,419,935. Their net earnings were in 1871 $141,746,404; in 1872, $165,754,373; and in 1873, $183,810,562.

The combined railroad interests of our country form a mighty power, far-reaching, wide-spreading, ramifying everywhere, affecting every citizen, ubiquitous, enormous. It has modified and almost transformed our modern civilization. It is a tremendous factor in war as well as in peace. Armies and all their death-dealing agencies of destruction are transported by it as readily as the most useful and beneficent products of industry and commerce.

RAILROADS COMPARED WITH CANALS, ETC.

And yet immense and manifold as is the power of our railroads, vast as is their carrying capacity, they can never compete with lake and river transportation. With canals, however, they are most formidable competitors. The Erie Canal, that in 1862 carried 84 per cent. of the grain sent East from the great lakes, now only carries 35 per cent. The New York canals in 1861 moved 2,500,000 tons of agricultural products, while the three great railroads only carried 900,000 tons. In 1872 the canals transported only 1,683,962 tons, while the railroads transported 3,670,614 tons. The Erie Canal, that once controlled and monopolized transportation between the lakes and the seaboard, has in a great measure lost its power. It still has a prodigious value, and the use of steam on its waters may hereafter greatly increase its usefulness. But at present it has become dwarfed and almost insignificant compared with its giant rivals, the New York Central, the Erie, and the Pennsylvania Railroads.

Between 1869 and 1871 the amount of freight moved one mile decreased 14,802,039 tons on the canals of New York, and increased on the Erie and Central Railroads 375,701,579 tons moved one mile. The New York Central, in 1871, moved 880,327,865 tons one mile at 1.65 cents per ton per mile; the Erie Railroad moved 897,446,728 tons one mile at 1.47 cents per ton per mile. The New York canals moved 1,050,104,125 tons one mile at 1.02 cents per ton per mile. The tariff on wheat was 3 mills per ton per mile, showing very clearly that while the water rate is the lowest, the canals have not the capacity to move the surplus products of the West, and the railroads beat them in close competition at this low rate. The Welland Canal, in 1872, carried 625,891 tons of vegetable food. The total tons of vegetable food moved from the lakes by all the canals in 1872 was 2,309,853, and the total tons moved by the Central, Erie, and Pennsylvania Railroads 2,770,614. There is no hope of any further reduction from competition with these canals from the lakes.

The Pennsylvania Railroad in 1873 transported 9,211,231 tons of freight. Its gross earnings were nearly twenty-five million dollars, ($24,886,006.) The railroads are even gaining rapidly upon the lakes in regard to their respective agencies in transportation. From Chicago, the largest shipping point on the lakes, where the railroads converge that gather the grain from the Northwest for shipment East, only 2 per cent. was shipped East by rail in 1862, but in 1872 22 per cent.

CHICAGO AND SAINT LOUIS VS. NEW ORLEANS.

The great, rapidly-growing cities of the West, such as Chicago, Saint Louis, and many others, have of late years been mainly built up by railroads. The chief reason for the decline of New Orleans for many years has been that the railroads tap the Mississippi River at so many points and divert eastward commerce that formerly used to go by the river to New Orleans. This process commenced even before the war.

MEMPHIS THE CENTRAL POINT OF THE CONTINENT FOR COTTON AND FOR RAILROADS.

In this way, by virtue of her railroads largely, Memphis has become one of the greatest and best cotton markets in America. She

is in the very center of the best natural route for a transcontinental railroad from ocean to ocean, and I cannot believe that her great advantages in that respect can possibly be forgotten or overlooked by railroad men and capitalists or by Congress and the nation. A route passing through Memphis would give the shortest and most direct communication between Europe and Asia. It would be free from all the dangers of snow-drifts and blockades which in the winter months obstruct and delay travel on the northern routes, and it would also escape the pestilential miasms and malaria of more southern routes. Midway between the Atlantic and the Pacific, with a wide-awake and intelligent people, with vast natural advantages of every kind, as favorably situated for the great commerce of the world on the Mississippi as London is on the Thames, it is also on the shortest, healthiest, and speediest route for travel across the continent.

Ere long the six hundred millions of people in Asia (soon to be one thousand millions) and the four hundred millions of Europe will alike look to Memphis as the stopping place and center of communication between them. Their immense trade and traffic will all pass through it. Its amount will be vast beyond all conception. The Mississippi will then of course be open to the commerce of the world. Not only will its mouth have been opened by Eads with his jettees so that ships can sail in by the hundreds in a day, but the great river will have been improved and perfected by engineering skill, so that the greatest ocean steamers will come with ease every day in the year right up to the wharves of Memphis. That city will then proudly stand at the head of ocean-steamer navigation on the Mississippi, and at the same time in the center of the line of the grandest railroads on earth. Her position will be the finest in the world—central, commanding, and imperial. She will have direct railroad communications to every point of the compass. The eyes of the world will be turned admiringly upon her, and she will prove worthy of her great destiny.

RAILROADS SHOULD BE TRIBUTARY TO THE RIVER, AND NOT HOSTILE.

Whenever the navigation of the Mississippi and its great tributaries shall be perfected and made what it ought to be, the railroads of the West and the South will become tributaries to the mighty river. Now they are the despots of traffic, and the river is tributary to them. Nature's own best and cheapest and most perfect system of transportation is degraded to be the slave of the dear and the artificial. This system is utterly unnatural and ruinous. It is absurd and shocking. The productions of the soil cannot possibly pay the high rates for freight which the railroads are compelled to charge where they carry it long distances. The roads will soon have all they can do, and in time will earn all they can desire, with other classes of traffic. In less than ten years their annual receipts will be more than one thousand million dollars. Had it not been for the panic, at the rate they went on from 1867 to 1872 they would have reached that sum in 1881. In those five years 28,350 miles of roads were constructed.

GREAT RESULTS SURE TO FOLLOW A PERFECTED RIVER NAVIGATION.

If the steamboat interests of the Mississippi, the Missouri, the Ohio, the Arkansas, the Red, and White Rivers, the Tennessee, the Cumberland, and other great tributaries of the mighty "Father of Waters" could only have a similar revival and growth and development by making the navigation of those rivers as perfect as it ought to be made, how wonderful would be the transformation on our western and southern waters! How magical, how inspiring and astounding would be the new life and new hopes that would waken up every branch of business and every pursuit of honest industry! It would be startling and striking as the resurrection of the dead. But once open the mouths of the Mississippi completely and thoroughly, and then with wise and daring enterprise improve and perfect the navigation of that wonderful and magnificent river, deepening and broadening its channel at the few points where even that will be needed, until ocean steamers can always come to Memphis, improving elsewhere for steamboats of lighter draught, and in a few years you would behold just this tremendous development. Business would awake, buried enterprise would come forth alive and earnest, the magic hum of industry and labor would thrill the air, hope would revive, confidence would take the place of fear, distrust, and anxiety. Men would have new courage and new energy; our fields would be tilled as never before; the workshops of the South would be thronged with artisans; manufactures would be created; labor and skill and capital would all go forth to new fields of effort, there to reap their rich rewards. On land all would be life and energy, industry and hope, and our great rivers would be all alive with fleets of steamers bearing the commerce, the trade, and the traffic of the immense valley of the Mississippi. A new world of business would spring into being. It is to effect this, sir, that I labor, and sooner or later it will all be realized.

DIRECT TRADE—VAST ECONOMIES—BETTER PRICES FOR THE PLANTER.

It would bring a direct trade with Europe and with Asia also to the banks of the Mississippi. It would give our farmers and planters higher prices for all they raise, for they would then send it direct to the consumers in the Old World. Now all the productions of the South and West have to endure the burdens of a land carriage from one to two thousand miles before they are placed on shipboard for transportation to foreign ports. They are handled by dozens of middle-men, all of whom must make their profits out of the unfortunate planter. It is sometimes a wonder that anything should be left for the hapless producer.

Again, all his supplies that come from foreign lands—his sugar, his coffee, and his tea, with a thousand other articles of comfort or of necessity—come to him by the same roundabout and expensive course, and burdened by as many exactions and needless profits to others as were heaped upon his own products in the process of sending them abroad. He gets but half a price for what he sells, he pays two or three prices for what he buys. If the people of the Mississippi Valley could ship their products direct from their own shores to Europe they would get more for them by all the great savings in freight and by the fact that no swarms of middle-men would as now handle them and make enormous profits out of them. They would ship and sell direct to their customers abroad, and both parties would be greatly benefited by the change. Then whatever they bought of foreign products would also come to them direct, without transshipment, without long and expensive land carriage, without being handled by importers and jobbers and speculators and other middle-men in New York and elsewhere by the score till prices are doubled and trebled. Fifty million dollars would thus be saved to the people of the valley and added to their income every year. In twenty years this would make a gain of $1,000,000,000, but if put at interest as it accrued it would in that time amount to more than $2,000,000,000, and would equal the enormous sum total of our present national debt! But under the grand inspiring effect upon business and enterprise of every kind that would follow in the valley of the Mississippi the opening of the great river to the commerce of the world values of everything would rise. Land, now so cheap in the West and South, would soon bring twice or thrice its price of to-day, and in less than twenty years the Mississippi Valley alone would be worth twice as much as the whole United States is at the present time!

NO MORE DELAY—CANAL PROJECTS ARE BUT DREAMS OF FOLLY.

In the face of such vast results, which beckon to us from the future and bid us onward, longer delay cannot be tolerated, inaction cannot and must not be endured. To talk of a canal at the mouth of the Mississippi is absurd and childish. Vastly expensive, unreliable, and uncertain, it would be utterly insufficient for the immense commerce of coming years. Where at its very best the sleepy, poking canal could pass one vessel at a time, hundreds could sail and steam in and up through the open mouth of the river. Through that a thousand could pass up to New Orleans and to Memphis, while a pitiful half dozen could be dragged and snaked through a mere dull ditch of a canal. There is humiliation and degradation in the very idea of a miserable canal as the termination and outlet of the most magnificent river on the globe. In future years the men who have been so loud and blatant for a canal to begin anywhere and end nowhere will be making affidavits that they never heard of any canal, that they always fought and denounced it as the muddiest and windiest of absurdities, that they defeated and killed it! They will claim to be the authors and fathers of jettees, and will apply for a patent upon Eads himself as their invention and their creation!

THE SOUTH PASS VS. THE SOUTHWEST—NO COMPARISON.

The advocates of canals, overthrown and defeated in their schemes, now favor the narrow South Pass, with a width in places of only 500 to 538 feet, instead of the great Southwest Pass, where Eads stands ready to give a channel 2,000 feet wide and 50 feet deep for all time to come. They and others say it will be cheaper by a few millions, as if that argument of a narrow-minded economy were to be conclusive in a great national work that is to endure for centuries and to be worth to our country thousands of millions of dollars. I care but little, sir, which shall be taken and opened now. The day will come when the nation will have both opened. Either one will do now; but it is our right to have the best. Everybody knows that, aside from a somewhat increased expense, all the facts are in favor of the great Southwest Pass. The water on its bar is now more than twice as deep as it is in the South Pass, where it is only seven feet. It can be deepened more easily and with greater certainty. It would be not only vastly deeper, but in addition four times as wide. It would give a magnificent entrance from the sea that would be the admiration of mankind. It would be truly worthy of our nation.

THE FUTURE WILL CORRECT THE MISTAKE OF TO-DAY.

But if parsimony is to rule; if broad, grand views of statesmanship are to be ignored, and if narrow-minded and contracted ideas are still to prevail, give us the South Pass. For twenty years or more it may answer very well, and then the expanding commerce of the great West and Southwest will demand all that I have advocated and will be contented with nothing less. Those sections will then be the mighty controlling power of the nation, and when acting together will be irresistible. They will possess two-thirds of the population and wealth of our country. No power on earth can then say to them, "Thus far and no farther." From their determination there will be no appeal. Their united wishes and demands will be as inevitable and irreversible as the decrees of fate. They will only need to be awakened to a clear perception of their joint interests. When they shall take hold of the work in earnest it will be done, and they will see to it that it is well done, thoroughly and completely, as it ought.

THIS GREAT WORK NOT SECTIONAL, BUT TRULY NATIONAL.

Mr. Speaker, for years I have advocated and labored for this great measure, not only because it is of unspeakable importance and value

to my own constituents,) and their interests are very dear to me, as they ought to be, but because it is also essential in the highest degree to the welfare,) the prosperity, and the happiness of the whole country. No blight can fall upon one portion of our nation but its enfeebling and paralyzing consequences sooner or later shall be felt by all. Cripple the energies or retard the living development of any one great section of our common country and all must suffer. The burning of half of Chicago years ago gave a shock to the business of New York, of Boston, and the whole of the great North and East. The awful overflows and disastrous floods of the Mississippi, like the fearful freshets of northern and western rivers, not only carry desolation and ruin in their pathway for the localities where they occur, but the injuries they inflict extend far more widely and cause distress over vast areas of our land. The fearful epidemics which sometimes prevail in our southern cities cause mourning all over our country from Maine to California. But in a far greater degree anything which fetters the business and industry and enterprise of the immense region known as the vast valley of the Mississippi, which in great degree locks it up from the outer world, isolates and confines it, and almost annihilates its commerce, as does the great bar at the mouth of the one great river of our country, is a huge barrier and obstruction to the best and freest development of our whole country. It is a heavy incubus and monstrous burden upon the growth and progress of our nation. Our whole land is poorer and weaker because of it. Every American citizen is humiliated by the fact. It is a national disgrace and reproach. The entire nation is vitally interested in its speedy removal.

My constituents are a generous and high-minded people. They ask for themselves only the same rights and the same fostering care from the National Government which they are ever ready to concede to others. They desire the prosperity alike of all sections of our common country. This measure, when fully carried out as I have always advocated it, will be a great boon to them. It will quicken all their industries into new life, give them direct trade with Europe, will bring them immigration and wealth, and transform their gloomy past and present into a radiant and hopeful future, but their good will also be a vast benefit and a blessing to the entire American people.

WILL FORM A MORE PERFECT UNION.

It will promote unity of sentiment, harmony of feeling, and community of interests. It will deeply gratify the people of the South and West. It will give prosperity, and that will bring content. Men will bless the Government that makes them prosperous and happy. It is not in human nature to be grateful for adversity. Men will repine at misfortune, even if sent by Heaven. But a great measure of wise and just relief like this, which lifts them out of the mire of despondency and doubles their powers and their opportunities to help themselves and build up once more their broken and shattered fortunes, will be hailed by them with joy and gladness. Too long have they gloomily "sat upon the rough and ragged edge of despair."

Pass this bill, and in future years perfect the navigation of their great rivers, and protect the shores of the Lower Mississippi from the desolating floods, and you will by so doing give hope and courage to millions, you will strengthen the Union, and bind together the hearts of all its citizens. The people of my own State, of patriotic Tennessee, will hail such generous action with joyous acclamation. Their interests are especially involved because of their three great rivers, the Cumberland, the Tennessee, and the Mississippi. If those three rivers were all properly improved and rendered thoroughly navigable at all times, Tennessee, with her grand central position, her fertile soil, her wealth of timber, her rich mines, and genial climate would be the most favored State in the Union. With a noble history as she has in the past, her future would be glorious and inspiring. Her brave, spirited, and true-hearted sons from her mountains to the Mississippi are in favor of this measure to a man. It is the beginning of a new and brighter era of greatly-needed internal improvements. The good of the country demands it. It is expedient, it is right, it is absolutely necessary to be done.

Indian Depredation Claims.

SPEECH OF HON R. C. McCORMICK,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1875.

The House having met as in Committee of the Whole for general debate—

Mr. McCORMICK said:

Mr. CHAIRMAN: At the last session of Congress I introduced and the House passed (after reference to the Committee on Indian Affairs) on April 30, 1874, the following resolution, namely:

Resolved, That the Secretary of the Interior be, and is hereby, requested to furnish the House a list of all the claims for losses through depredations committed by Indians, presented to the Department of the Interior for ten years past, giving in each case the date when and the place where the depredations were committed, the date of the presentation of the claim, the name of the claimant or claimants, and the full amount of the claim; also, the name of the tribe or band of Indians charged with the depredations, and the action of the Department upon each claim, and also the damage done by whites to Indians.

Or to be strictly accurate I should say that I proposed so much of the resolution as called for a list with particulars of the claims for losses through depredations by Indians, and that the additional words, to which I made no objection, were added by the gentleman from Indiana, [Mr. SHANKS,] who loses no opportunity, here or elsewhere, to bring the whites under tribute to the Indians if by any showing he can possibly do so.

In response to the resolution the Interior Department sent to the House, on the 9th of January last, a list of the claims referred to "as reported to that Department by the Commissioner of Indian Affairs," and it has been printed as House Executive Document No. 65, second session Forty-third Congress.

To this pamphlet of sixty pages, and the facts it discloses, I take this occasion to call the attention of the House, and I shall be brief although the subject is one of large importance and upon which much might and should be said.

The pamphlet gives a list of six hundred and fifty claims presented within the ten years named, and amounting in the aggregate to the sum of $9,012,379.74. Of this sum the amount of $4,700,179.30 is made up of claims received at the Department of the Interior from the auditor of the State of Kansas, the same having been examined by a committee appointed for that purpose under the provision of an act of the Legislature approved March 3, 1869.

Numerous claims filed before and since that period would if added swell this amount to larger proportions, but this list is all-sufficient to show that it is high time Congress met the question of the payment of Indian depredation losses squarely and fairly and forever disposed of it in one way or another.

As it now is, hundreds of persons in the border States and Territories are kept in suspense through the blind, if not absolutely deceptive, legislation of Congress upon the subject.

A review of this legislation shows that as far back as 1802 our ancestors provided means of indemnity for spoliations committed by such Indians as were "in amity with the United States." This liability and promise to indemnify continued as a part of the law of the land up to 1859, when the promise, but not the liability according to the judgment of lawyers who have given the matter much study, among whom I may cite my friend the gentleman from Missouri, [Mr. COMINGO,] was revoked by act of Congress.

That gentleman in a report from the Committee on Indian Affairs, to which I shall further refer, says:

The liability did not depend upon, nor was it created by, the promise. It existed independent of the latter—the latter being a simple recognition of the former; and the liability has not yet been ignored, but, to the contrary, has been recognized in all subsequent legislation on the subject, although the express promise of indemnity has been recalled.

The trade and intercourse act of 1834 repeals that of 1802, but by the seventeenth section of said act provisions are made for full indemnity and the same is guaranteed by the Government. This statute remained in force from June 30, 1834, to February 28, 1859, when it was repealed, the repealing clause being as follows:

And be it further enacted, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act. (11 Statutes at Large, page 401, section 8.)

This left in force all of said act excepting the clause that guaranteed indemnity out of the Treasury.

In the Indian appropriation bill approved July 15, 1870, this section was incorporated:

SEC. 4. That no part of the moneys appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians *named herein*, shall be applied to the payment of any claim for depredations that may have been or that may be committed by said tribe or tribes, or any member or members thereof; and no claims for Indian depredations shall hereafter be paid *until Congress shall make special appropriations therefor*; and all acts or parts of acts inconsistent herewith are hereby repealed.

This provision was urged on the plea that it was necessary in order to protect the tribes against fraudulent demands upon their annuities, but it was not shown that there had been any number of such, and so emphatic was the protest of those who believed that it removed one of the strongest inducements to the Indians to keep the peace that it was with difficulty that it became a part of the law. Following it several attempts were made in the House, and the Senator from Nebraska [Mr. HITCHCOCK] made an earnest effort in the Senate to obtain the appointment of a commission to sit at different points in the Western States and Territories, to receive, examine, and report to Congress for consideration all well-established claims for losses through Indian depredations. Finally, by the seventh section of the act of Congress making appropriations for the Indian service, approved May 29, 1872, it was enacted:

That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper,

prescribing the manner of presenting claims arising under existing laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claim shall be made without a specific appropriation by Congress.

Under this law the Secretary promptly prepared and published a series of definite rules and regulations under which claimants for losses both by treaty and wild Indians have been acting to this time, and the larger part of the claims enumerated in Executive Document No. 65 have been sent by him to Congress. Persons who have been sufferers at the hands of the Indians have supposed, and very naturally I think, that by this law and these regulations Congress admitted a certain liability, and would be disposed to recognize and pay any claims certified to be reasonable and authenticated, certainly any against Indians with whom the Government has treaty stipulations or to whom it has been paying annuities.

I know that the examination of the claims has been thorough and rigid and that only such have been recommended to Congress for payment as have stood the most critical investigation by the Indian Office and Interior Department, the officers of which, so far as I have observed, like those of other Departments, give the Government the benefit of every doubt and look upon all claimants with more or less of suspicion and distrust.

I know moreover, from residence in the Indian country, that many of the claims are for losses sustained under circumstances the most aggravating and distressing, and for which the claimants are no more responsible than the members of the peace commission or the Society of Friends. But as it is not my purpose to appeal to the sympathy of the House, but rather to its sense of justice, I will not attempt even an outline of the work of plunder, destruction, and death so boldly and successfully carried on upon the frontier by the foe of the pioneer settler and the enemy of our advancing civilization.

In the report heretofore referred to the gentleman from Missouri, [Mr. COMINGO,] of the Committee on Indian Affairs, (report No. 780, first session Forty-third Congress, claim of John Fletcher,) in the following language sustains the common supposition regarding the act of May 29, 1872, namely:

> Provisions are thus made for ascertaining the extent of injuries that may be inflicted on citizens of the United States; the result of these injuries we call *claims*, and we provide that they may be paid out of our general treasury, and that they shall not be paid out of the annuities due or to become due the Indians. If we do not thereby recognize a right on the part of those who suffer from the depredations of these people to recover the actual damages they may sustain, what is the meaning and effect of all this legislation? Why do we forbid the injured to redress their own grievances? and why lock up the annuities of those who despoil our citizens, and hold out a pretended promise of payment?

And further—

> Congress may make appropriations to pay these losses. This is plain. But it is insisted by some that there is no legal liability to pay them. If this be true, when did the liability cease? Why have we continued to pay some of these claims, and why make provisions for prosecuting them in the manner in which we have done? and why do we provide for paying them out of the Treasury? If they are not valid claims, by what authority can we appropriate money out of the Treasury to pay them? The right of recovery depends, in each case, on the particular facts that bear upon it. In this respect it does not differ from the right of recovery in any civil action, such as assumpsit, covenant, or trespass.

But the minority of the committee, headed by the active apologist for the redskin, from Indiana, [Mr. SHANKS,] (report 780, part 2,) dissent from these conclusions; and that the House and the citizens of the frontier may know the precise grounds upon which they deny the general liability of the Government for depredations by Indians, in any case or class of cases, unless so made by positive act of Congress, I quote their reasons at length:

> 1. That the courts have not held that the Government was liable for such damages in any adjudicated case before the courts of the United States, except under act of Congress declaring such liability.
>
> 2. Prior to the act of March 30, 1802, (see 2 Statutes at Large, 143,) during the entire history of the country, colonial and federative, there was no such liability recognized or claimed by courts or officials of the United States or of any State. The statute of that date (March 30, 1802) was the first recognition of liability by the Government in such cases, and was specially in aid and encouragement of frontier settlements contending against the then numerous and powerful tribes in possession of the then extended frontier. It was a voluntary liability of the Government, under a statute, for the especial benefit of a class of citizens undertaking special enterprises and undergoing peculiar hardships and dangers then existing.
>
> 3. This permitted liability was redeclared by the act of June 30, 1834, (see 4 Statutes at Large, 734.) This last act neither enlarged nor diminished the liability of the Government to the frontier settlers, the original reason for the concession still existing in 1834 as in 1802.
>
> 4. The increased number of the white people and the strength of their Government, the comparative diminished strength and numbers of Indian tribes and people, and also the numerous, fradulent, gross, and exorbitant claims against the Government, traveling over this road to the doors of the Treasury, through the nation's generosity, were sufficient causes for the act of February 28, 1859, repealing the provisions of the act of 1834, and declaring affirmatively that the Government would not be liable for such losses thereafter.
>
> 5. The act of 1834, making Indian tribes liable out of their annuities for the acts of individuals of the tribe, remained in force until, from the injustice and abuse of the remedy by claimants, that provision was repealed.
>
> 6. There has been no recognized liability of the Government since February 28, 1859, except by special statute providing for the allowance and payment of claims for Indian depredations.
>
> 7. The act of May 29, 1872, does not contain any part of the spirit or statutory liability of those referred to from 1802 to 1859. The provision of said act is for a hearing, upon evidence, as to the merits of each case, and prohibiting payment, without the future voluntary assumption of liability by an appropriation by Congress.
>
> Thus sustaining these views: That there is no liability of the Government beyond that voluntarily assumed by law, and which may be withdrawn at pleasure; that it was originally assumed and continued to aid and encourage settlements in the face of the Indians who were likely to commit depredations; that, having served its purpose, it was repealed as unnecessary, and to abate the corruption and injustice practiced by unworthy claimants under it; that it required, under its voluntary liability, that the tribe or members committing depredations to be redressed should be at amity with the United States.
>
> And finally, if the relation and liability, as in the case of guardian and ward, or of special control over the Indian, or guarantee for his conduct, exists against the United States, then all claims, including war claims, irrespective of condition of amity, would attach, and the liability and losses of the Government would be illimitable.

This is, I think, the clearest and most complete statement yet put forth by those who oppose the payment of the claims which now, under law, the Secretary of the Interior is constantly sending to the House.

It may however very properly be supplemented by the following report submitted to the Senate May 4, 1874, by Mr. MORRILL, of Maine, from the Committee on Indian Affairs:

> The proposition submitted by the resolution of the Senate is whether an obligation rests upon the Government of the United States to reimburse States and Territories, and the citizens thereof, for expenses and damages sustained by reason of incursions of hostile Indians.
>
> The committee are not able to perceive upon what grounds such obligation can be supposed to arise.
>
> Most certainly such obligation is not assumed when the States enter the Union. Nor is it believed that it necessarily results from their relation to it when so admitted.
>
> Doubtless an obligation to reimburse expenses incurred in resisting an invasion of the public enemy might arise if duly called upon under circumstances justifying such call for aid. But it is sufficient to say that no such question arises upon the proposition submitted, namely, an incursion of hostile Indians.
>
> It is scarcely to be presumed that the public safety would become so largely involved by the incursion of marauding parties of Indians as to render it necessary for the State to appeal to the United States Government for aid to defend its soil, or the property or person of its citizens. And if not, certainly no such obligation as is suggested would be imposed.
>
> The case cannot be otherwise in regard to the Territories, unless the expenses have been incurred by authority of the United States. The duty of protecting its citizens rests primarily with the State, and it is not perceived that under circumstances such as are supposed that duty could be devolved upon the United States.

I have reproduced these reports not because I concur in their conclusions, but that the claimants enumerated in Executive Document No. 65, and all others who are looking to Congress to reimburse them for their losses at the hands of the Indians, may know the line of reasoning used in both Houses and the declared opposition to the payment of their claims notwithstanding the provision for presentation so clearly made in the act of May 29, 1872.

Mr. CRITTENDEN. I wish to ask the gentleman from Arizona [Mr. MCCORMICK] if, in the face of these adverse reports, Congress has allowed any of the claims recently presented for losses at the hands of Indians?

Mr. MCCORMICK. None; and I am informed that the Committee on Claims, to whom they have been referred, has decided not to make a favorable report upon any.

Mr. CRITTENDEN. I will ask the gentleman another question if he will pardon the interruption. That is, whether he knows of the payment of any claims of this class heretofore?

Mr. MCCORMICK. Yes, sir; many such claims were paid under the act of 1834, and, indeed, up to the date of the act of 1872 they were frequently paid by Congress when not taken from the annuities.

Mr. LUTTRELL. Did not the Government pay Cooper & Co. for loss of stock on the Platte River in 1854 through a raid made by the Sioux and Pawnee tribes? Cooper & Co. were driving stock to California and I think their loss was paid by the Government.

Mr. MCCORMICK. I do not recall the facts relating to that particular case, but it is on record that numerous losses were reimbursed by the Government. Indeed it is only of late years, as the legislation I have referred to shows, that any question as to the liability of the Government where the claimants were not in fault has been raised. In other words, when the Government was young and really unable to protect its citizens upon the border their losses through the Indians were recognized and adjusted, but now that it is older and stronger and abundantly able to afford protection, or to compensate its citizens for losses suffered in the absense of such protection, it is by the action of Congress declared to be unwilling to do so, and the sufferers, not a few of whom (as brave men and good citizens as the country can produce) have been driven to absolute poverty and want through long years of patient waiting, are left wholly without redress.

Even in the settlement of clearly authorized and regular accounts one who has business with the Departments or a claim before Congress is daily and forcibly reminded of the experience of Mr. Mark Twain in connection with the great beef contract of Mr. John Wilson Mackenzie. It will be remembered that after tracing that famous claim through all the Departments, and the sacrifice of a number of valuable lives in fruitless attempts to collect it, the following colloquy ensued between the exhausted Mr. Twain and a Treasury official:

> Where is this John Wilson Mackenzie?
> Dead.
> When did he die?
> He didn't die at all—he was killed.
> How?
> Tomahawked.
> Who tomahawked him?

Why, an Indian, of course. You didn't suppose it was a superintendent of a Sunday-school, did you?
No. An Indian, was it?
The same.
Name of the Indian?
His name! I don't know his name.
Must have his name. Who saw the tomahawking done?
I don't know.
You were not present yourself then?
Which you can see by my hair. I was absent.
Then how do you know that Mackenzie is dead?
Because he certainly died at that time and I have every reason to believe that he has been dead ever since. I *know* he has, in fact.
We must have proofs. Have you got the Indian?
Of course not.
Well, you must get him. Have you got the tomahawk?
I never thought of such a thing.
You must get the tomahawk. You must produce the Indian and the tomahawk. If Mackenzie's death can be proven by these you can then go before the commission appointed to audit claims with some show of getting your bill under such headway that your children may possibly live to receive the money and enjoy it. But that man's death *must* be proven.

The humorist's extravagance gives hardly more than a fair illustration of the absurd technicalities insisted upon by some of our Department officers and by some of the committees of Congress in the consideration and adjustment of very simple and proper claims.

Mr. Chairman, during the several terms I have held a seat upon this floor I have discussed the Indian question in nearly every aspect under which it has presented itself to the American people. If I have not dwelt upon this matter of claims for losses suffered by settlers from the Missouri to the Pacific, it has been simply because I have had faith to believe that despite the legislation for the Indian, much of it foolish, partial, and unnecessary, which has been here enacted of late years, a spirit of justice to those of our own kith and kin who have planted our flag upon the frontier would lead at least to the prompt and careful consideration of these claims.

I have not thought that in order to deal fairly with the Indians it is necessary or even excusable to deal harshly with the whites, or by any technicalities of law to relieve the Government from responsibilities which it has heretofore acknowledged or from claims most of which could not have arisen had the frontier enjoyed that measure of protection to which its citizens were entitled, and which, as I have before said upon this floor, I think any other government of strength and standing would have provided. I feel warranted from my personal knowledge in saying that a large proportion of these losses are the direct result of the want of a fixed and definite Indian policy upon the part of the Government and of the cool and inexcusable indifference of Congress to the state of affairs upon the frontier, as repeatedly set forth by petitions from the people, legislative memorials, reports of the Departments, and statements of the press.

The Senator from Oregon, [Mr. MITCHELL,] in his impressive speech regarding Indian depredations in Oregon, made in February last, to which I refer those upon this floor who have been so much inclined to excuse, if not to justify, the Modocs in their bloody proceedings, drew a vivid picture of the trials of the settlers in that State and of the inefficiency of the Government through which a little band of savages for months successfully defied all authority and maintained a reign of terror throughout a wide district of country. In conclusion he said, as I may say of the claims to which I have called the attention of the House:

No civil enactment or military order can now be had that can, by relation, go back and give us protection against wrongs already committed. Therefore we seek that just compensation to our injured citizens which rightfully accrues to them by reason of a failure upon the part of the Government to give proper and necessary protection; a compensation which at best is indeed but a sorry recompense for sufferings endured and losses sustained.

Congress should certainly be slow to reject claims for depredations which through its own failure to act, or to authorize action, the savages were emboldened, I may say tempted and encouraged to commit. It will not do to say that because the claims are many of them of long standing, and others exorbitant and the total number large, that they are not entitled to consideration. If the proofs of their correctness, now demanded, are considered insufficient for the protection of the Treasury against imposition, let others be required before payment and let every check and safeguard be provided. But if on the other hand it is the settled judgment of Congress that no liability for losses of property through Indian outrages rests upon the Government, then without further delay or hesitation let it be so announced by positive and unmistakable action by Congress, and let the broad farce of inviting the presentation of claims and their formal reference here by the Department of the Interior no longer be played.

The question, like many affecting the frontier, has been too long neglected if not evaded by Congress, and without saying more upon its merits or attempting arguments which the legal gentlemen of the House are so much better qualified to make, I insist that it is due to the citizens of a large part of our common country, who have an interest in these claims, and who have confidently expected that they would be paid by the Government, that they should be relieved from the degree of anxiety and uncertainty in which they have been kept.

Touching the statement of losses and damage sustained by Indians on account of depredations by whites, which is given in response to my resolution, or to that part of it added by the gentleman from Indiana, [Mr. SHANKS,] I have only to say that the aggregate of $621,053.64 appears chiefly to be made up from claims for property taken by soldiers of both armies from the Indians of Kansas at different periods during the late civil war.

Where any liability can be shown to attach to the Government, and the claims are justly stated, I think they should be paid, or if not, as I have said concerning the claims of the whites, that Congress should by definite legislation and without further delay declare that they will not be recognized and allowed, and thus dispose of them for all time.

Death of Senator Buckingham.

REMARKS OF HON. J. R. HAWLEY,

OF CONNECTICUT.

IN THE HOUSE OF REPRESENTATIVES,

March 1, 1875.

The House having under consideration the resolution of the Senate in regard to the death of Senator W. A. BUCKINGHAM, of Connecticut—

Mr. HAWLEY, of Connecticut, said:

Mr. SPEAKER: The plain, old-fashioned town of Lebanon, Connecticut, will be found at this day very much as the French officers looked at it during one long, dreary winter of the Revolution. There stands the old war office of "Brother Jonathan," as Governor Trumbull, the revolutionary war governor of Connecticut, was popularly called. The comments of the Frenchmen upon country life in Connecticut are amusing even at this day. I hardly suppose they saw in it the beauty and excellence that we perceive. But among those old country roads and those quiet homesteads grew up a body of young men, not familiar with the language of chivalry, not receiving from their parents the charge of the Spartan mother to her sons, but men to whom the word "duty" was everything. The young Trumbull consecrated himself to the ministry, but the demands of his father's business called him into an active mercantile life; and by and by his fellow-citizens called him to a higher sphere of public exertion, and he was governor of the Colony and State for fifteen years commencing with 1769. He was the only governor of a Colony that remained true to his people during the war of the Revolution. Every other colonial governor went with the king. Brother Jonathan stood by his people and they stood by him from the beginning to the end—the square, straight, solid, brave, indomitable old man. His son followed him in the chief magistracy of the State in 1798, keeping the place for eleven years, and in 1858 our good Governor WILLIAM A. BUCKINGHAM, also a native of Lebanon, took the reins to hold them for eight stormy years.

As my colleague has said, the excellence of his gracious mother was traditional in the town. Doubtless, as my colleague has said, he emulated the example of Brother Jonathan, to whom duty was all in all; and we all have loved to contrast them in their lives. Our two war governors, not dissimilar in many circumstances of their lives, but especially like in this, each with the hearty choice of his fellow-citizens remained at the head of the little Commonwealth during the long great wars of independence, for such I call both wars.

His pastor said of him truly, he was the offspring of New England's purest life; she never gave birth to a nobler son.

I do not know that men would call Governor BUCKINGHAM a great man, but he is like many others who are revered in history. Sometimes men sit down and dissect the character of George Washington and tell us he was not great, but the world persists in remembering him, walking round about his character, pointing out all its virtues and admiring its symmetry and power. So of our lamented friend; I do not know we can call him a great orator or a great writer or great in anything especially, but you can look at no element of his heart or head in which he does not appear excellent. As a son, as a husband, as a father, as a brother and friend, all who knew him speak of him in terms of the most devoted affection and respect. They say there was none like the old governor in all these things, and as he moved among his fellow-citizens his appearance commanded their respect. Strong in his affections, kindly and courteous in his manner, he attracted the love of all about him.

He was an energetic and successful business man. He rose to eminence; he accumulated property but he used it as one who considered himself merely the steward, and as my friend from Iowa [Mr. WILSON] has said, he lamented at one time when he found himself growing so rich and immediately began to discharge the duty of a Christian gentleman in bestowing it wisely upon many enterprises.

As a public servant his fidelity, his energy, his patriotism, marked him among public men. He was public-spirited in the broadest sense of the word. We wonder, looking over his life, how he found time to do so much. He seemed always ready to take any new burden upon his shoulders. He never seemed to be discouraged. He never seemed to be overburdened. As the president of a temperance society or at the head of a Bible society, or a tract society, or a missionary society,

or attending great public meetings or political conventions, he always came to the front; never failed—always ready, always efficient. He was always among the men at the head of his own church. He was a deacon for thirty years; a man who scarcely ever missed his seat—never if his health permitted. He was leaned upon by the respective pastors. He was a friend of the public schools and of every charity—a ready and cheerful giver; he only wanted to know how much they thought should be his share. He paid cheerfully, not as a tax but as a duty and a privilege. He was the friend of all the young men who ever came near him seeking education. He gave when he could; encouraged them; never turned them away without a kindly word. He was a patient and ready sympathizer and friend of the poor. He was a warm friend of the slave always; and when he came finally to the head of our affairs at the beginning of the rebellion we found our plain, straightforward, well-balanced country gentleman made a great war governor—always cheerful, always brave, always ready, always ahead in business, so that the quota of Connecticut was always in advance of the demands of the Federal Government.

Our troops always went out so well equipped that on reaching the field they were immediately stripped of some of their surplus. Interested in the widows and orphan children of the dead soldiers and urging upon the Legislature the care of them, sending his agents constantly to inspect the condition of our troops, and communicating with them constantly by messengers and by telegrams, from the beginning to the end I do not know what more our Commonwealth could have asked of WILLIAM A. BUCKINGHAM. He never had a doubt of the willingness of the State to stand by him, and never had a doubt of the success of the contest.

His children and his family will remember him. His business associates will remember him. All the late soldiers will remember him. The managers of all our benevolent associations will remember him. His humble neighbors, the poor, will remember his tender words and generous private charities. His church will remember him, and the State will forever cherish his name with those of the good old Governor Trumbull and its truest and strongest leaders. He manifested in his activities and usefulness a strong, clear, and symmetrical character. In studying him I perceive the value of that element which men call character. If men will not call him great in majesty of intellect, they must call him great in goodness, great in the harmony, in the truth, in the firmness, the fidelity of his character—"rich in saving common sense." In speaking of him I think of what the English laureate said in talking of one of England's good and great men:

O good gray head which all men knew;
O steady nerve to all occasions true;
O fall'n at length that tower of strength
Which stood four-square to all the winds that blew.

District 3.65 Bonds.

SPEECH OF HON. S. W. DORSEY,

OF ARKANSAS,

IN THE UNITED STATES SENATE,

March 3, 1875.

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, the pending question being on the following item:

To pay the interest on the 3.65 bonds issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," $365,000: *Provided*, That certificates for claims presented and allowed under the sixth section of the act aforesaid shall be presented for conversion, as provided by the seventh section of said act, within ninety days from the passage of this act, and, as to certificates of date subsequent to the passage of this act, within ninety days from the date of such certificate; and if not so presented, the privilege of thus exchanging shall not be exercised by any holder of such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bonds under the seventh section of the act hereinbefore referred to in exchange for any certificate unless presented within the time herein specified; and the salary of the commissioner of the sinking fund, acting as treasurer thereof, shall be $1,000 per annum—

Mr. DORSEY said:

Mr. PRESIDENT: In reply to the Senator from Indiana [Mr. MORTON] who stated that these bonds had been issued to poor people, laborers and contractors, and disposed of by them at ruinous rates, and furthermore that now they were in the hands of speculators who alone would be benefited by their payment in gold, I want to say to the Senator that I have in my hand a letter from the commissioners of the District from which it appears that there has been about $8,000,000 of the indebtedness of this District audited, and less than $3,000,000 of that aggregate sum has been funded in these bonds. The holders of the certificates of indebtedness who were entitled to payment at par, refused to receive these bonds at sixty-eight cents for their certificates, which cost them in most instances ninety cents, and very properly too, I believe. The Committee on the District of Columbia, before whom this matter has been pending for some time, has heard a large number of persons interested in these bonds who furnished the District lumber, materials of all sorts, at low prices or cash prices, in addition to the contractors, and who expected to receive their pay in par bonds and who declined to receive these bonds in lieu of the certificates which they held from the board of public works. The commissioners of the District as well as the sinking-fund commissioners have on three or four occasions recommended the payment of this interest in gold, and it was the understanding I believe when the act was passed last summer providing for funding this debt that the bonds would be payable in gold and would be worth about eighty-five cents. The Comptroller of the Treasury has construed the law otherwise and paid the interest in currency; so that the bonds to-day are at the nominal price of 68. I send to the desk the letter of the commissioners and ask that it be read.

The Secretary read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 21, 1875.

DEAR SIR: In answer to your inquiry, we have the honor to send herewith a communication from the board of audit, showing the amount of the indebtedness of the District, audited and certified to the 20th instant, is $7,586,660.37; also a communication from the commissioners of the sinking fund, showing the amount of 3.65 bonds issued to like date is $3,648,200.

In regard to the interest the certificates of the board of audit bear, to which you called our attention, the board is not prepared to give an opinion.

We accompany this note with a copy of an opinion of the Attorney-General relating to the interest on certificates of the auditor of the late board of public works, which does not apply to the matter of interest on certificates of the board of audit, and may be of no importance to your present inquiry.

Permit us to add that we hope Congress will approve your suggestions to us for defining the time within which the certificates of the board of audit may be converted into 3.65 bonds. Ninety days from the date of the certificates seems to us long enough time within which the conversions shall be made.

We inclose also a printed copy of our communication to Congress relative to appropriation for payment of interest on the 3.65 bonds and note of board of audit, to which we invite your attention.

We trust Congress will provide for the payment of the interest on the 3.65 bonds in coin, agreeably to our suggestion in our report of the 5th ultimo, and of the commissioners of the sinking fund in their annual report. This, with the perfecting of the guarantee of the United States, as provided for in the bill which has passed the House of Representatives, will materially advance the market value of the bonds, quoted in to-day's papers at 69½, which is much less, you are aware, than was expected by Congress on the passage of the act of June 20, 1874, which authorized the issuing of the bonds.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. W. B. ALLISON,
United States Senate.